Appendix B: Draft 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

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

* * *

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#.~~

* * *

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; and

(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 like 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 purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions) and 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) upon the submission to the Department of Buildings of a copy of a restrictive declaration,

in a form acceptable to the Department of Environmental Protection (DEP), that has been executed and recorded in the Office of the City Register against all tax lots with such #use#, binding the owners, successors, and assigns to provide any building design or other requirements consistent with the underlying zoning as may be approved by the DEP to protect occupants of the #building# and surrounding properties from air contaminants, odors, vibrations or noise. No building permit shall be issued prior to DEP approval. No certificate of occupancy shall be issued until submission of a DEP approved, professionally certified report of the as-built conditions.

146-12
Streetscape Regulations

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that 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
Residential floor area modifications

The #residential# #floor area# regulations of the underlying districts or of Article XII, Chapter 3 (Special Mixed Use District), as applicable, shall apply. However, the maximum #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing#, shall be as set forth in the table below.

MAXIMUM #RESIDENTIAL# #FLOOR AREA RATIO#

District	Maximum #floor area ratio#
M1-1A/R6B	2.40
C4-3A M1-2A/R6A	3.90
R7A	5.01
C4-5D M1-3A/R7D	5.60
C6-3A M1-4A/R9A	9.02
C6-3X	10.80

In addition, in C6-3A, C6-3X and M1-4A/R9A Districts, on #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 pursuant to the provisions of Section 146-41 (Authorization for a Public Plaza).

146-212
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

[NOTE: SECTION CROSS-REFERENCES REFER TO THOSE PROPOSED IN CITY OF YES FOR HOUSING OPPORTUNITY TEXT AMENDMENT]

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

The applicable #street wall# location regulations shall be modified as follows:

(a) for #Commercial Districts# with a #residential equivalent# of R7D, R9A or R9X Districts fronting on a #wide street# or located within 50 feet of a #wide street#, the #street wall# location provisions applicable to a #Commercial District# with a #residential equivalent# of an R7A District shall apply;

(b) for #zoning lots#, or portions thereof, within 100 feet of a #street line# along a #transportation infrastructure adjacent frontage#, the minimum base height shall be one #story# or 15 feet, whichever is less; and

(c) for #zoning lots#, or portions thereof, fronting on Atlantic Avenue or Bedford Avenue, the following shall apply:

(1) a sidewalk widening shall be provided to the extent necessary so that a minimum of sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed five feet, as measured perpendicular to the #street line#; and

(2) 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#.

146-232

Height and setback modifications

Basic height and setback modifications are set forth in paragraph (a) of this Section. Such heights may be modified by the provisions of paragraphs (b) and (c), where applicable.

(a) Basic height and setback modifications

The maximum base height and maximum #building# height for all #buildings or other structures# shall be modified in accordance with the table below:

MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

Districts	Maximum base height (in feet)	Maximum height of #buildings or other structures# (in feet)
M1-1A/R6B	45	65
C4-3A M1-2A/R6A	65	95
R7A	85	115
C4-5D M1-3A/R7D	95	125
C6-3A M1-4A/R9A	135	185
C6-3X	155	215

In addition, #Manufacturing Districts# with an A suffix paired with #Residence Districts#, 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.

(b) Height and setback modifications for certain paired districts

In M1A Districts paired with #Residence Districts#, for #zoning lots# with #buildings# containing #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.

(c) Special provisions for #zoning lots# with #transportation infrastructure-adjacent frontage#

For #zoning lots#, or portions thereof, within 100 feet of a #street line# along a #transportation infrastructure-adjacent frontage#, or for #zoning lots#, or portions thereof, within 100 feet of a #side lot line# that is located withing 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.

(d) Special provisions on shallow #through lots#

Where a #through lot# with a frontage along Atlantic Avenue has a maximum depth of less than 180 feet, for the purposes of applying the provisions of paragraph (b) of Section 35-655, the #street wall# location requirements of this Section shall be mandatory along Atlantic Avenue.

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 Residences

In all districts, no #accessory# off-street parking spaces shall be required for #dwelling units# created after [date of adoption].

146-32
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#, in accordance with the underlying bonus ratios for a C6-3 District, where a #public plaza# is provided on the #zoning lot# in accordance with the provisions of Section 37-70, 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, provided 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) 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

(2) 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;

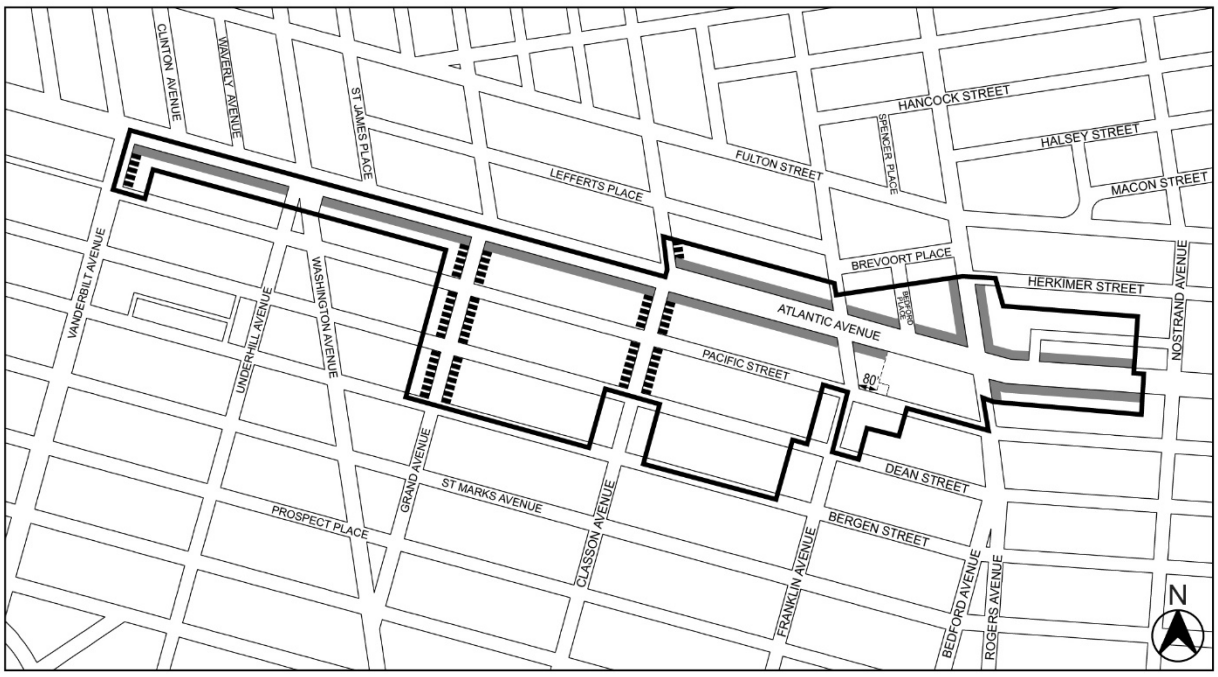
(3) any modifications to #bulk# are the minimum extent necessary to reasonably accommodate the #public plaza# and the additional #floor area# granted pursuant to this Section and will not unduly obstruct access of light and air to surrounding #streets# and properties; and

(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

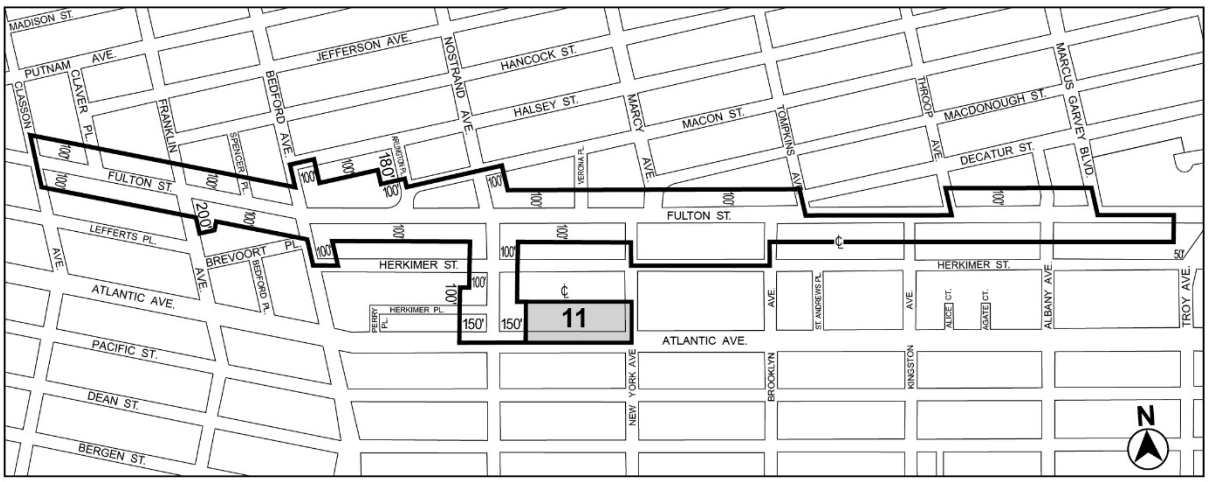
BROOKLYN

* * *

Brooklyn Community District 3

~~Map 1~~

[EXISTING MAP]



Inclusionary Housing designated area

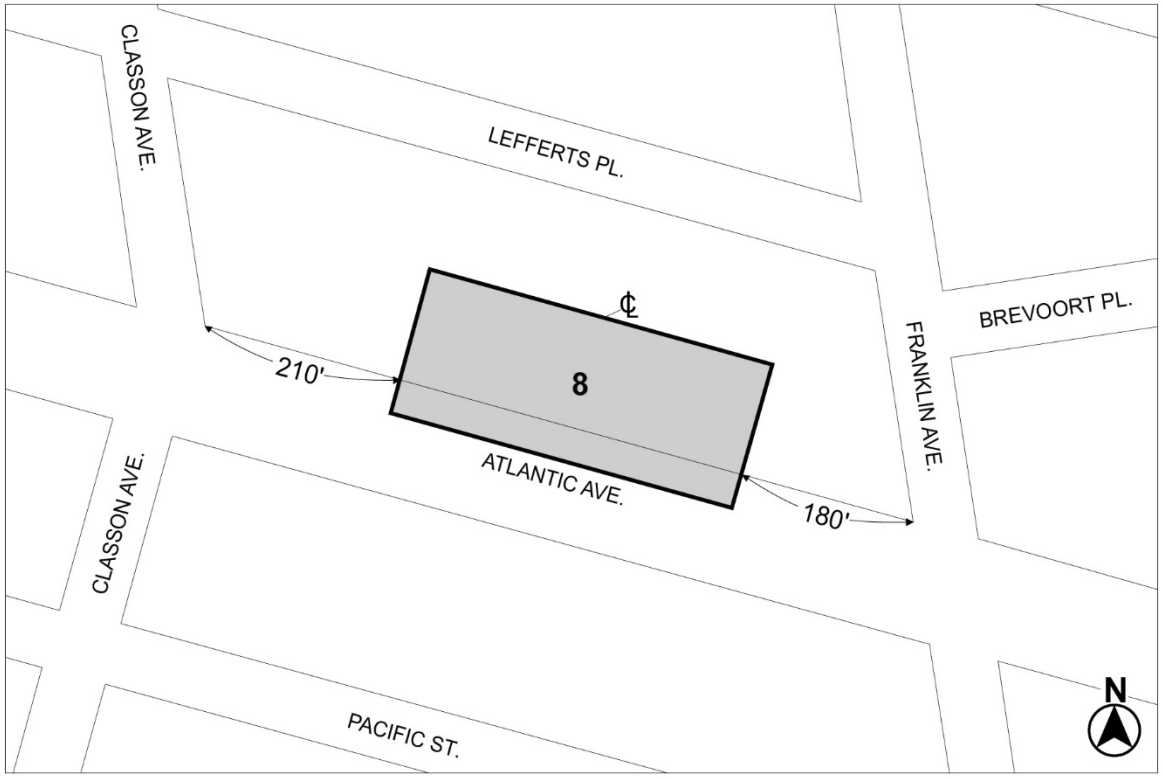
Mandatory Inclusionary Housing Program Area *see Section 23-154(b)(3)*

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

* * *

~~Map 7~~

[EXISTING MAP]

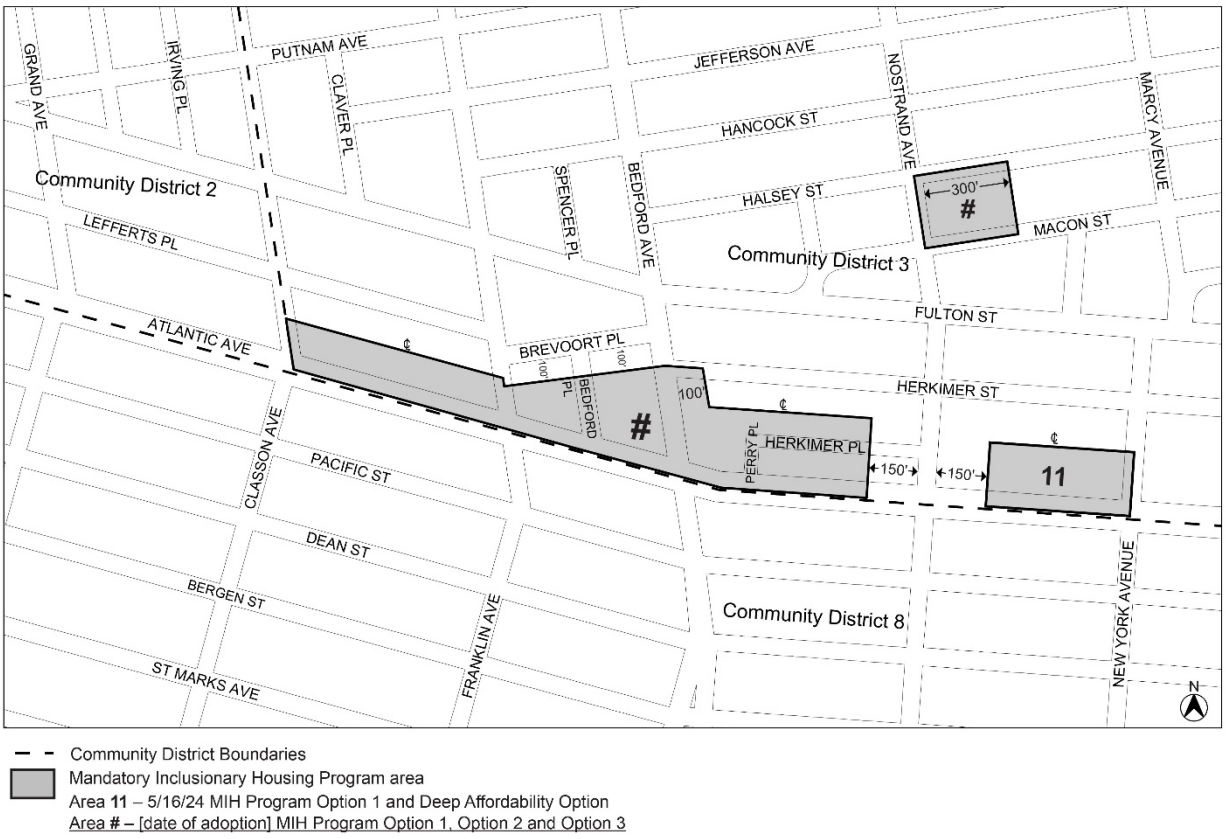


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

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

[PROPOSED MAP]

Map 1 – [date of adoption]



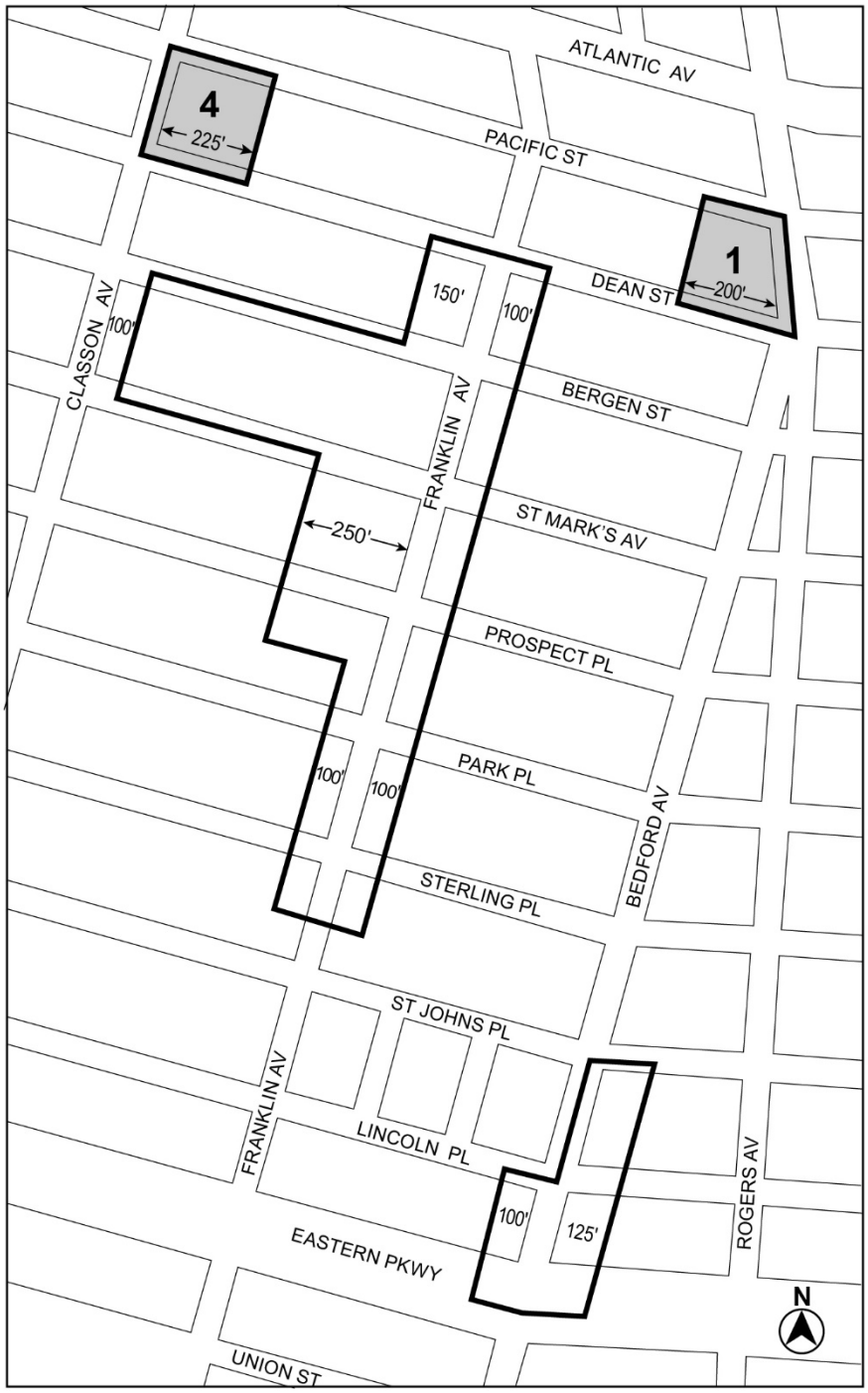
Portion of Community District 3, Brooklyn

* * *

Brooklyn Community District 8

~~Map 1~~

[EXISTING MAP]



Inclusionary Housing designated area

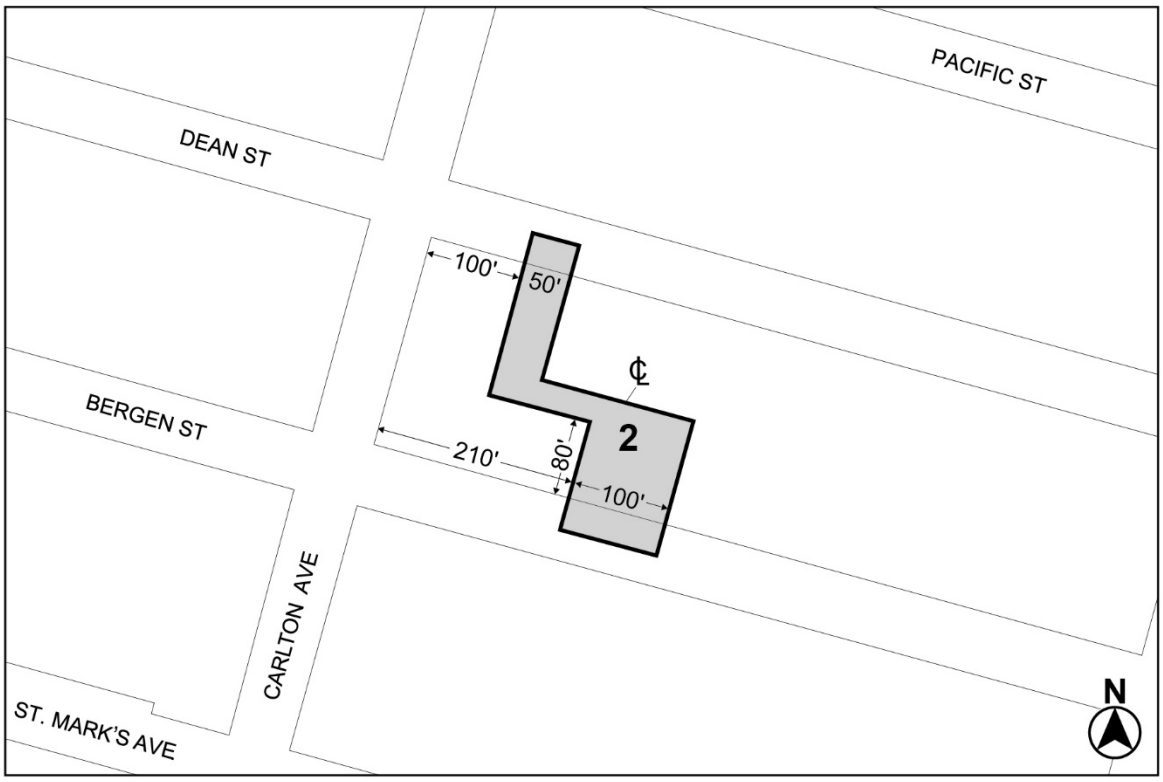
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

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)*

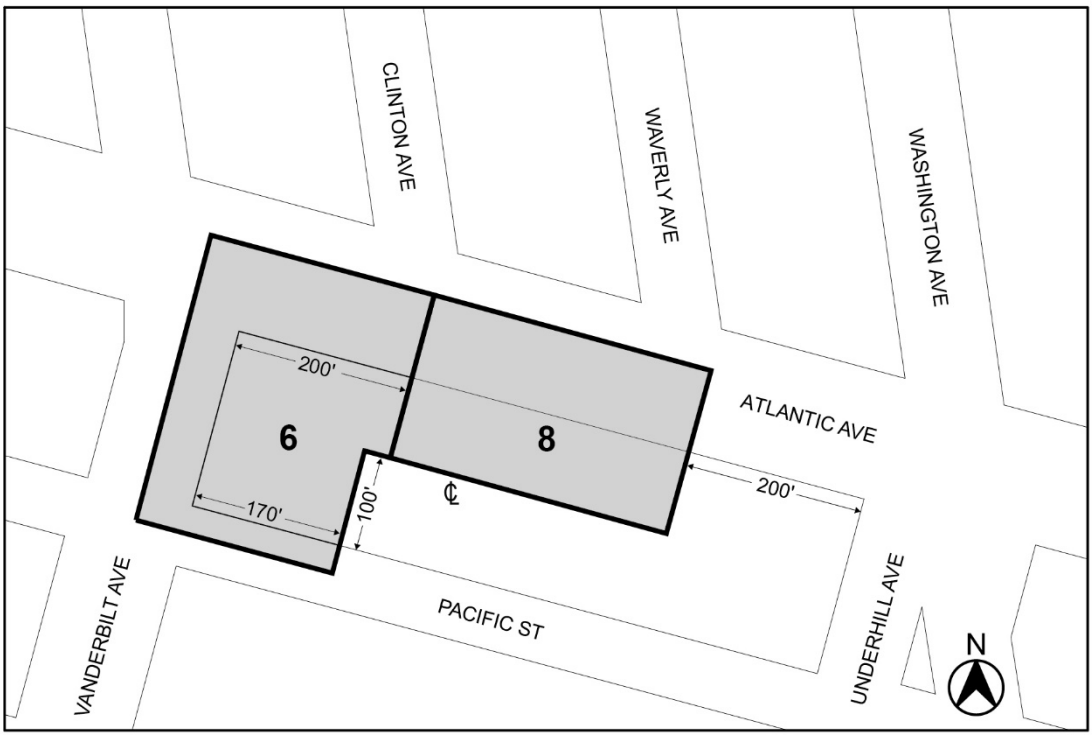
Area **3** — 5/8/19 MIH Program Option 1 and Option 2

Area **5** — 8/27/20 MIH Program Option 1

Area **7** — 4/28/22 MIH Program Option 1 and Deep Affordability Option

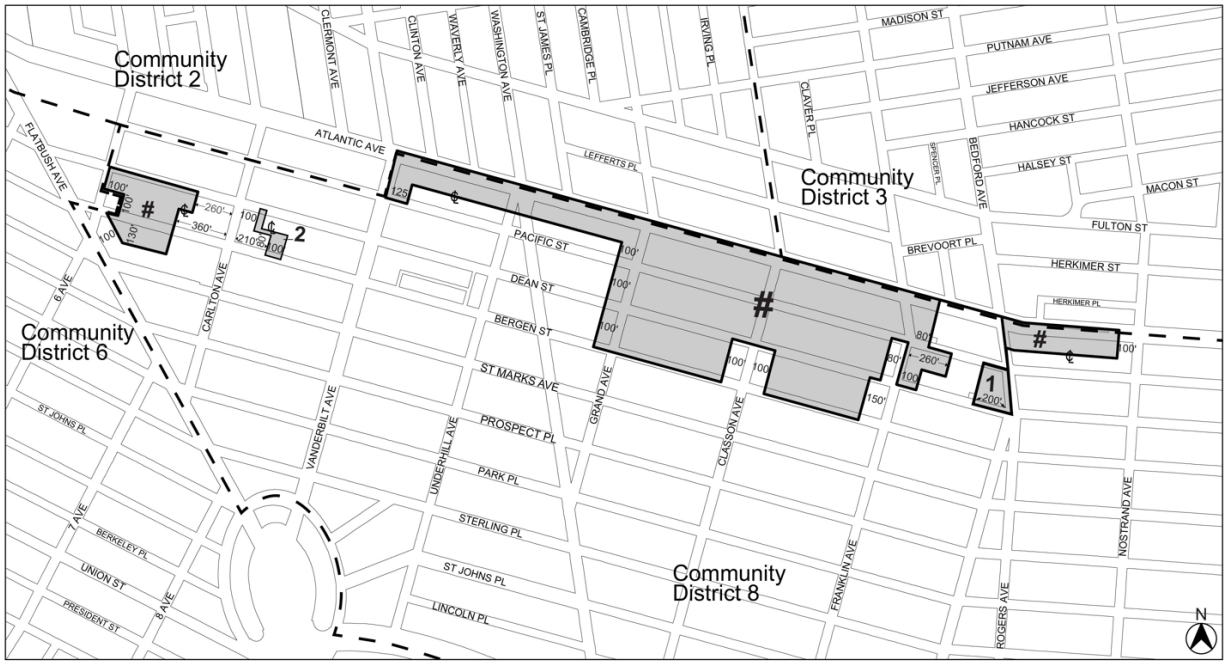
~~Map 4~~

[EXISTING MAP]



Map 1 – [date of adoption]

[PROPOSED MAP]



Community District Boundaries

Mandatory Inclusionary Housing Program 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

* * *

Section 12: Zoning Map Amendment

Atlantic Avenue Mixed Use Plan Zoning Change Map

