Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

62-352 - Inclusionary Housing

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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#. 