



IN THE MATTER OF an application submitted by NYC Department of City Planning, NYC Department of Citywide Administrative Services and NYC Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Atlantic Avenue Mixed Use District (Article XIV, Chapter 6), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, and related Sections.

This application for a zoning test amendment (N 250015 ZRK) was filed by the Department of City Planning (DCP) on October 10, 2024, to establish the Special Atlantic Avenue Mixed Use District, modify Appendix F (Mandatory Inclusionary Housing areas) and modify related Sections, in conjunction with related applications.

RELATED ACTIONS

In addition to the zoning text amendment (N 250015 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 250014 ZMK** Zoning map amendment to change M1-1, C6-2A, C6-3A, C6-3X, M1-4/R7A, R7A/C24, R7D/C2-4, R6B, and R6A districts to R7A, R7D, C6-3A, M1-1A/R6B, M1-2A/R6A, M1-3A/R7D, M1-4A/R9A, C4-3A, C4-5D, R7-2, and M1-3A districts and C2-4 commercial overlays, and establish the Special Atlantic Avenue Mixed Use District
- C 250016 HAK** Disposition approval, UDAA and UDAAP designation located at 542 Dean Street (Block 1136, Lot 29, 32, 33, 34, 35)
- C 250017 HAK** Disposition approval, UDAA and UDAAP designation located at 516 Bergen Street (Block 1143, Lot 25)
- C 250018 PQK** Acquisition of property by the City located at 1110 Atlantic Avenue (Block 1126, Lot 32)
- C 250019 PQK** Acquisition of property by the City located at 1134-1142 Pacific Street (Block 1205, Lots 11, 14, 111)

- C 250020 PQK** Acquisition of property by the City located at 516 Bergen Street (Block 1143, Lot 25)
- C 250021 PPK** Disposition of City-owned property located at 1110 Atlantic Avenue (Block 1126, Lot 32)
- C 250022 PPK** Disposition of City-owned property located at 457 Nostrand Avenue (Block 1844, Lot 1)
- C 250023 PPK** Disposition of City-owned property located at 1134-1142 Pacific Street (Block 1205, Lots 11, 14, 111)

BACKGROUND

A full background discussion and description of this application appears in the report on the related zoning map amendment action (C 250014 ZMK).

ENVIRONMENTAL REVIEW

This application (N 250015 ZRK), in conjunction with the applications for the related actions (C 250014 ZMK, C 250016 HAK, C 250017 HAK, C 250018 PQK, C 250019 PQK, C 250020 PQK, C 250021 PPK, C 250022 PPK and C 250023 PPK) 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 24DCP019K. The lead is the City Planning Commission.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS), issued on March 7, 2025, appears in the report on the related application for a zoning map amendment (C 250014 ZMK).

PUBLIC REVIEW

This application (N 250015 ZRK) was duly referred to Brooklyn Community Boards 3 and 8, to the Brooklyn Borough President, and to the Brooklyn Borough Board, in accordance with the procedures for non-ULURP matters, along with the applications for the related actions (C 250014 ZMK, C 250016 HAK, C 250017 HAK, C 250018 POK, C 250019 POK, C 250020 POK, C 250021 PPK, C 250022 PPK, and C 250023 PPK), which were certified as complete by the Department of City Planning and were duly referred to Brooklyn Community Boards 3 and 8 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 3 held a public hearing on this application (N 250015 ZRK) and the related applications (C 250014 ZMK, C 250016 HAK, C 250017 HAK, C 250018 POK, C 250019 POK, C 250020 POK, C 250021 PPK, C 250022 PPK, and C 250023 PPK) on December 2, 2024, and, on December 2, 2024, by a vote of 22 in favor, six in opposition, and none abstaining, adopted a resolution recommending approval of the application with conditions as described in the report on the related application for a zoning map amendment (C 250014 ZMK).

On December 12, 2024, Brooklyn Community Board 8 held a public hearing on this application and the related applications and, on December 12, 2024, by a vote of 26 in favor, none in opposition, and none abstaining, adopted a resolution recommending approval of the application with conditions as described in the report on the related application for a zoning map amendment (C 250014 ZMK).

Borough President Recommendation

This application (N 250015 ZRK) was considered by the Brooklyn Borough President, who on January 22, 2025, issued a recommendation to approve the application without conditions. A summary of the recommendation appears in the report for the related zoning map amendment (C 250014 ZMK).

City Planning Commission Public Hearing

On January 22, 2025 (Calendar No. 6), the City Planning Commission scheduled February 5, 2025 for a public hearing on this application (N 250015 ZRK), and the applications for the

related actions (C 250014 ZMK, C 250016 HAK, C 250017 HAK, C 250018 POK, C 250019 POK, C 250020 POK, C 250021 PPK, C 250022 PPK, and C 250023 PPK). The hearing was duly held on February 5, 2025 in conjunction with the public hearing on the applications for the related actions. Twenty-three speakers testified in favor of the application and two speakers spoke who did not register in favor or opposition, as described in the report for the related zoning map amendment (C 250014 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 250015 ZRK), in conjunction with the related actions, is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the zoning map amendment action (C 250014 ZMK).

RESOLUTION

RESOLVED, that having considered the FEIS, for which a Notice of Completion was issued on March 7, 2025, with respect to this application (CEQR No. 24DCP019K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The report of the City Planning Commission, together with the FEIS, issued March 7, 2025, constitutes the written statement of findings that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 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:

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

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

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 shallow #through lots# with a frontage along Atlantic Avenue, the #street wall# location requirements of this Section shall be 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

<u>District</u>	<u>Maximum base height (in feet)</u>	<u>Maximum height of #buildings or other structures# (in feet)</u>
<u>M1-1A/R6B</u>	<u>65</u>	<u>95</u>

<u>M1-2A/R6A</u>	<u>95</u>	<u>125</u>
------------------	-----------	------------

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 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. 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

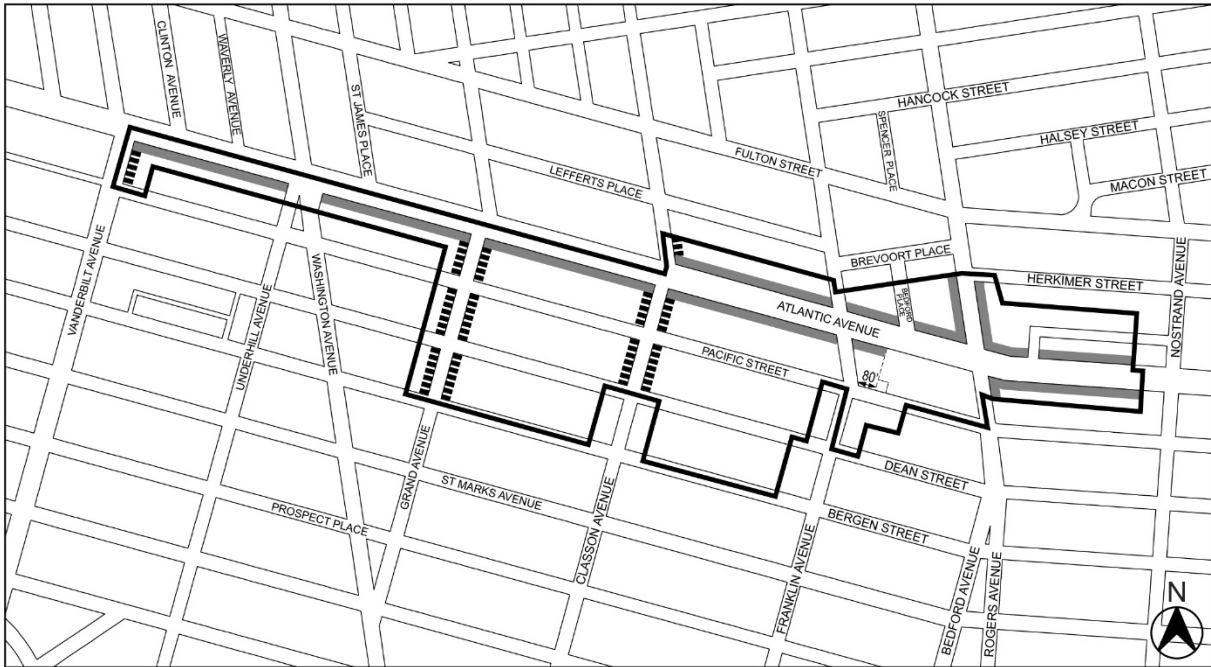
The Commission shall find that:

- (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 additional 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**

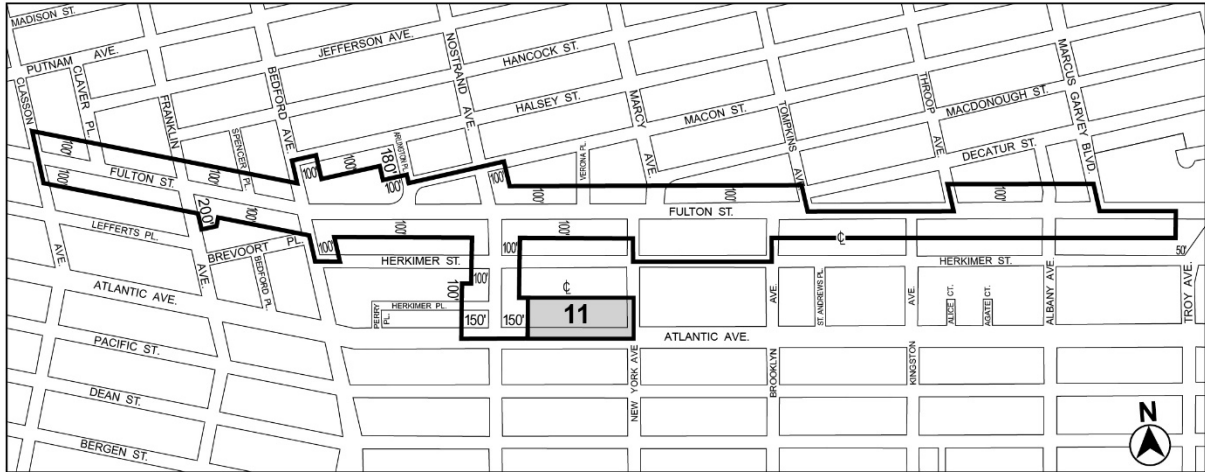
BROOKLYN



* * *

Brooklyn Community District 3

Map 1

[EXISTING MAP]

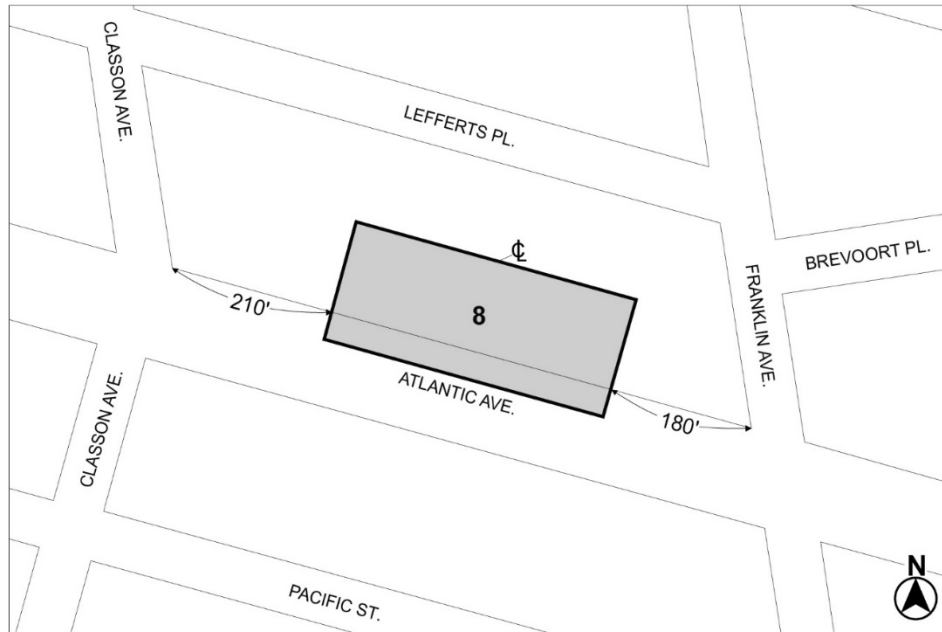



-  Inclusionary Housing designated area
 -  Mandatory Inclusionary Housing Program Area *see Section 23-154(b)(3)*
- Area 11 — 5/16/24 MIH Program Option 1 and Deep Affordability Option

* * *

Map 7

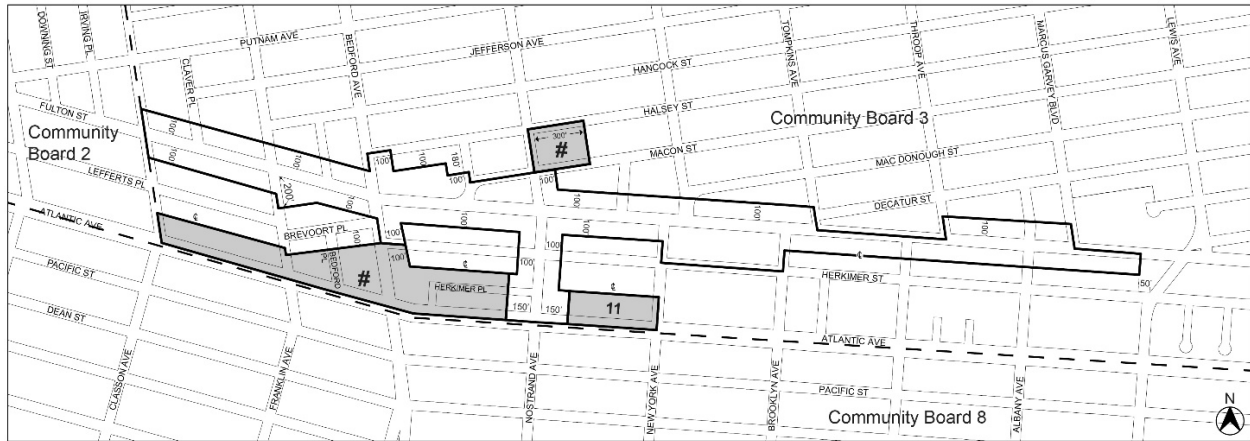
[EXISTING MAP]



-  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

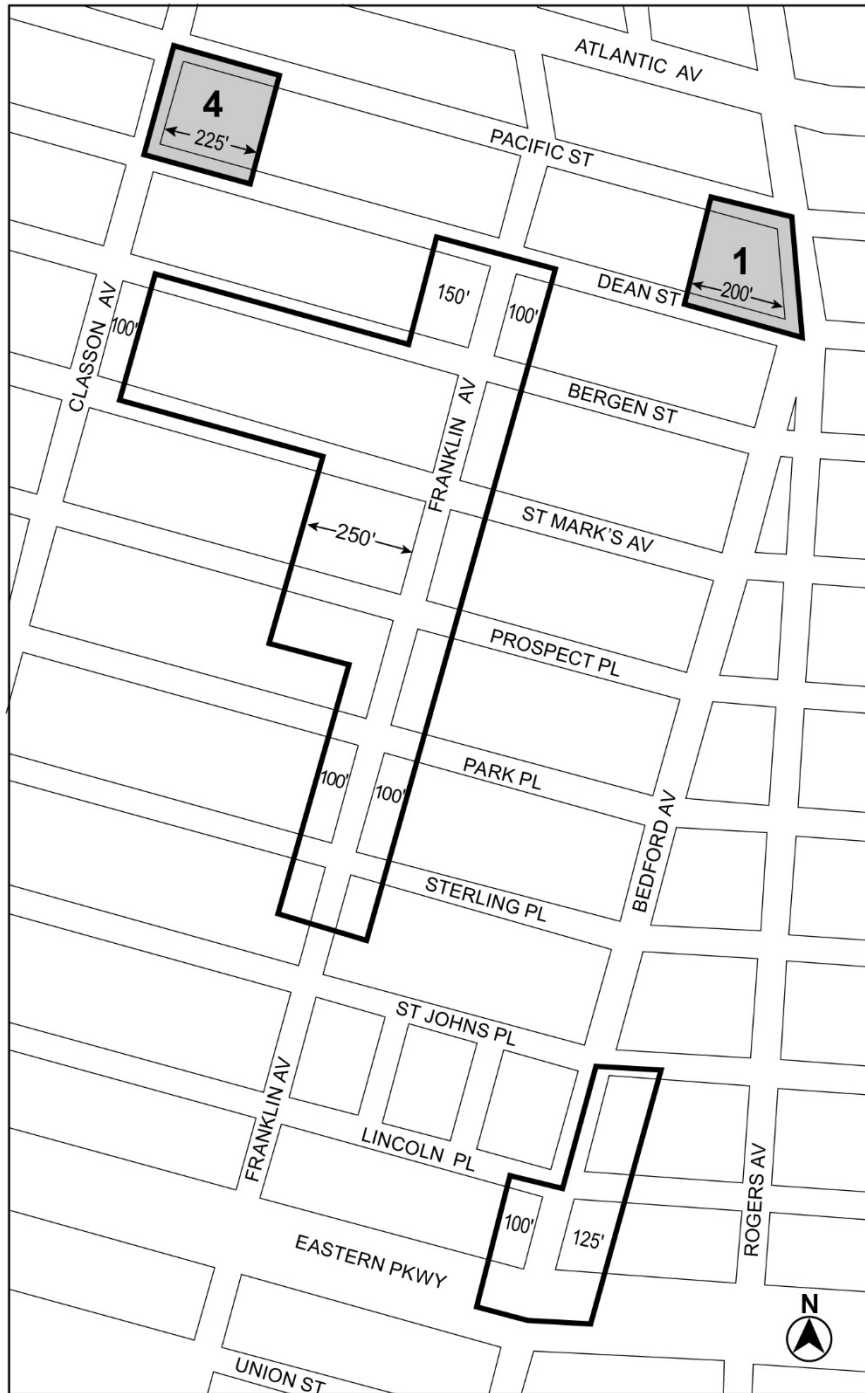
[Maps 1 and 7 in Brooklyn CD 3 have been incorporated into composite Map 1 per N 250015 ZRK, [date of adoption]]



* * *

Brooklyn Community District 8

Map 1

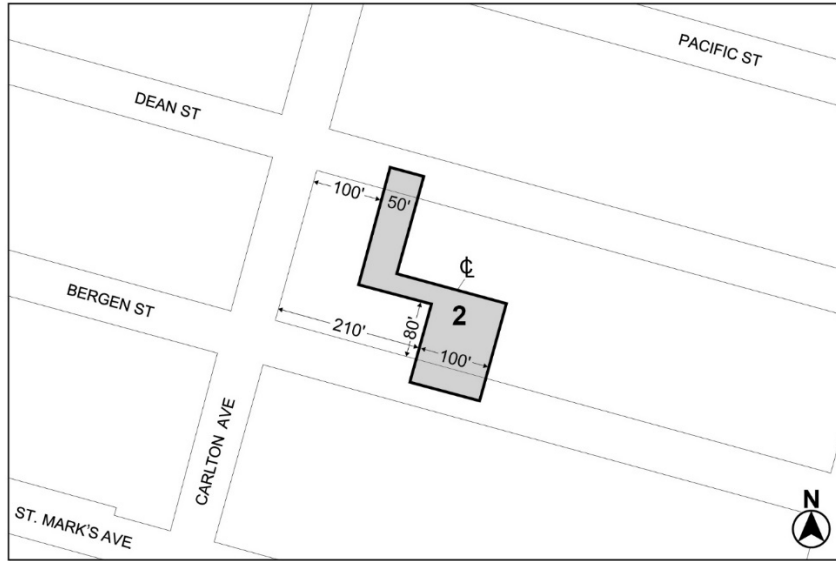
[EXISTING MAP]



-  *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

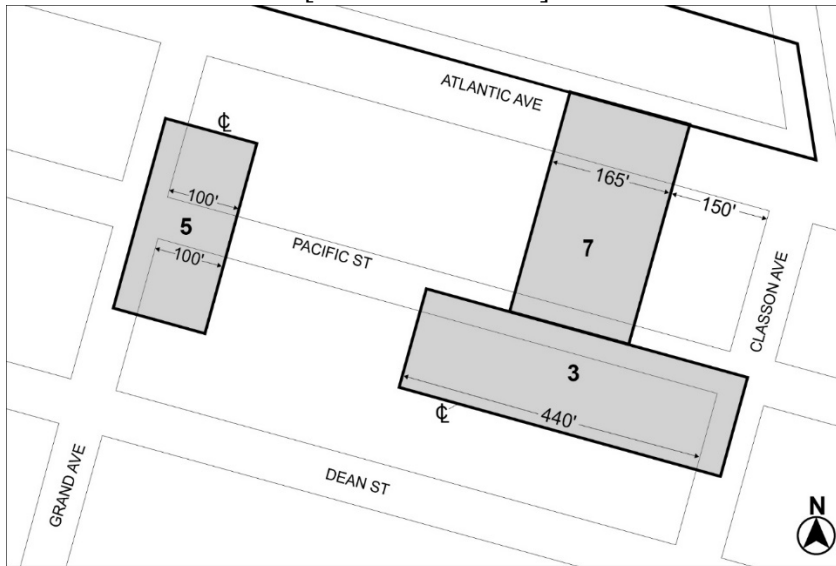
[EXISTING MAP]



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

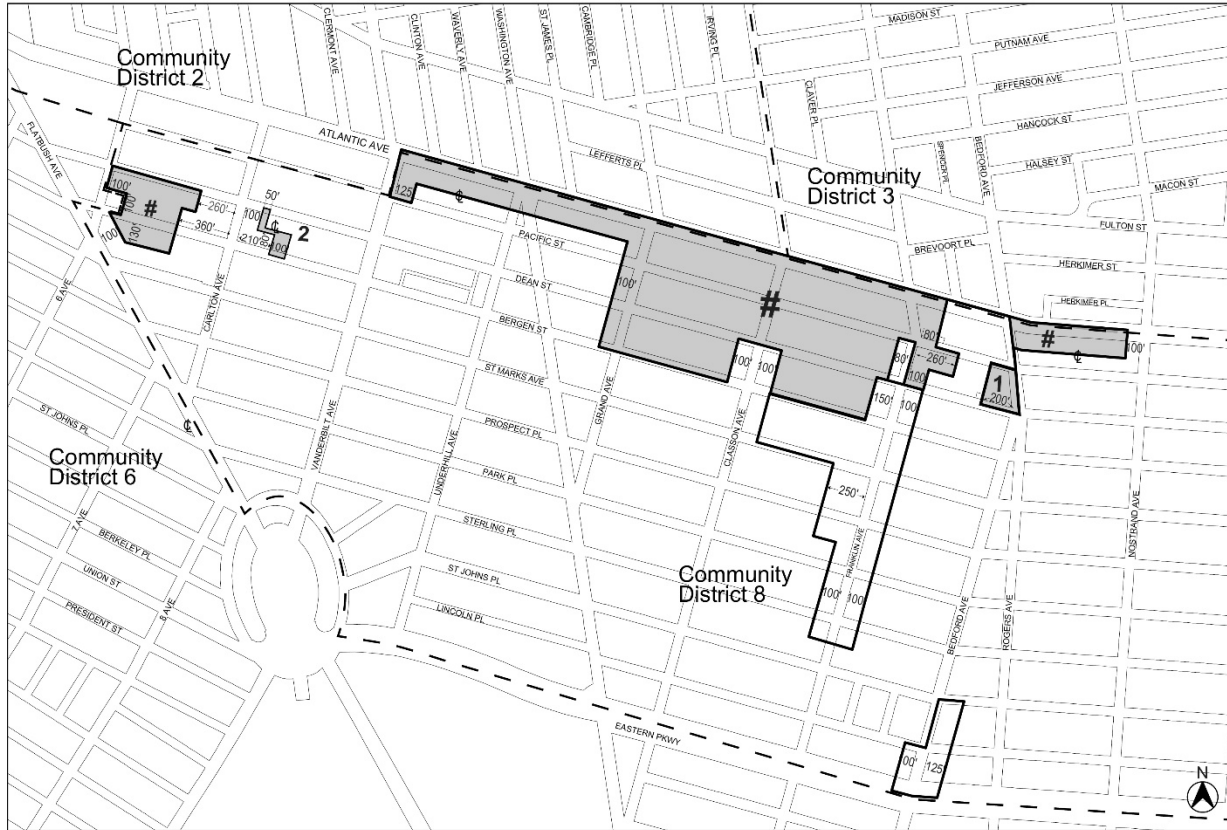
Map 4

[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

[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]]

* * *

The above resolution (N 250015 ZRK), duly adopted by the City Planning Commission on March 19, 2025 (Calendar No. 4), 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.

DANIEL R. GARODNICK, Esq., *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

GAIL BENJAMIN, ALFRED C. CERULLO III, Esq., ANTHONY W. CROWELL, Esq.,

JOSEPH I. DOUEK, DAVID GOLD, Esq., RASMIA KIRMANI-FRYE, RAJU MANN,

ORLANDO MARÍN, RAJ RAMPERSHAD, *Commissioners*

LEAH GOODRIDGE, Esq., *Commissioner, VOTING NO*

JUAN CAMILO OSORIO, *Commissioner, VOTING NO*



COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213
(718) 467-5620/5574 • BROOKLYNCB8.ORG • BROOKLYNCB8@GMAIL.COM

Antonio Reynoso
Borough President

Irsa Weatherspoon
Chairperson

Michelle T. George
District Manager

December 17, 2024

Mr. Dan Garodnick, Chairperson
City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Dear Chairperson Garodnick,

At the December 12, 2024 Community Board 8 general meeting, members voted unanimously with 26 in favor to conditionally support the Atlantic Avenue Mixed Use Plan neighborhood rezoning proposal. The conditions for support are attached.

We thank you for the opportunity to comment on such important matters facing our community. If you have any questions, comments, or concerns, please do not hesitate to contact us.

Sincerely,

Irsa Weatherspoon
Chairperson

Atlantic Avenue Mixed Use Plan (AAMUP) Conditions for Support

At the December 12, 2024 Community Board 8 general meeting, members voted unanimously to conditionally support the Atlantic Avenue Mixed Use Plan provided the following conditions are met:

I. LAND USE

1. Zoning

The 1.1 FAR incentive in the Special Atlantic Avenue Mixed Use District for M1-2A/R6A zoning areas must include 0.5 FAR restricted to light-industrial, arts-related, cultural, civic and repair and production service uses.

2. Zoning:

For buildings in the M1-4A/R9A zoning area, zoning is modified to M1-4A/R8A, with maximum height of 145 feet and residential FAR of 7.2. An incentive 1.1 FAR is added to encourage the development of mixed-use buildings, with a requirement for 0.5 FAR restricted to light-industrial, arts-related, cultural, civic and repair and production service uses.

3. Zoning:

In the R6B district proposed for R7D zoning, residential development must be 100% affordable housing, or the applicable zoning shall be R6A.

4. Zoning:

Lots in the Special Atlantic Avenue Mixed Use District which as of the date of certification for ULURP contained more than 20,000 square feet occupied by non-residential tenants engaged in uses conforming to M1-1 zoning, if redeveloped, must contain floor area restricted to M1-1 conforming uses equivalent to that occupied at the date of certification.

5. Affordable Housing:

MIH options 1 and 2 are removed from the application. A new MIH option 3.5 is created and mapped with 40% of floor area targeting an average of 30% AMI.

6. Affordable Housing

HPD commits to developing the following sites as 100% affordable housing targeting an average income of 25% AMI.

- a. 457 Nostrand Avenue
- b. 1134 Pacific Street
- c. 1110 Atlantic Avenue
- d. 510 Clermont Avenue
- e. 178 Brooklyn Avenue
- f. Any other City-owned sites that are added to the application for development as affordable housing prior to its approval by the City Council.

Atlantic Avenue Mixed Use Plan (AAMUP) Conditions for Support

7. Tenant Protection - Residential:

The City makes a 10-year commitment of \$10,000,000 annually to fund free representation to tenants in community district 8 affirmative and defensive cases, allocating funding to organizations like Legal Services NYC, the Legal Aid Society (LAS) and the New York Legal Assistance Group (NYLAG), with the condition that they track and report to the proposed Community Oversight Body annually.

8. Tenant Protection:

HPD establishes a registry for tenants facing displacement pressure in the AAMUP study area (e.g., who receive legal representation through the fund previously described, as well as other intake channels). Should registered tenants be displaced, they shall receive preference for 50% of units of affordable housing created in any building developed as a consequence of the AAMUP rezoning, such units being separate from any units allocated to other preferenced classes that may exist at the time an affordable housing lottery takes place.

II. ECONOMIC DEVELOPMENT

9. Dedicated workforce development program

The City shall create a career center and workforce development program specific to the AAMUP study area, located in the Bedford-Atlantic Armory to operate for at least 10 years. (Alternatively, fund a non-profit to provide these services.) The program shall include construction, construction adjacent trades, green economy jobs associated with sustainable construction, light-industrial, arts-related, cultural, civic, repair, production and service jobs. It shall be staffed by four professionals and target at least 200 placements per year. Program selection shall prioritize residents of community boards, 2,3,& 8, specifically the homeless, and operations shall emphasize safety and gender equity.

10. Career development and training programs for youth and young adults

The City shall support career development and training programs for youth ages 15-26 who reside in CB2, CB3, and CB8, in areas including but not limited to construction, construction adjacent trades, green economy jobs associated with sustainable construction, light-industrial, arts-related, cultural, civic, repair, production and service jobs.

11. Apprenticeship incentive program

The City shall fund a construction apprenticeship incentive program for a period of 10 years with an annual contribution of \$10M, to provide contractors with grants for hiring clients of the AAMUP workforce development and youth and young adults programs, as well as existing workforce development programs in CB2, CB3, and CB8.

12. Local entrepreneur capital fund

The City shall create a low-interest capital fund for a period of 10 years with an annual contribution of \$10M for local entrepreneurs, including entrepreneurs displaced within the last 10 years, to locate in the AAMUP rezoning area (with a focus on Black and M/WBE entrepreneurs). M/WBE certification shall be provided by non-profit partners.

Atlantic Avenue Mixed Use Plan (AAMUP) Conditions for Support

13. Green technology incubator

The City shall create a robust green technology Incubator and Accelerator for a period of 10 years, located at the Bedford-Atlantic armory (or other City-owned space in the study area) and coordinated with City and State services, with preference given to M/WBE entrepreneurs. The programs shall include mentorship, office space, legal and technical support to access government programs, financial and other incentives.

14. Relocation fund

The City shall make grants over a period of ten years to local businesses displaced (directly or indirectly) by the rezoning efforts. Each business will be eligible to receive grants of up to \$250,000 per business adjusted for inflation, from the adoption of the rezoning, and on a case-by-case basis thereafter. The City shall also provide funding for legal services, real estate, and other relocation support and advocacy services to these businesses. Businesses located in the proposed rezoning area since April 2015, the date of the official CB8 adoption of the MCrown rezoning proposal, will be eligible, whether or not they were located in the rezoning area at the time of City Council approval of the AAMUP application.

15. Economic Impact Study

The City shall fund an impact study to analyze the effects of the rezoning on the community, with the goal of preventing displacement to the greatest extent possible. The study will be conducted by the proposed Community Oversight Body and its consultant with support from DCP, HPD, and SBS, and will include close tracking and monitoring of resident and business displacement and conditions for potential displacement. The Study will be conducted every three years and will include quantitative and qualitative data, all of which will be published on NYC Open Data portal.

16. Notification and support to businesses facing displacement

At least 30 days prior to the City Council holding hearings on the AAMUP ULURP applications, the City Council Members shall notify all businesses in the rezoning area as to the proposed actions, and the dates of all planned hearings. And after the Rezoning is approved, shall notify and advise all businesses in the rezoning area of all resources at their disposal. Notification shall include direct mail and community outreach.

17. Supporting local businesses

The City shall set up a process so that local businesses receive a preference for City contracting and proactive information regarding private business opportunities emanating from the AAMUP plan, along with support for that process, to enable small business growth and development.

18. Supporting business parking

The zoning will allow for on-site parking sufficient for commercial manufacturing entities to sustain their services.

19. Retail square footage restrictions

The zoning will allow for a maximum of 10,000 sq feet for ground floor retail uses throughout AAMUP, except for grocery stores, to encourage smaller retail and discourage

Atlantic Avenue Mixed Use Plan (AAMUP) Conditions for Support

"big box" development.

III. ENVIRONMENTAL, SANITATION, AND TRANSPORTATION

20. Sidewalks and the Pedestrian Experience

- a. Install bollards in front of amenities like parks. Specifically, include bollards on the sidewalks adjacent to Dean Street Playground on Dean Street and Bergen Street.
- b. Loading docks and/or entrances to off-street parking shall be designed to minimize intrusion into the pedestrian environment and disruption of the usage of Pacific, Dean, and Bergen Streets as local multimodal streets. Off-street parking, if built and not fully utilized by development residents, must be opened to the public. The zoning will allow for on-site parking sufficient for commercial manufacturing entities to sustain their services.
- c. Except for containerization, waste / recycling must be stored indoors.

21. Streetscape

- a. Within 24 months, work with the local stakeholder community to develop a comprehensive plan for the street network in the AAMUP study area that both reflects Atlantic Avenue's vital importance for through-travel and also provides for safer east-west bike travel, safer crossings of Atlantic Avenue, a more livable and walkable environment on Atlantic, and improved bus travel.
- b. Within 24 months, implement SIPS ("light touch" street improvements) to promote safety on Atlantic Avenue intersections, including but not limited to 6th Avenue, Carlton Avenue, Vanderbilt Avenue, Clinton Avenue, Washington Avenue, Grand Avenue, Classon Avenue, Franklin Avenue, Bedford Avenue, Nostrand Avenue, New York Avenue, Brooklyn Avenue and Kingston Avenue.
- c. Plan for a variety of curbside uses, including space for waste containers and loading zones in front of one entrance to large buildings, specifically a loading zone in front of the building to be constructed at 542 Dean Street.

22. Transit

- a. Capital improvements to Clinton-Washington, Franklin, and Nostrand A/C train stations, and the Franklin Avenue Shuttle, including accessibility upgrades and re-opening closed entrances.
- b. The right of way of the Franklin Avenue Shuttle should be protected and not infringed upon, with sufficient space for a potential reconstruction with two tracks.
- c. The B65 bus route should remain on Bergen and Dean Streets.

23. Open Space

- a. Any open spaces created under the Open Space Incentive will become public Parks and will be funded by annual tax assessments on the developments to be paid to the NYC Department of Parks and Recreation.

Atlantic Avenue Mixed Use Plan (AAMUP) Conditions for Support

- b. Any new open spaces should be Parks, or if funded and owned privately, administered by the Parks Department, rather than publicly accessible open spaces. Approval of any expansions or renovations to existing open spaces should include Community Board review and outreach and notice to adjacent residents and businesses.
- c. All existing parks, gardens, and open spaces, whether public or private, will be protected from development.
- d. The Department of Parks shall install new astroturf and a new children's play area with heat safe equipment at the Dean Playground.

24. Environmental

- a. Abide by COY: Carbon Neutrality and other best practices.
- b. A contiguous street tree canopy should be encouraged and wherever possible, rain gardens should be installed. Maintenance (cleaning, weeding, planting, etc) of street trees, planters, and rain gardens should be funded by developments. Street furniture and redesigns should not interfere with cleaning and maintenance of curb zones, storm drains, etc.

25. General

The City shall fund a consultant to act as facilitator of a Community Oversight Body formed to oversee the City's delivery of benefits committed as part of the AAMUP neighborhood rezoning to provide transparency and accountability. Funding shall be for ten years of the date of approval of the ULURP application. Members of the body shall be nominated by City Council members and Community Boards whose districts overlap the AAMUP study area, with a target for residential tenants, commercial tenants and small homeowners of 1-3 family buildings to be represented proportionally.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Atlantic Avenue Mixed-Use Plan	
Applicant: DCP - Department of City Planning Brooklyn Office	Applicant's Primary Contact: JONAH ROGOFF
Application # 250016HAK	Borough: Brooklyn
CEQR Number: 24DCP019K	Validated Community Districts: K08,K03

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 26	# Against: 0	# Abstaining: 0	Total members appointed to the board: 48
Date of Vote: 12/12/2024 12:00 AM		Vote Location: Brooklyn Children's Museum, 145 Brooklyn Avenue, Brooklyn, N.Y. 11213	

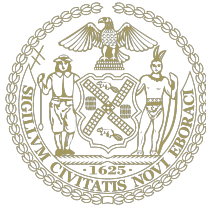
Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 12/12/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Brooklyn Children's Museum, 145 Brooklyn Avenue, Brooklyn, NY. 11213

CONSIDERATION: See Attached		
Recommendation submitted by	BK CB8	Date: 12/20/2024 4:44 PM

ANTHONY BUISSERETH
CHAIR

IVY GAMBLE COBB, FIRST VICE CHAIR
MICHAEL CATLYN, SECOND VICE CHAIR



NADEEN A. GAYLE
DISTRICT MANAGER

C. DORIS PINN, TREASURER
MONIQUE ANTOINE, EXECUTIVE SECRETARY

THE CITY OF NEW YORK
BROOKLYN COMMUNITY BOARD NO. 3
1360 FULTON STREET, 2ND FLOOR
BROOKLYN, NEW YORK 11216

December 9, 2024

Daniel Garodnick, Chair
Department of City Planning
120 Broadway, 31st fl.
New York, NY 10271

Dear Chair Garodnick,

At the December 2, 2024 general meeting of the Brooklyn Community Board No. 3, the Board voted to conditionally support the Atlantic Avenue Mixed Use Plan (AAMUP) neighborhood rezoning proposal with a vote of **22 in favor, 6 against, and zero abstentions**. The conditions are attached.

We look forward to continued collaboration to ensure that the conditions are met as the process continues. Please do not hesitate to contact our Board office should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Anthony Buissereth".

Anthony Buissereth
Chair

Conditions for Support of AAMUP

1. Atlantic Avenue
 - Remove “Proposed Site 13” (Block: 2020 Lots: 86 & 89) from the Plan to preserve the Lefferts Place Community Garden.
 - Reduce maximum height to 12 stories along the corridor

2. 457 Nostrand Avenue
 - Reduce the allowable building height to not exceed Girls’ High School center spire.
 - A significant majority of units are one-bedroom and family-sized; studio units minimized.
 - Average AMI of 40%
 - Create plaza/open space/green space on Halsey Street facing section of the lot
 - Explore possibility building of underground parking garage

3. Parks & Open Space
 - Renovate and upgrade all parks & open spaces (operated by the Parks Department, DOE, and DOT) within one-half mile of AAMUP project area (including PS 3 school yard & John Hancock Playground, Potomac Playground, and PS 93 school yard)
 - Incentivize the creation of privately-owned public spaces (POPS) at large development sites
 - Establish plazas at significant intersections along Atlantic Avenue and Fulton Street
 - Pursue creation of open space on the on north-side of Lefferts Place adjacent to the elevated shuttle (Block: 2012 Lot: 56)

4. Other Items
 - Add a commercial overlay to properties on Franklin Avenue between Hancock Street and Fulton Street
 - Re-open the Classon Avenue entrance for the Franklin Avenue station
 - Prioritize street safety and roadway improvements along the Fulton Street corridor especially the intersections at Classon & Fulton, Franklin & Fulton, Bedford & Fulton, and Nostrand & Fulton
 - Prioritize attracting a diverse mix of business types that offer a range of job (based on skills and expertise) and workforce development opportunities (such as job training and trade apprenticeships)
 - Establish a maintenance and upkeep fund that is funded by private developers in AAMUP project area



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Atlantic Avenue Mixed-Use Plan	
Applicant: DCP - Department of City Planning Brooklyn Office	Applicant's Primary Contact: JONAH ROGOFF
Application # 250016HAK	Borough: Brooklyn
CEQR Number: 24DCP019K	Validated Community Districts: K08,K03

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 22	# Against: 6	# Abstaining: 0	Total members appointed to the board: 28
Date of Vote: 12/2/2024 12:00 AM		Vote Location: 1360 Fulton Street, 5th Floor	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 12/2/2024 7:00 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	1360 Fulton Street, 5th Floor

CONSIDERATION:

Recommendation submitted by	BK CB3	Date: 12/23/2024 4:07 PM
-----------------------------	--------	--------------------------



Brooklyn Borough President Antonio Reynoso
Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Uniform Land Use Review Procedure (ULURP) Application

ATLANTIC AVENUE MIXED-USE PLAN– C250014ZMK

IN THE MATTER OF an application by the Brooklyn Office of the Department of City Planning (DCP) involving an area-wide plan to support housing and job growth along Atlantic Avenue between Vanderbilt Avenue and Nostrand Avenue in Community Districts 3 and 8 within the neighborhoods of Crown Heights, Bedford Stuyvesant and Prospect Heights, Borough of Brooklyn, consisting of zoning map amendments, zoning text amendment, UDAAP designations, acquisitions and dispositions of property by the city.

BROOKLYN COMMUNITY DISTRICTS 3 & 8

RECOMMENDATION

APPROVE

**APPROVE WITH
MODIFICATIONS/CONDITIONS**

DISAPPROVE

DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: ATLANTIC AVENUE MIXED-USE PLAN– C250014ZMK

The AAMUP project area is composed of 21 full or partial blocks that are primarily zoned as M1-1—a low-density manufacturing district—with exceptions along Atlantic Ave zoned as C6-3A, C6-3X, and R-6B. The surrounding neighborhoods' land use is primarily residential, with a mix of R6A, R6B, R7A, and R7D, as well as commercial uses concentrated along Fulton Street and the north-south corridors of Bedford, Grand, and Classon Avenues. The project area is in a high-demand market according to the Equitable Development Data Explorer. Since 2019, the AAMUP study area has seen seven private ULURP applications, with three additional rezonings in the surrounding area. These rezonings have transformed existing M1-1 lots to facilitate housing.

The project area is well served by public transit. It is within a quarter mile of the A, C, and S subway lines, many bus lines, and within a half mile of the Atlantic Terminal station. Atlantic Avenue is a critical thoroughfare that has three wide lanes in each direction and narrow sidewalks, prioritizing vehicle traffic over pedestrian design. There are 800 private sector jobs in the area across a variety of sectors.

In 2013, in response to increased development following the 2013 Crown Heights West Rezoning, Community Board 8 (CB8) initiated a neighborhood planning process called M-CROWN (Manufacturing, Commercial, Residential Opportunity for a Working Neighborhood). The goal of the report was to “Create a development policy within the M1-1 zone that will lead to revitalization of the area while retaining existing industrial businesses, encouraging new ones to locate there, and creating opportunities for affordable housing development.” Starting in 2016, DCP collaborated with CB8, residents, property owners, and stakeholders on this initiative and, in 2018, DCP released the "M-CROWN" land use framework, building on CB8’s vision and outlining specific sub-areas for development.

During the engagement process, participants expressed a strong interest in affordable housing and creating jobs that require only a high school diploma or equivalent, such as construction, building trades, and light or artisanal manufacturing. To address these priorities, the initial M-CROWN framework set aside specific lots as industrial sub-areas. In 2023, DCP received feedback on M-CROWN and developed a revised proposal that became the template for the zoning proposal of AAMUP. It kept many elements of the M-CROWN proposal but replaced the industrial sub-areas with mixed-use districts that allow for residential and manufacturing.

Along Atlantic Avenue, DCP’s 2024 AAMUP proposal replaces existing M1 districts along Atlantic Avenue with C6-3A mixed-use districts. To improve the pedestrian experience along Atlantic, the proposed Special Districts would require the street wall of new buildings to set back a maximum of five feet, include facade articulation such as a recess or setback, and offer a 20% FAR bonus if a publicly accessible open space is provided.

The proposed mixed-use manufacturing districts include M1-A Growth Districts from City of Yes for Economic Opportunity. Compared to the existing M1-1 districts, M1-A Growth districts have increased FAR, no parking requirements, and allow for loft buildings. However, these districts also allow for commercial and community facility uses as-of-right.

The proposal for the north-south corridors would rezone existing M1-1 district to M1-3A/R7D and C4-5D districts, each with a C2-4 overlay. The Mix of Uses Special District proposal would require non-residential uses along the north-south corridors of Bedford, Grand, and Classon Ave, as well as Atlantic Avenue. The midblock area, on Dean, Bergen and Pacific Street, would rezone M1-1 districts to M1-2A/R6A and C4-3A. To incentive mixed use buildings, a proposed Special Mixed-Use Incentive would offer a 25% increase in height for buildings that have a mix of residential and non-residential uses.

The Bedford Atlantic Armory is proposed to be rezoned to M1(4) with long term goals of exploring the addition of community-oriented uses and affordable housing. City-owned sites on Dean Street and Bergen Street will be rezoned to enable HPD to develop 100 percent affordable housing developments. Additionally, MIH options 1, 2, and the deep affordability option will be mapped on the project area.

Community Board & Borough Board Positions

On December 2, 2024, **Community Board 3** voted to conditionally approve this application with the following conditions:

Atlantic Avenue

- Limit building height to a maximum of 12 stories and eliminate “Proposed Site 13” to protect the Lefferts Place Community Garden.

457 Nostrand Avenue

- Restrict building height to remain below the spire of Girls’ High School.
- Ensure the majority of housing units are one-bedroom and family-sized, with studio apartments kept to a minimum and an average Area Median Income (AMI) of 40%.
- Create a public plaza or green space along the Halsey Street side and explore the possibility of incorporating underground parking.

Parks & Open Spaces

- Upgrade and improve all parks and open spaces within a half-mile radius of the AAMUP project, in partnership with the Parks Department, DOE, and DOT.
- Encourage the development of privately owned public spaces (POPS) in large developments and establish plazas at key intersections.
- Develop open space on the northern side of Lefferts Place near the elevated shuttle.

Other Recommendations

- Introduce a commercial overlay on Franklin Avenue between Hancock Street and Fulton Street.
- Reopen the Classon Avenue entrance to the Franklin Avenue station.
- Focus on improving traffic safety and road conditions along the Fulton Street corridor.
- Attract a diverse range of businesses that support jobs requiring specialized skills, job training, and trade apprenticeships.
- Establish a maintenance and upkeep fund for the area, financed by private developers involved in the AAMUP project.

On December 12, 2024, **Community Board 8** voted to conditionally approve this application with the following conditions:

General

- Fund a consultant for 10 years to act as a facilitator of a community body formed to oversee the City’s delivery of benefits committed as part of AAMUP to provide transparency and accountability with proportional representation of residential and commercial tenants and small homeowners of 1 to 3 families based on the makeup of surrounding neighborhoods.

Zoning

- The 1.1 FAR incentive for M1-2A/R6A zoning areas must include 0.5 FAR restricted to light industrial, arts-related, cultural, civic, and repair and production service uses.
- For buildings in the M1-4A/R9A zoning area, zoning is modified to M1-4A/R8A, with maximum height of 145 feet and a residential FAR of 7.2. An incentive 1.1 FAR is added to encourage the development of mixed-use buildings, with a requirement for 0.5 FAR restricted to light industrial, arts-related, cultural, civic, and repair and production service uses.
- In the RGB district proposed for R7D zoning, residential development must be 100% affordable housing, or the applicable zoning shall be R6A.
- Lots in the Special Atlantic Avenue Mixed Use District which as of the date of certification for ULURP contained more than 20,000 square feet occupied by non-residential tenants engaged in

uses conforming to M1-1 zoning, if redeveloped, must contain floor area restricted to M1-1 conforming uses equivalent to that occupied at the date of certification.

Economic Development

- Dedicated workforce development program located in the Bedford-Atlantic Armory, or alternatively, fund a non-profit to provide these services.
- Career development and training programs for youth and young adults.
- Apprenticeship incentive program.
- Local entrepreneur capital fund, including for those displaced within the last 10 years, to locate in AAMUP (with a focus on Black and M/WBE entrepreneurs).
- Green technology incubator at the Bedford-Atlantic armory (or other city-owned space in the study area) and coordinated with City and State services.
- Relocation fund with grants up to \$250,000 for local businesses displaced (directly or indirectly).
- Economic Impact Study conducted by the proposed Community Oversight Body and its consultant to analyze the effects of the rezoning on displacement.
- Notification and support to businesses facing displacement in advance of the City Council ULURP hearing.
- Supporting local businesses to receive a preference for City contracting and private business opportunities emanating from AAMUP.
- Allow for on-site parking sufficient for commercial manufacturing entities to sustain their services.
- Retail square footage restrictions: Allow for a maximum of 10,000 sq feet for ground floor retail uses, except for grocery stores, to encourage smaller retail and discourage “big box” development.

Affordable Housing

- MIH Options 1 and 2 are removed from the application. A new MIH option 3.5 is created and mapped with 40% of floor area targeting an average of 30% AMI.
- HPD commits to developing the following sites as 100% affordable housing targeting an average income of 25% AMI (457 Nostrand Avenue, 1134 Pacific Street, 1110 Atlantic Avenue, 510 Clermont Avenue, 178 Brooklyn Avenue).

Tenant Protection

- Five-year commitment of \$3 million annually to fund free representation to tenants in CD 8 affirmative and defensive cases, allocating funding to organizations.
- HPD establishes a registry for tenants facing displacement pressure in the AAMUP study area. Should registered tenants be displaced, they shall receive preference for 50% of units of affordable housing created in any building developed in AAMUP, separate from any units to other preference classes in the affordable housing lottery.

Sidewalks and Pedestrian Experience

- Install protective bollards along sidewalks near the Dean Street Playground.
- Ensure that entrances to off-street parking and loading docks are designed to minimize disruptions to pedestrian activity and the usage of local streets like Pacific, Dean, and Bergen. Off-street parking, if constructed but not used by private developments, must be made accessible to the public.

Streetscape

- Within two years, create a comprehensive plan for the street network within AAMUP that prioritizes both Atlantic Avenue’s importance for through-traffic and safer east-west bike travel. The plan should also include better pedestrian crossings, a more walkable environment, and improved bus services.

- Implement “light touch” street improvements (SIPS) to enhance safety on Atlantic Avenue intersections.
- Establish varied curb uses, including a designated loading zone in front of 542 Dean Street.

Transit

- Invest in capital improvements at Clinton-Washington, Franklin, and Nostrand Avenue A/C train stations, as well as the Franklin Avenue Shuttle. These upgrades should include accessibility enhancements and the reopening of closed entrances.
- Preserve the right-of-way for the Franklin Avenue Shuttle to ensure future reconstruction allows for two-track operations.
- Maintain the B65 bus route on Bergen and Dean Streets.

Open Space

- Remove the Open Space Incentive from the Special Atlantic Avenue Mixed-Use District regulations.
- Require that new open spaces be classified as parks or protected by the Parks Department, whether publicly or privately funded. Existing parks and gardens must be safeguarded from development.
- Add a new playground and children’s play area near the Dean Playground, with heat-safe equipment.

Environment

- Follow carbon neutrality standards and other sustainable practices.
- Encourage the creation of a continuous street tree canopy and require developers to fund the installation and maintenance of rain gardens.

On January 7, 2025, Brooklyn Borough Board held a public hearing. The Borough Board discussed the goals of the project. Questions were raised about affordability levels, scale and compatibility with surrounding neighborhoods, streetscape investment, and jobs. As of January 22, 2025, the Borough Board has not taken a vote to comment on the application. Should they do so, their position will be forwarded to the City Planning Commission for review and consideration.

Borough President ULURP Hearing and Public Comment

Borough President Reynoso held a public hearing on this application on Wednesday, January 15, 2025. Twelve members of the public testified either in support or opposition of the project. The Borough President’s Office received eight written comments through January 17, 2025.

Approval Rationale

Borough President Reynoso believes that the proposed actions are appropriate, though require modification and conditions to ensure the goals related to encouraging manufacturing activity, producing more affordable housing, and creating a complete streets and urban design strategy are met.

The Atlantic Avenue Mixed-Use Plan (AAMUP) is an impactful proposal in the context of New York City's housing shortage. The plan aims to create 3,160 market-rate and 1,440 affordable housing units within a transit-rich neighborhood experiencing high market pressure and relatively low displacement risk. The proposal aligns with two key goals of the Comprehensive Plan for Brooklyn: Increase access to safe and healthy affordable housing (Goal 2) and Support Transit Oriented Development (Objective 2.2).

The use of special districts provides an opportunity to create zoning that is tailored to meet the needs and opportunities of particular areas. Given the anticipated change in intensity of use and pedestrian quality along Atlantic Avenue, this plan holds the potential to advance multiple goals for the neighborhood, the manufacturing industry, and the borough.

The Borough President has evaluated the application using DCP’s stated purposes for the special district as outlined by DCP as a rubric to identify key questions, opportunities for strengthening these goals, and modifications that can enhance these desired outcomes. The Borough President encourages the City Planning Commission and City Council to work to further enhance the stated goals of the AAMUP special district through additional modifications and conditions.

Specific purposes for AAMUP special district proposed by DCP	Key Discussion Questions for City Planning Commission and City Council
a) to expand local employment opportunities and to promote the opportunity for workers to live in the vicinity of their work; and	Does AAMUP meaningfully prioritize manufacturing and industrial uses as part of the intended job mix?
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;	Have substantial public realm improvements and investments been proposed to advance a comprehensive vision for this corridor?
c) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;	Do the proposed MIH requirements and planned affordable housing projects produce the needed diversity and depth of affordability to respond to neighborhood priorities and citywide needs? Are there sufficient strategies to retain existing tenants and resist displacement pressures as new development and increased market pressure occurs?
d) to encourage stability and growth in the neighborhood by permitting compatible light manufacturing and residential uses to coexist;	Do the proposed zoning districts and incentives result in a development environment in which we can realistically anticipate, encourage, and enhance manufacturing and industrial uses alongside the high-demand, high-market value commercial and residential uses?
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	Is there a clear urban design strategy that encourages the intended diversity of uses (manufacturing, commercial, and residential) across the special district that takes into consideration the unique market opportunities to ensure each of these ground floor uses are viable?
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.	Is the most desirable use the one that produces the highest land value? How can this district account for the inherent value of job production, market growth, and compatibility of co-locating manufacturing, commercial, and residential uses?

Manufacturing

The Borough President's approval of AAMUP is contingent on the Department of City Planning mandating manufacturing uses. As currently proposed, AAMUP contradicts a key objective of the Brooklyn Comprehensive Plan: maintaining and expanding opportunities for new industrial land. Additionally, it diverges from a key component of the Community Board 8's M-CROWN proposal, which aims to retain manufacturing jobs and required manufacturing uses to be preserved in certain areas.

The affordability crisis must be understood not only as a shortage of affordable housing but also as a consequence of stagnating incomes. Addressing this crisis requires equal emphasis on creating housing *and* generating high-paying jobs that enable New Yorkers to thrive in this city. Manufacturing jobs, on average, provide living wages with low barriers to entry, offering quality employment opportunities to those who might otherwise face limited prospects.

For generations, these jobs have allowed New Yorkers—particularly those without advanced degrees, immigrants, the formerly incarcerated, and other marginalized groups—to sustain their families and remain in the city. In recognition of this, efforts at the federal government and state government levels are pushing to revive America's manufacturing industry. Rezoning M1-1 districts to mixed-use (MX) zoning risks displacing existing manufacturing uses, undermining this vital economic sector.

The Ineffectiveness of MX Districts for Industrial Preservation

The Borough President acknowledges the Department of City Planning's efforts to incentivize manufacturing through innovative zoning strategies. The proposed manufacturing zones, introduced by the City of Yes: Zoning for Economic Opportunity, address key shortcomings of M1 districts by increasing FAR, removing parking requirements, and permitting loft buildings. Additionally, the Special Mixed-Use Incentive offers a height bonus for mixed-use development, and the Mix of Uses Special District mandates non-residential ground-floor uses along Atlantic, Grand, Classon, and Bedford Avenues. The proposal also includes greater flexibility from the Department of Environmental Protection to facilitate the integration of residential and manufacturing uses.

However, these proposals fall short because they fail to address the fundamental challenge of mixing residential and manufacturing: economics. As of late 2024, commercial spaces in Brooklyn have an average asking rent of \$55.97 per square foot and residential rents average \$55.57 per square foot. In stark contrast, industrial spaces average \$27.28 per square foot.

Developers seek to make a profit and operate within tight financial constraints, exacerbated by high interest rates and construction costs. Given these conditions, why would developers prioritize creating light manufacturing spaces that involve higher logistical and operational costs for less than half the potential profits? Without stronger incentives or mandates, the economic reality favors commercial, retail, and residential uses, leaving manufacturing behind despite its critical role in providing accessible, quality jobs that bolsters New York City's local supply chain.

Several studies have examined the effectiveness of MX zoning in New York City. While these analyses do not account for the updated City of Yes M zones, their findings remain relevant. A 2014 New York City Council report found that across MX zones, residential and mixed-use residential-commercial areas increased by 71%, while industrial and manufacturing areas decreased by 34%. Similarly, Pratt Center research revealed that in neighborhoods with strong residential markets, MX zoning significantly reduced industrial land. In Greenpoint-Williamsburg, Flushing/Bedford, and Hudson Square, industrial square footage dropped by more than 60%. An analysis by the Land Use team at the Brooklyn Borough President's Office corroborates

these findings, showing that only 136 of 1,300 MX-zoned parcels in Brooklyn currently have manufacturing uses, and fewer than one-third are in census blocks with manufacturing jobs.

A 2018 Department of City Planning report, “Can Industrial Mixed-Use Buildings Work in NYC,” highlighted financial and physical challenges, including design costs, parking requirements, and environmental remediation. It concluded that mixed-use projects can work but are most feasible in areas with low land costs and no affordability mandates—conditions that do not exist within AAMUP.

Brooklyn Borough President Manufacturing Conditions:

1. Require ground floor manufacturing uses in the Eastern Mid-Block zoning area, in accordance with M-CROWN and the 2018 DCP Land Use Framework.

The only way to ensure that this neighborhood maintains and expands its manufacturing uses and the associated jobs is to mandate manufacturing on the ground floor. MX zoning, which permits residential, commercial, and manufacturing uses without requiring industrial space, does not reliably result in a true mix of uses. In practice, the economic pressures favor higher-return residential and commercial developments, leaving little room for manufacturing. Relying on MX zoning as a tool for preserving industrial jobs is ineffective and should not be considered a viable strategy. A mandatory requirement for manufacturing space is essential to achieve the stated goals of land use diversity and job creation.

The M-CROWN proposal, developed by Community Board 8, designated several blocks for mandatory manufacturing uses, recognizing the area's existing industrial activity and the potential for industrial growth through the development of vacant lots. However, AAMUP reclassified these blocks as MX zones, which fails to guarantee the preservation and expansion of manufacturing. The applicant should revive the community's proposal by requiring a percentage of ground-floor FAR to be dedicated to manufacturing in the Eastern Mid-Block area.

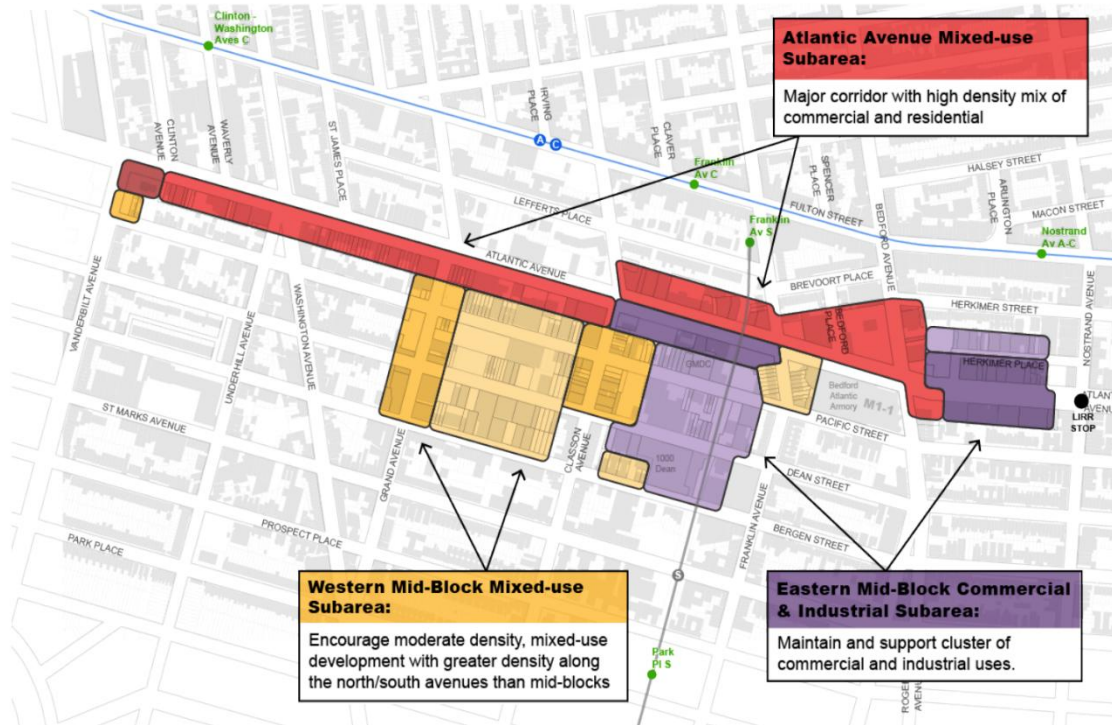
The Borough President requests that DCP establish a clear and enforceable manufacturing requirement. While Community Board 8 proposed a 0.5 FAR for manufacturing, DCP is well-positioned to determine the most feasible requirement to balance manufacturing with other development goals.

2. Significantly incentivize manufacturing uses in Western Mid-Block zoning areas, in accordance with M-CROWN and the 2018 DCP Land Use Framework.

The Western Midblock areas should include an expanded FAR incentive exclusively for manufacturing uses, rather than incentivizing both commercial and manufacturing development. Moreover, the current 25% FAR increase does not effectively promote manufacturing. The Borough President recommends that DCP conduct an economic analysis to determine what zoning bonus is needed to make manufacturing a viable and competitive option for developers.

Additionally, financial incentives should supplement FAR bonuses. As part of the upcoming NYC Industrial Plan, DCP and EDC have committed to studying financial incentives for MX buildings. These tools should be piloted within AAMUP once developed.

2018 DCP Land Use Framework



3. Establish an Industrial Business Service Provider (IBSP) to support industrial growth in AAMUP

The Borough President recommends that the Department of City Planning collaborate with the Department of Small Business Services (SBS) to designate an IBSP for the AAMUP area. Establishing an IBSP would ensure tailored support for industrial businesses, including assistance with workforce development, site selection, and financing. This partnership would help retain existing manufacturing businesses and attract new ones, aligning with the AAMUP's goals of fostering economic growth and preserving industrial uses in the district.

4. Prevent manufacturing tenant displacement

The EIS projected the displacement of two manufacturing sector businesses: Generations Millwork & Cabinetry (924 Atlantic Avenue) and Brooklyn Bottle Distributors (929 Dean Street), both located on sites proposed for rezoning to residential and commercial districts. While this analysis addresses direct displacement, AAMUP carries a risk of indirect displacement that the environmental review did not capture. As the area transitions to mixed-use zoning, manufacturing tenants face the threat of rising rents and the pressure of residential and commercial development, which can erode their ability to remain in the neighborhood. The Department of City Planning should explore financial and legal strategies to help manufacturing businesses remain in the area.

Housing

Crown Heights and Bedford-Stuyvesant are case studies for displacement under the no-action scenario. Unlike Greenpoint-Williamsburg or Downtown Brooklyn, neither neighborhood has had a major area-wide

upzoning. Indeed, both Bed-Stuy and Crown Heights West had contextual rezonings under the Bloomberg administration that downzoned much of the neighborhoods to retain the low-rise brownstone character of residential side streets. Nonetheless, residents have experienced market pressure and displacement risk as new residents were drawn to both neighborhoods' proximity to Manhattan, Downtown Brooklyn, and the very low-rise neighborhood character reified by the contextual rezonings. The smaller, private-led rezonings within the AAMUP project area happened no earlier than 2017, and thus can be considered a reflection, rather than a cause, of increased market pressure in the area.

In lieu of a substantial upzoning and new housing construction, new residents in Crown Heights have competed for the existing housing stock, putting pressures on existing tenants and leading to an uptick in displacement. While many New Yorkers understandably associate the presence of new residential buildings as harbingers of displacement, Crown Heights is an active example of the pitfalls of this kind of aesthetic association. Here is a neighborhood where significant displacement has taken place in the existing residential building stock and heretofore latent zoning capacity. New residents drawn to structural advantages of the neighborhood, such as proximity to transit, regional jobs centers, and local mixed-use corridors, were content to move into existing apartments instead of new construction. Although they may not "look" like it, many of the older buildings in the neighborhood have been effectively converted into luxury housing as well.

For this reason, the Borough President is supportive of AAMUP and the creation of thousands of new housing units to alleviate housing pressure and mitigate displacement in the neighborhood. That said, there are three housing-related conditions.

Brooklyn Borough President Housing Conditions:

1. Exhaust every effort to increase the production of affordable housing, especially deeply affordable units

1A. Investigate the feasibility of a new MIH Option with deeper levels of affordability

AAMUP is in a strong market area with high rents, making it well-positioned to support deeper levels of affordability through MIH. Community Board 8 has requested the creation of a new MIH Option 3.5 specific to the study area. The Borough President recommends that the Department of City Planning analyze the economic and legal feasibility of introducing a new MIH option with a higher percentage of affordable units at more deeply affordable levels and publish the results for public review. The existing MIH options are based on the Market & Financial Study: NYC Mandatory Inclusionary Housing conducted in 2015. Given the significant changes in market conditions since then, DCP should update this study to ensure the MIH program reflects current realities and needs.

1B. Expand affordable housing on publicly owned sites

HPD and DCP have collaborated to identify several viable public sites to facilitate affordable housing projects in the project area. The City must continue to prioritize the development of publicly owned sites to address the district's housing needs, with a focus on advancing 100% affordable developments.

2. Investigate a Tenant Displacement Registry and Housing Preference Program

The Borough President recommends that the Department of City Planning work with the Department of Housing Preservation and Development to investigate the feasibility of establishing a tenant registry for residents facing displacement pressure in the AAMUP study area. As proposed by Community Board 8, this registry would aim to identify and track tenants at risk of displacement, and, if implemented, could provide these tenants with preference for 50% of affordable housing units in buildings developed within

the AAMUP area. This preference would operate separately from other priority classes in the affordable housing lottery. DCP and HPD are encouraged to evaluate the feasibility, potential impacts, benefits, and administrative requirements of this program to determine its viability as a tool to mitigate displacement.

3. Introduce Tenant Relocation Assistance Legislation

The Borough President recommends that the City Council consider passing legislation similar to Seattle's Tenant Relocation Assistance Ordinance (TRAO). This ordinance provides financial assistance to low-income tenants displaced due to housing demolition, substantial rehabilitation, change of use, or removal of restrictions on subsidized housing.

Seattle's program requires landlords to obtain a relocation license before proceeding with any action that displaces tenants and mandates relocation payments, which are equally shared between the landlord and the city. Eligible tenants—those earning less than 50% of the area median income—receive up to \$3,000 in assistance. Adopting a similar framework in New York City would help mitigate the impacts of displacement, particularly in areas undergoing significant rezoning, such as AAMUP. The legislation could ensure that landlords provide adequate notice and financial support to displaced tenants while establishing a fair cost-sharing model between property owners and the city.

Transit and Streetscape

A core component of the Atlantic Avenue Mixed-Use Plan is the enhancement of transit and streetscape, and nowhere is this more critical than along the Atlantic Avenue corridor. Currently a six-lane truck route, Atlantic Avenue is a dangerous roadway that acts as a barrier between Bed-Stuy and Crown Heights. A comprehensive street redesign presents an opportunity to bridge these neighborhoods, creating a local mixed-use job center and supporting the plan's vision of a safe, vibrant area for thousands of new residents.

Several recommendations in the Comprehensive Plan for Brooklyn directly address these challenges. For example, Recommendation 4.1.1 calls for strengthening Brooklyn's bicycle, pedestrian, and bus networks, aligning with the NYC Streets Plan and Vision Zero goals. Similarly, Recommendation 4.2.1 emphasizes promoting public spaces—such as open streets and public plazas—that enhance pedestrian safety, encourage walking, and facilitate vibrant community activities.

The Borough President is encouraged that improving urban design and infrastructure is a named goal, however, is disappointed by the lack of proposed details. Daylighting streets is necessary, but a bare minimum; this kind of work should be integrated into the scope of every routine DOT repaving project. To achieve the transformative potential of this plan, the following conditions for approval must be addressed.

Brooklyn Borough President Transit and Streetscape Conditions:

1. DOT must commit to a road diet to 4 lanes along Atlantic Avenue, in line with the rest of the corridor
2. DOT should pursue paid commercial parking spaces and metered parking for non-commercial vehicles to encourage turnover and make enforcement effective
3. DOT should prioritize investments in Lowry Triangle (road diet and design)

4. Complete necessary subway improvements

- Signal improvements funded by congestion pricing will deliver capacity improvements to mitigate the impacts identified in the EIS
- Lack of personnel is a short-term constraint on MTA capacity; MTA should recruit from the AAMUP area/registry of potential displaced residents
- Beautification underneath the shuttle tracks north of Dean, particularly on Lefferts Place
- MTA should conduct a feasibility study/scope a second entrance to the Franklin Avenue station near Claver Place to improve pedestrian flow and access

Recommendation

BE IT RESOLVED that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following modifications and conditions:

1. Manufacturing Conditions

- a. Require ground floor manufacturing uses in the Eastern Mid-Block zoning area
- b. Incentivize manufacturing uses in Western Mid-Block areas
- c. Establish an IBSP to support industrial growth in AAMUP
- d. Prevent manufacturing tenant displacement

2. Housing Conditions

- a. Exhaust every effort to increase the production of affordable housing, especially deeply affordable units
 - 1A. Investigate the feasibility of a new MIH Option with deeper levels of affordability
 - 1B. Expand affordable housing on publicly owned sites
- b. Investigate a Tenant Displacement Registry and Housing Preference Program
- c. Introduce Tenant Relocation Assistance legislation

3. Transit and Streetscape Conditions

- a. DOT must commit to a road diet to 4 lanes along Atlantic Avenue, in line with the rest of the corridor
- b. DOT should pursue paid commercial parking spaces and metered parking for non-commercial vehicles to encourage turnover and make enforcement effective
- c. DOT should prioritize investments in Lowry Triangle
- d. Make needed subway improvements

BE IT FURTHER RESOLVED that without a requirement for manufacturing uses, the Borough President reserves the right to retract support for the proposal.



January 22, 2025

BROOKLYN BOROUGH PRESIDENT

DATE