

# 960 FRANKLIN AVENUE REZONING EIS

## Chapter 2: Land Use, Zoning, & Public Policy

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### A. INTRODUCTION

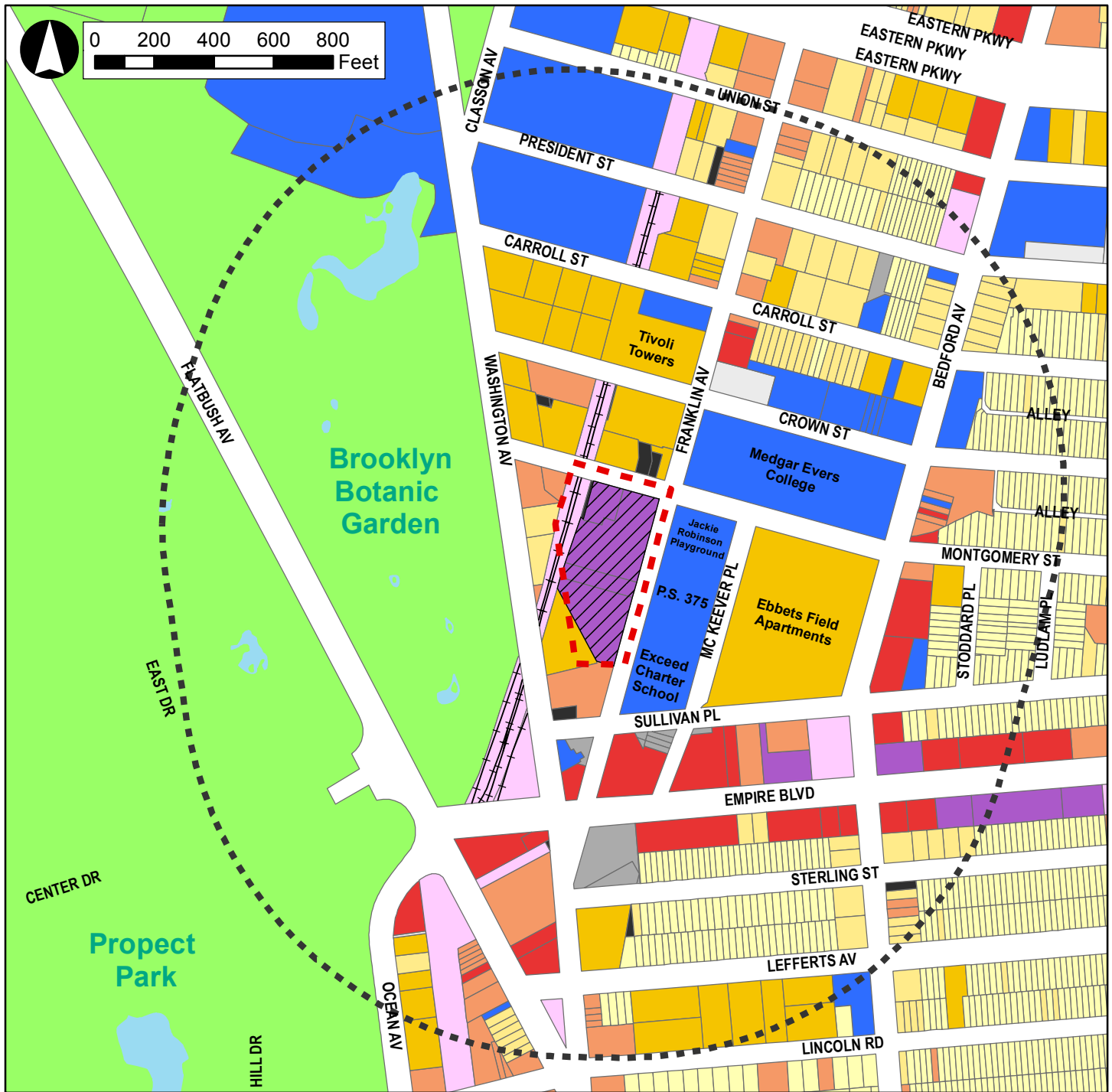
This attachment examines the Proposed Actions' compatibility and consistency with land use patterns in the surrounding area, ongoing development trends, land use and zoning policies, as well as other public policies. This analysis has defined a study area within which the Proposed Actions would have the potential to affect land use or land use trends. Following guidance provided in the 2020 *CEQR Technical Manual*, this study area encompasses a quarter-mile radius surrounding the proposed rezoning area ("the Project Area"). The land use study area boundary generally extends from lots fronting Union Street to the north, Ludlam Place to the east, Lincoln Road to the south, and Prospect Park's East Drive to the west (refer to **Figure 2-1**).

As described in **Chapter 1, "Project Description,"** the Proposed Actions consist of zoning map and text amendments, as well as a Large Scale General Development (LSGD) special permit, and a special permit to reduce the parking requirement.
















The purpose of the Proposed Actions is to facilitate the development of two mixed-use buildings with residential, local retail, community facility, and on-site accessory parking on the Applicant-owned Development Site (refer to **Figure 2-1**). An approximately 1,369,314 gsf (1,151,671 zsf) mixed-use development is proposed on the 120,209 sf (approximately 2.76-acre) Development Site (the "Proposed Development"). It is the Applicant's intention to develop 1,263,039 gsf of residential uses, introducing a total of 1,578 dwelling units (including 474 affordable apartments in compliance with the City's MIH program, as well as Applicant proposed affordable units, with a combined total of 789 affordable units), approximately 21,183 gsf of local retail space, approximately 9,678 gsf of community facility space, and parking spaces for approximately 16 percent of all market-rate DUs. Additionally, approximately 10,790 sf of publicly accessible open space plaza area would be created. 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.

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 Golombeck 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.

The RWCDs No-Action condition represents the baseline against which the consequences of the Proposed Actions will be compared. The effect of the Proposed Actions, therefore, represents the incremental effects on conditions that would result from the net change in development between No-Action and With-Action conditions (the "project increment"). 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



**Legend**

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

maximum base height of 60 feet and a maximum building height of 70 feet. The No-Action development would include a total of approximately 414,607 gsf (approximately 356,190 zsf) of residential uses with approximately 518 market rate condominiums (assuming an average dwelling unit size of approximately 800 gsf per unit). 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.

As such, the incremental (net) change over the RWCDs No-Action condition that would result from the Proposed Development is the addition of 1,060 dwelling units (848,432 gsf), including 789 affordable dwelling units and 271 market-rate units, 21,183 gsf of local retail uses, 9,678 gsf of community facility uses, and approximately 10,790 sf of publicly accessible open space, and a net decrease of approximately 131 accessory parking spaces.

The assessment provided in this attachment concludes that the Proposed Actions would be compatible with and support land use, zoning, and public policies in the area. As shown in the analysis presented below, the Proposed Actions would not result in significant adverse impacts related to land use, zoning, or public policy.

## **B. PRINCIPAL CONCLUSIONS**

The analysis presented in this chapter concludes that the Proposed Actions would not have a significant adverse impact on land use, zoning, or public policy, as set forth in the *CEQR Technical Manual*. The Proposed Actions would not adversely affect surrounding land use, nor would the Proposed Actions generate land uses that would be incompatible with land use, zoning, or public policy within the quarter-mile study area.

While changes in land use and zoning would occur, with proposed residential, local retail and community facility uses replacing a spice processing and warehousing facility, the Proposed Actions would facilitate the development of a residential development that would be comprised of affordable residential units under the City's MIH program and additional income-targeted and market-rate residences. The proposed residential, local retail, and community facility uses would be comparable to existing and planned developments in Crown Heights, and would directly support several major City policies aimed at increasing supply of affordable housing in New York City. The Proposed Actions would facilitate the mixed-use development in an area well-served by mass transit.

## **C. METHODOLOGY**

Existing land uses were identified through the New York City (NYC) Zoning and Land Use (Zola) database and PLUTO™ 18v2.1 shapefiles, and verified in site visits during April 2019. NYC Zoning Maps and the Zoning Resolution of the City of New York were consulted to describe existing zoning districts in the land use study area, and provided the basis for the zoning evaluation of the future No-Action and With-Action conditions. Research was conducted to identify relevant public policies recognized by the NYC Department of City Planning (DCP) and other city agencies. Land use, zoning, and public policy are addressed and analyzed for a land use study area that extends approximately a quarter-mile from the boundary of the Project Area and encompasses areas most likely to experience indirect impacts as a result of the Proposed Actions. The appropriate study area for land use and zoning is related to the type and size of the project

proposed as well as the location and neighborhood context of the area that could be affected by the project. Given that the Proposed Actions are site-specific, a quarter-mile study area was defined based on guidance in the *CEQR Technical Manual*, and will be used for the assessments of Land Use, Zoning and Public Policy. The land use study area is generally bounded by Union Street to the north, Ludlam Place to the east, Lincoln Road to the south, and Prospect Park's East Drive to the west (refer to **Figure 2-1**).

## D. EXISTING CONDITIONS

### Land Use

#### *Project Area*

#### Development Site

The Development Site is located east of the Brooklyn Botanic Garden on a portion of an irregularly-shaped block that is bounded by Sullivan Place to the south, Washington Avenue to the west, Montgomery Street to the north, and Franklin Avenue to the east (refer to **Figure 2-1**). The Development Site is comprised of Brooklyn Block 1192, Lots 41, 46, 63, and 66 ("Development Site"), while the Project Area also includes Lot 40 and part of Lots 1, 77 and 85 ("the Project Area") in order to respect the existing zoning district boundaries. The Development Site includes approximately 550 feet of frontage along Franklin Avenue and approximately 230 feet of frontage along Montgomery Street.

As described above, the Development Site is occupied by the Golombeck spice company, an importer and exporter of spices, seeds, herbs and seasonings (on Lots 41 and 46), and vacant land (on Lots 63 and 66). The Development Site is currently developed with several multi-story buildings including an office building, former boiler building, spice warehousing and spice packaging areas located in the northern portion of the property. An out-of-service smoke stack is also located in the central portion of the development site. Golombeck has operated on-site from approximately 1955 to present as a spice warehouse and distribution facility, while the southern portion of the site (Lot 66) has been predominantly vacant since 1961.

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. Prior uses on the southern portion of the development site include: tennis courts from 1951 to 1961; the Rubel Corporation operated an ice production and distribution facility on-site from 1932 to 1951; and Flatbush Hygienic Ice Company operated an ice production and distribution facility on-site from 1908 to 1932.

#### 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 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.

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.

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.

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.

### **Secondary Study Area**

As detailed above, the quarter-mile study area for land use is generally bounded by Union Street to the north, Ludlam Place to the east, Lincoln Road to the south, and Prospect Park's East Drive to the west (refer to **Figure 2-1**). As shown in **Table 2-1** below, the quarter-mile study area is comprised of predominately residential buildings (62.1 percent of buildings in the secondary study area) with several institutions/public facilities (18.4 percent of buildings) and mixed commercial and residential buildings (11.9 percent of lot area in the secondary study area). Additionally, industrial and manufacturing buildings comprise approximately 3.3 percent of the buildings in the secondary study area. As shown in **Table 2-1**, the approximate quarter-mile radius around the Project Area also accommodates smaller amounts of commercial/office space (2.7 percent of the total building area), open space (0.7 percent of the total building area), parking facilities (0.1 percent of the total building area).

As shown in **Table 2-1**, the predominately residential quarter-mile study area includes one and two family buildings (6.3 percent of buildings in the secondary study area); multi-family walkup buildings (11.8 percent of buildings); and multi-family elevator buildings (44.0 percent of buildings), including the 33-story Tivoli Towers (49-57 Crown Street) to the north and the seven 25-story Ebbets Field Houses apartment buildings (1720 Bedford Avenue) to the east of the Project Area (refer to **Figure 2-1**).

As shown in **Table 2-1** above, 21.5 percent of lot area and 18.4 percent of 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 (refer to **Figure 2-1**).

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 (refer to **Figure 2-1**). 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.

**TABLE 2-1**  
**Existing Land Uses within the Secondary Study Area<sup>1</sup>**

Land Use	Number of Lots	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)	Building Area (sf)	Percentage of Total Building Area (%)
Residential	388	73.2%	1,953,996 sf	28.9%	6,138,967 sf	62.1%
<i>One &amp; Two-Family Residential</i>	276	52.1%	662,718 sf	9.8%	621,535 sf	6.3%
<i>Multi-Family Walkup Buildings</i>	73	13.8%	436,855 sf	6.5%	1,167,705 sf	11.8%
<i>Multi-Family Elevator Buildings</i>	39	7.4%	854,423 sf	12.6%	4,349,727 sf	44.0%
Mixed Commercial/Residential Buildings	46	8.7%	327,514 sf	4.8%	1,173,322 sf	11.9%
Commercial/Office Buildings	25	4.7%	321,580 sf	4.8%	266,047 sf	2.7%
Industrial/Manufacturing	8	1.5%	214,245 sf	3.2%	327,405 sf	3.3%
Transportation/Utility	11	2.1%	223,695 sf	3.3%	80,150 sf	0.8%
Public Facilities & Institutions	23	4.3%	1,452,630 sf	21.5%	1,821,895 sf	18.4%
Open Space <sup>2</sup>	3	0.6%	2,156,359 sf	31.9%	67,081 sf	0.7%
Parking Facilities	12	2.3%	63,267 sf	0.9%	5,122 sf	0.1%
Vacant Land	12	2.3%	21,597 sf	0.3%	0 sf	0.0%
All Others or No Data	2	0.4%	20,000 sf	0.3%	0 sf	0.0%
<b>Total</b>	<b>530</b>	<b>100.0%</b>	<b>6,754,883 sf</b>	<b>100.0%</b>	<b>9,879,989 sf</b>	<b>100.0%</b>

Source: NYC Map PLUTO (18v2) 2018

**Notes:**

<sup>1</sup> Includes all lots fully or partially within the secondary study area, including the rezoning area.

<sup>2</sup> The exception to the above note is the Brooklyn Botanical Garden and Prospect Park. Due to the size of these open spaces, only the lot area within the quarter-mile radius was included in the table above.

Additional institutions in the quarter-mile study area include the Brooklyn Museum (200 Eastern Parkway) at the northwestern limits of the Project 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 at the very edge of the quarter-mile study area boundary to the northeast of the Project Area (refer to **Figure 2-1**).

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 (refer to **Figure 2-1**).

As shown in **Figure 2-1**, open subway cuts for the MTA Franklin Avenue Shuttle right-of-way extend north-south through the quarter-mile study area and the Project Area also includes a portion of the subway shuttle right-of-way.

## Zoning

### *Project Area*

The vast majority of the Project Area is located within an existing R6A zoning district. However, the portion of Lot 66 located within 100 feet of Washington Avenue is located in the adjacent R8A zoning district. Additionally, a small portion of Lot 77 that is more than 150 feet north of Sullivan Place and more than 100 feet east of Washington Avenue is located within the existing R6A zoning district within the Project Area but would not be redeveloped in conjunction with the Proposed Actions as it is already fully developed with a six-story, approximately 95,000 gsf residential building and 90 dwelling units. The balance of Block 1192, including most of Lot 77, is mapped with the R8A zoning district (refer to **Figure 2-2**). These two zoning districts are described below.

#### 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.

### *Secondary Study Area*

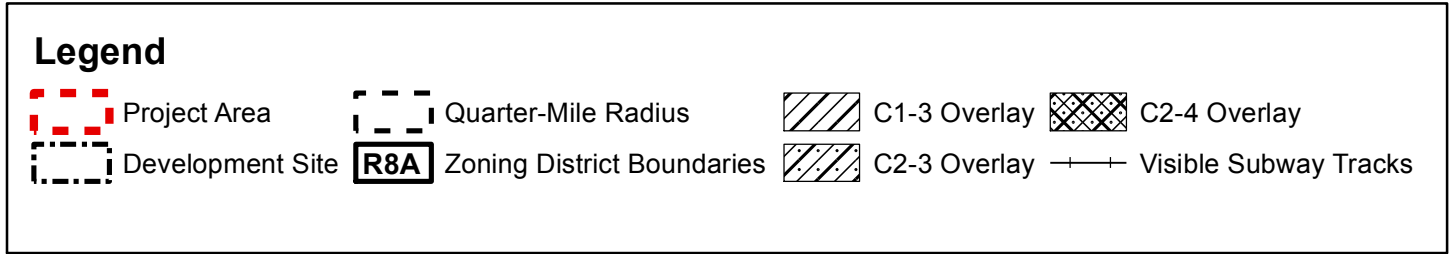
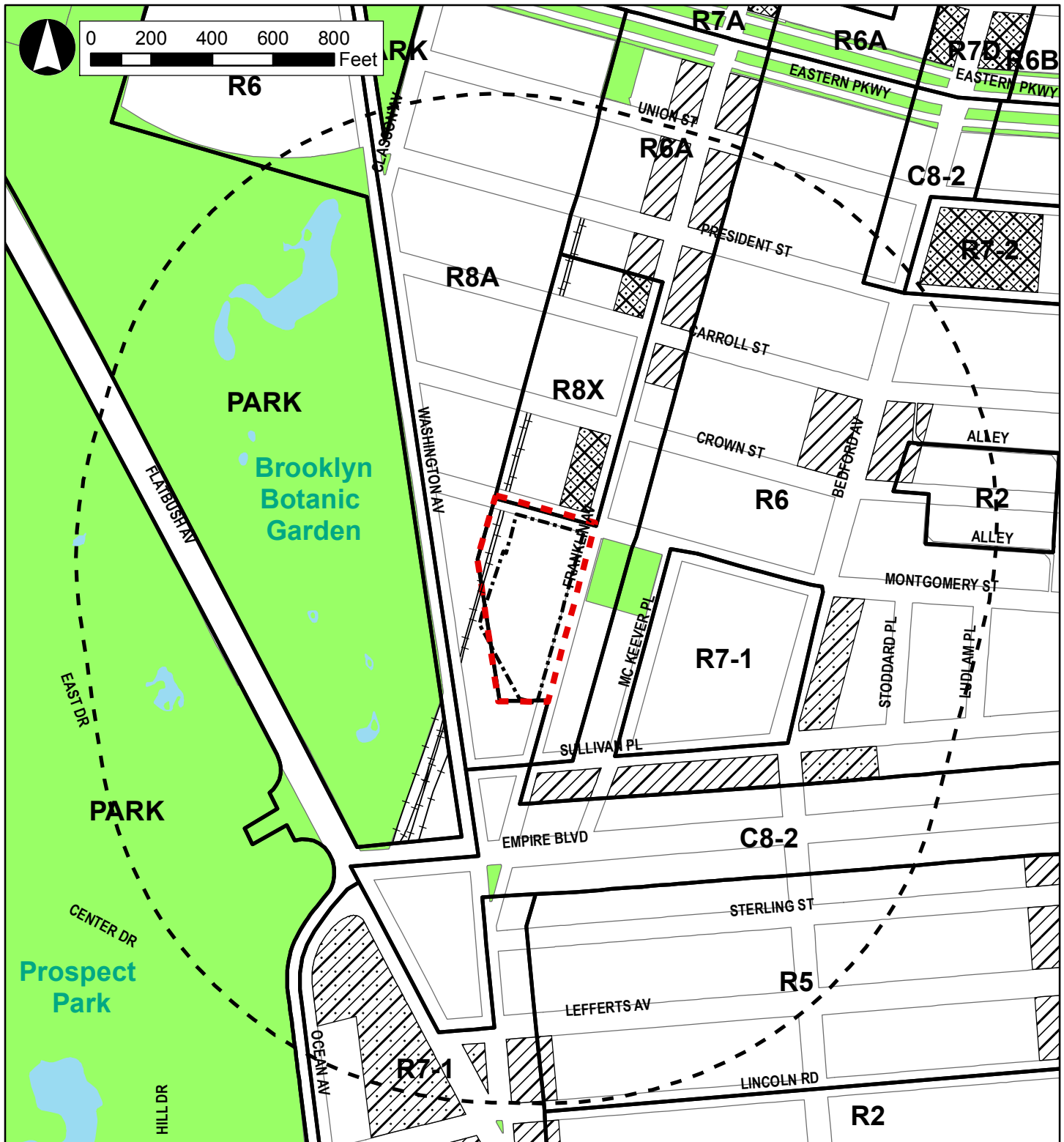
As shown in **Figure 2-2, "Existing Zoning Map,"** the quarter-mile study area includes a variety of residential zoning districts, as well as several commercial overlays, a single commercial district (C8-2), and Mandatory Inclusionary Housing and FRESH designated areas. Each zoning regulation is summarized in **Table 2-2** and detailed below.

#### R2

An R2 zoning district is mapped midblock on Crown Street between Bedford Avenue and Rogers Avenue in the secondary study area. R2 zoning districts limit development to single-family detached houses with a maximum lot width of 40 feet. R2 zoning districts have a maximum FAR of 0.5 with a maximum building height governed by a sky exposure plane, which begins 25 feet above the street line. One parking space is required per dwelling unit in an R2 zoning district.

#### R5

The lots along Sterling Street, Lefferts Avenue, and along the north side of Lincoln Road in the southern portion of the quarter-mile study area are located within an R5 zoning district. R5 zoning districts are medium-density residential districts which typically produce three- and four-story attached houses and small apartment buildings. R5 districts have a maximum FAR of 1.25 with a maximum building height of 40 feet. Parking is required for 85 percent of dwelling units in R5 zoning districts.





**TABLE 2-2**  
**Existing Zoning within the Secondary Study Area**

Zoning District	Building Type	Permitted Use Groups	Maximum FAR
<b>R2</b>	Single-Family Detached Houses	1, 3-4	R: 0.5 CF: 1.0
<b>R5</b>	Medium-Density Residential	1-4	R: 1.25 CF: 2.0
<b>R6</b>	Medium-Density Residential	1-4	R: 2.43 CF: 4.8
<b>R6A*</b>	Contextual Medium-Density Residential	1-4	R: 3.0 CF: 3.0
<b>R7-1</b>	Medium-Density Apartment House	1-4	R: 3.44 CF: 4.8
<b>R8A*</b>	Contextual High-Density Residential	1-4	R: 6.02 CF: 6.5
<b>R8X</b>	Contextual High-Density Residential	1-4	R: 6.02 CF: 6.0
<b>C8-2</b>	General Service Commercial	4-14, 16	C: 2.0 CF: 4.8
<b>C1-3 Overlay*</b>	Local Retail Commercial Overlay	1-6	C: 2.0
<b>C2-3 Overlay</b>	Local Service Commercial Overlay	1-9, 14	C: 2.0
<b>C2-4 Overlay</b>	Local Service Commercial Overlay	1-9, 14	C: 2.0

**Notes:** Refer to **Figure 2-2**.

\* Located in the Project Area, as discussed above.

### R6

The Brooklyn Museum, as well as a large swath of land to the east of Franklin Avenue between the Eastern Parkway corridor and the Empire Boulevard corridor, is mapped with an R6 zoning district. R6 zoning districts are medium-density residential districts ranging from large-scale “tower in the park” developments to neighborhoods with a diverse mix of building types. R6 districts have a maximum FAR of 2.43 with a maximum building height governed by a sky exposure plane, which begins 60 feet above the street line. Parking is required for 70 percent of dwelling units in R6 zoning districts.

### R6A

An R6A zoning district is mapped along Franklin Avenue between Eastern Parkway and Sullivan Place, including most of the Project Area. As detailed above, R6A zoning districts are medium-density contextual districts with a maximum FAR of 3.0.

### R7-1

The Ebbets Field Houses apartment buildings (1720 Bedford Avenue) on Block 1302 are mapped in an R7-1 zoning district. R7-1 districts are medium-density apartment house districts with height factor requirements, which result in lower apartment buildings on smaller zoning lots and taller apartment buildings with less lot coverage on larger lots. R7-1 districts permit a maximum FAR of 3.44 and heights are governed by the sky exposure plane, which begins 60 feet above the street line. Parking is required for 60 percent of dwelling units in R7-1 zoning districts.

### R8A

The area roughly bounded by Eastern Parkway, Washington Avenue, Sullivan Place, and generally mid-block between Washington/Classon Avenues and Franklin Avenue, including the very small portion of Lot 66, is zoned R8A. Tivoli Towers is included within the mapped R8A district along Franklin Avenue between Carroll Street and Montgomery Street. As detailed above, R8A zoning districts are high-density contextual districts with a maximum FAR of 6.02.

### R8X

As described above, the City Council approved the Franklin Avenue Rezoning (ULURP Nos 180347ZMK and N180348ZRK) on December 20, 2018, which 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.

R8X contextual districts are governed by Quality Housing bulk regulations. R8X districts are similar to R8A districts but permit a higher building height that typically produces 15- to 17-story apartment buildings similar to the building envelope of the older, traditional buildings in Prospect Heights and Park Slope that surround Grand Army Plaza. The FAR in R8X districts is 6.02. Above a base height of 60 to 85 feet, there is a required setback of 10 feet on a wide street and 15 feet on a narrow street before a building can rise to a maximum building height of 150 feet. If providing a qualifying ground floor, the maximum base height is 95 feet, and the maximum height is 155 feet. As in R8A districts, the street wall on a wide street must extend along the entire width of the zoning lot and at least 70 percent of the street wall must be within eight feet of the street line. Buildings must have interior amenities for residents pursuant to the Quality Housing Program. Higher maximum FAR and heights are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities.

Off-street parking is generally required for 40 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots less than 15,000 square feet. Off-street parking requirements can be waived if 15 or fewer parking spaces are required or if the zoning lot is 10,000 square feet or less. Off-street parking is not allowed in front of a building.

### C8-2

The properties fronting on Empire Boulevard, which runs through the southeast quadrant of the quarter-mile study area, is zoned C8-2, as is a small portion of the block located at the northwestern corner of Bedford Avenue and President Street in the northeast quadrant of the study area. C8-2 zoning districts are general service commercial districts which typically bridge commercial and manufacturing uses along major traffic arteries. C8-2 districts provide for automotive and other heavy commercial services that often require large lot sizes. Typical uses include automobile showrooms and repair shops, warehouses, gas stations, and car washes. Performance standards are imposed for certain semi-industrial uses in C8-2 districts. Housing is not permitted in C8-2 districts, and some commercial and community facility uses are not permitted (refer to **Table 2-2** above). C8-2 zoning districts permit a maximum FAR of 2.0, and building heights are governed by the sky exposure plane, which begins 30 feet above the street line. Parking requirements vary with land uses on a site.

### Commercial Overlays

Commercial overlays are mapped within residential districts along streets that serve local retail needs. As shown in **Figure 2-2**, commercial overlays (C1-3 and C2-3) are mapped in the quarter-mile study area on portions of Washington Avenue, Franklin Avenue, Bedford Avenue, and Sullivan Place. Commercial overlays are mapped within residence districts along streets that serve local retail needs. In residential areas R6 through R10, commercial overlays provide a maximum commercial FAR of 2.0. Overlay districts differ from other commercial districts in that residential bulk is governed by the residence district within which the overlay is mapped. In mixed buildings, commercial uses are limited to one or two floors, and must always be located below the residential uses. Typical commercial uses in overlays include neighborhood grocery stores, restaurants, and beauty parlors. C2-3 commercial overlays permit a slightly wider range of uses, such as funeral homes and repair services.

#### C1-3

A C1-3 commercial overlay is mapped along both sides of Franklin Avenue north of Carroll Street and south of Eastern Parkway and is mapped east of Franklin Avenue on the northern half of the blockfront between Crown and Carroll Streets. It is also mapped along Bedford Avenue between Crown and Carroll Streets and along the southern side of Sullivan Place between Franklin Avenue and Bedford Avenue. Finally, C1-3 is mapped along the east side of Washington Avenue between Lefferts Avenue and Lincoln Road. Commercial overlays are mapped within residential districts along streets that serve local retail needs. In the underlying R6, R6A, and R7-1 zoning districts, a C1-3 commercial overlay permits a maximum commercial FAR of 2.0. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors. In mixed-use buildings, commercial uses are limited to one or two floors, and must always be located below the residential uses.

#### C2-3

C2-3 commercial overlays are mapped in two clusters within the quarter-mile study area, including: along the east side of Bedford Avenue between Sullivan Place and Montgomery Street; along the east side of Bedford Avenue at the southeast corner of the intersection with Sullivan Place on the northern blockfront; along the western side of Flatbush Avenue between Empire Boulevard and Lincoln Road; and the triangle bounded by Flatbush Avenue, Lefferts Avenue, and Washington Avenue. When mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

#### C2-4

C2-4 commercial overlays are mapped in three separate areas within the quarter-mile study area, including: along the west side of Franklin Avenue between Montgomery Street and Crown Street; along the west side of Franklin Avenue between Carroll Street and President Street on the southern portion of the Franklin Avenue blockfront; and along the east side of Bedford Avenue between President Street and Union Street at the northeastern limits of the quarter-mile study area. When mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

## **Public Policy**

According to CEQR guidelines, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, which pertain to the study area. If proposed actions could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is warranted. As described below, the Proposed Actions do not warrant a detailed assessment of public policies.

The Project Area and the quarter-mile study area are not controlled by or located in any urban renewal areas, 197-a Plans, designated in-place industrial parks, or within the coastal zone boundary. In addition, the Proposed Actions do not involve the siting of any public facilities (Fair Share). However, applicable public policies include the Food Retail Expansion to Support Health (FRESH) Program, One New York: The Plan for a Strong and Just City (OneNYC) and Housing New York, as discussed below.

### ***Food Retail Expansion to Support Health (FRESH) Program***

While no FRESH food store will be provided on the Development Site, the site is located within a FRESH-designated area. The FRESH program promotes the establishment and retention of neighborhood grocery stores in underserved communities by providing zoning and financial incentives to eligible grocery store operators and developers. The land use study area is located within a FRESH program area that provides discretionary tax incentives. Financial incentives include real estate tax reductions, sales tax exemption, and mortgage recording tax deferral.

Stores certified through the FRESH program must meet the following criteria:

- Provide a minimum of 6,000 sf of retail space for a general line of food and non-food grocery products intended for home preparation, consumption and utilization;
- Utilize at least 50 percent of the retail space for general line of food products;
- Utilize at least 30 percent of retail space for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods; and
- Utilize at least 500 sf of the retail space for fresh meat, fruits, and vegetables.

### ***One New York: The Plan for a Strong and Just City (“OneNYC”)***

Released in 2007, PlaNYC was undertaken by Mayor Bloomberg and the Mayor’s Office of Long Term Planning and Sustainability to prepare the City for one million more residents, strengthen its economy, combat climate change, and enhance the quality of life for all New Yorkers. An update to PlaNYC in April 2011 built upon the objectives set forth in 2007 and provided new goals and strategies. PlaNYC represents a comprehensive and integrated approach to planning for New York City’s future. It includes policies to address three key challenges that the City faces over the next twenty years: population growth; aging infrastructure; and global climate change. In the 2011 update, elements of the plan were organized into 10 categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category.

On April 22, 2015, the Mayor's Office of Sustainability released OneNYC, a comprehensive plan for a sustainable and resilient City for all New Yorkers, addressing social, economic, and environmental challenges ahead. OneNYC builds upon the goals and objectives set forth in PlaNYC, and expands on the critical targets established under the previous plan. Growth, sustainability, and resiliency remain at the core of OneNYC, with equity added as a guiding principle throughout the plan. Specific targets and initiatives included in OneNYC relevant to the Proposed Actions include making New York City home to 4.9 million jobs by 2040, enabling the average New Yorker to reach 25 percent more jobs (1.8 million jobs) within 45 minutes by public transit, lifting 800,000 New Yorkers out of poverty or near-poverty by 2025, and reducing annual economic losses from climate-related events.

### ***Housing New York***

On May 5, 2014, the City released Housing New York, a five-borough, ten-year strategy to build and preserve affordable housing throughout New York City in coordination with strategic infrastructure improvements to foster a more equitable and livable New York City through an extensive community engagement process. The plan outlines more than 50 initiatives to support the administration's goal of building or preserving 200,000 units of high-quality affordable housing to meet the needs of more than 500,000 people. The plan emphasizes affordability for a wide range of incomes, with the program serving households ranging from middle- to extremely low-income (under \$25,150 for a family of four). The plan, which was created through coordination with 13 agencies and with input from more than 200 individual stakeholders, outlines more than 50 initiatives that will accelerate affordable construction, protect tenants, and deliver more value from affordable housing. The plan intends to do this through five guiding policies and principles: fostering diverse, livable neighborhoods; preserving the affordability and quality of the existing housing stock; building new affordable housing for all New Yorkers; promoting homeless, senior, supportive, and accessible housing; and refining City financing tools and expanding funding sources for affordable housing. Housing New York further calls for fifteen neighborhood studies to be undertaken in communities across the five boroughs that offer opportunities for affordable housing.

## **E. FUTURE WITHOUT THE PROPOSED ACTIONS (NO-ACTION CONDITION)**

### **Land Use**

#### ***Project Area***

All four lots comprising the Development Site (Lots 41, 46, 63 and 66) 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 (Lots 41 and 46) 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 the as-of-right residential development that would be constructed on the Development Site would be constructed 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. The No-Action development would include a total of approximately 414,607 gsf (approximately 356,190 zsf) of residential uses with approximately 518 market rate

condominiums (assuming an average dwelling unit size of approximately 800 gsf per unit). Approximately 259 parking spaces would be provided on portions of the ground and cellar levels (with double-height stackers and/or attended parking to achieve the required parking capacity), which is the equivalent of 50 percent of the building's market-rate dwelling units as required by the site's R6A zoning.

As described in **Chapter 1, "Project Description,"** the Project Area also includes portions of four lots not owned or under the control of the Applicant: part of Lot 1 (approximately 18,431 sf or 56.8 percent of the lot), Lot 40 (approximately 1,282 sf), part of Lot 77 (approximately 6,969 sf or 24.4 percent of the lot), and part of Lot 85 (approximately 186 sf or 0.6 percent of the lot). However, as described below, no new development is anticipated on Lots 1, 40, 77 or 85 under future conditions without the Proposed Actions.

Lot 1, which has 56.8 percent of its total lot area located within the Project Area, 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 in order to be disposed of prior to transferring or selling the development rights from this property to an adjacent property. As there are no known plans for the MTA to sell, transfer, or redevelop the property, it is unlikely that this lot would be developed under future No-Action conditions.

122A Montgomery Street (Lot 40) is a 1,282 sf (10 feet wide by 128 feet deep) rectangular property that is located immediately west of the Project Area on Montgomery Street. 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. Further, no redevelopment plans have been publicly announced at this time. As such, it is unlikely that this lot would be developed under future No-Action conditions.

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 substantially less than the maximum allowable FAR under the R8A zoning (6.02 FAR), it is unlikely the property would be redeveloped or expanded under future No-Action conditions. Further, there are no known plans to expand or replace the building at this time. As such, it is unlikely that this lot would be developed by 2024 under future No-Action conditions.

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 DUs 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 or expanded under future No-Action conditions. Further, there are no known plans to expand or replace the building at this time. As such, it is unlikely that this lot would be developed by 2024 under future No-Action conditions.

For the reasons described above, Lots 1, 40, 77, and 85 are not expected to be redeveloped under future conditions without the Proposed Actions. Therefore, only the Proposed Development Site is assumed to be developed within the Project Area under future conditions without the Proposed Actions, as shown in **Table 2-3.**

**TABLE 2-3  
No-Action Scenario on the Development Site**

Use	No-Action Scenario
Residential	
Market-Rate Dwelling Units	518 (~414,607 gsf)
Affordable Dwelling Units	0
<b>TOTAL</b>	<b>518 (~414,607 gsf)</b>
Local Retail	--
Community Facility	--
Parking	259 spaces (~90,650 gsf)
<b>Population/Employment<sup>1</sup></b>	<b>No-Action Scenario</b>
Residents	1,358
Workers	26

**Notes:**

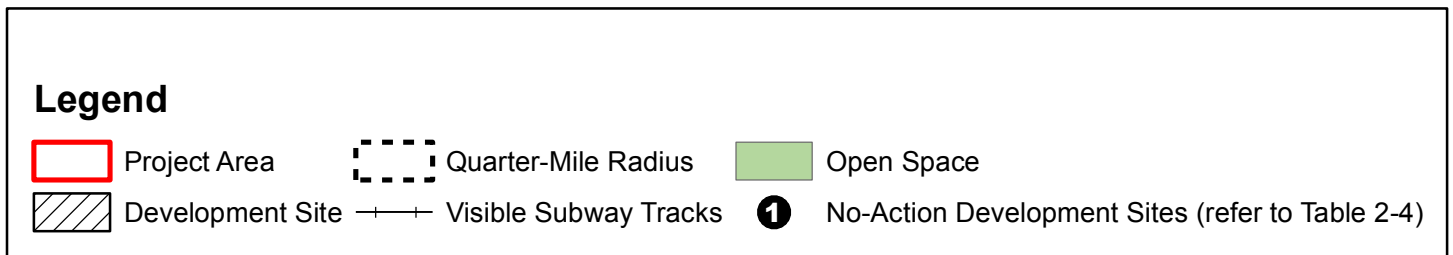
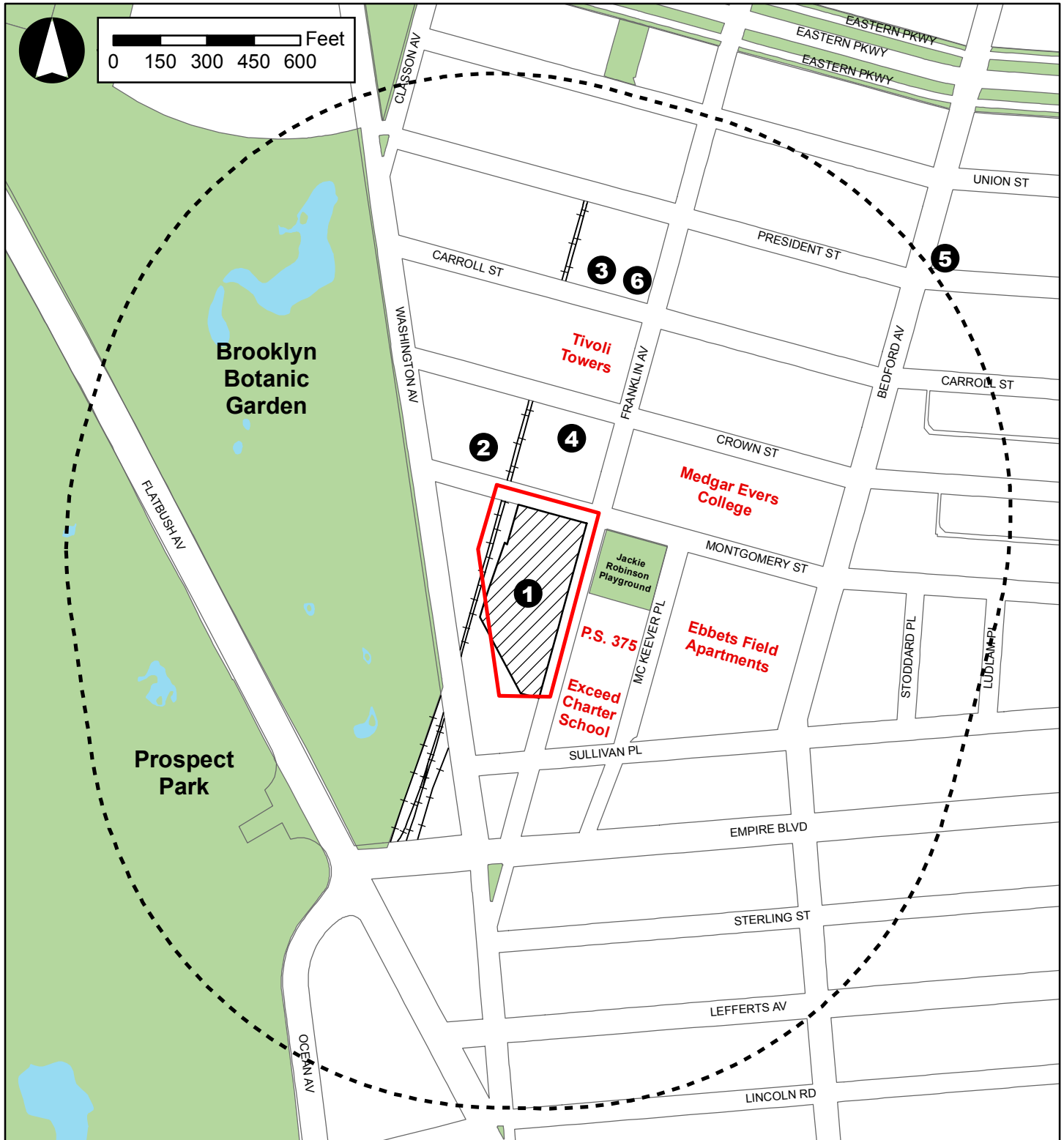
<sup>1</sup> Assumes 2.62 persons per affordable DU (based on 2010 U.S. Census data for Brooklyn Community District 9).

Estimate of workers is based on standard rates and are as follows: 1 worker per 25 DUs; 3 workers per 1,000 sf retail space; 3 workers per 1,000 sf community facility space; and 1 worker per 50 parking spaces. These same rates were most recently used in the NYC DCP Inwood Rezoning EIS.

**Secondary Study Area**

Within the approximate quarter-mile secondary study area, there are five known projects (other than the No-Action development that would be constructed on the Development Site) anticipated to be completed in the future without the Proposed Actions (refer to **Table 2-4**). 109-111 Montgomery Street (#2) involves the construction of a 12-story, 163-unit residential development on the north side of Montgomery Street between Washington Avenue and Franklin Avenue (refer to **Figure 2-3**). Immediately north of the Development Site, a new residential development is planned at 931 Carroll Street (#3) with 128-unit MIH development in 12 stories. A 390-unit MIH development is planned at 40 Crown Street, along with 16,284 gsf of local retail uses. The Bedford-Union Armory development is expected to result in 390 MIH apartment units, approximately 48,997 gsf of commercial uses, and approximately 90,374 gsf of community facility uses. Although this planned development is located at the very edge of the quarter-mile study area boundary, the very edge of the property is clipped by the quarter-mile radius. As such, the project is included in the study area for conservative analysis purposes. Finally, 882-886 Franklin Avenue was identified as a projected development site in the June 2018 Franklin Avenue Rezoning EAS (ULURP Nos 180347ZMK and N180348ZRK)<sup>1</sup>. In total, 1,636 new residential units would be developed within approximately a quarter-mile of the Development Site under the 2024 future No-Action conditions.

<sup>1</sup> Appendix 2 of the DEIS 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.





**TABLE 2-4**  
**No-Action Developments Within a Quarter-Mile Radius**

Map No. <sup>1</sup>	Project	Residential (DUs)	Commercial (sf)	Community Facility (sf)	# of Floors	Build Year
1	960 Franklin Avenue	518	-	-	7	2023
2	109-111 Montgomery Street	163	-	-	12	2020
3	931 Carroll Street	128	-	-	16	2021
4	40 Crown Street	390	16,284	-	16	2021
5	Bedford-Union Armory (1555 and 1579 Bedford Avenue)	390	48,997	90,374	13	2021
6	882-886 Franklin Avenue	47	7,500	-	16	2023
<b>TOTAL</b>		<b>1,636</b>	<b>72,781</b>	<b>90,374</b>		

<sup>1</sup> Refer to **Figure 2-3**

**Sources:** NYC DOB New Building Permits; Articles from Curbed New York, YIMBY, The Real Deal, and Brownstoner.

For the purposes of other CEQR analyses that warrant a larger study area than the defined secondary study area for this chapter, future No-Action developments beyond a quarter-mile radius of the Project Area were identified. There are seven additional developments anticipated to be completed by the analysis year of 2024 within an approximate mile of the Project Area (refer to **Table 2-5**). These No-Action development sites are expected to accommodate predominately residential buildings, introducing nearly 1,168 new dwelling units, 100 hotel rooms, approximately 85,785 sf of commercial space, and approximately 19,819 sf of community facility space into the area between a quarter-mile and a mile away from the Project Area in the future without the Proposed Actions.

**TABLE 2-5**  
**No-Action Developments Between a Quarter-Mile and a Mile Radius**

Project	Residential (DUs)	Hotel Rooms	Commercial (sf)	Community Facility (sf)	# of Floors	Build Year
564 St. John's Place	193	-	-	-	8	2020
310 Clarkson Avenue	170	-	8,388	-	8	2019
350 Clarkson Avenue	250	-	5,687	-	8	2019
1515 Bedford Avenue	114	-	-	8,519	10	2021
1548 Bedford Avenue	-	100	38,356	-	5	2020
409 Eastern Parkway Hotel	186	-	13,554	-	11	2019
794 Flatbush Avenue	255	-	19,800	11,300	14	2019
<b>TOTAL</b>	<b>1,168</b>	<b>100</b>	<b>85,785</b>	<b>19,819</b>		

**Sources:** NYC DOB New Building Permits; Articles from Curbed New York, YIMBY, The Real Deal, and Brownstoner.

## Zoning

### *Project Area*

In the future without the Proposed Actions, no zoning changes are anticipated in the Project Area. As such, the portion of Block 1192 in the Project Area would retain the existing R6A zoning designation. The proposed Mandatory Inclusionary Housing (MIH) designated area would not be mapped in the Project Area in the absence of the Proposed Actions.

### **Public Policy**

There are no expected changes to public policy in the quarter-mile study area in the 2024 future without the Proposed Actions.

### *Secondary Study Area*

In the future without the Proposed Actions, no known zoning changes are anticipated in the secondary study area. As described above, portions of Block 1188, 1189 and 1190 were rezoned in 2018 from the existing R6A zoning district to an R8X zoning district and R8X with a C2-4 commercial overlay.

## **F. FUTURE WITH THE PROPOSED ACTIONS (WITH-ACTION CONDITION)**

As discussed in detail below, the Proposed Actions would consist of a zoning map amendment and a zoning text amendment as well as a LSGD special permit, and a special permit to waive parking for the development of affordable housing from HPD, HDC, or other governmental or private sources. The Proposed Actions would facilitate a proposal by the Applicant to redevelop the Development Site with two mixed-use buildings. As discussed in **Chapter 1, "Project Description,"** the Applicant's proposed development program represents the RWCDs for the Proposed Actions. 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 Proposed Development would comprise 1,263,039 gsf of residential uses, introducing a total of 1,578 dwelling units, 474 of which would be affordable through the MIH Program. It is the Applicant's intention to provide an additional 20 percent affordable units that the Applicant intends to construct and 50 percent or 789 dwelling units 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, enforced through the Restrictive Declaration, 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 above and beyond 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 above and beyond 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.

Approximately 10,790 sf of publicly accessible open space plaza area would be created, including an approximately 2,750 sf plaza adjacent to the Phase I building along the interior roadway and an approximately 4,875 sf plaza adjacent to the Phase II building that also fronts on the interior roadway. Although the design of the plaza areas has not yet been finalized, it is anticipated that each of the plazas would feature landscaping and benches.

Parking spaces 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.

It is expected that the Proposed Development would be constructed over an approximately five-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. During the first phase of construction on Lots 63 and 66, the Golombeck spice company, 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~~ 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 an as-of-right basis in first quarter ~~2022~~ and is completed by third quarter ~~2022~~ (seven months). Phase I construction, i.e., initiation of superstructure, is projected to commence third quarter ~~2022~~ and is completed by early 2024 (~~21-30~~ months).

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

The RWCDs With-Action condition therefore assumes the incremental (net) change that would result from the Proposed Development is the addition of 1,060 dwelling units, including 789 affordable dwelling units (631,519.5 gsf) and 271 market-rate dwelling units (216,912 gsf), 21,183 gsf of local retail uses, 9,678 gsf of community facility uses, 10,790 sf of publicly accessible open space in two plazas, and a net decrease of approximately 131 accessory parking spaces in the 2024 future with the Proposed Actions (refer to **Table 2-6**).

## Land Use

As shown in **Table 2-6**, Applicant-owned Development Site would accommodate a new residential development in both the RWCDs No-Action and With-Action conditions. In the future with the Proposed Actions, the Development Site would accommodate a net increment of approximately 1,060 dwelling units, including 789 affordable dwelling units (631,519.5 gsf) and 271 market-rate dwelling units (216,912 gsf), 21,183 gsf of local retail uses, 9,678 gsf of community facility uses, and a net decrease of approximately 131 accessory parking spaces.

**TABLE 2-6**  
**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 (~631,512.95 gsf)	+789 (~631,519.5 gsf)
<i>MIH Option 2 Units</i>	--	474 DU (~378,911.7 gsf)	474 DU (~378,911.7 gsf)
<i>Applicant-Proposed Units</i>	--	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/Employment <sup>1</sup>	No-Action Scenario	With-Action Scenario	Increment
Residents	1,358	4,135	+2,777
Workers	26	160	+134

**Notes:**

<sup>1</sup> Assumes 2.62 persons per affordable 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.

## Assessment

The Proposed Actions would not result in significant adverse impacts to land use in the Project Area. The Proposed Actions would allow new residential development in an increasingly residential urban neighborhood where there is a strong demand for housing. Additionally, the Proposed Actions would result in the development of approximately 789 affordable housing units which would not be developed under No-Action conditions and 271 market-rate units more than could be developed under an as-of-right No-Action development scenario. The Proposed Actions would also result in the development of ground-floor retail, extending the commercial corridor and pedestrian activity of Franklin Avenue south into the Project Area.

In the immediate vicinity of the Project Area, the 33-story Tivoli Towers residential development is located two blocks to the north of the Project Area, and the 25-story Ebbets Field Houses residential development is located two blocks to the east of the Project Area. Tivoli Towers, built in 1979, contain approximately 321 dwelling units, while Ebbets Field Houses, constructed in 1962, contain approximately 1,300 dwelling units.

The Proposed Actions would activate underutilized sites, continuing a land use development trend in an area that has been experiencing a recent burst of development. The concentration of new development in this area is due to the availability of large, underutilized parcels and the desirability of the area for its proximity to transit. As such, the Applicant anticipates that Proposed Actions would result in a new mixed-use development that, in addition to being appropriate for the Project Area, would complement the land use character of the quarter-mile study area by redeveloping underutilized sites with a mix of affordable and market-rate residential units, local retail and community facility uses.

## Zoning

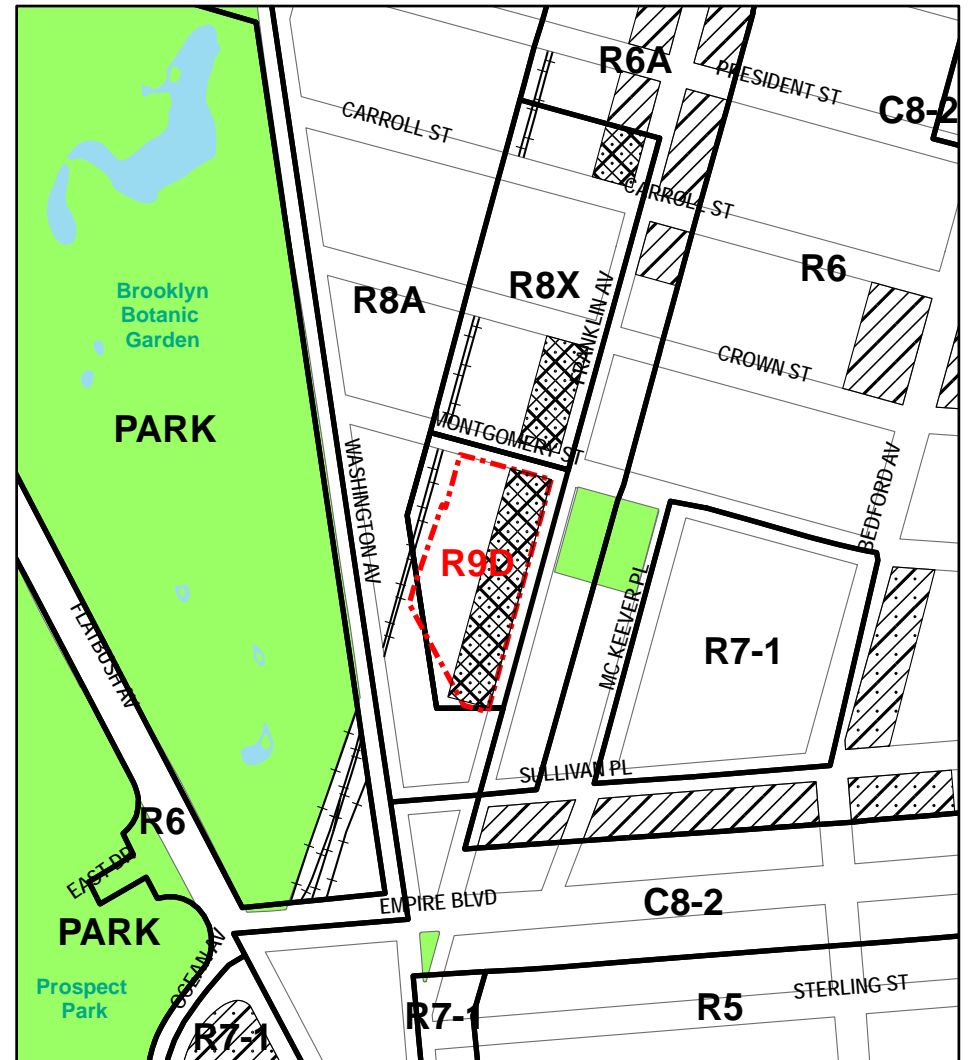
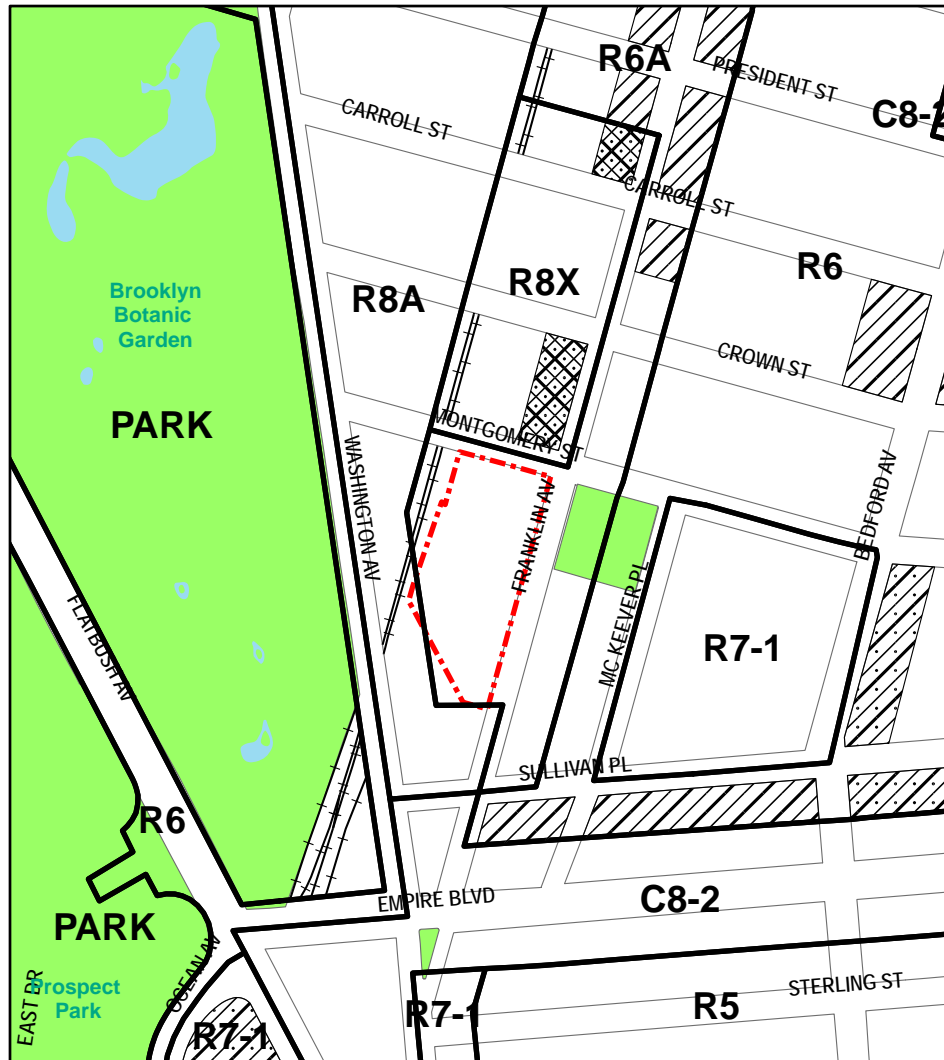
### Zoning Map Amendment

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 2-4** for boundaries of the Project Area), allowing for development of more residential area than could be provided under existing conditions. Additionally, the commercial overlay would allow for the inclusion of local retail uses in an area where they are not currently permitted. As shown in **Figure 2-4**, 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.

It is the Applicant's belief that 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 a more vibrant, mixed-use community, while maximizing space for affordable housing units to a degree that exceeds the City's maximum MIH requirement of 30 percent. Within the proposed 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.

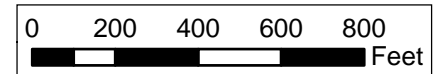
### Zoning Text Amendment

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. As the Proposed Actions would create opportunities for significant new housing development, the mapping of an MIH area is required as a condition of approval for the proposed LSGD Special Permit (described below). 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. 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



**Legend**

- Development Site
- C1-3 Overlay
- C2-4 Overlay
- Open Space
- R8A Zoning District Boundaries
- C2-3 Overlay
- Visible Subway Tracks



80 percent AMI, or \$62,150 per year for a family of three). In addition to the required MIH units, the Applicant, enforced through the Restrictive Declaration, 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 above and beyond 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 above and beyond 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.

#### LSGD Special Permit

A LSGD Special Permit is being sought in order to allow the location of buildings without regard to applicable height and setback, distance between building, and yard regulations. Proposed open space areas are also shown on the site plan for illustrative purposes. The proposed LSGD Special Permit would allow greater design flexibility for the purpose of 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 drive 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 and to ensure a better site plan. Upon approval, the Applicant would enter into a RD, a legally binding mechanism tied to the Development Site that governs the provisions of the LSGD. This would ensure that the Proposed Development is the RWCDs in terms of building envelope, floor area, and parking.

#### 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. Per the site's proposed zoning, parking would be required for 40 percent of the non-income restricted units, with a total of approximately 442 required parking spaces. Parking spaces for 16 percent of all market-rate DUs is proposed. As such, 314 parking spaces would be waived by the requested special permit. It should be noted that no parking would be required for the income-restricted units under MIH zoning.

### **Assessment**

The Proposed Actions would not result in significant adverse impacts to zoning as the proposed zoning map amendment, zoning text amendment and requested special permits would result in building height that would facilitate the development of affordable housing in excess of the City's MIH requirements. As described above, the immediate area has also been experiencing a great deal of new mid-rise residential development. For example, a new 12-story building is being completed on an as-of-right basis at 109-111 Montgomery Street pursuant to the site's existing R8A zoning with 163 new dwelling units planned for the former Brooklyn Botanic Gardens warehouse site. Additionally, the Franklin Avenue Rezoning EAS (ULURP Nos 180347ZMK and N180348ZRK) was approved in December 2018. The project resulted in the up-zoning 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. Two proposed developments and one projected development were identified for construction as a consequence of the Franklin Avenue rezoning. The R8X zoning has a maximum height of approximately 175 feet, which would result in buildings that are approximately 16 stories tall. 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 proposed developments in the rezoning EAS application 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. In total, the two planned developments and the one projected development anticipated to be constructed as a result of the Franklin Avenue rezoning would include 565 residential units, of which 152 would be affordable units under the City's MIH program, and 23,784 gsf of local retail.

As there are four residential developments that are being constructed or planned within close proximity to the Development Site and a fifth development, the Bedford-Union Armory, being constructed at the northeastern limits of the quarter-mile study area, the development facilitated by the Proposed Actions would serve to reinforce the recent and planned development trends in the area. While an as-of-right residential development would be constructed on the underutilized site pursuant to existing zoning with 518 market-rate residential units, no affordable housing would be provided in the absence of the Proposed Actions. As a consequence of the Proposed Actions, new affordable housing units would be provided in compliance with the City's MIH program. While the requested R9D zoning district would allow for a residential density that exceeds the density available in the existing zoning districts within the study area, the Applicant's proposal would use the added density available under the R9D district to exceed the City's MIH program requirements by providing 20 percent more affordable housing than would be required under MIH.

The Applicant's proposal is expected to result in development that is taller and bulkier than the buildings in the surrounding area. However, the 33-story Tivoli Towers and 25-story Ebbets Field Houses are located two blocks north and east of the Development Site, respectively. Additionally, although to a lesser extent, the recent Franklin Avenue rezoning is facilitating the development of buildings that are also taller than much of the existing building stock. However, it is the Applicant's position that the added height, bulk and density is warranted to provide the 20 percent of additional affordable housing on the Development Site.

The proposed C2-4 commercial overlay would permit an extension of the commercial corridor along Franklin Avenue, allowing for the development of ground-floor retail within 100 feet of Franklin Avenue. Commercial development resulting from this commercial overlay extension would be consistent with the



existing mixed-use character of Franklin Avenue south of Eastern Parkway. Further, as indicated above, the Franklin Avenue Rezoning EAS (ULURP Nos 180347ZMK and N180348ZRK) has mapped a C2-4 commercial overlay on portions of two block to the north, including the blockfront between Montgomery Street and Carroll Street on the west side of Franklin Avenue. The proposed C2-4 commercial overlay would extend the commercial corridor and pedestrian activity of Franklin Avenue south into the Project Area and toward an area along the north side of Empire Boulevard that has existing commercial uses.

The proposed zoning changes would provide a framework for development that, as noted above, would be consistent with current land use trends and market conditions in the study area. As such, the Proposed Actions are not expected to result in significant adverse zoning impacts.

### **Public Policy**

There are no anticipated changes to public policy in the future with the Proposed Actions.

### **Assessment**

#### Food Retail Expansion to Support Health (FRESH) Program

The Proposed Actions would not directly displace any FRESH grocery stores. It would also not affect the goals of FRESH in the land use study area, which is to encourage the development and retention of convenient, accessible stores that provide fresh meat, fruit and vegetables, and other perishable goods in addition to a wide range of grocery products. As indicated above, no FRESH certification or authorization would be requested for the Proposed Development as no FRESH grocery store is proposed. As such, this public policy is not applicable.

#### One New York: The Plan for a Strong and Just City (“OneNYC”)

The Proposed Actions would be consistent with OneNYC, specifically Initiative 1 related to housing under, “Vision 1: Our Growing, Thriving City;” and Initiative 2 for Healthy Neighborhoods and Active Living under, “Vision 2: Our Just and Equitable City.”

Initiative 1 for Housing states, “Create and preserve 200,000 affordable housing units over ten years to alleviate New Yorkers’ rent burden and meet the needs of a diverse population. Support efforts by the private market to produce 160,000 additional new units of housing over ten years to accommodate a growing population.” The Proposed Actions would facilitate the development of approximately 1,578 DUs to the neighborhood, which would include a mix of market-rate and approximately 789 affordable dwelling units. The addition of housing would help accommodate the growing, and increasingly rent-burdened, population in Brooklyn. The Development Site is also well served by public transportation, including the Franklin Avenue station on the IRT Eastern Parkway Line (2, 3, 4, and 5 trains), the Botanic Garden station on the BMT Franklin Avenue Shuttle, and the Prospect Park station on the BMT Brighton Line (B and Q trains) and BMT Franklin Avenue Shuttle. Additionally, the B48 (Lefferts Gardens - Greenpoint) bus runs along Franklin Avenue, immediately adjacent to the Development Site. The proximity to transit aligns with the goals of a supportive initiative that aim to, “Conduct collaborative, holistic neighborhood planning to support new mixed-income housing creative with supportive infrastructure and services.”

The Proposed Actions would also help achieve goals of Initiative 2 for Healthy Neighborhoods and Active Living, which aspires to, “Create environments that encourage New Yorkers to be physically active regardless of age.” Although not required through the requested approvals, the Applicant believes that providing approximately 10,790 sf of on-site passive open space through the Proposed Actions would activate a portion of Franklin Avenue that has been inactive and underutilized, thus creating a vibrant area for pedestrian activity. Further, the Proposed Development would be located within close proximity to open space resources that feature both active and passive recreation for all ages.

The Proposed Actions would be consistent with these two goals by providing a mix of affordable and market-rate housing in an area supported by many transit options. Thus, the Proposed Actions would support several of PlaNYC’s and OneNYC’s sustainability initiatives, as well as help support the City’s gradual transition to a more sustainable city.

### Housing New York

The Proposed Development would be consistent with the City’s Housing New York plan, a five-borough, ten-year strategy to build and preserve affordable housing throughout New York City in coordination with strategic infrastructure improvements to foster a more equitable and livable New York City through an extensive community engagement process. The plan outlines more than 50 initiatives to support the administration’s goal of building or preserving 200,000 units of high-quality affordable housing to meet the needs of more than 500,000 people. The plan emphasizes affordability for a wide range of incomes, with the program serving households ranging from middle- to extremely low-income (under \$25,150 for a family of four). The plan, which was created through coordination with 13 agencies and with input from more than 200 individual stakeholders, outlines more than 50 initiatives that will accelerate affordable construction, protect tenants, and deliver more value from affordable housing. The plan intends to do this through five guiding policies and principles: fostering diverse, livable neighborhoods; preserving the affordability and quality of the existing housing stock; building new affordable housing for all New Yorkers; promoting homeless, senior, supportive, and accessible housing; and refining City financing tools and expanding funding sources for affordable housing. It is the Applicant’s intention that the provision of the Proposed Development’s approximately 789 affordable dwelling units would support the Housing New York plan, utilizing the MIH initiative which would require a portion of the residential floor area subject to the City’s MIH program to remain permanently affordable. Additionally, as indicated above, the Applicant intends to exceed the City’s MIH requirements by providing more than the 30 percent maximum affordable units that would be required under MIH.