LR ITEM 3: DESCRIPTION OF PROPOSAL
395 Flatbush Avenue Extension Redevelopment
June 25, 2025

1. Introduction

The New York City Department of Housing Preservation and Development ("HPD") in conjunction with the New York City Department of Health and Mental Hygiene ("DOHMH") and the Department of Citywide Administrative Services ("DCAS") (each a co-applicant, and collectively, the "Applicant") proposes the following actions (the "Proposed Actions") to facilitate the development of a 72-story mixed-use building containing approximately 1,263 dwelling units, approximately 141,280 square feet of non-residential floor area, and approximately 4,745 square feet of open space ("Proposed Development"). The Proposed Development will be located on City-owned land within the Downtown Brooklyn neighborhood of Brooklyn's Community District 2, located at 395 Flatbush Avenue Extension (Brooklyn Block 2093, Lot 1) ("Development Site").

The Applicant proposes the following actions:

HPD proposes the following:

- A Zoning Map Amendment to rezone the Development Site (and extending to the centerline of the street) from a C6-4 district to a C6-12 district ("Project Area");
- Zoning text amendments to the Zoning Resolution of the City of New York ("ZR") to:
    - Amend the Special Downtown Brooklyn District (ZR 101-00 et. seq.) ("SDBD") to establish a C6-12 district and special bulk regulations for sites that meet certain conditions in such districts.
    - Amend Appendix F: Mandatory Inclusionary Housing Areas and Former Inclusionary Housing Designated Areas for Brooklyn Community District 2 to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") area, Options 1 and 2;
- An Amendment to the Brooklyn Center Urban Renewal Plan ("URP");
- Chairperson Certification pursuant to ZR 66-21(c) to establish and facilitate a transit volume on the Development Site as determined by the Metropolitan Transit Authority ("MTA").

DCAS and HPD seek disposition approval of City-owned property, Brooklyn Block 2093, Lot 1.

- DCAS and DOHMH seek combined Site Selection and Acquisition approval of real property interest of Brooklyn Block 2093, Lot 1.
- In conjunction with the Proposed Actions, additional approvals are being sought at the Public Design Commission ("PDC") to facilitate certain elements of the Proposed

Development. After PDC approval is obtained, the Applicant intends to seek a compliance determination from the Department of City Planning for the proposed Publicly-Accessible Open Space signage pursuant to Chapter 11 of Title 62 of the Rules of the City of New York ("POPS Rules").

2. Background

The Project Area was initially zoned a C6-1 zoning district at the adoption of the Zoning Resolution in 1961.

Brooklyn Center Urban Renewal Plan ("URP"):
The Development Site (Block 2093, Lot 1) is designated as Site 2 of the Brooklyn Center URP. The permitted use for Site 2 in the URP is "commercial", which is defined in the URP as commercial, residential, institutional, community facility, and other uses permitted in accordance with the Zoning Resolution. The URP was originally approved by the City Planning Commission ("CPC") on August 12, 1970 (CP-21262) and the Board of Estimate on September 12, 1970 (Cal No. 13B) to facilitate the redevelopment of a large, underutilized area located on both sides of Flatbush Avenue Extension, between Lafayette Avenue to the south and Myrtle Avenue to the north. The most recent revision to the URP was a minor change to the Fifth Amendment pursuant to CPC approval on July 11, 2016 (N 160321 HCK). The current version of the URP is set to expire on July 21, 2044.

Previous Land Use Approvals:
In 1958, a City Mapping Action was approved that included a sidewalk widening which impacted the Development Site and other sites along Fulton Street on the north side from Flatbush Avenue Extension to Hudson Avenue (CP-13155).

The Brooklyn Center URP was accompanied by the creation of the Special Brooklyn Center Development District ("SBCDD") in 1972 which consisted of all or portions of six blocks around the intersection of Fulton Street and Flatbush Avenue Extension, including the Development Site, within the Brooklyn Center Urban Renewal Area ("URA"). The SBCDD was envisioned to develop commercial uses to attract new offices to the Brooklyn central business district. The SBCDD was eliminated in 1986 (N 860210 ZRK, C 860211 ZMK) in parallel with the Fourth Amendment to the URP (C 860837 HUK).

In 2001, the SDBD was established as part of the Unified Bulk Program rezoning (C 010199 ZMY, N 000244 ZRY); its boundaries included the Development Site. The SDBD aimed to provide flexible guidelines for commercial expansion, create a pedestrian friendly retail environment with tree lined streets on the major shopping streets; provide opportunities for new housing development in Downtown Brooklyn adjacent to existing residential neighborhoods; and provide areas of transition at the periphery of the commercial core adjacent to residential neighborhoods.

In 2004, the Development Site was rezoned to a C6-4 zoning district as part of a series of City sponsored actions to facilitate the Downtown Brooklyn Development Plan (C 040171 ZMK), which was a comprehensive development framework to stimulate new commercial, residential, academic, and cultural development in Downtown Brooklyn.

City of Yes for Economic Opportunity (N 240010 ZRY), a citywide zoning text amendment aimed to support economic growth and resiliency by allowing existing non-residential space to be repurposed for alternative non-residential uses and by providing businesses with additional flexibility to grow and thrive in New York City was adopted on June 5, 2024. The City of Yes for Economic Opportunity modified the ground floor use requirements within the SDBD including the Development Site.

3. Description of the Surrounding Area

The Project Area is located in the Downtown Brooklyn neighborhood within the SDBD and Brooklyn Community District 2. The Project Area is bound by DeKalb Avenue to the north, Hudson Avenue to the east, Fulton Street to the south, and Flatbush Avenue Extension to the west. The area within a 600-foot radius to the Project Area (the "Surrounding Area") is predominately zoned R6, R6B, R7A/C2-4, C5-4, C6-4, C6-4.5, and C6-9, which reflect the surrounding land uses and building typology.

Land Use

The economic, civic and retail center of the borough, Downtown Brooklyn is the city's third largest central business district. The land uses within the Surrounding Area include residential buildings, mixed-use buildings, commercial and office buildings, public facilities and institutional uses, retail, and parking facilities. The Surrounding Area is defined by two major streets in Downtown Brooklyn: 1) Fulton Mall, located west of Flatbush Avenue, one of Brooklyn's major retail destinations and 2) Flatbush Avenue, a major diagonally oriented six-lane-wide avenue connecting the Manhattan Bridge to greater Brooklyn.

Fulton Street is a major arterial street running east to west throughout the borough of Brooklyn connecting Brooklyn Heights to East New York and Cypress Hills. The portion of Fulton Street between Adams Street and Flatbush Avenue is the subdistrict known as Fulton Mall, an active retail district with approximately 10,000 daily visitors. At the center of the mall is Albee Square, an 18,800 square foot open public space programmed with various neighborhood events. Fulton Mall is closed to private vehicles and is improved with a dedicated bus lane.

Directly to the north of the Project Area is a full block containing Long Island University's campus, which contains a number of institutional buildings ranging from three to 11-stories, open space, an athletic center, and the Paramount Theater with a capacity of 2,700 guests. To the northeast of

the Project Area is the Brooklyn Hospital campus, which contains a hospital building that has been enlarged over the years and ranges from one to 18-stories in height. To the east, west, and south are the mixed residential and commercial tower-on-a-base buildings ranging from 34 to 73 stories in height, each with commercial uses at the base, many of which have been developed in the last 10 years. These buildings include 9 DeKalb Avenue, currently under construction (73 stories); 540 Fulton Street, currently under construction (43 stories); 250 Ashland Place (44 stories); 29 Flatbush Avenue aka 66 Rockwell Place (44 stories) and 196 Willoughby Street (34 stories).

Directly to the east of the Project Area are several streets of four-story brick townhouses, which establish the western edge of Fort Greene. Fulton Street west of Flatbush Avenue contains three- and four-story commercial buildings with retail on the ground floor.

The Project Area is heavily serviced by public transit. The Project Area sits directly on the DeKalb Avenue station entrance for the B/Q/R subway lines. The Nevins Street station for the 2/3/4/5 subway lines is located on Flatbush Avenue on the block directly south of the Project Area (Block 2106). Atlantic Terminal, the westernmost stop on the Long Island Railroad, as well as the Atlantic Avenue – Barclays Center station for the 2/3/4/5/B/D/N/Q/R/W subway lines, are located a quarter mile south of the Project Area on Flatbush Avenue. Many of Brooklyn's buses run along Flatbush Avenue and/or Fulton Street, with stops within the Surrounding Area, including the B25 servicing Broadway Junction to Downtown Brooklyn, the B26, B38, and B52 servicing Downtown Brooklyn to Ridgewood, the B57 servicing Gowanus to Maspeth, the B103 servicing Canarsie to Downtown Brooklyn, B63 servicing Bay Ridge to Cobble Hill, the B41 servicing Kings Plaza to Downtown Brooklyn, and the B67 servicing the Brooklyn Navy Yard to Kensington. A dedicated bus lane runs along Fulton Street, adjacent to the Project Area. Within the Surrounding Area, there are five CitiBike docks and bike lanes on Asheland Place, DeKalb Avenue, Bond Street, Schermerhorn Street, and Lafayette Avenue.

Within the Surrounding Area, there are two open spaces: the Theater for a New Audience Arts Plaza in the BAM Arts District, at 262 Ashland Place; and University Place, a 1.16-acre public open space. In addition, there is a Privately Owned Public Space at 230 Ashland Place. Beyond the Surrounding Area, three blocks to the east of the Project Area, is Fort Greene Park, a 30-acre public park under the jurisdiction of the New York City Department of Parks & Recreation ("DPR"). DPR is currently in the procurement stage for the reconstruction of Fort Green Park's entrances, paths, plaza, and drainage infrastructure. The park contains barbequing areas, basketball and tennis courts, bathrooms, a nature center, playground equipment, free wi-fi, spray showers, and a 100-foot granite monument.

Dime Savings Bank and its interior are both landmarks and are located at 9 DeKalb Avenue. It was constructed from 1906 through 1908, modified extensively from 1931 through 1932, and is built in the neo-classical style. It is currently vacant.

Existing Zoning

The Special Downtown Brooklyn District is mapped over the high-density commercial districts within the Surrounding Area which allows for special height and setback regulations and urban design guidelines to promote and support the continued growth of the neighborhood. The SDBD was designed with the purpose of strengthening the business core of the neighborhood to improve quality of life conditions, incentive future development growth, encourage contextual design, and provide a transition between residential areas and the commercial center. The Development Site has applicable mandatory district requirements to carry out the special district goals including street wall continuity requirements and prohibited curb cuts along Flatbush Avenue Extension and Fulton Street.

The Project Area is located within a C6-4 zoning district that runs along Flatbush Avenue and is mapped over a large portion of Downtown Brooklyn. C6-4 zoning districts mapped within the SDBD are governed by the height and setback regulations of the Special District, which allow either standard height and setback regulations or tower regulations. Under standard height and setback regulations, the maximum height of a building is 215 feet (or 185 feet beyond 100 feet of a wide street), or, for qualifying affordable or senior housing developments, 235 feet. Above the base height, the building shall be set back 10 feet from a wide street and 15 feet from a narrow street. Under tower regulations, developments in C6-4 districts are regulated by lot coverage. C6-4 districts have a maximum floor area ratio ("FAR") of 10.0 for commercial or community facility uses and a residential equivalent of R10, which allows a maximum FAR of 10.0 for standard residences and 12.00 for qualifying affordable housing or senior housing.

A C6-4.5 zoning district is mapped to the west of Flatbush Avenue within the Surrounding Area. C6-4.5 zoning districts mapped within the SDBD are governed by the height and setback regulations of the Special District, which allow either standard height and setback regulations or tower regulations. Developments in C6-4.5 zoning districts using standard height and setback regulations may reach a base height of 125 feet (beyond 100 feet of a wide street) or 155 feet (within 100 feet of a wide street) and then a maximum building height of 255 feet. Above the base height, the building shall be set back 10 feet from a wide street and 15 feet from a narrow street. Under tower regulations, developments in C6-4.5 districts are regulated by lot coverage. The SDBD has special bulk regulations that apply to C6-4.5 districts, including a maximum FAR of 12.0 for commercial or community facility uses.

An R6 zoning district is mapped to the north and east beyond the C6-4 zoning district within the Surrounding Area. The R6 zoning district is mapped over the Long Island College campus, the Brooklyn Hospital Center, and a few streets with residential townhomes. Under R6 Height Factor regulations, residential buildings are regulated by a sky exposure plane, which begins at a height of 60 feet above the street line and slopes inward over the zoning lot. The FAR under R6 Height Factor ranges from 0.78 to 2.43. For developments containing standard residences and located within 100 feet of wide streets, R6 zoning districts permit a maximum FAR of 2.20, a maximum base height of 65 feet before a 10-foot setback, and a maximum building height of 75 feet. Beyond 100 feet of a wide street, a maximum FAR of 2.0 is permitted, the maximum base height before a

15-foot setback is 45 feet, and the maximum permitted building height is 55 feet. For developments providing qualifying affordable or senior housing, R6 permits a maximum FAR of 3.9, a maximum base height of 65 feet, and a maximum height of 85 feet (95 feet for developments within 100 feet of a wide street). The maximum permitted community facility FAR is 4.8.

North of this district is an R6B zoning district. R6B zoning districts are contextual districts that often result in traditional row houses ranging from four to five stories. Within an R6B zoning district, the maximum permitted residential FAR for standard residences is 2.0 (or an FAR of 2.4 if qualifying affordable or senior housing is provided), and the maximum permitted community facility FAR is 2.0. In R6B districts, a development must have a minimum base height of 30 feet and a maximum base height of 45 feet. Above the base height, a setback of 10 feet on a wide street or 15 feet on a narrow street is required. Above the base height, a maximum building height of 55 feet (or 65 feet if qualifying affordable or senior housing is provided) is permitted.

An R7A zoning district with a C2-4 commercial overlay is mapped along Fulton Street, east of Ashland Place. R7A zoning districts are contextual districts that allow new medium-density residential developments. R7A contextual districts produce high lot coverage, seven to nine story apartment buildings set at or near the street line designed to be compatible with older buildings in the medium-density neighborhoods. The maximum permitted residential developments containing standard residences, or community facility FAR is 4.0 in R7A zoning districts. However, if qualifying affordable or senior housing is provided, then up to 5.01 FAR is available. For interior or through lots, the maximum lot coverage is 80 percent for R7A zoning districts. The minimum and maximum base heights, respectively, in R7A zoning districts are 40 and 75 feet, with a maximum height of 85 feet. For developments providing qualifying affordable or senior housing, the maximum base heigh is 85 feet and the maximum building height is 115. Above the base of buildings in this district, the building must be set back by 15 feet on a narrow street or 10 feet on a wide street.

C2-4 commercial overlays mapped within residential districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants, beauty parlors, funeral homes, and repair services. When mapped in R6 through R10 districts, the maximum commercial FAR is 2.0.

4. Description of the Project Area/Development Site

The Project Area is coterminous with the Development Site (Block 2093, Lot 1), except that the Project Area extends to the centerline of the street. The Development Site is a single City-owned lot in the Downtown Brooklyn neighborhood of Brooklyn's Community District 2. The Development Site is currently located within a C6-4 zoning district within the SDBD, which permits a maximum commercial FAR of 10.0 and a maximum residential FAR of 10.0 which can be increased to 12.0 FAR for providing qualifying affordable or senior housing.

The Development Site is approximately 49,153 square feet in area and consists of the entirety of Block 2093 with approximately 193 feet of frontage along DeKalb Avenue to the north, approximately 130 feet of frontage along Fulton Street to the south, approximately 365 feet of frontage along Hudson Avenue to the east, and approximately 334 feet of frontage along Flatbush Avenue Extension to the west.

The Development Site is currently improved with a seven-story, 307,949 square foot commercial building with 274,431 square feet of commercial office space and 33,518 square feet of ground floor retail, with below-grade parking accommodating 140 public parking spaces. Constructed in 1974, the existing building currently houses a Verizon call center in its office space and several local retail chains on the ground floor.

An entrance to the Dekalb Avenue subway station (B/Q/R lines) is located at the northwest corner of the Development Site. This entrance includes a street elevator and two staircases that lead out to the plaza entrance. Additionally, there are three curb cuts located along the Hudson Avenue frontage: two of which serve the existing building's loading areas, with the third curb cut providing access to a public parking garage. The two curb cuts for loading purposes measure approximately 20 feet and 60 feet in width each and are separated by approximately 50 feet, whereas the curb-cut for parking garage access measures approximately 40 feet in width.

An existing Real Estate of Utility Companies ("REUC") easement granted by MTA (REUC No. B119-E271) extends diagonally west to east in the Development Site which restricts development that exceeds a depth of approximately six feet below grade where the MTA subway lines are situated.

The Development Site's western frontage, Flatbush Avenue Extension, is a 120-foot-wide road that runs north-south through Brooklyn with multiple lanes of traffic, pedestrian islands, and street parking on the east side. Fulton Street, the Development Site's southern frontage, is an 80-foot-wide major east-west commercial street with four lanes of traffic and bus lanes. DeKalb Avenue, the Development Site's northern frontage, is a 70-foot-wide road with two lanes of westbound traffic, a bike lane, and landscaped sidewalks. Hudson Avenue, the Development Site's eastern frontage, is a 50-foot-wide roadway with one northbound lane (with the exception of a small northern segment providing two-way traffic and southbound traffic access to the parking garage) with approximately 13-foot-wide sidewalks and three curb cuts that provide access to the building's loading and parking areas.

The Development Site is also within the Brooklyn Center URA, the Inner Transit Zone, a FRESH Zone, and the MetroTech Business Improvement District.

5. Description of the Proposed Development

The Proposed Development will be a 72-story mixed use building with approximately 933,820 square feet of residential floor area (19.0 FAR) providing approximately 1,263 residential units, including approximately 325 to 379 permanently affordable units pursuant to proposed MIH Option 1 or Option 2, approximately 141,280 square feet of non-residential use (2.87 FAR), and approximately 4,745 square feet of open space. The Proposed Development will have a total of approximately 1,075,100 square feet and a combined FAR of 21.87.

The Proposed Actions will facilitate the redevelopment of the Development Site, whereby the existing building on the Development Site would be substantially demolished and redeveloped with a new L-shaped tower ranging from 65 to 72-stories on the north-eastern portion of the Development Site at the intersection of DeKalb Avenue and Hudson Street. The proposed building would sit on a five-story[1] podium at a maximum base height of approximately 80 feet before rising to a maximum building height of 800 feet (840 feet with the bulkhead)[2]. The proposed building would be located at the street line except for the areas encompassing: (i) the existing subway stair entrance to the Dekalb Avenue Station at the intersection of Flatbush Avenue Extension and Dekalb Avenue; and (ii) the open space provided along the Fulton Street frontage and a small portion of the Flatbush Avenue Extension frontage.

The building is proposed with setbacks provided along Flatbush Avenue Extension (10-foot setback), Fulton Street (100-foot setback to accommodate the proposed open space), and Hudson Street (15-foot setback). The tower fronting Hudson Street is expected to rise to a height of approximately 730 feet (65-story) while the tower fronting DeKalb Avenue will reach a height of approximately 800 feet (72-story). Above such heights are approximately 40 feet allowances for the building bulkhead, which will provide for a maximum total height of approximately 840 feet or 76-stories. The siting of the proposed tower is largely due to the existing subway infrastructure running beneath the southern half of the Development Site. This infrastructure presents subgrade constraints and development challenges forcing all vertical development to be located on the northern portion of the site.

The proposed building will contain approximately 141,280 square feet (2.87 FAR) of non-residential use. Currently, it is expected that approximately 65,915 square feet of retail space will be provided in the first and second floors, while approximately 75,365 square feet of commercial office space or community facility will be provided primarily on the upper floors of the podium. Retail uses are anticipated to include, but not limited to, eating and drinking establishments, bookstores, beauty salons, clothing retailers, and childcare services. The office space is currently contemplated to be occupied by the DOHMH with anticipated uses including a medical clinic, office space, community facility space, and laboratories.

[1] While the podium is proposed to maintain an 80-foot height, it may range between 4-6 stories.
[2] Heights referenced are being measured from the established base plane.

The ground floor and the second floor are designed to be double height and glazed for increased light and visibility. The Proposed Development will eliminate the existing arcade pulling the street wall to the property line bringing the retail to the sidewalk to be more inviting and visible. The 5th, 23rd, 65th floors and roof are planned for residential amenities, and residential units will be provided on the 6th floor and above. Residential amenities are anticipated to include co-working space, a dog run, children's play area, pool, gym, jogging track, game room, lounge, and multi-purpose space.

The Proposed Development will include a mix of studios, one-bedroom, two-bedroom, and three-bedroom units. The Proposed Development will contain a single residential lobby fronting Dekalb Avenue at the corner with Hudson Avenue while the commercial lobby entrance is located directly east of the Dekalb Avenue subway entrance. Similar to existing conditions, the loading berths will be located along the Development Site's Hudson Avenue frontage. The proposed ground floor retail uses will be accessed through seven entrances along Flatbush Avenue Extension, two entrances fronting Fulton Street, and two entrances on the southern portion of Hudson Avenue.

The Proposed Development will also include a public open space of approximately 4,745 square feet on the southern portion of the Development Site. The open space would have approximately 130 feet of frontage along Fulton Street with a depth of 18 feet on Flatbush Avenue Extension and a depth of 72 feet along Hudson Avenue. The open space will extend the pedestrian continuity of Fulton Mall and reinforce its role as a key retail corridor. The open space will be designed to support pedestrian movement, integrate seating, and introduce landscaping that contributes to the district's evolving public realm and enhances connections between surrounding open areas. The open space will include, among other things, bench seating and new trees installed in in-ground and raised planters, which will provide a rhythmic sense of scale and shade in the open space and along adjacent sidewalks[3]. The Proposed Development will also include an expanded sidewalk along Flatbush Avenue Extension from 12 feet to 18 feet, 5 inches to increase pedestrian circulation space and include approximately 14 new sidewalk trees. This widened sidewalk will be achieved by eliminating the parking strip along Flatbush Avenue Extension and continuing the sidewalk condition for the adjacent blocks to the north and south of the Development Site.

It is anticipated that the Proposed Development will incorporate a multitude of sustainable measures, which include integrating high-performance building strategies, aligning with PlaNYC: Getting Sustainability Done and the City's broader climate goals. The proposed building is anticipated to be 100% electric, and Passive House principles will be incorporated throughout to reduce energy consumption and improve thermal performance, contributing to long-term operational efficiency and occupant comfort. A significant portion of the podium structure is anticipated to be reused – taking advantage of the embodied carbon of the existing building. Additionally, stormwater management strategies are intended to be integrated into the design, while material reuse and construction waste reduction measures will be implemented where

[3] Open space to be further refined through Public Design Commission approval process.

feasible to minimize environmental impact. The Proposed Development will also explore seeking LEED, WELL, and other sustainability certifications.

6. Action Necessary to Facilitate the Proposed Project

HPD is seeking the following land use actions to facilitate the Proposed Development:

Zoning Map Amendment

A zoning map amendment is proposed to rezone the Project Area from a C6-4 zoning district, an R10 equivalent zoning district, to a C6-12 zoning district, an R12 equivalent zoning district. The zoning district boundary would encompass the entirety of Block 2093 bounded by the centerline of Flatbush Avenue Extension to the west, the centerline of Dekalb Avenue to the north, the centerline of Hudson Avenue to the east, and the centerline of Fulton Street to the south.

City of Yes for Housing Opportunity (N 240290 ZRY), a citywide zoning text amendment aimed to increase housing development in response to New York City's housing crisis was adopted on December 5, 2024, which established the newly created C6-12 zoning district. The recent changes to the Zoning Resolution introduced new zoning districts that increased the permittable residential FAR up to 18.0 which was previously prohibited due to the New York State Multiple Dwelling Law capping residential development to 12.0 FAR, but this cap was eliminated in the FY 2025 budget legislation.

The proposed C6-12 zoning district within the SDBD would be governed by the height and setback regulations of the Special District, which allow either standard height and setback regulations or tower regulations. Under the standard height and setback regulations, the maximum base height is 155 feet, above which a 10-foot setback (along a wide street) or 15-foot setback (along a narrow street) is required. The maximum height of a building containing standard residences or qualifying affordable or senior housing is limited to 325 feet and 395 feet, respectively. Under the tower regulations, towers located above the base in C6-12 zoning districts are regulated by lot coverage with no set maximum height limits. Mixed use developments that include residential under the C6-12 zoning district within the SDBD will be permitted a maximum total FAR of 23.0, whereby residential floor area for qualifying affordable or senior housing is limited to 19.0 FAR, and the permitted FAR for commercial and community facility use is 15.0 FAR.

The proposed zoning map change to a C6-12 district is an appropriate reflection of the unique nature of the Development Site encompassing an entire block as well as the need to revitalize an existing site to provide for much needed housing and commercial uses as reflected in the Proposed Development. The full block condition with a lot area of 49,153 square feet allows the Development Site to hold the additional proposed FAR delivering needed housing opportunities to the neighborhood, borough and city. The large lot size will allow for increased floor area beyond

the formerly capped 12.0 FAR as a direct response to the City of Yes for Housing Opportunity goals and current housing crisis. The proposed mixed-use development which includes a significant amount of retail, commercial office space and/or community facility responds to the Development Site's location within Brooklyn's central business district and is consistent with surrounding economic, civic and retail uses. Additionally, the proposed C6-12 district is appropriate given the Project Area contains two major wide street frontages along Flatbush Avenue Extension and Fulton Street that would be suitable for increased density. Flatbush Avenue Extension is a 120-foot-wide road that runs north-south through Brooklyn with multiple lanes of traffic, pedestrian islands, and street parking on the east side while Fulton Street, is an 80-foot-wide major east-west commercial street with four lanes of traffic and bus lanes. Both streets are major corridors that connect Downtown Brooklyn to the other neighborhoods in the Brooklyn, Manhattan, and Queens. These active thoroughfares provide wide street widths to absorb additional density as well as match the existing built context of the surrounding area. The Project Area's appropriateness for much higher density is further enhanced by its proximity to transit access: DeKalb Avenue station entrance for the B/Q/R subway lines is located on the Development Site, the Nevins Street station for the 2/3/4/5 subway lines is located on Flatbush Avenue on the block directly south of the Development Site (Block 2106), and Atlantic Terminal, a stop on the Long Island Railroad, as well as the Atlantic Avenue – Barclays Center station for the 2/3/4/5/B/D/N/Q/R/W subway lines, are located a quarter mile southeast of the Development Site on Flatbush Avenue.

The proposed zoning map change to a C6-12 zoning district is an appropriate reflection of the need to revitalize the site and existing building to provide much needed housing and commercial development consistent with the current housing goals of the City as well as the goals established by the SDBD. The proposed C6-12 zoning district would permit a density and massing reflective of the large towers already existing and permitted in the high-density surrounding area (i.e. 9 DeKalb Avenue at 74-stories, 540 Fulton Street at 43-stories; 250 Ashland Place at 52-stories; 29 Flatbush Avenue aka 66 Rockwell Place at 44-stories and 196 Willoughby Street at 34-stories. Additionally, the Proposed Development's site planning incorporates a balanced design approach by providing ground floor retail alongside a large open space along the entire Fulton Street frontage to provide for much needed open space in the neighborhood and active streetscape for pedestrians.

<u>Zoning Text Amendment</u>

Special Downtown Brooklyn District:

A zoning text amendment is proposed to amend the Special Downtown Brooklyn District (ZR 101-00 et. seq.) to facilitate the Proposed Development. The Applicant proposes the following text amendments to the SDBD:

- Modify ZR 101-00 *et. seq*. to establish a C6-12 district and modify ZR 101-21 to permit a maximum permitted FAR of 19.0 for residential and a total of 23.0 FAR for mixed uses on

lots that are greater than 30,000 square feet with at least one full block street frontage or occupy an entire block.
- Modify ZR 101-222 and ZR 101-224 to modify setback requirements for large qualifying lots that have below grade transit infrastructure occupying more than 30% of the lot.
- Modify ZR 101-41 to provide exemptions from the street wall location and continuity requirements for lots meeting a certain lot size threshold that provide open space.

This proposed text amendment will help facilitate the Proposed Development. With such text change, in conjunction with the proposed rezoning, the total maximum permitted FAR will increase from 15.0 to 23.0, whereby the maximum permitted residential FAR on the Development Site will increase from 18.0 to 19.0. The increase in FAR would permit additional housing that would include affordable housing subject to the MIH program while also providing additional floor area that may be used for ground floor retail and additional commercial establishments that will help promote the streetscape character of the neighborhood and further the goals of the SDBD.

This proposed text amendment will help facilitate the Proposed Development by providing setback relief for sites that have below-grade transit infrastructure occupying at least 30% of the lot area. The Development Site sits on an existing REUC easement granted by the MTA (REUC No. B119-E271) extending diagonally west to east in the Development Site and comprising approximately 32% of the lot area. Given that the proposed tower is restricted in its location and orientation due to the existing subway infrastructure located below the Development Site, no setback is provided above the base along Dekalb Avenue in order to maximize the residential FAR permitted. Additionally, the setback relief would allow for optimal floorplate dimensions and efficiency within the Proposed Development. The surrounding built context and location along a major intersection of Flatbush Avenue Extension and DeKalb Avenue is conducive to allowing a sheer-rising condition.

Mandatory Inclusionary Housing:

A zoning text amendment is proposed to Appendix F: Mandatory Inclusionary Housing Areas and Former Inclusionary Housing Designated Areas to establish the Project Area as an MIH Area, which requires permanently affordable housing within residential development, enlargement, or conversions for non-residential to residential use. Within the proposed MIH Area, all housing developments, enlargements, and conversions must meet the criteria set forth in the MIH Program. The Applicant proposes to map the following options pursuant to ZR Section 27-131:
- Option 1: At least 25% of the residential floor area must be permanently affordable to households with an income at a weighted average of 60% of Area Median income ("AMI"); or
- Option 2: At least 30% of residential floor area must be permanently affordable to households with income at a weighted average of 80% AMI

The Applicant proposes utilizing MIH Option 1 at the Development Site.

Disposition of City-owned Property:

The Development Site Brooklyn Block 2093, Lot 1 will be conveyed to a sponsor to be selected by HPD.

Urban Renewal Plan Amendment:

An amendment to the Brooklyn Central URP to extend its duration to 99 years from the approval of the Sixth Amendment and the addition of supplementary controls for open space on Site 2 to Section 3.a of the URP.

Site Selection and Acquisition of real property interest:

DCAS and DOHMH seek site selection and acquisition approval of Brooklyn Block 2093, Lot 1 to facilitate the location of a clinic and office space for DOHMH. An existing DOHMH Fort Greene Health Center is located one block north of the Development Site at 295 Flatbush Avenue Extension (Block 2079, Lot 21). This five-story building houses several DOHMH functions including an immunization clinic, testing and treatment for tuberculosis, and a sexual health clinic. The clinic is heavily utilized by the community and DOHMH is in need of additional clinic and office space to expand and streamline their services in Downtown Brooklyn.

Given the anticipated future development of the Development Site and the ideal location near an existing DOHMH facility and several transit resources, a new DOHMH clinic within the Proposed Development was identified as the most effective option. The proposed DOHMH facility would use approximately 75,365 square feet (81,515 gross square feet) and would be consistent with the commercial and community facility uses that are proposed as part of the Proposed Development.

The location of the DOHMH facility requires the acquisition of property by the City. The Development Site would be disposed to a sponsor selected by HPD. Once constructed, the portion of the building containing the DOHMH facility may be reacquired by the City.

Chairperson Certification pursuant to ZR 66-21(c):

A Chairperson Certification is required pursuant to ZR 66-21(c) to establish and facilitate a transit volume on the Development Site as determined by the MTA. The proposed transit easement is located between the proposed building and the existing Dekalb Avenue Subway entrance at the intersection of DeKalb Avenue and Flatbush Avenue Extension. The proposed transit easement volume would extend approximately 45.5 feet along the Flatbush Avenue Extension property line and approximately 45.5 feet along the DeKalb Avenue property line setback 10 feet from the

corner. While the MTA has noted that the existing station already provides ADA access to the platform, this ZFA easement would formalize the exiting easement as well as extend the boundary to include space for pedestrian circulation to and from the staircase and elevator.

7. Conclusion

The Applicant is seeking land use actions including a zoning map amendment, zoning text amendment, disposition of city-owned property, an amendment to the Brooklyn Center URP, site selection and acquisition of real property interest, and a Chairperson certification to facilitate the development of a new 72-story mixed-use building containing a total of approximately 1,075,100 square feet of floor area, which includes approximately 1,263 residential units including approximately 325 to 379 permanently affordable units, approximately 141,280 square feet of non-residential floor area, and approximately 4,745 square feet of open space.

The Proposed Development aims to provide sustainable, high-quality housing and commercial uses in proximity to public transportation in accordance with the *Housing Our Neighbors: A Blueprint for Housing and Homelessness* plan, which commits to addressing housing instability, promoting economic stability and mobility, improving health and safety, and increasing opportunities for equitable growth.