Appendix B: Proposed Zoning Text Amendments and Zoning Map Amendments

SPECIAL ATLANTIC AVENUE MIXED USE DISTRICT

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I
GENERAL PROVISIONS

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

* * *

11-10
ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS

* * *

11-12
Establishment of Districts

* * *

11-122
Districts established

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Special Purpose Districts

* * *

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7 the #Special 125th Street District# is hereby established.

Establishment of the Special Atlantic Avenue Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 6, the #Special Atlantic Avenue Mixed Use District# is hereby established.

Establishment of the Special Battery Park City District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 4, the #Special Battery Park City District# is hereby established.

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

* * *

Special 125th Street District

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply.

Special Atlantic Avenue Mixed Use District

The "Special Atlantic Avenue Mixed Use District" is a Special Purpose District designated by the letters "AAM" in which special regulations set forth in Article XIV, Chapter 6, apply.

Special Battery Park City District

The "Special Battery Park City District" is a Special Purpose District designated by the letters "BPC" in which special regulations set forth in Article VIII, Chapter 4, apply.

* * *

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 3

Special Mixed Use District

* * *

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

* * *

#Special Mixed Use District# - 19:
Brownsville, Brooklyn

The #Special Mixed Use District# - 19 is established in Brownsville in Brooklyn as indicated on the #zoning maps#.

~~#Special Mixed Use District# - 20:~~
~~Crown Heights West, Brooklyn~~

~~The #Special Mixed Use District# - 20 is established in Crown Heights West in Brooklyn as indicated on the #zoning maps#.~~

#Special Mixed Use District# - 21:
Arverne, Queens

The #Special Mixed Use District# - 21 is established in Arverne in Queens as indicated on the #zoning maps#.

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 6
Special Atlantic Avenue Mixed Use District (AAM)

146-00
GENERAL PURPOSES

The "Special Atlantic Avenue Mixed Use District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to expand local employment opportunities and to promote the opportunity for workers to live in the vicinity of their work;

(b) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(c) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(d) to encourage stability and growth in the neighborhood by permitting compatible light manufacturing and residential uses to coexist;

(e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique corridors such as Atlantic Avenue; and

(f) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

146-01
General Provisions

The provisions of this Chapter shall apply within the #Special Atlantic Avenue Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control, except where explicitly stated otherwise in this Chapter.

146-02
District Plan and Map

The regulations of this Chapter are designed to implement the #Special Atlantic Avenue Mixed Use District# Plan. The district plan includes the following map in the Appendix to this Chapter:

Map 1 Designated Streetscape Frontages

Such map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

146-03
Definitions

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions) or 123-11 (Definitions).

146-04
Applicability of the Mandatory Inclusionary Housing Program

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Atlantic Avenue Mixed Use District# are shown in APPENDIX F of this Resolution.

146-041
Applicability of Article VI, Chapter 6

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

146-042
Applicability of Article XII, Chapter 3

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

146-10
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts, or of Article XII, Chapter 3 (Special Mixed Use Districts), shall apply, except as modified by the provisions this Section, inclusive.

146-11
Additional Conditions for Certain Uses

In M1 Districts paired with a #Residence District#, all applicable #commercial# and #manufacturing# #uses# may only locate in the same #building# as, or may only share a common wall with, a #building# containing a #residence# or a #community facility# #use# with sleeping accommodations:

(a) where the provisions of paragraph (b)(1) of Section 123-22 (Additional Conditions for Certain Uses) are met; or

(b) where the Chairperson of the City Planning Commission certifies an alternative means of compliance pursuant to Section 146-12, and an (E) designation listed in APPENDIX C of this Resolution applies to all tax lots with such #uses# in accordance with Section 11-15 (Environmental Requirements), establishing specific building design or other environmental requirements in order to protect occupants of the #building# and surrounding properties from any hazardous materials, noise or air quality associated with such #commercial# or #manufacturing# #uses#.

146-12
Certification for an Alternate Means of Compliance for Mixed Buildings

In M1 Districts paired with a #Residence District#, the Chairperson of the City Planning Commission shall allow, by certification, an alternative to the provisions of paragraph (b) of Section 123-22 (Additional Conditions for Certain Uses) where applicable #commercial# and #manufacturing# #uses# are proposed to locate in the same #building# as, or share a common wall with, a #building# containing a #residence# or a #community facility# #use# with sleeping accommodations.

In order for the Chairperson to make such certification, the applicant shall submit a report, from a licensed architect or engineer, demonstrating that specific physical design standards to be implemented in the #building# design, or other environmental requirements, will protect occupants of such #residences# or #community facility# #uses# with sleeping accommodations from any potential hazardous materials, noise or air quality associated with such #commercial# or #manufacturing# #uses#.

An (E) designation shall be listed in APPENDIX C of this Resolution and bind the owners, successors, and assigns to comply with Section 11-15 (Environmental Requirements) and the specific building design or other environmental requirements listed in the report.

146-13
Streetscape Regulations

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except where Map 1, in the Appendix to this Chapter, designates:

(a) #ground floor level# #street frontages# that shall be considered #Tier C street frontages#; and

(b) #ground floor level# #street frontages# where the alternative provisions for #Tier B street frontages# set forth in Section 32-322 shall not apply.

146-20

SPECIAL BULK REGULATIONS

The #bulk# regulations of the underlying districts or of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except as modified by the provisions of this Section, inclusive.

146-21
Floor Area Regulations

146-211
Floor area modifications for certain paired districts

In M1A Districts paired with #Residence Districts#, for #zoning lots# with #buildings# containing #residential# and non-#residential uses#, notwithstanding the maximum #floor area ratio# for individual #uses# on the #zoning lot#, the total #floor area ratio# shall be as follows:

TOTAL FLOOR AREA RATIO

District	Total #floor area ratio#
M1-1A/R6B	3.0
M1-2A/R6A	5.0

146-22
Special Yard Regulations

The #yard# regulations of the underlying districts shall apply, except that for #zoning lots# where the #side lot line# is located within 30 feet of an elevated rail line, the #rear yard# and #rear yard equivalent# provisions of Section 23-34 (Rear Yard and Rear Yard Equivalent Requirements), inclusive, need not apply.

146-23
Special Height and Setback Regulations

146-231
Street wall modifications

For #zoning lots#, or portions thereof, fronting on Atlantic Avenue or Bedford Avenue, the applicable #street wall# location regulations shall be modified as follows:

(a) the #street wall# shall be located at least 20 feet beyond the curb of the sidewalk, except that such depth need not exceed five feet from the #street line#; and

(b) for #developments# with #building# widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#; and

(c) for the purposes of applying the provisions of Section 35-633 (Additional height and setback provisions), on #through lots# with a frontage along Atlantic Avenue, a #street wall# is required along Atlantic Avenue.

146-232
Other height and setback modifications

The height and setback regulations of the applicable underlying districts shall be modified as follows:

(a) for #zoning lots#, or portions thereof, within 100 feet of a #side lot line# that is located within 30 feet of an elevated rail line, the applicable maximum #building# heights may be increased by 10 feet in M1-2A/R6A Districts, and by 20 feet in C6-3A and M1-4A/R9A Districts; and

(b) in M1A Districts paired with #Residence Districts#, for #zoning lots# with #buildings# containing both #residential# and non-#residential uses#, the following height and setback modifications may be applied:

MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

District	Maximum base height (in feet)	Maximum height of #buildings or other structures# (in feet)
M1-1A/R6B	65	95
M1-2A/R6A	95	125

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum #building# heights established in such table by 25 percent.

146-30
SPECIAL OFF-STREET PARKING REGULATIONS

The #accessory# off-street parking regulations of the underlying districts are modified by the provisions of this Section, inclusive.

146-31
Accessory Off-street Parking Spaces for Non-residential Uses

In all districts, no #accessory# off-street parking spaces shall be required for #manufacturing#, #commercial#, or #community facility# #uses#.

146-40
SPECIAL APPROVALS

146-41
Authorization for a Public Plaza

In C6-3A, C6-3X and M1-4A/R9A Districts, for #zoning lots# with a #lot area# of at least 25,000 square feet, the City Planning Commission may authorize an increase in the maximum #floor area ratio# where a #public plaza# is provided on the #zoning lot# in accordance with the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

In conjunction with such #floor area# bonus, the Commission may authorize modifications to the applicable #bulk# regulations of this Resolution, or to the regulations governing #public plazas# in Section 37-70, inclusive.

In order to grant such authorization, the Commission shall determine that the conditions and limitations of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions and limitations

The following conditions and limitations shall apply:

(1) For the purposes of determining the bonus ratio, the following shall apply:

(i) in #Commercial Districts# with a #residential equivalent# of an R9 District, or in M1 Districts paired with an R9 District, the underlying bonus ratio for a C6-3 District shall apply; and

(ii) the #floor area# bonus resulting from applying such ratio shall not exceed 20 percent of the maximum #floor area ratio# otherwise permitted by the district.

(2) Modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height otherwise permitted by the applicable district regulations; and

(3) Modifications to the regulations governing #public plazas# shall be limited to:

(i) the basic design criteria set forth in Section 37-71, inclusive, other than the area dimensions of Section 37-712;

(ii) the access and circulation provisions set forth in Section 37-72, inclusive, other than hours of access set forth in Section 37-727; and

(iii) the types and standards for amenities, set forth in Section 37-74, inclusive.

(b) Findings

The Commission shall find that:

(1) the public benefit derived from the #public plaza# merits the amount of additional #floor area# being granted pursuant to this Section;

(2) the #public plaza# will be well-integrated with the overall pedestrian circulation network and contribute to an enhanced streetscape;

(3) any modifications to #bulk# are the minimum extent necessary to reasonably accommodate the #public plaza# and the additional #floor area# granted pursuant to this Section and will not unduly obstruct access to light and air to surrounding #streets# and properties; and

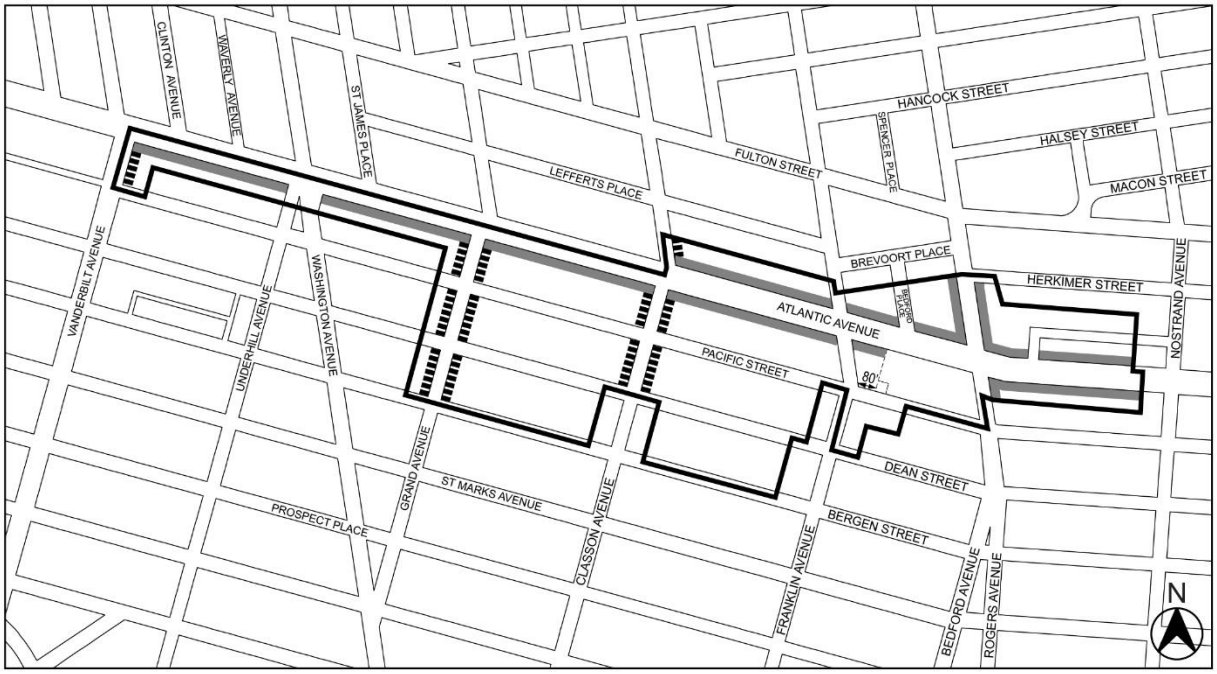
(4) any modifications to #public plaza# regulations are the minimum extent necessary, and will better align such #public plaza# regulations with unique site configurations or with the mixed-use character of the neighborhood.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

APPENDIX

Special Atlantic Avenue Mixed Use Plan

Map 1 – Designated Streetscape Frontages



Special Atlantic Avenue MIxed Use District

Tier C street frontages

Alternative provisions for *Tier B street frontages* set forth in Section 32-322 shall not apply

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

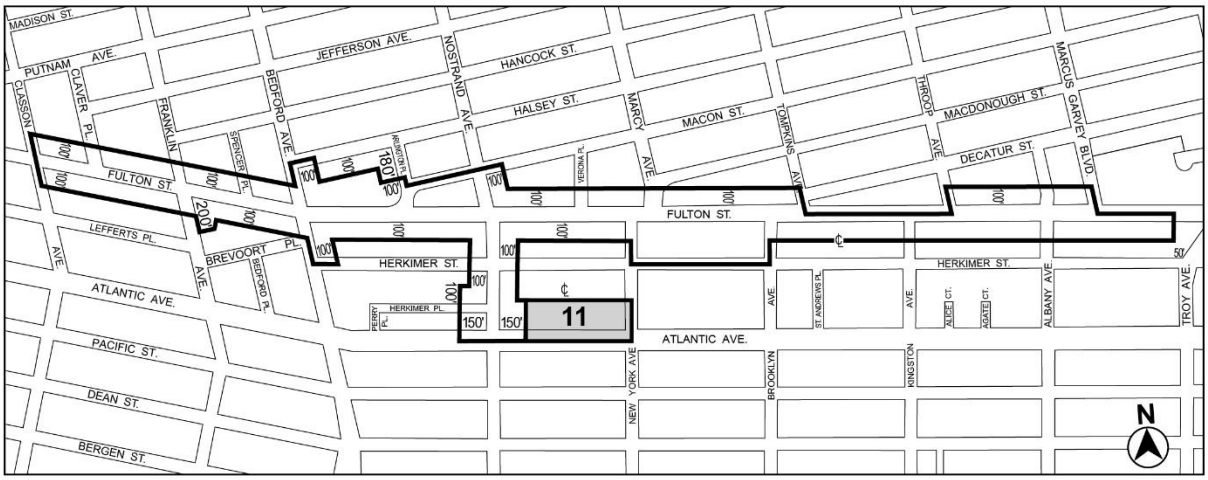
BROOKLYN

*** * ***

Brooklyn Community District 3

~~Map 1~~

[EXISTING MAP]



Inclusionary Housing designated area

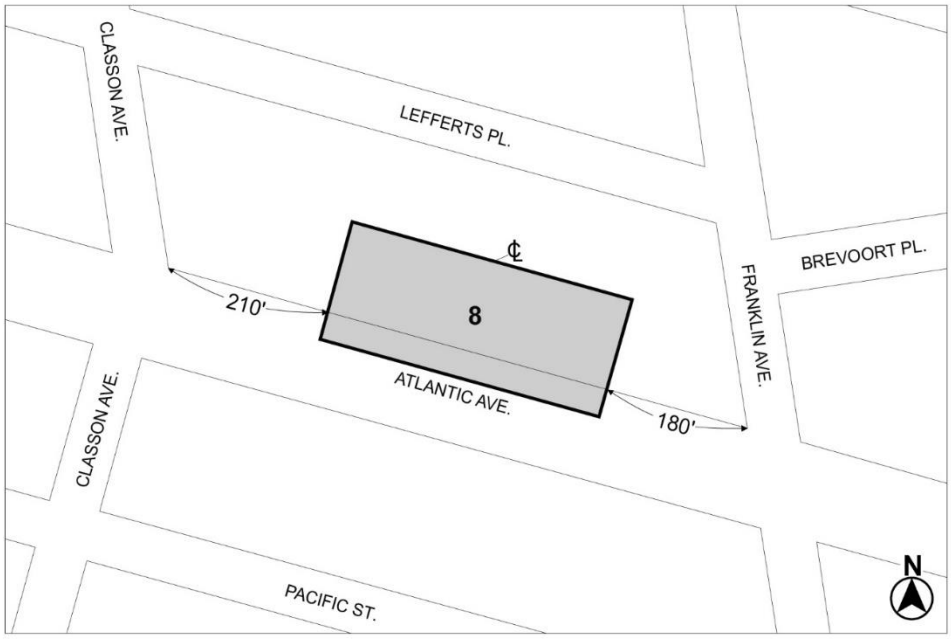
Mandatory Inclusionary Housing Program Area *see Section 23-154(b)(3)*

Area **11** — 5/16/24 MIH Program Option 1 and Deep Affordability Option

* * *

~~Map 7~~

[EXISTING MAP]

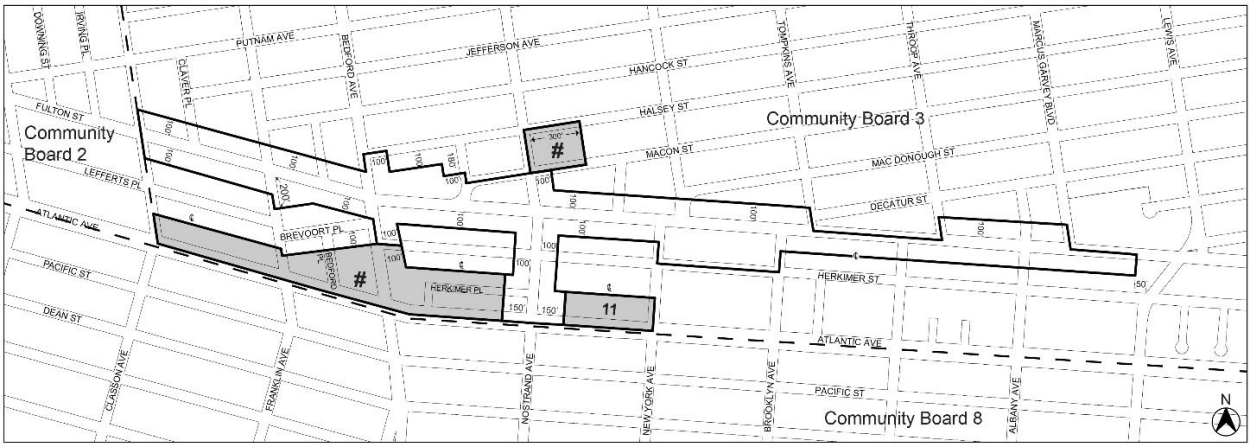


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **8** — (11/23/21) MIH Program Option 2

[PROPOSED MAP]

Map 1 – [date of adoption]



Community District Boundaries

Former Inclusionary Housing designated area

Mandatory Inclusionary Housing area

Area **11** – 5/16/24 MIH Program Option 1 and Option 3

Area **#** – [date of adoption] MIH Program Option 1, Option 2 and Option 3

Portion of Community District 3, Brooklyn

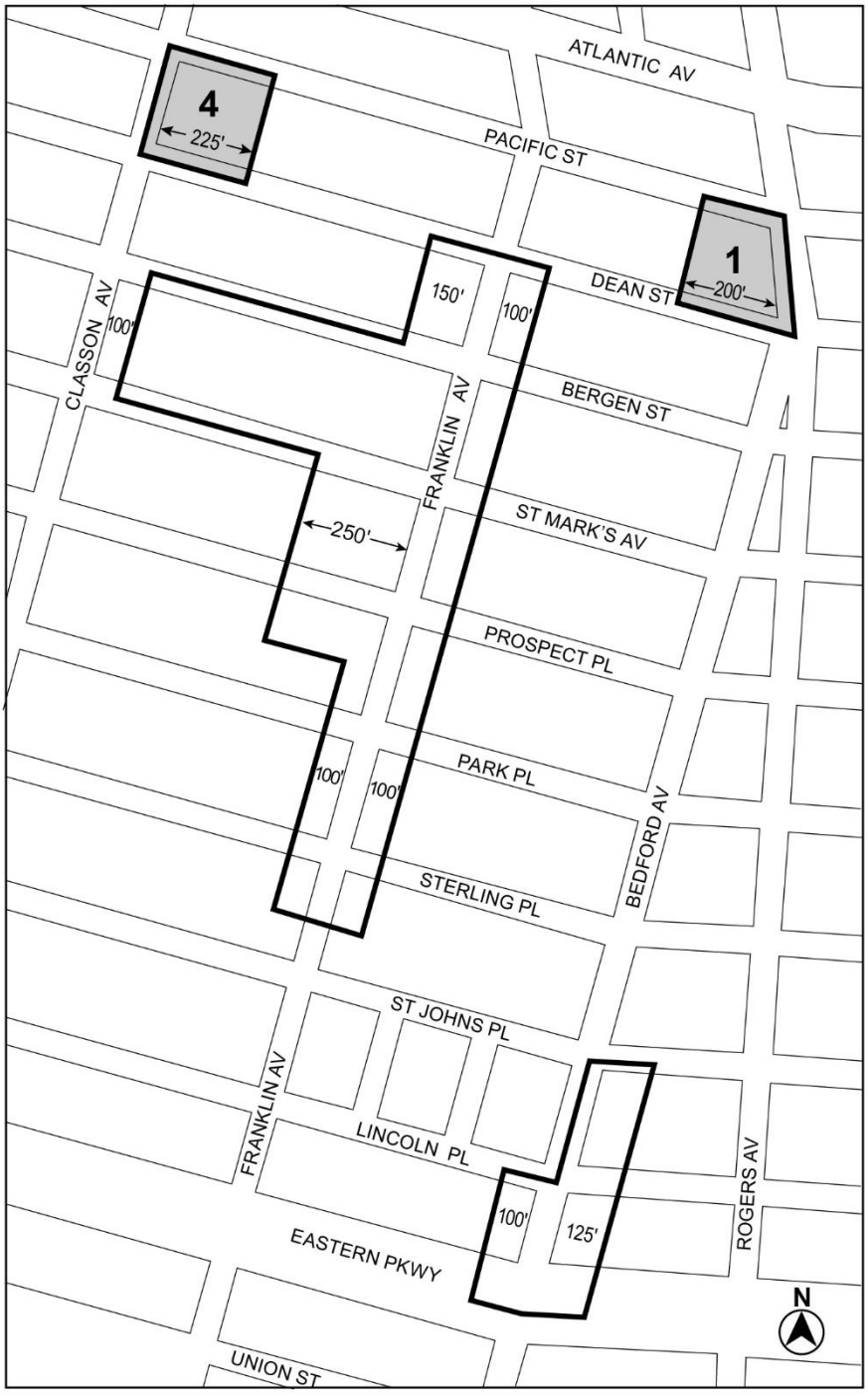
[Maps 1 and 7 in Brooklyn CD 3 have been incorporated into composite Map 1 per N 250015 ZRK, [date of adoption]]

* * *

Brooklyn Community District 8

~~Map 1~~

[EXISTING MAP]



Inclusionary Housing designated area

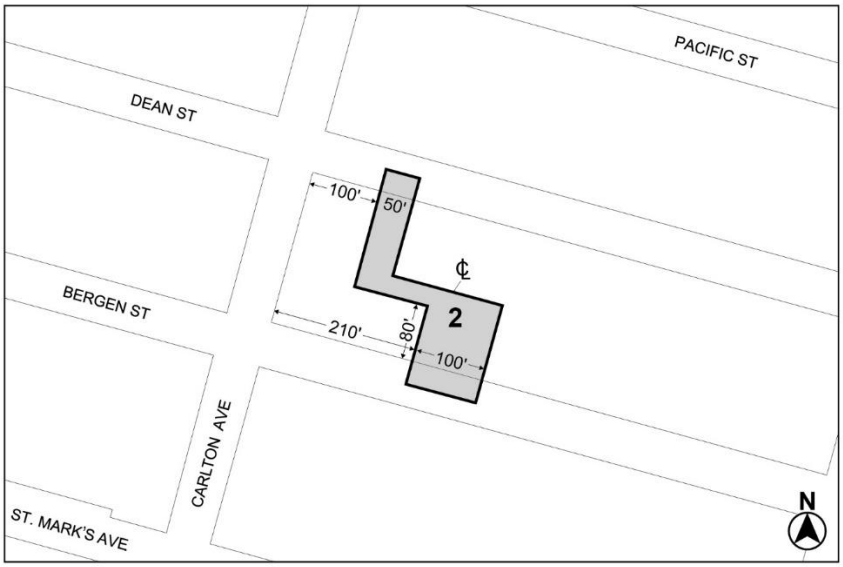
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** – 7/20/17 MIH Program Option 1

Area **4** – 5/8/19 MIH Program Option 1 and Option 2

~~Map 2~~

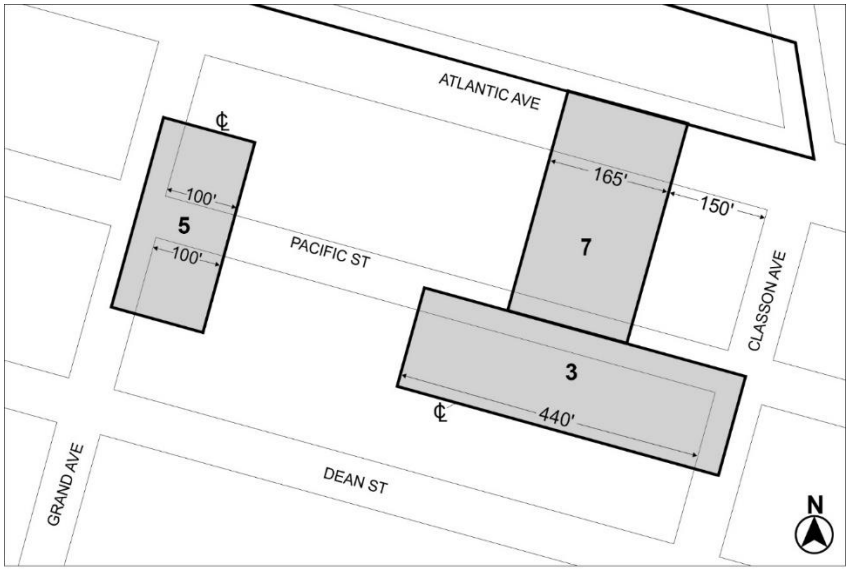
[EXISTING MAP]



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** — 1/31/18 MIH Program Option 1

~~Map 3~~

[EXISTING MAP]

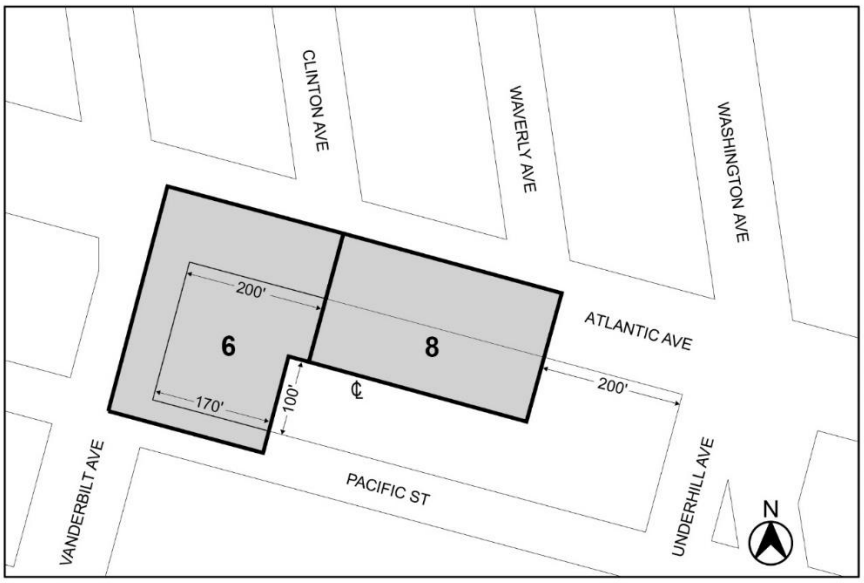


Inclusionary Housing designated area

Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*
Area **3** — 5/8/19 MIH Program Option 1 and Option 2
Area **5** — 8/27/20 MIH Program Option 1
Area **7** — 4/28/22 MIH Program Option 1 and Deep Affordability Option

~~Map 4~~

[EXISTING MAP]



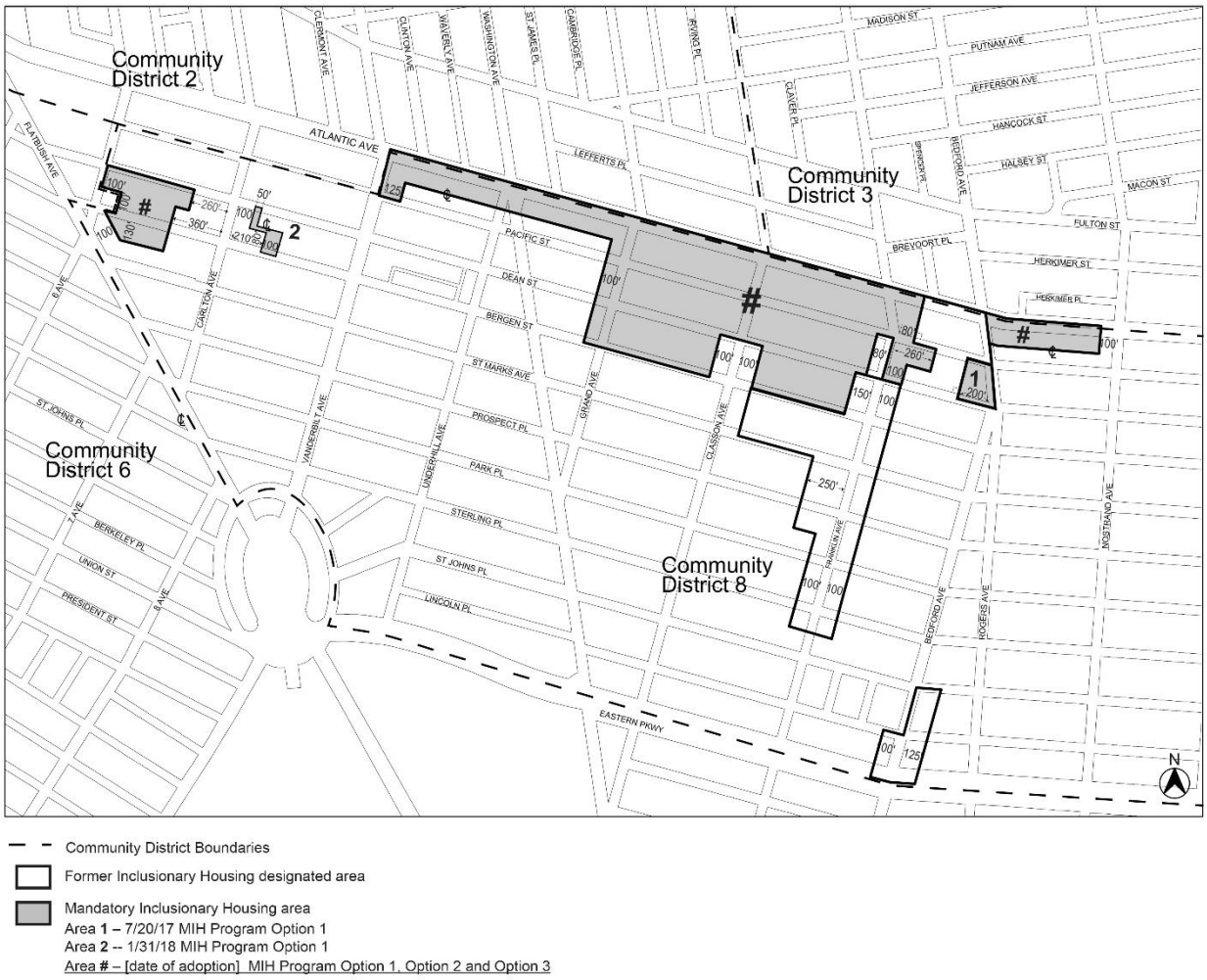
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **6** – 9/23/21 MIH Program Option 1 and Deep Affordability Option

Area **8** – 4/28/22 MIH Program Option 1 and Deep Affordability Option

Map 1 – [date of adoption]

[PROPOSED MAP]



Community District Boundaries

Former Inclusionary Housing designated area

Mandatory Inclusionary Housing area
Area **1** – 7/20/17 MIH Program Option 1
Area **2** -- 1/31/18 MIH Program Option 1
Area **#** – [date of adoption] MIH Program Option 1, Option 2 and Option 3

Portion of Community District 8, Brooklyn

[Maps 1, 2, 3 and 4 in Brooklyn CD 8 have been incorporated into composite Map 1 per N 250015 ZRK, [date of adoption]]

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