



February 16, 2022 / Calendar No. 12

N 210336 ZRK

---

**IN THE MATTER OF** an application submitted by Y & T Development 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 Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 8.

---

This application for a zoning text amendment was filed by Y & T Development LLC on April 6, 2021. This application, in conjunction with the related zoning map amendment (C 210335 ZMK) and special permit (C 210260 ZSK), would facilitate the construction of a 17-story mixed use development containing 228 dwelling units, 69 of which would be permanently affordable, along with commercial and community facility space, at 870-888 Atlantic Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8.

**RELATED ACTIONS**

In addition to the zoning text amendment (N 210336 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently:

**C 210335 ZMK**      Zoning map amendment to change an M1-1 zoning district to a C6-3A zoning district.

**C 210260 ZSK**      Special permit pursuant to Zoning Resolution Section 74-533 to reduce residential off-street parking to facilitate affordable housing

**BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 210335 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (N 210336 ZRK), in conjunction with the related zoning map amendment (C 210335 ZMK) and special permit (C 210260 ZSK), 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 agency is the City Planning Commission. The designated CEQR number is 21DCP146K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 210335 ZMK).

## **PUBLIC REVIEW**

This application (N 210336 ZRK) was duly referred to Brooklyn Community Board 8 and the Brooklyn Borough President on September 20, 2021, in accordance with the procedures for non-ULURP matters, along with the application for the related actions (C 210335 ZMK and C 210260 ZSK), which were certified as complete by the Department of City Planning and duly referred in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

On October 19, 2021, Brooklyn Community Board 8 held a public hearing on this application (N 210336 ZRK) and on November 10, by a vote of 22 in favor, seven opposed, and five abstaining, adopted a resolution recommending disapproval of the application with conditions. A summary of the Community Board's recommendation appears in the report for the related zoning map amendment (C 210335 ZMK).

### **Borough President Recommendation**

On November 17, 2021, the Brooklyn Borough President held a public hearing on this application (N 210336 ZRK) and the related actions (C 210335 ZMK and C 210260 ZSK), and on December 30, 2021, 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 (C 210335 ZMK).

### **City Planning Commission Public Hearing**

On December 15, 2021 (Calendar No. 6), the City Planning Commission scheduled a public hearing on this application (N 210336 ZRK) and the application for the related actions (C 210335 ZMK and C 210260 ZSK). The hearing was duly held on January 5, 2022 (Calendar No. 24). There were five speakers in favor of the application and eight in opposition, as described in the report for the related action (C 210335 ZMK), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 210336 ZRK), as modified, in conjunction with the application for the related actions (C 210335 ZMK and C 210260 ZSK), is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 210335 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 December 15, 1961, and as subsequently modified, 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**

\* \* \*

**35-60  
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**35-66  
Special Height and Setback Provisions for Certain Areas**

\* \* \*

**35-662  
Special height and setback provisions in ~~C6-2A and C6-3X~~ certain Districts districts along Atlantic Avenue within Community District 8, Borough of Brooklyn**

In C6-2A, C6-3A and C6-3X Districts in Community District 8, 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**

\* \* \*

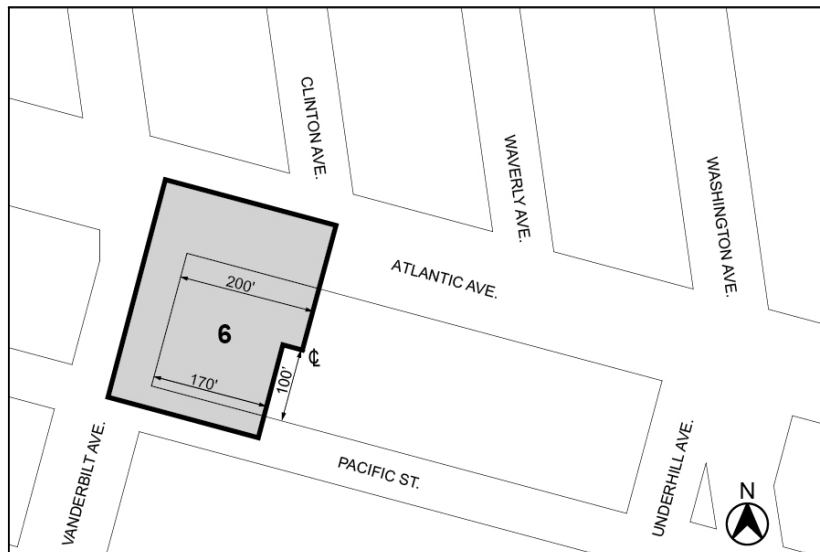
**BROOKLYN**

\* \* \*

**Brooklyn Community District 8**

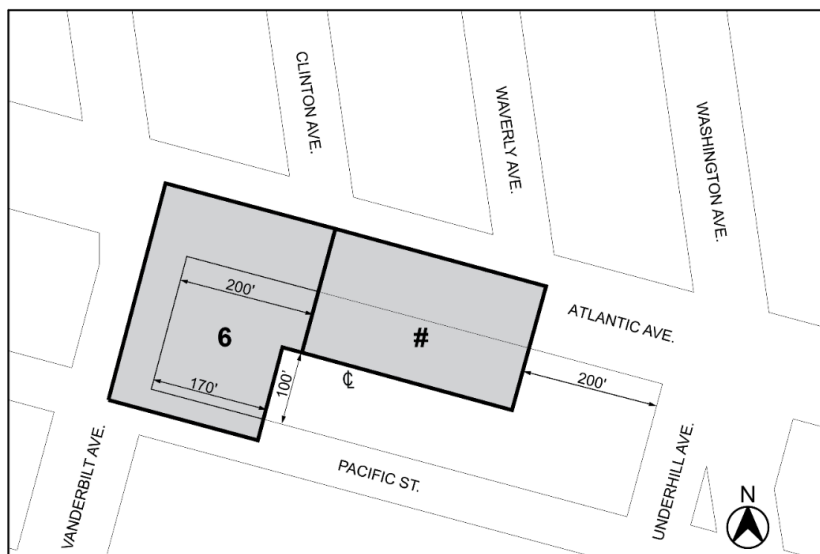
\* \* \*

[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

[PROPOSED 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 # – [date of adoption] MIH Program Option 2 and Workforce Option

Portion of Community District 8, Brooklyn

\* \* \*

The above resolution (N 210336 ZRK), duly adopted by the City Planning Commission on February 16, 2022 (Calendar No. 12), 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.

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

**DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,  
JOSEPH I. DOUEK, RICHARD W. EADDY, LARISA ORTIZ,  
RAJ RAMPERSHAD,** *Commissioners*

**DANIEL R. GARODNICK, Esq.,** *Chair*, **ANNA HAYES LEVIN,** *Commissioner*,  
*ABSTAINING*

**LEAH GOODRIDGE, ORLANDO MARIN,** *Commissioners*, VOTING NO