Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

101-70 - ATLANTIC AVENUE SUBDISTRICT

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101-70 - ATLANTIC AVENUE SUBDISTRICT

LAST AMENDED
6/28/2004

101-701 - General purposes

LAST AMENDED
6/28/2004

The general goals of the Atlantic Avenue Subdistrict include, among others, the following purposes:

(a) to protect the existing scale and form of development on Atlantic Avenue, characterized by three- and four-story attached buildings with shops, built in the 19th century;

(b) to preserve and enhance street life by maintaining a mix of residential and commercial uses, encouraging a variety of retail and service uses while limiting automotive service uses; and

(c) to protect desirable architectural features of certain buildings by establishing design guidelines for renovation or alteration.

101-702 - Definitions specific to the Atlantic Avenue Subdistrict

LAST AMENDED
6/28/2004

For purposes of Sections 101-70 through 101-75, inclusive, concerning the Atlantic Avenue Subdistrict, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-01 or in this Section.

Specified building type

Any #building# within the Atlantic Avenue Subdistrict erected prior to 1900, that has:

(a) a front wall for the full width of the #zoning lot# for a height of from two to five #stories#;

(b) a front wall of brick or stone, erected coincident with, or within five feet of, the #street line#, with windows at each #story# and a cornice at the parapet level; and

(c) a storefront at the #basement# or ground floor.

A list of the #buildings# within the Atlantic Avenue Subdistrict that conform to the definition of #specified building type# appears in Appendix A of this Chapter.

Specified storefront type

Any storefront which is part of a #building# of the #specified building type# that has:

(a) #show windows# projecting beyond the front wall of the #building#, occupying a total area of at least 35 square feet and a sill height of not more than three feet and a total height of not less than eight feet, measured from #curb level#; and

(b) a projecting cornice above the storefront for its full width.

A list of #buildings# within the Atlantic Avenue Subdistrict having storefronts that conform to the definition of #specified storefront type# appears in Appendix B of this Chapter.

101-71 - Sign Regulations

LAST AMENDED
6/28/2004

In order to enhance the visual quality of the Atlantic Avenue Subdistrict, the following additional regulations shall apply to all #signs# within the Subdistrict.

101-711 - Total surface area of signs

LAST AMENDED
6/28/2004

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section 101-712 (Area of non-illuminated signs).

101-712 - Area of non-illuminated signs

LAST AMENDED
2/2/2011

The total #surface area# (in square feet) of non-#illuminated signs# on a #zoning lot# shall not exceed three times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 150 square feet for #interior# or #through lots# or 150 square feet on each frontage for #corner lots#. Each #commercial# establishment shall be permitted not more than one #sign#. The vertical dimension of any #sign# shall not exceed three feet. The provisions of this Section shall not apply to projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection).

101-713 - Area of illuminated signs

LAST AMENDED
6/28/2004

The total #surface area# (in square feet) of #illuminated signs# on a #zoning lot# shall not exceed two times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#. The vertical dimension on any #illuminated sign# shall not exceed 2 feet, 6 inches, nor shall #illuminated signs# project more than 10 inches from the surface to which they are affixed.

101-714 - Permanent window graphics

LAST AMENDED
6/28/2004

Permanent window graphics may not occupy more than 20 percent of the total area of the window in which they are displayed. If such a permanent window graphic has letters more than three inches high, it shall count as a #sign#.

101-715 - Location of signs

LAST AMENDED
6/28/2004

If more than one #commercial# establishment is located on the same floor of a #building#, the #signs# #accessory# to all such establishments, except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), shall be of equal height and mounted or painted on a common #sign# board. All #signs# or common #sign# boards shall be located as follows:

(a) if #accessory# to #uses# on the ground floor of a #building#, the #sign# or common #sign# board shall be located within a band extending the full length of the #street wall#, which band shall have a lower limit of eight feet above the ground floor and an upper limit coincident with the bottom of the lowest window sill on the second floor, but in no event more than 16 feet above #curb level#;

(b) if #accessory# to #uses# on the upper floor of a #building#, the #sign# or common #sign# board shall be located between the highest window lintel of the floor on which the #use# is located and the lowest window sill of the floor above, but in no case more than 25 feet above #curb level#;

(c) no #sign# may be located so as to obscure any cornice, except that a non-#illuminated sign# may be attached to a cornice if such #sign# consists of individual letters, emblems or figures mounted on open metal mesh attached to the cornice and finished to match the cornice, provided that the cornice remains visible; and

(d) no #sign# or common #sign# board shall extend above the parapet wall or roof of the #building# on which it is displayed.

101-716 - Sign materials and colors

LAST AMENDED
6/28/2004

#Signs# may be fabricated of any opaque material that does not have a glossy or reflective surface, except that glossy translucent material may be used:

(a) in areas where the intent is to imitate or replace glass, as in transoms; or

(b) for individual letters in internally lit #illuminated signs#.

Background colors for #signs# or common #sign# boards shall be limited to black, navy blue, dark green, maroon or bronze.

101-72 - Modification of Bulk Regulations

LAST AMENDED
6/28/2004

101-721 - Height and setback

LAST AMENDED
12/5/2024

Special #street wall# location regulations are set forth in Section 101-41.

101-73 - Special Provisions

LAST AMENDED
6/28/2004

101-731 - Special provisions for certain existing buildings

LAST AMENDED
2/2/2011

Any alteration, #incidental alteration# or minor work (including any change in, addition to, or removal from, the parts or materials of a #building#, including finishes) done to the front wall of any #building# of the #specified building type# shall comply with the following standards:

(a) Alteration or reconstruction of storefronts shall comply with the provisions of Section 101-734.

(b) Front walls which are replaced shall be erected to the same height and at the same location as the original walls. Replacement or repair of front walls shall be done with the same material as the original walls, except that stone may be replaced by another material finished in such a manner as to match the appearance of the original walls. Finishes and colors of front walls shall be of an approved type, as indicated in Appendix C of this Chapter.

(c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section 101-733 (Special provisions for development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of six inches and extending at least four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section 101-733 are met. Such openings shall be completely sealed with masonry recessed at least two inches behind the wall and finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.

(d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice that must be removed shall be replaced by a new cornice having the same height,

length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

101-732 - Special provisions for other existing buildings

LAST AMENDED
2/2/2011

Any alteration, #incidental alteration# or minor work done to the front wall of any #building# not of the #specified building type#, shall comply with the following standards:

(a) alteration or replacement of storefronts shall comply with the provisions of Section 101-734; and

(b) alteration or replacement of front walls shall comply with the provisions of Sections 101-721 (Height and setback) and 101-733 (Special provisions for development and enlargement).

101-733 - Special provisions for development and enlargement

LAST AMENDED
2/2/2011

The front wall of any #development# or #enlargement#, or the front wall of any #building# where the height or width of a #street wall# is proposed to be increased, shall be built to comply with the following standards:

(a) The front wall shall extend along the full length of the Atlantic Avenue #street line#. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces

permitted pursuant to Section 101-744 (Special permit for public parking garages or public parking lots).

Front wall recesses are permitted for architectural purposes provided that the aggregate length at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed three feet. No recesses are permitted within 20 feet of the intersections of two #street lines# forming an angle of 100 degrees or less.

(b) Windows shall occupy at least 35 percent of the wall area at the level of any #story# above the ground floor. (For the purposes of calculation, the wall height at any #story# shall be measured between the floor and ceiling of that #story#.)

(c) Window and door framing trim shall be finished in an approved color as indicated in Appendix D of this Chapter.

101-734 - Special provisions for storefronts

LAST AMENDED
6/6/2024

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

New storefronts installed in any existing or new #building# shall comply with the #ground floor level# streetscape provisions of Section 101-11 (Special Ground Floor Use Regulations) and the following

standards:

(a) A storefront installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.

(b) Storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.

(c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of two feet.

(d) All framing elements, trim elements, doors, etc., of the storefront shall be finished in an approved manner, as indicated in Appendix D.

(e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

101-74 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The provisions of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.

101-741 - Accessory off-street parking

LAST AMENDED
12/5/2024

No #accessory# off-street parking facilities are required for any #residential# or #commercial# #development#, or portion thereof, within the Atlantic Avenue Subdistrict. In no case shall the number of permitted #accessory# off-street parking spaces for #residential use# exceed 40 percent of the number of #dwelling units#.

In no case shall curb cuts for vehicular access be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Atlantic Avenue Subdistrict.

The parking requirements set forth in Sections 25-31 or 36-21 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

101-742 - Screening

LAST AMENDED
6/28/2004

Any permitted #accessory# off-street parking area, regardless of size or location, shall be screened from all adjoining #zoning lots# and #streets# by screening that complies with the provisions of Section 36-55 (Screening) and which, in the case of a wall or barrier or uniformly painted fence, is finished in an approved color as indicated in Appendix D of this Chapter.

101-743 - Accessory off-street loading

LAST AMENDED
2/2/2011

Curb cuts for vehicular access to #accessory# off-street loading berths shall not be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. However, the City Planning Commission may, by authorization, permit a curb cut on Atlantic Avenue, provided that:

(a) such curb cut is a relocation of an existing curb cut on the #zoning lot#; and

(b) such curb cut will not unduly inhibit surface traffic and pedestrian flow along Atlantic Avenue.

The loading berth requirements of Section 25-72 or 36-62 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required loading berths with access to a #street# in conformity with the provisions of this Section.

All #accessory# off-street loading berths shall be enclosed within a #building#.

101-744 - Special permit for public parking garages or public parking lots

LAST AMENDED
12/5/2024

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in

Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-54 (Surfacing) and 36-55 (Screening), are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less; and

(c) where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

101-75 - Special Provisions for Demolition of Buildings

LAST AMENDED
2/2/2011

Except in the case of #buildings# that are unsafe and the demolition of which is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code, no demolition permit shall be issued by the Department of Buildings for any #development# within the Subdistrict until:

(a) the owner of the property has obtained a building application approval for the new #development# or #enlargement#; and

(b) the owner shall have presented evidence of having a commitment from a domestic bank, insurance company or real estate investment company, for construction financing, which shall be in the form of a letter trust.