

CITY PLANNING COMMISSION

March 14, 2005/Calendar No. 6

N 050110(A) ZRK

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-8) in Greenpoint-Williamsburg, Community District 1, Brooklyn; and the elimination of Article IX, Chapter 7 (Special Northside Mixed Use District) and Article X, Chapter 8 (Special Franklin Street Mixed Use District), Borough of Brooklyn, Community District 1.

The application for the zoning text amendment was filed by the Department of City Planning on September 30, 2004, with a modified application N 050110(A) ZRK filed on December 22, 2004. The modified application, N 050110(A) ZRK, is the subject of this report.

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. **C 040415 MMK** The elimination, discontinuance, and closing of a portion of North 12th Street between Kent Avenue and the U.S. Pierhead Line, the establishment of Inlet Park, and the delineation of sewer corridors
2. **C 040416 MMK** The elimination of a portion of Quay Street between West Street and the U.S. Bulkhead Line, the establishment of Inlet Park, the establishment of Inlet Park, and the delineation of a sewer corridor
3. **C 040417 MMK** The elimination, discontinuance, and closing of a portion of North 11th Street between Kent Avenue and the U.S. Pierhead Line, the establishment of Inlet Park, and the delineation of a sewer corridor

4. **C 040418 MMK** The elimination, discontinuance, and closing of portions of North 9th Street and North 10th Street between Kent Avenue and the U.S. Pierhead Line, and the establishment of Inlet Park
5. **C 050111(A) ZMK** Amendment of the Zoning Map, Section Nos. 8d, 9b, 12c, 12d, 13a, and 13b to rezone approximately 183 blocks to R6, C2-4/R6, C1-4/R6, R6B, C2-4/R6B, C1-4/R6B, R6A, C2-4/R6A, C1-4/R6A, R8, C2-4/R8, M1-2, M1-2/R6B, M1-2/R6A, M1-2/R6, M1-2/R7A, and MX-8.

BACKGROUND

Description of Proposal

The Department of City Planning proposes zoning map changes, zoning text amendments, and city map changes in Brooklyn Community District 1 to facilitate housing and open spaces, and light industry and commercial uses, along two miles of Brooklyn's East River waterfront and the adjoining upland neighborhoods. The project area includes approximately 183 blocks affected by the proposed zoning map and text changes and proposed City Map changes, where the existing zoning, for the most part, does not permit new residential buildings. It is generally bounded by the Williamsburg Bridge to the south, the Brooklyn-Queens Expressway (BQE) and McGuinness Boulevard to the east, Newtown Creek to the north, and the East River to the west.

In established residential communities as well as adjoining areas that have been mostly vacant and derelict for years, the proposal would create opportunities for thousands of new housing units, including affordable housing made possible by the Mayor's housing plan. Zoning controls would set height limits to ensure that new buildings fit in with their surroundings. In recognition of the mixed-use character that has long defined these neighborhoods, the proposal would rezone certain areas to a Special Mixed Use District (MX-8) to permit light industrial and residential uses to coexist, while retaining manufacturing zoning in areas containing critical concentrations of industry. The proposed actions would also facilitate a continuous publicly accessible waterfront walkway and new public open spaces along the East River waterfront, creating new recreational opportunities and forging long-sought links between the water's edge and the established Greenpoint and Williamsburg communities.

Zoning map changes would replace M1-1, M1-2, M3-1, C8-1, C8-2, R6, R6/C1-3, Special Northside Mixed Use District and Special Franklin Street Mixed Use District zoning designations with residential and mixed use districts. Upland areas would be rezoned to R6, R6A, R6B, M1-2/R6, M1-2/R6A, M1-2/R6B, M1-2/R7A, R6/C1-4, R6A/C1-4, R6B/C1-4, R6/C2-4, R6A/C2-4, and R6B/C2-4, with commercial overlays proposed along Grand Street, Bedford Avenue, Green Street, and Greenpoint Avenue. R6 and R8 districts are proposed on the waterfront, with commercial overlays on West Street, Kent Avenue, Commercial Street, Quay Street, Franklin Street, Green Street, Greenpoint Avenue, and North 6th Street, and with zoning text changes establishing special bulk rules for this waterfront area. In addition, the proposal would rezone an area between McCarren Park and Kent Avenue/Franklin Street, as well as two blocks between Manhattan Avenue and the Pulaski Bridge north of Box Street, from M3-1 to M1-2.

Zoning text amendments in the form of a Waterfront Access Plan (WAP) for the Greenpoint-Williamsburg waterfront between Manhattan Avenue and North 3rd Street would identify specific locations for required shore public walkways, upland connections, supplemental public access areas, and visual corridors, and establish design parameters tailored to the geography of the WAP area. Proposed zoning text amendments would modify waterfront zoning regulations governing height, setback, and use within the area governed by the Greenpoint-Williamsburg WAP, in order to ensure a sensitive transition between waterfront and upland blocks, encourage varied building heights, control tower dimensions, provide a pedestrian-friendly streetscape, and activate waterfront public access areas. The modified zoning text amendment application would establish an Inclusionary Housing zoning bonus in the area governed by the WAP and in upland areas rezoned for residential or mixed use. This zoning bonus, which could be combined with city, state, and federal affordable housing subsidy programs, would lead to the production and preservation of affordable housing. Zoning text amendments would also eliminate the Special Northside and Franklin Street Mixed Use districts, which would no longer appear on the zoning map as a result of the proposed zoning map changes.

Proposed City Map changes would demap portions of North 9th, North 10th, North 11th, and North 12th Streets, and a portion of Quay Street west of Kent Avenue, and mapping the resultant approximately 45.5-acre parcel between North 9th Street to the south and the northern edge of Bushwick Inlet to the north as park. The proposed park includes approximately 17.7 acres of land under water, for a net of 27.8 acres of park land.

Project Objectives

The Greenpoint-Williamsburg rezoning is a comprehensive, area-wide rezoning which builds upon recommendations in the Greenpoint and Williamsburg Waterfront 197-a plans. These plans, which were sponsored by Community Board 1 and officially adopted in January 2002, were the result of years of community effort and collaboration with the Department of City Planning. The 197-a plans articulated a number of principles that have guided the Greenpoint-Williamsburg Rezoning, including achieving waterfront access; facilitating housing and local commercial development, including affordable housing; and pursuing rezoning actions to address these issues.

The objectives of the Greenpoint-Williamsburg Rezoning include the following:

- *Update zoning* to reflect the dramatic land use and economic changes that have been occurring in Greenpoint-Williamsburg in recent years.

- *Promote housing opportunities.* Over the last two decades, the Greenpoint and Williamsburg areas have experienced substantial growth in their residential population, resulting in increasing demands for new dwelling units. Currently in most of the rezoning area, new residential uses are not permitted.

- *Facilitate the creation of affordable housing.* The Greenpoint-Williamsburg Rezoning creates opportunities for the creation of affordable housing where no such opportunities exist today.

- *Address neighborhood context.* Through rezoning to districts with height limits, new development will fit in with surrounding buildings.

- *Create a continuous waterfront walkway and maximize public access to the waterfront.* Along with related actions that would map a new, approximately 27.8-acre park on the waterfront between North 9th Street and the northern end of Bushwick Inlet, the proposed zoning map and text amendments would establish a blueprint for a revitalized, publicly accessible East River waterfront including parks and a continuous route for a two-mile public walkway. New waterfront developments would be required to build and maintain links in a continuous network of publicly accessible waterfront spaces.

- *Facilitate development that will reconnect the neighborhood to the waterfront.* Upland neighborhoods will be reconnected to the waterfront through requirements for pedestrian-friendly connections to adjoining neighborhoods, with a sensitive transition between upland and waterfront areas, and limitations on building heights at the upland end of waterfront development sites.

- *Recognize important concentrations of industrial activity.* Retain manufacturing zoning districts where important concentrations of industrial activity and employment exist.

Background and History

Greenpoint and Williamsburg developed more than 100 years ago, as neighborhoods dominated by large-scale waterfront industry, including ship builders, china and porcelain factories, glass makers, oil refineries, sugar refineries, iron foundries, and other industry. A multi-ethnic residential community developed on nearby residential streets, and in portions of the area homes and factories intermingled, setting a pattern of mixed use that shapes the neighborhood to this day.

Since the mid-20th century, industry has declined sharply and these neighborhoods have adapted to changing economic conditions. Heavy manufacturing uses, which once dominated the area, have given way to light manufacturing, wholesaling, distribution, and construction. In recent years, this trend has accelerated within the rezoning area. Between 1991 and 2002, both the Williamsburg and Greenpoint areas (excluding the area west of McCarren Park) lost approximately 40% of their industrial jobs. Manufacturing employment declined significantly in Williamsburg and Greenpoint in the same period, with manufacturing employment alone declining by 72% in Williamsburg and 60% in Greenpoint. This decline in industrial activity has left the area with large parcels of vacant and underutilized land, particularly along the waterfront.

By the early- to mid-1990's, many artists had found the industrial lofts of Williamsburg to be both accommodating and affordable places in which to live and work. This contributed to the growth of the population of artists, performers, and designers in Williamsburg and into Greenpoint. Towards the late 1990s, Williamsburg gained wide recognition as a burgeoning cultural center, with bookstores, galleries, performance spaces, and restaurants among its many offerings.

While housing demand has been growing with the population, most of the housing supply is in existing residential buildings or conversions from non-residential use. Approximately 97 percent of the residential units in the rezoning area are in buildings that were constructed before 1940. In spite of the increasing demand for housing, most of the rezoning area remains zoned for industry and does not permit new housing. Upland areas contain vacant and underutilized buildings, and the waterfront remains largely derelict, dominated by empty lots and crumbling structures, and almost entirely inaccessible to the public.

Neighborhood Characteristics

Waterfront Area

Although zoned for heavy manufacturing, the East River waterfront in both Greenpoint and Williamsburg contains no heavy manufacturing, and is underutilized, with many large parcels of vacant land and many abandoned or only partially occupied buildings.

The waterfront block furthest northeast in the rezoning area, between the Pulaski Bridge and Manhattan Avenue in Greenpoint, contains a soap and candle manufacturer, a vehicle repair shop, a construction contractor's yard, and a multistory industrial building containing two pre-1961 residences. On the west side of Manhattan Avenue is the Greenpoint Manufacturing and Design Center (GMDC), a loft building which has been redeveloped for a variety of industrial and commercial users, including woodworkers, metalworkers, and design firms. Immediately west of the GMDC building is a loft building largely converted to residential use, a largely vacant two-story warehouse building, and a Metropolitan Transportation Authority (MTA) bus depot.

Extending to the west of the MTA depot is the northern half of the Greenpoint Lumber Exchange site, a 22-acre site which is currently used for vehicle and equipment storage. This property consists of two parcels of privately owned land, including a pier at the end of the prolongation of Green Street, separated by a City-owned lot leased to the Lumber Exchange and the Newtown Barge Terminal Playground, a city park. The Department of Environmental protection (DEP) operates a sludge barge loading facility on the City-owned site and maintains an easement through the City-owned property for a pipeline from the sludge storage tank on an adjacent City-owned lot.

On the blocks south of the Lumber Exchange property, generally between Green Street and Kent Street, there are several one-story industrial buildings, including buildings for a recently defunct printing company, a furniture wholesaler, and a car dispatch facility. Along the waterfront between Kent Street and Greenpoint Avenue is the former WNYC transmitter site, an approximately 1.6-acre parcel which is currently inaccessible to the public, but planned for improvement as a public park by the Department of Parks and Recreation (DPR). On the same

block, there are several existing residential buildings and a construction contractor's storage facility.

The Greenpoint Terminal Market site occupies over three blocks of land along the East River between Greenpoint Avenue and Oak Street. This site, which is largely vacant, includes six industrial buildings ranging in height from one to seven stories, several of which are severely deteriorated. Immediately south of the Greenpoint Terminal Market is a now vacant parcel formerly occupied by Consolidated Freight, a national freight forwarding company that declared bankruptcy in August 2002.

The waterfront block between Quay Street and the Bushwick Inlet contains an MTA garage for Mobile Wash Unit vehicles, small one-story industrial and commercial buildings, and vacant land. On the southern edge of the inlet is a fuel depot owned by Bayside Fuel, containing storage tanks and ancillary structures such as garages and maintenance facilities. A document storage facility, Department of Sanitation garage, and an automobile impound lot occupy the blocks south of Bayside Fuel between North 12th and North 9th Streets.

New York State has acquired the waterfront blocks between North 7th and North 9th Streets, with the exception of a 5,000 square foot parcel on North 8th Street, for the development of the approximately 6-acre East River State Park. These two blocks are not within the proposed action area.

The remaining waterfront blocks in the proposed rezoning area, between North 3rd and North 7th Streets, contain land used for open vehicle storage, a paper recycling facility, and a loft building (184 Kent Avenue) partially converted to residential use.

To the south of the subject area, between North 3rd Street and the Williamsburg Bridge, the waterfront blocks are occupied by Consolidated Edison facilities; a recently constructed New York Power Authority generation facility; Grand Ferry Park, a half-acre pocket park; and the

Domino Sugar facility, which was an active manufacturing facility and a major employer in the area until January 2004, when it shut down its refining operations at this location.

Upland Area

Greenpoint

The upland portion of the rezoning area abuts the residential core of Greenpoint, which is centered around the commercial corridor of Manhattan Avenue. The blocks between Franklin and West streets from Eagle Street to Java Street contain older residential buildings as well as several recently constructed apartment buildings. Clusters of residential buildings, many of which were built prior to the implementation of the current manufacturing zoning in 1961, are located on the block bounded by Box Street, Clay Street, Manhattan Avenue, and McGuinness Boulevard; and on the block bounded by Oak, Calyer, West, and Franklin streets.

The remaining portion of the rezoning area in Greenpoint, located west of Manhattan Avenue and Franklin Street, is characterized by a mix of industrial buildings, nonconforming residential buildings, and loft buildings that have partially been converted to residential use. On the west side of Franklin Street between Milton and Noble streets is the American Playground, a park nearly one acre in size.

Williamsburg

In the center of the Williamsburg portion of the proposed rezoning is the Bedford Avenue commercial core and the Northside residential neighborhood. Bedford Avenue from North 4th to North 10th streets is a lively and nearly continuous street of shops, restaurants, and bars with residential use above. The surrounding blocks to the east and west are comprised mostly of three- to four-story residential buildings dating from the first two decades of the twentieth century. This central residential area also includes a number of community facilities, including public and private schools and several churches. Additional clusters of residential buildings exist to the northeast of McCarren Park along Graham Avenue; along Grand Street, which also contains numerous ground-floor commercial uses; and on the blocks bounded by Grand Street, Wythe Avenue, North 3rd Street, and Berry Street.

Outside these residential concentrations, a mix of industrial, residential, and commercial uses exist. To the south and west of the Northside residential core is a patchwork of industrial buildings, loft buildings partially or fully converted to residential use, early twentieth century residential buildings, automotive uses, and vacant lots. While the mix of uses varies, every block in this area contains residential use. Among the residentially converted buildings in this area are 151 Kent Avenue, and the Esquire building at South 1st Street and Wythe Avenue, a condominium in a 16-story-high building formerly used for the manufacture of shoe polish.

The blocks south of McCarren Park on either side of Union Avenue, and the blocks just east of the park along Manhattan Avenue, are characterized by a similar mix of industrial, commercial, and residential uses interspersed with vacant lots. The proposed action area also includes portions of a few blocks just east of the BQE, where nonconforming residential buildings are mixed with industrial buildings, auto repair shops, and vacant lots. The rezoning area also includes nine blocks east of the BQE, bounded by Metropolitan Avenue, Union Avenue, Borinquen Place, and Rodney Street. These blocks contain a mix of residential, commercial, and industrial buildings as well as vacant lots and auto repair yards.

Five blocks located just north of the Williamsburg Bridge, between South 5th Place and Kent Avenue, contain a mix of loft buildings, several of which have been residentially converted, low-rise industrial buildings, and nonconforming residential buildings.

Bushwick Inlet Area

The area between McCarren Park and Kent Avenue/Franklin Street, roughly between North 9th Street and Calyer Street is characterized primarily by one- and two-story industrial buildings and contains almost no residential use. Unlike areas to the north and south, and the waterfront blocks to the west, this area maintained stable levels of industrial jobs between 1991 and 2002. This area contains numerous active industrial firms, including Colonial Glass and Mirror, Rosenwach Wood Tank Company, and the Brooklyn Brewery. Other industrial activity in the area includes

food distribution, baking, metalworking, construction-related business, and plastic products manufacture.

The largest open space resource in the rezoning area is McCarren Park, located at the intersection of the Greenpoint and Williamsburg neighborhoods. McCarren Park, which is approximately 35.7 acres in size (though approximately 5.5 acres containing the closed McCarren Pool is largely inaccessible), contains a variety of active recreational facilities. Other parks and recreational facilities in the rezoning area include Newtown Barge Park, Greenpoint Park, American Playground, Metropolitan Pool and Fitness Center, and William Sheridan Playground at P.S. 84. In Greenpoint, the former WNYC transmitter site, located on the East River between Kent Street and Greenpoint Avenue, is under Department of Parks and Recreation jurisdiction and is proposed for redevelopment as a park. In Williamsburg, the waterfront blocks between North 7th and North 9th Street have been acquired by New York State for the development of parkland.

The L train, which runs from 8th Avenue and 14th Street in Manhattan to Canarsie, serves the Williamsburg portion of the rezoning area, with stations at Bedford Avenue and Lorimer Street. The G train, which runs between Smith/9th Street in Brooklyn and Queens, has stations at Metropolitan Avenue in Williamsburg, and at Nassau Avenue and Greenpoint Avenue in Greenpoint. The Williamsburg Bridge, at the southern end of the rezoning area, provides vehicular access between Williamsburg and Delancey Street in Manhattan. The Pulaski Bridge, at the northern end of the rezoning area, connects McGuinness Boulevard to Hunter's Point and Long Island City in Queens. The Brooklyn-Queens Expressway, which connects Brooklyn and Queens via the Kosciusko Bridge, runs along the eastern edge of the rezoning area in Williamsburg. A number of bus lines serve the area: the B61 along Bedford Avenue, Driggs Avenue, Manhattan Avenue, and McGuinness Boulevard; the B43 along Manhattan Avenue in Greenpoint; the B48 along Nassau Avenue and Lorimer Street; the Q59 along Grand Street and Kent Avenue; the B24 along Metropolitan Avenue, Marcy Avenue, and Rodney Street; the B39 from Washington Plaza over the Williamsburg Bridge; and the Q54 along Grand Street and

Grand Street Extension. In addition, the B46 and B60 terminate at Washington Plaza, just outside the rezoning area.

Existing Zoning

The existing zoning in Greenpoint-Williamsburg reflects historical, rather than current, land uses. Generally, heavy manufacturing districts occupy the waterfront, with light manufacturing districts forming a buffer between the waterfront and the residential districts further inland. While two blocks within the rezoning area, as well as areas to the east and south of the rezoning area, permit residential use, new residences within the remainder of the rezoning area itself are either not permitted at all, or are permitted only in a limited way in two special zoning districts established in the 1970s.

M3-1

Blocks nearest the waterfront are zoned M3-1, a district that accommodates heavy industrial uses and certain commercial uses at a maximum FAR of 2.0. New residential uses are not permitted. In Williamsburg, M3-1 districts are mapped generally between the East River and Wythe Avenue. In Greenpoint, M3-1 districts are located between the East River/Newtown Creek and West Street/Commercial Street.

M1-1, M1-2

M1-1 (1.0 FAR) and M1-2 (2.0 FAR) zones permit light industrial and commercial uses, and do not permit new residential uses. In Williamsburg, M1-1 and M1-2 districts are located on blocks between Wythe Avenue and Berry Street, on several blocks adjacent to the Williamsburg Bridge, on blocks adjoining Metropolitan Avenue, on approximately six blocks in an area south of McCarren Park, in a nine-block area east of the Brooklyn-Queens Expressway between Metropolitan Avenue and Borinquen Place, and in a small area near the intersection of Humboldt Street and the BQE. M1-1 districts are also located on blocks west and northwest of McCarren Park, and between Franklin and West Streets in Greenpoint. M1 districts within the rezoning area currently contain numerous nonconforming residential uses and loft conversions, as well as light industrial and commercial facilities.

C8-1, C8-2

C8-1 (1.0 FAR) and C8-2 (2.0 FAR) districts are located along Grand Street and near the Brooklyn-Queens Expressway and permit commercial and automotive uses, as well as some community facilities, but not new residential uses. These areas currently contain a mix of automotive, commercial, light industrial, and residential uses.

Special Franklin Street Mixed Use District

The Special Franklin Street Mixed Use District (FR) is located in an area generally bounded by Eagle Street, Franklin Street, Java Street, and West Street, covering portions of five blocks. This special district was established in 1975 to recognize the mix of uses in the area at that time, which included older residential buildings as well as a limited range of industrial uses, and was a precursor to the current Special Mixed Use (MX) Districts. Residential uses are permitted as-of-right at an FAR of 2.43, and certain industrial uses are allowed by special permit. The Quality Housing Program is not applicable. Since 1975, nearly all industrial use has left this area and, in the past two years, three new residential buildings have been constructed as of right in the district.

Special Northside Mixed Use District

The Special Northside Mixed Use District (N), created in 1976, includes an area covering approximately 50 blocks near the southern and eastern edges of McCarren Park, and extending roughly to the Brooklyn-Queens Expressway to the east, North 4th Street to the south, and Wythe Avenue to the west. This district was implemented to recognize the mix of uses then in the area. Areas zoned R6(M1-2) and R6(M1-1) were predominantly residential, and residential development is permitted as of right in accordance with R6 district regulations (though the Quality Housing program is not applicable in this district), and certain new industrial uses are allowed by special permit. Areas zoned M1-2(R6) and M1-1(R6) were predominantly industrial, and new industrial uses are allowed as-of-right, while most residential development is allowed only by special permit. Since 1976, land use patterns in the area have changed dramatically, and particularly in recent years, residential use has spread through both R(M) and M(R) portions of

the district, as it has in surrounding manufacturing districts, while manufacturing activity has declined sharply.

R6

Two small portions of the rezoning area -- along Grand Street between Roebing and Havemeyer Streets, and along Greenpoint Avenue between Franklin Street and Manhattan Avenue -- are zoned R6, a medium-density residential district with a maximum residential FAR of 2.43 and a maximum community facility FAR of 4.8. Under the optional Quality Housing program, the maximum FAR is 2.2 on a narrow street and 3.0 on a wide street. These areas are currently predominantly residential, with ground-floor commercial uses.

Required Actions

AMENDMENTS TO THE ZONING MAP (C 050111(A) ZMK)

In order to provide opportunities for new development in both residential and mixed-use areas, reinforce existing commercial corridors and support emerging ones, and support areas with concentrations of industrial activity near residential and mixed-use areas, the Department of City Planning proposes amendments to the zoning map.

On December 22, 2004, the Department filed modified applications for the zoning map amendment (C 050111(A) ZMK). The modified application reflects several comments received during the public review process. The modifications include the removal of one block (bounded by Gem Street, Meserole Avenue, Banker Street, Wythe Avenue, and North 15th Street) from the proposed action, the addition of a C2-4 commercial overlay along the east side of West Street between Dupont and Eagle Streets, and the reconfiguration of the R6 and R8 district boundaries in the waterfront area bounded by Oak Street, West Street, the Bushwick Inlet, and the East River, without changing the FAR generated by the site, in conjunction with modifications to the Waterfront Access Plan (as part of the modified application N 050110(A) ZRK).

The proposed zoning changes would both reflect existing land uses and facilitate redevelopment of waterfront sites and other vacant and underutilized land. The proposed zoning districts would also ensure that new buildings in the upland area are consistent with the existing built context.

Proposed Residential and Commercial Overlay Districts

Residential districts are proposed in portions of the Greenpoint-Williamsburg rezoning area where existing land uses are predominantly residential and community facilities. The proposed R6B, R6A, and R6 residential districts would make existing nonconforming residential buildings conforming uses and allow new residential uses as of right.

R6B districts allow a maximum FAR of 2.0 for all new development, and have a minimum streetwall height of 30 feet, a maximum streetwall height of 40 feet, and a maximum building height of 50 feet. New buildings in R6B districts would be required to line up with the streetwall of adjacent buildings. R6A districts allow a maximum FAR of 3.0, and have a minimum streetwall height of 40 feet, a maximum streetwall height of 60 feet, and a maximum building height of 70 feet. The Quality Housing program is mandatory in R6B and R6A districts. R6 districts allow a maximum residential FAR of 2.43. Under the optional Quality Housing program, the maximum FAR in an R6 district is 2.2 on a narrow street and 3.0 on a wide street. R6 districts have no height limits and are governed by sky exposure plane regulations.

Commercial overlay districts would be established on the existing and emerging retail corridors of the neighborhood. Proposed C1-4 districts would allow local retail uses appropriate to a continuous commercial strip, with up to 2.0 FAR. Proposed C2-4 districts would allow a somewhat wider variety of local retail uses, also with up to 2.0 FAR. The parking requirements for C1-4 and C2-4 districts are low, appropriate to the type of neighborhood retail in these areas.

Greenpoint

FR, M1-1 to R6B, R6B/C2-4

An R6B district is proposed along the west side of Franklin Street between Freeman and Java Streets. This area is comprised mostly of 3 to 4 story residential buildings. Under the proposed

R6B district, new residential buildings could be built as of right, under height limits that require them to fit in with the existing neighborhood context. New industrial uses would no longer be allowed.

- C2-4 commercial overlay districts are proposed along both sides of Green Street between Franklin and West Streets, within the proposed R6B district. The commercial overlay would allow the development of local retail in the Green Street corridor, which connects Manhattan Avenue to a pier on the waterfront.

FR to R6A

- An R6A district is proposed along the west side of Franklin Street between Eagle and Freeman Streets, an area characterized primarily by residential buildings over 50 feet tall. The proposed R6A district would fit the existing buildings in this area and ensure that new development or enlargements remain at a scale characteristic of the neighborhood.

M1-1 to R6

- A small area on the east side of Franklin Street between India and Huron streets is proposed to be zoned R6. This area is currently zoned M1-1 and houses a one story industrial building. This building is surrounded by residential buildings and an R6 district. The proposed R6 district would ensure that any future development on this site is in keeping with the surrounding neighborhood.

R6 to R6/C2-4

- A C2-4 overlay is proposed along both sides of Greenpoint Avenue between Franklin Street and Manhattan Avenue, an area characterized primarily by residential buildings with some ground floor retail. The proposed C2-4 overlay would make existing storefronts conforming uses and reinforce the retail character of the Greenpoint Avenue corridor.

Williamsburg

From N - R6(M1-1), N - R6(M1-2), M1-2 to R6B and R6B/C1-4

- R6B is proposed on a number of blocks centered around Bedford Avenue, roughly between Wythe Avenue and Havemeyer Street, and between North 4th Street and North 9th Street; as well as on the blocks surrounding Graham Avenue between Calyer and Bayard Streets. These areas contain predominantly residential and community facility uses, and are characterized by three- to four-story row houses. The proposed R6B districts would allow new residential buildings that fit in with the existing character of these areas.
- C1-4 commercial overlay districts would be established along Bedford Avenue between North 4th and North 10th Streets, the commercial strip around which the neighborhood is centered. This area consists primarily of residential buildings with ground-floor retail establishments.

From N - R6(M1-2) and M1-1 to R6A, R6A/C1-4, R6A/C2-4

- Bedford Avenue between North 10th Street and McCarren Park, and Havemeyer Street between North 5th and North 7th streets would be rezoned to R6A. These two areas are characterized by taller residential buildings of up to six stories. The predominantly residential north side of Grand Street between Berry Street and Wythe Avenue is also proposed for R6A. The proposed R6A districts would allow new residential buildings under height limits that reflect the character of these areas.
- A C1-4 overlay is proposed for a portion of a block at North 10th Street and Bedford Avenue, continuing the local retail strip where residential buildings and commercial uses exist. A C2-4 overlay is also proposed along the north side of Grand Street between Berry Street and Wythe Avenue, allowing neighborhood-scale retail uses to reinforce Grand Street as a local commercial corridor.

From N - R6(M1-2), M1-1, C8-1, C8-2 to R6, R6/C1-4, R6/C2-4

- R6 is proposed from Grand Street to South 3rd Street between Wythe Avenue and Berry Street; along Grand Street from Bedford Avenue to Roebling Street; on the north side of Grand Street between Havemeyer Street and Marcy Avenue; and on two irregularly shaped blocks north of Metropolitan Avenue between Roebling Street and the Brooklyn-Queens Expressway. These blocks are characterized by residential and community facility uses and include many irregularly shaped lots where contextual zoning regulations are not appropriate, and where the more flexible R6 regulations allow better site planning flexibility.
- C1-4 and C2-4 commercial overlays would be established along Grand Street between Bedford Avenue and the BQE. Grand Street already houses many ground floor retail establishments, and the proposed commercial overlays would encourage new neighborhood-scale retail uses to reinforce Grand Street as a local commercial corridor.

Proposed Special Mixed Use District

The boundaries of a Special Mixed Use (MX-8) District, currently located on Franklin Street between Freeman and Green streets in Greenpoint would be expanded to include portions of the rezoning area in both Greenpoint and Williamsburg that are characterized by a mix of residential buildings, light industrial and commercial uses, and loft buildings converted to residential use. The proposed Special Mixed Use District would allow for the development of new housing, the revitalization of vacant and underutilized land, and the continuation of a mix of uses, including residential, light industrial, and commercial uses, as well as mixed use buildings. The mapping of contextual (R6B, R6A, R7A) residential districts as components of the Special Mixed Use District will require new residential buildings to fit in with their surroundings.

The proposed Special Mixed Use (MX-8) District pairs an M1-2 district with R6B, R6A, R7A, and R6 residential districts. Residential uses are allowed as of right under the applicable residential district regulations. The R6B and R6A district regulations described above (under “Proposed Residential Districts”) are applicable to buildings in Special Mixed Use Districts with these residential district designations. Residential buildings in MX districts with an R6

designation have a maximum FAR of 2.43, a maximum base height of 60 feet, and a maximum building height of 110 feet, but may take advantage of the optional Quality Housing regulations. Residential buildings in MX districts with an R7A residential district designation have a maximum FAR of 4.0, a minimum streetwall height of 40 feet, a maximum streetwall height of 65 feet, and a maximum building height of 80 feet. The Quality Housing program is mandatory in R6B, R6A, and R7A districts.

Specified light manufacturing and commercial uses are permitted as of right under M1-2 district regulations, with up to 2.0 FAR of light industrial or commercial use. This represents the same FAR as in areas currently zoned M1-2, and an increase from the 1.0 FAR currently allowed in areas currently zoned M1-1, providing flexibility for the in-place expansion of existing businesses in these areas.

The proposed zoning would make existing loft conversions conforming uses and provide a framework for them to legalize. The proposed Special Mixed Use District allows greater flexibility for live-work accommodations and mixed-use buildings, both of which are characteristic of the Greenpoint-Williamsburg area. For certain manufacturing uses seeking to locate within or adjacent to a residential use, the Special Mixed Use District requires professional certification that environmentally hazardous materials are not involved.

Greenpoint

M1-1 to MX-8, M1-2/R6B

- An MX-8, M1-2/R6B district is proposed on portions of the blocks bounded by Franklin, West, Oak, and Calyer streets. This area is currently zoned M1-1 but contains numerous, mostly three-story row houses in addition to a few industrial buildings. The proposed M1-2/R6B designation would make these residential uses conforming and allow for the as of right development of residential and mixed use buildings.

M1-1, FR to MX-8, M1-2/R6A

- An MX-8, M1-2/R6A district is proposed between Box and Clay Streets on both sides of Manhattan Avenue, on the eastern side of Franklin Street between Clay and Dupont Streets, on the east side of West Street between Eagle and Java Streets, on portions of Green Street between Franklin Street and Manhattan Avenue, and on the blocks between West and Franklin Streets from Java Street to Quay Street. Land use in these areas is a

mixture of residential and industrial uses and includes many loft buildings of up to six stories or more, as well vacant and underbuilt sites. The proposed M1-2/R6A zoning designation would make a number of existing residential buildings conforming uses, while light industrial uses would remain conforming uses. New residential development in this area could not exceed the scale established by the existing loft buildings.

M1-1 to MX-8, M1-2/R6

- An MX-8, M1-2/R6 district is proposed on the block frontage next to the Pulaski Bridge along McGuinness Boulevard between Box and Clay Streets and on the narrow, triangularly shaped portion of the block between Commercial and Clay Streets. These areas contain a mix of vacant lots, industrial buildings, and industrial buildings at least partly converted to residential use. The proposed zoning would make the existing residential buildings conforming and would allow a continued mix of uses in these areas.

Williamsburg

From N - R6(M1-1), N - R6(M1-2), N - M1-1(R6), N - M1-2(R6), M3-1, M1-1, M1-2 to MX-8, M1-2/R6B

- An MX-8, M1-2/R6B district is proposed in certain areas characterized by mixed use, lower building heights, and adjacency to low-scale residential areas. These include portions of blocks surrounding the intersection of North 7th Street and Wythe Avenue, between North 5th and North 4th streets between Berry Street and Driggs Avenue, between Union Avenue and Lorimer Street and Richardson and Withers Streets; and on the west side of Eckford Street between Driggs and Engert avenues.

From N - R6(M1-1), N - R6(M1-2), N - M1-2(R6), M3-1, M1-1, M1-2 to MX-8, M1-2/R6A

- Most of the area west of Berry Street, north of North 7th Street between Driggs and Union avenues, adjacent to McCarren Park along Bayard Street and Manhattan Avenue, and along Berry Street between North 10th and North 12th streets is proposed to be rezoned to MX-8, M1-2/R6A. These areas are characterized generally by tall, four- to six-story loft buildings interspersed with underbuilt industrial buildings and vacant lots. Numerous loft buildings have already been partly or fully converted to residential use, and nonconforming residential buildings are scattered within these areas.

From N - R6(M1-1), N - M1-1(R6), N - M1-2(R6), M3-1, M1-1, M1-2, C8-1 to MX-8, M1-2/R6

- An MX-8, M1-2/R6 district is proposed on blocks near elevated structures and on blocks with many small or irregularly shaped lots. These areas include the blocks along and east of the BQE; just north of the Williamsburg Bridge; along Metropolitan Avenue; between Grand Street and South 1st Street west of Wythe Avenue; and just east of McCarren Park. These areas contain a mix of industrial buildings, partially and fully converted loft buildings, and nonconforming residential buildings, as well as vacant and underutilized land. Buildings in these areas vary in height, with a number of buildings taller than 70 feet. The proposed R6 residential component allows sufficient site planning flexibility for development in areas located near elevated structures such as the Williamsburg Bridge and BQE.

From N - M1-2(R6) to MX-8, M1-2/R7A

- An MX-8, M1-2/R7A district is proposed for a block bounded by Bedford Avenue, North 12th Street, Driggs Avenue, and North 11th Street. The proposed zoning would facilitate development of a large vacant site at a significant location, where Bedford Avenue meets McCarren Park. The proposed R7A would limit the height of new buildings to 65 feet at the streetwall and 80 feet overall, and would facilitate the creation of streetwall along all frontages of this block.

Proposed Manufacturing Districts

From M3-1 to M1-2

The blocks west of the Pulaski Bridge bounded by the Newtown Creek, Box Street, Commercial Street, and including the Greenpoint Manufacturing and Design Center, would be rezoned from M3-1 to M1-2. In addition, several M3-1 blocks between Kent Avenue and McCarren Park, south to North 9th Street, would be rezoned M1-2. The proposed M1-2 district would permit light industrial and certain commercial uses in buildings with a maximum FAR of 2.0, the same FAR permitted in the existing M3-1 zone. These changes would ensure that new industrial uses in these areas will be enclosed and compatible with the nearby residential and mixed-use neighborhoods. New residential uses would not be permitted in these areas.

In the certified application, Block 2615, bounded by Gem Street, Meserole Avenue, Banker Street, Wythe Avenue, and North 15th Street, was included in the area proposed for rezoning from M3-1 to M1-2. In the modified zoning map change application, this block was removed from the proposed rezoning.

Waterfront Sites

It is proposed to rezone the blocks along the waterfront between North 3rd Street and North 7th Street and between the Bushwick Inlet and the Greenpoint Manufacturing and Design Center from M3-1 and M1-1 to R6 and R8 with commercial overlays on the upland portion of the blocks and along key east-west routes to the waterfront. A combination of R6 and R8 is proposed on developable waterfront parcels. Development on these properties would be subject to a Waterfront Access Plan. Proposed zoning text changes applicable to the area governed by the Greenpoint-Williamsburg Waterfront Access Plan would modify bulk and use regulations in these R6 and R8 districts, and would allow floor area, lot coverage, residential density, and required accessory off-street parking to be distributed without regard to zoning lot lines or district boundaries on a waterfront parcel (see “*Waterfront Access Plan BK-1 and Related Bulk and Use Regulations*,” below). In the certified application, this pattern of R6 and R8 zoning districts produced an FAR of 4.3 on waterfront parcels. The modified zoning text application includes an Inclusionary Housing zoning bonus, under which this pattern of R6 (base FAR of 2.43, bonusable to 2.75) and R8 (base FAR of 5.5, bonusable to 6.5) districts would produce an FAR of 4.0 on waterfront development parcels, which could be increased to 4.7 through utilization of the Inclusionary Housing bonus.

From M3-1 and M1-1 to R6, R8, R6/C2-4, R8/C2-4

- On blocks along the waterfront from North 4th to North 7th streets, from the Bushwick Inlet north to Huron Street, and from Green Street to Box Street, a mix of R6 (base FAR of 2.43, bonusable to 2.75) and R8 (base FAR of 5.5, bonusable to 6.5) districts are proposed, generating an FAR of 4.0 on waterfront parcels, which could be increased to 4.7 using the Inclusionary Housing bonus. These sites currently include vacant land, vehicle storage, vacant and underutilized one- and two-story industrial buildings, a paper recycling facility, and a sludge storage tank. The proposed R6 and R8 zoning districts would permit new residential development with an FAR of up to 4.0 (4.7 with the Inclusionary Housing bonus) on these parcels. New residential developments would be required to build and maintain public access areas along the waterfront, including links in a continuous waterfront walkway, under the proposed Waterfront Access Plan (see “*Waterfront Access Plan BK-1*,” below). R6 districts would be located closer to the existing neighborhood, with R8 districts, where taller buildings would be permitted, further from upland areas. Proposed zoning text changes would require streetwall

development and limit building heights along Commercial Street, West Street, and Kent Avenue to provide for a sensitive transition to the upland neighborhood. (See below for a full description of zoning text changes.)

- On waterfront blocks, C2-4 commercial overlays are proposed along Commercial Street, West Street, Quay and Franklin Street, and Kent Avenue, as well as along the important east-west corridors of Green Street, Greenpoint Avenue, and North 6th Street. These commercial overlays would facilitate the development of ground-floor local retail uses along these streets. The modified zoning map change application added a commercial overlay on the east side of West Street between Dupont Street and Eagle Street.

From M3-1 to R6, R6/C2-4

- Waterfront parcels along Commercial Street between Box Street and the Greenpoint Manufacturing and Design Center; on the southern half of the block between Green and Huron Streets; between Kent Street and Greenpoint Avenue; and between North 3rd and North 4th streets would be zoned R6. These sites currently include vacant and underused one- and two-story industrial buildings, a bus depot, and two converted loft buildings. The proposed R6 zoning would make these residential uses conforming uses, and permit new residential development with an FAR of up to 2.43 (2.75 with the Inclusionary Housing bonus) on these sites. New residential developments would be required to build and maintain public access areas along the waterfront, including links in a continuous waterfront walkway, under the proposed Waterfront Access Plan (see “*Waterfront Access Plan BK-1*,” below). Proposed zoning text changes would require streetwall development and limit building heights along Commercial Street, West Street, and Kent Avenue to provide for a sensitive transition to the upland neighborhood. (See below for a full description of zoning text changes.)
- C2-4 commercial overlays are proposed along the upland edge of waterfront blocks and along Greenpoint Avenue between West Street and the WNYC Transmitter Park. These overlays would permit ground floor local retail use along these streets.

ZONING TEXT AMENDMENT (N 050110(A) ZRK)

On December 22, 2004, the Department filed modified applications for the zoning text amendment (N 050110(A) ZRK). The modified application includes an Inclusionary Housing zoning bonus applicable to both waterfront and upland portions of the rezoning area, in order to achieve affordable housing in conjunction with the rezoning. The modified application also

reflects several comments received during the public review process regarding waterfront bulk regulations and public access requirements: requirements are added for variation in streetwall heights on waterfront blocks; minimum streetwall heights are reduced, and streetwall requirements are extended to all streets, upland connections, and visual corridors on waterfront blocks; the upland connection requirements for Calyer Street are reoriented; and existing piers are permitted to be reconstructed in different configurations while still generated floor area. A number of technical changes have also been included in the modified applications to improve clarity.

The proposed text change includes the creation of a Waterfront Access Plan (WAP) for the blocks along the waterfront between North 3rd Street and Manhattan Avenue, and modifications to waterfront bulk and use regulations as they relate to this area. The proposed text change would provide for the development of a continuous and coordinated network of waterfront public access areas, shape new development in the waterfront area to create a sensitive transition between upland and waterfront areas, ensure a pedestrian-friendly streetscape leading to the waterfront, create a varied and compelling skyline, and activate waterfront access areas. The modified zoning text amendment application would also establish an Inclusionary Housing zoning bonus in the area governed by the WAP and in upland areas rezoned for residential or mixed use.

Waterfront Access Plan BK-1 and Related Bulk and Use Regulations

The proposed Waterfront Access Plan (WAP) tailors the waterfront public access requirements to the specific characteristics of the Greenpoint-Williamsburg waterfront between Manhattan Avenue and North 3rd Street. The proposed WAP would establish a blueprint for the incremental development of a coordinated network of waterfront open spaces, as development occurs on individual parcels.

The proposed WAP would modify the general public access requirements of waterfront zoning within this area, identifying locations and parameters for the configuration of required shore public walkways, upland connections, supplemental public access areas, and visual corridors. The WAP would allow the aggregation of public access and visual corridor requirements among multiple zoning lots within a parcel, enabling several smaller spaces to be combined into a single, larger and more useful public access area on large parcels, something that is not possible under existing regulations.

The proposed Greenpoint-Williamsburg Waterfront Access Plan includes the following elements:

- Public access and visual corridor requirements for any parcel in the WAP would be determined by aggregating the requirements for each zoning lot within the parcel and modifying them without regard to zoning lot lines.
- The phased development of required public access elements would be allowed on large sites undergoing phased development, subject to CPC certification.
- On piers, public access would be required along the entire perimeter of the pier, and could not be aggregated along one edge.
- Two prototypes for shore public walkways in Greenpoint-Williamsburg would be established, each with specified circulation, planting, seating, and other requirements. Prototype I is generally 40 feet wide (though it is widened or narrowed on specified parcels), and includes a single circulation path. Prototype II is generally wider (up to approximately 100 feet), can include one or two circulation paths, and includes a more extensive planting requirement.
- Two prototypes for supplemental public access areas – Waterfront Plazas and Waterfront Parks -- would be established, each with specified circulation, planting, seating, and other requirements.
- Requirements for the location of supplemental access areas would be modified to allow this area to be provided as a widening of the shore public walkway (as in Prototype II). Buffer area requirements in supplemental access areas would be modified to require buffer zones only where a supplemental access area adjoins non-publicly accessible areas.
- In order to accommodate soft-edged shoreline treatments such as rip rap or beach, allowances are made to shift the circulation path inland and adjust the planting requirement if such a shoreline treatment is provided.
- Certain parcels are eligible for a reduction in the total amount of public access required, if a tot lot or playground is provided within the public access area. The total amount of public access may be reduced by one square foot for every five square feet of playground or tot lot, with a maximum reduction of 15 percent of the required supplemental access area on the parcel.

- Requirements for guardrails would be modified to permit lower and less obtrusive protective barriers where soft edges (e.g., rip rap or beach) and small grade changes exist at the shoreline.
- Special design standards for guardrails, seating, light fixtures, and paving color would be established within the Greenpoint-Williamsburg WAP area, in order to provide for consistent design elements among parcels.
- Parcels undergoing phased development may develop open space in phases, provided that each development create a segment of shore public walkway and other adjacent waterfront access improvements. The modified text includes provisions exempting a development phase consisting entirely of affordable units (see “Inclusionary Housing,” below) from these open space phasing requirements.

The Greenpoint-Williamsburg Waterfront Access Plan includes requirements for public access and visual corridors on individual parcels:

- Parcels 1 and 2:

- If the site is largely redeveloped, Shore Public Walkway Prototype I applies.
- If the site undergoes minor developments or changes of use that trigger waterfront access requirements, a shore public walkway with a minimum clear path of ten feet is required. Required lighting may be mounted on the building.

- Parcels 3 and 4:

- Shore Public Walkway: Prototype I
- Whichever parcel develops first must provide an upland connection along the lot line between the two parcels. The second parcel to develop must provide the remainder of the visual corridor. If the two parcels develop concurrently, the requirements may be divided evenly between them.
- A visual corridor shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the lot lines between them.

- Parcel 5 (5a, 5b, and 5c):

- Shore Public Walkway: Prototype I
- Public access will be provided on the Green St. pier.

- An upland connection and visual corridor are required in a flexible zone connecting Commercial Street to the shore public walkway.
- Additional upland connections are required as extensions of Eagle and Green St.
- Visual corridors are required as extensions of West, Dupont, Eagle and Green Streets. Small structures would be allowed on the Green Street pier as permitted obstructions within the visual corridor.
- If these three parcels are developed together: A Waterfront Plaza shall be provided at the base of the Green St. Pier adjacent to the upland connection and shore public walkway. The remaining supplemental access area will be provided to expand the Newtown Barge Park as Waterfront Park.
- If the three parcels are developed separately: A Waterfront Plaza will be provided at the base of the Green St. Pier adjacent to the upland connection and shore public walkway, and the walkway will be widened slightly between Green St. and Eagle St. In addition, a Waterfront Plaza or Park will be located at the end of the flexible upland connection location from Commercial St. An additional supplemental area may be provided in Parcel 5a as a Waterfront Park but it must be located at the end of a publicly accessible street.

- Parcel 6 is Newtown Barge Park.

- Parcel 7

- Shore Public Walkway: Prototype I. The portion of walkway along the southern parcel boundary will be all circulation path because of its narrow dimension.

- Parcel 9, 10 and 11

- Shore Public Walkway: Prototype II
- The entire supplemental access requirement is used to increase the width of the shore public walkway (up to approximately 100 feet in width).

- Parcel 12 is the Transmitter Park.

- Parcel 13

- Shore Public Walkway: Prototype I
- An upland connection will be provided as an extension of Milton St.
- Visual corridors will be provided as extensions of Milton and Oak Streets.

- Supplemental access area will be located directly opposite the Transmitter Park, and will be improved as a Waterfront Park.

- Parcel 14

- Shore Public Walkway: between the prolongation of Calyer Street and the upland connection, Prototype II; elsewhere, Prototype I.
- The original application required an upland connection within the prolongation of Calyer Street. The modified application reconfigured this requirement, requiring an upland connection connecting a point at the intersection of Calyer Street and West Street to a point on the shore public walkway 30 feet north of Quay Street.
- A visual corridor will provided as an extension of Oak Street.
- The original application required supplemental access to be distributed along the shore public walkway between the prolongation of Calyer Street and the prolongation of Quay Street. Under the modified application, a minimum of 9,000 square feet of supplemental access is required to widen the shore public walkway between the prolongation of Calyer Street and the upland connection, and an additional supplemental access area is required as a Waterfront Park, located in the area bounded by the upland connection, the shore public walkway, and the southern boundary of the parcel.

- Parcel 15

- An upland connection will be provided as an extension of West St. from Quay to Parcel 20.
- A visual corridor will provided as an extension of West Street.

- Parcels 19, 20, 21, and 22 will be mapped as public park.

- Parcel 24 is State Park property.

- Parcel 25

- Shore Public Walkway: Prototype I
- Public access will be provided on the North 6th Street pier.
- A visual corridor will be provided as the prolongation of North 6th Street, through any privately owned portion of the street.

- An upland connection will be provided as the prolongation of North 6th Street, through any privately owned portion of the street.
- Some supplemental area will be located to allow a 30-foot wide path with seating and some planting to the south of the subway ventilation building.
- The remainder of supplemental area will be provided either on the North 6th Street pier or as Waterfront Park located at the base of the North 6th Street pier adjacent to the shore public walkway.

(The modified text clarified the description of the location of required supplemental access areas on Parcel 25.)

- Parcel 26

- Shore Public Walkway: Prototype I. The width of the walkway is reduced to 34 feet, with a commensurate amount of public access area used to provide a widened walkway south of North 4th St.
- An upland connection will be provided as an extension of North 4th St.

- Parcel 27

- If this site is largely redeveloped, Shore Public Walkway Prototype I would apply.
- If the site undergoes minor developments or changes of use that trigger waterfront access requirements, then:
 - A shore public walkway is required between the existing building and the shoreline, with a minimum clear path of twelve feet and a direct connection to North 3rd St.
 - Some seating and planting are required.
 - Required lighting may be mounted on the building.

Proposed zoning text changes also include special bulk and use regulations applicable within the waterfront area governed by the Greenpoint-Williamsburg Waterfront Access Plan, between Manhattan Avenue and North 3rd Street. These regulations would establish bulk, use, and streetscape regulations to ensure waterfront development that activates both waterfront access areas and pedestrian routes to the waterfront, while providing a sensitive transition between the upland neighborhoods and new waterfront development.

Waterfront parcels

- Special regulations would allow floor area, lot coverage, residential density, and required accessory off-street parking to be distributed without regard to zoning lot lines or district boundaries on a waterfront parcel, subject to applicable height and setback regulations.
- For the purposes of bulk regulations, all blocks included in the Greenpoint-Williamsburg WAP would be considered waterfront blocks, and would be subject to the modified bulk rules established as part of this action.

Bulk regulations

- In the certified application, the proposed R6 (2.43 FAR) and R8 (6.02 FAR) districts generated an FAR of 4.3 on entire parcels with combined R6 and R8 zoning. In the modified application, an Inclusionary Housing zoning bonus would allow developments providing affordable housing an increase from a base FAR of 2.43 to a maximum of 2.75 in R6 districts, and from a base FAR of 5.5 to a maximum of 6.5 in R8 districts. On parcels mapped with both R6 and R8 districts, this would generate a base FAR of 4.0 which could be increased to 4.7 using the Inclusionary Housing bonus. (See “Inclusionary Housing,” below.)
- In R6 districts, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street, or Kent Avenue, a maximum height is established of 65 feet or six stories, whichever is less. Elsewhere in R6 districts, the existing height limit of 110 feet applies.
- In R8 districts, the existing height limit of 210 feet applies. In addition, on zoning lots developed with multiple buildings exceeding 200 feet, up to half of those buildings may exceed the height limit to a maximum height of 310 feet.
- Buildings may exceed the height limits of 110, 210, and 310 feet with a penthouse portion up to 40 feet in height. A setback is required below the penthouse portion of the building, such that no floor in this penthouse portion exceeds 85 percent of the gross floor area of the floor immediately below the penthouse portion.
- In the modified application, buildings utilizing the Inclusionary Housing zoning bonus are eligible for an increase in the overall height limits in R8 districts, to 260 and 360 feet (not including the 40-foot penthouse allowance). See “Inclusionary Housing Program,” below.

- The limitations on tower floorplates in R6 and R8 districts are modified such that any portion of a building above 85 feet cannot exceed a gross area of 8,100 square feet in R6 districts, and 11,000 square feet in R8 districts.
- Above 65 feet in R6 districts and 85 feet in R8 districts, the maximum length of a building cannot exceed 170 feet.
- Any parking structure located within 50 feet of a public street, waterfront public access area, or visual corridor, must be “wrapped” with floor area containing a permitted use, except at entrances and exits. Parking structures not subject to this requirement must be clad in the same materials as the remainder of the building in which they are located. The modified application includes an allowance for mechanical space that is not exposed to pedestrians within this parking “wrap.” In order to ensure that required parking can be accommodated within the “wrap,” the modified application increased the height below which accessory parking does not count as floor area from 23 to 33 feet.
- Roofs of parking structures are required to be landscaped and accessible to building residents. The modified application also has allowances for mechanical space and private terraces on these roofs.
- The original application required streetwall development with a minimum height of 40 feet was required on at least 70 percent of the frontage along Commercial Street, West Street, and Kent Avenue. The modified application requires streetwall development with a minimum height of 30 feet is required along at least 70 percent of the frontage along all streets, upland connections, and visual corridors. In addition, in the modified application, variation in streetwall height is required for zoning lots with frontages greater than 100 feet within R6 districts.
- The planting of a street tree for every 25 feet of frontage is required for all developments and conversions, and enlargements and extensions that increase existing floor area by more than 10 percent.
- The modified application adds regulations allowing existing piers to be reconstructed in a different configuration, and floor area generated by these piers distributed to the upland lot, provided that the new portion of the pier is accessed via the base of the existing pier, that the existing pier accounts for at least 25 percent of the pier’s water coverage, and that the water coverage of the resulting pier does not exceed that of the existing pier.

Use regulations

- Waterfront Enhancing uses in Use Groups 6 and 9 that are not otherwise allowed within R6 and R8 districts would be permitted below the first-story ceiling or on a pier or platform. Such uses would be limited to 10,000 square feet per establishment, and subject to C2-4 parking requirements. The total amount of such uses would be limited to two percent of the floor area on the parcel. Docks for water taxis (with capacity limited to 99 passengers) and docks or mooring facilities for noncommercial pleasure boats would be permitted uses on any parcel in the WAP.

Inclusionary Housing Program

The modified zoning text amendment application would establish an Inclusionary Housing zoning bonus in the area governed by the WAP, and in upland areas rezoned for residential or mixed use as part of the proposed action. This zoning bonus could be combined with city, state, and federal affordable housing subsidy programs, providing a powerful incentive for the development and preservation of affordable housing in conjunction with the proposed action.

In both the waterfront and upland areas, developments providing affordable housing would be permitted to construct additional floor area. The affordable housing requirement of the inclusionary housing zoning bonus could be met through the development of affordable units on-site, the development of affordable units off-site (within Community District 1), or through the preservation of existing units at affordable rents (units located within Community District 1). Affordable units would be managed by a nonprofit entity, and units used to earn the zoning bonus would remain affordable in perpetuity.

Waterfront area

In the area governed by the Greenpoint-Williamsburg Waterfront Access Plan, developments utilizing the Inclusionary Housing zoning bonus would be eligible for an increase in the maximum Floor Area Ratio (FAR) permitted. In R6 districts, the maximum FAR could be increased from 2.43 to 2.75. In R8 districts, the maximum FAR could be increased from 5.5 (the base FAR for R8 districts in the area governed by the Greenpoint-Williamsburg WAP, as established under the proposed zoning text amendment) to 6.5. On sites mapped with a blend of R6 and R8 districts, this would allow an increase from a base FAR of 4.0 to a bonused FAR of 4.7.

In order to earn this floor area bonus, developments would be required to provide affordable housing for low-, moderate-, or middle-income households:

- 15 percent of the floor area on the zoning lot must be affordable to households at or below 80 percent of Area Median Income (AMI); or
- 10 percent of the floor area on the zoning lot must be affordable to households at or below 80 percent of Area Median Income (AMI), *plus* 10 percent of all floor area on the zoning lot must be affordable to households at or below 125 percent of Area Median Income (AMI); or
- 10 percent of the floor area on the zoning lot must be affordable to households at or below 80 percent of Area Median Income (AMI), *plus* 15 percent of all floor area on the zoning lot must be affordable to households at or below 175 percent of Area Median Income (AMI).

Developments utilizing the Inclusionary Housing zoning bonus would also be eligible for an increase in the overall height limits in R8 districts, to 260 and 360 feet (not including the 40-foot penthouse allowance). See “Bulk Regulations,” above.

Upland area

In upland areas proposed for rezoning to residential or mixed use districts, developments utilizing the Inclusionary Housing zoning bonus would be eligible for a floor area bonus of two square feet for each square foot of affordable housing provided. The maximum bonus for each residential district in the upland area is specified in the following table:

District	Base FAR	Maximum FAR (w/ bonus)
R6B	2.0	2.2
R6*	2.2	2.42
R6A, R6**	3.0	3.6
R7A	4.0	4.6

* for Quality Housing developments on a narrow street

** for Quality Housing developments on a wide street

Bonus FAR would be accommodated within the existing height limits for R6B, R6A, and R7A districts and for Quality Housing developments in R6 districts, which would remain unchanged.

Renaming of Special Mixed Use District MX-8

The proposed zoning text amendments would reflect the expansion of the boundaries of Special Mixed Use District (MX-8) to include Williamsburg as well as Greenpoint, Brooklyn.

The proposed enlarged MX-8 district is generally bounded by Box Street, McGuinness Boulevard, Meeker Avenue, Union Avenue, Grand Street Extension, South 5th Street, Kent Avenue, Franklin Street, Quay Street, West Street, and Commercial Street. The special district would map M1-2/R6B, M1-2/R6A, M1-2/R6, and M1-2/R7A districts.

Elimination of Special Northside and Franklin Street Mixed Use Districts

As a result of the zoning map changes described above, the Special Northside Mixed Use District (ZR 97-00) and the Special Franklin Street Mixed Use District (ZR 108-00) would no longer appear on the zoning map. The proposed text amendments therefore include the elimination of these sections of the Zoning Resolution.

AMENDMENTS TO THE CITY MAP

Four applications for changes in the City Map are proposed to facilitate the creation of a new, approximately 27.8-acre park on the Greenpoint-Williamsburg waterfront, enhancing and upgrading the waterfront area and providing new recreational opportunities for these communities. The proposed “Inlet” Park, which would be mapped in four segments, would be established within the area bounded by North 9th Street, Kent Avenue, Franklin Street, Quay Street, and the U.S. Pierhead Line.

C 040415 MMK

The elimination of North 12th Street between Kent Avenue and the U.S. Pierhead Line, and the establishment of an area bounded by North 12th Street, Kent Avenue, Franklin Street, Quay Street, and the U.S. Pierhead Line as park, are proposed to create the northeastern segment of the “Inlet” Park. North 12th Street is city-owned, improved, and mapped at a width of 60 feet, and serves mostly to provide access to a record storage warehouse, a DOS parking lot, and the Bayside Fuel depot on the waterfront.

C 040416 MMK

The elimination of a portion of Quay Street between West Street and the U.S. Bulkhead Line, and the establishment of a park in an area roughly bounded by Bushwick Creek, Franklin Street, Quay Street, and the U.S. Pierhead Line as park, is proposed to create the northwestern segment of the “Inlet” Park. This segment of Quay Street is unimproved, mapped at a width of 60 feet, and in unknown ownership. A portion of the mapped street is currently occupied as parking.

C 040417 MMK

The elimination of North 11th Street between Kent Avenue and the U.S. Pierhead Line, and the establishment of an area bounded by North 10th Street, Kent Avenue, North 12th Street, and the U.S. Pierhead Line as park, is proposed to create the middle segment of the “Inlet” Park. This segment of North 11th Street, which is city-owned, improved and mapped at a width of 60 feet, serves mostly to provide access to a record storage warehouse and a Department of Sanitation (DOS) parking lot on the waterfront.

C 040418 MMK

The elimination of North 9th Street between Kent Avenue and the U.S. Pierhead Line, and of North 10th Street between Kent Avenue and the U.S. Pierhead Line, and the establishment of an area bounded by North 9th Street, Kent Avenue, North 10th Street, and the U.S. Pierhead Line as park, is proposed to create the southern segment of the “Inlet” Park. This segment of North 10th Street is city-owned, unimproved and mapped at a width of 60 feet. This segment of North 9th Street is in unknown ownership, unimproved and mapped at a width of 60 feet.

An interagency conference was held on May 18, 2004.

ENVIRONMENTAL REVIEW

This application (N 050110(A) ZRK), in conjunction with the related applications (C 040415 MMK, C 040416 MMK, C 040417 MMK, C 040418 MMK, N 050110 ZMK, C 050111 ZMK, and C 050111(A) ZMK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04DCP003K. The lead agency is the City Planning Commission.

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on

October 8, 2003, and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement (DEIS). A public meeting on the Draft Scope of Work for the DEIS was held on November 13, 2003, and the Final Scope of Work for the DEIS was issued on June 4, 2004.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on October 4, 2004. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on January 19, 2005, in conjunction with the public hearing on this ULURP item (N050110(A) ZRK) and the related items (C040415 MMK, C040416 MMK, C040417 MMK, C040418 MMK, N050110 ZRK, C050111 ZMK, and C050111(A) ZMK).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on March 4, 2005. The FEIS included an alternative, the Revised Affordable Housing Bonus Incentive (Revised AHBI) Alternative, which reflects the modified ULURP applications (N050110(A) ZRK and C050111(A) ZMK) that were submitted subsequent to the issuance of the DEIS. On March 11, 2005, subsequent to the issuance of the FEIS, a Technical Memorandum was completed which addresses the potential impacts of certain CPC modifications to the modified applications (N050110(A) ZRK and C050111(A) ZMK), which are discussed later in this report.

The following is a summary of the significant adverse impacts and proposed mitigation measures identified for the Revised AHBI Alternative, as set forth in the FEIS inclusive of Appendix J thereto. The summary is followed by a description of the conclusions of the Technical Memorandum prepared with respect to the CPC modifications.

IMPACTS

Socioeconomic Conditions

The Revised AHBI Alternative would result in significant adverse impacts related to indirect residential displacement. According to the *CEQR Technical Manual*, indirect displacement of a residential population can occur when an action increases property values and thus rents throughout a study area, making it difficult for some current residents (or residents in the No-Action) to continue to afford to live in the community. The *CEQR Technical Manual* suggests that a population increase of 5 percent or more could be large enough to trigger a socioeconomic change that would negatively affect a population at risk of displacement. The Revised AHBI Alternative would increase the population of the proposed action area by more than 5 percent and introduce residents with socioeconomic characteristics that are significantly different from the characteristics of residents in parts of the study area, and the study area contains a population that could be vulnerable to displacement pressures.

However, in recent years, the proposed action area has experienced a substantial amount of new market rate residential development and an influx of residents with higher-income occupations. As a whole, the socioeconomic characteristics of the population living in the proposed action

area is already changing and is likely to continue to change over the next several years under No-Action conditions. Nonetheless, low- and moderate- income residents living in unprotected housing units in several census tracts within the proposed action and primary study area constitute a “population at risk” that is potentially subject to indirect displacement.

In total, it is estimated that the vulnerable population in the Greenpoint-Williamsburg study area consists of approximately 2,510 residents who could be subject to indirect displacement pressures under the Revised AHBI Alternative. These people are living in approximately 838 housing units located in the proposed action area and primary study area. Roughly 620 of those residents live in the far eastern portion of the proposed action area, in Census tract 499. The remaining 1,890 residents live in the primary study area— in Census tracts 525 and 527 to the south of the proposed action area boundary, and in Census tract 579 in the far northern section of Greenpoint.

As discussed further under Mitigation, although the Revised AHBI Alternative could result in the indirect displacement of approximately 838 households, the Revised AHBI Alternative would also introduce approximately 2,060 affordable housing units to the proposed action area, which would serve to reduce and partially mitigate the significant adverse indirect residential displacement impact.

Community Facilities and Services

Elementary Schools

The Revised AHBI Alternative would result in significant adverse impacts to elementary schools serving the Greenpoint sub-area and in the ½-mile study area as a whole. In the future with the Revised AHBI Alternative, utilization of elementary schools within the Greenpoint sub-area would be at 152 percent of capacity, a deficit of 1,152 elementary school seats, and, in the ½-mile study area, there would be a deficit of 977 seats (111 percent utilization), resulting in a significant adverse impact.

Day Care

The Revised AHBI Alternative would introduce approximately 2,060 affordable housing units to the proposed action area, of which 1,757 would be low- to moderate-income units that could result in an increase in demand for publicly financed daycare facilities in the study area. As discussed below, this increased demand would result in a significant adverse impact to publicly funded day care facilities.

As discussed in Chapter 4, “Community Facilities and Services” of the FEIS, there are currently approximately 25 publicly funded or partially publicly funded daycare facilities within an approximate one-mile radius of the proposed action area, which have a total capacity of approximately 2,911 slots, with a current enrollment of 2,886, and a waiting list of 1,334 children (or a net excess demand of 1,309 slots).

By 2013, as a result of the Revised AHBI Alternative, up to 1,757 low- to moderate-income housing units would be added to the study area, many of which would be eligible for subsidized day care. Using the rate for “Low-Mod” income units in Table 3C-4 of the *CEQR Technical Manual*, the 1,757 low- to moderate-income units would generate a maximum of approximately 597 children (ages 0-12) eligible for publicly financed child care. According to the *CEQR Technical Manual*, a significant adverse impact could result if a proposed action results in: 1) a demand for slots greater than remaining capacity of day care centers, and 2) that demand constitutes an increase of 5 percent or more of the collective capacity of the day care centers serving the proposed action area over the No-Action conditions. As the Revised AHBI Alternative would add approximately 597 children eligible for subsidized day care, that would increase demand by 20.5 percent over the capacity of 2,911 slots. As indicated above, the existing demand for publicly funded day care facilities exceeds the capacity and would therefore be expected to worsen in the future with the Revised AHBI Alternative. Because the Revised AHBI Alternative would result in an increase of more than five percent in a deficiency of day care slots over the No-Action condition, a significant adverse impact to publicly funded day care centers is expected to occur with the Revised AHBI Alternative.

Open Space

The Revised AHBI Alternative would result in significant adverse impacts in the Greenpoint sub-area under Scenario B, which assumes the development of a 1,100 megawatt power plant by Trans Gas Energy on a portion of the proposed Inlet Park. However, it should be noted that the power plant proposal is subject to State approvals which the City believes are unlikely to occur. Under the Revised AHBI Alternative, in Scenario B, the Greenpoint sub-area would undergo a decrease in its total open space ratio of 12.2 percent, a 23.3 percent decrease in its active open space ratio, and a 0.2 percent decrease in its passive open space ratio. The decreases in the open space ratios under this scenario would constitute a significant adverse impact on the Greenpoint sub-area’s open space resources.

Historic Resources

Archaeological Resources

The Revised AHBI Alternative has the potential to result in significant adverse impacts to archaeological resources. Under the Revised AHBI Alternative, 12 projected development sites and 52 potential development sites include lots which have been determined by the Landmarks Preservation Commission to be sensitive for nineteenth century archaeological resources, mostly cisterns and privies. Resources within portions of the development sites where new construction could occur, absent prior disturbance, would likely be destroyed by action-induced development. This would constitute a significant adverse impact.

Architectural Resources

Under the Revised AHBI Alternative, the buildings comprising the Greenpoint Terminal Market site, which may be eligible for S/NR listing, would likely be demolished in part or entirely to

facilitate residential and local commercial development on projected development Sites 56 and 60 and potential development Site 61. As these buildings are privately owned, such demolition can be carried out as long as no federal, state, or City governmental discretionary permits or funding are involved. The redevelopment of the Greenpoint Terminal Market site would constitute a significant adverse impact.

Should the former Northside Savings Bank building or the former Williamsburg Trust Company building (which are adjacent to potential development sites 291 and 334, and 335, respectively), or the Austin-Nicols Warehouse at 184 Kent Avenue (which is adjacent to potential development Site 222) become designated as historic resources prior to approval of the proposed action, they would be subject to the city’s standard construction protection procedures. However, potential development Site 334 would entail conversion of an existing building, and would therefore be unlikely to result in any vibration impacts on any adjacent resources. Site 335 is also adjacent to the Williamsburg Trust Company building. However, site 335 is projected to be developed with a new residential building under both No-Action and With-Action conditions, pursuant to a granted BSA variance, and therefore no new construction-related impacts would occur at this site as a result of the Revised AHBI Alternative. Therefore, the only development sites that would entail new construction and are adjacent to an eligible resource are Sites 222 and 291, which are adjacent to the former Northside Savings Bank and 184 Kent Avenue, respectively. If the eligible structures are not designated, however, they would not be subject to construction protection procedures, and may therefore be adversely impacted by adjacent development resulting from the Revised AHBI Alternative. This would constitute a significant adverse impact.

Traffic and Parking

The Revised AHBI Alternative would result in significant adverse traffic impacts at 10 signalized and three unsignalized intersections in one or more peak periods by 2013, as shown in Table 1 below. The PM peak hour would have the most impacts, with nine impacted intersections (eight signalized, one unsignalized), followed by the AM and the midday, with six (four signalized, two unsignalized) and four (all signalized) impacted intersections, respectively.

**TABLE 1
Summary of Traffic Impacted Intersections**

Signalized Intersections		AM	MD	PM
Franklin Street @	Calyer Street		X	
	Quay Street			X
Kent Avenue @	South 3 rd Street			X
Manhattan Avenue @	Driggs Avenue			X
McGuinness Boulevard @	Green Street	X	X	X
	Greenpoint Avenue	X		X
	Calyer Street	X		X
	Meserole Avenue		X	X
Driggs Avenue @	North 7 th Street	X		

Metropolitan Avenue @	Union Avenue		X	X
Unsignalized Intersections		AM	MD	PM
Kent Avenue @	North 6 th Street			X
	North 7 th Street	X		
Manhattan Avenue @	Green Street	X		
X impacts to one or more movements in the peak hour.				

Transit and Pedestrians

The Revised AHBI Alternative would result in significant adverse impacts to transit conditions as follows: At the Bedford Avenue (L) subway station, new subway demand would significantly impact Stair S3 at the southeast corner of Bedford Avenue and North 7th Street in both the AM and PM peak hours. Manhattan-bound subway demand generated by the Revised AHBI Alternative would result in a significant adverse line haul impact to Manhattan-bound L trains in the AM peak hour. In addition, new local bus trips generated by projected development sites under the Revised AHBI Alternative would result in a significant PM peak hour impact to NYC Transit's B61 bus route in the northbound direction.

MITIGATION

Socioeconomic Conditions

As discussed above, the Revised AHBI Alternative has the potential to cause significant indirect residential displacement impacts. In total, it is estimated that vulnerable population in the Greenpoint-Williamsburg study area consists of approximately 2,510 residents who could be subject to indirect displacement pressures under the Revised AHBI Alternative. These people are living in approximately 838 housing units located in the proposed action area and primary study area.

The Revised AHBI Alternative would serve to reduce and partially mitigate the significant adverse indirect residential displacement impact. The Revised AHBI Alternative would provide approximately 2,060 affordable housing units. Under HPD's community preference policy, eligible residents of Brooklyn Community District 1 would receive preference for half of the affordable units in any given development, if built under city-sponsored programs, and most of the displaced residents would likely qualify for the affordable units. However, the population of potentially displaced residents is expected to comprise only a portion of the households selected for the affordable units, and not all of the potentially displaced population are expected to be able to rent these units.

As previously discussed, the affordable housing program analyzed in the Revised AHBI Alternative has been incorporated into the modified zoning text application (N050110(A) ZRK) filed subsequent to the issuance of the DEIS.

Community Facilities

Elementary Schools

In the future with the Revised AHBI Alternative, elementary schools within the Greenpoint sub-area would be at 152 percent of capacity, a potential shortfall of 1,152 elementary school seats, whereas the ½-mile study area would operate at 111 percent of capacity, a potential shortfall of 977 seats. If the Greenpoint-Williamsburg rezoning is approved, the City would construct or lease a new elementary or K-8 school in the project area as part of the Department of Education's Five Year Capital Plan, 2010-2014, as the development associated with the Revised AHBI Alternative proceeds. Planning for this mitigation would be provided for in the Department of Education's Five Year Capital Plan, 2005-2009, as amended in FY2005. This mitigation would be supplemented through administrative actions that the DOE would undertake to mitigate the shortfall in school seats, such as adjusting catchment areas and/or reorganizing grade levels within schools. DOE would continue to monitor trends in demand for school seats in the area. The DOE responses to identified demand could take place in stages and include administrative actions and/or enlargement of existing schools, followed by the later construction or lease of new school facilities at an appropriate time.

In general, the Revised AHBI Alternative would allow for the development of community facility space, including new school facilities. It should also be noted that any new school facility would be subject to its own site selection and environmental reviews.

Day Care

The Revised AHBI Alternative would add approximately 597 children eligible for subsidized day care, thereby increasing demand by 20.5 percent over the capacity of 2,911 slots. As the existing demand for publicly funded day care facilities exceeds the capacity, and because the Revised AHBI Alternative would result in an increase of more than five percent in a deficiency of day care slots over the No-Action condition, a significant adverse impact to publicly funded day care centers in the study area would be expected to occur with the Revised AHBI Alternative.

Possible mitigation measures could include adding capacity to existing facilities or providing a new daycare facility within or near the proposed action area. At this point, however, it is not possible to know exactly which type of mitigation would be most appropriate and when, because the demand for publicly funded day care depends not only on the amount of residential development in the area, but the proportion of new residents who are children of low-income families. Therefore, as is standard practice, the Administration for Children's Services (ACS) would monitor development of the proposed action area and respond as appropriate to provide the capacity needed.

Open Space

As previously noted, the development of a 1,100 megawatt power plant on the site of the Bayside Fuel facility (Block 2277, Lot 1) under Scenario B is subject to State approvals which the City

believes are unlikely to occur. However, in the event that development of the power plant proceeds, possible mitigation measures identified to eliminate open space impacts within the Greenpoint sub-area under Scenario B include the addition of approximately 2.7 acres of additional active open space resources throughout the Greenpoint sub-area. New open space resources could be created on vacant or underutilized, preferably City-owned sites throughout the Greenpoint sub-area. Potential locations for the creation of new active open space resources identified to date are Block 2472, Lot 425, currently the site of an MTA bus maintenance facility and part of the MTA master lease; and Block 2472, Lot 32, currently leased to the Greenpoint Lumber Exchange and the site of a DEP loading dock associated with the sludge storage tank. The City would proceed to establish these and/or other sites upon a final determination that development of the power plant is proceeding.

In addition to the creation of 2.7 acres of open space resources throughout the Greenpoint sub-area, another possible identified mitigation measure includes the redevelopment of the McCarren Park pool site, which has been closed since 1984, for active recreation. Coordination with the New York City Parks Department and other City agencies would be necessary to determine possible funding and rehabilitation plans for the site. If refurbished and upgraded, this facility would add approximately 5.5 acres of active open space to the study area, of which half, or approximately 2.75 acres, would be included within the Greenpoint sub-area.

With these mitigation measures in place, the significant adverse impact on the Greenpoint sub-area open space resources anticipated in Scenario B as a result of the Revised AHBI Alternative would be fully mitigated.

Historic Resources

Archaeological Resources

Because development could potentially occur on any of the identified projected and potential development sites subsequent to the Revised AHBI Alternative, there is a potential for disturbance of archaeological resources on any of the projected or potential development sites where such resources exist. Twelve of the projected development sites and 52 of the potential development sites include lots which have been determined to be sensitive for nineteenth century archaeological resources. Resources within portions of the development sites where new construction could occur, absent prior disturbance, would likely be destroyed by action-induced development. This would constitute a significant adverse impact. No mitigation measures are feasible and practicable because the area to be rezoned is privately-owned and private ownership of the land prevents the City from mandating the preservation or documentation of such remains, should they exist. As such, the archaeological impact resulting from the Revised AHBI Alternative is considered to be an unmitigated impact.

Architectural Resources

The buildings comprising the Greenpoint Terminal Market site, which may be eligible for S/NR listing, would likely be demolished in part or entirely to facilitate residential and local commercial development on projected development Sites 56 and 60 and potential development Site 61. This would constitute a significant adverse impact. The Revised AHBI Alternative

would also facilitate new construction on Sites 222 and 291, which are adjacent to two eligible resources. If the eligible structures are not designated, they would not be subject to the City's construction protection procedures, and may therefore be adversely impacted by adjacent development resulting from the Revised AHBI Alternative. This would constitute a significant adverse impact. No mitigation measures are feasible and practicable for the Revised AHBI Alternative, because the area to be rezoned and the sites identified for projected and potential development are privately-owned. In the future, if the sites are developed as-of-right in accordance with the new zoning, private ownership of the land prevents the City from requiring any of the above mitigation measures. As such, the architectural impacts resulting from the Revised AHBI Alternative are considered to be unmitigated impacts.

Traffic

Under the Revised AHBI Alternative, demand from projected development sites would result in significant adverse traffic impacts at 10 signalized and three unsignalized intersections in one or more peak periods by 2013, as described above. A traffic mitigation plan was therefore developed to address these impacts. Mitigation measures associated with this plan include minor signal timing changes and implementation of exclusive left-turn phases, new curbside parking restrictions on impacted approaches, and the installation of new traffic signals at unsignalized intersections.

The proposed traffic mitigation plan for the Revised AHBI Alternative is described in detail in Table 23-12, "Traffic Mitigation Measures for the Revised AHBI Alternative" of the FEIS. The traffic mitigation plan would fully address all impacts at five intersections in the AM peak hour, four in the midday and nine in the PM peak hour. Twelve out of 13 intersections impacted by the Revised AHBI Alternative would no longer be impacted with implementation of the proposed mitigation plan. However, one unmitigable impact would remain on the eastbound Greenpoint Avenue approach to McGuinness Boulevard in the AM peak hour. At this location, NYCDOT provided an updated signal plan and additional mitigation measures were researched, considered and evaluated between the issuance of the DEIS and FEIS. However, no successful measures were identified, and the projected significant adverse impact at Greenpoint Avenue McGuinness Boulevard would remain unmitigated in the AM peak hour.

Transit and Pedestrians

Subway Stations

In the future with the Revised AHBI Alternative, demand from projected development sites would significantly impact Stair S3 on the southeast corner of Bedford Avenue and North 7th Street at the Bedford Avenue (L) station in both the AM and PM peak periods. Mitigation measures to address subway station stairway impacts typically involve physically widening an affected stairway in order to increase its capacity, or implementing measures that would decrease demand, typically by providing new and/or more convenient access points. At Stair S3, a two to three-foot widening would be required to restore this stair to acceptable levels of service in both the AM and PM peak periods.

Stair S3 is located adjacent to the building line on the south sidewalk of North 7th Street east of Bedford Avenue. Currently, this sidewalk is approximately 15 feet in width at this location, and there is approximately 8.5 feet of existing clearance between the stairway and the curb. As discussed in Chapter 17, "Transit and Pedestrians" of the FEIS, by 2013 it is anticipated that NYCDOT will have installed a transit neckdown at this location, widening the sidewalk adjacent to Stair S3 to a total of approximately 23 feet in order to accommodate the installation of bicycle racks. With Stair S3 widened by upwards of three feet, a minimum of 8.5 feet of clearance would remain between the stair and the curbside bicycle racks, equivalent to the existing clearance adjacent to the stair. Based on anticipated peak hour pedestrian volumes, flow conditions with this amount of clear sidewalk space would be an acceptable 10 PFM or less in the 2013 future with the Revised AHBI Alternative. Further detailed development of this proposed mitigation would be undertaken in consultation with NYC Transit - Operations Planning and the New York City Department of Transportation.

Subway Line Haul

New subway demand generated by the Revised AHBI Alternative would significantly impact Manhattan-bound L trains on the Canarsie/14th Street Line in the AM peak hour. Accommodating this new demand would require the addition of one new peak hour Manhattan-bound train. As standard practice, New York City Transit routinely conducts periodic ridership counts and adjusts subway frequency to meet its service criteria, within fiscal and operating constraints. Therefore, no project-specific mitigation is proposed for the potential impact to Manhattan-bound L-train service in the AM peak hour.

Bus Service

The results of the analysis of local bus conditions in the future with the Revised AHBI Alternative show that demand from projected development sites would significantly impact northbound B61 service in the PM peak period. The addition of a single northbound bus on the B61 route in the PM peak hour would provide sufficient capacity to accommodate projected new demand under the Revised AHBI Alternative. As standard practice, New York City Transit routinely conducts periodic ridership counts and adjusts bus service frequency to meet its service criteria, within fiscal and operating constraints. Therefore, no project-specific mitigation is proposed for the potential impact to northbound B61 service.

Proposed CPC Modifications Technical Memorandum

As noted above, subsequent to the issuance of the FEIS, a Technical Memorandum was completed on March 11, 2005 which addresses the potential impacts of certain CPC modifications to the modified applications (N050110(A) ZRK and C050111(A) ZMK), which are discussed later in this report. The Technical Memorandum was prepared to determine whether the proposed CPC modifications would result in significant adverse impacts that were not already identified for the Revised AHBI Alternative set forth in the FEIS inclusive of Appendix J. The Technical Memorandum concluded that the proposed changes would not result

in any significant adverse impacts that were not already identified for the Revised AHBI Alternative.

(E) Designations

Under the Revised AHBI Alternative, as set forth in the FEIS inclusive of Appendix J and including the Technical Memorandum dated March 11, 2005, (E) designations for Hazardous Materials, Air Quality and Noise would be mapped as part of the proposed rezoning, as detailed below.

Hazardous Materials

With the exception of projected development site 211, the proposed Inlet Park (which is proposed to be mapped as park and acquired by the City), all of the remaining projected and potential developments would be mapped with Environmental (E) designations, as indicated in the table below.

A Phase I Environmental Site Assessment was prepared for Site 211, which indicated that the site had a history that included use as an oil refinery and later bulk petroleum storage, a manufactured gas plant and a rail yard. Testing on this site has confirmed the presence of contaminants consistent with the cited historic use of the site. Therefore, as part of the property acquisition process associated with the proposed park mapping, the City will ensure that all appropriate testing at the proposed park site is completed, and that all necessary remediation measures are undertaken, as necessary, following acquisition and prior to construction. All of the remediation of Site 211 would be performed under the purview of the NYSDEC and/or the New York City Department of Environmental Protection (NYCDEP) under a Health and Safety Plan (HASP) minimizing the potential for impacts to site workers or the adjacent neighborhoods. The remediation requirements would be performed to be protective of the end use as a park.

Any site that has received an (E) designation for hazardous materials will require that the fee owner of the site conduct a testing and sampling protocol, and develop a remediation plan, where appropriate, to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a building permit by the Department of Buildings (pursuant to Section 11-15 Zoning Resolution - Environmental Requirements). The (E) designation also includes mandatory construction-related health and safety plans which must be approved by the NYCDEP. The scope of a Phase II Site Investigation is dependent on the nature of the recognized environmental conditions. With the requirements of the (E) designation on development sites, there would be no impact from the potential presence of contaminated materials.

Projected and Potential Development Sites receiving (E) Designations for Hazardous Materials

Site #	Tax Blocks/Lots	Site #	Tax Blocks/Lots	Site #	Tax Blocks/Lots
1	2472/410	37	2531/12	75	2698/5
2	2472/425	38	2531/35, 36	76	2698/7

3	2494/1; 2502/1; 2472/2; 2520/57; 2510/1	39	2531/20	77	2698/11, 15
3.1	2472/32, 2494/6	40	2532/1	78	2698/25, 26
3.2	2472/100	41	2538/1	79	2699/9
4	2482/1, 4, 6	42	2539/1, 8	80	2699/15, 17
5	2482/7, 8	43	2539/27, 29	81	2701/1, 2, 50
6	2482/53	44	2543/1	82	2713/9, 13
7	2482/21	45	2549/1	83	2713/1
8	2482/26, 39	46	2549/10	84	2714/33
9	2483/61,62	47	2549/14	85	2714/13
10	2483/11, 12	48	2549/25	86	2714/30, 32
11	2483/14, 15	49	2549/28	87	2719/1, 4, 8, 11
12	2483/17, 19, 20	50	2549/36	88	2719/13, 14, 16
13	2483/59, 60	51	2556/45, 46	89	2719/31, 32
14	2483/48	52	2556,/55, 57, 58	90	2720/9, 10, 12
15	2483/25	53	2557/1, 3	91	2720/19, 41
16	2483/45	54	2557/7	92	2720/43, 44, 45, 46
17	2487/10, 12, 17, 18, 20, 21, 72,	55	2557/24	93	2724/1, 30, 31, 33, 34, 37
18	2503/1	56	2567/1; 2570/36; 2556/1; 2564/1	94	2724/7, 10, 12
19	2511/1	57	2562/1, 10	95	2724/18
20	2511/11, 12, 14	58	2562/37, 39	96	2727/1, 47
21	2511/31	59	2562/29	97	2289/14
22	2512/60	60	2565/1	98	2290/5
23	2512/52, 54	61	2568/1	99	2290/10
24	2520/1	62	2570/1	100	2291/1
25	2521/1	63	2571/1, 9	101	2291/17
26	2521/5, 6, 7	64	2571/18	102	2292/29, 33
27	2521/11, 12, 13	65	2589/5	103	2292/11, 12
28	2521/32	66	2589/13	104	2721/8
29	2521/19	67	2590/1	105	2721/11
30	2522/10	68	2590/210, 215, 222	106	2722/34, 36
31	2522/16, 18	69	2644/43	107	2722/8
32	2522/24	70	2679/46	108	2722/10
33	2522/31	71	2697/16	109	2722/13, 15, 16
34	2530/1, 55, 56	72	2697/7	110	2722/19
35	2531/1, 2, 3	73	2697/1	111	2722/21
36	2531/9, 10, 110	74	2698/1	112	2722/25
113	2723/1	149	2307/31, 33, 36, 38	184	2746/39
114	2723/5, 7	150	2307/1	185	2317/1, 3, 5, 6, 7, 8, 36,
115	2723/29, 30	151	2307/14, 16, 19	186	2317/12, 13
116	2723/33, 36	152	2307/25, 27	187	2317/16, 17
117	2723/37, 38	153	2736/1, 9, 48	188	2317/18
118	2296/14	154	2736/20, 23	189	2319/31
119	2297/5	155	2737/10, 11	190	2320/15
120	2297/1	156	2738/3, 5	191	2321/36, 37, 38
121	2298/31	157	2738/10	192	2319/31;

					2321/13, 14
122	2298/29	158	2738/13, 15	193	2321/18
122	2298/13	159	2738/21, 24	194	2321/25
124	2298/21	160	2309/5, 13	195	2322/1
125	2299/1	160.1	2309/1	196	2322/6
126	2299/9	161	2309/17	197	2322/10, 11, 28, 30
127	2299/21	162	2310/9, 10, 11	198	2323/9, 10
128	2300/1, 5	163	2312/22	199	2324/1; 2332/1
129	2300/20, 26	164	2313/1	200	2325/4, 5, 103
130	2731/1	165	2313/5, 7	201	2325/11, 12
131	2731/44, 45, 47	166	2313/11, 13, 22	202	2325/24, 25, 26
132	2731/38, 41	167	2313/15	203	2325/27, 28, 29
133	2731/35, 36	168	2313/23, 24, 26	204	2325/31, 32
134	2732/33	169	2313/27, 28, 29	205	2326/32, 33, 34, 35
135	2732/5	170	2314/1	206	2326/17, 18, 19
136	2732/27, 30	171	2314/5	207	2327/2
137	2733/6, 7, 10	172	2315/14	208	2327/4, 5
138	2734/3, 4, 5, 7, 11	173	2315/21	209	2327/16, 17, 18
139	2734/13	174	2741/3, 7, 8	210	2327/19, 31, 34
140	2734/35, 38	175	2741/47	212	2331/7, 8
141	2304/36, 37	176	2741/13	213	2331/42
142	2304/10, 12, 13, 14	177	2741/15	214	2333/1
143	2304/15	178	2741/19	216	2334/22, 23
144	2305/15, 16, 17	179	2742/2, 4, 5, 9	217	2335/6, 10, 12
145	2305/18	180	2742/15	218	2335/13, 14, 15
146	2306/1, 11, 15, 27, 28, 30	181	2742/17, 20	219	2337/20
147	2306/9	182	2742/35	219	2337/20
148	2306/18	183	2746/40, 41, 42	302.1	2381/1
220	2338/1	261	2366/32	303	2381/14, 15, 16
221	2339/7	262	2366/16, 21	304	2382/28
222	2340/1	263	2367/7	305	2384/8
223	2341/9	264	2367/15	306	2384/22, 23, 24, 25
225	2342/16	265	2367/27, 28	310	2399/1, 8
226	2342/23, 26	266	2368/1	311	2411/1, 12
227	2343/5	267	2368/18, 19, 21, 22	312	2390/15
228	2343/18, 19	268	2368/26, 27, 28	313	2390/16, 17
229	2344/5	269	2368/, 31, 32, 33, 34	314	2393/14
230	2344/26	270	2369/4, 6, 7	315	2393/23, 24
231	2344/25	271	2369/14	316	2404/1, 5
232	2344/16	272	2369/19	317	2416/7, 8
233	2346/30	273	2369/27	318	2416/27
234	2346/26	274	2369/37, 38	319	2428/28, 29, 30
235	2349/1, 15, 18, 21	275	2369/40	320	2441/4, 104, 107
236	2350/1	279	2371/48	321	2441/41, 47
237	2350/2	280	2372/1	321.1	2441/38
238	2350/4	281	2372/5	322	2441/12
239	2350/24	282	2372/9	323	2441/24

240	2350/26	283	2374/1	324	2442/11
241	2351/40, 2351/1	284	2374/7	325	2442/21
242	2351/28	285	2374/27, 28, 31	326	2442/25
243	2352/20	286	2375/1	327	2443/6, 37, 41
244	2353/6, 8	287	2375/5	328	2443/13
245	2353/13, 26, 28	288	2375/10	329	2443/23
259	2364/15, 16, 17	289	2375/12	330	2443/29, 30
260	2366/1	291	2378/40	331	2444/2, 3, 4, 5
		296	2378/29, 32	332	2444/11
		297	2378/35, 36	333	2444/28
		298	2379/42, 43, 44	334	2446/68
				335	2446/78

Air Quality

HVAC systems

Air quality analyses for HVAC systems were performed assuming both natural gas and No. 2 fuel oil as the HVAC systems' fuel types. Four development sites did not meet the minimum distance specified in the *CEQR Technical Manual* using No. 2 fuel oil (a less clean burning fuel). A more refined analysis using natural gas was then performed and three of those sites failed the CEQR screening criteria. Therefore, to preclude the potential for significant adverse air quality impacts on other development sites from the HVAC emissions, an (E) designation would be included under the Revised AHBI Alternative for the following four development sites. The text of the (E) designations is as follows:

Block 2565, Lot 1 (Projected Development, Site 60)

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for HVAC systems.

Block 2570, Lot 36 (Projected Development, Site 56c)

Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) is located at least 78 feet from the lot line facing West Street and parallel with Oak Street, to avoid any potential significant air quality impacts.

Block 2721, Lot 11 (Projected Development, Site 105)

Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) is located at least 100 feet from the lot line facing Richardson Street and parallel with Union Avenue, to avoid any potential significant air quality impacts.

Block 2332, Lot 1 (Projected Development, Site 199b)

Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) is

located at least 100 feet from the lot line facing Kent Avenue and parallel with North 6th Street, to avoid any potential significant air quality impacts.

Industrial Sources

Pollutants emitted from the exhaust vents of existing permitted industrial facilities were examined to identify potential adverse impacts on future residents on projected and potential development sites. At most of the sites, the maximum concentration levels were below the guideline levels and health risk criteria established by regulatory agencies. However, at certain projected and potential development sites in the vicinity of existing industrial sources, concentrations of individual air toxic pollutants were found to result in potential significant impacts. Consequently, the analysis concluded that the proposed action would have the potential to result in significant adverse industrial source impacts at the projected and potential development sites listed below. To preclude the potential for significant adverse industrial source air quality impacts at those locations, an (E) designation for air quality will be incorporated into the rezoning proposal. The text of the (E) designations is as follows:

Block 2344, Lot 26 (Projected Development, Site 230):

- **If the dioctyl phthalate and formaldehyde emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above referenced property must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

Block 2556, Lots 55, 57 and 58 (Potential Development, Site 52):

- **If the dioctyl phthalate emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

Block 2557, Lot 7 (Potential Development, Site 54):

- **If the particulate matter and dioctyl phthalate emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above referenced property must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

Block 2571, Lot 18 (Potential Development, Site 64):

- **If the dioctyl phthalate emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

Block 2644, Lot 43 (Potential Development, Site 69):

- **If the dioctyl phthalate emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

Block 2714, Lot 33 (Potential Development, Site 84):

- **If the dioctyl phthalate and formaldehyde emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above referenced property must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

Block 2714, Lot 13 (Potential Development, Site 85):

- **If the formaldehyde emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

Block 2723, Lots 29 and 30 (Potential Development, Site 115); Block 2723, Lots 33 and 36 (Potential Development, Site 116):

- **If the particulate matter emissions affecting these properties continue, any new residential and/or commercial development, enlargement, or change of use on the above-referenced properties must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

Block 2736, Lots 20 and 23 (Potential Development, Site 154):

- **If the dioctyl phthalate emissions affecting this property continue, any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must either: have inoperable windows and may not include air intakes; or, must incorporate alternative design features and technologies approved by NYCDEP.**

The procedures to be followed for satisfaction of the (E) designation shall require that the fee owner(s) of the lot which is restricted by this (E) designation demonstrate that the requirements of the (E) designation have been satisfied or that the restrictions of the (E) designation are no longer necessary due to a change in conditions. To demonstrate that the requirements of the (E) designation are no longer necessary due to a change in conditions, the fee owner(s) of the lot restricted by the (E) designation will be required to prepare a written report to be submitted to NYCDEP indicating that the impact identified for the lot would no longer occur. Examples of the types of changes in conditions which would no longer necessitate the (E) designation would be that the emissions at the source, or exposure pathways to the affected lot, have been eliminated or reduced to below impact

levels. Upon request, NYCDEP will provide guidelines and criteria for performing the technical analyses to be used to demonstrate that the requirements of the (E) designation are no longer necessary. If it is determined by the NYCDEP that the requirements of the (E) designation have been satisfied or are no longer necessary, the NYCDEP shall issue a Notice of Satisfaction for the lot. The procedures set forth in Section 11-15 of the Zoning Resolution with respect to the satisfaction of requirements and removal of (E) designation shall apply.

Noise

As described in the *CEQR Technical Manual*, the City has established interior noise values for residential buildings that are 45 dBA or lower. When the ambient noise exceeds these levels, noise attenuation is recommended so that buildings are designed to achieve interior noise levels of 45 dBA or lower. As shown in the table below, a total of 44 projected and potential development sites would be mapped with an (E) designation for noise attenuation. There are two levels of required noise attenuation depending upon the ambient noise levels. One level of attenuation is 30 dBA and the higher level of attenuation is 35 dBA. As shown in the table, there are 37 sites where the 30 dBA level of noise attenuation would be required and 7 sites where 35 dBA of noise attenuation would be required. With these attenuation measures, the Revised AHBI Alternative would not result in any significant adverse noise impacts.

Development Sites Receiving (E) Designation for Noise

30 dBA Attenuation				30 dBA Attenuation (continued)			
Site #	Block	Tax Lot	Minimum Required Building Attenuation (dBA)	Site #	Block	Tax Lot	Minimum Required Building Attenuation (dBA)
3	2494 2502 2472 2520 2510	1 1 2 57 1	30	41	2538	1	30
10	2483 2483	11 12	30	42	2539 2539	1 8	30
15	2483	25	30	44	2543	1	30
19	2511	1	30	51	2556 2556	45 46	30
22	2512	60	30	52	2556 2556 2556	55 57 58	30
26	2521 2521 2521	5 6 7	30	62	2570		30
43	2539 2539	29 27	30	67	2590	1	30
56	2567 2570 2556 2564	1 36 1 1	30	68	2590 2590 2590	210 215 222	30
302.1	2381	1	30	142	2304 2304 2304 2304	10 12 13 14	30
				298	2379	42	30

314	2393	14	30
1	2472	410	30
2	2472	425	30
3.1	2472 2494	32 6	30
3.2	2472	100	30
20	2511 2511	11 14	30
21	2511	31	30
24	2520	1	30
27	2521 2521 2521	11 12 13	30
34	2530 2530 2530	1 55 56	30
36	2531 2531 2531	9 10 110	30
37	2531	12	30
38	2531 2531	35 36	30
40	2532	1	30

	2379 2379	43 44	
303	2381 2381 2381	14 15 16	30
306	2384 2384 2384 2384	22 23 24 25	30
315	2393 2393	23 24	30
316	2404 2404	1 5	30
35 dBA Attenuation			
199	2324 2324	29 33	35
222	2340	1	35
233	2346	30	35
234	2346	26	35
304	2382	28	35
317	2416	27	35
318	2416	27	35

PUBLIC REVIEW

On October 4, 2004, the original application (N 050110 ZRK) was duly referred to Community Board 1 and the Brooklyn Borough President in accordance with the Commission’s policy for non-ULURP items. Concurrently, on October 4, 2004, the related applications (C 040415 MMK, C 040416 MMK, C 040417 MMK, C 040418 MMK, and C 050111 ZMK) were certified as complete by the Department of City Planning in accordance with Article 3 of the Uniform Land Use Procedure (ULURP) rules.

On December 29, 2004, the modified application (N 050110(A) ZRK) was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President for information and review. The modified application for the related zoning map change (C 050111(A) ZMK) was also referred on that date to Brooklyn Community Board 1 and the Brooklyn Borough President in accordance with Section 2-06(c)(1) of the Uniform Land Use Review Procedure.

Community Board Public Hearing

Community Board 1 held a public hearing on the original application (N 050110 ZRK) and related applications (C 050111 ZMK, C 040415 MMK, C 040416 MMK, C 040417 MMK, C 040418 MMK) on November 16, 2004, and on December 6, 2004, by a vote of 37 to 0 with no abstentions, adopted a resolution recommending disapproval of the zoning map and text change applications (C 050111 ZMK and N 050110 ZRK) with conditions and approval of the City Map change applications (C 040415 MMK, C 040416 MMK, C 040417 MMK, and C 040418 MMK) with conditions.

Community Board 1 provided a 32-page (plus graphics) letter on the project that grouped its concerns with respect to the Greenpoint-Williamsburg rezoning under four major headings, with the following introduction:

Although we believe that a rezoning of Greenpoint and Williamsburg could present a great opportunity for our local residential and business communities as well as the City as a whole, we believe that this rezoning proposal does not comply with the very basic goals of the 197-a plans which, as summarized, are to:

- Create new opportunities for residential and commercial development while preserving the community's low-density, mixed-income, and mixed-use character;
- Support and strengthen existing diversity and historic mixed-use character by reusing vacant buildings for a mixture of residential commercial and industrial uses, including workshops, high performance businesses, and studios;
- Significantly improve public waterfront access and increase the amount of public open space, both along the waterfront and in upland areas;
- Promote a clean and safe living and working environment; and
- Promote local economic development.

1. AFFORDABLE HOUSING

- At least 40% of the housing units created by the Rezoning Plan must be guaranteed to be affordable
- Written language in the rezoning plan should mandate inclusionary affordable housing

- Housing should be affordable to current residents of Community District 1 who cannot afford market prices, including senior citizens and working families
- Units should be attainable through marketing rules that allow access to all residents of Greenpoint-Williamsburg. Fifty percent of the affordable units should be reserved for residents of Community District 1.
- Affordable housing should be included within market-rate developments on the waterfront and in upland areas.
- An Affordable Housing Special District should be mapped as an overlay encompassing the entire Greenpoint-Williamsburg rezoning action area. It should contain both inclusionary housing as well as anti-harassment provisions:
 - Forty percent of the apartments in each new development of 15 or more units must be affordable to individuals and families within certain income bands, ranging from 25% of Area Median Income (50% of CB1 Area Median Income) to 150% of Area Median Income.
 - Special anti-harassment provisions for all upland areas in the rezoning area for the purpose of preserving and improving existing affordable housing and preventing displacement of long-time community residents. These provisions, modeled on modified and improved Clinton Special District provisions, shall include additional language and resources to protect existing residents of buildings with fewer than six units.

2. ECONOMIC DEVELOPMENT

The proposed Special Mixed Use District (MX-8) will not maintain the mix of uses in the neighborhood that is crucial to sustaining a diverse community fabric and stable job base. The Mixed-Use designation needs to encourage high-performance and light industrial and/or commercial development while adequately addressing the needs of residential development.

- Create a Modified Special Mixed Use District (MX-8a), which mandates that qualifying ground floors be occupied by uses listed in Use Group 11 and Use Groups 16 and 17 as modified. Map this district in areas currently zoned M(R) in the existing Special Northside Mixed Use District and areas currently zoned M3 and M1 in Northside.
- Create a Modified Special Mixed Use District (MX-8b), which provides a modified list of Use Groups for the MX text, primarily in areas currently zoned R(M) in the existing Special Northside Mixed Use District and in parts of Greenpoint.
- DCP should immediately undertake a study to rezone the existing M1-1 area near the Bushwick Inlet, roughly bounded by North 12th street, Banker Street, Franklin Street, Guernsey Street, and Nassau Avenue, from M1-1 to M1-2 to allow for existing industrial businesses to expand.

3. HEIGHT AND BULK

- Maintain relative consistency of floor area ratios throughout the neighborhood

- Ensure that new waterfront developments meld with their surroundings by limiting building heights and creating varying base heights to maintain the diverse street wall that defines this neighborhood and preserve the views of Manhattan from the upland areas;
- Discourage zoning lot assemblages in upland areas
- Encourage adaptive re-use of existing manufacturing buildings and renewal of the existing housing stock
- Greenpoint and Williamsburg are low-density, low-rise neighborhoods. Although each community needs and desires the development that will accompany this rezoning, it is a priority that the new development is in harmony with the existing diverse neighborhood character and sufficiently protects existing buildings
- In the area governed by the Waterfront Access Plan, map an F.A.R. of 3.4 with mandatory affordable housing provisions
- Permit additional waterfront development to an F.A.R. of 3.7 through amenity incentives
- Establish the following “primary community corridors,” which would be mapped with a C2-4 overlay and in upland areas would be mapped R6A:
 - Metropolitan Avenue; the BQE to the East River
 - North 6th Street; Bedford Avenue to the East River
 - Greenpoint Avenue, Manhattan Avenue to the East
 - Green Street; Manhattan Avenue to the East River
- Map R6B in upland areas where there is a strong existing residential fabric and adjacent to and within the Greenpoint Historic District.
- Map R6B with a C1-4 overlay adjacent to McCarren Park, the NY State Park and the proposed park north of the Bushwick Inlet.
- Map R6, paired with MX zoning, instead of R6A, in the remainder of upland areas.

4. PARKS AND OPEN SPACE

- Provide a guaranteed commitment to immediately develop the entire waterfront esplanade.
- Ensure that the entire waterfront esplanade guarantees full, open and convenient public access that remains continuously open to the public without any closure or restriction by private developers or landowners.
- Create more parks and open space:
 - Map Block 2472, Lot 32 as parkland
 - Swap Block 2494, Lot 6 to developer of Parcel 3 (Greenpoint Lumber Exchange) as part of expansion of Barge Park onto Block 2472, Lot 100
 - Release Block 2494, Lot 425 from MTA use either through a park mapping, or by being "swapped" with the owner of the adjacent Lot 100 for 3/4 of lot 100 to expand the existing Barge Park

- Map Block 2570 Lot 1 as parkland. This was formerly the site of the Continental Iron Works, where the Civil War ironclad "Monitor" and six other ironclad ships were built and launched into the East River.
- Map Block 2590 Lot 1 as parkland.
- Map Block 2590 Lots 210, 222 & 215 as parkland.
- Publicly develop the entire shore public walkway. If public funds within the City's fiscal budget are not available, the City should implement a bond fund.
- Modify WAP to preserve, create and enhance natural areas of habitat, especially at the Bushwick Inlet and along the shore public walkway.

Community Board 1 has major concerns that the parcel created by the proposed street demapping and park mapping actions, if not immediately acquired by the City and developed as public parkland, will remain vulnerable to private development of environmentally noxious uses and/or non-contextual residential development, severely exacerbating the community's drastic need for more public open space. As conditions for approval of the above-stated mapping action, Community Board 1 requests the City to undertake the following:

- Map additional parkland in Northern Greenpoint
- Guarantee acquisition and development of all four segments of the proposed waterfront park and identify a budget line.
- Prior to a park mapping, the city should present documentation that the property donated by Motiva to the Monitor Museum will be used in the creation of the USS Monitor Museum.

The complete Community Board 1 Resolution is attached to this report.

Borough President Recommendation

The original application (N 050110 ZMK) was considered by the Borough President, who issued on January 12, 2005 a recommendation disapproving the proposed zoning map and text applications (C 050111 ZMK and N 050110 ZRK) with conditions, and approving the proposed City Map changes (C 040415 MMK, C 040416 MMK, C 040417 MMK, and C 040418 MMK) with conditions.

The Borough President provided comments with the recommendation. The key elements of those comments are listed below and are fully described in the attached Borough President recommendation:

Disapproval of zoning map and text amendments with the following conditions:

- Protect residents from displacement
- Guarantee that a minimum of 30% of housing units are affordable to area residents

In addition, the City Planning Commission and/or City Council should take the following actions:

AFFORDABLE HOUSING

- Give preference for affordable housing to those being displaced

OPEN SPACE

- Renovate McCarren Park
- Provide more parks for Greenpoint
- Provide public waterfront access now
- Improve Waterfront Access Plan (WAP) provisions per CB1 recommendations

JOBS

- Preserve existing businesses and jobs; and, encourage expansion of burgeoning creative economy
- Delete from the rezoning proposal certain manufacturing blocks that have been proposed for mixed use zoning

PRESERVE COMMUNITY CHARACTER:

- Reduce permitted height adjacent to parks and historic districts,
- Preserve community character in other areas outside the area proposed rezoning

PUBLIC SERVICES

- Reinstate Engine 212 and provide a new ladder company
- Provide permanent EMS facilities

TRANSPORTATION

- Improve G and L service

Approve Park Mapping with the following conditions:

- Eliminate parcels owned by the Greenpoint Monitor Museum
- Initiate acquisition and improvements starting in FY 06

The Borough President's complete recommendation is attached to this report.

City Planning Commission Public Hearing

On January 5, 2005 (Calendar Nos. 5 and 6, respectively), the City Planning Commission scheduled January 19, 2005, for a public hearing on the original application (N 050110 ZRK) and the modified application (N 050110(A) ZRK). The hearing was duly held on January 19, 2005 (Calendar Nos. 15 and 16, respectively), in conjunction with the applications for the related actions (C 040415 MMK, C 040416 MMK, C 040417 MMK, C 040418 MMK, C 050111 ZMK, and C 050111(A) ZMK).

There were 28 speakers in favor of the applications and 46 speakers in opposition.

Speakers in favor included representatives of the NYC Partnership, New York State Association for Affordable Housing, Citizens Housing and Planning Council, American Institute of Architects - New York Chapter, New York Building Congress, New York Water Taxi, Regional Plan Association, Brooklyn Navy Yard Development Corporation, Building Trades Employees Organization, Building Construction Trades Council, International Brotherhood of Electrical Workers, and Utility Workers Union of America. Also speaking in favor were a former chair of the New York City Planning Commission, community residents, local business owners, developers, property owners and their representatives, and a representative of the Councilmember for the 34th District.

The speakers in favor stated the importance of the Greenpoint-Williamsburg rezoning as a comprehensive plan for reclaiming long-underutilized waterfront land along the East River waterfront of Greenpoint and Williamsburg for new housing and public access. They noted the importance of the rezoning for the city's economic development, for the creation of new housing and thousands of jobs, and for the increased City tax revenues that would result from development.

Several speakers endorsed both the rezoning's promotion of new housing development and the introduction of an Inclusionary Housing zoning bonus in the modified zoning text change application. Speakers in favor described the proposed Inclusionary Housing program as an effective means of leveraging private investment to address the provision of affordable housing to support healthy and diverse neighborhoods where city-owned land is scarce. Speakers highlighted the provision of a voluntary floor area bonus that can be combined with housing

finance programs as a flexible approach that will work under different market conditions and for different types of development. Speakers representing housing policy groups and advocates commended the collaborative process with the Department of City Planning and Department of Housing Preservation and Development to develop the Inclusionary Housing program for Greenpoint-Williamsburg. One speaker, representing a waterfront property owner, expressed support for the Inclusionary Housing bonus but concern about the structure of the incentive for sites located entirely within an R6 district on the waterfront..

Several speakers noted that the communities of Greenpoint and Williamsburg have long objected to noxious uses on the waterfront, and that the proposed actions would replace this outdated zoning and facilitate the development of uses that are compatible with the adjacent communities. Speakers testified that vacant and underutilized land which has resulted from a long-term decrease in industrial activity represents an opportunity for redevelopment, and that rezoning this land to allow new housing development and mixed use would build upon the strengths of these neighborhoods. Speakers also highlighted the plan's sensitivity to the unique character and the existing scale of the Greenpoint and Williamsburg neighborhoods, and the establishment of a transition between the scale of the inland neighborhood and the scale of proposed development on the waterfront.

Speakers characterized the plan as an historic opportunity to create a continuous waterfront esplanade and a new 28-acre waterfront park, which would be major contributions to the city's waterfront and important resources for neighborhoods with a need for more open space. The speakers noted the importance of waterfront access to healthy, thriving neighborhoods, and praised the proposed actions as a plan for continuous public access along two miles of waterfront where no public access exists today. Speakers commended the Waterfront Access Plan as the first in which the City tailors public access requirements to a specific waterfront on such a comprehensive scale.

Speakers stated the need for new housing in Greenpoint-Williamsburg as well as citywide. They expressed support for a balanced approach to rezoning which addresses community and urban design concerns as well as the feasibility of development on a former industrial waterfront, where development would be subject to unique costs associated with infrastructure, site cleanup, and waterfront open space improvements.

Speakers expressed support for waterborne transportation to supplement other transportation resources, and commended the proposed zoning text changes that would allow docks for water taxis within the rezoned area.

Representatives of local businesses testified that the proposed actions maintain manufacturing zoning in areas with high levels of industrial activity. A representative of Acme Smoked Fish Company expressed support for the modified zoning map change application, which removes the block on which this company is located from the proposed action, in order to facilitate the company's planned expansion onto an adjacent property.

Speakers in opposition included representatives of Catholic Charities, New York Industrial Retention Network, Metropolitan Waterfront Alliance, Municipal Arts Society, Pratt Institute Center for Community and Environmental Development, Neighbors Against Garbage, Greenpoint Waterfront Association for Parks and Planning, Los Sures, St. Nicholas Neighborhood Preservation Corporation, area residents, representatives of local community organizations, and local businesses. Also speaking in opposition were the Brooklyn Borough President, the Public Advocate, the Councilmember for the 33rd District, representatives of Community Board 1, and speakers representing the Congressman from New York's 12th District and the State Senator for the 17th District.

Many speakers noted their support for zoning changes to allow for redevelopment along the waterfront and mixed use within the inland portions of the rezoning area, but expressed concern about the need for additional mechanisms for affordable housing. The Borough President, the Council Member from the 33rd District, and the Public Advocate praised the plan's recognition of the waterfront as an unrealized opportunity for the provision of new housing and parks, but expressed concern about rising rents and the need for affordable housing within the broader Greenpoint-Williamsburg community. These speakers, along with representatives of Community Board 1, representatives of the Congressman from New York's 12th District and the State Senator for the 17th District, and housing advocates speaking in opposition, expressed a desire for assurances that affordable housing would result from the rezoning, and that requirements for a higher percentage of affordable units be included in the Inclusionary Housing program. Representatives of the Community Board and several elected officials called for a requirement

that 40 percent of new residential units be affordable in Greenpoint-Williamsburg. The Borough President, representatives of the Community Board, and several housing advocates speaking in opposition endorsed the establishment of anti-harassment protections for neighborhood residents.

A local industrial business owner and advocates for industrial business expressed concern about the proposed zoning changes and the ability of businesses to find affordable relocation space. Advocates cited the contributions of small businesses to the vital, creative energy of the neighborhoods, and recommended increased funding for the retention of industry and for the relocation of businesses within the city. A representative of Neighbors Against Garbage endorsed Community Board 1's recommendation for zoning mandating ground-floor industrial space in new developments.

Local residents and representatives of open space advocacy organizations cited the low ratio of open space per capita in Greenpoint-Williamsburg and requested assurances regarding the creation of the proposed parkland, as well as the creation of more open space, especially in Greenpoint. The Council Member from the 33rd District suggested that improvements to McCarren Park should also be considered.

A representative of the Community Board 1 Rezoning Task Force's Height and Bulk committee expressed concerns that the heights and densities permitted under the proposed zoning are greater than those that exist today in the neighborhood, particularly along the waterfront. This speaker also recommended that the proposed zoning include lower heights in the area near the Greenpoint Historic District.

The Public Advocate expressed a desire to see increased public transportation and open space resources to serve the neighborhoods in light of future development. The Public Advocate and the District Manager of Community Board 1 both expressed concern that additional capacity would be needed in public schools.

Representatives of and advocates for the Greenpoint Monitor Museum requested that the segment of the proposed waterfront park currently owned by the Monitor Museum be removed from the proposed actions, to accommodate their wish to create a museum on the site.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with those for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 04-080.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment of the Zoning Resolution (N 050110(A) ZRK), as further modified herein, in conjunction with the related applications for amendments to the Zoning Map, (N 050111(A) ZMK), as further modified herein, and amendments to the City Map (C 040415 MMK, C 040416 MMK, C 040417 MMK, C 040418 MMK), are appropriate.

The Commission supports this comprehensive plan for two miles of East River waterfront and the adjoining neighborhoods of Greenpoint and Williamsburg. The proposed actions would update the zoning on approximately 175 blocks to permit much-needed new housing along with light industry and commercial uses, establish a new 28-acre waterfront park, and facilitate two miles of continuous, publicly accessible open space on the waterfront. The reclamation of Greenpoint-Williamsburg's East River waterfront for public access, housing, and local retail would be a transformation hugely beneficial both to these neighborhoods and to the city as a whole, and, with other elements of these actions including an inclusionary housing program, would represent the fulfillment of long-standing community and city objectives.

The Commission notes the remarkable planning effort undertaken to develop the Greenpoint-Williamsburg Rezoning. For over three years, the Department of City Planning (DCP) has

conducted a detailed and far-sighted planning effort to address the profound changes that are already underway in Greenpoint and Williamsburg, and to extend the vitality of these neighborhoods to a waterfront that today sits largely vacant and inaccessible to the public. The Commission particularly acknowledges the efforts of Community Board 1 and its Rezoning Task Force, and the hard work of its members in weighing the many complex issues related to the rezoning. The Greenpoint and Williamsburg Waterfront 197-a plans, approved in 2002, served as an important basis for DCP's planning, and laid the groundwork for an extensive public outreach process. A sustained process of outreach and consultation with the Community Board, elected officials, and a wide range of other stakeholders, and a close collaboration with the Department of Housing Preservation and Development have resulted in substantial improvements to the plan's waterfront open space and urban design regulations, improvements to the proposed zoning map changes, and the creation of incentives for affordable housing. The result is a carefully constructed plan for waterfront access and urban design, a thoughtful and detailed zoning plan for the upland neighborhoods, and an innovative approach to the achievement of affordable housing in conjunction with the rezoning.

The zoning proposal for Greenpoint-Williamsburg builds upon the City's stated commitment to provide new affordable housing throughout New York City. Having heard extensive testimony from the public in support of more affordable housing, the Commission is pleased that the modified applications break new ground in extending zoning-based programs for affordable housing to medium-density residential districts, in order to provide assurances that new developments will include affordable housing. This enriched Inclusionary Housing program for Greenpoint and Williamsburg, discussed in greater detail below, would couple a zoning bonus with housing subsidy programs to create powerful incentives for affordable housing development in both the waterfront and upland portions of the rezoning area. The proposal also creates incentives for the preservation of existing affordable units in the broader communities of Greenpoint and Williamsburg. The Commission also notes the continuing efforts of the Department of Housing Preservation and Development to develop affordable housing on available City-owned properties throughout Community District 1. The Commission believes that this combination of measures would facilitate the development of affordable housing and help create an economically integrated neighborhood in Greenpoint-Williamsburg.

The Commission notes that with the City's population exceeding 8 million and continuing to grow, new housing development is vital to the city's economic health. The introduction of new housing supply is particularly important in a neighborhood where an extraordinary demand for housing exists, but where little new housing has been created since the early 20th century. The Commission recognizes that the long-term decline of industrial use along the East River in Greenpoint-Williamsburg has left large tracts of waterfront vacant and underutilized, and understands the importance of capitalizing on the opportunities for housing development on this land. The development of new housing, both on the waterfront and in the residential and mixed-use areas inland, will contribute to the ongoing revitalization of these neighborhoods, create thousands of jobs, and increase city tax revenues.

The neighborhoods of Greenpoint and Williamsburg have been undergoing a tremendous revitalization in recent years, as exemplified by the extraordinary activity seen today on the bustling commercial strips of Bedford Avenue in Williamsburg and Manhattan Avenue in Greenpoint. An influx of new residents and businesses, and a soaring demand for new housing in these mixed-use areas, has led to the renovation of old buildings for residential and commercial use, including residential conversion in most multi-story loft buildings in the Williamsburg area. Yet much of this change has occurred outside a legal framework, since existing zoning does not permit new housing development in much of the neighborhood. The Commission strongly believes that it is necessary to update the zoning to reflect the type of mixed use that exists within the neighborhood and to allow new housing development, for which a strong market clearly exists.

The Commission believes that, in order to address the City's critical need for new housing, it must identify areas where new development is possible on a substantial scale. In Greenpoint-Williamsburg, the Commission also believes that the goal of housing production must be reconciled with important urban design considerations, ensuring that new developments function as outgrowths of the existing vital neighborhoods, rather than undermining their character. The Commission believes that the proposed regulations for the Greenpoint-Williamsburg waterfront balance these concerns, permitting the development of tall buildings on the waterfront while establishing height and setback regulations that ensure a sensitive transition to the scale of adjoining neighborhoods.

The Greenpoint-Williamsburg rezoning would also establish height limits regulating development in upland areas. In approximately 50 blocks of the upland area where housing development is currently permitted, current zoning regulations do not include height limits. Recent development activity in Greenpoint-Williamsburg indicates that, absent height limits, new buildings up to 200 feet or more could be built within these predominantly low-rise neighborhoods. The Commission believes that the establishment of height limits within most of the upland area will permit much-needed housing development while preventing out-of-scale development.

The Commission strongly supports the goal of giving New Yorkers access to their waterfront, and endorses the provisions of the rezoning which, in combination with the mapping of parkland, would reconnect these growing neighborhoods to the East River waterfront. The establishment of 49 acres of publicly accessible waterfront open space, including a new waterfront park and a detailed plan for two miles of waterfront public access, would create an important open space asset for both the local Greenpoint and Williamsburg communities and the City as a whole.

The plan envisions continuous access along the waterfront, extending from North 3rd Street in Williamsburg to Manhattan Avenue in Greenpoint. The centerpiece of this waterfront would be a new, 28-acre park stretching from North 9th Street to Quay Street, providing new recreational opportunities for the communities of Greenpoint and Williamsburg, as well as public access to the uniquely sheltered cove at the Bushwick Inlet. Linking a series of public parks along the waterfront would be a series of public access areas, required in conjunction with residential development on waterfront sites. Under the Greenpoint-Williamsburg Waterfront Access Plan (WAP), waterfront developments would be required to create and maintain a shore public walkway, as well as additional public access areas on land and on piers, as a condition of development. These public access areas would be closely linked to the inland community by a series of public streets and required upland connections, ensuring numerous public pathways to the waterfront. A common design vocabulary of railings, light fixtures, and benches, selected by the community and prescribed in the WAP, would reinforce the sense of continuity and coherent identity of this waterfront.

The Commission recognizes the importance of manufacturing businesses to the city's economy, and the need to accommodate such businesses and vital city facilities. The Greenpoint-

Williamsburg Rezoning establishes mixed-use districts in areas where light industry, other commercial activity, and residences coexist. The plan also maintains manufacturing zoning where critical concentrations of industry exist and where new residential uses are inappropriate. The Commission notes that no zoning changes are proposed for the important industrial areas in Greenpoint east of McGuinness Boulevard and in the East Williamsburg In Place Industrial Park, where the industrial economy remains strong, as exhibited by continuing private capital investment in industrial facilities.

The Commission heard testimony questioning the relationship of the proposed plan to the recommendations of the Greenpoint and Williamsburg 197-a plans. The Commission acknowledges the importance of the 197-a plans as a guide to policy and believes they serve as valuable foundations for the proposed rezoning plan. The Commission observes, however, that conditions have continued to change within these neighborhoods since the 197-a plans were adopted, and notes that, as a result of further analysis, both the Greenpoint-Williamsburg Rezoning and the Community Board's recommendations diverge from certain specific recommendations of the 197-a plans. For instance, while the 197-a plans recommended the study of contextual zoning designations on the waterfront, the proposed actions require contextual-style development where waterfront blocks meet the neighborhood, and permit taller buildings closer to the waterfront. At the same time, the current proposal includes more open space than specified in the 197-a plans, as well as zoning-based mechanisms to achieve the affordable housing goals of those plans. The Commission believes that the 197-a plans not only served as an important policy guide for the proposed actions, but also laid the foundations for the extensive public outreach and community deliberation that shaped the plan.

AMENDMENTS TO THE ZONING MAP AND ZONING RESOLUTION

(C 050111(A) ZMK and N 050110(A) ZRK)

The Commission believes that the amendments to the zoning map (C 050111(A) ZMK) and amendments to the zoning text (N 050110(A) ZRK), as further modified herein, are appropriate to facilitate the development of housing and open spaces, in tandem with light industry and commercial uses, along two miles of East River waterfront and within the upland neighborhoods of Greenpoint and Williamsburg. The Commission notes that these modified applications were

filed on December 22, 2004. The modified applications respond to several comments received during the Community Board review period with respect to the original applications (C 050111 ZMK and N 050110 ZRK). These comments included recommendations for the establishment of an Inclusionary Housing program for both waterfront and upland portions of the rezoning area, as well as recommendations for modifications to height and setback regulations on the waterfront. The Commission believes that the provisions of the modified applications strengthen and improve the plan. The Commission is hereby adopting the modified applications, together with further modifications to the text and zoning map made herein, and described in more detail below.

Upland Areas

The proposed zoning map changes to establish residential districts, commercial overlay districts, Special Mixed Use Districts, and light manufacturing districts would both reflect existing land uses and facilitate new housing development on vacant and underutilized land. The proposed zoning designations would accommodate a mix of uses, and maintain prohibitions on residential use in areas that are characterized by high levels of industrial activity. In areas proposed for residential and mixed use districts, height limits would ensure that new buildings fit in with the surrounding neighborhoods.

Residential Districts

The proposed residential zoning districts would recognize those portions of the neighborhood where existing land uses are predominantly residential and community facilities, including the residential core of the Northside neighborhood, centered around Bedford Avenue; blocks along the west side of Franklin Street between Eagle and Java Streets; the blocks between Grand Street and South 4th Street between Berry Street and Wythe Avenue; and several blocks near Graham Avenue, northeast of McCarren Park. The proposed residential districts would make numerous nonconforming residential buildings conforming uses and permit new as-of-right residential development, as well as the reactivation of vacant residential buildings.

Special Mixed Use District (MX-8)

The proposed expansion of the Special Mixed Use District (MX-8) would accommodate the mix of uses, including residential, commercial, and light industrial uses, that exist in the areas surrounding the residential core of Northside, near the Williamsburg Bridge, and between

Franklin and West Streets in Greenpoint. The Special Mixed Use District would allow new housing development as well as the continuation and expansion of light industry and commercial businesses within the area. The mixed-use zoning would also allow the legalization of the numerous residentially converted loft buildings in the rezoning area, and more flexible home occupation provisions would accommodate the type of live-work use that is common in these loft buildings. In addition, the Commission notes that the proposed mixed-use zoning would make existing light industrial uses conforming uses, allowing them to expand, and would permit new light industrial uses to locate in these areas. The Commission also notes that the bulk regulations of the MX-8 district will either maintain or increase the allowable densities for light industrial and commercial uses throughout the rezoning area. In several areas the proposed action would increase the permitted FAR for such uses from 1.0 to 2.0, providing additional flexibility for in-place expansion of existing businesses.

The Commission heard testimony from the Borough President and from advocates for industrial businesses expressing concern about the effect of the proposed mixed-use districts on businesses in the rezoning area. The Commission notes that the proposed zoning map changes, as further modified herein, would maintain manufacturing districts in areas where there are high levels of industrial activity, where adjacent conditions are conducive to industrial use, and where there currently is little or no residential use. Recognizing this, the Commission is further modifying the zoning change by maintaining manufacturing zoning on 13 blocks or portions of blocks on which the original and modified applications proposed mixed-use zoning (see “Manufacturing Districts,” below).

The rezoning to mixed-use districts is part of a comprehensive and balanced plan that also maintains manufacturing districts where levels of industrial activity are high and where prohibition of new residential uses is appropriate. The Commission also notes that the City’s Industrial Policy, released in January, has a number of components that will also help strengthen the area’s industrial job base. These include the designation of Industrial Business Zones (IBZ) in important industrial areas such as East Williamsburg, as well as new programmatic assistance for industrial expansion, development and business relocation. This policy also includes an industrial ombudsman for the Greenpoint and Williamsburg mixed-use areas to assist local industrial businesses and provide direct access to incentive and assistance programs.

Community Board 1 recommended establishment of a new mixed use district that mandates ground-floor industrial space in new developments. The proposed Special Mixed Use District would permit, but not require, both light industrial and residential uses in the same building. The Commission believes that permitting such a configuration of uses within a building is appropriate given the mix of uses in the neighborhood, particularly the mixed use observed in loft buildings. However, the Commission believes that a requirement for ground-floor industrial space is not appropriate. Restrictions limiting ground floors to industrial use have been imposed elsewhere in the city without success. In the rezoning area, such a requirement would mandate new construction of a building type that has not been produced by the private market, and may not be generally feasible. In addition, the Commission notes that retail services are needed where residents live, and that the areas where mixed-use districts are proposed currently contain a variety of ground-floor uses, including commercial and residential as well as light industrial uses.

Manufacturing Districts

The proposed M1-2 manufacturing districts would facilitate continued industrial activity in the area between McCarren Park and Kent Avenue/Franklin Street and at the northern end of Manhattan Avenue. The Commission believes that these manufacturing districts would allow existing industrial businesses to continue, and permit light industrial and commercial uses that are compatible with the nearby residential and mixed-use districts.

The Commission heard testimony from the Acme Smoked Fish Company in support of the modified zoning map change application, which maintains the existing M3-1 zoning on the block along Gem Street where Acme maintains facilities. The Commission believes that the maintenance of the existing zoning on this block will facilitate the continued operation and planned expansion of this company, which employs 150 people, many of whom live in the adjoining neighborhoods.

The Commission acknowledges the Borough President's recommendation that up to forty blocks proposed for mixed-use zoning in the original application be maintained as manufacturing districts. The proposed zoning map changes as modified herein would maintain manufacturing districts on thirteen blocks or portions of blocks in the Williamsburg area proposed for mixed-

use zoning in the original and modified applications. These modifications would retain the existing manufacturing zoning in the following areas:

- An area generally bounded by Metropolitan Avenue, Union Avenue, Grand Street, and Rodney Street;
- A block bounded by North 3rd Street, Berry Street, Metropolitan Avenue, and Wythe Avenue;
- A portion of an area generally bounded by North First Street, Berry Street, Grand Street, and Wythe Avenue; and
- An area generally bounded by Berry Street, North 4th Street, Wythe Avenue, and North 6th Street

In addition, the Commission is further modifying the application by rezoning to M1-2 an area generally bounded by North 3rd Street, Wythe Avenue, Grand Street, and Kent Avenue.

The Commission heard testimony from businesses located on these blocks, recommending the maintenance of manufacturing districts at these locations. The Commission also received and has considered testimony from owners of property on these blocks, recommending that they be rezoned to permit residential use. The Commission believes that the maintenance of these manufacturing districts will provide opportunities for existing businesses to remain in place, as well as future locations for industrial and commercial businesses in areas where such uses are appropriate. The removal of these blocks from the rezoning is not expected to affect the overall amount of new housing construction.

Commercial Corridors

C1-4 and C2-4 commercial overlay districts are proposed on the existing and emerging retail corridors of the neighborhood. The Commission supports the proposed commercial overlays, which would support the continued development of primary and secondary retail corridors to serve existing and future residents.

The Commission acknowledges the Community Board's recommendations for "primary community corridors," important east-west streets where retail would be encouraged. The proposed commercial overlays and MX-8 district would permit retail on the community's identified corridors of Green Street, Greenpoint Avenue, North 6th Street, and Metropolitan Avenue, as well as along Grand Street.

Upland Density and Height Limits

The proposed residential and mixed-use districts include contextual zoning designations (R6B, R6A, R7A) to ensure that new developments in the upland area are consistent with the characteristic heights of the neighborhood.

The proposed R6B and MX-8, M1-2/R6B districts will allow new housing development that is consistent with the three- to four-story residential buildings that characterize areas such as the residential core of the Northside neighborhood, the Franklin Street corridor in Greenpoint, and several blocks near Graham Avenue northeast of McCarren Park. The Commission believes the maximum FAR of 2.0, and the residential height limit of 40 feet at the streetwall, with an additional 10 feet permitted after a setback, is appropriate to the built context of these areas.

The proposed R6A and MX-8, M1-2/R6A districts will accommodate the development of new housing consistent with the five- to six-story built context that is characteristic of the loft buildings and larger apartment buildings within the neighborhood. The Commission believes that the maximum residential FAR of 3.0, and the residential height limit of 60 feet at the streetwall, with an additional 10 feet permitted after a setback, is appropriate given the taller context of these areas.

An MX-8, M1-2/R7A district is proposed for a block at the intersection of Bedford Avenue and North 12th Street, just south of McCarren Park. This block is occupied largely by a vacant lot, formerly the site of a paint factory. The Commission believes that the maximum residential FAR of 4.0, and the residential height limit of 65 feet at the streetwall, with an additional 15 feet permitted after a setback, is appropriate at this location. The proposed zoning for this site will encourage streetwall development along all three frontages of this site.

The proposed R6 and MX-8, M1-2/R6 districts will facilitate the development of new housing in portions of the upland area that are characterized by a mix of building heights, where there are irregularly shaped zoning lots, or where elevated structures that make contextual buildings less practical, such as the Brooklyn Queens Expressway, Williamsburg Bridge, and Pulaski Bridge approach, exist nearby. The Commission believes that the maximum residential FAR of 2.43 (or

under the Quality Housing option, 2.2 on a narrow street, and 3.0 on a wide street), and the additional flexibility of the zoning envelope are appropriate in these areas.

The Commission notes that contextual zoning districts would be located not only in areas that exhibit a well-defined residential context, but also in areas containing substantial amounts of vacant land and low-rise industrial buildings, where future development would further define the character of the streetscape. While currently, in a substantial part of the rezoning area, new residential development is permitted as-of-right without height limits and without the option of the Quality Housing program, the proposed zoning districts would make the Quality Housing program and its corresponding height limits mandatory throughout most of the rezoning area, and voluntary in the remaining portion. The Commission believes that the proposed zoning designations permit substantial opportunities for much-needed residential development at a density and scale that is consistent with the built character of these neighborhoods.

In response to comments received during the public review process, the Commission is adopting further modifications to the proposed zoning map changes. The MX-8, M1-2/R6A zoning proposed on the west side of Franklin Street between Java and Oak Streets, and between Calyer and Quay Streets, is being changed to MX-8, M1-2/R6B. The Commission notes that this further modification reflects recommendations from the Community Board and the Borough President for a reduction in permitted heights and densities adjacent to the Greenpoint Historic District. The Commission believes this modification is appropriate to limit building heights on the west side of the Franklin Street corridor, creating a transition in scale between the Greenpoint Historic District and the areas closer to the waterfront.

The Community Board recommended that the proposed zoning maintain the relative consistency of FARs throughout the neighborhood. The Commission notes that existing buildings within the neighborhood have a range of FARs, including many residential buildings of over 3 FAR and loft buildings of more than 5 FAR. The Commission believes that the proposed R6B, R6A, R7A, and R6 residential designations would establish limitations on FAR and heights that are consistent with the existing context.

The Commission notes the recommendation from Community Board 1 for R6B districts adjacent to McCarren Park and other open spaces within the rezoning area. The Commission believes that

regulations permitting streetwall heights of between 40 and 60 feet in R6A districts, and between 40 and 65 feet in R7A districts, are appropriate in these areas and would promote streetwall development that enhances the pedestrian environment opposite parks and open spaces.

In response to the recommendation from Community Board 1 for a non-contextual, MX-8, M1-2/R6 designation in a large portion of the upland area, the Commission notes that such zoning would permit out-of-scale development on large lots in predominantly low-rise portions of the Northside neighborhood. Therefore, the Commission believes that the proposed MX-8, M1-2/R6B and MX-8, M1-2/R6A districts are appropriate.

The Commission also notes that the Inclusionary Housing program proposed for the upland portion of the rezoning area, described in greater detail below, would promote the creation and preservation of affordable housing while maintaining height limits within these upland areas.

Waterfront Access Plan

The proposed text changes would establish a Waterfront Access Plan (WAP) for the waterfront area extending from North 3rd Street to Manhattan Avenue. The WAP identifies specific locations for waterfront public access areas, modifies waterfront access design regulations to allow flexibility for curvilinear paths and a variety of shoreline treatments, and establishes a consistent design vocabulary for public access areas within this open space network. In conjunction with the proposed zoning map changes to establish residential districts along the waterfront, the WAP would require the creation of continuous public access to and along the waterfront as a condition of development along these two miles of East River waterfront.

The WAP would establish a route for a continuous shore public walkway, linked to waterfront parks, from Manhattan Avenue and North 3rd Street. The shore public walkway would typically be 40 feet wide, with a 12-foot clear path and requirements for planting and buffer areas. Public access would be required on piers at the end of Green Street and North 6th Street, both of which are east-west commercial corridors where C2-4 commercial overlays would be mapped.

With each waterfront parcel required to provide between 15 and 20 percent of the site for public access, the WAP would locate supplemental public access requirements at strategic locations to enlarge parks and other public access areas and to augment the shore public walkway. For

instance, between Huron Street and Kent Street in Greenpoint, supplemental public access requirements would widen the shore public walkway to nearly 100 feet. On WAP parcel 13, a large supplemental access area is required on the south side of Greenpoint Avenue, mirroring the former WNYC transmitter site, which the Parks Department and EDC are currently planning as parkland. On WAP parcel 5c, a supplemental access area would be required adjacent to the Green Street pier, an adjacent upland connection, and the shore public walkway. A smaller supplemental access area would be required on Parcel 25, in order to provide a public route around the MTA ventilation building located at the end of North 7th Street.

The WAP would also provide incentives for developments to include several amenities requested by the Community Board 1 Rezoning Task Force's Open Space Committee, such as tot lots and chess tables. Developments providing these amenities would be entitled to a modest reduction of the required supplemental access area. The Commission believes this incentive is an effective means of promoting amenities that would be valuable additions to the waterfront area but might not otherwise be built in conjunction with private development.

The Commission notes that the modified zoning text change application incorporates modifications to the WAP that reorient the requirements for Parcel 14. The Calyer Street upland connection would lead from West Street to a point along the shore public walkway near the southern edge of the parcel, and supplemental access areas required to the north and east of this point. This configuration focuses public access at the point where it is most important and valuable, near the edge of the Bushwick Inlet, where the site projects furthest into the East River.

The Commission notes that this is the first time that a Waterfront Access Plan has been applied on such a comprehensive scale, and believes that these modifications of the requirements of waterfront zoning provide a detailed open space plan tailored to the conditions of this waterfront. The Commission also notes several innovations of the Greenpoint-Williamsburg WAP, including the aggregation of public access requirements for parcels spanning multiple blocks, accommodations for a variety of shoreline treatments, and the incorporation into the zoning text of design specifications for benches, light fixtures, and railings selected by the community.

The Commission heard testimony about the importance of trees in waterfront access areas. The Commission notes that the Waterfront Access Plan includes detailed requirements for the

provision of shade trees in public access areas. In addition, in response to input from the Community Board 1 Rezoning Task Force encouraging the provision of shade near the shoreline, the Commission notes that the WAP requires half the required shade trees in the shore public walkway to be located within 10 feet of the clear path near the shoreline. In addition, the WAP includes requirements for the provision of shade in supplemental access areas provided on piers.

There was testimony encouraging the immediate public development of the entire shore public walkway. The Commission notes the City's experience to date with reclaiming its waterfront for public access, and that this process has been an incremental one, even in instances where the City owns the land. The Greenpoint-Williamsburg waterfront is largely in private ownership, and its redevelopment will occur over a period of time. The WAP, in conjunction with the proposed zoning map changes, provides assurances that future development along the waterfront will include a coordinated network of public access with important connections to the neighborhood. The Commission also notes the recommendations from the Borough President and the Community Board for public financing of waterfront improvements. The Commission notes in this regard that the Waterfront Access Plan's requirements for the development and maintenance of public access areas as a condition of development complement the City's own substantial commitment to the creation of public parks along the waterfront.

In response to testimony encouraging the establishment of an entity to oversee maintenance and oversight of public access areas created in conjunction with private developments under the WAP, the Commission is adopting further modifications to the proposed zoning text changes. This modification to the zoning text would enable two or more waterfront developments to enter into an agreement forming an entity to perform the maintenance and operation responsibilities for multiple developments. The Commission believes this modification is appropriate to facilitate the coordination of maintenance and operation functions for public access areas created through the WAP.

The Commission heard testimony encouraging the City to ensure that the waterfront esplanade remains open to the public at all times. Waterfront zoning requires that developments keep waterfront access areas fully open to the public from dawn to dusk, post a bond for the maintenance of these areas, and sign a maintenance and operation agreement with the Parks Department. Because a WAP cannot increase the requirements of the waterfront zoning

regulations, 24-hour access cannot be mandated on private development sites. The Commission acknowledges the desirability of public access to the waterfront during the hours after dusk, while understanding the importance of safety and security in all public access areas. The Commission believes that the proposed zoning text changes to allow small retail establishments in areas adjacent to waterfront public access areas will encourage waterfront developments to keep public access areas open beyond the hours during which zoning can require it and promote activity that will help keep these areas safe during those hours.

Waterfront Development

The proposed zoning map and text changes would facilitate the redevelopment of a currently vacant and underutilized waterfront for new housing and local retail. A blend of R6 and R8 residential districts, coupled with zoning text changes, would establish a detailed urban design plan for the residential redevelopment of this waterfront area. C2-4 commercial overlay districts along Commercial Street, West Street, and Kent Avenue would encourage retail activity where waterfront developments meet the adjacent neighborhood. Additional C2-4 overlays on the continuation of Green Street, Greenpoint Avenue, and North 6th Street within waterfront blocks would promote local retail on these important east-west corridors leading to the waterfront. An M1-2 zoning district would accommodate continued light industrial activity in the area surrounding the Greenpoint Manufacturing and Design Center along Newtown Creek.

The Commission believes the proposed zoning map and text changes provide a balanced approach to the redevelopment of the Greenpoint-Williamsburg waterfront, producing a sensitive urban design plan for the waterfront while providing sufficient flexibility for feasible development and quality design. The blend of R6 and R8 districts would facilitate new development at a moderate density, addressing both the relationship of waterfront blocks to the adjacent neighborhood and the feasibility of development on sites subject to unusual site planning issues and exceptional costs associated with infrastructure, public access improvements, and potential environmental remediation.

Height and Setback Regulations

The proposed zoning text's height and setback regulations for waterfront development emphasize the importance of the relationship between the upland neighborhoods and new development on the waterfront. The Commission notes that the streets at the edge of waterfront

blocks in Greenpoint and Williamsburg are narrow, 60-foot-wide neighborhood streets, rather than the boulevards and circumferential highways that gird many other portions of the city's waterfront. The height limit of 65 feet for new buildings at the upland edge of waterfront blocks would ensure that development at these locations does not exceed the scale of existing and future buildings in the adjacent upland area, and would establish a sensitive transition where taller buildings might otherwise constitute a barrier. The height and setback regulations on the waterfront would ensure the development of a variety of building types on large waterfront sites, including substantial low-rise components as well as towers. The height limits closer to the waterfront – 150 feet in R6 districts, and 250 and 350 feet in R8 districts (with an additional 50 feet permitted in R8 districts under the Inclusionary Housing bonus) – would result in a varied skyline with buildings at several different heights.

The Commission heard testimony expressing concern that the heights and densities permitted on the waterfront under the proposed zoning are greater than those that exist today within the neighborhood. The Commission recognizes that the proposed height limits on the waterfront would indeed permit taller buildings, and that the permitted densities on the waterfront are higher than elsewhere in the rezoning area but remain lower than the maximum FAR permitted further south on the Greenpoint-Williamsburg waterfront. The Commission understands the urban design and site planning rationale for permitting taller buildings near the waterfront and finds it compelling. The proposed zoning would limit building heights along the narrow streets of Kent Avenue, West Street, and Commercial Street, and require the development of streetwall to ensure a transition to the adjacent low-rise neighborhoods. The development of taller buildings closer to the waterfront would bring activity and vitality to the water's edge. In addition, the proposed building height and tower floorplate regulations reduce the number of towers that would be built on these sites, and lessen the sense of bulk at the pedestrian level. The Commission also notes that waterfront access requirements and the high water table constrain locations for buildings on waterfront sites. The Commission thus believes that the proposed height and setback regulations address the critical urban design concerns on these waterfront sites while permitting substantial new housing development on these large, underutilized sites.

Streetwall Requirements

The proposed regulations would produce waterfront developments with a pedestrian-friendly streetscape along all paths to the waterfront. Under provisions introduced in the modified zoning

text change application, developments would be required to build a streetwall at a minimum height of 30 feet along all streets, upland connections, and visual corridors. In addition, regulations would require parking structures to be “wrapped” by active use.

The Commission acknowledges the Community Board’s recommendation for variation in streetwall heights and a lower minimum streetwall height on waterfront blocks, and notes that the modified text change application responds to these comments. The modified zoning text change application reduced the minimum streetwall height from 40 to 30 feet, and extended the streetwall requirements not only to Commercial Street, West Street, and Kent Avenue, but to all streets, upland connections, and visual corridors. The Commission believes that the proposed streetwall regulations will ensure that new development contains a significant low-rise component that activates the pedestrian environment.

Parking Structures

The Commission recognizes that new residential developments will require accessory parking, but that because of the high water table construction of below-grade parking would be expensive on waterfront sites, parking for waterfront developments is likely to be located in above-ground structures. The proposed zoning text includes requirements for parking structures to be “wrapped” with active use. Because parking is prohibited within this “wrap,” the modified zoning text change application includes additional flexibility for parking by exempting accessory parking spaces located below a height of 33 feet (increased from 23 feet) from the definition of floor area. This provision gives new residential developments the flexibility to accommodate necessary accessory parking, while ensuring that the pedestrian-friendly quality of public pathways to the waterfront is not disrupted by exposed parking structures.

The Commission believes that the required accessible landscaped space on garage rooftops is an innovative feature and will provide useful private open space for the residents of new developments.

Street Trees

Proposed regulations would require street tree plantings throughout waterfront blocks. The requirement for street trees will enhance the streetscape on routes leading to waterfront public access areas. The Commission also notes that the planting of street trees in the waterfront area, as

well as in the upland area as required under the Quality Housing Program, will help restore the tree population within these neighborhoods, which in recent years have lost many of their street trees to Asian longhorn beetle infestation.

Setback and Floorplate Rules

Adjustments to waterfront zoning's setback and floorplate rules within the rezoned area would provide additional flexibility in the waterfront bulk regulations for development suited to the conditions of these waterfront sites, while maintaining limits on building dimensions and placement to promote good urban design. Buildings would be required to set back above the maximum base height of 65 feet in R6 districts and 70 feet in R8 districts. The proposed new regulations would require a single setback below the uppermost 40 feet of tall buildings, rather than a setback for each floor within the uppermost 40 feet, as generally required under waterfront zoning. The Commission believes that such relief provides additional design flexibility while maintaining requirements for articulation in tower design. The proposed regulations would also increase the maximum floorplate for towers in R8 districts from 8,100 square feet to 11,000 square feet. The Commission notes that this provision will result in the development of fewer towers on waterfront sites, and believes it will also improve financial feasibility of development by reducing the number of circulation cores needed.

The Commission heard testimony recommending that the proposed zoning text changes maintain requirements for towers to be oriented with the narrow end facing the waterfront. The Commission believes that towers should be oriented so as to preserve visual openness between the neighborhood and the waterfront. The Commission therefore is adopting further modifications to the proposed zoning text changes that limit the portion of a tower facing the water to 110 feet. The Commission believes that these further modifications will prevent towers from creating a visual barrier to the waterfront, while preserving sufficient flexibility to orient towers at a range of angles along the curving waterfront.

Permitted Commercial Uses

The Commission believes that waterborne transportation can provide additional transportation resources for residents of and visitors to Greenpoint and Williamsburg. Water taxis, limited to 99 or fewer passengers, can provide additional transportation resources without the need for parking spaces or pick-up and drop-off areas. Therefore, the Commission believes the proposed zoning

text amendment permitting docks for water taxis as of right within the rezoned area is appropriate to supplement available transportation options along the Greenpoint-Williamsburg waterfront.

Commercial uses would be permitted within commercial overlay districts proposed on Commercial Street, West Street, Kent Avenue, Green Street, Greenpoint Avenue, and North 6th Street. The Commission believes that the proposed regulations additionally allowing small retail establishments, limited to 10,000 square feet per establishment, outside commercial overlays on waterfront sites will stimulate activity near waterfront public access areas. Retail activity will promote safety and security in waterfront public access areas, and provide incentives for developments to keep the waterfront open to the public after dusk.

Inclusionary Housing Program

The Commission is committed to promoting the development of affordable housing in New York City, and strongly believes it is important to ensure an economically diverse community in Greenpoint and Williamsburg. The need for affordable housing within these neighborhoods was the subject of greatest public comment during the public review process. The Commission is pleased that the modified zoning text change application includes an expanded Inclusionary Housing Program for both the waterfront and upland portions of the rezoning area. The Commission notes that the program for Greenpoint-Williamsburg would be the first application of the Inclusionary Housing program in medium-density districts outside Manhattan.

The Commission notes that the Inclusionary Housing program in the modified zoning text application, with the further modifications described below, reflects several recommendations and comments of Community Board 1 and the Borough President to promote affordable units in conjunction with both rental and condominium developments, to preserve existing affordable units, and to promote not only low-income housing, but also affordable housing targeted to a variety of income levels. In order to increase the incentive for the inclusion of affordable housing on waterfront sites, the modified application not only included a bonus up to 4.7 FAR, but also reduced the base FAR from 4.3 to 4.0. A bonus for providing affordable housing would also be available in upland portions of the rezoning area, where bonus floor area would be accommodated within contextual height limits. Developments could satisfy the affordable housing requirement by developing affordable units on-site or off-site, or by acquiring and

preserving existing housing at affordable rents. The zoning bonus could be combined with housing subsidy programs, creating a powerful incentive for the creation and preservation of affordable housing within Greenpoint and Williamsburg in conjunction with new development.

The Commission notes that the Inclusionary Housing program proposed for Greenpoint and Williamsburg would include many of the innovations recently adopted for the Hudson Yards area. For instance, subsidized units used to earn the bonus would be required to remain permanently affordable, regardless of the term of affordability normally required by any subsidy program regulations. In addition, to encourage use of the program's preservation option, eligibility requirements are based on average rent formulas rather than income, in order to increase the number of buildings and households eligible for the program. Use of the preservation option, as well as the offsite new construction option, would address the need for permanent affordable housing not only within the rezoning area, but also in the entire Greenpoint and Williamsburg areas through the preservation of existing units at affordable rents in perpetuity. Where affordable housing is built on the same zoning lot as market-rate housing, the affordable housing could be located in a separate building, or in a portion of a building that also contains market-rate housing.

The Commission notes that the modified zoning text change application includes an additional provision to encourage the development of affordable housing on waterfront sites, in the form of regulations which would allow the deferral of waterfront access improvements for an all-affordable phase on a larger waterfront development site. The Commission believes these modifications are appropriate to encourage the near-term development of affordable housing on the waterfront.

The Commission is adopting herein further modifications to the Inclusionary Housing Program, of a primarily technical nature, that would improve the functioning of the Inclusionary Housing bonus and encourage its use in Greenpoint-Williamsburg. At the public hearing, a representative of a waterfront property owner testified that the Inclusionary Housing bonus for a waterfront site located entirely within an R6 district did not provide an effective incentive for the inclusion of affordable units. The Commission notes that the Inclusionary Housing program for R6 sites on the waterfront does not permit additional height for developments providing affordable housing, and that the FAR bonus available for waterfront R6 sites is smaller than the bonus available on

sites located within both R6 and R8 districts. Recognizing this, the Commission is adopting herein further modifications to ensure that the zoning bonus provides a strong incentive for the inclusion of affordable units in developments on these sites.

The Commission acknowledges that the local Council Members and the Borough President have recommended that development resulting from the rezoning, along with affordable housing development on public sites and by nonprofit entities, should result in 30 or 40 percent of units being affordable. The number of units resulting from the Inclusionary Housing Program for Greenpoint and Williamsburg is dependent on the income levels and size of affordable units. The number of units of new affordable housing expected as a consequence of the Greenpoint-Williamsburg Inclusionary Housing program would be approximately 20 percent of new development, with additional units possible through future actions to develop affordable housing on publicly controlled sites. The Commission is confident that, taken together, the Inclusionary Housing Program as adopted, coupled with use of various HPD, HDC, and HFA finance programs, and the City's commitment to developing affordable housing on publicly controlled sites, constitute a powerful affordable housing strategy that is responsive to the comments of the Council Members and the Borough President.

The Commission heard testimony that the income ranges for affordable housing under the Inclusionary Housing program should be more directed to low-income households. The Commission notes that under the proposed regulations, all affordable units used to earn the bonus on upland sites would be required to be for low-income households, below 80% of Area Median Income (AMI), and that all waterfront developments earning the bonus would have to target at least 10 to 15 percent of units to low-income households. The Commission further notes that fully 60% of the affordable units anticipated from the Inclusionary Housing bonus, housing programs, and expected developments on public sites in Greenpoint-Williamsburg, taken together, will be affordable to families earning less than 50% of AMI (\$30,000 per year for a family of four). In addition, the Commission notes that 15% of the units will be targeted to families earning below 60% of AMI (\$37,000 for a family of four). The Commission thus believes that the proposed regulations will produce affordable housing at a variety of income levels, while targeting the area of greatest need, to low-income households.

The Greenpoint-Williamsburg Inclusionary Housing program would also help to mitigate the potential secondary displacement impact disclosed in the FEIS. As disclosed in the FEIS, approximately 2,500 area residents could be subject to increased secondary displacement pressures as a consequence of changes in the real estate market induced by the Greenpoint-Williamsburg Rezoning. The proposed inclusionary housing program would incentivize the preservation of existing affordable housing units and the production of new affordable units, for which 50 percent of the affordable units would be set aside for residents of Community District 1.

Testimony was received at the public hearing recommending a mandatory affordable housing requirement. The Commission acknowledges the issues raised by HPD and DCP with respect to the suggestion of such a requirement, and notes the City's strong record of providing effective voluntary incentives to private developers to produce affordable housing, including the voluntary Inclusionary Housing bonus program that is currently applicable in the city's highest-density zoning districts. New York City has been, and continues to be, the municipality that leads the country in providing affordable housing. With the adoption of a new Inclusionary Housing program in Hudson Yards and the proposed pioneering, middle-density, enhanced Inclusionary Housing Bonus program that is part of this action, New York will continue to lead American municipalities with its aggressive use of zoning-based mechanisms to promote affordable housing.

The Commission notes that, while there is a strong demand for new housing in Greenpoint and Williamsburg today, waterfront sites are subject to a range of exceptional costs, and that this waterfront represents a new and untested market where changes in market conditions could affect the feasibility of new housing development. The Commission heard considerable testimony regarding the difficulty of designing a mandatory inclusionary housing program that would provide effective incentives to private developers in a range of market conditions, and the risk that a mandatory inclusionary housing program without such incentives would impede housing development in the event that market conditions decline from their current high levels. The Commission also notes that requiring inclusionary housing as a condition of the residential development proposed in Greenpoint and Williamsburg would be outside the scope of this action.

The Commission applauds the work of DCP and HPD in crafting powerful voluntary affordable housing incentives as part of the modified zoning text change applications, as further modified by the Commission herein. The Commission believes that the proposed regulations establish an effective approach to promoting affordable housing development where city-owned land is scarce, and one that would work under a variety of market conditions and for different types of development. The Commission encourages HPD to make further use of the resources it has available to increase the production of affordable housing on all available public sites in Greenpoint-Williamsburg and promote a mixed-income community.

The Commission heard testimony requesting adoption of anti-harassment provisions for the rezoning area similar to those in the Special Clinton District. The Commission also acknowledges the concerns of local residents regarding the cost of housing in the broader communities of Greenpoint and Williamsburg. The Commission notes that the proposed Inclusionary Housing program would encourage new, permanently affordable units in conjunction with new development, and that units produced using housing subsidy programs would include a 50 percent preference for residents of Community District 1. The Commission notes that while anti-harassment provisions would be beyond the scope of this action, DCP and HPD should continue discussions with the community and local elected officials to determine an appropriate response to their concerns.

AMENDMENTS TO THE CITY MAP (C 040415 MMK, C 040416 MMK, C 040417 MMK, C 040418 MMK)

The Commission believes that the applications for amendments to the City Map to create a new Inlet Park between North 9th Street and Quay Street; eliminate portions of North 9th Street, North 10th Street, North 11th Street, and North 12th Street between Kent Avenue and the U.S. Pierhead Line, and a portion of Quay Street between West Street and the U.S. Bulkhead Line; delineate sewer corridors, adjust grades necessitated thereby, and any acquisition or disposition of real property related thereto; are appropriate.

The proposed Inlet Park would extend from the northern boundary of the State Park at North 9th Street to the northern edge of the Bushwick Inlet, at Quay Street, encompassing approximately 27.8 acres of land above water, as well as additional lands below water, including the entire

Bushwick Inlet. It would also connect to the six-acre State Park site to the south, creating continuous public parkland extending south to North 7th Street. The Commission believes that the Inlet Park would provide important new recreational opportunities for the communities of Greenpoint and Williamsburg. While the programming of the park has not yet been established, the combination of the proposed park and the State Park would create over three-quarters of a mile of continuous public waterfront access, including the entire perimeter of the Bushwick Inlet, where the waterfront is currently completely inaccessible to the public. In addition, the park would provide new opportunities for active recreation to serve both existing and future residents of Greenpoint and Williamsburg.

The Commission notes the particular importance of the Bushwick Inlet in the geography of this waterfront. The inlet is the only sheltered body of water along this stretch of the East River waterfront, which is dominated by strong tidal currents. The inlet therefore would provide unique opportunities for the public to experience the waterfront, including the potential for recreational boating. The Commission also acknowledges the Community Board's recommendation to establish and protect natural habitat along the waterfront, particularly in the area of the Bushwick Inlet. While opportunities for ensuring areas of habitat and naturalistic conditions at the water's edge are limited on private development sites, the Commission believes that the proposed park would provide opportunities to promote various conditions at the inlet, including areas of habitat as well as opportunities for public access to the sheltered waters of the inlet.

The Commission notes that it received a proposal from the Greenpoint Waterfront Association for Parks and Planning requesting the creation of additional park acreage along the waterfront through other actions. The Commission also acknowledges the Community Board's recommendation for more open space in Greenpoint. The Commission notes efforts underway to create new parks in the rezoning area, including the planning effort by the Department of Parks and Recreation and the Economic Development Corporation to transform the former WNYC transmitter site on the waterfront at the end of Greenpoint Avenue into the first piece of parkland along this portion of the East River waterfront. The Commission also notes that the proposed Inlet Park will be an open space resource of sufficient size and location as to be an important resource for both the Greenpoint and Williamsburg communities. The establishment of a new, 28-acre park on the waterfront would be an extraordinary contribution to the open space resources available to these communities, providing not only a quantitative increase in the open

space within these communities, but also a critical qualitative improvement by opening up a significant, contiguous portion of the waterfront for public enjoyment. The Commission also acknowledges opportunities for future open space on pieces of publicly owned land that are currently committed to other uses, such as a portion of the city-owned waterfront land currently under lease to the Greenpoint Lumber Exchange. The Commission believes that the future relocation of the DEP sludge handling facilities could provide opportunities for more public open space at the northern end of Greenpoint.

In response to testimony regarding the Greenpoint Monitor Museum, the Commission notes that the narrow parcel involved, along the northern edge of the Bushwick Inlet, provides a critical link in the two-mile chain of continuous public access envisioned under the plan. The Commission further notes that the park mapping involves four separate applications, in order to allow for the phased acquisition of parkland. This process permits an opportunity for a dialogue between the City and the Monitor Museum regarding the unique circumstances of this site. The Commission is confident that the proposed park mapping can achieve parkland with continuous public access around the Bushwick Inlet while respecting the integrity of the area's history.

The Commission heard testimony both in favor of and in opposition to the proposed siting of a power generation facility on the southern edge of the Bushwick Inlet. The Commission notes that the City has opposed the proposed power generation facility at this location within the Article X proceedings at the State level. The Commission further notes that the proposed actions would establish parkland on this site as part of a comprehensive plan for the waterfront and upland neighborhoods, and that the power plant proposal before the State Siting Board is not the subject of this application.

CONCLUDING COMMENTS

The Commission is pleased that the public review process resulting in adoption of these applications has been characterized by substantial and meaningful public engagement and comment. Several recommendations from the Community Board, the Borough President, and civic organizations have been incorporated into the modified applications and are also reflected in the Commission's further modifications. The Commission believes that the comments and recommendations received both prior to and during the process have thus contributed to making this a stronger plan.

Greenpoint and Williamsburg today are neighborhoods at a crossroads. Existing regulations do not address numerous issues of vital concern to these neighborhoods – requiring appropriate uses and public access on the waterfront, creating new parkland for growing neighborhoods, accommodating the demand for new housing, encouraging the development and preservation of affordable housing, limiting the heights of new buildings in keeping with neighborhood context, and providing a rational guide for future land use change. The Commission believes that the Greenpoint-Williamsburg Rezoning is a comprehensive, well-considered, and farsighted plan to address these issues and provide for the future growth of these neighborhoods. Under this plan, Greenpoint and Williamsburg, and New York City as a whole, can capitalize on the opportunity to transform an underused industrial waterfront into open space and new housing, promote mixed-income communities, and protect the character of these great neighborhoods.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on March 4, 2005, with respect to this application (CEQR No. 04DCP003K), together with the Technical Memorandum, dated March 2005, prepared with respect to the further modifications adopted by the City Planning Commission herein, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that, consistent with social, economic and other essential considerations:

1. Consistent with social, economic and other essential considerations, including the provision of affordable housing, from among the reasonable alternatives thereto, the Revised AHBI Alternative set forth in the FEIS and the Technical Memorandum, dated March 2005, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. Adverse environmental impacts disclosed in the FEIS with respect to the Revised AHBI Alternative will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, and the Technical Memorandum, dated March 2005, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the Zoning Resolution of the City Of New York, effective as of December 15, 1961, and as subsequently amended is further amended as follows:

Underlined matter is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

23-145

For residential buildings developed or enlarged pursuant to the Quality Housing Program

R6 R7 R8 R9

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for any #residential building# on a #zoning lot developed# or #enlarged# pursuant to the Quality Housing Program shall be as set forth in the following table and the maximums for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

MAXIMUM LOT COVERAGE AND FAR FOR QUALITY HOUSING BUILDINGS (in percent)

(TABLE)

The #floor area ratios# in the table above may be increased in certain R6 and R7 Districts within Community District 1, Borough of Brooklyn, pursuant to Section 23-90 (INCLUSIONARY HOUSING).

* * *

**23-90
INCLUSIONARY HOUSING**

**23-91
General Provisions**

R10

~~In the district indicated, a~~An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing within neighborhoods experiencing a shift from mixed to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-9495.

**23-92
Applicability**

**23-921
R10 Districts**

The Inclusionary Housing Program shall apply in R10 Districts.

**23-922
Community District 1, Borough of Brooklyn**

The Inclusionary Housing Program shall apply in the following areas of Community District 1 in the Borough of Brooklyn located north of the Williamsburg Bridge, Washington Plaza, Borinquen Place and Grand Street:

- (a) Waterfront Access Plan BK-1, as set forth in Section 62-352;
- (b) all #Special Mixed Use Districts#;
- (c) all R6A, R6B and R7A Districts; and
- (d) the following R6 areas:
 - (1) the #block# bounded by Havemeyer Street, North Sixth Street, Metropolitan Avenue and North Fifth Street;
 - (2) the #block# bounded by Roebling Street, North Fifth Street, Havemeyer Street and Metropolitan Avenue;
 - (3) those #blocks# bounded by Wythe Avenue, Grand Street, Berry Street and South Third Street;
 - (4) those #blocks# and portions of #blocks# bounded by Bedford Avenue, North 1st Street, Driggs Street, Fillmore Place, Roebling Street, and a line coincident with the centerline of the long dimension of the #blocks# bounded by Bedford Avenue, Grand Street, Roebling Street and South First Street; and
 - (5) that portion of the #block# bounded by Franklin Street, Huron Street, Manhattan Avenue and India Street that is within 100 feet of Franklin Street and 100 feet of India Street.

23-92 23-93

Definitions

For the purposes of the Inclusionary Housing program, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

Administering agent

The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.

The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful, or, in Community District 1, Borough of Brooklyn, if

the #floor area# of the #standard units# comprising the #lower income housing# constitutes less than half of the total #residential floor area# or #community facility floor area used# as a not-for-profit institution with sleeping accommodations in the #building#.

* * *

Fair rent

* * *

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income household# responsible for the payment of utilities as long as the sum of:

- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment do not exceed 30 percent of said #lower income household's# income.

However, in Community District 1, Borough of Brooklyn, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of city, state or federal programs assisting #lower income housing# will be considered 'fair rent', provided that such rents do not exceed 30 percent of #lower income household#'s income, as applicable, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing#, no portion of the #fair rents# shall be for the payment of the principal or interest on any debt, and the #lower income housing# shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. #Fair rents# may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such #lower income housing# other than those capital improvements set forth in the #lower income housing plan#.

In Community District 1, Borough of Brooklyn, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development

finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95(c) of this Resolution, and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Lower income household

A "lower income household" is a #family# having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

In Community District 1, Borough of Brooklyn, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

"Lower income housing" are #standard units# occupied or to be occupied by #lower income households#. #Lower income housing# shall not include #standard units# assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) real estate tax abatements and exemptions which are specifically limited to the #lower income housing#; or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such #lower income housing#.

However, in Community District 1, Borough of Brooklyn, #lower income housing# shall include #standard units# assisted under city, state or federal programs.

Lower income housing plan

The "lower income housing plan", is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified #lower income housing# pursuant to this program, including but not limited to, choice of #administering agent#, tenant selection, rent levels in the #lower income housing# and income verification of tenants pursuant to Section ~~23-94~~ 23-95 paragraphs (b), (c) and (d) of this Resolution.

* * *

23-93 23-94

Floor Area Compensation

23-941

In R10 Districts

The #floor area ratio# of a #development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #development# provides #lower income housing# pursuant to Section ~~23-94~~ 23-95 (Lower Income Housing Requirements).

For each square foot of #floor area# provided for #lower income housing# pursuant to the options listed in Column A and which meets the requirements set forth in Section ~~23-94~~ 23-95, the #floor area# of the #development# may be increased by the number of square feet set forth in Column B.

* * *

23-942

In Community District 1, Borough of Brooklyn

The provisions of this Section 23-942 shall apply in the designated areas set forth in Section 23-922, except within Waterfront Access Plan Bk-1. The #floor area# of a #development# or #enlargement# may be increased by two square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table below. In addition, the following rules shall apply:

- (a) The compensated #building# must be #developed# or #enlarged# pursuant to the Quality Housing Program, or, in #Special Mixed Use Districts#, pursuant to paragraph (b) of Section 123-662, and
- (b) The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements).

<u>District</u>	<u>Base #floor area ratio#</u>	<u>Maximum #floor area ratio#</u>
<u>R6B</u>	<u>2.0</u>	<u>2.2</u>
<u>R6*</u>	<u>2.2</u>	<u>2.42</u>
<u>R6A</u>	<u>3.0</u>	<u>3.6</u>
<u>R6**</u>	<u>3.0</u>	<u>3.6</u>
<u>R7A</u>	<u>4.0</u>	<u>4.6</u>

* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

23-94 23-95

Lower Income Housing Requirements

R10

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Section ~~23-941, 23-942 and 23-943~~, 23-951, 23-952 and 23-953 and such #lower income housing# must meet each of the requirements set forth below.

* * *

(g) Insurance

The #administering agent# of the #lower income housing# shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing.

Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to #lower income housing#, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in Community District 1, Borough of Brooklyn, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the financing of #lower income housing# that is assisted under city, state or federal programs.

23-941 23-951

On-site new construction option

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

- (a) The #lower income housing# shall be located in newly constructed #floor area# in the #compensated development#. The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.
- (b) #Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such units unless at least 80 percent of all #stories# contain two such units. The size of the designated #lower income housing# units shall at least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:

- under 600 net square feet
- 600 - 749 net square feet
- 750 - 949 net square feet
- 950 - 1149 net square feet
- 1150 or more net square feet

In Community District 1, Borough of Brooklyn, the requirements of this paragraph (b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

23-942 23-952

Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

- (a) The #lower income housing# shall be located either:
 - (1) within the same Community District as the #compensated development#; or
 - (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn shall be located in an adjacent Community District in the Borough of Brooklyn.

For the new construction option the #lower income housing# shall be in a new #building#. For the substantial rehabilitation options, the #lower income housing# shall

be in an existing #building# in which, prior to the submission of the #lower income housing plan# pursuant to this Section, any #residential# portion not in public ownership had been entirely vacant for not less than three years.

Furthermore, in Community District 1, Borough of Brooklyn, the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing and Preservation and Development approves the #lower income housing plan#.

* * *

~~23-943~~ 23-953

Preservation option

To qualify for this option, the designated #lower income housing# shall meet the following requirements.

- (a) The #lower income housing# shall be located either:
 - (1) within the same Community District as the #compensated development#; or
 - (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn shall be located in an adjacent Community District in the Borough of Brooklyn.

The #lower income housing# shall be in an existing occupied #residential# or #mixed building#. Only #standard units# occupied by #lower income households# shall be #lower income housing#. For each #standard unit# designated as #lower income housing# the #administering agent# shall verify the income of the household in tenancy.

Furthermore, in Community District 1, Borough of Brooklyn, the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

* * *

**ARTICLE VI
CHAPTER 2: SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA**

* * *

**62-14
Requirements for Recordation**

* * *

In addition, the preceding public access elements shall be recorded on the certificate of occupancy by the Department of Buildings or Business services, as applicable, and shall be a condition of issuance of such certificate of occupancy.

For parcels identified in Waterfront Access Plan BK-1 for which an alternate plan for joint maintenance and operation has been approved pursuant to paragraph (e) of Section 62-624, the provisions of such plan and the instruments established pursuant thereto shall supersede those of the maintenance and operation agreement described in this Section 62-14.

* * *

62-20 SPECIAL USE REGULATIONS

* * *

62-29 Special Use Regulations for Waterfront Access Plan BK-1

All Use Group 6 and 9 #uses# delineated in Section 62-212 (Waterfront-Enhancing Uses) not otherwise permitted, shall be a permitted use on any parcel identified in Waterfront Access Plan BK-1, provided that such use is limited to not more than 10,000 square feet of #floor area# per establishment; the total amount of #floor area# used for such #uses# does not exceed two per cent of the total amount of #floor area# permitted on such parcel; and such #uses# are located below the level of the first #story# ceiling of a #building# or are located on a #pier# or #platform#.

Additionally, Docks for water taxis (Use Group 6) and Docks or mooring facilities for non-commercial pleasure boats (Use Group 6) shall be a permitted use on any parcel identified in Waterfront Access Plan BK-1.

* * *

62-30 SPECIAL BULK REGULATIONS

All #zoning lots# within #waterfront blocks# shall comply with the #bulk# regulations of this Section. For the purposes of this Section, non-#waterfront blocks# included in Waterfront Access Plan BK-1 shall be considered to be #waterfront blocks#. Existing non-complying buildings or other structures shall be subject to the provisions of Article V (Non-Conforming Uses and non-complying Buildings).

* * *

**62-31
Bulk Computations on Waterfront Zoning Lots**

* * *

- (a) #Floor area#, #dwelling units# or #rooming units# generated by existing #piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for new #piers# or #platforms#, except within Waterfront Access Plan BK-1. Such # bulk# distribution shall be permitted for new portions of #piers# located within Waterfront Access Plan BK-1, provided that such new portion of the #pier# is accessed from a portion of an existing #pier# containing not less than 25 percent of the #water coverage# of such existing #pier# and that the #water coverage# of the new and existing portions of the #pier# does not exceed the #water coverage# of the existing #pier#.

* * *

**62-35
Special Bulk Regulations within Waterfront Access Plan BK-1**

Within Waterfront Access Plan BK-1, the special #bulk# regulations of this Chapter are further modified as set forth in this Section 62-35, inclusive.

**62-351
Special floor area regulations**

- (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 R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 5.5. In R6 and R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# may be increased for #developments# and #enlargements# that provide lower income housing pursuant to Section 62-352.

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

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#.

62-352

Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING) shall apply in R6 and R8 Districts within Waterfront Access Plan BK-1 as modified in this Section.

(a) Definitions

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate incomehousehold# or a #middle income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (1) the then-currently applicable "30 Percent Standard"; or
- (2) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income :

- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of city, state or federal programs assisting #lower income housing# will be considered “fair rent,” provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household#’s income, as applicable, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable 30 Percent Standard or the Rent Stabilization Standard.

Lower income housing

For the purposes of this Section, “lower income housing” shall include #standard units# occupied or to be occupied by #lower income#, #moderate income# or #middle income households#.

Moderate income household

For the purposes of this Section 62-352, a “moderate income household” is a #family# having an income equal to or less than the following proportion:

$$\frac{125}{80}$$

of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

Middle income household

For the purposes of this Section 62-352, a “middle income household” is a #family# having an income equal to or less than the following proportion:

$$\frac{175}{80}$$

of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

(b) Floor area increase

- (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 5.5 to 6.5, provided that:
- (i) at least 15% of the total #floor area# on the #zoning lot# is occupied by #lower income households#, or
 - (ii) at least 10% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 10% of the total #floor area# on the #zoning lot# is occupied by #moderate income households#, or
 - (iii) at least 10% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 15% of the total #floor area# on the #zoning lot# is occupied by #middle income households#.
- (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) at least 7.5% of the total #floor area# on the #zoning lot# is occupied by #lower income households#, or
 - (ii) at least 5% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 5% of the total #floor area# on the #zoning lot# is occupied by #moderate income households#, or
 - (iii) at least 5% of the total #floor area# on the #zoning lot# is occupied by #lower income households# and at least 7.5% of the total #floor area# on the #zoning lot# is occupied by #middle income households#.

Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the compensated #development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such compensated #development#, inclusive of #floor area# bonused pursuant to this Section.

(c) Lower Income Housing Requirements

#Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section 23-95, except as modified in this paragraph (c).

- (1) The provisions of Section 23-95(b) shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#.

Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

- (2) The provisions of Section 23-95(d) shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.

- (3) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Section 23-951(a), 23-952(b) and 23-953(a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, Section 23-953(a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing preservation and Development approves the #lower income housing plan#.

- (d) Permits and certificate of occupancy

The requirements of paragraph (f) of Section 23-94 shall not apply. In lieu thereof, the provisions of this paragraph (d) shall apply.

No building permit for any portion of the #compensated development# that utilizes #floor area# bonused 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 the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused 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), until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# which 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), until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused 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), the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

62-353

Special floor area, lot coverage and residential density distribution regulations

Within any parcel identified in Section 62-831, and with respect to any such parcels which are adjacent to each other and which are under single fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in (e) of the definition of a #zoning lot# in Section 12-10) or with respect to which each party in interest (as defined in (f)(4) of the definition of a #zoning lot# in Section 12-10) has executed a declaration declaring that the properties are to be develop 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 Section 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 Section 62-31 and Section 62-34 as modified by Section 62-354.

62-354

Special Height and Setback Regulations

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 structure# located on a #zoning lot# with more than 100 feet of frontage on a #street# in R6 Districts, at least 20 percent of such frontage shall not exceed a maximum base height of 55 feet or 5 #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 in shall be 110 feet. In R8 Districts, the maximum #building# height shall be 210 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 210 feet to a maximum #building# height of 310 feet. Such maximum #building# heights of 110 feet, 210 feet and 310 feet may be exceeded by a penthouse portion of a #building#, provided any #story# of a #building# within such penthouse portion does not exceed 85 percent of the gross area of the highest #story# of the same #building# entirely below a height of 110 feet, 210 feet or 310 feet, as applicable, and the maximum height of such penthouse portion does not exceed 40 feet.
 - (2) For #developments# that provide #lower income housing# pursuant to Section 62-352, the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in this paragraph (b) 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#, provided any #story# of a #building# within such penthouse portion does not exceed 85 percent of the gross area of the highest #story# of the same #building# entirely below a height of 260

feet or 360 feet, as applicable, and the maximum height of such penthouse portion does not exceed 40 feet.

- (c) Paragraphs (c)(3) (#Floor area# distribution) and (c)(5) (Additional setback provisions for high #buildings#) 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. 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)(6) 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.
- (f) Paragraph (c)(7) (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 5 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 5 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 3 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 #streetwall# of a #building# or #buildings# fronting on a portion of a #street#, #upland connection# or #visual corridor# which 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) All #developments#, conversions, and #enlargements# or #extensions# which increase the existing #floor area# by more than 10 percent, shall provide along the entire #street# length of the #zoning lot#, one tree for every 25 feet of # street# frontage. Such trees shall be of at least three-inch caliper at the time of planting and be placed at approximately equal intervals except where the Department of Parks and Recreation determines that such tree planting would be unfeasible. Such trees shall be planted in accordance with the standards of the Department of Parks and Recreation.

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**62-50
SPECIAL PARKING AND LOADING REGULATIONS**

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**62-57
Special Parking and Loading Regulations for Waterfront Access Plan BK-1**

Within Waterfront Access Plan BK-1 the Special Parking and Loading Regulations of this section are further modified as follows:

- (a) The provisions of Section 62-511 and Section 62-521 shall not be applicable.
- (b) #Accessory# off-street parking spaces for #uses# permitted pursuant to Section 62-29 shall be provided in conformity with the regulations of Sections 36-21, 36-22 and 36-232 for C2-4 districts.
- (c) Any required #accessory# off-street parking spaces provided for #uses# located on a parcel identified in Waterfront Access Plan BK-1 may be located anywhere within such parcel.

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**62-60
DESIGN STANDARDS FOR THE WATERFRONT AREA**

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**62-624
Maintenance and operation of waterfront public access areas**

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(e) Alternate plans for joint maintenance and operation in Waterfront Access Plan BK-1

For parcels identified in Waterfront Access Plan BK-1, the owners of two or more such parcels may, either for purposes of certification pursuant to Section 62-711 or at any time thereafter, submit an alternate plan to the Chair for the joint maintenance and operation of waterfront public access areas on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability, and any other matters set forth in paragraphs (b) and (c) of this Section, as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the waterfront public access areas. Such plan and any instruments as are necessary for its implementation may be approved by the Chair and the Commissioner of Parks and Recreation upon a determination that:

- (1) implementation of the plan would enhance maintenance and operation of the waterfront public access areas consistent with the purposes of this Article; and
- (2) participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.

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**62-70
SPECIAL REVIEW PROVISIONS**

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**62-711
Waterfront public access and visual corridors**

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- (e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-416 (Special regulations for zoning lots that include parks).

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for the phased implementation of all required public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of public access area proportionate to the amount of #floor area# being #developed# in each phase. Additionally, for any #development# located within 240 feet of a #shoreline#, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of #shore public walkway# and any adjacent #supplemental public access area# located between such #development# and such #shore public walkway#; one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#; and at least one other connection from the #shore public

walkway# to an adjacent #shore public walkway#, #street# or other #upland connection#. For any #development# located entirely beyond 240 feet of a #shoreline#, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of #shore public walkway# and one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#. However, no public access area need be provided for a phase consisting of a #development # in which all #residences# in such phase are affordable #residences# for #lower income households# as defined in Section 23-93, or #moderate income households# or #middle income households# as defined in Section 62-352, provided that such exemption shall only apply where 25 percent or less of the total #residential floor area#, including any applicable #floor area bonuses#, on the parcel have been #developed#.

A certificate pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-14 (Requirements for Recordation).

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62-80
WATERFRONT ACCESS PLANS

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62-812
Elements of a Waterfront Access Plan

A Waterfront Access Plan may:

- (a) on #zoning lots# where public access or #visual corridors# are required pursuant to the provisions of Sections 62-40 and 62-60, modify the size, configuration, location or design of required waterfront public access areas or #visual corridors# within certain designated areas in order to address local conditions, provided such plan does not impose a public access or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-40 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a zoning lot may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the public access and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the public access and #visual corridor# requirements of each zoning lot within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot lines#;

* * *

62-83
Borough of Brooklyn

The following Waterfront Access Plans are hereby established within the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint/ Williamsburg, as set forth in Section 62-831.

* * *

62-831

Waterfront Access Plan BK-1:
Greenpoint-Williamsburg

Maps BK-1a through BK-1c in paragraph (g) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on (date of adoption), as follows:

- Parcel 1: Block 2472, Lot 350
- Parcel 2: Block 2472, Lot 400
- Parcel 3: Block 2472, Lot 410
- Parcel 4: Block 2472, Lot 425
- Parcel 5a: Block 2472, Lot 100
- Parcel 5b: Block 2472, Lot 32 and Block 2494, Lot 6
- Parcel 5c: Block 2472 Lot 2, Block 2494 Lot 1, Block 2502 Lot 1, Block 2510 Lot 1 and Block 2520 Lot 57
- Parcel 6: Block 2472, Lot 75
- Parcel 7: Block 2520, Lot 1
- Parcel 8: Block 2530, Lots 55 and 56
- Parcel 9: Block 2530, Lots 1
- Parcel 10: Block 2538, Lot 1
- Parcel 11: Block 2543, Lot 1
- Parcel 12: Block 2556, Lots 41
- Parcel 13: Block 2556 Lot 1, Block 2564 Lot 1, Block 2567 Lot 1 and Block 2570 Lot 36
- Parcel 14: Block 2570, Lot 1
- Parcel 15: Block 2590, Lot 1
- Parcel 16: Block 2590, Lot 210
- Parcel 17: Block 2590, Lot 215
- Parcel 18: Block 2590, Lot 22
- Parcel 19: Block 2590, Lot 25
- Parcel 20: Block 2590, Lot 100 and Block 2277, Lot 1
- Parcel 21: Block 2287, Lot 1, 16 and 30 and Block 2294 Lots 1 and 5
- Parcel 22: Block 2301, Lots 1, 50, 60 & 70
- Parcel 23: Block 2316, Lot 46
- Parcel 24: Block 2308, Lot 1 and Block 2316, Lot 1
- Parcel 25: Block 2324, Lot 1 & Block 2332, Lot 1

Parcel 26: Block 2340, Lot 1
Parcel 27: Block 2348, Lot 1

(a) Area wide modifications:

The following provisions shall apply to all #developments# required to provide public access, pursuant to Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS):

- (1) Paragraph (c) of Section 62-412 (Requirements for public access on piers) is applicable, except that a minimum of 15 feet are required along each water edge.
- (2) The provisions of Section 62-61 (Design Options and Methodology) shall be inapplicable. In lieu thereof, the following provisions shall apply:
 - (i) All required public access areas and #visual corridors# shall comply with the general requirements set forth in Section 62-62 (General Requirements for Public Access Areas) and the specific requirements as set forth in this Section.
 - (ii) #Upland connections#, #visual corridors#, public access areas on #piers# and public access areas in conjunction with #floating structures# shall comply with the design requirements set forth in Sections 62-64 through 62-66, inclusive.
 - (iii) Public access areas are subject to the design reference standards set forth in Section 62-67 and paragraph (d) of this Section.
- (3) The provisions of Section 62-623 (Supplemental public access areas) shall be inapplicable. In lieu thereof, the following provisions shall apply:
 - (i) A required #supplemental public access area# shall be directly connected to either a #pier# public access area, an #upland connection# or a #shore public walkway# on either its landward or seaward side and its pedestrian circulation zone shall be contiguous with the adjacent pedestrian circulation zone.
 - (ii) A buffer zone shall only be required where a #supplemental public access area# adjoins a non-publicly accessible portion of a #zoning lot#, in which case its minimum width shall be 15 feet.
- (4) #Street# Treatment

All #streets# adjacent to a #shore public walkway# or #supplemental public access area# shall be improved as a continuation of such #shore public walkway#

or #supplemental public access area#, pursuant to the design requirements of paragraph (b) of this Section, inclusive.

(b) Specific design requirements for Public Access Prototypes

The provisions of Section 62-63 (Specific Design Requirements for Public Access Prototypes) shall be inapplicable. In lieu thereof the following provisions for #shore public walkways# and #supplemental public access areas# shall apply:

(1) Greenpoint-Williamsburg Shore Public Walkway-Prototype I

- (i) One circulation path with a minimum clear width of 12 feet is required. The path must be within ten feet of the seaward edge of the #shore public walkway#, except when rip rap, beach or other shoreline materials are provided in a publicly accessible area seaward of the path.
- (ii) A minimum of one linear foot of seating shall be provided for every 100 square feet of #shore public walkway#. At least 60 percent of the required seating shall be landward of the required circulation path.
- (iii) A minimum of 50 percent of the pedestrian circulation zone, excluding the required circulation path, shall be planting area. Rip rap, beach or other shoreline materials may be counted as an equivalent to planting area.
- (iv) One shade tree is required for every 1,200 square feet of #shore public walkway# and one small or ornamental tree shall be required for every 750 square feet of #shore public walkway#. Trees may be located either in the pedestrian circulation zone landward of the required circulation path or in the buffer zone. Fifty percent of required shade trees shall be located within 10 feet of the required clear path.

(2) Greenpoint-Williamsburg Shore Public Walkway-Prototype II

- (i) The provisions of 62-621 (Shore public walkways) shall apply except that a #shore public walkway# shall have a minimum 30 foot pedestrian circulation zone and a minimum 15 foot buffer zone.
- (ii) One circulation path with a minimum clear width of 12 feet is required. The path must be within ten feet of the seaward edge of the #shore public walkway#, except when rip rap, beach or other shoreline materials are provided in a publicly accessible area seaward of the path, in which case, the path shall be located within 20 feet of the shoreline.

A secondary circulation path may be provided, with a minimum width of 10 feet. Connecting paths having a minimum width of ten feet shall be

provided between the two circulation paths at intervals not to exceed 100 feet.

- (iii) A minimum of one linear foot of seating shall be provided for every 70 square feet of #shore public walkway#.
- (iv) A minimum of 70 percent of the pedestrian circulation zone, excluding the required circulation path shall be planting area. A minimum of 50 percent of this planting area must be improved as lawn according to the provisions of Section 62-675 (Planting and trees).
- (v) One shade tree is required for every 1,900 square feet of #shore public walkway# and shall be located in the pedestrian circulation zone. In addition, one shade, small or ornamental tree shall be required for every 850 square feet of #shore public walkway# and may be located either in the pedestrian circulation zone or in the buffer zone. Fifty percent of required shade trees shall be located within 10 feet of the required clear path.

(3) Greenpoint-Williamsburg Supplemental Public Access - Waterfront Plaza

- (i) The entire #supplemental public access area# shall be a pedestrian circulation zone, except for any buffer zone required by paragraph (a)(3)(ii) of this Section.
- (ii) There shall be at least one circulation path throughout the #supplemental public access area#. Such path shall provide access to the primary entrance of any building or #use# that is within or adjacent to the #supplemental public access area#.

The required circulation path shall have a minimum clear width of ten feet and any other circulation path shall have a minimum clear width of six feet.

Within a transition zone, the minimum aggregate width of clear path along any side of the #supplemental public access area# shall be equal to 50 percent of the length of the intersection between the two public access areas, and any single path providing access between waterfront public access areas shall have a minimum width of 10 feet.

- (iii) A minimum of one linear foot of seating shall be provided for every 40 square feet of pedestrian circulation zone. Fifty percent of required seating shall be under shade throughout the day.
- (iv) A minimum of 25 percent of the pedestrian circulation zone shall be planting area.

- (v) Four trees shall be required for the first 2,500 square feet of #supplemental public access area#, at least two of which shall be shade trees. For each additional 750 square feet, one additional shade, ornamental or small tree shall be required. Small or ornamental trees located within the pedestrian circulation zone shall not be counted toward the minimum requirements.

(4) Greenpoint-Williamsburg Supplemental Public Access - Waterfront Park

- (i) The entire #supplemental public access area# shall be a pedestrian circulation zone, except for any buffer zone required by paragraph (a)(3)(ii) of this Section.
- (ii) There shall be at least one circulation path throughout the #supplemental public access area#. Such path shall provide access to the primary entrance of any building or #use# that is within or adjacent to the #supplemental public access area#.

The required circulation path shall have a minimum clear width of ten feet and any other circulation path shall have a minimum clear width of six feet.

Within a transition zone, the minimum aggregate width of clear path along any side of the #supplemental public access area# shall be equal to 50 percent of the length of the intersection between the two public access areas, and any single path providing access between waterfront public access areas shall have a minimum width of 10 feet.

- (iii) A minimum of one linear foot of seating shall be provided for every 50 square feet of pedestrian circulation zone. Fifty percent of required seating shall be under shade throughout the day.
- (iv) A minimum of 60 percent of the pedestrian circulation zone shall be planting area with no more than 30 percent of the planting area in raised planting beds. At least 35 percent of the #supplemental public access area# shall be lawn in compliance with the standards set forth in paragraph (c)(5) of Section 62-675 (Planting and trees).
- (v) Four trees shall be required for the first 2,500 square feet of #supplemental public access area#, at least two of which shall be shade trees. For each additional 750 square feet, one additional shade, ornamental or small tree shall be required. Small or ornamental trees located within the pedestrian circulation zone shall not be counted toward the minimum requirements.

(c) Amenities

In parcels where #supplemental public access area# is required, no more than fifteen percent of public access area may be reduced if playgrounds and other amenities are provided in accordance with the following provisions.

(1) Playgrounds

A playground shall have a minimum size of 1,000 square feet and, if applicable, there shall be a minimum of 400 feet between any two playground areas. For every five square feet of playground area provided, the total amount of required public access may be reduced by the rate of one square foot.

(2) Other amenities

A reduction in the total amount of required public access area shall be permitted according to the following table.

<u>Amenity</u>	<u>Square feet reduction</u>
<u>Picnic table</u>	<u>22 sq. ft. per table, to a max. of 200 sq. ft.</u>
<u>Chess table</u>	<u>20 sq. ft. per table, to a max. of 200 sq. ft.</u>
<u>Telescope</u>	<u>10 sq. ft. per telescope, to a max. of 50 sq. ft.</u>
<u>Fountain/water feature</u>	<u>150 sq. ft. per feature, to a max. of 300 sq. ft.</u>
<u>Shade structure</u>	<u>150 sq. ft. per structure, to a max. of 300 sq. ft.</u>

(d) Public access design reference standards

Section 62-67 is hereby modified by the following provisions.

(1) Guardrails

The provisions of paragraph (a) Section 62-671 (Guardrails, gates and other protective barriers) shall be inapplicable. In lieu thereof the following provisions for guardrails shall apply:

- (i) Guardrails shall be located within waterfront public access areas continuously along any bulkhead, stabilized shore or the water edges of a #pier# or #platform# that is located within 50 feet of a circulation path; and continuously along any grade level change of 30 inches or greater adjoining or within 10 feet of a circulation path. However, guardrails shall not be required landward of any rip rap, beach or any other shoreline material that is at least 10 feet wide. If any protective barrier is provided adjacent to any rip rap, beach or other shoreline material, they shall not exceed a height of 21 inches or shall consist of a bollard and chain device.

Guardrails shall not be required at access points to WD #uses# and #development# on #floating structures#. The minimal protective barrier at such locations shall be a swing gate, bollard and chain or similar device.

- (iii) Guardrails shall comply with illustration A1; alternatively, illustration A2 may be used in #piers#.

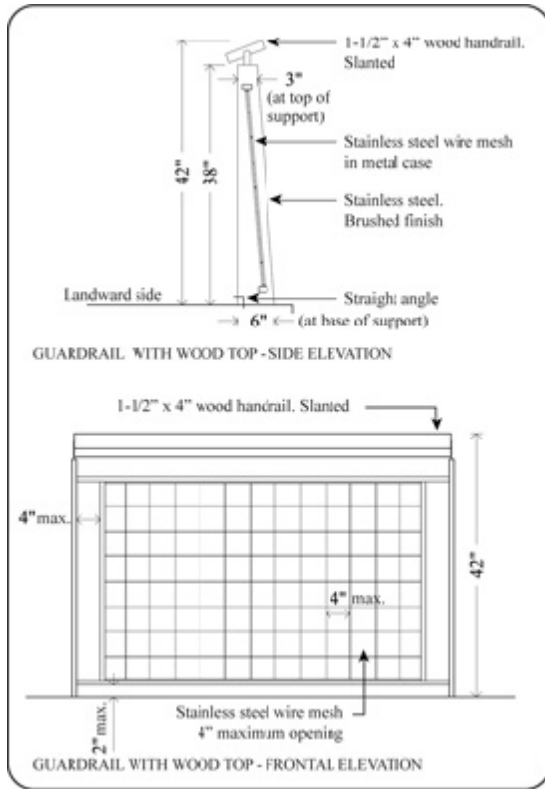


Illustration A1

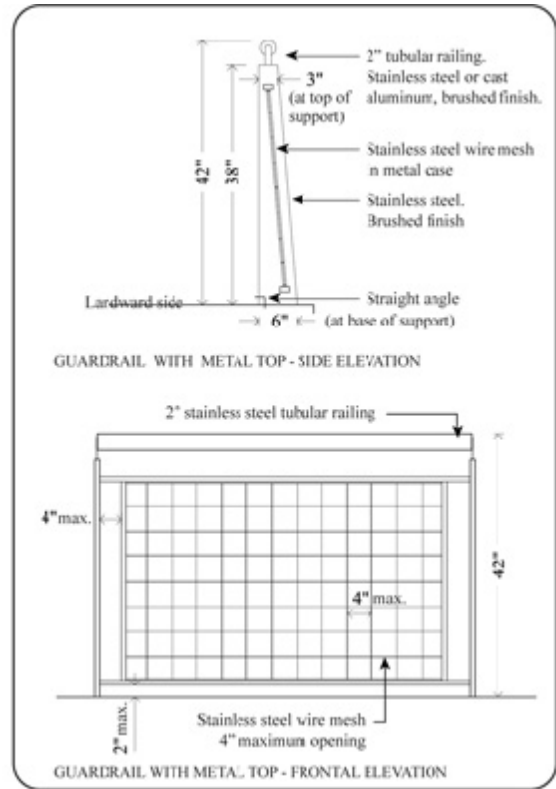


Illustration A2 (Alternate for piers)

All guardrail components and hardware shall be in stainless steel or cast aluminum, as applicable.

- (2) Seating
In addition to the provisions of Section 62-672, at least fifty percent of the required seating along any #shore public walkway# or #supplemental public access area# shall comply with illustration B1 or B2 below.

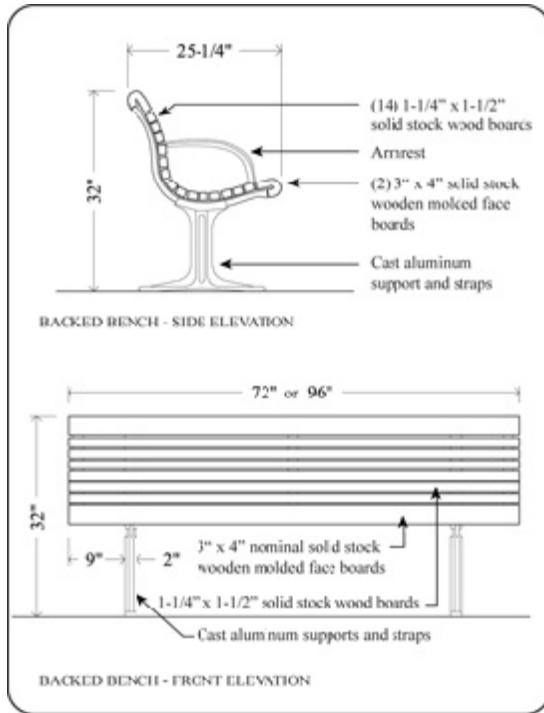


Illustration B1

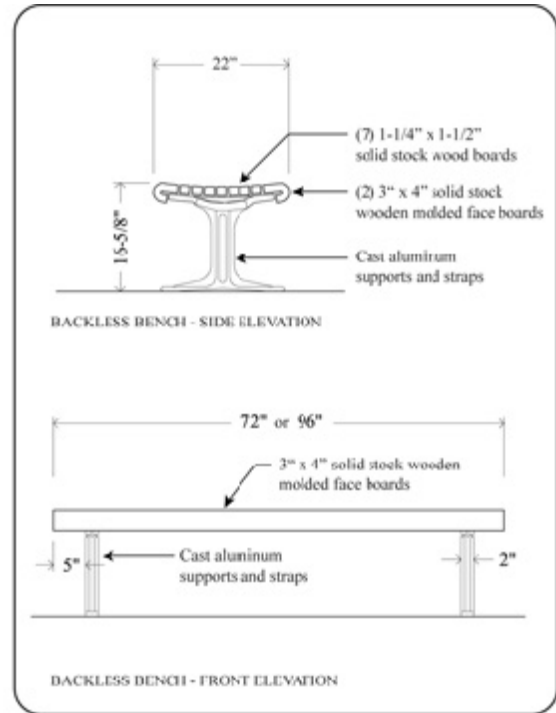


Illustration B2

All wood boards shall be made of Redwood, Jarrah or Ipe, have eased edges and ends and be treated for external use without stain or varnish.

All supports and backstraps shall be 713 tenzallooy cast aluminum, with a rust inhibitor and a top coat finish of thermosetting polyester powdercoat that is ultra-violet, chip and flake resistant. Metal components shall have a light gray or aluminum color.

(3) Lighting

In addition to the provisions of Section 62-673, the required lighting along any public access area shall comply with illustration C1 below.

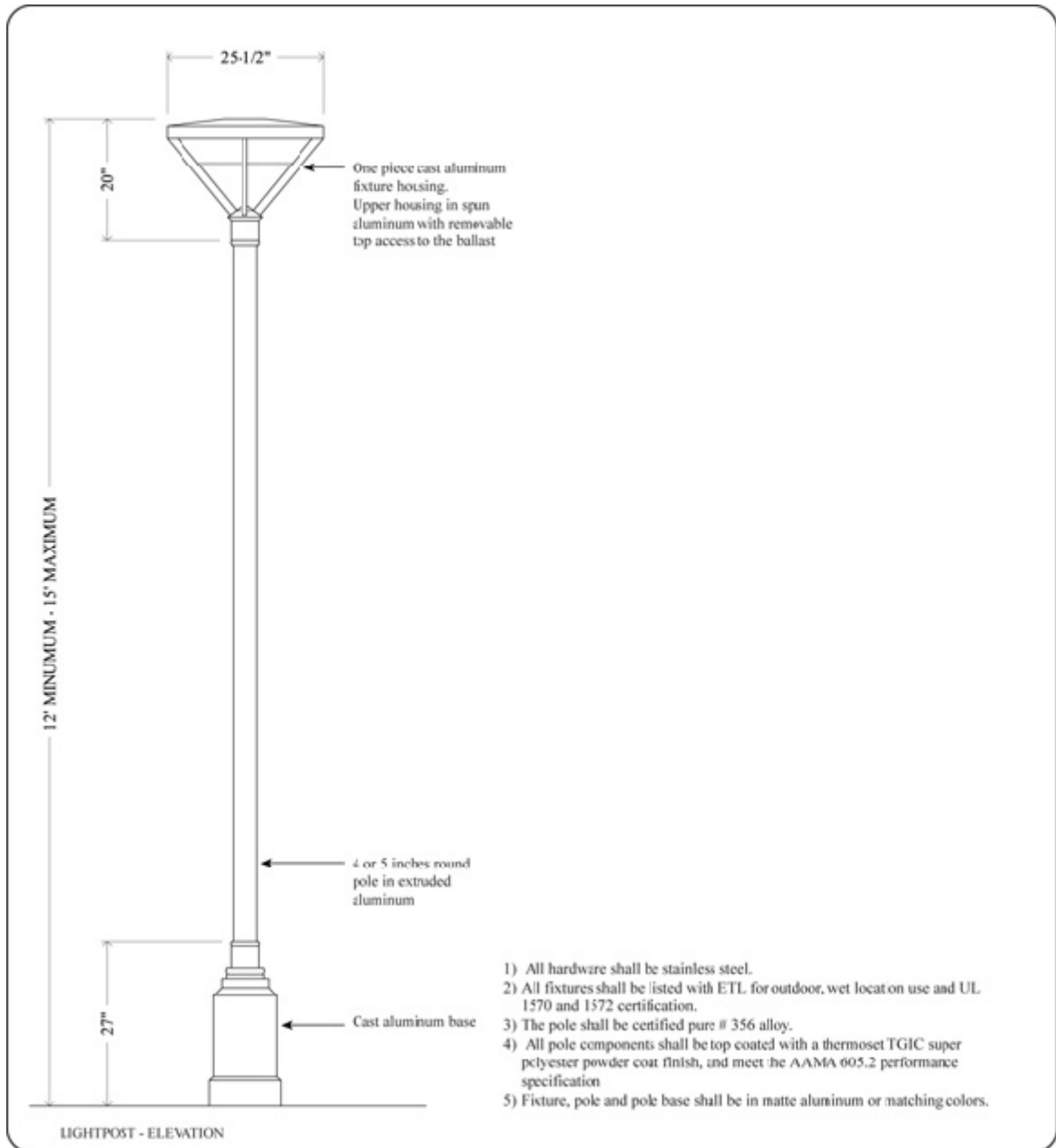


Illustration C1

(4) Planting and trees

The provisions of paragraph (c)(6) (Container planting) of Section 62-675 shall be inapplicable, unless a structural or environmental necessity is demonstrated at the time of certification.

(5) Paving

In addition to the provisions of Section 62-676, the paving for the required clear path within the #shore public walkway# shall be gray. At least fifty percent of all other paved areas within the #shore public walkway# and #supplemental public access areas# shall be paved in the same color range.

(e) Special public access provisions by parcel

The provisions of Sections 62-41 (Requirements for waterfront public access) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) are modified at the following designated locations which are shown on Map BK-1b in paragraph (g) of this Section:

(1) Parcels 1 and 2

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply to all new #development#.

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or other structure# but need not be wider than 40 feet. The #shore public walkway# shall have a minimum clear path of 10 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-672 and 62-675. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for #supplemental public access area# shall be waived.

(2) Parcels 3 and 4

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within a flexible location along the #lot line# between Parcels 3 and 4. Whichever parcel is developed first shall provide an #upland connection# along the #lot line# between the two parcels. The width of the #upland connection# may be utilized by the developer of the remaining parcel in the computation necessary to comply with the requirements of a #visual corridor# along the #lot line# between the two parcels, according to the provisions of paragraph (f)(1) of this

Section. If both parcels are developed concurrently, then the requirements may be divided equally along the #lot line# between the parcels.

(3) Parcel 5a

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on Map BK-1b in paragraph (g) of this Section.

The eastern boundary of such flexible location zone shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot lines of Parcels 5b and 6.

(iii) #Supplemental public access area#

The #supplemental public access area# shall abut the #shore public walkway# continuously along its longest side, and shall also abut the required #upland connection# where it meets the #shore public walkway#. The #upland connection#, however, may cut across the #supplemental public access area# provided that no area shall be less than 5,000 square feet. All #supplemental public access areas# shall have a minimum width to depth ratio of 1.0 to 1.0 and a maximum width to depth ratio of 2.0 to 1.0. In no event shall the #supplemental public access area# be deeper than 100 feet. The requirements for Waterfront Plaza described in paragraph (b)(3) of this Section shall apply.

Alternatively, a portion of the required #supplemental public access area# that is a minimum of 5,000 square feet may abut the #shore public walkway# continuously along the longest side provided that it also abuts a publicly accessible private drive connecting the #shore public walkway# to Commercial Street. Such publicly accessible private drive shall be improved to the standards of an #upland connection# as required by Section 62-641, but shall not be counted towards satisfying the required amount of public access area on the site. The requirements for Waterfront Park described in paragraph (b)(4) of this Section shall apply.

(4) Parcel 5b

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(5) Parcel 5c

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

Two #upland connections# shall be provided between West Street and the #shore public walkway#, one each located within the prolongation of the #street lines# of Eagle Street, and Green Street, respectively.

(iii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided on Parcel 5c. A #supplemental public access area# shall be bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7. The requirements for Waterfront Plaza described in paragraph (b)(3) of this Section shall apply.

The remaining required #supplemental public access area# shall be provided either on the #pier# or distributed evenly as a widening of the pedestrian circulation zone of the #shore public walkway# located between the Eagle Street and Green Street #upland connections#. If any #supplemental public access area# is located on the #pier#, the planting requirements for Waterfront Plaza described in paragraph (b)(3) of this Section shall apply, except that trees may be substituted by a shading element at a rate of 450 sq. ft. of shade element per tree.

(iv) #Pier# public access

Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section 62-412 and of paragraph (a)(1) of this Section.

(6) Parcel 5

In the event that Parcels 5a, 5b and 5c are merged into one parcel, they shall be known as Parcel 5 and be subject to the following requirements:

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

One #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on Map BK-1b in paragraph (g) of this Section. The eastern boundary of such flexible location zone shall be 110 feet from the shared

lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot line of Parcel 6.

Two #upland connections# shall be provided between West Street and the #shore public walkway#, each located within the prolongation of the #street lines# of Eagle Street and Green Street, respectively.

(iii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided.

A #supplemental public access area# shall be bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5 and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7. The requirements for Waterfront Plaza described in paragraph (b)(3) of this Section shall apply.

The remaining of the required #supplemental public access area# shall be located within the area bounded by the western prolongation of the north #street line# of Dupont Street, the #shore public walkway#, the northern prolongation of the eastern boundary of Parcel 6 and Parcel 6 . The requirements for Waterfront Park described in paragraph (b)(4) of this Section shall apply.

(iv) #Pier# public access

Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section 62-412 and of paragraph (a)(1) of this Section.

(7) Parcel 7

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply, except that any portion of the required #shore public walkway# where the distance between the shoreline and the boundaries of Parcel 7 is less than 17 feet shall be improved entirely as clear path.

(ii) #Supplemental public access area#

The requirement for a #supplemental public access area# on Parcel 7 is waived.

(8) Parcels 9, 10 and 11

(i) #Shore public walkway#

The requirements for Prototype II described in paragraph (b)(2) of this Section shall apply.

(ii) #Supplemental public access area#

For each parcel, the #supplemental public access area# requirements shall be provided to widen the pedestrian circulation zone of the #shore public

walkway#, evenly distributed along the entire length of such #shore public walkway#.

(9) Parcel 13

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of Milton Street.

(iii) #Supplemental public access area#

A #supplemental public access area# shall be bounded by the southern #street line# of Greenpoint Avenue, the #shore public walkway# and the northern boundary of the required Milton Street #upland connection#. The requirements for Waterfront Park described in paragraph (b)(4) of this Section shall apply.

(10) Parcel 14

(i) #Shore public walkway#

The area between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# shall be improved pursuant to the requirements of Prototype II described in paragraph (b)(2) of this Section. The remaining required #shore public walkway# shall be improved pursuant to the requirements of Prototype I as described in paragraph (b)(1) of this Section.

(ii) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway#. The southern boundary of such #upland connection# shall be defined by a line between the intersection of the prolongation of the southern #street line# of Calyer Street and the western #street line# of West Street, and a point on the easterly boundary of the #shore public walkway# 30 feet north of the northern #street line# of Quay Street.

(iii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided. A #supplemental public access area# with a minimum of 9,000 square feet shall be provided between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# to widen the pedestrian circulation zone of the #shore public walkway#.

The remaining requirements for #supplemental public access area# shall be located in the area bounded by the southern boundary of the required Calyer Street #upland connection#, the #shore public walkway# and the southern boundary line of the parcel. The requirements for Waterfront Park described in paragraph (b)(4) of this Section shall apply.

(11) Parcel 15

An #upland connection# shall be provided within the prolongation of the #street lines# of West Street, connecting Quay Street to Parcel 20.

(12) Parcels 19, 20, 21 and 22

Parcels 19, 20, 21 and 22 shall be designated as public parks as of (date of adoption).

(13) Parcel 24

(i) #Shore public walkway#
Prototype I described in paragraph (b)(1) of this Section shall apply.

(14) Parcel 25

(i) #Shore public walkway#
The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(ii) #Upland connection#
An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of North 6th Street.

(iii) #Supplemental public access area#
Two #supplemental public access areas# shall be provided.

One #supplemental public access area# shall be provided along the prolongation of the southern #street line# of North 7th Street and the #shore public walkway#. Such public access area shall be a minimum of 3,000 square feet in area and shall have a minimum depth of 90 feet from the southern #street line# of North 7th Street. The entire #supplemental public access area#, excluding the required buffer, shall be developed as clear circulation path.

A minimum of one linear foot of seating shall be required for every 40 square feet of pedestrian circulation zone and shall be located in the required buffer zone. Four trees shall be required, at least two of which are

shade trees. Small or ornamental trees located within the buffer zone shall not be counted toward the minimum requirements.

The remaining required #supplemental public access area# shall be located either on the #pier# or abut the #shore public walkway# continuously along its longest side, and shall also abut the required #upland connection# where it meets the #shore public walkway#. At least 70 percent of the required #supplemental public access# shall have a width to depth ratio of 2 to 1. The requirements for Waterfront Plaza described in paragraph (b)(3) of this Section shall apply. If any #supplemental public access area# is located on the #pier#, the planting requirements for Waterfront Plaza shall apply, except that trees may be substituted by a shading element at a rate of 450 sq. ft. of shade element per tree.

(iv) #Pier# public access

Public access shall be provided on a #pier# located at the western terminus of North 6th Street pursuant to the requirements of Section 62-412 and of paragraph (a)(1) of this Section.

(15) Parcel 26

(i) #Shore public walkway#

The requirements of Section 62-411 (Requirements for shore public walkways) shall apply, except that the minimum required width of the #shore public walkway# shall be reduced to 34 feet between North 5th Street and the northern boundary of the required #upland connection# at the prolongation of North 4th Street. The quantity of public access eliminated from the #shore public walkway# as a result of this width reduction shall be located in the triangle formed between the #shore public walkway#, the southern #street line# of the North 4th Street #upland connection# and the bulkhead line. The entirety of the #shore public walkway# shall be improved pursuant to the requirements for Prototype I described in paragraph (b)(1) of this Section.

(ii) #Upland connections#

An #upland connection# shall be provided between Kent Avenue and the #shore public walkway# located within the prolongation of the #street lines# of North 4th Street.

(16) Parcel 27

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply to all new #development#.

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall

occupy the entire area between the seaward edge and the existing #building or other structure#, but shall not need to be wider than 40 feet.

Notwithstanding the requirements of Paragraph (c) of Section 62-62 (General Requirements for Public Access), the #shore public walkway# may be located within the #building or other structure#, and the obstructions permitted by Section 62-626, paragraph (a), shall include any supporting structural elements of the #building or other structure# and its related appurtenances. Additionally, the #shore public walkway# shall have a minimum clear path of 12 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-672 and 62-675. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

- (ii) #Supplemental public access area#
The requirements for #supplemental public access# shall be waived.

(f) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan are shown on Map BK-1c in paragraph (g) of this Section and shall be as follows:

(1) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the #lot lines# between them.

Whichever parcel develops second shall complete the required clearance to comply with the #visual corridor# requirements along the #upland connection# already provided in accordance with the requirements of paragraph (e)(2)(ii) of this Section. If both parcels are developed concurrently, then the requirements can be divided equally along the #lot line# between the parcels.

(2) Parcel 5a

A #visual corridor# shall be provided through Parcel 5a to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph (g) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot line of Parcels 5b and 6.

(3) Parcel 5b

Two #visual corridors# shall be provided through Parcel 5b to the pierhead line as the prolongation of the #street lines# of West Street and Dupont Street, respectively.

(4) Parcel 5c

- (i) Three #visual corridors# shall be provided through Parcel 5c to the pierhead line as the prolongation of the #street lines# of West Street, Eagle Street and Green Street.
- (ii) Permitted obstructions on #piers#, per Section 62-65 paragraph (b), shall be permitted obstructions along the #visual corridor# along Green Street.

(5) Parcel 5

In the event that Parcels 5a, 5b and 5c are merged into one parcel, they shall be known as Parcel 5, subject to the following #visual corridors# requirements:

- (i) One #visual corridor# shall be provided through Parcel 5 to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph (g) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot line of Parcel 6. Four #visual corridors# shall be provided through Parcel 5 to the pierhead line, each located as the prolongation of the #street lines# of West Street, Dupont Street, Eagle Street and Green Street, respectively.
- (ii) Permitted obstructions on #piers#, per Section 62-65 paragraph (b), shall be allowed along the #visual corridor# along Green Street.

(6) Parcel 13

Two #visual corridors# shall be provided through Parcel 13 to the pierhead line as the prolongation of the #street lines# of Milton Street and Oak Street, respectively.

(7) Parcel 14

A #visual corridor# shall be provided through Parcel 14 as the prolongation of the #street lines# of Oak Street.

(8) Parcel 15

A #visual corridor# shall be provided through Parcel 15 as the prolongation of the #street lines# of West Street.

(9) Parcel 25

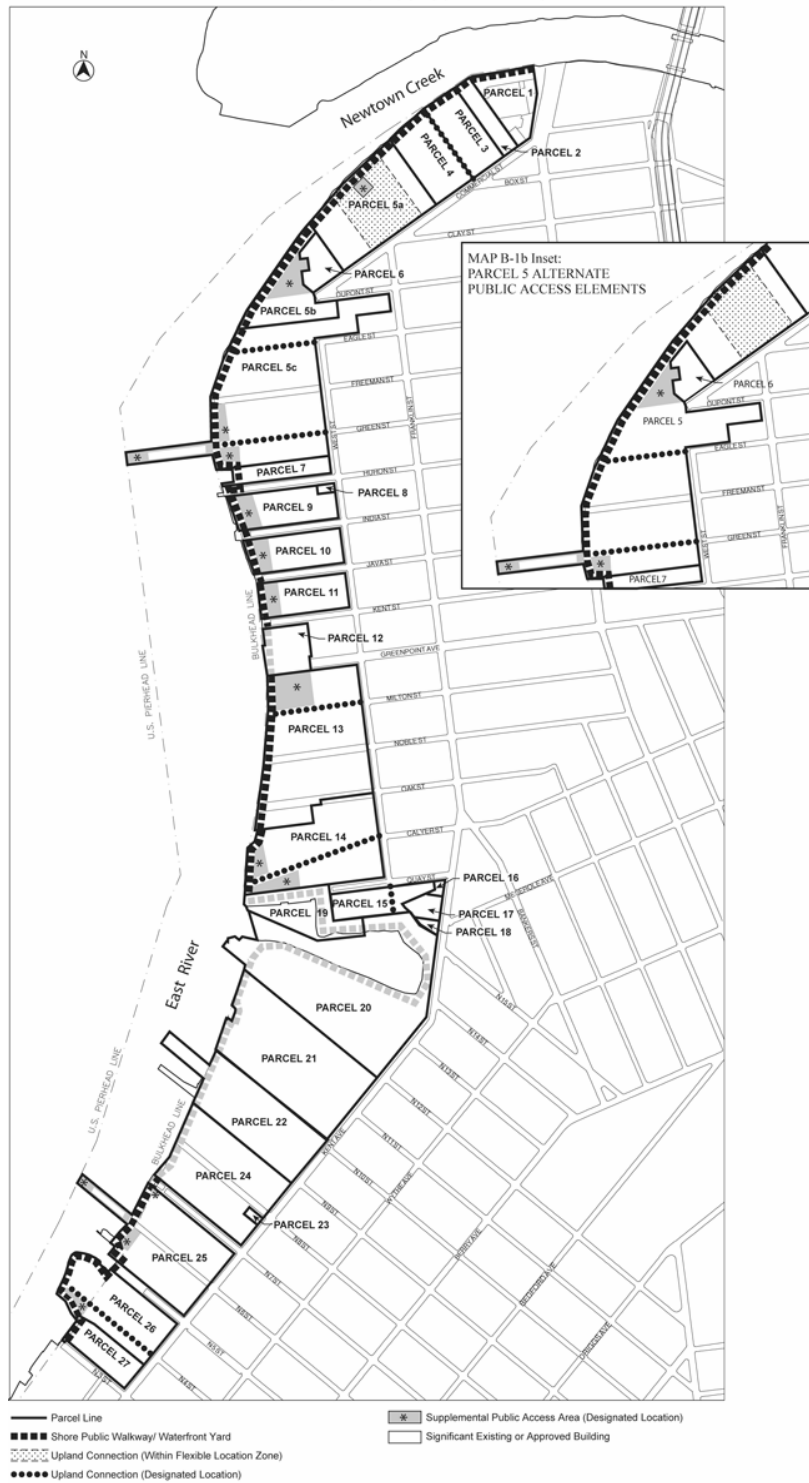
A #visual corridor# shall be provided through Parcel 25 as the prolongation of the #street lines# of North 6th Street.

(g) Greenpoint - Williamsburg Waterfront Access Plan Maps

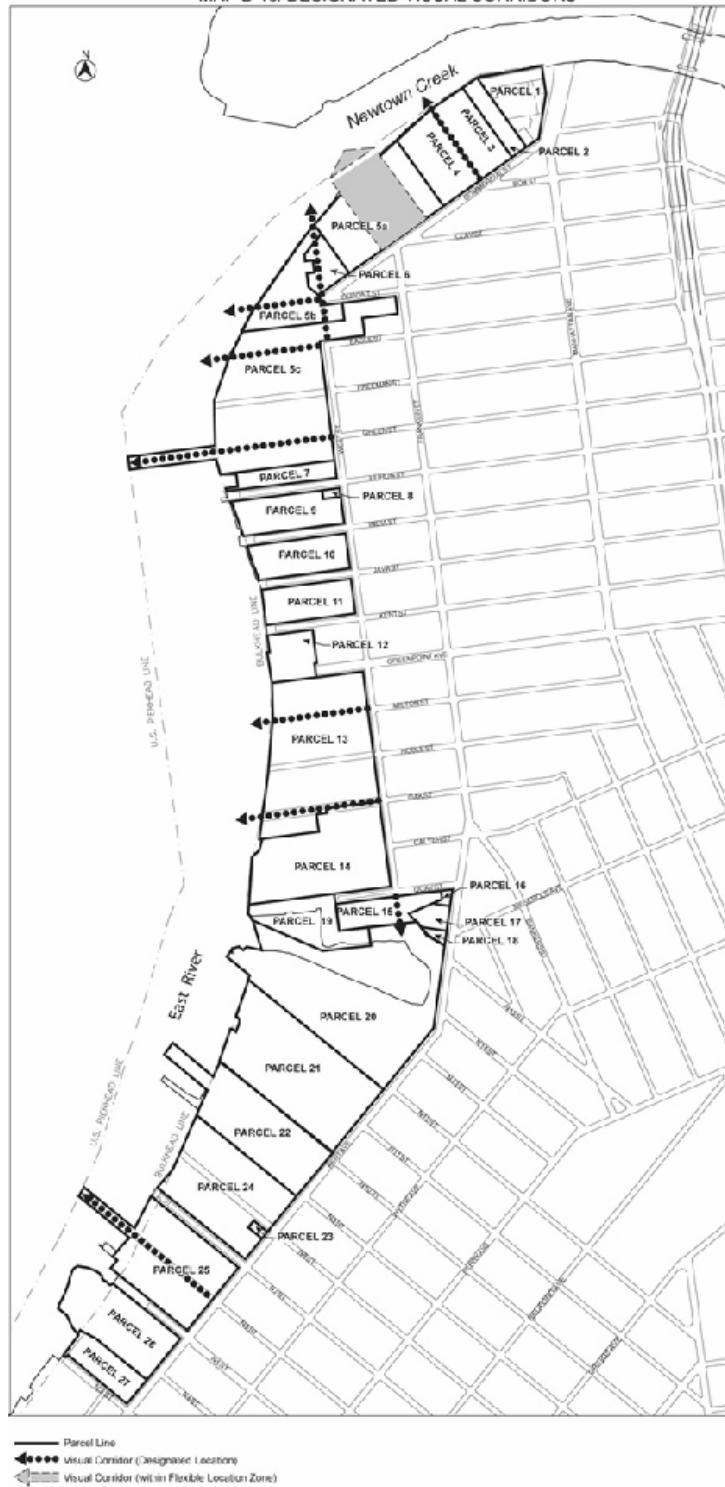
MAP B-1a: PARCEL DESIGNATION



MAP B-1b: PUBLIC ACCESS ELEMENTS



MAP B-1c: DESIGNATED VISUAL CORRIDORS



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ARTICLE IX: SPECIAL PURPOSE DISTRICTS

**Chapter 7
Special Northside Mixed Use District**

(delete entire chapter)

* * *

ARTICLE X: SPECIAL PURPOSE DISTRICTS

**Chapter 8
Special Franklin Street Mixed Use District**

(delete entire chapter)

* * *

ARTICLE XII: SPECIAL PURPOSE DISTRICTS

**Chapter 3
Special Mixed Use District**

* * *

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

* * *

#Special Mixed Use District# - 8
Greenpoint-Williamsburg, Brooklyn
The #Special Mixed Use District# - 8 is established in Greenpoint-Williamsburg in Brooklyn as indicated on the #zoning maps#.

* * *

The above resolution (N 050110(A) ZRK), duly adopted by the City Planning Commission on March 14, 2005 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice-Chairman

ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, RICHARD W. EADDY, LISA A. GOMEZ,

CHRISTOPHER KUI, JOHN MEROLO, Commissioners

KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners Voting No