

**Brooklyn Community Board 8**  
 Resolution Requesting Study for Rezoning  
 As approved by CB8 April 9, 2015 and amended June 9, 2016

The following resolution requesting the New York City Department of City Planning study rezoning of the M1-1 zone was passed by Brooklyn Community Board 8 on April 9, 2015, with further amendments passed on June 9, 2016 (amendments appear in italics). The resolution text appears in the left column below. The right column contains further explanation of its proposed terms.

Resolution	Notes
<p>Whereas a six-block area located in the northwest sector of Crown Heights and bound by Atlantic Avenue, Franklin Avenue Bergen Street, and Grand Avenue is currently zoned M1-1 (the “M1-1 Zone”); and</p> <p>Whereas Community Board 8 finds that: the M1-1 Zone contains many properties that are vacant or otherwise underutilized, and that the current zoning provides little economic incentive for owners to improve such properties so that they can become productive; and</p> <p>Whereas adjoining neighborhoods outside the M1-1 Zone are experiencing strong demand for both residential and commercial real estate; and</p> <p>Whereas Community Board 8 finds that there yet remains an urgent need for affordable housing and jobs paying a living wage or better to be created within its District;</p> <p>Now therefore, it is resolved that Brooklyn Community Board 8 hereby requests the New York City Department of City Planning to prepare a plan for the rezoning of the M1-1 Zone to include the following requirements:</p>	<p>This preamble describes the area to be rezoned and states the justification for rezoning.</p>
<p>1) That new zoning increase the current</p>	<p>This provision increases density to 5.6 FAR,</p>

<p>FAR of 1 to an FAR of 5.6 for new construction, of which a minimum of 1.5 FAR will be mandated for combined industrial, manufacturing and commercial uses, with the remaining FAR allowed for residential uses;</p>	<p>but mandates at least 1.5 FAR be used for manufacturing/commercial uses. Subtracting common areas such entry, stairs and elevator, 1.5 FAR should provide for two floors of non-residential use.</p>
<p>2) That the new zoning provide for height and setback regulation as specified for R7D zones in the Zoning Resolution of the City of New York<sup>1</sup>, with the exception that two full floors be considered a permitted obstruction, amending Section 43-23(b)(1)<sup>2</sup> of the Zoning Resolution and waiving Section 43-26<sup>3</sup>;</p>	<p>This provision establishes a maximum height of 100 feet with a minimum setback at 60 feet and maximum of 85 feet, and allows two lower manufacturing floors to occupy the entire lot footprint.</p>
<p>3) That new zoning require new residential uses for properties within the M1-1 zone permanently set aside at least 20% of residential floor area for dwelling units affordable to tenants earning the median income or less for Brooklyn Community District 8; <i>provided that this requirement shall be reduced for a given property in proportion to the percentage of the 1.5 FAR required for industrial,</i></p>	<p>This provision mandates 20% of new residential floor area for apartments affordable to people earning the median income for CD8, consistent with <a href="#">CB8's interim policy for the M1-1 zone</a>.</p>

<sup>1</sup> Art. II – Residence Dist Regs. - §23-011 - Quality Housing Program  
R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X  
(a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building or other structure# shall comply with the applicable district #bulk# regulations set forth in this Chapter and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). However, the provisions of Article II, Chapter 8, shall not apply to #buildings converted# pursuant to Article I, Chapter 5.

<sup>2</sup> Art. IV – Mfg Dist. Regs., Chap. 3 – Bulk Regulations: §43-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents, (b) In any #rear yard# or #rear yard equivalent#: (1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, shall be permitted upon such #building#, or portion thereof, pursuant to Section 43-42 (Permitted Obstructions).

<sup>3</sup> Art. IV – Mfg Dist. Regs., Chap. 3 – Bulk Regulations: §43-26: Minimum Required Rear Yards - M1 M2 M3  
In all districts, as indicated, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 43-27 (Special Provisions for Shallow Interior Lots), 43-28 (Special Provisions for Through Lots) or 43-31 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 43-261 (Beyond one hundred feet of a street line).

<p><i>manufacturing and commercial uses the property has committed to a Business Enhancing Use. A Business Enhancing Use is use that enhances a desirable mix of commercial and manufacturing uses in the M1-1 Zone and is a new or existing use listed in Use Groups 11A<sup>4</sup>, 17B, and 17C<sup>5</sup> as specified in Sections 32-20 and 42-14 of the Zoning Resolution; and “beverages, alcoholic or breweries” as listed in Use Group 18A specified in Section 42-15; or is a use existing as of January 1, 2016 for a given property and listed in in Use Groups 16A and 16B<sup>6</sup> in Section 32-25;</i></p>	
<p>4) That new zoning allow Use Group 2<sup>7</sup>, as well as the as-of-right uses for M1 zones as set forth in the Zoning</p>	<p>Use Group 2 is for multifamily residences. The proposed resolution retains all uses allowed for M1 zones (see footnotes</p>

<sup>4</sup> Use Group 11A includes custom manufacturing activities that

- -benefit from a central location and are appropriate in the central business district;
- -generally do not create any significant objectionable influences; and
- -involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

<sup>5</sup> Use Groups 17B and 17C include manufacturing activities that

- -can conform to high performance standards by controlling objectionable influences; and in so doing, can limit their impact on adjacent residential areas; and
- normally generate a great deal of traffic, both pedestrian and freight.

<sup>6</sup> Use Groups 16A and 16B include automotive and other necessary semi-industrial uses which

- -are required widely throughout the city; and
- -involve offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable influences, making such uses incompatible with residential uses and other commercial uses.

<sup>7</sup> Uses that have similar functional characteristics and/or nuisance impacts and are generally compatible with each other are listed in one or more of 18 groups that are categorized as residential uses (Use Groups 1–2), community facility uses (Use Groups 3–4), retail and service uses (Use Groups 5–9), regional commercial centers/amusement uses (Use Groups 10–12), waterfront/recreation uses (Use Groups 13–15), heavy automotive uses (Use Group 16) and industrial uses (Use Groups 17–18). Use group charts can be found in Chapter 2 of Articles II, III and IV of the Zoning Resolution.

<p>Resolution, Sections 42-11<sup>8</sup> and 42-12<sup>9</sup>, subject to the following exceptions:</p>	<p>references to the <a href="#">Zoning Text</a>), subject to the exceptions listed next.</p>
<ul style="list-style-type: none"> <li>• The following Use Groups shall be allowed only on the block fronts of Grand Avenue, Classon Avenue and Atlantic Avenue, as well as on lots within 100 feet of those streets located on Pacific Street, Dean Street and Bergen Street, and may represent no more than 1 FAR of use, with the exception of food stores, for which FAR used shall not be limited: Use Groups 6A (convenience retail or service establishments), 6C (retail or service establishments), 6E (clubs).</li> </ul>	<p>The resolution limits retail establishments to the north/south avenues of the zone, plus Atlantic Avenue. Retail uses other than food stores are allowed only on the first floor. This limitation is intended to balance the goals of maximizing commercial space for uses that create the largest number of living wage jobs, and providing for services that would be desirable to the zone's new residents.</p>

<sup>8</sup> Art. IV. Mfg Dist. Regs., Chap. 2 - Use Regulations - § 42-11  
Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B  
M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18, 32-21. Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

<sup>9</sup> Art. IV. Mfg Dist. Regs., Chap. 2 - Use Regulations - § 42-11  
Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B  
M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18, 32-21. Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

[3] Art. IV. Mfg Dist. Regs., Chap. 2 - Use Regulations - §42-12

Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16  
M1 M2 M3

Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment.

Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; and radio or television studios.

<ul style="list-style-type: none"> <li>• The following Use Groups shall not be allowed on any lot in the M1-1 Zone: 5 (hotels), 6D (public service establishments), 12C (public service establishments), 16.</li> </ul>	<p>The resolution seeks to prohibit hotels and infrastructure uses such as parking lots and pumping stations.</p>
<ul style="list-style-type: none"> <li>• The following Use Groups will be required to receive a special permit from the City Planning Commission based upon the advisory recommendation of Community Board 8 for any lot in the M1-1 Zone: 8A (amusements), 12A (amusements).</li> </ul>	<p>Nightclubs and performance venues would require special permission from CPC after review and advice from CB8.</p>
<p>5) That the new zoning allow for the transfer of available FAR above 1.5 between properties in the M1-1 zone, subject to height and setback requirements.</p>	<p>This provision is intended to allow owners of smaller lots to take economic advantage of the rezoning by transferring air rights.</p>
<p>6) <i>That the new zoning allow for the transfer of the obligation for a property to meet some or all of the mandate for combined industrial, manufacturing and commercial uses as stated in provision (1) to another property in the M1-1 Zone. Accepting such an obligation shall have no effect on the permitted density, lot coverage, height or setback of the receiving property. The total FAR available for development at the delivering property shall be reduced by the amount of FAR transferred with the obligation.</i></p>	<p><i>This provision is intended to provide flexibility to owners who prefer to develop under the new zoning either exclusively as residential or commercial/manufacturing. It is assumed an owner receiving the transfer of an obligation as described here would be compensated by the delivering owner, and the compensation received would offset the cost of creating or preserving commercial/manufacturing space in the zone.</i></p>