962-972 FRANKLIN AVENUE REZONING
Chapter 2: Land Use, Zoning, & Public Policy

A. INTRODUCTION

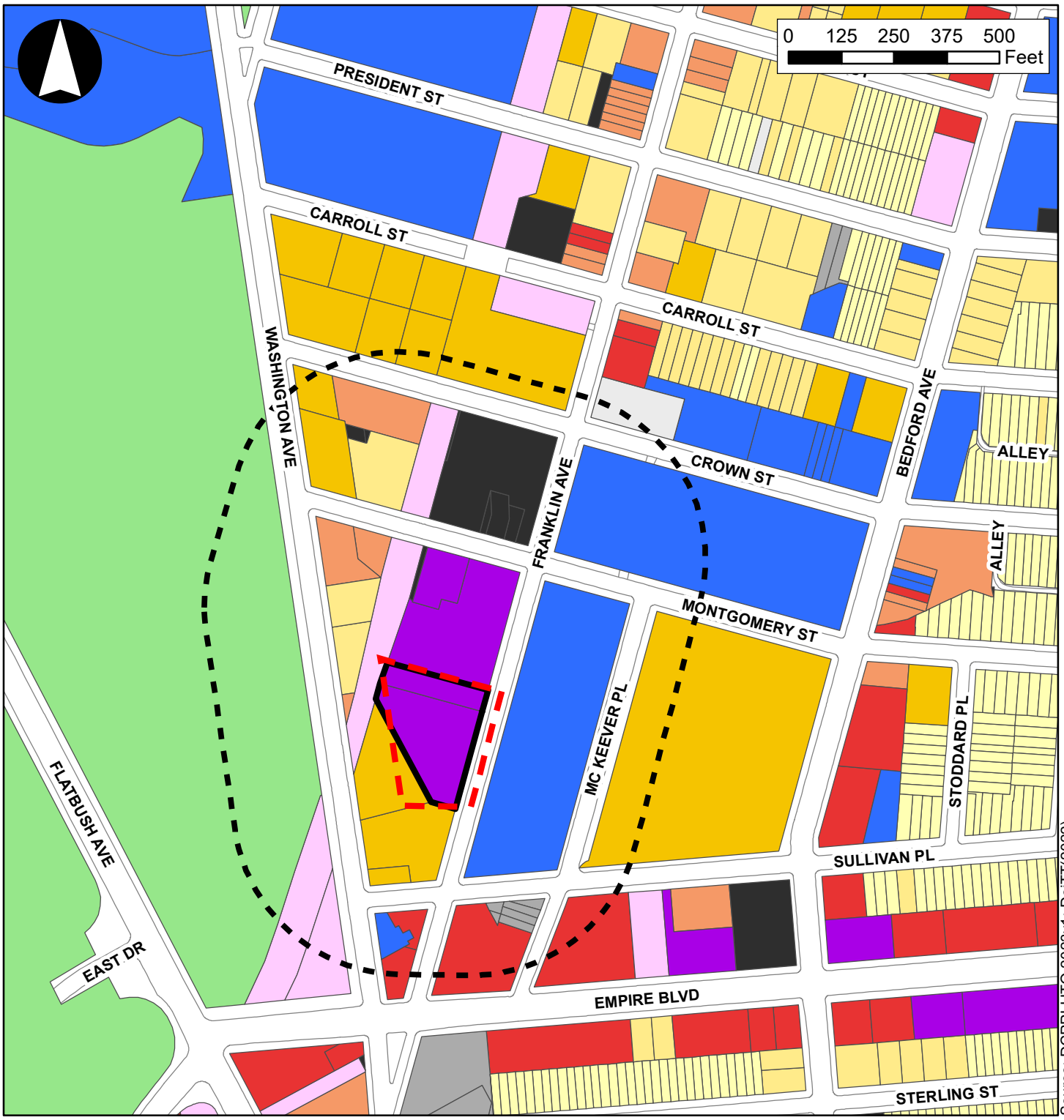
This chapter examines the Proposed Actions' compatibility and consistency with land use patterns in the surrounding area, ongoing development trends, land use and zoning policies, as well as other public policies. This analysis has defined a study area within which the Proposed Actions would have the potential to affect land use or land use trends. Following guidance provided in the 2021 *CEQR Technical Manual*, this study area encompasses a quarter-mile radius surrounding the area directly affected by the Proposed Actions. The land use study area boundary generally extends from lots fronting President 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 a zoning map amendment, a zoning text amendment, and a special permit:

1. The proposed zoning map amendment, which would extend the existing R8A zoning district and rezone the Project Area from R6A to R8A with a C2-4 commercial overlay (mapped in the Project Area within 100 feet of Franklin Avenue), would increase the permitted FAR in the Project Area, allowing for additional development of residential uses and for the development of commercial uses that would not be permitted under existing conditions.
2. The proposed zoning text amendment to Appendix F of the Zoning Resolution would designate the Project Area as a Mandatory Inclusionary Housing Area (MIH) and would require a portion (25-30%) of the residential floor area be designated as permanently affordable housing units.
3. 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. The proposed R8A zoning district would require parking for 40 percent of the non-income restricted units, with a total of approximately 143 required parking spaces. Parking for approximately 20 percent of the proposed market-rate dwelling units would be provided (approximately 71 spaces). As such, 72 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.

The purpose of the Proposed Actions is to facilitate the development of a mixed-use building (the "Proposed Project") at 970 Franklin Avenue (also referred to as 962-972 Franklin Avenue), encompassing Block 1192, Lots 63 and 66 (the "Proposed Development Site"). The Proposed Development Site is generally located within the larger area subject to the zoning map and text amendments (the "Proposed Rezoning Area," aka, "Project Area"), which in addition to Lots 63 and 66 also includes parts of adjoining tax lots on Block 1192: Lots 1, 46, 77, and 85. The Proposed Project would be a 14-story (145-foot-tall excluding mechanical equipment), 471,495 gsf mixed-used residential and commercial building containing 475 dwelling units (DUs) (419,346 gsf), 119 of which would be permanently affordable pursuant to

Figure 2-1
Land Use Map



Legend

- Project Area (Primary Study Area)
- Proposed Development Site
- 400-Foot Radius

Land Use

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Mandatory Inclusionary Housing (MIH), and 8,128 gsf of local retail (the "Proposed Project"). 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, as well as housing goals set forth in the Housing Our Neighbors: A Blueprint for Housing and Homelessness comprehensive blueprint.

The 53,257-sf Proposed Development Site is owned and under the control of the Applicant, while the other lots partly lying within the Project Area are not. The portions of lots that are not under applicant control are included in the Project Area so the new zoning district follows zoning map conventions.

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"). Absent approval of the Proposed Actions, the Applicant would proceed with as-of-right residential development pursuant to the existing R6A zoning on the Proposed Development Site. R6A permits 3.0 residential FAR with a maximum base height of 60 feet (65 feet with a qualifying ground floor) and a maximum building height of 70 feet (75 feet with a qualifying ground floor). Consistent with plans filed with the Department of Buildings (DOB) in January 2022, the No-Action development would be a seven-story residential building containing approximately 168 market rate DUs (177,716 gsf) and 84 accessory off-street parking spaces. The accessory off-street parking spaces would be provided to comply with the R6A district's requirement for parking for 50 percent of market-rate units.

As such, the incremental (net) change over the RWCDS No-Action condition that would result from the Proposed Actions is an increase of 307 dwelling units (DUs), consisting of 119 MIH affordable housing DUs and 188 market rate DUs, 8,128 gsf of local retail, and a decrease of approximately 13 accessory parking spaces.

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 the extension of an existing zoning district would occur, the Proposed Actions would facilitate the development of a residential development that would be comprised of affordable residential units under the City's MIH and market-rate residences. The proposed residential and local retail 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™ 23v1 shapefiles and verified in site visits during October and November 2022. 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 bound by President 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

Proposed Development Site

The Proposed Development Site is located east of the Brooklyn Botanic Garden on a portion of an irregularly-shaped block that is bound 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 Proposed Development Site is comprised of Brooklyn Block 1192, Lots 63 and 66 and has approximately 288.42 feet of midblock frontage on Franklin Avenue; the frontage's northern and southern limits are approximately 287.25 feet south of Montgomery Street and 178.94 feet north of Sullivan Place, respectively. The irregularly shaped site's northern side lot has a depth of approximately 244.6 feet and a southern side lot has a depth of approximately 60.75 feet. The alignment of the western rear lot varies; from the northwest corner of the site it extends for approximately 91.9 feet in a course almost parallel to Franklin Avenue and then extends approximately 273 feet on a course roughly diagonal to Franklin Avenue to where it meets the western end of the southern lot line. The lot area is approximately 53,257 sf (1.22 acres).

Approximately 99 percent of the Proposed Development Site area is currently zoned R6A, with the exceptions of a sliver on the western edge located within 100 feet of Washington Street that is currently zoned R8A. There are no commercial overlays or special purpose districts mapped on the site.

As noted above and also described in **Chapter 1, "Project Description,"** the Proposed Development Site includes two tax lots: (1) Lot 63, approximately 12,980 sf, which has a one-story, 12,968-gsf warehouse

that was historically associated with buildings to the north most recently occupied by a spice wholesale company; and (2) Lot 66, approximately 40,277 sf, which has been predominantly vacant since 1961.

Prior uses on the southern portion of the Proposed 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.

Breakdown of the Project Area by Lot

The remaining lots within the Project Area consists of portions of Lots 1, 46, 77, and 85. As shown in **Table 1-1** in **Chapter 1, "Project Description,"** the respective portions of those lots that would be rezoned from R6A to R8A are less than 1 percent, 1 percent, 25 percent, and less than 1 percent, respectively.

Lot 1 contains the MTA's Franklin Avenue subway shuttle right-of-way, a 32,461-sf open-cut subway line that transects Block 1192 from Montgomery Street to Washington Avenue.

Lot 46, 124 Montgomery Street, an irregularly-shaped 54,131-sf corner lot that contains multiple buildings occupied for many years by the Golombeck spice company, an importer and exporter of spices, seeds, herbs and seasonings. Only an approximately 3-foot wide portion of the southernmost building lies within the Proposed Rezoning Area.

Lot 77, 1015 Washington Avenue, is a 27,479 sf trapezoidal property occupied by a six-story, 95,000 gsf multi-family residential building, which represents a built FAR of 3.14. The current residential building contains 90 dwelling units constructed before 1974.

Lot 85, 1035 Washington Avenue, is a 28,123 sf irregularly shaped property occupied by a six-story, 117,500 gsf multi-family residential building which represents a built FAR of 3.79. The current residential building contains 104 dwelling units constructed before 1974.

In consideration of the minimal coverage of the Proposed Rezoning Area on these lots, particularly Lots 1, 46, and 85, presence of existing multi-unit residential buildings on Lots 77 and 85, and MTA ownership of Lot 1 (requiring a discretionary approval for the disposition of property or development rights), the Proposed Actions would not be expected to result in new development on these lots.

Secondary Study Area

As detailed above, the quarter-mile study area for land use is generally bound by President 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, as measured by the number of lots, the quarter-mile study area is comprised of predominately residential lots (69.0 percent), mixed commercial and residential lots (11.9 percent), commercial/office buildings (6.8 percent), with the remaining use categories each less than 5.0 percent (12.3 percent collectively).

Notable residential buildings include 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.

As also shown in **Table 2-1**, quarter-mile study area predominant uses as measured by lot area include open space (45.0 percent), residential (24.9 percent), public facilities and institutions (10.0 percent), and commercial/office buildings (5.4 percent), with the remaining use categories each less than 5.0 percent (14.7 percent collectively).

Open spaces in the study area include a portion of Prospect Park and within it the Prospect Park Zoo (450 Flatbush Avenue), a majority of Brooklyn Botanic Garden including its Science Center (109 Montgomery Street), and all of Jackie Robinson Playground.

Public facilities and institutions in the study area include P.S. 241 Emma L. Johnston (976 President Street), P.S. 375 Jackie Robinson School/M.S. 352 Ebbets Field (46 McKeever Place), the City University of New York's (CUNY's) Medgar Evers College campus (1637 Bedford Avenue), Ebenezer Haitian Baptist Church (1594 Bedford Avenue), the Kingdom Hall of Jehovah's Witnesses (1032 Carroll Street), Full Gospel Assembly of God (131 Sullivan Place), Grace Reformed Church (1800 Bedford Avenue), Gospel Truth Church of God (1055 Washington Avenue), Five Block Day Care Center (955 Carroll Street), 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. In addition, there are two large institutional uses which are located close to, but not within the secondary study area, but are noted here for informational purposes: Brooklyn Museum (200 Eastern Parkway), located north of the study area, and Bedford-Union Armory (1555 Bedford Avenue), located northeast of the study area.

TABLE 2-1
Existing Land Uses within the Secondary Study Area[1]

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	295	70.2%	1,594,063 sf	29.0%	5,109,580 sf	67.1%
One & Two-Family Residential	*212*	*50.5%*	*494,215 sf*	*9.0%*	*467,784 sf*	*6.1%*
Multi-Family Walkup Buildings	*52*	*12.4%*	*313,888 sf*	*5.7%*	*917,098 sf*	*12.1%*
Multi-Family Elevator Buildings	*31*	*7.4%*	*786,960 sf*	*14.3%*	*3,724,698 sf*	*48.9%*
Mixed Commercial/Residential Buildings	34	8.1%	254,981 sf	4.6%	852,955 sf	11.2%
Commercial/Office Buildings	27	6.4%	332,139 sf	6.0%	258,641 sf	3.4%
Industrial/Manufacturing	8	1.9%	214,238 sf	3.9%	320,515 sf	4.2%
Transportation/Utility	10	2.4%	264,560 sf	4.8%	16,150 sf	0.2%
Public Facilities & Institutions	19	4.5%	737,332 sf	13.4%	985,413 sf	12.9%
Open Space[2]	2	0.5%	1,936,904 sf	35.2%	67,081 sf	0.9%
Parking Facilities	11	2.6%	59,532 sf	1.1%	0 sf	0%
Vacant Land	14	3.3%	109,162 sf	2.0%	0 sf	0%
Total	420	100.0%	5,502,911 sf	100.0%	7,610,335 sf	100.0%

Source: NYC Map PLUTO (23v1) 2023
Notes:
[1] Includes all lots fully or partially within the secondary study area, including the Proposed Rezoning Area.
[2] The exception to the above note is the Brooklyn Botanic 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.

Table 2-1 also indicates that the leading uses by building area include residential (67.1 percent), public facilities and institutions (12.9 percent), and mixed residential-commercial (11.2 percent), with the remaining uses categories each less than 5.0 percent (8.7 percent collectively).

As shown in **Figure 2-1**, the open subway cut for the MTA Franklin Avenue Shuttle subway line (S) 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

Proposed Development Site and Project Area

The 53,257-sf Proposed Development Site (Block 1192, Lots 63 and 63) is currently split between two zoning districts, with 51,517 sf (99.5 percent) zoned R6A, which would be rezoned to R8A under With-Action conditions, and 261 sf (0.5 percent) zoned R8A, which would remain R8A under With-Action conditions. The R8A portion of the Proposed Development Site consists of area within 100 feet of Washington Street located along the rear (western) lot line. Refer to **Figure 2-2, "Existing Zoning Map."**

Besides the 51,517-sf portion of the Proposed Development Site to be rezoned, the 59,478-sf Project Area that would be rezoned from R6A to R8A also includes 7,961 sf (13.7 percent of the total Proposed Rezoning Area) comprised of portions of four other tax lots on Block 1192. These areas to be rezoned by tax lot include: Lot 1: 251 sf (0.8 percent) of the lot's 32,461 total sf; Lot 46: 555 sf (1.1 percent) of the lot's total 54,131 sf; Lot 77: 6,969 sf (25 percent) of the lot's total 27,479 sf; and Lot 85: 186 sf (0.6 percent) of the lot's total 28,123 sf.[1]

The Project Area/Proposed Rezoning Area also can be defined as follows: it includes the part of the block bound by Montgomery Street, Franklin Street, Sullivan Place, and Washington Street (Block 1192) currently zoned R6A and located 285 feet or more from Montgomery Street.

There are no commercial overlays, special purpose districts, or other special zoning designations such as Inclusionary Housing (IH) or Mandatory Inclusionary Housing (MIH) areas mapped on the Proposed Development Site or the Project Area.

(Note: all area, dimension, and percentage data cited here and throughout this chapter are approximate measures.)

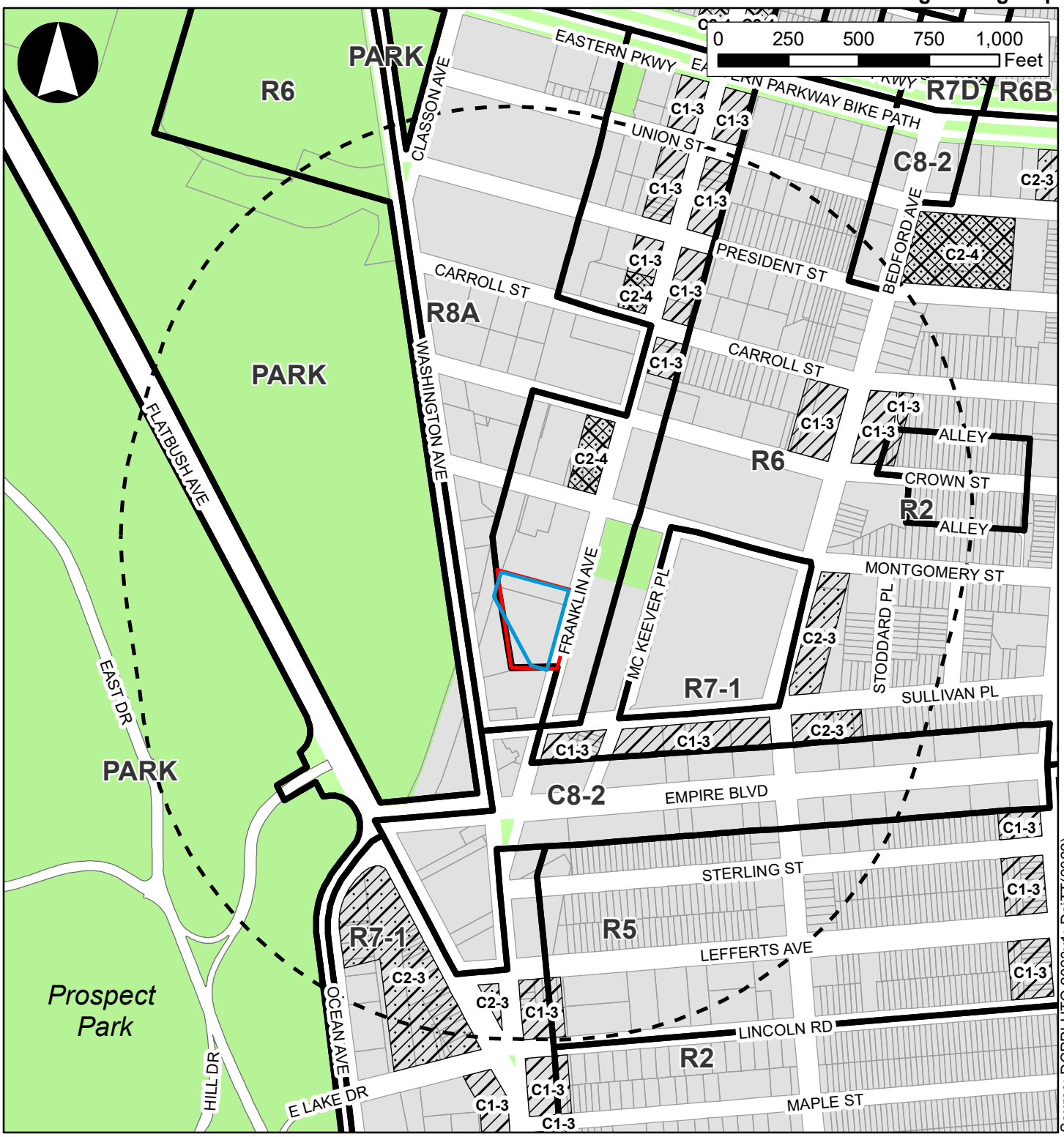
Key information on the Proposed Development Site and Project Area zoning districts is as follows:

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 for non-inclusionary housing projects and a maximum FAR of 3.6 FAR for inclusionary housing projects. The R6A district has a minimum base height of 40 feet, a maximum base height of 60 feet (65 feet for inclusionary housing projects), and a maximum

[1] **Note:** all area, dimension, and percentage data cited here and throughout this chapter are approximate measures.

Figure 2-2
Existing Zoning Map



Legend

- Proposed Development Site
- Project Area (Primary Study Area)
- 1/4-Mile Radius (Secondary Study Area)
- Open Space
- Zoning District
- C1-3 Overlay
- C2-3 Overlay
- C2-4 Overlay

building height of 70 feet (80 feet for inclusionary housing projects).[2] 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 for non-inclusionary housing projects and a maximum FAR of 7.20 for inclusionary-housing projects. The R8A district permits a minimum base height of 60 feet, a maximum base height of 85 feet (95 feet with a qualifying ground floor) for non-inclusionary housing projects, and a maximum base height of 105 feet for inclusionary housing projects. Non-inclusionary housing projects in the R8A district are permitted to reach a maximum building height of 120 feet (125 feet with a qualifying ground floor). Inclusionary housing projects in the R8A district are permitted to reach a maximum height of 140 feet (145 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.

The zoning for the remainder of Block 1192 that is not within the Project Area is split between R6A and R8A. North of the Project Area, R6A includes the part of the block that is 100 feet or more east of Washington Street except at the north end of the block where that zoning boundary meets a line running parallel to and 300 feet west of Franklin Avenue. Northwest, west, and south of the Project Area, R8A includes the remainder of the block that is not zoned R6A including those areas within 100 feet of Washington Street and those areas within 150 feet of Sullivan Place. The R6A district mapped on the Project Area also extends north along the Franklin Avenue corridor and is bounded on the west by the R8A district similarly extending north from Sullivan Place. The alignment of the R6A/R8A district boundary on those blocks varies, with it located 300 feet west of Franklin Avenue in some locations and along Franklin Avenue in others.

Key information on other zoning districts present in the secondary study area is as follows:

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

[2] The maximum height can reach 75 feet for non-inclusionary housing projects and 85 feet of inclusionary housing projects that incorporate a qualifying ground floor (QGF).

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

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

R6
A large swath consisting of most of the land to the east of Franklin Avenue and north of 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 extending north of Sullivan Place, including the Proposed Rezoning Area and most of the Proposed Development Site. 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 bound by Eastern Parkway (two blocks north of the study area's north limit), Washington Avenue, Sullivan Place, and generally mid-block between Washington/Classon Avenues and Franklin Avenue, including the very small portion of the Proposed Development Site, 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

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 bound 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, are zoned C8-2. 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 Union Street 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. 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 bound by Flatbush Avenue, Lefferts Avenue, and Washington Avenue. 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. 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 guidance, 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),Housing New York, the City of Yes for Carbon Neutrality and the City of Yes for Housing Opportunity citywide zoning text amendments as discussed below.

Food Retail Expansion to Support Health (FRESH) Program

While no FRESH food store would be provided on the Proposed 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 by the City in 2007, PlaNYC was undertaken to prepare New York 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 2026, 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.

Housing Our Neighbors

In June 2022, Mayor Eric Adams released 'Housing Our Neighbors: A Blueprint for Housing and Homelessness, a comprehensive blueprint to tackle New York City's affordable housing crisis and get New Yorkers in the safe, high-quality, affordable homes they deserve. Crafted in direct collaboration and coordination with New Yorkers who have experienced homelessness, Mayor Adams' plan represents the first city housing plan to build on the creation and preservation of affordable housing with transformative reforms for the New York City Housing Authority (NYCHA) as well as streamlining "access to the social safety net by shedding aspects of current procedures that are duplicative, unnecessary, and do not serve our goals". The plan seeks to:

- Transform NYCHA,
- Address Homelessness and Housing Instability,
- Create and Preserve Affordable Housing,
- Improve the Health and Safety of New Yorkers, and
- Reduce Administrative Burden

City of Yes for Carbon Neutrality

On December 6, 2023, the City Council voted in favor of the City of Yes for Carbon Neutrality text amendment. The text amendment will help decarbonize New York City by updating our zoning rules to make it easier to install green energy technology, including certain rooftop obstructions like solar panels. The allowable height of permitted obstructions varies based on the zoning district and overall building height. Under the City of Yes for Carbon Neutrality text amendment, rooftop equipment could cover up

to 50 percent of the building to a height of fifteen feet. Within this area, 30 percent could rise above 15 feet to account for larger equipment and elevator bulkheads. In R6 through R10 Zoning Districts, on buildings 120 feet or lower, these permitted obstructions are allowed to rise to a height of 35 feet. For buildings 120 feet or higher, these permitted obstructions are allowed to rise to a height of 55 feet total above the maximum permitted building height in the Zoning District.

City of Yes for Housing Opportunity

The NYC Department of City Planning is proposing a citywide zoning text amendment, the City of Yes for Housing Opportunity "CHO" (CEQR No. 24DCP033Y) to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. ~~It is anticipated that this proposed zoning text amendment would be referred into public review in Spring 2024.~~ The proposed CHO zoning text amendment was referred into public review on April 29, 2024, and a Notice of Completion of a DEIS was issued on April 26, 2024. The R8A zoning district included in the Proposed Actions would not benefit from any additional FAR or increased height under CHO. Therefore, it has been determined that the 962-972 Franklin Avenue Rezoning project would not be affected by the CHO citywide text amendment.

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

Land Use

Project Area

The two lots comprising the Proposed Development Site (Lots 63 and 66) are under the control of the Applicant. As such, under 2027 future No-Action conditions an as-of-right development would be constructed on the Proposed Development Site pursuant to the existing R6A zoning and consistent with plans filed with DOB. The R6A zoning district permits 3.0 FAR with a maximum base height of 60 feet and a maximum building height of 70 feet.

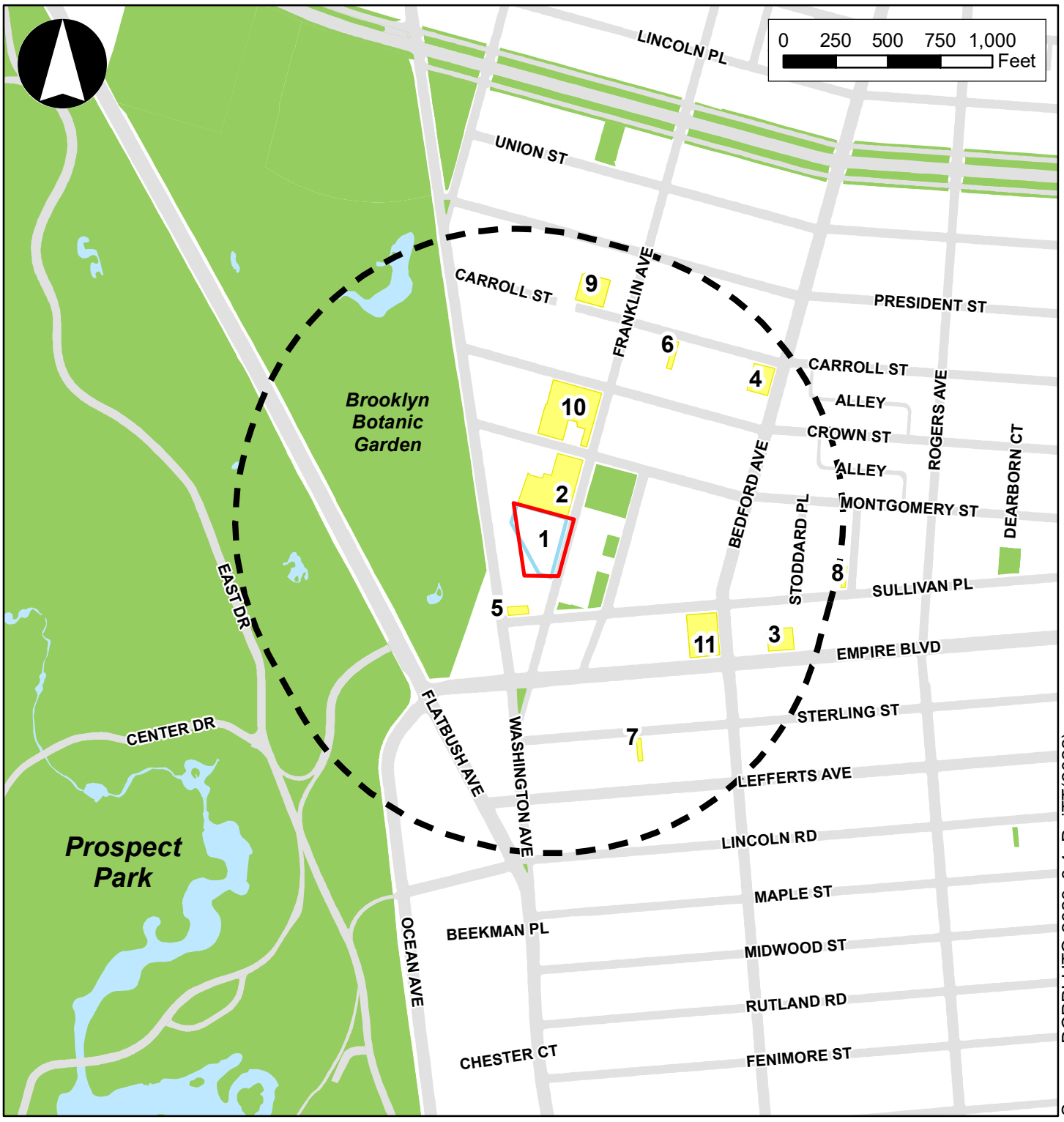
The No-Action project on the Proposed Development Site would be a seven-story residential building containing approximately 168 DUs (177,716 gsf) and 84 accessory off-street parking spaces. The 84 accessory off-street parking spaces would comply with the R6A district's requirement for parking for 50 percent of the building's market-rate units. Refer to **Table 2-3**.

No new development is anticipated on the portions of Lots 1, 77, and 85 within the Project Area. As described below, Lot 46 would be redeveloped under the No-Action scenario.

Secondary Study Area

Within the approximate quarter-mile secondary study area, there are ten known projects anticipated to be completed in the future without the Proposed Actions. These developments and the anticipated No-Action development on the Proposed Development Site described above are listed in **Table 2-4** and shown in **Figure 2-3**. This list includes developments completed in 2022 or 2023, i.e., before the issuance of this EIS, which are included as No-Action projects as they were completed and occupied later than existing

Figure 2-3
No-Action Developments



Source: DCPPLUTO 2023v3.1; DoiTT(2022)

Legend

- Development Site
- Project Area (Primary Study Area)
- 1/4 mile Radius (Secondary Study Area)
- No-Build Developments (refer to Table 2-4)

conditions data used in the open space quantitative assessment provided in **Chapter 3, "Open Space."** As shown in the table, the developments are residential or residential-commercial, with the exception of one hotel project, and range in size from 569 DUs to 1 DU and collectively include 1,427 DUs, 38,117 gsf of commercial space, and 1,325 gsf of community facility space (all identified developments are included for the quarter-mile radius irrespective of size). The largest of these is 50-54 Crown Street (#10 in the table and figure) is a block north of the Proposed Development Site on a site rezoned in 2018 as part of the aforementioned Franklin Avenue Rezoning. This 17-story development will include 569 DUs, 7,483 gsf of retail, and 1,325 gsf of community facility. 956 Franklin Avenue (#2 in the table and figure) on site directly north of the Proposed Development Site, historically part of the spice wholesale business, will be redeveloped with a six-story, 297-DU building. Others include 169 Empire Boulevard (#3) with 79 hotel rooms, 1042 President Street (#4) with 57 DUs, 1 Sullivan Place (#5) with 52 DUs, 996 Carroll Street (#6) with 10 DUs, 931 Carroll Street (#9) with 214 DUs, and 1730 Bedford Avenue (#11) with 57 DUs. These range in number of stories from five to 17. There are also two other low-rise developments, with a combined total of 3 DUs.

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

Use	No-Action Scenario
Residential	
Market-Rate Dwelling Units	168 (~177,716 gsf)
Affordable Dwelling Units	0 (0 gsf)
TOTAL	**168 (~177,716 gsf)**
Local Retail	--
Community Facility	--
Parking	84 spaces (~57,766 gsf)
Population/Employment[1]	**No-Action Scenario**
Residents	423
Workers	7

Notes:
[1] Assumes 2.52 persons per affordable DU (based on 2020 U.S. Census data for Brooklyn Community District 9). Estimate of workers is based on standard rate as follows: 1 worker per 25 DUs.

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. These include approximately 163 projects anticipated to be completed by the 2027 analysis year within an approximate mile of the Project Area. These No-Action development sites are expected to accommodate predominately residential buildings, introducing approximately 8,800 new dwelling units and approximately 26,751 gsf 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. The eight largest residential projects, each with 200 or more DUs, along with one community facility development, are listed individually below in **Table 2-5**.

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

Map No.[1]	Project	Residential (DUs)	Hotel Rooms	Commercial (sf)	Community Facility (sf)	# of Floors	Build Year
1	970 Franklin Avenue	168	-	-	-	7	2027
2	956 Franklin Avenue	297	-	-	-	6	2026
3	169 Empire Boulevard		79	30,634	-	5	2024
4	1042 President Street	57	-	-	-	8	2024
5	1 Sullivan Place	52	-	-	-	12	2023
6	996 Carroll Street	10	-	-	-	5	2022
7	68 Sterling Street	1	-	-	-	2	2022
8	175 Sullivan Place (rear)	2	-	-	-	3	2023
9	931 Carroll Street	214	-	-	-	17	2024
10	50-54 Crown Street	569	-	7,483	1,325	17	2025
11	1730 Bedford Avenue	57	-	-	-	7	2025
	TOTAL	**1,427**	**79**	**38,117**	1,325		

[1] Refer to **Figure 2-3**
[2] Commercial area in 169 Empire Blvd. is hotel, i.e., no other commercial uses.
Sources: NYC DOB New Building Permits; supplemented by articles from NY YIMBY website and other news sources

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

Project	Residential (DUs)	Community Facility (sf)
4 Atlantic Avenue	858	-
595 Dean Street	798	-
1045 Atlantic Avenue	425	-
11 Ocean Parkway	375	18,850
547 Vanderbilt Avenue	267	-
545 Vanderbilt Avenue	264	-
953 Dean Street	233	-
288 9th Street	203	-
716 Lincoln Place	-	7,901
All others with <200 DUs (154 projects)	5,403	-
TOTAL	**8,826**	**26,751**

Zoning

Project Area

Without the Proposed Actions, no zoning changes are anticipated for the project area by the analysis year. As such, the Proposed Rezoning Area would retain its 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.

Secondary Study Area

Without the proposed actions, no known zoning changes are anticipated in the secondary study area by the analysis year.

Public Policy

There are no expected changes to public policy in the quarter-mile study area by the analysis year without the Proposed Actions.

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

As discussed in detail below, the Proposed Actions would consist of a zoning map amendment, a zoning text amendment, and a special permit to allow a reduction in the number of accessory parking spaces. The Proposed Actions would facilitate the development of a 14-story (145-feet tall excluding mechanical equipment), 471,495-gsf mixed-use building. As discussed in **Chapter 1, "Project Description,"** the Applicant's Proposed Project represents the RWCDS for the Proposed Actions. In the with-action scenario, the Applicant intends to develop a mixed-use building with 475 DUs (419,346 gsf) 25% of which (119 DUs) would be affordable pursuant to MIH, as well as 8,128 gsf of local retail space. Parking for approximately 20 percent of all market-rate units would be provided at the Proposed Project (approximately 71 parking spaces). The accessory parking garage would be accessed via a curb cut on Franklin Avenue.

Development of the Proposed Project would occur in a single phase and would commence as soon as all necessary public approvals are granted. Construction is expected to occur in a single phase over approximately 31 months and be completed by 2027.

With the RWCDS With-Action condition occurring instead of the RWCDS No-Action summarized above in Section IV, the net incremental development associated with the Proposed Actions would be as follows: +307 total DUs, +119 affordable housing (MIH) DUs, +188 market rate DUs, +8,128 gsf local retail, and -13 accessory parking spaces (refer to **Table 1-2** in **Chapter 1**).

Land Use

The Applicant-owned Proposed Development Site would accommodate a new development in both the RWCDS No-Action and With-Action conditions. However, the No-Action development would include only market rate housing and accessory parking, while the With-Action development would include MIH affordable housing units and local retail and a reduction in accessory parking space. The With-Action

development, with increased density and building height, would also include MIH affordable housing units and local retail, while the number of accessory parking spaces would decrease in a reflection of the site's high transit accessibility.

Assessment

The Proposed Actions would not result in significant adverse impacts to land use in the Project Area. The Proposed Actions would allow additional 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 119 affordable housing units which would not be developed under No-Action conditions and 188 market-rate units more than would 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 into the Project Area, thereby strengthening its position as a pedestrian oriented corridor with establishments serving the local community.

In the immediate vicinity of the Project Area, the 33-story Tivoli Towers residential development is located one and a half blocks to the north of the Project Area, and the 25-story Ebbets Field Houses residential development is located one and a half 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 and open space. As such, the Applicant anticipates that Proposed Actions would result in a new mixed-use development that, in addition to being compatible with the Project Area, would improve the land use character of the quarter-mile study area to a greater extent than would occur under No-Action conditions by redeveloping underutilized sites with a mix of affordable and market-rate residential units and local retail use.

Zoning

Zoning Map Amendment

The proposed zoning map amendment would rezone the Project Area from R6A to R8A with a C2-4 commercial overlay over a portion of the Proposed Development Site. This would extend the existing R8A area located to the west and south of the Project Area further north by establishing a new northern boundary of the R8A district for the portion of the block more than 100 feet east of Washington Avenue at a point located 285 feet south of and parallel to Montgomery Street. The C2-4 overlay would extend along Franklin Avenue for a depth of 100 feet starting at the northern line of the R8A district, i.e., 285 feet south of Montgomery Street and continue along Franklin Avenue for a distance of 290 feet, to a point 575 feet south of Montgomery Street. The current boundary separating the block's R6A and R8A districts on the northern part of the block would remain in its current course (see **Figure 2-24** for Project Area boundaries). This would allow increased residential density and a contextual building envelope to accommodate additional floor area with retail space permitted in the building base along the Franklin Avenue corridor.

In combination with the zoning text amendment and as described in detail below, this would increase the overall permitted density of the Proposed Development Site located within the proposed R8A and R8A/C2-4 districts, with up to 2.0 commercial FAR within the commercial overlay.

It is the Applicant's belief that the proposed R8A and R8A/C2-4 zoning district, by allowing a wider range of uses at higher densities than currently allowed, would be beneficial for the neighborhood and city by facilitating a more vibrant, mixed-use community, while requiring the development of affordable housing in line with the City's MIH program. The proposed zoning districts are already present in the secondary study area, including the existing R8A district immediately adjacent to the Project Area on the south, west, and northwest, and C2-4 mapped over the R8X district on the block to the north between Montgomery and Crown streets.

Zoning Text Amendment

A zoning text amendment to Appendix F of the ZR is being sought in order to establish the entirety of the Proposed Rezoning Area as a MIH area. As the zoning map amendment would create opportunities for significant new housing development, the mapping of an MIH area is being sought consistent with City policy. The MIH area designation would require the construction of permanently affordable residential units on the Proposed 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 Option 1 would be selected as it would provide deeper affordability. Per the Applicant, 10 percent of units would be for households earning 40 percent AMI, 10 percent of units would be for households earning 60 percent AMI, and 5 percent of units would be for households earning 130 percent AMI.

With the proposed R8A zoning and MIH area designation, the maximum permitted residential FAR for the Proposed Rezoning Area would increase from 3.0 under the existing R6A (without any required housing affordability) to 7.2. Likewise, under R8A (MIH) the contextual building envelope would change from the existing R6A regulations - a minimum base height of 40 feet, a maximum base height of 60 feet, and a maximum building height of 70 feet – to a minimum base height of 60 feet, a maximum base height of 105 feet, and a maximum building height of 140 feet (145 feet with a qualifying ground floor use).

Special Permit to Reduce Required Parking

A special permit pursuant to ZR Section 74-533 would waive the parking requirements per ZR section 25-23 by allowing a reduction in required parking. Per the site's proposed zoning, parking would be required for 40 percent of the non-income restricted units, with a total of approximately 143 required accessory parking spaces; it should be noted that no parking would be required for the income-restricted units under MIH zoning. By special permit, accessory parking spaces for approximately 20 percent of the proposed market-rate units would be provided instead (approximately 71 spaces). As such, 72 parking spaces would be waived by the requested special permit. Reflecting the site's location in a transit zone, city policies to encourage alternatives to automobile usage, and elimination of unnecessary project costs, this would help facilitate the introduction of affordable housing which would not occur under No-Action conditions.

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 permit would result in density and building height that would facilitate the affordable housing pursuant to the City's MIH requirements. This involves the mapping of zoning designations, i.e., R8A, C2-4, and MIH, already present in parts of the secondary study area which share similar characteristics including proximity to transit. As documented in the discussion of No-Action conditions in the secondary study area above, the immediate area is experiencing a great deal of new mid-rise residential development, a continuation of an ongoing trend. For example, a new 12-story residential condominium was completed in 2020 on an as-of-right basis at 111 Montgomery Street pursuant to that site's existing R8A zoning with 163 DUs, replacing 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 and the establishment of an MIH area. 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.

In light of the study area's existing zoning and development occurring pursuant thereto, including the recent rezoning to the north, the development facilitated by the Proposed Actions would serve to reinforce the recent and planned development trends in the area with development at density and bulk comparable to some of the existing and planned buildings in the area, particularly along corridors such as Franklin Avenue. While an as-of-right residential development would be constructed on the underutilized site pursuant to existing zoning with 168 market-rate residential units, no affordable housing would be provided in the absence of the Proposed Actions and the Project Area would remain without MIH designation. As a consequence of the Proposed Actions, new affordable housing units would be provided in compliance with the City's MIH program.

The proposed C2-4 commercial overlay would permit an expansion 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 blocks 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.

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

Public Policy

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 475 DUs (net increment of 307 DUs) to the neighborhood, which would include approximately 119 affordable dwelling units (as compared to no affordable housing units under No-Action conditions). The addition of housing would help accommodate the growing, and increasingly rent-burdened, population in Brooklyn. The Proposed 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 Proposed 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." The Applicant believes that the new development's close proximity to existing public open space resources including Prospect Park and Jackie Robinson Playground, and on-site private open space required under the Quality Housing program would create housing that encourages residents to be physically active. Further, the Proposed Development would activate its Franklin Avenue frontage and contribute to an improved pedestrian environment that promotes walking and other physical activity.

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 119 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.

Housing Our Neighbors

The Proposed Actions would be consistent with the goals of Housing Our Neighbors. As described above, approval of the Proposed Actions would result in the creation of approximately 119 permanently affordable housing units pursuant to MIH. This creation of permanently affordable housing would meet the goals of the Housing Our Neighbors plan outlined above.

City of Yes – Carbon Neutrality

The Proposed Actions would be consistent with the goals of the Carbon Neutrality zoning text amendments. The project would facilitate the construction of new housing in a transit-accessible neighborhood. As discussed in **Chapter 4, "Shadows,"** for conservative analysis purposes, a 55-foot bulkhead is assumed when determining whether any significant adverse impacts to nearby sunlight-sensitive resources would occur.

City of Yes for Housing Opportunity (CHO)

As noted above, the proposed R8A zoning under the Proposed Actions, would not qualify for an FAR boost under the CHO proposal. Notwithstanding this, the Proposed Actions would be consistent with the goals of the Housing Opportunity zoning reform. As discussed above, the Proposed Actions would facilitate the construction of affordable housing units in a transit accessible neighborhood. The Proposed Actions would contribute to the overall goal of CHO; *a little more housing in every neighborhood*.