



IN THE MATTER OF an application submitted by Atlantic Brooklyn LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area and to amend ZR Section 35-663 related to street wall regulations in the Borough of Brooklyn, Community District 3.

This application for an amendment of the Zoning Resolution (ZR) for modifications to Appendix F and ZR Section 35-663 concerning street wall regulations was filed by Atlantic Brooklyn LLC on February 9, 2021. This application, in conjunction with the related action (C 210276 ZMK), would facilitate the development of a 17-story mixed-use building with 426 dwelling units, and approximately 69,287 square feet of commercial space at 1045 Atlantic Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

RELATED ACTIONS

In addition to the zoning text amendment (N 210277 ZRK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application, which are being considered concurrently with this application:

C 210276 ZMK Zoning map amendment to change an M1-1 zoning district to an C6-3A zoning district.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 210276 ZMK).

ENVIRONMENTAL REVIEW

This application (N 210277 ZRK), in conjunction with the application for the related action (C 210276 ZMK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR)

Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 21DCP168K.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 21, 2021. A full description of the environmental review is included in the report for the related zoning map amendment action (C 210276 ZMK).

PUBLIC REVIEW

This application (N 210277 ZRK), was referred to Community Board 3 and the Brooklyn Borough President, in accordance with the procedures for non-ULURP actions, in conjunction with the application for the related action (C 210276 ZMK), which was certified as complete by the Department of City Planning on June 21, 2021, and was duly referred 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 210277 ZRK) on June 28, 2021, by a vote of 35 in favor, none opposed, and none abstaining, adopted a recommending approval of the application. A summary of the Community Board's recommendation appears in the report for the related zoning map amendment action (C 210276 ZMK).

Borough President Recommendation

This application (N 210277 ZRK) was considered by the Brooklyn Borough President, who held a public hearing on July 7, 2021. On September 28, 2021, the Brooklyn Borough President issued a recommendation to approve the application with conditions. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment action (C 210276 ZMK).

City Planning Commission Public Hearing

On August 18, 2021 (Calendar No. 2), the City Planning Commission scheduled a public hearing on this application (N 210277 ZRK) and the related action (C 210276 ZMK) for September 1, 2021. The hearing was duly held on September 1, 2021 (Calendar No. 51).

Nine speakers testified in support of the application and none in opposition, as described in the report for the related zoning map amendment action (C 210276 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 210277 ZRK), in conjunction with the application for the related action (C 210276 ZMK) is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment action (C 210276 ZMK).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 III

COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-66

Special Height and Setback Provisions for Certain Areas

* * *

35-663

Special height and setback provisions in C6-3A Districts along Atlantic Avenue within Community District 3, Borough of Brooklyn

In C6-3A Districts in Community District 3, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

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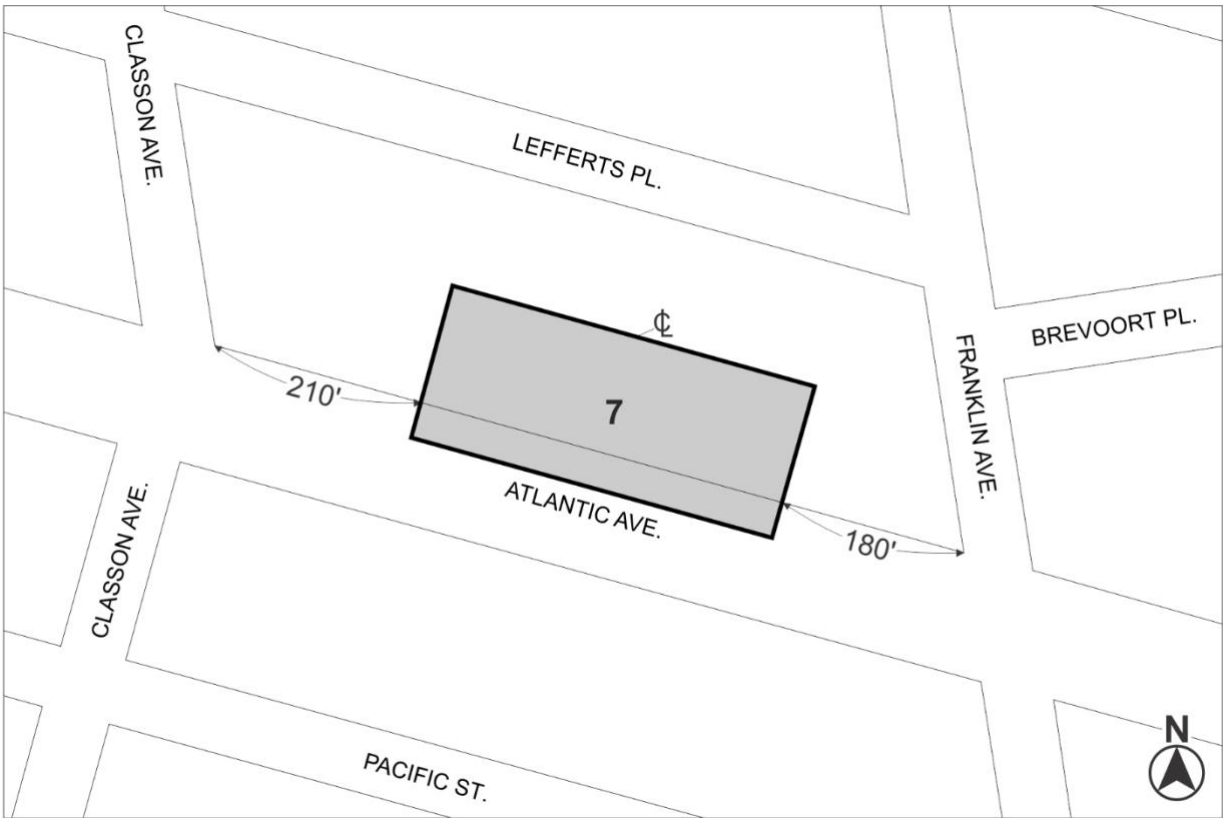
Brooklyn

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Brooklyn Community District 3

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Map 7. [date of adoption]



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

Area 7 — [date of adoption] MIH Program Option 2 and Workforce
Portion of Community District 3, Brooklyn

* * *

The above resolution (N 210277 ZRK), duly adopted by the City Planning Commission on October 18, 2021 (Calendar No. 8), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

ANITA LAREMONT, *Chair*

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

**DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,
RICHARD W. EADDY, HOPE KNIGHT, LARISA ORTIZ, RAJ RAMPERSHAD,
*Commissioners***

ANNA HAYES LEVIN, ORLANDO MARÍN, *Commissioners*, VOTING NO