

A. INTRODUCTION

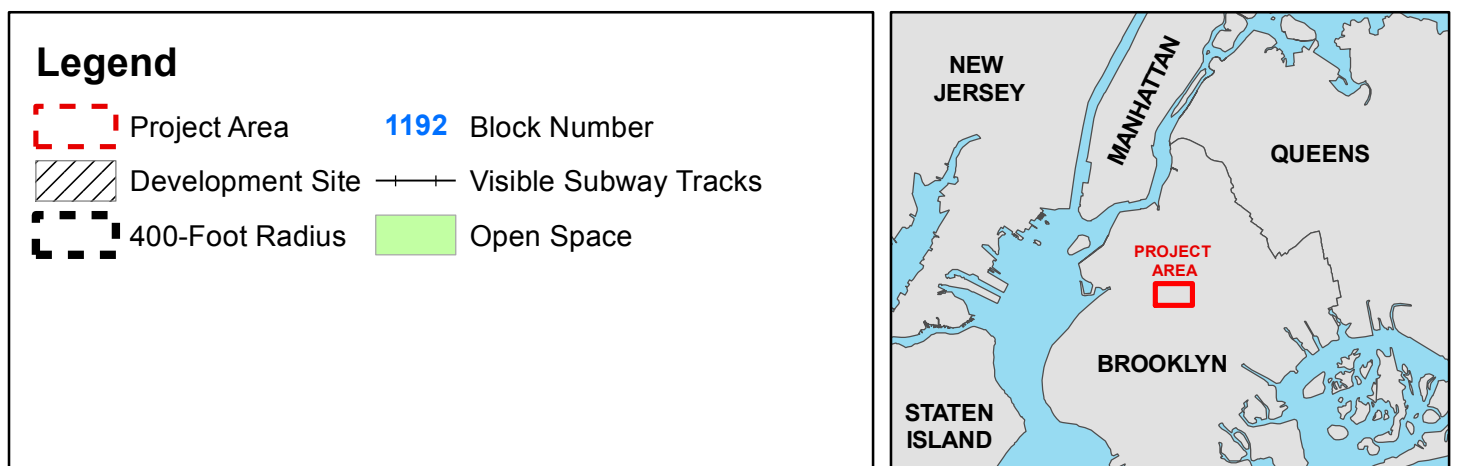
This chapter considers the discretionary actions requested by Franklin Ave. Acquisition LLC (“the Applicant”) that would facilitate the development of two mixed-use buildings comprising approximately 1,369,314 gross square feet (gsf) (1,151,671 (zsf)) mixed-use commercial/residential development on the block bound by Montgomery Street, Franklin Avenue, Sullivan Place, and Washington Avenue, on the eastern side of the Franklin Avenue subway shuttle right-of-way, in the Crown Heights neighborhood of Brooklyn Community District (CD) 9 (see **Figure 1-1, “Project Location”**). The site is comprised of Brooklyn Block 1192, Lots 41 (130 Montgomery Street), 46, 63 (124 Montgomery Street), and 66 (972 Franklin Avenue) (the “Development Site”), while the Proposed Rezoning Area also includes Lot 40 (122A Montgomery Street) and parts of Lot 1 (a portion of the MTA’s Franklin Avenue subway shuttle right-of-way), Lot 77 (1015 Washington Avenue) and Lot 85 (1035 Washington Avenue) (“the Project Area”), as shown in **Figure 1-2, “Lots in Development Site and Limits of Project Area”**).


The Proposed Actions, consisting of zoning map and text amendments, as well as a Large Scale General Development (LSGD) special permit, and special permit to waive parking are being requested for the purposes outlined below.

1. Zoning map amendment, which would rezone the Project Area from R6A to R9D and R9D/C2-4 (within 100 feet of Franklin Avenue).
2. Zoning text amendment, which would designate the Project Area as a Mandatory Inclusionary Housing (MIH) area, would require the construction of permanently affordable residential units on the Project Site. The City’s MIH program would require that the project set aside either 25 percent of all units under MIH Option 1, or 30 percent of all units under MIH Option 2 for affordable housing.
3. Special permit pursuant to ZR section 74-74, “Large-Scale General Development” would seek to modify location of buildings on the Development Site without regard to applicable height and setback regulations, the distance between buildings, and yard regulations. The LSGD special permit seeks to waive certain tower coverage requirements in R9D districts per the ZR.
4. Special permit pursuant to ZR section 74-533, “Reduction of Parking Spaces to Facilitate Affordable Housing,” to waive the parking requirements per ZR section 25-23, “Requirements Where Group Parking Facilities Are Provided.” Per the site’s proposed zoning, parking would be required for 40 percent of the non-income restricted units, with approximately 442 required parking spaces. Parking spaces for approximately 16 percent of all market-rate DUs are proposed. As such, approximately 314 parking spaces would be waived by the requested special permit.

The Proposed Actions would also include recordation of a Restrictive Declaration, (E) designation (E-586) and Public Access Agreement (PAA) to codify commitments of the Proposed Development.


Although not known at this time, the Proposed Development may also involve the use of public financing for the development of permanently affordable housing from the New York City Department of Housing Preservation and Development (HPD), the New York State Housing Finance Agency (HFA), or other governmental or private sources.





NYC Digital Tax Map

Effective Date : 04-25-2017 10:37:32
End Date : Current
Brooklyn Block: 1192



Legend

Streets

Miscellaneous Text

Possession Hooks

Boundary Lines

Lot Face Possession Hooks

Regular

Underwater

Tax Lot Polygon

Condo Number

Tax Block Polygon

Development Site

Proposed Rezoning Area / Project Area

Lot Area in Proposed R9D Zoning District

Lot #	Total Lot Area	Lot Area in Proposed R9D Zoning District
1	32,461 sf	18,431 sf (56.8%)
40	1,282 sf	1,282 sf (100.0%)
41	12,463 sf	12,463 sf (100.0%)
46	54,488 sf	54,488 sf (100.0%)
63	12,981 sf	12,871 sf (99.2%)
66	40,277 sf	38,779 sf (96.3%)
77	28,621 sf	6,969 sf (24.4%)
85	29,141 sf	186 sf (<0.1%)



The Proposed Actions would facilitate the development of the 120,209 sf (approximately 2.76-acre) Development Site with an approximately 1,369,314 gsf (1,151,671 zsf) mixed-use development (the “Proposed Development”). The Applicant anticipates that the Proposed Development would comprise 1,263,039 gsf of residential uses, introducing a total of 1,578 dwelling units, including either 25 percent of the total units set aside pursuant to Option 1 of the City’s MIH program (395 units of affordable housing with an average 60 percent AMI, or \$46,620 per year for a family of three), or 30 percent of the total units set aside pursuant to Option 2 of the City’s MIH program (474 units of affordable housing with an average of 80 percent AMI, or \$62,150 per year for a family of three). In addition to the required MIH units, the Applicant ~~intends~~ is committing, and will be enforced through the Restrictive Declaration, to set aside an additional 20 or 25 percent of the dwelling units as affordable housing, depending on the MIH option selected (Option 1 or Option 2), to provide a combined total of 50 percent (789 units) affordable and workforce housing. Of the 50 percent affordable apartments, the Applicant intends to provide the following affordability levels: 60 percent would accommodate families at or below 80 percent AMI, (474 units, consistent with and exceeding MIH Option 2), 20 percent would be provided by the Applicant in addition to MIH requirements to accommodate families at or below 100 percent AMI (158 units) and 20 percent of the units would be provided by the Applicant in addition to MIH requirements to accommodate families at or below 120 percent AMI (157 units), as shown in **Table 1-1**. The proposed affordable housing would help to address affordable housing goals set forth by the City in Housing New York: A Five-Borough, Ten-Year Plan. In addition to the proposed residential component, approximately 21,183 gsf of local retail space and approximately 9,678 gsf of community facility space would be provided.

Parking for approximately 16 percent of all market-rate DUs would be allocated in two separate parking garages on the ground- and cellar-levels of the Proposed Development. The accessory parking garages would be accessed via a curb cut on Franklin Avenue, and a curb cut located on Montgomery Street. Additionally, secondary access into the parking garages would be provided via the proposed internal roadway, which would have a driveway located between the two proposed buildings.

TABLE 1-1
Applicant-Proposed Distribution of Affordable Dwelling Units

Average Median Income (AMI)	Proposed Percentage of Total Dwelling Units	MIH (Option 2) Affordable Units	Proposed Percentage of Affordable Dwelling Units	Additional Affordable (Income Targeted)	Proposed Percentage of Affordable Dwelling Units	Total Units Affordable Dwelling Units
50%	20%	316	40%	--	--	316
80%	10%	158	20%	--	--	158
100%	10%	--	--	158	20%	158
120%	10%	--	--	157	20%	157
Total	50%	474	60%	315	40%	789

Notes:

¹ For analysis purposes, MIH Option 2 (30 percent of the total DU count designated as affordable housing) is assumed.

It is expected that the Proposed Development would be constructed over an approximately ~~four~~three-year period following project approval, with completion and occupancy expected to occur in 2024. This

build year was determined in consideration of the reasonable amount of time necessary for the two-phase project to be developed. Prior to the first phase of construction on Lots 63 and 66, the Morris J. Golombeck, Inc. Importers spice company (“Golombeck”), occupants of Lots 41 and 46, would vacate the property and relocate operations. Phase I demolition is projected to begin during the first quarter of 2022~~1~~ regardless of the Proposed Actions to accommodate either the as-of-right development pursuant to the site’s existing zoning, or to accommodate the Proposed Development. Phase I excavation and foundation is projected to commence on as as-of-right basis in first quarter 2022~~1~~ and is completed by third quarter 2022~~1~~ (seven months). Phase I construction, i.e., initiation of superstructure, is projected to commence third quarter 2022~~1~~ and is completed by early 2024 (~~21~~~~30~~ months).

Phase II demolition is projected to commence ~~third-second~~ quarter 2022~~1~~. Phase II excavation and foundation is projected to commence ~~first-third~~ quarter 2022 and is completed during ~~fourth-first~~ quarter 2022 (~~seven~~~~nine~~ months). Phase II construction is projected to commence during ~~first-fourth~~ quarter 2023~~2~~ and is anticipated to be completed during fourth quarter 2024 (~~23~~~~32~~ months).

This chapter provides a detailed description of the Proposed Actions, including project background, project purpose and need, site description, project description, and the governmental approvals required. The supplemental analyses following this chapter examine the potential for the Proposed Actions to result in significant adverse environmental impacts in any technical area of the 2020 *City Environmental Quality Review (CEQR) Technical Manual*.

B. BACKGROUND AND EXISTING CONDITIONS

The Project Area is located on the eastern portion of tax Block 1192 in the Crown Heights neighborhood of Brooklyn Community District 9. It is bounded by Montgomery Street to the north, Franklin Avenue to the east, and the Franklin Avenue Shuttle right-of-way to the west. The Project Area comprises tax Lots 40, 41, and 46 in their entirety, as well as portions of tax Lots 1, 63, 66, 77, and 85 (see **Figure 1-2**).

Within the Project Area, the Applicant proposes to redevelop the following properties: Lot 41 located at 130 Montgomery Street, Lot 46 located at 124 Montgomery Street, Lot 63 located at 962 Franklin Avenue, and Lot 66 located at 972 Franklin Avenue. Together, these four lots comprise the Development Site, which measures 120,209 sf or 2.76 acres in size. The Development Site contains approximately 225 feet of frontage along Montgomery Street and approximately 576 feet of frontage along Franklin Avenue.

Land Use

The Development Site

The northern portion of the Development Site (Lots 41 and 46) contains several multi-story buildings totaling 107,744 gsf, including an office building, a former boiler building, as well as buildings which contain spice warehousing and spice processing uses associated with Morris J. Golombeck, Inc. Importers (“Golombeck”). In addition, a decommissioned smoke stack is located on the Development Site. The southern portion of the site contains an empty warehouse building (Lot 63) and is otherwise vacant (Lot 66). There are two existing curb cuts along Montgomery Street and five existing curb cuts along Franklin Avenue. Not all curb cuts are used for site access on a regular basis at present. Only the curb cut on Franklin Avenue that serves the Golombeck facility is used regularly.

Golombeck has operated on the northern portion of the Development Site from approximately 1955 to present as a spice warehouse, processing and distribution facility. Prior uses on the northern portion of the development site include: Burton Dixie Corporation, a manufacturer of mattresses and cotton felts, from 1932 to 1955; and Consumers Park Brewery, a brewery with cold storage and bottling of beverages from 1908 to 1932.

In a letters dated December 4 and 20, 2017, the New York City (NYC) Landmarks Preservation Commission (LPC) issued determination letters indicating that the Development Site is not considered to have archaeological significance and that LPC did not have interest in preserving the on-site buildings; however, LPC's response indicated that the buildings are eligible for the New York State and National Registers (S/NR eligible).

The southern portion of the site (Lots 63 and 66) has remained predominantly vacant since 1961. Prior uses on the southern portion of the development site include: tennis courts from 1951 to 1961; the Rubel Corporation's ice production and distribution facility from 1932 to 1951; and Flatbush Hygienic Ice Company's ice production and distribution facility from 1908 to 1932.

The Balance of the Project Area

The Project Area also includes portions of four lots not owned or under the control of the Applicant, including: part of Lot 1 (approximately 18,431 sf or 56.8 percent of the 32,461 sf lot), all of Lot 40 (approximately 1,282 sf), part of Lot 77 (approximately 6,969 sf or 24.4 percent of the 28,621 sf lot), and part of Lot 85 (approximately 186 sf or 0.6 percent of the 29,141 sf lot), as shown in **Table 1-2** and as shown in **Figure 1-2**. As described below, the Proposed Actions would not be expected to result in new development on Lots 1, 40, 77 or 85.

The remainder of these properties, located entirely or partially within the Proposed Rezoning Area, are occupied by the following land uses:

Lot 1 contains the MTA's Franklin Avenue subway shuttle right-of-way, an open-cut subway line that transects Block 1192 from Montgomery Street to Washington Avenue. As this tax lot is owned by the MTA, it would require additional discretionary approvals to allow for the disposition of City property in order to be redeveloped or to transfer or sell the development rights from this property to an adjacent property. As such, it is unlikely to be developed as a consequence of the Proposed Actions. Therefore, it would not be considered a projected development site pursuant to *CEQR Technical Manual* guidance.

122A Montgomery Street (Lot 40) is a 1,282 sf (10 feet wide by 128 feet deep) rectangular property that is located within the Project Area. At 10 feet wide, it does not meet the minimum residential lot width requirements of ZR Section 23-32, "Minimum Lot Area or Lot Width for Residences." Additionally, it is not considered a possible development site due to the extensive shoring that would have to be done along the western edge of the narrow property within the property lines in order to develop the site due to its proximity to the adjacent MTA subway cut.

1015 Washington Avenue (Lot 77) is a 28,432 sf trapezoidal property partially located within the Project Area. Lot 77 is occupied by a six-story, 99,750 gsf multi-family residential building, which represents a built FAR of 3.34. The current residential building contains 90 dwelling units constructed before 1974. Although Lot 77 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as a consequence of the Proposed Actions since only a small portion (24.4 percent) of the site would be rezoned from R6A to R9D as a consequence of the Proposed Actions, with the remainder of the lot remaining R8A. The area changed is in the rear of the lot with no street

frontage, so the rear yard requirement would prohibit most of the area to be built upon. Per ZR 77-22, a blended portion of the available floor area could be located on the front of the site. Under the current R8A zoning the existing zoning lot has approximately 70,000 sf of unbuilt floor area, but only 26,000 sf could be added as an addition to the existing building and only about 32,000 sf of additional area could be realized as a new build. With the proposed rezoning to R9D, constructing an addition on top of the existing building would allow an increase of the existing building by 31,000 sf (approximately 5,000 sf over the expansion of the existing building that would be permitted under existing zoning) and about 60,000 sf (approximately 28,000 sf more than would be permitted under the R8A zoning) with a complete new build. As this incremental increase in floor area provided under the proposed R9D zoning would be very small, it is anticipated that there would be little incentive for the building owner to demolish the existing building in order to obtain approximately 28,000 sf of floor area that would not be available under existing zoning. Further, if the owner were to seek relief from the NYC Board of Standards and Appeals (BSA) to try to have the FAR of the proposed R9D zoning district applied to the entire lot, that would mean that additional discretionary actions would be required as there would be no way to utilize the FAR available under the R9D zoning on this lot on an as-of-right basis.

1035 Washington Avenue (Lot 85) is a 28,437 sf irregularly shaped property partially located within the Project Area. Lot 85 is occupied by a six-story, 123,113 gsf multi-family residential building which represents a built FAR of 4.12. The current residential building contains 97 dwelling units constructed before 1974. Although Lot 85 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as only a small portion (0.6 percent) of the site would be rezoned as a consequence of the Proposed Actions. The area that would be rezoned as a consequence of the Proposed Actions is on the side lot line along Franklin Avenue. Per ZR 77-22, a blended portion of the available floor area created by the portion of the lot located in the proposed R9D zoning district could be used in the portion of the lot that lies within the R8A zoning district. Under the current R8A zoning, the existing building shape makes the construction of an addition impossible due to the required rear yard equivalent to be mapped at the middle of the site. Under the current zoning, approximately 47,700 sf additional floor area could be obtained by demolishing the existing building and constructing a new building to maximize the FAR available under the existing R8A zoning. Under the proposed rezoning, approximately 17,600 sf of additional floor area would be available from the portion of the lot that would be rezoned to R9D. When added to the 47,700 sf of additional floor area that is available on the site with the underbuilt condition, a total of 65,300 sf of additional floor area could be created on the site. As this incremental increase in floor area provided under the proposed R9D zoning would be very small, it is anticipated that there would be little incentive for the building owner to demolish the existing building in order to obtain approximately 17,600 sf of floor area that would not be available under existing zoning. Further, if the owner were to seek relief from the NYC BSA to try to have the FAR of the proposed R9D zoning district applied to the entire lot, that would mean that additional discretionary actions would be required as there would be no way to utilize the FAR available under the R9D zoning on this lot on an as-of-right basis.

Zoning

The Development Site is located within an R6A zoning district. The balance of the Project Area is mapped R8A.

R6A

R6A zoning districts are medium-density contextual districts where Quality Housing bulk regulations are mandatory. R6A districts permit a maximum FAR of 3.0 with a minimum base height of 40 feet, a maximum base height of 60 feet, and a maximum building height of 70 feet. Parking is required for 50 percent of

dwelling units in R6A zoning districts.

R8A

R8A zoning districts are high-density contextual districts where Quality Housing bulk regulations are mandatory. R8A districts permit a maximum FAR of 6.02 with a minimum base height of 60 feet, a maximum base height of 85 feet (95 feet with a qualifying ground floor), and a maximum building height of 120 feet (125 feet with a qualifying ground floor). Parking is required for 40 percent of dwelling units in R8A zoning districts.

As shown in **Figure 1-3, “Zoning Map,”** an R6A zoning district is mapped across most of the Development Site. However, six lots also have lot area that is mapped with an R8A zoning district. As described above, the existing zoning district boundaries create split lot conditions for the following tax lots: Lot 1, Lot 41, Lot 63, Lot 66, Lot 77, and Lot 85. As shown in **Table 1-2**, the vast majority of the Development Site is located within the boundaries of the existing R6A/proposed R9D zoning district (100 percent of Lots 41 and 46, 99 percent of Lot 63, and 96 percent of Lot 66). Lot 40, while not part of the Development Site, would also be located entirely within the Project Area; however, as indicated above, development of that property would not be able to take advantage of the increase in FAR due to its narrow lot size. Conversely, only a small portion of Lots 77 and 85 would be rezoned as a result of the Proposed Actions, with approximately 24 percent of Lot 77 and approximately 1 percent of Lot 85 being located within the rezoning area. Further, while approximately 57 percent of Lot 1 would be located within the Project Area, this property is an open subway cut for the MTA’s Franklin Avenue subway shuttle and is not likely to be redeveloped due to the additional discretionary actions that would be required to develop or transfer development rights of an MTA-owned property.

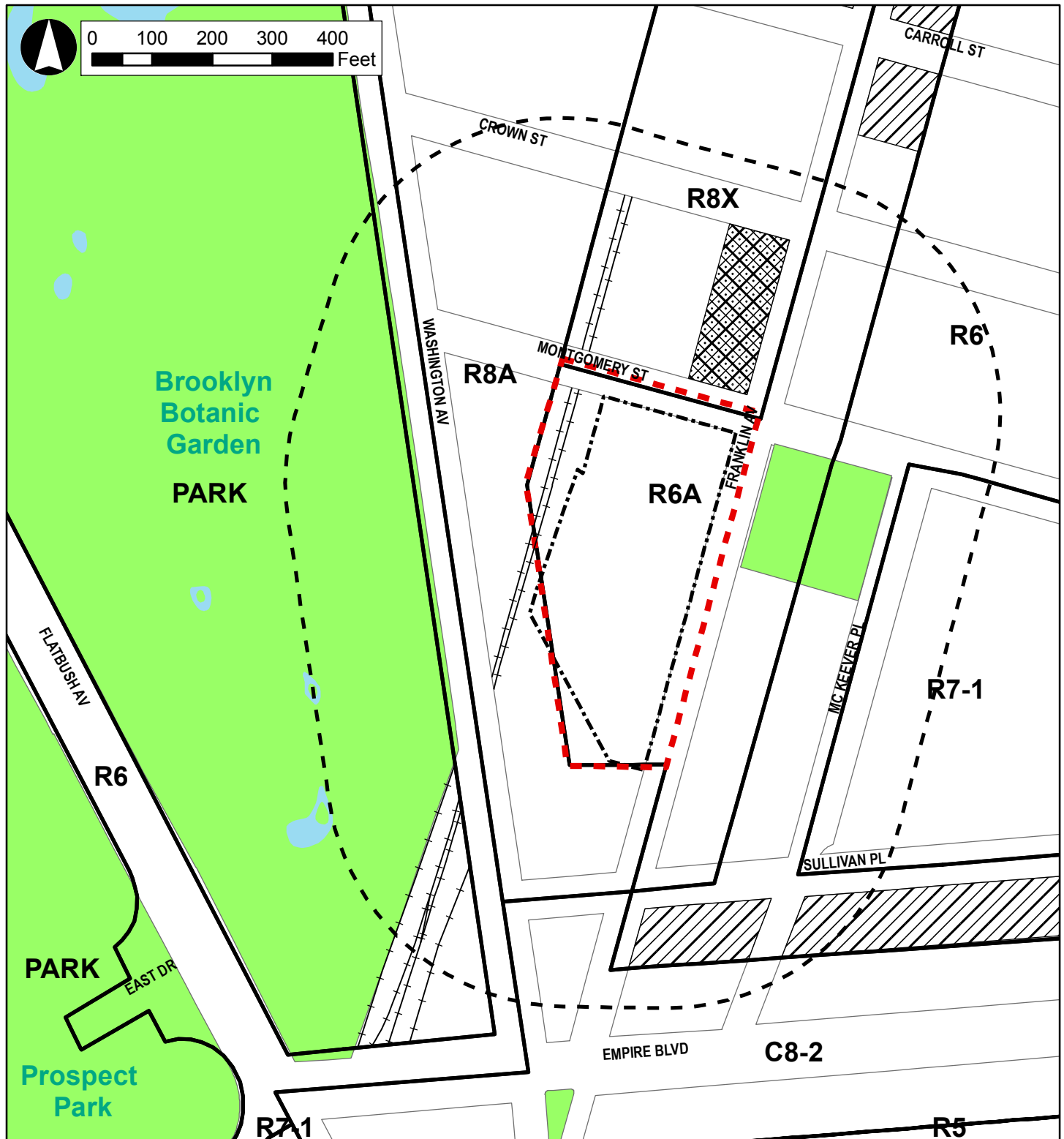
TABLE 1-2
Percentage of Lot Area Within the Existing R6A Zoning District

Block	Lot ¹	Address	Total Lot Area (SF) ²	Square Footage of Lot Within Proposed Rezoning Area (SF)	Percentage of Lot Located Within the Existing R6A Zoning District (%)
1192	1	Washington Avenue (MTA Right-of-Way)	32,461	18,431	57%
	40	122A Montgomery Street	1,282	1,282	100%
	41	130 Montgomery Street	12,463	12,463	100%
	46	124 Montgomery Street	54,488	54,488	100%
	63	962 Franklin Street	12,981	12,851	99%
	66	972 Franklin Street	40,277	38,666	96%
	77	1015 Washington Avenue	28,621	6,969	24%
	85	1035 Washington Avenue	29,141	186	1%

¹The shaded rows represent the Development Site.
²Lot area comes from PLUTO data (Lots 1, 40, 77 and 85) and from a topographic survey (the Development Site).

1991 Contextual Rezoning

In 1991, the Project Area was rezoned in conjunction with a Department of City Planning rezoning of a 13-block area bounded by Eastern Parkway, Washington Avenue, Sullivan Place, and a line 100 feet east of Franklin Avenue, pursuant to ULURP No. C910293 ZMK. The application rezoned R6 and R8 districts and a 150-foot-deep C1-3 commercial overlay to contextual R6A and R8A districts, and lessened the C1-3 overlay to a 100-foot depth. The rezoning was intended to encourage mid-rise, high coverage buildings, and to prevent incursion of commercial uses in the residential mid-blocks. The 1991 rezoning effort was City Planning’s response to area conditions in 1991, namely, to encourage contextual residential development. The Development Site is currently zoned R6A, which allows for medium-density residential (Use Group 1



Legend

	Project Area		Visible Subway Tracks		C1-3 Overlay
	Development Site		Open Space		C2-3 Overlay
	400-Foot Radius		Zoning District Boundaries		C2-4 Overlay

and 2) and community facility uses (Use Groups 3 and 4). Commercial and industrial/manufacturing uses are not permitted. Development is governed by Quality Housing regulations.

ZQA and MIH

On September 21, 2015, the CPC certified into ULURP (i) the Zoning for Quality and Affordability text amendment (“ZQA”) under ULURP No. N160049ZRY, and (ii) the Mandatory Inclusionary Housing text amendment (“MIH”) under ULURP No. N160051ZRY. The ZQA text amendment allows modest five, ten or fifteen-foot height increases in certain zoning districts to allow for buildings with desirable high-ceilinged ground floor retail space, to allow for variety in building envelopes, to reduce parking requirements for buildings providing affordable housing under the Inclusionary Housing program in certain transit-rich areas, and to accommodate all permitted floor area in the permitted bulk envelope, particularly in buildings providing affordable housing under the Inclusionary Housing program. The MIH text amendment makes the Inclusionary Housing program mandatory in certain districts to facilitate the production of affordable housing. On February 2, 2016, the New York City Planning Commission approved the text amendments with modifications. On March 22, 2016, the City Council approved the text amendments.

Franklin Avenue Rezoning¹

On December 20, 2018, the City Council approved the Franklin Avenue Rezoning (ULURP Nos 180347ZMK and N180348ZRK). This project resulted in the rezoning of portions of Blocks 1188, 1189, and 1190 from R6A, R6A with a C1-3 overlay and R8A zoning districts to an R8X district and R8X with a C2-4 overlay. The rezoning area was generally bounded by Franklin Avenue to the east, Montgomery Street to the south, a point approximately 300 feet west of Franklin Avenue to the west and on the north by a line 131 feet north of, and parallel to, Carroll Street. The following blocks and lots were rezoned: Block 1188: a portion of Lot 35, a portion of Lot 44, and Lots 53, 54, 55, 56, and 58; Block 1189: Lots 31 and a portion of 60; Block 1190: a portion of Lot 26, and Lots 28, 29, 45, 46, 48 and 50. The portions of Blocks 1188 and 1190 were designated as MIH areas. The middle blockfront portion of the block bound by Carroll Street, Franklin Avenue and Crown Street (which includes the two-story New York Police Department’s (NYPD’s) Transit District 32 facility at 960 Carroll Street (Lot 31) and Tivoli Towers at 49 Crown Street (Lot 60)) was not designated as an MIH area. Combined, approximately 518 total dwelling units (140 affordable pursuant to the MIH program), approximately 16,284 gsf of local retail, and 151 parking spaces were proposed by the applicant for the rezoning with an anticipated occupancy in 2021. Additionally, one projected development site was identified in the EAS at 882-886 Franklin Avenue (Block 1188, Lots 53, 54, and 55) that may be developed as a consequence of the rezoning with approximately 46,500 gsf, including 47 new dwelling units, of which there would be 12 affordable units, and approximately 7,500 sf of local retail with an anticipated occupancy in 2023. The maximum building height within the R8X district is 175 feet, which is the equivalent of a 16-story building.

Topography

The topography of the Development Site slopes downwards from Montgomery Street toward the southern edge of the property. Existing elevations in the vicinity of the property generally range from

¹ Appendix 2 of the EIS includes a memorandum that considers a potential revised No-Action Scenario as a result of the Supreme Court of Kings County, New York’s decision to overturn the Franklin Avenue Rezoning (CEQR No. 17DCP067K). This EIS currently incorporates development facilitated by the Franklin Avenue Rezoning in its background analysis. The Appendix outlines how each technical area analyzed in this EIS would be affected if the decision in the Franklin Avenue lawsuit stands and the sites included in the Franklin Avenue Rezoning would be developed under their prior as-of-right R6A zoning.

approximately 100 feet along Montgomery Street to approximately 88 feet near Franklin Avenue at the southern edge of the property (as measured in North American Vertical Datum of 1988).

Neighborhood Context

The Project Area is located in the Crown Heights neighborhood of Brooklyn. Nearby neighborhoods include Prospect-Lefferts Gardens and Prospect Heights, and the Project Area is also located just east of Prospect Park and the Brooklyn Botanic Garden. During the past several years, the neighborhood has experienced considerable residential growth. The secondary study area, located within a radius of approximately a quarter-mile of the Project Area, is primarily residential and institutional, but also accommodates some commercial/office space, transportation uses, open space resources, and vacant land.

Approximately 19.4 percent of the lot area and 19.8 percent of the buildings in the quarter-mile study area is comprised of public facilities and institutions. P.S. 241 Emma L. Johnston (976 President Street), P.S. 375 Jackie Robinson School/M.S. 352 Ebbets Field (46 McKeever Place) and the City University of New York's (CUNY's) Medgar Evers College campus (1637 Bedford Avenue) are located within a quarter-mile of the Project Area (see **Figure 1-4, "Land Use Map"**).

Additionally, several religious institutions are located within an approximate quarter-mile radius of the Project Area. The Full Gospel Assembly Pentecostal Church (836 Franklin Avenue) is located four blocks north of the Project Area. The Ebenezer Haitian Baptist Church (1594 Bedford Avenue), the Kingdom Hall of Jehovah's Witnesses (1032 Carroll Street), and the Full Gospel Assembly of God (131 Sullivan Place) are located in the eastern section of the secondary study area. Grace Reformed Church (1800 Bedford Avenue) and the Gospel Truth Church of God (1055 Washington Avenue) are located in the quarter-mile study area to the south of the Project Area.

Additional institutions in the quarter-mile study area include the Brooklyn Museum (200 Eastern Parkway) at the northwestern limits of the study area; the Five Block Day Care Center (955 Carroll Street) to the east of the Project Area; and, the Institute for Community Living Inc. (516 Flatbush Avenue), a 20-bed congregate community residence for individuals who are diagnosed with co-occurring psychiatric and substance abuse disorders is located at the southern limits of the study area. The Bedford-Union Armory (1555 Bedford Avenue) is located just beyond the limits of the quarter-mile study area boundary to the northeast of the Project Area.

There are also several large open space resources within the secondary study area. A portion of Prospect Park, including the Prospect Park Zoo (450 Flatbush Avenue), is located in the southwestern section of the quarter-mile study area. A majority of the Brooklyn Botanic Garden, including the Science Center (109 Montgomery Street), is also located within the quarter-mile study area, to the west of the Project Area. To the northwest of the Project Area is the 1.36-acre Dr. Ronald McNair Park, bounded by Eastern Parkway, Classon Avenue, and Washington Avenue.

The residential buildings in the area surrounding the Project Area vary greatly, ranging in height and density from two-story, semi-detached houses, to six-story apartment buildings, to the seven 25-story Ebbets Field Houses apartment buildings containing approximately 1,300 dwelling units at 1720 Bedford Avenue in the eastern portion of the study area. Tivoli Towers, located at the northern limits of the study area, is a Mitchell-Lama residential complex built in the 1970s, consisting of 33 stories (approximately 315 feet high, excluding bulkhead) and approximately 321 dwelling units. Building permits were approved in April 2018 for a 12-story residential building with 163 residential units to be constructed at 111



Legend

	Project Area		Multi-Family Walkup Buildings		Public Facilities & Institutions
	Development Site		Multi-Family Elevator Buildings		Open Space
	400-Foot Radius		Mixed Commercial/Residential Buildings		Parking Facilities
	Visible Subway Tracks		Commercial/Office Buildings		Vacant Land
Land Use			Industrial/Manufacturing		All Others or No Data
	One & Two Family Buildings		Transportation/Utility		

Montgomery Street (Block 1190, Lot 61), which is located between Washington Avenue and Franklin Avenue. The development was completed in 2020 and building occupancy is anticipated in 2021.

Portions of Blocks 1188, 1189, and 1190 were recently rezoned from R6A, R6A with a C1-3 overlay and R8A zoning districts to an R8X district and R8X with a C2-4 overlay in conjunction with the Franklin Avenue Rezoning EAS (CEQR #17DCP067K). The rezoning area was generally bounded by Franklin Avenue to the east, Montgomery Street to the south, a point approximately 300 feet west of Franklin Avenue to the west and on the north by a line 131 feet north of, and parallel to, Carroll Street. The following blocks and lots were rezoned: Block 1188: a portion of Lot 35, a portion of Lot 44, and Lots 53, 54, 55, 56, and 58; Block 1189: Lots 31 and a portion of 60; Block 1190: a portion of Lot 26, and Lots 28, 29, 45, 46, 48 and 50. The portions of Blocks 1188 and 1190 were designated as Mandatory Inclusionary Housing (MIH) areas. The middle blockfront portion of the block bound by Carroll Street, Franklin Avenue and Crown Street (which includes the two-story New York Police Department's (NYPD's) Transit District 32 facility at 960 Carroll Street (Lot 31) and Tivoli Towers at 49 Crown Street (Lot 60)) was not designated as an MIH area. Combined, approximately 518 total dwelling units (140 affordable pursuant to the MIH program), approximately 16,284 gsf of local retail, and 151 parking spaces were proposed by the applicant for the rezoning with an anticipated occupancy in 2021. Additionally, one projected development site was identified in the EAS at 882-886 Franklin Avenue (Block 1188, Lots 53, 54, and 55) that may be developed with approximately 46,500 gsf, including 47 new dwelling units, of which there would be 12 affordable units, and approximately 7,500 sf of local retail with an anticipated occupancy in 2023. The maximum building height is 175 feet in 16 stories.

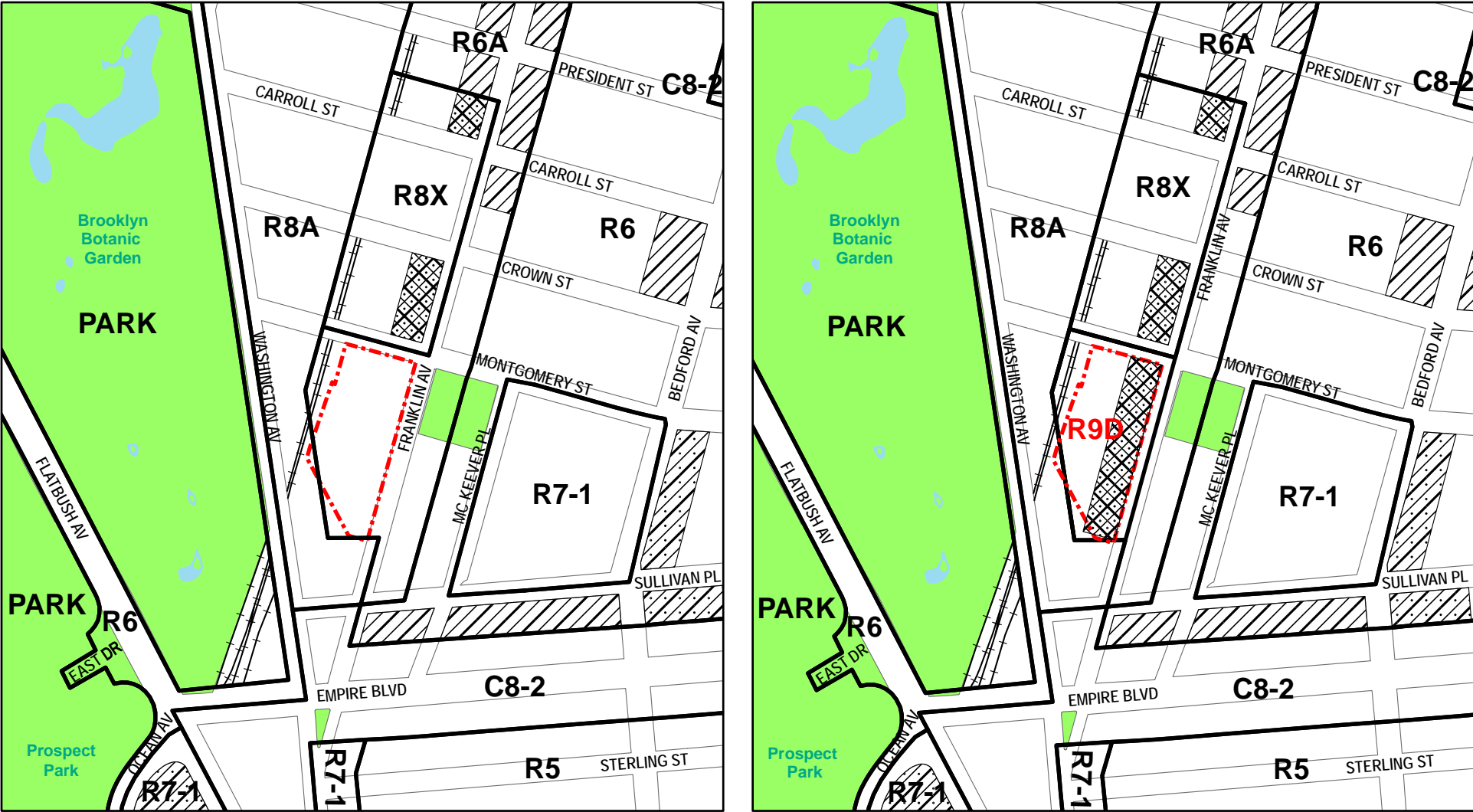
C. DESCRIPTION OF THE PROPOSED ACTIONS

The Proposed Actions include a zoning map amendment, zoning text amendment, a Large-Scale General Development (LSGD) Special Permit, and a special permit to reduce the required parking for market-rate dwelling units. These actions are detailed below.

Zoning Map Amendment

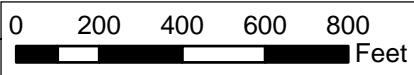
The proposed zoning map amendment, which would rezone the Project Area from R6A to R9D with a C2-4 commercial overlay mapped within 100 feet of Franklin Avenue, would increase the permitted FAR in the Project Area (see **Figure 1-5** for the proposed zoning), allowing for development of more residential and commercial uses than could be provided under existing conditions. As shown in **Figure 1-5**, the northern boundary of the Project Area would extend along Montgomery Street approximately 300 feet west of the centerline of Franklin Avenue to the right-of-way of the Franklin Avenue shuttle to the western side of the right-of-way. The eastern boundary would extend along Franklin Avenue from Montgomery Street to a point approximately 150 feet north of Sullivan Place. The southern boundary of the Project Area would extend west from Franklin Avenue in a line that runs parallel to and approximately 150 feet north of Sullivan Place to a point approximately 100 feet east of Washington Avenue. The western boundary of the Project Area would run parallel to and 100 feet east of Washington Avenue from a point approximately 150 feet north of the Sullivan Place centerline to a point approximately 300 feet west of Franklin Avenue and would then extend to the centerline of Montgomery Street.

The proposed R9D /C2-4 zoning district would allow for the development of a wider range of uses at higher densities and would create opportunities for local retail uses where such uses are not currently permitted,



Legend

- Development Site
- Zoning District Boundaries
- C1-3 Overlay
- C2-4 Overlay
- C2-3 Overlay
- Open Space
- Visible Subway Tracks



while also maximizing space for affordable housing units. Within an R9D /C2-4 district, residential and community facility uses would be subject to the bulk controls of an R9D district and commercial uses would be subject to the bulk controls of a C2-4 district.

Zoning Text Amendment

A zoning text amendment to Section 23-90 (Appendix F) of the ZR is being sought in order to establish the entirety of the rezoning area as a MIH area. The proposed zoning text amendment, which would designate the Project Area as a MIH area, would require the construction of permanently affordable residential units on the Applicant-owned and controlled Development Site, including permanently affordable housing through the City's MIH program. The City's MIH program specifies that an applicant can choose between Option 1, which requires that 25 percent of the housing must be affordable to households making 60 percent of the AMI for a household of three, and Option 2, which requires that 30 percent of the housing must be affordable to households making 80 percent of AMI for a household of three.

The Applicant anticipates that 30 percent of the total units would be set aside pursuant to Option 2 of the City's MIH program (474 units of affordable housing with an average of 80 percent AMI, or \$62,150 per year for a family of three). In addition to the required MIH units, the Applicant intends to set aside an additional 20 percent of the dwelling units (315 dwelling units) as affordable housing, to provide a combined total of 50 percent (789 units) affordable and workforce housing.

~~It is anticipated that the units provided beyond the required MIH requirements would be bound to affordability through a restrictive declaration recorded against the property or through a regulatory agreement with HPD or other governmental agency.~~

Large-Scale General Development (LSGD) Special Permit

The requested LSGD special permit would allow for greater flexibility in site design, particularly the location of buildings on the Development Site without regard to applicable height and setback regulations, the distance between buildings, and yard regulations. A portion of the proposed open space areas also would be shown on the site and would be subject to a Public Access Agreement (PAA). The proposed LSGD special permit would serve to promote better site planning and urban design on the Development Site. For example, in order to create appropriate street frontage, street walls would be maintained to a contextual height on Franklin Avenue and Montgomery Street, and sidewalk level retail would activate the sidewalks. Specifically, a waiver is being sought for the base height at Phase II to go to 95 feet for alignment with the building bulk that would be permitted in the adjacent R8X zoning district to the north. The proposed massing would step upward from the lower street walls to introduce more height in the middle of the site, where it would be further removed from the street level experience. An internal roadway is proposed to open the middle of the site for internal site circulation within an active entrance court and off the adjacent streets. The LSGD special permit would be required to waive certain tower coverage requirements in R9D districts per ZR section 23-663(b) (minimum lot coverage and minimum lot area under Tower Regulations) to permit minimum area of lot coverage of 11.4 percent when 33 percent would be required per zoning. Additionally, a modification of ZR section 23-663(c) (tower coverage regulation for the highest four stories of the tower under Tower Regulations) is requested to permit 100 percent tower coverage for the highest four stories of the building instead of the 50 to 80 percent coverage permitted under zoning. These waivers are requested to allow slender, uniform towers.

Special Permit to Reduce Required Parking

A special permit would be required pursuant to ZR section 74-533 to waive the parking requirements per ZR section 25-23. The requested parking reduction would facilitate the development of additional affordable housing in a development site located within a transit zone. Under the proposed zoning district, parking would be required for 40 percent of the non-income restricted units, with a total of approximately 442 required parking spaces. Parking for approximately 16 percent of all market-rate DUs are proposed. As such, 314 parking spaces would be waived by the requested special permit. It should be noted that no parking would be required by zoning for the income-restricted units.

Public Financing

Although not known at this time, the Proposed Development may also involve the use of public financing for the development of affordable housing from HPD, the New York State Housing Finance Agency (HFA), or other governmental or private sources.

Restrictive Declaration, Public Access Agreement and (E) Designation

The project approvals would also require recordation of a Restrictive Declaration (RD), Public Access Agreement (PAA) and (E) Designation. Upon approval, the Applicant would enter into a Restrictive Declaration (RD), a legally binding mechanism tied to the Development Site that governs the provisions of the LSGD, and also codify Project Components Related to the Environment (PCREs) related to open space, and mitigation measures related to child care. This would ensure that the Proposed Development is the RWCDS in terms of building envelope, floor area, and parking. The approvals would also require execution of a PAA which will govern a portion of the open space area along the internal roadway. Additionally, the project approvals would also include recordation of an (E) Designation (E-586) related to hazardous materials, air quality and noise, to commit future development of the rezoning area in accordance with any necessary conditions identified through the environmental review.

D. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

The proposed zoning map amendment, which would rezone the area from R6A to R9D with a C2-4 overlay mapped within 100 feet of Franklin Avenue, combined with the text amendment and other requested discretionary actions described above, would facilitate the Proposed Development by increasing the permitted FAR in the Project Area, allowing for the development of more residential space, including approximately 789 units of affordable housing, including 30 percent (474 units) of the total units that would be permanently affordable housing through the City's MIH program. The Applicant anticipates that the units provided beyond the required MIH requirements would be bound to affordability through a restrictive declaration recorded against the property or through a regulatory agreement with HPD or other governmental agency. The proposed rezoning would also allow for the introduction of new local retail uses within 100 feet of Franklin Avenue.

The proposed zoning text amendment, which would designate the Project Area as a MIH area, would

require the construction of affordable dwelling units on the Applicant-owned development site. As described above, the MIH program has two options for applicants to select from, which provide either 25 or 30 percent of the total residential units be made permanently affordable. The Applicant's proposal to construct a development that is comprised of 50 percent affordable dwelling units (including 30 percent permanently affordable through the City's MIH program and 20 percent through the Applicant's intent) and 50 percent market-rate rental units (789 affordable units and 789 market-rate units) would surpass the City's existing affordability requirements as a result of the City approval of a high-density zoning district on the Development Site. It is the Applicant's intention to create new affordable housing to help to address affordable housing goals set forth by the City in *Housing New York: A Five-Borough, Ten-Year Plan*. Further, the 789 units of affordable housing would help to meet the stated goal of Brooklyn Community District 9 in the fiscal year 2019 *Statement of Community District Needs and Community Board Budget Requests* to address the critical need for affordable housing.

The Proposed Development would be constructed on private land in close proximity to public transportation. The inclusion of the proposed C2-4 commercial overlay would extend the existing commercial corridor further south along Franklin Avenue. As a result, it is anticipated that pedestrian activity of the surrounding Crown Heights neighborhood would be drawn south along Franklin Avenue into the Project Area.

The Applicant anticipates that all of the proposed residences would be rented quickly due to high demand for affordable and market-rate dwelling units, especially in light of the fact that this area is well-served by public transit, with easy access to Downtown Brooklyn and Manhattan. Douglas Elliman prepared a demographic market study and found that between 2010 – 2017 New York City's population grew by 450,000 residents, with 144,000 new residents in Brooklyn². The average person per unit in NYC is 1.85 persons per unit. To meet this demand, Brooklyn would have needed to add 72,000 new units from 2010 – 2017, however only 23,000 new units were added in this time. Additionally, there are only approximately 14,000 additional units in the pipeline between 2018 and 2022. Of these 14,000 units, Douglas Elliman roughly estimates that close to 75 percent of them will be located north of Eastern Parkway and priced at \$65 per square-foot or more. The estimated pricing for the Proposed Development is anticipated to be in the \$50-\$51/ per square-foot range³. Therefore, the Proposed Development is anticipated to satisfy existing demand for affordable and market-rate units.

The Applicant believes that there is precedent for the proposed maximum building height and scale in the immediate vicinity of the Project Area, with the 33-story Tivoli Towers residential development located two blocks to the north of the Project Area, and the 25-story Ebbets Field residential development located two blocks to the east of the Project Area. Tivoli Towers, built in 1979, contain approximately 321 dwelling units, while Ebbets Field Apartments, constructed in 1962, contain approximately 1,300 dwelling units.

Further, as described above, the Project Area is currently undergoing a transformation; several new mid-rise residential developments are nearing completion or are planned in the immediate vicinity of the Project Area. A 12-story building is being constructed on an as-of-right basis pursuant to the site's existing R8A zoning at 109-111 Montgomery Street between Washington Avenue and Franklin Avenue, with occupancy anticipated in 2020. Finally, the Franklin Avenue Rezoning EAS (CEQR No. 17DCP067K, ULURP No. C180347ZMK, N180348ZRK) was recently approved (a revised negative declaration was issued by the

² James Barron, 'New York City's Population Hits a Record of 8.6 Million', *The New York Times*, 2018, <https://www.nytimes.com/2018/03/22/nyregion/new-york-city-population.html>, (accessed 22 March 2018).

³ Douglas Elliman, 'New Development Comparable Study: One Year Rental Summary Brooklyn', Douglas Elliman, 20 July 2017

Department of City Planning on June 11, 2018 and the application was approved on October 31, 2018) and resulted in the rezoning of the area immediately north of the Development Site to an R8X zoning district and R8X with a C2-4 overlay, which permits buildings up to 16 stories tall or 175 feet with a qualifying ground floor. As a result of this recent rezoning, two 16-story buildings are expected to be constructed and occupied with new market-rate and affordable apartments and 16,284 gsf of local retail by 2021.

E. DESCRIPTION OF PROPOSED DEVELOPMENT

For analysis purposes, it is anticipated that the Proposed Actions would facilitate the development of a two tower, approximately 1,369,314 gsf (1,151,671 zsf) mixed-use residential/commercial/community facility development. The Proposed Development would comprise approximately 1,263,039 gsf of residential uses, introducing a total of approximately 1,578 dwelling units (DUs), of which 50 percent (789 DUs) would be affordable units through a combination of the City's MIH program requirements (assuming 30 percent requirement under the City's MIH Option 2 and an additional 20 percent affordable that the Applicant intends to construct in coordination with HPD) and 50 percent (789 DUs) would be market-rate units.

The Applicant anticipates that 30 percent of the total units would be set aside pursuant to Option 2 of the City's MIH program (474 units of affordable housing with an average of 80 percent AMI, or \$62,150 per year for a family of three). In addition to the required MIH units, the Applicant intends to set aside an additional 20 percent of the dwelling units (315 dwelling units) as affordable housing, to provide a combined total of 50 percent (789 units) affordable and workforce housing.

Of the 50 percent affordable apartments, the Applicant intends to provide the following affordability levels: 60 percent would accommodate families at or below 80 percent AMI, (474 units, consistent with and exceeding MIH Option 2), 20 percent would be provided by the Applicant in addition to MIH requirements to accommodate families at or below 100 percent AMI (158 units), and 20 percent of the units would be provided by the Applicant in addition to MIH requirements to accommodate families at or below 120 percent AMI (157 units), as shown in **Table 1-1**. ~~It is anticipated that the units provided beyond the required MIH requirements would be bound to affordability through a restrictive declaration recorded against the property or through a regulatory agreement with HPD or other governmental agency.~~ At this time, the mechanism to provide affordable units beyond the MIH requirements has not yet been finalized.

In addition to the residential component, approximately 21,183 gsf of local retail space and approximately 9,678 gsf of community facility space would be provided. Parking spaces for 16 percent of all market-rate DUs would be allocated in two separate parking garages on the ground- and cellar-levels of the Proposed Development. The accessory parking garages would be accessed via a curb cut on Franklin Avenue, and a curb cut located on Montgomery Street. Additionally, secondary access into the parking garages would be provided via the proposed internal roadway, which would have a driveway located between the two proposed buildings.

The Proposed Development would be constructed in two consecutive phases. During the first phase, a 39-story, approximately 421-foot tall tower (excludes the 40-foot mechanical bulkhead) would be constructed on the southern portion of the Development Site (Lots 63 and 66). The Phase I tower would have a six-story street wall for approximately 65 feet, five-inches along Franklin Avenue at the southern end of the site, which would step up to a seven-story street wall for approximately 225 feet to the north along Franklin Avenue. The building would be set back 15 feet before rising up to 17 stories, and then

another 5 feet before rising to 34 stories and would then set back approximately 85 feet to the 39-story portion of the building. The first phase of the Proposed Development would comprise approximately 705,652 gsf with approximately 810 dwelling units, including approximately 405 affordable units, approximately 9,641 gsf of local retail uses, and approximately 67 parking spaces.

In the second phase, a 39-story, approximately 424-foot tall tower (excludes the 40-foot mechanical bulkhead) would be constructed on the northern portion of the Development Site (Lots 41 and 46). The Phase II tower would have a six-story street wall for approximately 222-feet, three-inches along Franklin Avenue and 225 feet along Montgomery Street. The building would be set back 15 feet from Franklin Avenue and Montgomery Street before rising up to 17 stories. There would be another setback of 90 feet on the Franklin Avenue frontage before rising to 31 stories, and 22-feet 3-inches on the Montgomery Street frontage before rising to 31 stories. The building would then step back another 15 feet from Franklin Avenue and another 65 feet on the Montgomery Street frontage before rising to 39 stories. The second phase of the Proposed Development would comprise approximately 663,662 gsf with approximately 768 dwelling units, 11,542 gsf of local retail uses, approximately 9,678 gsf of community facility space and approximately 61 accessory parking spaces.

Approximately 50,258 sf of open space areas would be provided, including approximately 24,959 sf of roof garden terrace areas, approximately 10,790 sf of open plaza along the interior roadway, and approximately 7,340 sf of at-grade landscaped area along the western property line that would likely serve as a buffer between the proposed development and the subway right-of-way. ~~The Pursuant to the PAA,~~ 10,790 sf of open plaza areas along the proposed interior roadway would be accessible to the public with maintenance standards and hours of operation memorialized in the restrictive declaration recorded against the property. The balance of the open space areas would be private open spaces for use by building residents. As design of the open space areas has not been completed at this time, potential future amenities are not yet known.

As described above, approximately 75,414 gsf (parking spaces for approximately 16 percent of all market-rate units) would be allocated for parking on the ground- and cellar-levels of the Proposed Development. The accessory parking garages would be accessed via a curb cut on Franklin Avenue, and a curb cut located on Montgomery Street. Additionally, secondary access into the parking garages would be provided via the proposed internal roadway, which would have a driveway located between the two proposed buildings.

Construction Phasing

The Proposed Development would be constructed in two consecutive phases and would commence as soon as all necessary public approvals are granted. Phase I demolition is projected to commence by first quarter ~~2022~~21 regardless of the Proposed Actions to accommodate either the as-of-right development pursuant to the site's existing R6A zoning, or to accommodate the Proposed Development. Phase I excavation and foundation is projected to commence on an as-of-right basis in first quarter ~~2022~~21 and be completed by late in third quarter ~~2022~~21 (seven months). Phase I construction is projected to commence third quarter ~~2022~~21 and is completed by early ~~2024~~23 (~~21~~30 months).

Phase II demolition is projected to commence ~~fourth-second~~ quarter ~~2022~~21. Phase II excavation and foundation is projected to commence ~~first-third~~ quarter ~~2022~~21 and is completed ~~fourth-quarter~~ ~~2022~~first

quarter 2023 (nine-seven months). Phase II construction is projected to commence during first~~fourth~~ quarter 2023~~2~~ and is anticipated to be completed during fourth quarter 2024 (23~~32~~ months).

TABLE 1-3
Proposed Development Program

	Total Area		Residential GSF	Dwelling Units			Commercial GSF	Community Facility GSF	Accessory Parking	Building Stories	Building Height²
	GSF	ZSF		Market-Rate	Affordable						
					MIH¹	Additional Applicant-Proposed					
Phase I	705,652	587,385	648,520	405	237	158	9,641	0	67	39	421
Phase II	663,662	564,286	614,519	384	237	157	11,542	9,678	61	39	424
Total	1,369,314	1,151,671	1,263,039	789	474	315	21,183	9,678	180		

Notes:

¹ For analysis purposes, MIH Option 2 (30 percent of the total DU count designated as affordable housing) is assumed.

² The maximum building height does not include the 40-foot bulkhead allowance that is being provided for each building. However, the bulkhead is analyzed in the relevant technical areas, including the shadows assessment.

F. ANALYSIS FRAMEWORK

The Proposed Actions would change the regulatory controls governing land use and development at the Development Site. The 2020 *CEQR Technical Manual* serves as the general guide on the methodologies and impact criteria for evaluating the Proposed Development's potential effects on the various environmental areas of analysis.

Analysis Year

Construction of the Proposed Development would occur over an approximately four-year period with an anticipated start date in 2022~~4~~ with the demolition of the existing on-site buildings. The demolition is planned regardless of the Proposed Actions to facilitate either the Proposed Development or an as-of-right development pursuant to the existing zoning. All components of the Proposed Development would be complete and fully operational by the end of 2024. Accordingly, the EIS will use a 2024 Build Year for analysis purposes. As the Proposed Development would be operational in 2024, its environmental setting is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives assess current conditions and forecast these conditions to the expected 2024 Build Year for the purposes of determining potential impacts. Each chapter of the EIS will provide a description of the "Existing Condition" and assessment of future conditions without the Proposed Development ("Future without the Proposed Actions") and with the Proposed Development ("Future with the Proposed Actions").

Reasonable Worst-Case Development Scenario (RWCDs)

In order to assess the possible effects of the Proposed Actions, a reasonable worst-case development scenario (RWCDs) for the Development Site was established for both Future No-Action and Future With-Action conditions. The incremental difference between the future No-Action and future With-Action

conditions will serve as the basis of the impact category analyses in the EIS. The requested LSGD Special Permit would require the submission of drawings to the City Planning Commission and would require that the various program elements of the Proposed Development be within the scope of the RWCDs analyzed in the EIS. Furthermore, upon approval of the LSGD Special Permit, the Applicant would enter into a RD, a legally binding mechanism tied to the Development Site that governs the provisions of the LSGD and would cap the available FAR at 9.7 rather than the 10.0 FAR that would typically be available in an R9D zoning district. Therefore, the Proposed Development would represent the upper limits of potential development and the impact of the Proposed Actions would be no worse than those considered in the EIS.

Additionally, the proposed rezoning area follows the City's existing zoning district boundaries. The existing zoning district boundaries create split lot conditions for the following tax lots: Lot 1, Lot 41, Lot 63, Lot 66, Lot 77, and Lot 85. As shown in **Table 1-2**, the vast majority of the Development Site is located within the boundaries of the existing R6A/proposed R9D zoning district (100 percent of Lots 41 and 46, 99 percent of Lot 63, and 96 percent of Lot 66).

As described below, the Proposed Actions would not be expected to result in new development on Lots 1, 40, 77 or 85:

Lot 1 contains the MTA's Franklin Avenue subway shuttle right-of-way, an open-cut subway line that transects Block 1192 from Montgomery Street to Washington Avenue. As this tax lot is owned by the MTA, it would require additional discretionary approvals to allow for the disposition of City property in order to be redeveloped or to transfer or sell the development rights from this property to an adjacent property. As such, since any development of this area or sale transfer of development rights to another adjacent property would require its own environmental reviews and approvals, Lot 1 is unlikely to be developed on an as-of-right basis as a consequence of the Proposed Actions. Therefore, it would not be considered a projected development site pursuant to *CEQR Technical Manual* guidance.

122A Montgomery Street (Lot 40) is a 1,282 sf (10 feet wide by 128 feet deep) rectangular property that is located within the Project Area. At 10 feet wide, it does not meet the minimum residential lot width requirements of ZR Section 23-32, "Minimum Lot Area or Lot Width for Residences." Additionally, it is not considered a possible development site due to the extensive structural shoring that would have to be installed along the western edge of the narrow property within the property lines in order to develop the site due to its proximity to the adjacent MTA subway cut.

1015 Washington Avenue (Lot 77) is a 28,432 sf trapezoidal property partially located within the Project Area. Lot 77 is occupied by a six-story, 99,750 gsf multi-family residential building, which represents a built FAR of 3.34. The current residential building contains 90 dwelling units constructed before 1974. Although Lot 77 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as a consequence of the Proposed Actions since only a small portion (24.4 percent) of the site would be rezoned from R6A to R9D as a consequence of the Proposed Actions, with the remainder of the lot remaining R8A. The area changed is in the rear of the lot with no street frontage, so the rear yard requirement would prohibit most of the area to be built upon. Per ZR 77-22, a blended portion of the available floor area could be located on the front of the site. Under the current R8A zoning the existing zoning lot has approximately 70,000 sf of unbuilt floor area, but only 26,000 sf could be added as an addition to the existing building and only about 32,000 sf of additional area could be realized as a new build. With the proposed rezoning to R9D, constructing an addition on top of the existing building would allow an increase of the existing building by 31,000 sf (approximately 5,000 sf over the expansion of the existing building that would be permitted under existing zoning) and about 60,000

sf (approximately 28,000 sf more than would be permitted under the R8A zoning) with a complete new build. As this incremental increase in floor area provided under the proposed R9D zoning would be very small, it is anticipated that there would be little incentive for the building owner to demolish the existing building in order to obtain approximately 28,000 sf of floor area that would not be available under existing zoning. Further, if the owner were to seek relief from the NYC Board of Standards and Appeals (BSA) to try to have the FAR of the proposed R9D zoning district applied to the entire lot, that would mean that additional discretionary actions would be required as there would be no way to utilize the FAR available under the R9D zoning on this lot on an as-of-right basis.

1035 Washington Avenue (Lot 85) is a 28,437 sf irregularly shaped property partially located within the Project Area. Lot 85 is occupied by a six-story, 123,113 gsf multi-family residential building which represents a built FAR of 4.12. The current residential building contains 97 dwelling units constructed before 1974. Although Lot 85 is developed to less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped as only a small portion (0.6 percent) of the site would be rezoned as a consequence of the Proposed Actions. The area that would be rezoned as a consequence of the Proposed Actions is on the side lot line along Franklin Avenue. Per ZR 77-22, a blended portion of the available floor area created by the portion of the lot located in the proposed R9D zoning district could be used in the portion of the lot that lies within the R8A zoning district. Under the current R8A zoning, the existing building shape makes the construction of an addition impossible due to the required rear yard equivalent to be mapped at the middle of the site. Under the current zoning, approximately 47,700 sf additional floor area could be obtained by demolishing the existing building and constructing a new building to maximize the FAR available under the existing R8A zoning. Under the proposed rezoning, approximately 17,600 sf of additional floor area would be available from the portion of the lot that would be rezoned to R9D. When added to the 47,700 sf of additional floor area that is available on the site with the underbuilt condition, a total of 65,300 sf of additional floor area could be created on the site. As this incremental increase in floor area provided under the proposed R9D zoning would be very small, it is anticipated that there would be little incentive for the building owner to demolish the existing building in order to obtain approximately 17,600 sf of floor area that would not be available under existing zoning. Further, if the owner were to seek relief from the NYC BSA to try to have the FAR of the proposed R9D zoning district applied to the entire lot, that would mean that additional discretionary actions would be required as there would be no way to utilize the FAR available under the R9D zoning on this lot on an as-of-right basis.

Therefore, the proposed rezoning would not create a substantial amount of new usable floor area for any of the other lots outside of the Proposed Development site that would be partially, or completely, rezoned as a consequence of the Proposed Actions. As such, there would be no new off-site development within the Project Area that would be expected to occur due to the proposed rezoning and the RWCDs would be comprised of only the Proposed Development.

The Future Without the Proposed Actions (No-Action)

All four lots comprising the Development Site are under the control of the Applicant. Lots 63 and 66 are predominantly vacant and would be redeveloped pursuant to the existing R6A zoning. While the Phase II property currently contains the Morris J. Golombeck, Inc. Importers spice company operations, the Applicant has an accepted purchase agreement and the spice operations would vacate the property regardless of the Proposed Actions. As such, an as-of-right development would be developed on the Development Site pursuant to the existing R6A zoning under future No-Action conditions.

It is anticipated that an as-of-right residential development would be constructed on the Development

Site (Lots 41, 46, 63 and 66) in two phases pursuant to the existing R6A zoning under future No-Action conditions. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet and a maximum building height of 70 feet (see **Figure 1-6, “Illustrative No-Action Condition Site Plan”**). The No-Action development would include a total of approximately 414,607 gsf (approximately 356,190 zsf) of residential uses with approximately 518 dwelling units (assuming an average dwelling unit size of approximately 800 gsf per unit). No affordable units would be developed in the No-Action condition. Approximately 259 parking spaces would be provided, which is the equivalent of 50 percent of the building’s market-rate dwelling units as required by the site’s R6A zoning.

The Future With the Proposed Actions (With-Action)

Under the With-Action scenario, two mixed-use buildings would be constructed with a total combined area of approximately 1,369,314 gsf (1,151,671 zsf). The Proposed Development would comprise 1,263,039 gsf of residential uses, introducing a total of 1,578 dwelling units, of which 50 percent or 789 dwelling units would be affordable units through a combination of the City’s MIH program requirements (assuming 30 percent requirement under the City’s MIH Option 2 and an additional 20 percent affordable that the Applicant intends to construct in coordination with HPD) and 50 percent or 789 dwelling units would be market-rate units. An average unit size of 800 gsf per unit is assumed for all dwelling units.

The Applicant anticipates that 30 percent of the total units would be set aside pursuant to Option 2 of the City’s MIH program (474 units of affordable housing with an average of 80 percent AMI, or \$62,150 per year for a family of three). In addition to the required MIH units, the Applicant intends to set aside an additional 20 percent of the dwelling units (315 dwelling units) as affordable housing, to provide a combined total of 50 percent (789 units) affordable and workforce housing.

Of the 50 percent affordable apartments, the Applicant intends to provide the following affordability levels: 60 percent would accommodate families at or below 80 percent AMI, (474 units, consistent with and exceeding MIH Option 2), 20 percent would be provided by the Applicant in addition to MIH requirements to accommodate families at or below 100 percent AMI (158 units), and 20 percent of the units would be provided by the Applicant in addition to MIH requirements to accommodate families at or below 120 percent AMI (157 units), as shown in **Table 1-1**. The units provided beyond the required MIH requirements would be bound to affordability through a restrictive declaration recorded against the property or through a regulatory agreement with HPD or other governmental agency.

In addition to the residential component, approximately 21,183 gsf of local retail space and approximately 9,678 gsf of community facility space would be provided. For conservative analysis purposes it is assumed that the community facility space would be occupied by a medical office; however, it is the Applicant’s intent to make space available to DOE to ultimately provide a daycare facility. Approximately 75,414 gsf (parking spaces for 16 percent of all market-rate DUs) would be allocated for parking on the ground- and cellar-levels of the Proposed Development in two separate garages.

The Proposed Development would be constructed in two consecutive phases beginning in the first quarter of 2022~~4~~ and ending in late-2024. During the first phase (beginning in first quarter 2022~~4~~ and completed by early 2024), a 39-story, approximately 421-foot tall tower (excludes the 40-foot rooftop mechanical bulkhead) would be constructed on the southern portion of the Development Site (Lots 63 and 66) (see **Figure 1-7, “Illustrative With-Action Condition Site Plan,” Figure 1-8, “Illustrative Building Section: Franklin Avenue,” Figure 1-9, “Illustrative Building Section: Montgomery Street,” and Figure 1-10, “Axonometric View: Northeast Corner”**). The Phase I tower would have a six-story street wall for approximately 65-feet, five-inches along Franklin Avenue at the southern end of the site, which would

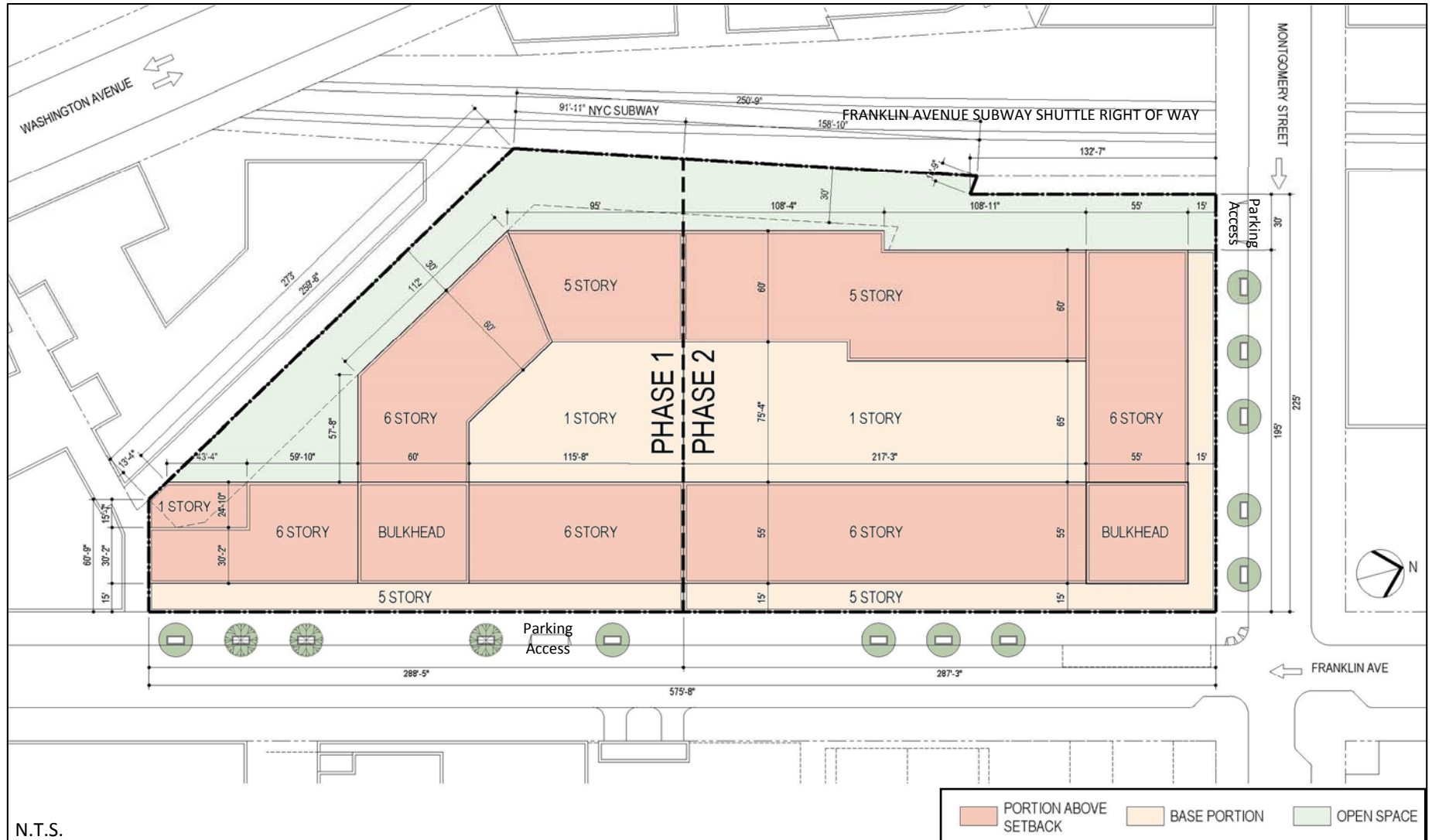
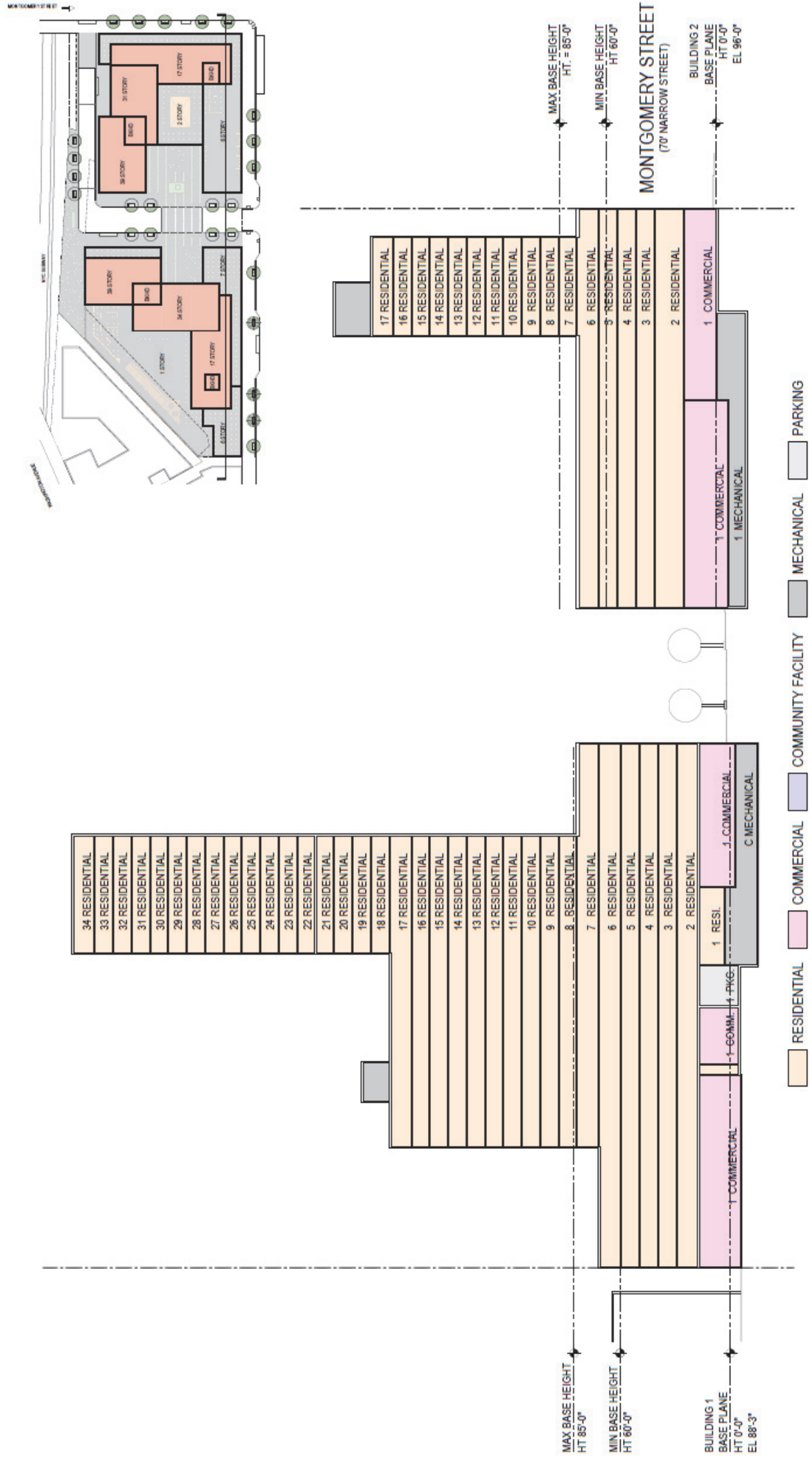


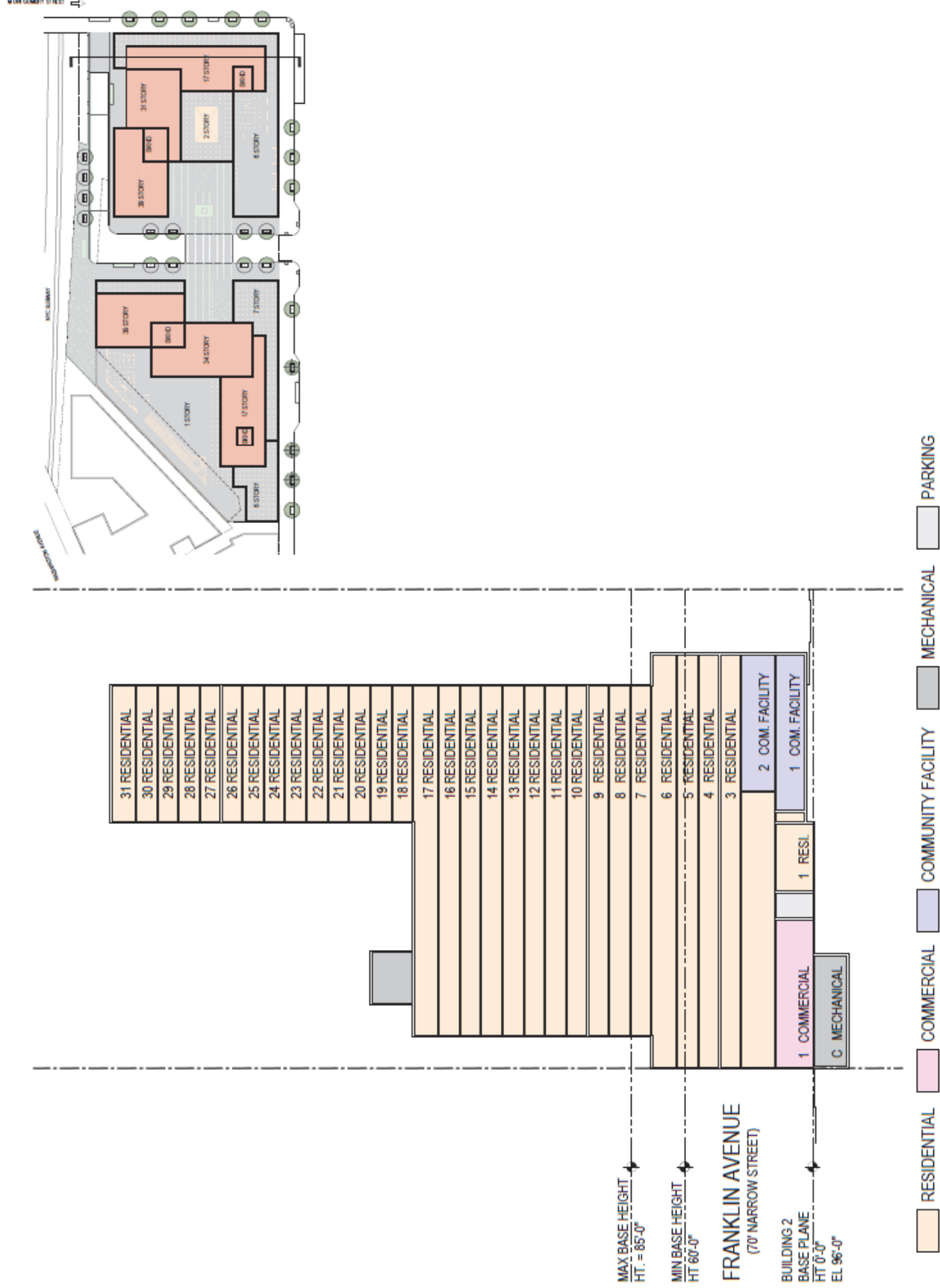
Figure 1-7
Illustrative With-Action Condition Site Plan

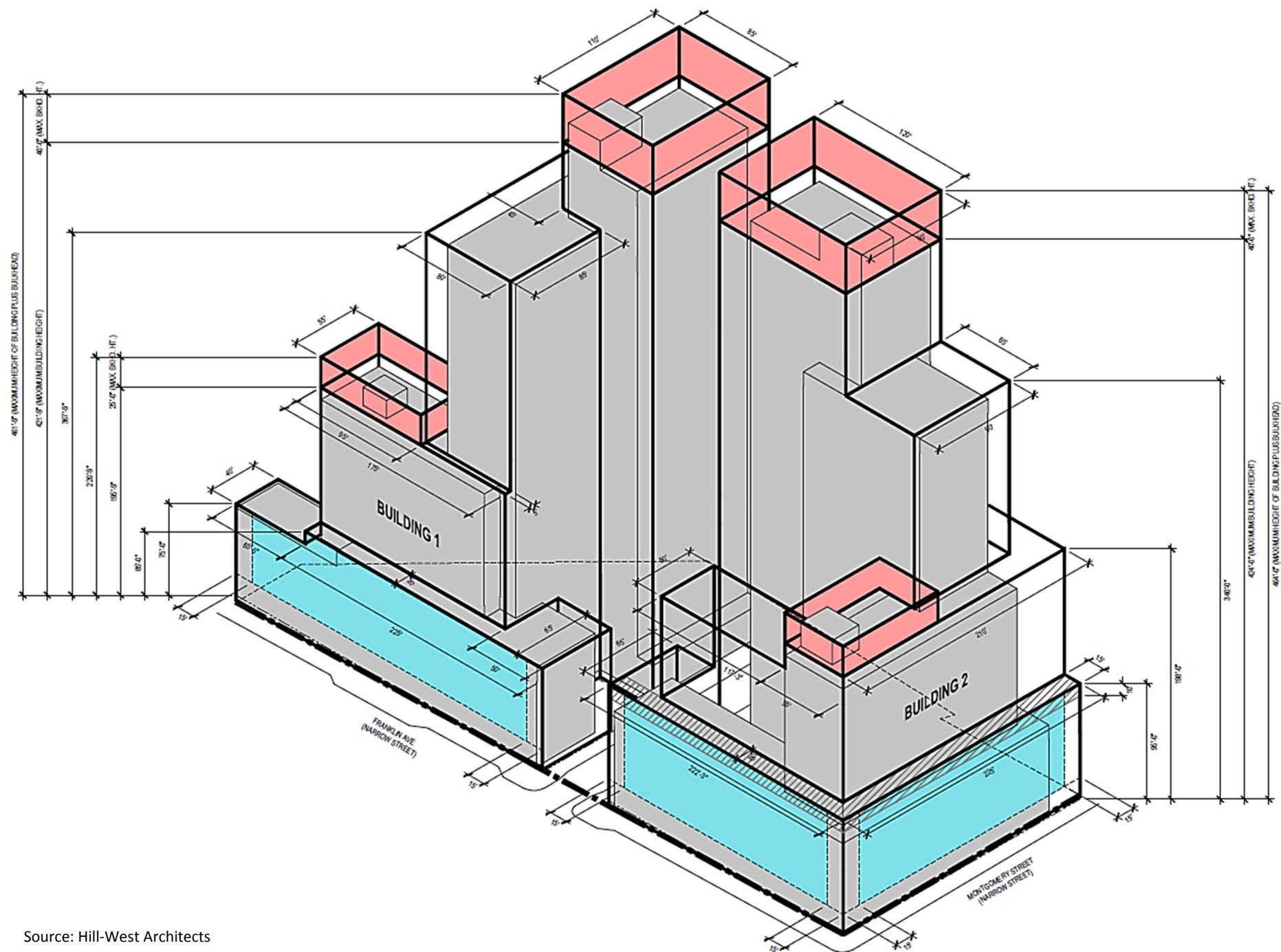


960 Franklin Avenue Rezoning

Figure 1-8
Illustrative Building Section: Franklin Avenue







step up to a seven-story street wall for approximately 225 feet to the north along Franklin Avenue. The building would be set back 15 feet before rising up to 17 stories, and then another 5 feet before rising to 34 stories and would then set back approximately 85 feet to the 39-story portion of the building. The first phase of the Proposed Development would comprise approximately 705,652 gsf with approximately 810 dwelling units, and approximately 9,641 gsf of local retail uses. Approximately 67 parking spaces would be provided in Phase I.

In the second phase (beginning in ~~first-second~~ quarter of 2022 and completed by late- 2024), a 39-story, approximately 424-foot tall tower (excludes the 40-foot rooftop mechanical bulkhead) would be constructed on the northern portion of the Development Site (Lots 41 and 46). The Phase II tower would have a six-story street wall for approximately 222 feet along Franklin Avenue and approximately 225 feet along Montgomery Street. The building would be set back 15 feet from Franklin Avenue and Montgomery Street before rising up to 17 stories. There would be another setback of 90 feet on the Franklin Avenue frontage before rising to 31 stories and 22-feet, three-inches on the Montgomery Street frontage before rising to 31 stories. The building would then step back another 15 feet from Franklin Avenue and another 65 feet from Montgomery Street before rising to 39 stories. The second phase of the Proposed Development would comprise approximately 663,662 with approximately 768 dwelling units (384 affordable), 11,542 gsf of local retail uses, and approximately 9,678 gsf of community facility space. Approximately 61 parking spaces would be provided in Phase II.

Approximately 50,258 sf of open space areas would be provided, including approximately 24,959 sf of roof garden terrace areas, approximately 10,790 sf of open plaza along the interior roadway, and approximately 7,340 sf of at-grade landscaped area along the western property line that would likely serve as a buffer between the proposed development and the subway right-of-way. ~~It is anticipated that only~~Pursuant to the PAA, the 10,790 sf of open plaza areas along the proposed interior roadway would be accessible to the public. The balance of the open space areas would be private open spaces for use by building residents. As design of the open space areas has not been completed at this time, potential future amenities are not yet known.

Possible Effects of the Proposed Actions

Table 1-4 provides a comparison of the No-Action and With-Action scenarios identified for analysis purposes. As shown, the incremental (net) change that would result from the Proposed Development is the addition of 1,060 total dwelling units, including the MIH-required affordable units (either 25 or 30 percent of the total dwelling units) and the additional affordable units that the Applicant intends to provide to reach 50 percent income-targeted, affordable dwelling units (848,432 gsf, or 789 total dwelling units), 21,183 gsf of local retail uses, 9,678 gsf of community facility uses, and a net decrease of approximately 131 accessory parking spaces. Based on 2010 census data, Brooklyn Community District 9 has an average of 2.62 persons per household. Using this ratio, and other standard ratios for estimating employment, **Table 1-3** provides an estimate of the number of residents and workers generated by the Proposed Development.

TABLE 1-3**Comparison of No-Action and With-Action Development Scenarios**

Use	No-Action Scenario	With-Action Scenario	Increment
Residential			
Market-Rate Dwelling Units	518 (~414,607 gsf)	789 (~631,519.5 gsf)	+271 (216,912.5 gsf)
Affordable Dwelling Units	--	789 (~631,519.5 gsf)	+789 (~631,519.5 gsf)
MIH Option 2 Units	--	474 (~378,911.7 gsf)	474 DU (~378,911.7 gsf)
Applicant-Proposed Units	--	315 DU (~252,607.8 gsf)	315 DU (~252,607.8 gsf)
TOTAL	518 (~414,607 gsf)	1,578 (1,263,039 gsf)	1,060 (848,432 gsf)
Local Retail	--	21,183 gsf	+21,183 gsf
Community Facility	--	9,678 gsf	+9,678 gsf
Parking	259 spaces (~90,650 gsf)	128 spaces (75,414 gsf)	-131 spaces (-15,236 gsf)
Population/Employment¹	No-Action Scenario	With-Action Scenario	Increment
Residents	1,358	4,135	+2,777
Workers	26	160	+134

Notes:

¹ Assumes 2.62 persons per DU (based on 2010 U.S. Census data for Brooklyn Community District 9). Estimate of workers is based on standard rates and are as follows: 1 worker per 25 dwelling units; 3 workers per 1,000 sf retail space; 3 workers per 1,000 sf community facility space; and 1 worker per 50 parking spaces.

G. PUBLIC REVIEW PROCESS

The Proposed Actions described above are subject to public review under the Uniform Land Use Review Procedure (ULURP), Section 200 of the City Charter, as well as City Environmental Quality Review (CEQR) procedures. Depending on the public funding source for the affordable housing, and the timing of the decision, additional review under the State Environmental Quality Review Act (SEQRA) may be required.

The New York City Charter (the Charter) requires certain actions that are reviewed by the City Planning Commission (CPC) to undergo a Uniform Land Use Review Procedure (ULURP). ULURP is a standardized procedure whereby applications affecting the land use of the city would be publicly reviewed. The Charter also established mandated time frames within which application review must take place. Key participants in the ULURP process are now the Department of City Planning (DCP) and the CPC, the local community board, the Brooklyn Borough President, the City Council and the Mayor.