



# Bedford-Stuyvesant North Rezoning - **Approved!**

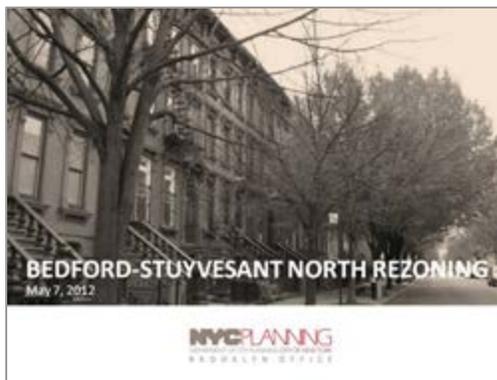
## Overview

**Update October 12, 2012:**

On October 11, 2012 the City Council adopted the Bedford-Stuyvesant North Rezoning. The zoning text and map changes are now in effect.

- [View the adopted text amendment.](#)
- [View the adopted R7D Transparency text amendment.](#)

The Department of City Planning (DCP) proposes a zoning map and text amendment for an approximately 140-block area in the northern half of the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn, and a citywide zoning text amendment to require ground-floor transparency in R7D, R9D, and C4-5D districts that would also affect Bronx Community District 7. The rezoning area is generally bounded by Lafayette Avenue and Quincy Street to the south, Classon and Franklin Avenues to the west, Broadway to the east, and Flushing Avenue to the north.



[View the presentation](#)

This comprehensive zoning proposal was undertaken at the request of Community Board 3 and local elected officials as a follow-up to the 2007 rezoning of Bedford-Stuyvesant South and in response to concerns that existing zoning in the area does not reflect established growth patterns.

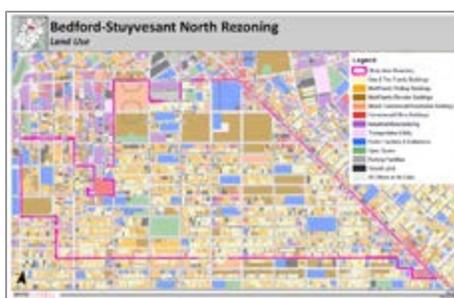
Bedford-Stuyvesant is one of Brooklyn's most acclaimed neighborhoods. It is predominantly residential, characterized by late 19th and early 20th century rowhouses, small and medium-sized apartment buildings, and prominent NYCHA developments. Broadway is an important commercial and transit corridor, with major institutions, retail stores, and housing lining the street under the elevated J, M, and Z trains.

Recent and proposed developments, including large community facility buildings, multi-story apartment buildings, and building additions on otherwise low-scale blocks are inconsistent with the typical character of the Bedford Stuyvesant neighborhood.



Locator Map

[View a larger image.](#)



Land Use Map

[View a larger image.](#)

The proposed rezoning seeks to:

- Preserve existing character and building patterns in the residential core of the neighborhood while allowing modest enlargements of existing homes;
- Direct new residential and mixed-use growth to commercial/transit corridors;
- Promote vibrant, active, pedestrian-friendly streets with regulations to reinforce commercial character;
- Incentivize affordable housing creation in major corridors.





Rowhouses on Greene Avenue



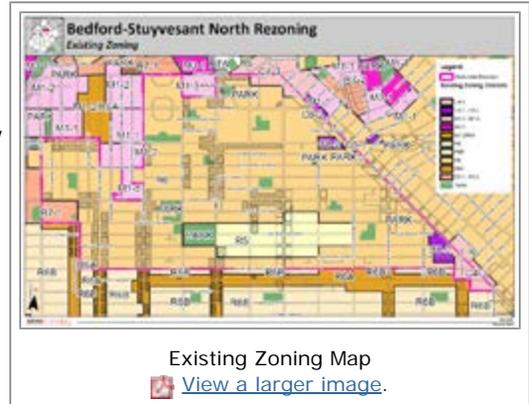
Mixed-use building on Throop Avenue



Elevated train on Broadway

## Bedford-Stuyvesant North Rezoning - **Approved!** Existing Context and Zoning

Bedford-Stuyvesant is a predominantly residential neighborhood in central Brooklyn well-known for its brownstones, rowhouses, churches, and neighborhood institutions. The rezoning area covers approximately 140 blocks and is generally bounded by Lafayette Avenue and Quincy Street to the south, Classon and Franklin Avenues to the west, Broadway to the east, and Flushing Avenue to the north.



Existing Zoning Map  
[View a larger image.](#)

Present-day Bedford-Stuyvesant is characterized by a variety of residential building types. East-west midblocks are generally developed with two – four story brownstones and rowhouses with front stoops and no off-street parking. Medium-density apartment buildings are generally located on the north-south avenues. Myrtle Avenue is the area's most significant east-west commercial street, with medium and high-density apartment buildings, including NYCHA developments and significant ground floor retail activity. Broadway, the primary commercial corridor in the area, has an elevated subway line running along it. Five large NYCHA housing developments, characterized by their 'tower in the park' design, occupy 10 superblocks throughout the area.

Recent years have seen an increase in commercial and residential development in Bedford-Stuyvesant, with some recent development creating buildings that are out of character with the surrounding neighborhood context. In addition, the existing commercial zoning is not always a good match with existing local commercial uses. Some commercial overlays extend deep into the residential side streets, making it possible for new commercial uses to encroach upon these residential areas. At the same time, some portions of existing commercial corridors lack commercial zoning, or have commercial zoning that does not allow of the type or configuration of commercial use that currently exists.



Height Factor  
development on Spencer  
Street

Out-of-context development on  
Tomkins Avenue

The neighborhood is served by several bus lines in addition to the J, M, Z and G subway lines, with A and C subway stations located south of the rezoning area on Fulton Street. The area is predominately zoned R5 and R6 with C1-3 and C2-3 commercial overlays on Broadway, Myrtle and Flushing Avenues and interspersed along the north/south avenues. Additionally, there are C8-2 and C4-3 commercial districts on Broadway. [View the zoning comparison chart.](#)

### R5

An R5 zoning district is mapped in the center of the rezoning area, bounded by Tompkins Avenue to the west, Lafayette Avenue and Kosciusko Street to the north, Stuyvesant Avenue to the east, and Lexington Avenue and Greene Street to the south. R5 has a 40-foot height limit and a maximum floor area ratio (FAR) of 1.25, or 1.65 for infill in a predominantly built-up area. Community facilities have a maximum FAR of 2.00. R5 development requires a deep front yard, even where the neighboring buildings provide a consistent street wall.

### R6

The majority of the rezoning area is zoned R6. There is no firm height limit in R6 districts if height factor regulations are utilized, rather, height is governed by a sky exposure plane. Lot coverage is regulated by open space ratio. The maximum FAR is 2.43 for residential buildings, and R6 regulations permit community facility

buildings up to a maximum FAR of 4.8. The optional [Quality Housing](#) program permits an FAR of 2.2 on narrow streets and 3.0 on wide streets but limits building heights to 55 feet and 70 feet, respectively. Off-street parking is required for a minimum of 70% dwelling units and a minimum of 50% dwelling units when the Quality Housing program is utilized.

#### **C4-3**

There are two C4-3 commercial zoning districts mapped in the northern half of Bedford-Stuyvesant, both along Broadway. One is close to the Gates Avenue subway station along Ralph Avenue and Broadway, south of Greene Street. The other is along Broadway north of Ellery Street extending along Flushing Avenue east of Throop Avenue. The C4-3 district regulations permit commercial buildings of up to 3.4 FAR, residential and mixed commercial/residential building of up to 2.43 FAR under height factor regulations and 3.0 using the Quality Housing regulations (R6 equivalent). Community facility buildings may build to a maximum FAR of 4.8. There is no firm height limit in C4-3 districts if height factor regulations are utilized, rather, height is governed by a sky exposure plane.

#### **C8-2**

There are two C8-2 zoning districts mapped in the rezoning area. One is along Myrtle Avenue between Lewis Avenue and Broadway. The other is comprised of partial blocks generally defined by Broadway to the east, Van Buren Street to the north, between Patchen Avenue and Ralph Avenue to the west, and between Lexington Avenue and Quincy Street to the south. The C8-2 district regulations allow all commercial uses up to FAR 2.0 or FAR 4.8 for community facilities or mixed commercial and community facility buildings. Height is governed by a sky exposure plane.

#### **Commercial Overlays**

There are commercial overlays permitting local commercial retail uses along Broadway, DeKalb and Myrtle Avenues, and intermittently along the north-south avenues. The predominant C1-3 commercial overlay allows small-scale retail and service shops in residential neighborhoods and is mapped generally along Myrtle, DeKalb, Bedford, Nostrand, and Tompkins Avenues, as well as Marcus-Garvey Boulevard. In R6 districts, the commercial FAR can be up to 2.0, while in R5 districts the maximum FAR is 1.0.

The C2-3 overlays allow a slightly broader range of service uses, such as funeral homes and repair services and are mapped along Flushing, Bedford, Nostrand, and Throop Avenues, Malcolm X Boulevard, and Broadway. In R6 districts, the commercial FAR can be up to 2.0, while in R5 districts the maximum is 1.0.

## Bedford-Stuyvesant North Rezoning - **Approved!** Proposed Zoning

The proposed actions would affect approximately 5,911 lots on 140 blocks. The proposed rezoning would replace all or portions of existing R5, R6, C4-3, and C8-2 districts with R6B, R6A, R7A, and R7D districts, and the newly-proposed C4-4L district. It would also replace existing C1-2 and C1-3 overlays with C2-4 overlays, eliminate portions of existing C1-2 and C1-3 overlays, and establish new C2-4 overlays. The proposal would also establish new [Inclusionary Housing Areas](#) and a new [Enhanced Commercial District](#). The newly-proposed C4-4L zoning district is tailored to the context of streets with an elevated train. [View the zoning comparison chart.](#)



### **Proposed R6B** **Existing R5 and R6**

R6B districts are proposed for 94 full and partial blocks of the rezoning area. This would protect the modestly-scaled rowhouse character of the east-west side streets. In the areas currently zoned R5, the R6B designation would allow for minor enlargements and new development in context with existing four-story rowhouses. In portions of the area currently zoned R6, the R6B designation would allow for modest enlargements of many existing homes while establishing a height limit that reflects the scale of existing development.



Rowhouses on Greene Avenue

R6B districts are proposed for medium-density midblocks throughout the rezoning area, as well as portions of north-south corridors where the existing built character is consistent with R6B, such as Skillman Street, Spencer Street, Marcy Avenue south of Lafayette Avenue, Throop Avenue south of Kosciuszko Street, and Lewis Avenue south of Kosciuszko Street.

The R6B district is a rowhouse district that allows a maximum FAR of 2.0 and limits overall building height to 50 feet and street wall height to 40 feet. New development in the proposed R6B district would be required to line up with adjacent structures to maintain the existing street wall. The proposed R6B regulations would allow for limited expansion of existing homes and provide for opportunities for appropriately scaled new development on vacant sites.

### **Proposed R6A** **Existing R5, R6, and C8-2 districts**

R6A districts are proposed for 83 full or partial blocks of the rezoning area. An R6A designation is proposed for lot frontages along the many of north/south avenues, including portions of Kent Avenue, Nostrand Avenue, Marcy Avenue, Tomkins Avenue, Throop Avenue, Marcus Garvey Boulevard, Stuyvesant Avenue, Malcolm X Boulevard, Patchen Avenue, and Ralph Avenue. The majority of these blocks are currently zoned R6 and R5 with commercial overlays of either C1-3 or C2-3, with some areas currently zoned C8-2.



Dekalb Avenue at Throop Avenue

R6A is a medium-density apartment district, with a maximum FAR of 3.0 for all allowed uses. Above a base height of 40 to 60 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 70 feet. New structures in R6A districts are required to line up with adjacent structures to maintain the streetwall. In R6A districts, the [Quality Housing Program](#) is mandatory.

### **Proposed R7A**

**Existing R6 districts**

An R7A designation is proposed for 38 full and partial blocks. The proposed designation follows major thoroughfares, including portions of Myrtle Avenue and Marcy Avenue, and the majority of Bedford Avenue, which are currently developed with larger apartment buildings. These areas are well-served by mass transit and function as important locations for local retail and services.



Apartment Building at Marcy and Pulaski Streets

R7A is a contextual district that allows medium-density apartment buildings and community facility development, with a maximum building height of 80 feet after setting back from a 40-65 foot base. With the proposed Inclusionary Housing Program, a maximum FAR of 4.6 is allowed when 20% of the floor area is developed with affordable housing. Without the Inclusionary Housing bonus, the permitted FAR is limited to a maximum of 3.45. New residences would be required to provide one off-street parking space for 30% of the dwelling units. This parking requirement is waived if 15 or fewer spaces are required. The proposed R7A zoning in these areas will allow for new housing development, including affordable housing that is in context with the existing apartment building character. Where R7A is proposed with the C2-4 commercial overlays, it will continue to support the development of mixed residential- commercial uses.

**Proposed R7D**

**Existing R6 districts**

An R7D designation is proposed for 6 full and partial blocks along Myrtle Avenue, between Nostrand Avenue and Lewis Avenue. Myrtle Avenue is a major transit corridor with stations for the J, M, Z, and G subway lines. Mapping R7D in this area along with the proposed C2-4 commercial overlay (see C2-4 section below) will provide opportunities for housing development, including affordable housing, and strengthen Myrtle Avenue as a retail and service corridor.



Mixed Use on Myrtle and Nostrand Avenues

R7D allows medium-density apartment buildings, with a base FAR of up to 4.2 for all allowed uses. The R7D district would be subject to the Inclusionary Housing program, where developers could receive a 33% floor area bonus, allowing a total of up to 5.6 FAR, if 20% of the floor area is developed as affordable housing. New structures in R7D districts are required to line up with adjacent structures to maintain the streetwall. Above a base height of 60 to 85 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 100 feet. In addition, where commercial overlays are mapped, active ground floor uses are required, and the related zoning text amendment would also require transparency on the ground floor (see below).

The zoning text amendment to permit an Inclusionary Housing bonus in this area incentivizes the development and preservation of affordable housing. Developments in all proposed R7D districts within the Inclusionary Housing areas would have a maximum FAR of 4.2, or 5.6 with the provision of affordable housing. The related zoning text amendment would also apply minimum transparency requirements for the ground floor of buildings in R7D districts with commercial overlays in order to create consistent and engaging pedestrian commercial appeal.

**Proposed New Zoning District: C4-4L**

**Existing R6, C8-2, and C4-3 districts**

A C4-4L designation is proposed for 18 full and partial blocks along Broadway. This district would encompass the existing C4-3 district and portions of the existing C8-2 districts, as well as R6 districts with C2-3 overlays on Broadway. The area proposed to be zoned C4-4L is generally bounded by Broadway in the northeast, between Marcus Garvey Boulevard in the north and Monroe Street to the south. The western boundary of the district encompasses all or part of the blocks fronting on Broadway. ([see C4-4L zoning table](#))



C4-4L massing

The proposed new C4-4L district is tailored for significant commercial corridors with elevated trains, similar to Broadway. The designation represents a contextual, regional commercial district that allows residential development at an R7A density, as well as mixed commercial/residential, community facility/residential, and community facility/commercial buildings. Use Groups 1, 2, 3, 4, 5, 6, 8, 9, 10 and 12 are permitted. Commercial and community facility development is limited to a maximum FAR of 4.0, while residential development is limited to 4.6 FAR when using the Inclusionary Housing bonus and 3.45 FAR when not using the Inclusionary Housing program. The proposed C4-4L district would allow for a wider range of uses than the existing C2-3 commercial

overlays and provide more flexibility in mixed-use building design because commercial use may be located on multiple floors of a mixed-use building.

While the maximum FAR regulations described above would remain consistent throughout the district, the proposed C4-4L district would allow two distinct building types depending on the location in relation to elevated train tracks:

- For lots not fronting on the elevated train, the proposed C4-4L district applies the height and setback regulations of a C4-4A district, requiring a street wall between 40' and 65' high and allowing a maximum building height of 80'.
- For lots fronting on the elevated train and within 125 feet of the streetline adjacent to the elevated train, buildings would be required to set back five feet from the streetline adjacent to the elevated train at the ground floor, and allowed to rise to a maximum height of 100' or ten stories, with a minimum base height of 30' and a maximum base height of 65'. Above the base height, buildings would be required to set back at least 15'. Certain corner lots and through lots, depending on size and configuration, would also be subject to more generous lot coverage maximums, and some through lots would be permitted to waive the required rear yard equivalent.

The zoning text amendment to permit an Inclusionary Housing bonus in this area incentivizes the development and preservation of affordable housing. Residential developments in all proposed C4-4L districts within the Inclusionary Housing areas would have a minimum base FAR of 3.45 that could be increased up to 4.6 with the provision of affordable housing.

### **Proposed C2-4 Overlays Existing C1-3 and C2-3 districts in R5, R6, and C8-2 districts.**

The proposed rezoning would change all C1-3 and C2-3 commercial overlay districts to C2-4 districts in order to increase the range of uses allowed. In addition to Use Groups 1, 2, 3, 4, 5, and 6 allowed in C1-3 districts, C2-4 districts also allow Use Groups 7, 8, 9, and 14, which include uses such as plumbing and electrical shops, small bowling alleys and movie theaters, funeral homes, small repair shops, printers, and caterers.

This proposal would map commercial overlays to a depth of 100' to reflect the typical depth of existing lots along these corridors and to prevent commercial uses from encroaching on residential side streets.



Rowhouses on Greene Avenue

Existing overlays would be replaced with C2-4 overlays where there are commercial uses and where the overlay districts do not encroach on residential areas. On block frontages where there are no commercial uses or the block frontages are predominately residential, overlays would be removed. On other blocks, where there are existing commercial uses or formerly occupied commercial spaces, or the majority of the lots front on the avenue, new commercial overlays would be mapped.

### **Proposed Text Amendments**

Zoning text amendments are proposed to incentivize the creation and preservation of affordable housing through the Inclusionary Housing Program; strengthen commercial character of Broadway by establishing an Enhanced Commercial District; allow development on Broadway to respond to the elevated train with the creation of the new C4-4L zoning district; and improve the pedestrian experience in R7D, R9D and C4-5D districts by requiring transparency on the ground floor.

### **Inclusionary Housing Area**

The proposed zoning text amendment would apply the Inclusionary Housing program within the R7A, R7D, and C4-4L districts along Myrtle Avenue, Bedford Avenue, Marcy Avenue, and Broadway in Brooklyn Community District 3 to establish incentives for the creation and preservation of affordable housing in conjunction with new development. For residential development without an affordable housing component, the maximum FAR would be limited to a base FAR of 3.45 for R7A and C4-4L districts, and 4.2 for R7D districts ([Inclusionary Housing table](#)). Under the Inclusionary Housing program, a development providing affordable housing is eligible for a floor area bonus within the underlying contextual height and bulk regulations. Developments could qualify for a maximum FAR of 4.6 in R7A and C4-4L districts and 5.6 in



Proposed Inclusionary Housing Areas Map - [View a larger image.](#)

R7D districts by providing 20 percent of the residential floor area in the development as permanently affordable housing for income-limited households. Affordable units can be provided either on-site or off-site. Off-site affordable units must be located within Community District 3 or within a half-mile of the site receiving the floor-area bonus. Other city, state and federal housing finance programs may be used to provide further assistance in creation of affordable units. The combination of a zoning bonus with housing programs would establish a powerful incentive for the development and preservation of affordable housing in Bedford-Stuyvesant.

**New Contextual C4-4L Zoning District**

The Department of City Planning proposes a Zoning Text Amendment to establish a new citywide C4-4L regional commercial zoning district for medium-density residential and commercial development along major retail or transit corridors where elevated train tracks are present.

The new C4-4L zoning district would allow the same use groups as a C4-4A district, and would allow commercial use on multiple floors of mixed-use buildings. However, the C4-4L district would include special height and setback, and lot coverage regulations tailored to allow more light and air to the street and to facilitate the provision of affordable housing through the Inclusionary Housing Program for new buildings in close proximity to an elevated rail line (see "Inclusionary Housing Program" below). Along Broadway, the proposed new C4-4L district would also be paired with a new Enhanced Commercial District (below), pursuant to the other proposed Zoning Text amendment. The new Enhanced Commercial District would establish ground-floor use requirements and urban design regulations to e the continuation of the range and configuration of uses on Broadway today and support the strengthening of the commercial character by improving the pedestrian experience and fostering a lively streetscape.

The proposed C4-4L district would allow buildings with a maximum building height of 80 feet after a 40-65 foot base, except for lots fronting on the elevated rail line. For lots fronting on an elevated rail line, special height and setback regulations are proposed that would allow buildings to rise to a maximum height of ten stories or 100 feet within 125 feet of the elevated rail line. New developments and enlargements at the streetline would be required to be set back five feet from the streetline at the ground floor, and another 15 feet above the building base between 30 and 65 feet. This would ensure adequate sidewalk width for pedestrians around subway pillars and stairs, provide increased light and air at the street level and allow buildings to locate upper floors at an adequate distance from the elevated train tracks. To allow for economically feasible development of irregular lots as a result of the acute angle of Broadway, certain corner lots and through-lots would also be subject to more flexible lot coverage maximums, and some through-lots would be permitted to waive the required rear yard equivalent.

**Streetwall Transparency in R7D and C4-5D districts**

The Department of City Planning proposes a citywide zoning text amendment to require transparency on the ground floor in R7D districts mapped with a C2 commercial overlay. The proposed transparency regulations would also apply to R9D districts mapped in conjunction with a C2 district, and in C4-5D districts. This proposal would affect currently mapped R7D zoning districts in Brooklyn Community District 3, and C4-5D zoning districts currently mapped in Bronx Community District 7. This new requirement would complement the existing ground-floor use provisions for these zoning districts designed to strengthen the commercial character by prohibiting residential and parking use. Providing ample transparency at the ground floor would enliven the streetscape by engaging pedestrians and creating visual continuity along a street. Large expanses of blank wall that interrupt retail continuity would be prohibited.

The proposed regulations would require that 50 percent of the building frontage on the ground floor between a height of 2 and 12 feet above curb level be glazed with transparent materials.

**Enhanced Commercial District**

The Department of City Planning is proposing a new Enhanced Commercial District for Broadway that would foster a safe and engaging pedestrian experience along that commercial corridor and reinforce the existing commercial character of the area by establishing regulations governing ground floor use, transparency on the ground floor on Broadway, and limiting curb cuts. The proposed regulations would apply to new development and enlargements at the streetline, but would not apply to schools, churches, or lots less than 20 feet wide.

The proposed ground floor use regulations would require that all ground floor uses fronting on Broadway, or within 30 feet of Broadway be non-residential, such as retail establishments, offices and community facilities. Off-street



Proposed Enhanced Commercial District Map - [View a larger image.](#)

parking would also not be permitted within 30 feet of Broadway, and residential lobbies on Broadway would be limited to a maximum width of 25 feet.

New developments and enlargements would be required to provide glazing or other transparent treatment at the ground floor facing Broadway. A minimum of 50 percent of the area between 2 and 12 feet above curb level would be required to be transparent, with no blank walls to exceed more than ten feet.

New curb cuts and driveways would not be permitted along Broadway, except for lots that do not have access to another street and are at least 60 feet wide to prevent pedestrian-vehicle conflicts and strengthen the continuity of active uses along Broadway.

The proposed Enhanced Commercial District regulations would ensure that new development in C4-4L districts along Broadway would have active ground floor uses and ample windows to enhance the pedestrian experience and foster the creation of a lively streetscape with plenty of community facility, retail, and service establishments.

### ***(E) Designations***

The proposed action includes the mapping of [\(E\) designations](#) for air quality and noise assessment, and if necessary, remediation on all of the identified development sites within the proposed rezoning areas. An (E) designation would be placed on the amended zoning map to denote certain privately-owned projected or potential development parcels where the proposed rezoning could result in new development that has the potential for impacts on noise and/or air quality. The (E) designations would ensure that these identified sites would not be developed without further assessment and remedial measures, such as use of cleaner fuels or high-quality windows, if necessary. In this way, significant impact can be avoided.

## Bedford-Stuyvesant North Rezoning - **Approved!**

### Public Review

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On May 7th, 2012 the Department of City Planning certified Uniform Land Use Review (ULURP) application (C 120294 ZMK) for the Bedford-Stuyvesant North Rezoning and referred the related non-ULURP text amendment (N 120295 ZRK and N 120296 ZRY) to begin the formal public review process.

<i>Milestone</i>	<i>Target Dates</i>
Department of City Planning Certification	May 7, 2012 -  <a href="#">View the presentation</a>
Brooklyn Community Board 3 Approval	June 29, 2012
Borough President Review	July 31, 2012
City Planning Commission Hearing	August 8, 2012
City Planning Commission Approval 9 (  <a href="#">Read the CPC Reports.</a> )	September 5, 2012
City Council Approval	October 11, 2012

For more information about this proposal please contact the Brooklyn Office of the Department of City Planning at (718) 780 - 8280.

## Related Notes

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-  Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).
- Brief explanations of terms in *green italics* can be viewed by [visiting glossary page](#). Words and phrases followed by an asterisk (\*) are defined terms in the Zoning Resolution, primarily in Section 12-10. Consult the Zoning Resolution for the official and legally binding definitions of these words and phrases.