



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **62-35 - Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn**

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## 62-35 - Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

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LAST AMENDED

7/29/2010

On waterfront blocks in Inclusionary Housing designated areas in Community District 1, Borough of Brooklyn, the special bulk regulations of this Chapter are further modified as set forth in this Section, inclusive.

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### 62-351 - Special floor area regulations

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LAST AMENDED

12/19/2013

(a) Maximum permitted floor area ratio

In R6 Districts, the maximum permitted floor area ratio for any zoning lot containing residences shall be 2.43.

In R7-3 Districts, the maximum permitted floor area ratio for any zoning lot containing residences shall be 3.75.

In R8 Districts, the maximum permitted floor area ratio for any zoning lot containing residences shall be 4.88.

In R6, R7-3 and R8 Districts, the maximum permitted floor area ratio for any zoning lot containing residences may be increased for developments and enlargements that provide affordable housing pursuant to Section [62-352](#) (Inclusionary Housing).

(b) Buildings used for accessory off-street parking spaces

Within Waterfront Access Plan BK-1, the floor area of a building shall not include floor space used for accessory off-street parking spaces provided in any story located not more than 33 feet above the height of the base plane.

(c) Special regulations for Parcels 4 and 5e within Waterfront Access Plan BK-1

On Parcels 4 and 5e within Waterfront Access Plan BK-1, in the event that a property is developed as a public park, such property shall continue to be considered part of a zoning lot for the purposes of generating residential floor area based on the residential floor area ratio applicable to the property prior to its development as a public park. In no event shall the floor area generated by the property developed as a public park be utilized within the public park, but may be utilized pursuant to Section [62-353](#) (Special floor area, lot coverage and residential density distribution regulations). Floor space within any structure constructed pursuant to an agreement with the Department of Parks and Recreation within such public park shall be exempt from the definition of floor area.

(d) Special regulations for Parcel 5d within Waterfront Access Plan BK-1

On Parcel 5d within Waterfront Access Plan BK-1, up to 120,000 square feet of floor space within a public school, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempt from the definition of floor area and from lot coverage requirements for the purposes of calculating the permitted floor area ratio and lot coverage for community facility uses and the maximum floor area ratio and total permitted lot coverage of the zoning lot.

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## 62-352 - Inclusionary Housing

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LAST AMENDED  
10/9/2013

The provisions of Section [23-90](#) (INCLUSIONARY HOUSING), inclusive, shall apply in #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, as modified in this Section.

(a) Definitions

For the purposes of this Section, matter in italics is defined in Sections [12-10](#) or [23-911](#) (General definitions).

(b) #Floor area compensation#

(1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:

(i) the amount of #low income floor area# is equal to at least 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or

(ii) the amount of #low income floor area# is equal to at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, and the #moderate income floor area# is equal to at least 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:

(i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or

(ii) the amount of #low income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(3) For #zoning lots# containing #residences# in R8 or C6-2 Districts, within a #large-scale general development# that is located in or partially within a C6 District, the #floor area# of a #zoning lot# may not exceed the base #floor area ratio# of 4.88, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.833 square feet for each square foot of #moderate income floor area# provided, up to a maximum #floor area ratio# of 6.5, provided that for each square foot of #floor area compensation# for #moderate income floor area#, there is one square foot of #floor area compensation# for #low income floor area#.

However, to receive such #floor area# increase, the amount of #low income floor area# plus two-thirds of the amount of #moderate income floor area# need not exceed 20 percent of the total #floor area# on all #zoning lots# in R8 or C6-2 Districts within the #large-scale general development#, exclusive of ground floor non-#residential# #floor area#, #floor area# within a #school# and #floor area# within a non-#residential building# that is vacant above the ground floor.

For the purposes of the calculations in this paragraph (b)(3), inclusive, an amount of #moderate income floor area# not exceeding 50,000 square feet may be considered #low income floor area#.

For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate income floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning# #lot lines# or district boundaries pursuant to Section [62-353](#) (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

(c) Permits and certificates of occupancy

The requirements of paragraphs (a) and (b) of Section [23-953](#) (Additional requirements for compensated developments and MIH developments) shall be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section [62-354](#) (Special height and setback regulations) shall be issued until #HPD# has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section [62-354](#), until #HPD# has issued a #completion notice# with respect to the #affordable housing#.

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## **62-353 - Special floor area, lot coverage and residential density distribution regulations**

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LAST AMENDED  
2/2/2011

Within any parcel identified in Section [62-931](#) (Waterfront Access Plan BK1: Greenpoint-Williamsburg), and with respect to any such parcels that are adjacent to each other and that are under single-fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in paragraph (e) of the definition of a #zoning lot# in Section [12-10](#)) or with respect to which each party in interest (as defined in paragraph (f)(4) of the definition of a #zoning lot# in Section [12-10](#)) has executed a declaration declaring that the properties are to be developed as a single parcel or has waived its right to execute such declaration, the total #lot coverage# permitted pursuant to Section [62-322](#), the total #floor area# permitted pursuant to Sections [62-351](#) or [62-352](#) and the #residential# density permitted pursuant to Section [23-22](#), may be located anywhere within such parcel or between such parcels without regard to #zoning lot# #lines# or district boundaries provided that such location of #floor area#, #lot coverage# or #residential# density complies with Sections [62-31](#) (Bulk Computations on Waterfront Lots) and [62-34](#) (Height and Setback Regulations on Waterfront Blocks), as modified by Section [62-354](#) (Special height and setback regulations).

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## **62-354 - Special height and setback regulations**

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LAST AMENDED

Within Waterfront Access Plan BK-1, the provisions of Section [62-341](#) (Developments on land and platforms) are modified, as follows:

- (a) Paragraph (c)(1) (Maximum base height) shall be modified in R6 Districts to permit a maximum base height of 65 feet or six #stories#, whichever is less. However, for #buildings or other structures# located on a #zoning lot# with more than 100 feet of frontage on a #street# in an R6 District, at least 20 percent of such frontage shall not exceed a maximum base height of 55 feet or five #stories#, whichever is less.
- (b) Paragraph (c)(2) (Maximum #building# height) shall not apply. In lieu thereof, the provisions of this paragraph, (b), shall apply:
  - (1) The maximum #building# height in an R6 District shall be 65 feet or six #stories#, whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum #building# height shall be 110 feet. In R8 Districts, the maximum #building# height shall be 190 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 190 feet, to a maximum #building# height of 290 feet. Such maximum #building# heights of 110 feet, 190 feet and 290 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.
  - (2) For #developments# that provide #affordable housing# pursuant to Section [62-352](#) (Inclusionary Housing), the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in paragraph (b) of this Section, provided that the maximum #building# height shall be 260 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum #building# height of 360 feet. Such maximum #building# heights of 260 feet and 360 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.
  - (3) The maximum #building# height may be exceeded by a penthouse portion of a #building# with a height of not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the applicable maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of paragraphs (b)(1) and (b)(2) of this Section, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.
- (c) Paragraph (c)(3) (#Floor area# distribution) shall not apply.
- (d) Paragraph (c)(4) (Maximum #residential# tower size) shall not apply. In lieu thereof, each #residential# #story# of a #building# located entirely above a height of 85 feet shall not exceed a gross area of 8,100 square feet in an R6 District and 11,000 square feet in an R8 District. However, in R8 Districts, for #buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing# pursuant to Section [62-352](#), each #residential# #story# of such #building# located entirely above a height of 100 feet shall not exceed a gross area of 11,000 square feet. If such #residential# #story# of a #building# is located partially in an R6 District and partially in an R8 District, it shall not exceed a gross area of 11,000 square feet and any portion located in an R6 District shall not exceed a gross area of 8,100 square feet.

- (e) Paragraph (c)(5) (Maximum width of walls facing #shoreline#) shall not apply. In lieu thereof, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Kent Avenue, West Street or Commercial Street, whichever is closest, shall not exceed 110 feet. The maximum length of any other side of such rectangle shall not exceed 170 feet, except that for #buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing# pursuant to Section [62-352](#), such maximum length of 170 feet shall apply above a height of 100 feet.
- (f) Paragraph (c)(6) (Ground floor streetscape provisions) shall not apply. In lieu thereof, all off-street parking spaces located within 50 feet of a #street#, a #visual corridor# containing a #private road# and a #shore public walkway#, #upland connection# or #supplemental public access area# and which are located on a #story# that is above the #base plane#, shall be within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #streets#, #visual corridors# or publicly accessible open spaces. Such floor space shall have a minimum depth of 25 feet. Up to five percent of such floor space may be used for mechanical equipment provided that no floor space used for mechanical equipment is located within 15 feet of the #street wall# of the #building# below a height of 15 feet above the #base plane#, and that no exhaust vents are located on the #street wall# of the #building# below a height of 15 feet above the #base plane#. The remainder of such floor space shall be used for #commercial#, #community facility# or #residential# #floor area#. Seventy percent of the surface area of the facade of a facility containing parking spaces, which are not otherwise required to be behind such #floor area#, shall be composed of the same materials as the facade of the #building# in which it is located.
- (g) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.
- (h) At least 70 percent of the width of the #street wall# of a #building# or #buildings# fronting on a portion of a #street#, #upland connection# or #visual corridor# that is not adjacent to a #shore public walkway# or #supplemental public access area# shall be located within eight feet of such #street line# and extend to a minimum height of 30 feet.
- (i) In addition to the applicable underlying #street# tree planting requirements, all #extensions# which increase the existing #floor area# by more than 10 percent, shall provide #street# trees in accordance with Section [26-41](#).
- (j) On Parcel 5d, the provisions of paragraphs (c)(1) and (c)(2) shall be modified for public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, as follows:
- (1) the maximum base height provisions of paragraph (c)(1) shall not apply; and
  - (2) the maximum #building# height provisions of paragraph (c)(2) shall be modified to permit a maximum #building# height of 100 feet or six #stories#, whichever is less.

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## 62-355 - Special yard regulations

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LAST AMENDED  
12/10/2013

On Parcel 5d within Waterfront Access Plan BK-1, the #yard# provisions of Section [24-36](#) (Minimum Required Rear Yards) shall not apply to public #schools# constructed in whole or in part pursuant to an agreement with the New York City School

Construction Authority and subject to the jurisdiction of the New York City Department of Education.

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## **62-356 - Special bulk regulations for zoning lots adjacent to public parks**

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LAST AMENDED

6/21/2017

On Parcel 12b within Waterfront Access Plan BK-1 in Section [62-931](#), any #lot line# that coincides with the boundary of a #public park# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #bulk# regulations of this Resolution, except that the provisions of paragraphs (g) and (h) of Section [62-354](#) (Special height and setback regulations) shall not apply.

In lieu thereof, the #street wall# of any #building# fronting on a #lot line# that coincides with the boundary of a #public park# shall be located at least eight feet from such #lot line#, except that any portion of a #building# containing a #legally required window# shall be located at least 28 feet from such lot line. No balconies shall be permitted on any #street wall# of such #building# facing a #public park#.

In addition, a wall, or if a wall is prohibited by the New York City Building Code, a fence, shall be provided along the #lot line# that coincides with the boundary of a #public park#. Such wall or fence shall be a minimum of six feet in height, except that any portion of such wall or fence facing a ground floor level #commercial# #use# in a #building# shall be a minimum of 10 feet in height. However, if the Commissioner of Buildings determines that such wall or fence located in a #Residence District# is subject to the provisions of Building Code Section 3112.1, exceptions (2) or (3), such wall or fence shall be a minimum of eight feet in height along the boundary of a #public park#.

At least 90 percent of the width of the #street wall# of a #building# or #buildings# fronting on Kent Street shall be located within eight feet of the #street line# and extend to a minimum height of 30 feet.