2

Land Use, Zoning, and Public Policy

This chapter considers the potential for the Proposed Project to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the *2021 City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses in the area that may be affected by the Proposed Actions and determines whether the Proposed Project is compatible with land use, zoning, and public policy conditions, or may otherwise affect them. The analysis also considers the Proposed Project's compatibility with zoning regulations and other public policies applicable to the area.

Introduction

The Applicant, Innovative Urban Living, LLC, is seeking several discretionary approvals from the City Planning Commission (CPC), including a zoning map amendment, zoning text amendments, and various special permits collectively referred to as the "Proposed Actions."

The Proposed Actions would facilitate the development of a mixed-use, purpose-built community on the site of the Christian Cultural Center (CCC), which would be comprised of income-based affordable housing; a performing arts center (PAC); local retail; and a variety of community facilities targeted to the civic, economic, educational, and cultural needs of the East New York neighborhood (the Proposed Project). The Proposed Project would be developed the East New York neighborhood of Brooklyn on Block 4430, Lot 1 and Block 4434, Lots 1 and 10 (the Development Site). These approvals include a zoning map amendment that

would apply to the Development Site in addition to de minimis portions of the north side of Block 4434, Lot 60 and Block 4431, Lots 70 and 100, and would extend to the centerlines of Flatlands Avenue, Louisiana Avenue, and Pennsylvania Avenue (the Project Area). In comparison to the No-Action condition, the Proposed Actions would result in an incremental increase of 2,050 affordable residential units, approximately 110,570 gross square feet (gsf) of commercial uses, 8,120 gsf of community facility uses, public and private open space, and accessory and public parking related to the proposed on-site uses.

This chapter provides an assessment of existing and future conditions with and without the Proposed Actions for the Development Site, Project Area, and quarter mile study area, which are described in detail below.

Principal Conclusions

The analysis presented in this chapter concludes that the Proposed Actions would not result in significant adverse impacts on land use, zoning, or public policy.

Land Use and Zoning

The Proposed Actions would result in new land uses and greater bulk and density than what currently exists on the Development Site. New uses to the Development Site—including residential, commercial space, and open space—would be compatible with surrounding land uses. Additionally, the increased bulk and density on the Development Site facilitated by the Proposed Actions would be comparable to existing developments in the East New York neighborhood, as exhibited by the Spring Creek Towers/Starrett City complex and New York City Housing Authority's (NYCHA's) Breukelen Houses, both of which are located within close proximity to the Development Site. The requested discretionary actions would not conflict with the current surrounding zoning. Rather, the Proposed Actions would facilitate development that is well-integrated with current built conditions and the existing zoning framework within the study area. Therefore, the Proposed Project would not adversely affect surrounding land uses or zoning.

Public Policy

The Proposed Project would be supportive of several city policies, including Housing New York 2.0, OneNYC 2050, the Waterfront Revitalization Program (WRP), and Zoning for Coastal Flood Resiliency. The Proposed Project would expand the City's current affordable housing stock by introducing 2,050 affordable units across ten new mixed-use buildings. Moreover, the Proposed Project would expand facilities currently serving study area residents through the construction of the PAC, a trade school, and a daycare. A small portion of the Project Area falls within the 500-year floodplain, a moderate risk flood area (see **Appendix A**). As described below, the proposed buildings would be designed to withstand future flood events and mitigate potential flood-related damages pursuant to the City's Building Code requirements, consistent with Policy 6 of the WRP and the goals set forth by the Zoning for Coastal Flood Resiliency. Therefore, the Proposed Project would directly support relevant City policies.

Methodology

This analysis of land use, zoning, and public policy follows the guidelines set forth in the *CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *CEQR Technical Manual*, a preliminary land use and zoning assessment:

- Describes existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use;
- Characterizes the land use development trends in the area surrounding the Project Area that might be affected by the Proposed Actions; and
- Determines whether the Proposed Project is compatible with those trends or may alter them.

The following assessment method was used to determine the potential for the Proposed Project to result in significant adverse impacts on land use, zoning, and public policy:

1. Establish a "study area," a geographic area surrounding the Project Area to determine how the Proposed Project may affect the immediate surrounding area. For this assessment, a study area of a quarter mile surrounding the Project Area was used.
2. Identify data sources, including any public policies (formal plans, published reports) to be used to describe the existing and No-Action conditions related to land use, zoning, and/or public policy.
3. Assess the Proposed Actions' potential effects on land use, zoning, and public policy to determine whether the Proposed Project is consistent with or conflicts with area land uses, zoning, or the identified policies.
   - If a proposed project could conflict with the identified policies, a detailed assessment would be conducted; or
   - If the proposed project is found to not conflict with the identified policies, no further assessment is needed.

Study Area Definition

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of a proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 200 feet for a small project to 0.5 miles for a very large project. In accordance with CEQR guidelines, for the Proposed Project, land use, zoning, and public policy are described and analyzed within the study area of a quarter mile from the Project Area. For the purposes of this assessment, the study area is generally bounded by Wortman Avenue to the north, East 107th Street to the west, Van Siclen Avenue to the east, and Twinpines Drive to the south (see **Figure 2-1**).

Assessment

Existing Conditions

Land Use

Development Site and Project Area

As detailed above, the Development Site consists of Brooklyn Block 4430, Lot 1 and Block 4434, Lots 1 and 10. It is currently improved with the CCC, a two-story, 92,784-gsf church building which sits on the western portion of the Development Site and is surrounded by 383 surface parking spaces. The eastern half of the Development Site (Block 4434, Lots 1 and 10) is unpaved and vacant but used for overflow parking during church services. The proposed rezoning area, contains the Development Site as well as de minimis portions of the north side of Block 4434, Lot 60 and Block 4431, Lots 70 and 100 and is bounded by the centerlines of Flatlands Avenue (a wide street with a width of approximately 110 feet) to the north, Pennsylvania Avenue (a wide street with a width of approximately 120 feet) to the east, and Louisiana Avenue (a narrow street with a width of approximately 70 feet) to the west.

Study Area

The study area is located in East New York. As shown in **Figure 2-1** and **Table 2-1**, the neighborhood surrounding the Project Area contains a mix of uses, including residential, commercial, public facilities, open space, and industrial and manufacturing. A majority of the lot area within the study area comprises multi-family residential uses.

There are several multi-family apartment buildings and residential complexes to the south and east of the Project Area. The NYCHA Vandalia Senior Center is located directly south of the Project Area and features a complex of three ten-story affordable housing buildings. Spring Creek Towers/Starrett City is a large 140-acre affordable housing complex located to the south and east of the Project Area; it contains over 5,800 residential units in 46 buildings, with the residential towers rising up to 20 stories. The complex also includes a community center and two schools.

Other multi-family uses within the study area include the Brekeulen Houses, another NYCHA property, located to the northwest of the Project Area. This residential development extends across five blocks between Williams Avenue and East 103rd Street. The 28-building complex ranges from three to seven stories. In addition, a portion of the study area to the south of the Project Area and immediately west of Louisiana Avenue contains a complex of three-story, two-family houses as well as three-story multi-family walkup apartment buildings, both with accessory surface parking lots for residents.

Commercial uses within the study area include two shopping centers located west of Louisiana Avenue, which contain retail uses including restaurants, fast food chains, clothing stores, nail salons, and other local retail with accessory parking lots. North of the Project Area, along Flatlands Avenue, are car dealerships, an auto parts store, gas stations, and medical offices. Commercial uses are located to the north of the Project Area along

Pennsylvania Avenue; they include offices and a retail shopping center with restaurants, supermarkets, pharmacies, and surface accessory parking.

Manufacturing uses are concentrated to the north of the commercial corridor along Flatlands Avenue, between Louisiana Avenue and Pennsylvania Avenue. These uses generally include one- to two-story warehouses, self-storage facilities, an apparel distribution center, a NYC Department of Sanitation garage, and other factory and industrial facilities. These buildings are located within an M1-1 zoning district (discussed below) and are part of the Flatlands/Fairfield Industrial Business Zone (IBZ). An IBZ is a designated area established to protect existing manufacturing districts and encourage industrial business growth. IBZs seek to foster traditional New York City industries like design, fashion, and food manufacturing as well as emerging sectors like bio-engineering and urban technology. This designation is intended to foster high-performing business districts by creating competitive advantages over locating in areas outside of New York City.

In addition to the CCC, there are a mix of existing public facilities/institutions within the study area. To the west of the Project Area is an adult health care center and the Science and Medicine Middle School. Another school, P.S. 306, is located north of Cozine Avenue east of New Jersey Avenue. The Spring Creek Branch of the Brooklyn Public Library is located at the intersection of Flatlands Avenue and New Jersey Avenue.

Several open spaces are located within the study area, including the Breukelen Playground and Ballfields, which is located to the northwest of the Project Area between Louisiana Avenue and Williams Avenue. This open space includes a playground, handball courts, spray showers, and baseball fields. In addition, Fresh Creek Nature Preserve is a 42-acre salt marsh located to the west of the Project Area.

Table 2-1 Study Area Generalized Land Uses

Land Use	Number of Tax Lots[2]	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)
One & Two Family Residential	65	40	132,837	1
Multi-Family Walkup Residential	5	3	1,672,395	14
Multi-Family Elevator Residential	14	9	4,952,875	40
Mixed Commercial/Residential	1	1	915,855	7
Commercial/Office	21	13	704,703	6
Industrial & Manufacturing	15	9	930,720	8
Transportation & Utility	4	2	63,465	1
Public Facilities and Institutions	8	5	453,163	4
Open Space	13	8	1,668,220	14
Parking Facilities	9	6	691,116	6
Vacant Land	6	4	171,429	1
Total	**161**	**100%[1]**	**12,356,778**	**100%[1]**

Source: Map PLUTO 21v1

[1] Numbers may not add up to 100 percent due to rounding

[2] All Lots intersecting the quarter-mile radius study area were included in analysis

Zoning

Development Site and Project Area

As shown in **Figure 2-2**, the entirety of the Project Area, including the Development Site, is mapped with an R5 zoning district. R5 zoning districts allow for a variety of housing types, with a maximum floor area ratio (FAR) of 1.25 for most residential uses and 2.0 for community facility uses. R5 zoning typically produces three- and four-story attached houses and small apartment houses. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods. The maximum street wall height of a new building is 30 feet, with a required setback of 15 feet after the base height. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. One eight-foot-wide side yard is required for semi-detached houses in this district. Apartment houses must provide two side yards, each at least eight feet wide. Front yards must be a minimum of 10 feet and rear yards must be a minimum of 30 feet. Off-street parking is required for 85 percent of the dwelling units in the building, but requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone.

Figure 2-1 Land Use Map

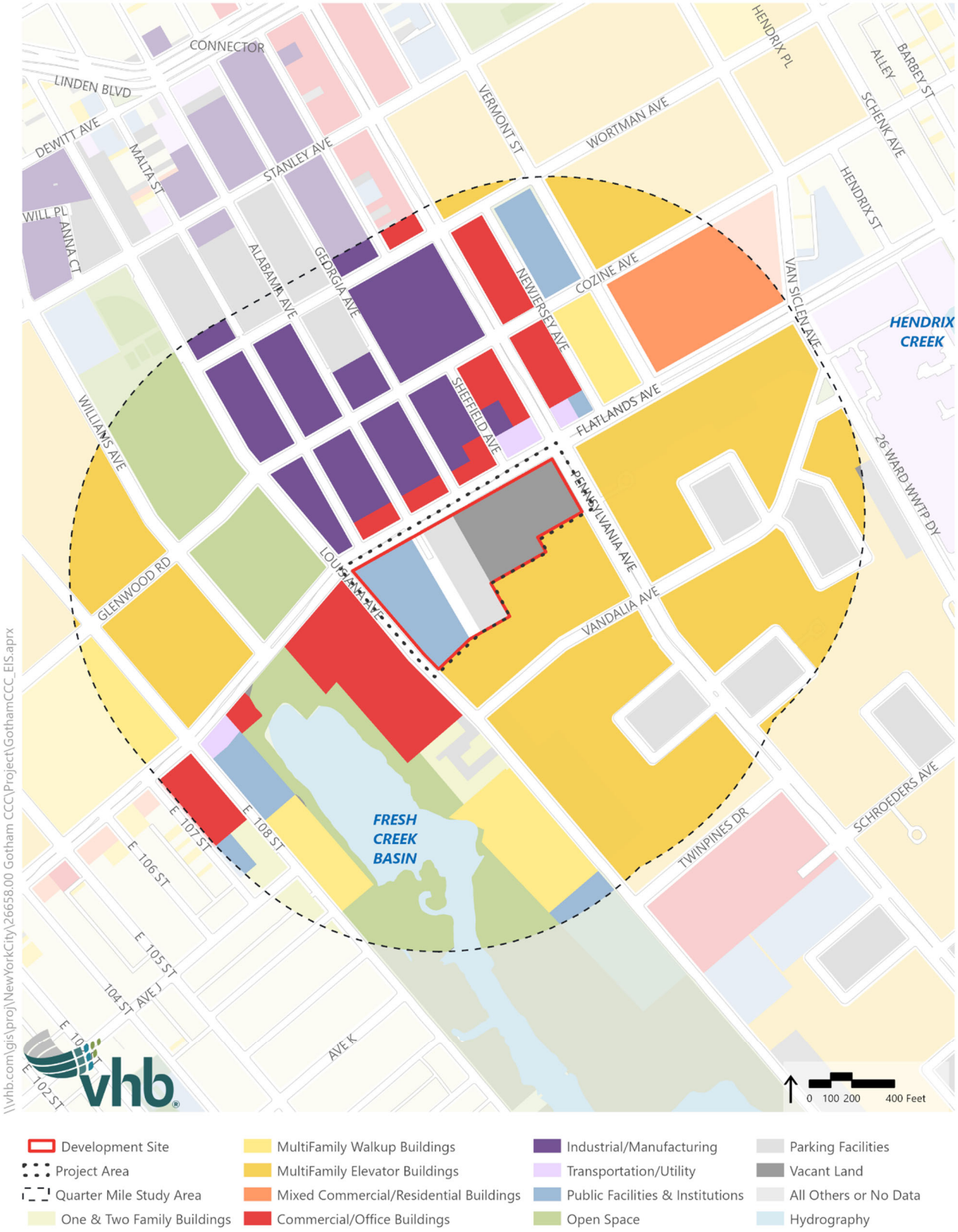
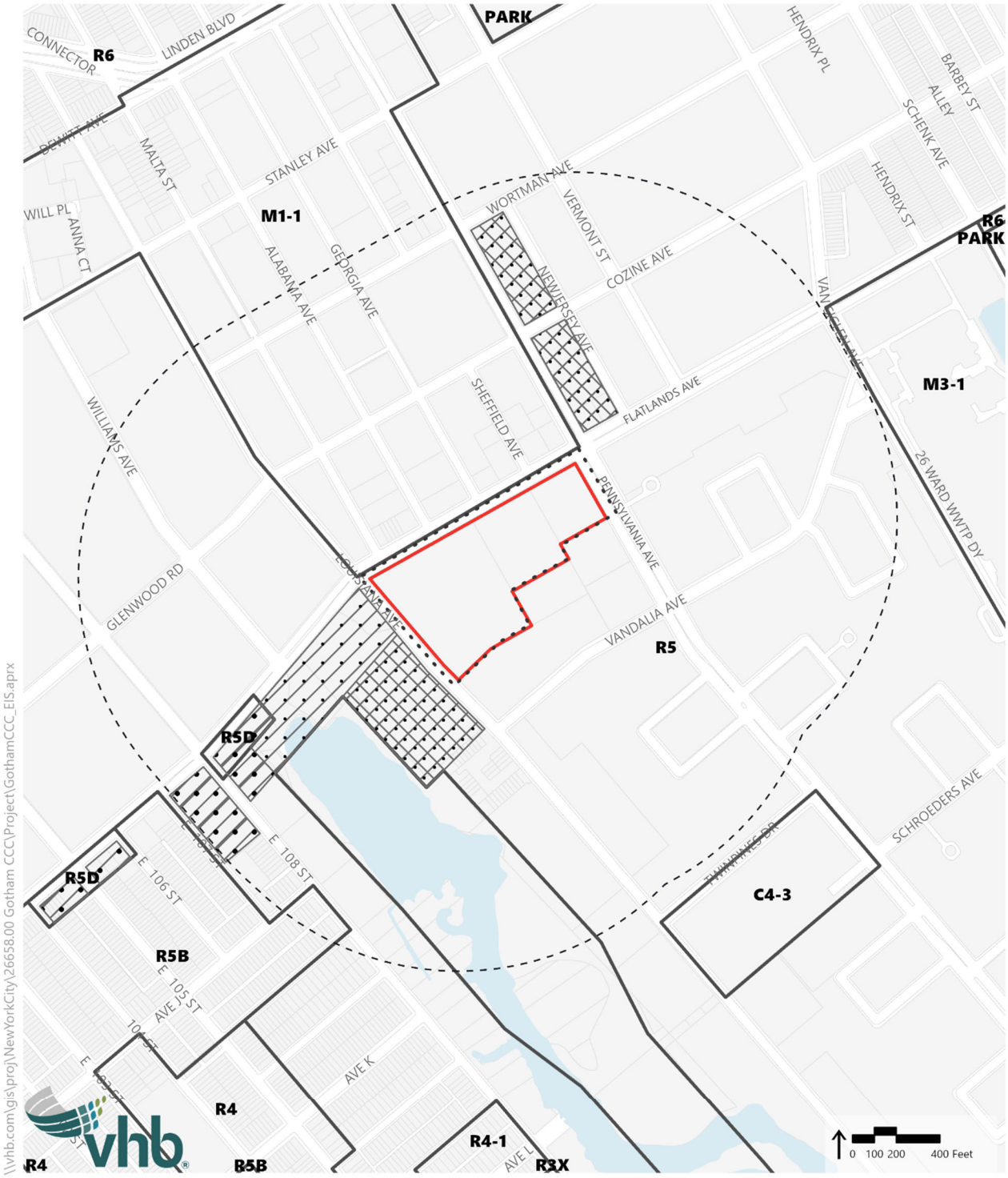


Figure 2-2 Existing Zoning Map



Study Area

The R5 zoning district is mapped on a majority of the study area, including the area generally to the south, east, and west of the Project Area. In addition to the R5 zoning, R5D and M1-1 zoning districts are also mapped within the study area. C2-2 commercial overlays are mapped along the east side of Pennsylvania Avenue north of Flatlands Avenue and along the west side of Louisiana Avenue south of Flatlands Avenue (see **Figure 2-2**). C2-1 and C2-3 commercial overlays are mapped along Flatlands Avenue west of Louisiana Avenue.

A small portion of the study area along the south side of Flatlands Avenue, just east of East 108th Street, is zoned R5D. R5D contextual districts are designed to encourage residential growth along major corridors in auto-dependent areas of the City. Characterized by moderate density, multi-family housing, R5D districts have a maximum FAR of 2.0, a height limitation of 40 feet (45 feet with a qualifying ground floor), and a significant amount of required off-street parking at 66 percent of all dwelling units. This reflects the overall reliance on automobiles.

Despite the building height limitations set forth in R5 and R5D zoning districts, it should be noted that there are existing large-scale residential developments located in the study area—including the Vandalia Senior Center, the Spring Creek Towers/Starrett City complex, and Breukelen Houses (discussed above)—that feature building heights at least 20 feet greater than the current height limitation of 40 feet. Similarly, although located just outside of the quarter-mile study area to the northeast of the Project Area, the Linden Boulevard Rezoning on Block 4496 rezoned the existing R4 and R4/C1-2 zoning districts to R8A/C2-4, R7A, and R6A zoning districts to facilitate the development of four new buildings, ranging in height from eight to twelve stories and containing approximately 521 affordable dwelling units as well as retail and community facility uses[1]. Further, the Ebenezer Plaza Rezoning, located to the north of the Project Area, rezoned an existing M1-1 zoning district to R7A/C2-4 and R7D/C2-4 zoning districts on Blocks 3860, 3861, and 3862. This action facilitated the development of two new 11-story mixed use buildings, containing approximately 531 affordable dwelling units[2]. The Applicant feels that it is important to note that these recent rezoning applications were approved within the area to allow for new residential developments that are greater in height than what was allowed by the previous zoning designation.

M1-1 zoning is mapped to the north of Flatlands Avenue between Louisiana Avenue and Pennsylvania Avenue. M1 districts typically permit light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Nearly all industrial uses are permitted in M1 districts, along with offices and most retail uses. Certain community facilities, such as hospitals, are permitted in M1 districts only by special permit, but houses of worship are allowed as-of-right. M1-1 districts have a maximum FAR of 1.0.

C2 commercial overlays mapped within the study area include C2-1, C2-2, and C2-3 districts. Specifically, a C2-1 district is mapped along the south side of Flatlands Avenue west of Louisiana Avenue and extending much of the length of the block toward East 108th Street. C2-2 overlays are mapped just south of the C2-1 district west of Louisiana Avenue, as well as on the blocks between Flatlands Avenue and Wortman Avenue between Pennsylvania

[1] City Planning Commission Report C 170430 ZMK, Linden Boulevard Rezoning, September 19, 2017.

[2] City Planning Commission Report C 170189 ZMK, Ebenezer Plaza Rezoning, July 12, 2017.

Avenue and New Jersey Avenue, to the north of the Project Area. C2-3 overlays are mapped at the southeast and southwest corners of the intersection between Flatlands Avenue and East 108th Street. C2 overlays are typically mapped within residence districts along streets that serve local retail needs. They are found extensively throughout the City's lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services, compared with C1 districts. Within R5 zoning districts, the maximum FAR for C2 overlays is 1.0. C2-1 overlays require one parking space per 150 square feet (sf) of space; C2-2 overlays require one parking space per 300 sf; and C2-3 overlays require one parking space per 400 sf.

Public Policy

Officially adopted and promulgated public policies also describe the intended use applicable to an area or site(s) in the City. Some of these policies have the force of law, while others describe general goals. They can help define the existing and future context of the land use and zoning of an area. The public policies relevant to the Proposed Actions include Fresh Zones, Housing New York 2.0, OneNYC 2050, the Waterfront Revitalization Program, and Zoning for Coastal Flood Resiliency. Each of these policies is described below.

Housing New York 2.0

The City first released Mayor Bill de Blasio's affordable housing plan, "Housing New York: A Five-Borough Ten-Year Plan," in May 2014 to create and preserve 200,000 high-quality, affordable homes over ten years. To achieve this goal, the plan aimed to double the New York City Department of Housing Preservation and Development (HPD)'s capital budget, target vacant and underused land for new development, protect tenants in rent-regulated apartments, streamline rules and processes to unlock new development opportunities, contain costs, and accelerate affordable construction. An updated version of the plan titled "Housing New York 2.0" was unveiled in November 2017, which commits to completing the initial goal of 200,000 affordable homes two years ahead of schedule, by 2022, and generating an additional 100,000 homes over the following four years by 2026. The plan detailed the key policies and programs for implementation which would:

- Create more homes for seniors by dedicating underused public lots for new affordable senior housing, and make new and preserved affordable housing more accessible to seniors and people with disabilities;
- Help New Yorkers buy a piece of their neighborhoods through new programs to construct new condos and co-ops for first-time homebuyers and help existing homeowners make needed repairs;
- Build a firewall against displacement in fast-changing neighborhoods by helping non-profits purchase traditional rent-stabilized apartment buildings and keep them affordable to current residents;
- Protect affordability at Mitchell-Lama buildings, which represent some of the last already existing affordable homeownership opportunities;
- Capitalize on advances in technology and innovative design to expand modular building and micro-units that can lower the cost of construction, build new homes faster, and respond to the city's changing demographics;

› Unlock the potential of vacant lots long considered too small or irregular for traditional housing stock with innovative smaller homes, and develop more affordable housing on lots long used for parking at existing Mitchell-Lama and HUD-regulated complexes.

OneNYC 2050

In April 2015, the Mayor's Office of Sustainability and the Mayor's Office of Climate Resiliency released "OneNYC," a comprehensive plan for a sustainable and resilient city. OneNYC represents a reworking of the sustainability plan for the City, known as "PlaNYC: A Greener, Greater New York." Like PlaNYC, growth, sustainability, and resiliency remain at the core of OneNYC, but promoting economic equity is a guiding principle throughout the plan. OneNYC has since been updated to OneNYC 2050, which was released in 2019 and consists of eight goals and thirty initiatives.

The goals of the plan are:

› A Vibrant Democracy through empowering participation, welcoming immigrants, promoting justice and equal rights, and promoting democracy and civic innovation

› An Inclusive Economy through good paying jobs and job training, economic security through fair wages and benefits, expanded decision making power of workers and communities

› Thriving Neighborhoods through affordable housing, access to neighborhood open spaces and cultural resources, community safety, and place-based community planning

› Healthy Lives through high quality, accessible health care, addressing health and mental health needs of communities, making healthy lifestyles easier, and designing a healthy physical environment

› Equity and Excellence in Education through early childhood education, equity in K-12 opportunity, and increasing integration, diversity, and inclusion in NYC schools

› A Livable Climate through carbon neutrality and clean electricity, resilience, economic opportunities through climate action, and climate accountability and justice

› Efficient Mobility through modern mass transit, safe and accessible streets, reduced congestion and emissions, and regional and global connections

› Modern Infrastructure through investments in core physical infrastructure and hazard mitigation, digital infrastructure improvement, and best practices for asset maintenance and capital project delivery.

Waterfront Revitalization Program

The Project Area is located within the Coastal Zone Boundary. The WRP is the City's principal Coastal Zone management tool and establishes a broad range of public policies for the City's coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives. The WRP was originally adopted in 1982. Subsequent revisions include incorporation of climate change and sea level rise considerations to increase the resiliency of the waterfront area, promotion of waterfront industrial development as well as commercial and recreational waterborne activities, increased restoration of ecologically significant areas, and best practices for the design of waterfront open spaces.

Zoning for Coastal Flood Resiliency

DCP has updated the Flood Resilience Zoning Text (the "2013 Flood Text") and Special Regulations for Neighborhood Recovery ("2015 Recovery Text"), which were adopted on an emergency basis after Hurricane Sandy. These zoning text amendments were adopted to advance the reconstruction of storm-damaged properties and enable new and existing buildings to comply with flood-resistant construction standards set forth in Appendix G of the New York City Building Code. These rules are set to expire and DCP updated and made them permanent. As set forth by DCP, the updated and permanent rules:

- Expand the geography where optional zoning rules apply to the 0.2 percent annual chance floodplain, in addition to the 1 percent annual chance floodplain, to facilitate investments in small resiliency improvements to buildings or otherwise proactively meet or exceed flood-resistant construction standards;
- Allow optional flexibility to measure the building envelope from a reference plane that can be placed anywhere between the Design Flood Elevation (DFE) and 10 feet above grade (for lots where at least a portion is located within the 1 percent annual chance floodplain) or a reference plane that can be placed anywhere between grade and 5 feet above grade (for lots where at least a portion is located within the 0.2 percent annual chance floodplain), so building owners can accommodate projected sea level rise when designing new buildings or retrofitting existing ones;
- Allow wet-floodproofed ground floors to be exempted from floor area, and a portion of dry floodproofed non-residential ground floors to be exempted from floor area under certain circumstances, to better create accessible and inviting streetscapes;
- Allow flexibility for existing non-compliant and/or non-conforming buildings to be retrofitted or reconstructed to meet or exceed flood-resistant construction standards, under certain circumstances;
- Allow more flexibility with permitted obstruction rules for buildings to locate mechanical, electrical and plumbing equipment above the DFE, including emergency generators, and allow flood protection measures as permitted obstructions on open areas;
- Create rules that facilitate the reconstruction of damaged buildings to allow the City to more quickly recover from future disasters.
- Limit the growth of nursing homes for residents who have negative health consequences if subject to mandatory evacuation.
- Require buildings utilizing the allowances in the text amendment to meet streetscape mitigation regulations to help alleviate the effects of elevated access and potential blank walls caused by resiliency needs;
- Modify provisions applying in the waterfront areas to ensure that existing waterfront regulations allow sites to incorporate flood risk and sea level by giving flexibility in grading and shoreline design.

Since these zoning changes would affect the Project Area, their relevant and applicable effects are analyzed below.

No-Action Condition

Under the baseline, or No-Action condition, it is assumed that the Development Site and the de minimis portions of the north side of Block 4434, Lot 60 and Block 4431, Lots 70 and 100 that comprise the Project Area would remain in its existing condition. On the Development Site, it is anticipated that the CCC would remain operational on the site, surrounded by surface parking and vacant land serving as overflow parking. No changes are anticipated to the adjacent properties that comprise the balance of the Project Area.

Land Use

In the future No-Action condition, land use would remain the same as the existing conditions on the Development Site and within the Project Area. There are no new developments anticipated within the quarter-mile study area under the future No-Action condition.

Zoning

There are no anticipated zoning changes on the Development Site and Project Area, or within the study area under the No-Action condition. The Development Site, Project Area, and study area would continue to be governed by the various zoning regulations in the area, as described in the existing conditions section above.

Public Policy

In the future No-Action condition, there are no known public policy changes that are anticipated to affect the Development Site, Project Area, or study area.

With-Action Condition

As detailed in **Chapter 1, Project Description**, the With-Action condition would include approximately 2,200,538 gsf of development (4.29 FAR) within eight new mixed-use buildings, an above grade parking garage, and the Performing Arts Center (PAC).[3] This would include approximately 100,904 gsf of community facility space, including general community facility space to include a day care (approximately 12,320 gsf), other community facility uses such as a senior center or medical clinic (approximately 9,900 gsf), and the existing CCC facility (78,684 gsf); approximately 110,570 gsf of commercial space that includes a grocery store (approximately 14,300 gsf), local retail space (approximately 65,670 gsf), a trade school (approximately 14,100 gsf) to be located in one wing of the existing CCC building, and a PAC (approximately 16,500 gsf); and approximately 343,244 gsf of parking.[4] The Proposed Project would also include approximately 84,950 sf of publicly accessible open space, consisting of a public piazza that would serve as a public facing entrance to the CCC, a public arcade and entry plaza to the central community facility core of the Proposed Project and a quad to serve as a central gathering space. Additionally, there would be approximately 36,000 sf of privately

[3] The ten buildings include eight residential buildings, the above grade parking garage, and the PAC. Residential buildings 7 and 8 are connected as one building and Buildings 9 and 10 are connected as one building, though they will have separate residential lobbies

[4] The 197,560-gsf public parking garage includes 18,400 sf of flexible space that would be provided on the roof to allow for increased parking capacity during the church's peak parking periods (Sundays and Tuesday evenings). At all other times, this space would be reserved for recreational space.

owned passive open space across the Development Site, including residential building courtyards and rooftop open areas. The Proposed Project would also include 29,400 sf of privately owned active open space, comprised of an 11,000-sf playground adjacent to the child-care facility that would be accessible to residents, and an 18,400-sf recreational space to be located on top of the public parking garage.[5]

Land Use

As detailed above, in the With-Action condition, the Applicant would redevelop the Development Site with 10 new buildings containing a mix of residential, community facility, retail, and open space uses; an above-grade parking garage; and the PAC. The Proposed Project would expand the existing community facility use within the Development Site with the addition of approximately 52,820 gsf in the form of the PAC, a trade school, a day care, and general community facility space. It would also introduce new land uses—including a total of 1,645,820 gsf of residential space, 110,570 gsf of commercial space, and 84,950 sf of new publicly-accessible open space (see **Table 1-2** in **Chapter 1, Project Description**).

The land uses under proposed With-Action conditions would be consistent with existing land uses in the study area, which as discussed above, are predominantly characterized by high-density residential uses as well as commercial uses and light manufacturing. The Proposed Project would be buffered from the light manufacturing uses to the north of Flatlands Avenue by the existing commercial uses along the north side of the roadway. The Proposed Project would also provide an extension of the existing commercial uses within the study area, including those located along Flatlands Avenue as well as Louisiana Avenue and Pennsylvania Avenue, by providing ground-floor commercial space along each of these perimeter roadways. This would support the overall integration of the Proposed Project within the existing land use context of the surrounding neighborhood.

In addition, the proposed mixed-use development would reflect a scale and bulk appropriate for an area characterized by large-scale residential complexes, including the high-density residential complexes to the east and south of the Development Site that are up to 20 stories tall. The Proposed Actions, which would facilitate development up to a maximum of 15 stories with a mix of uses, would provide a more natural land use transition from these existing uses to the south and east to the more mixed-use character to the north of Flatlands Avenue and east of Louisiana Avenue. The integration of high quality, publicly accessible open space in the form of a public piazza, a public arcade and entry plaza, and a central quad, is further aligned to the design of large-scale mixed-use developments within the study area that also provide open spaces; the added open spaces support the integration of the Proposed Project with surrounding open space and residential uses in the study area. In addition, in comparison to the No-Action condition—which would maintain surface parking as well as the vacant parcel at the eastern edge of the Development Site—the With-Action condition would provide a more active mix of uses that complement the surrounding area, and thus would represent an improvement over the No-Action condition. Overall, no significant adverse impacts to land use are anticipated.

[5] The rooftop recreation space would be accessible to the public except during peak church parking demand periods on Tuesday evenings and Sundays. The playground would be available to the public outside of day care operating hours.

Zoning

As described below, the Applicant is seeking approval for a zoning map amendment, two zoning text amendments, and special permits—including a special permit pursuant to Zoning Resolution (ZR) Section 74-743(a)(2) to locate buildings within a large-scale general development without regard to yard, distance between buildings, and height and setback regulations in order to allow for the centralized community-centered core and street-oriented residential buildings envisioned by the Proposed Project. These comprise the Proposed Actions; they would be mostly limited to the Project Area and would not alter any existing zoning districts within the surrounding area (see **Figure 2-3**).

The Proposed Actions are described below, followed by a discussion of each action.

Proposed Zoning Map Amendment

A zoning map amendment to Zoning Map 17d would rezone the Project Area from R5 to R7-2 with a C2-4 commercial overlay. As shown in **Figure 2-3**, the C2-4 overlay would be mapped on the entire Project Area.

Proposed Zoning Text Amendments

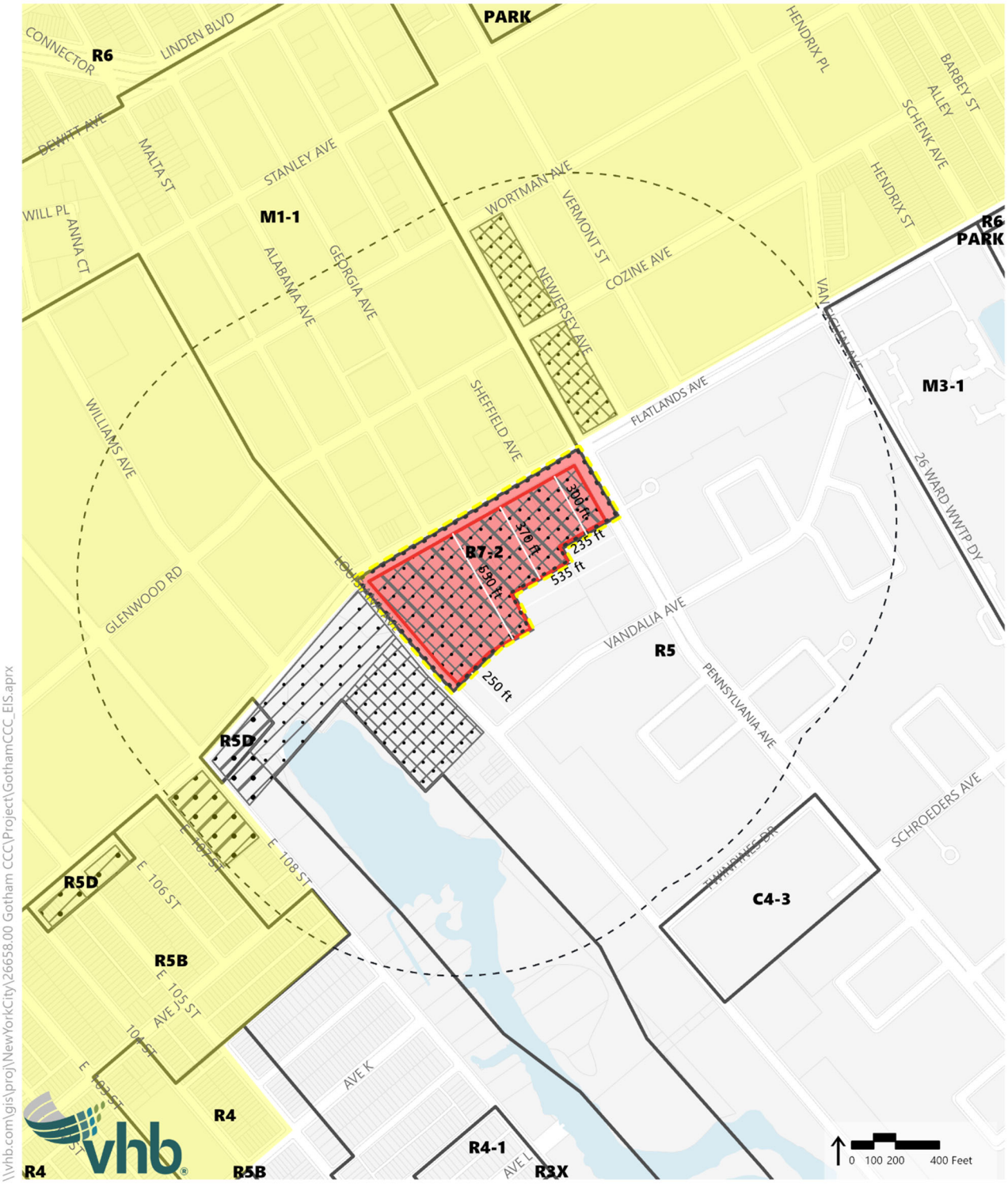
Appendix F

A zoning text amendment to Appendix F of the Zoning Resolution (ZR), "Mandatory Inclusionary Housing Areas," would establish a Mandatory Inclusionary Housing (MIH) area that is coterminous with the Project Area. It is the Applicant's intention that the Proposed Project would comply with and exceed the requirements of the City's MIH program. Sitewide, the Proposed Project would include 50 percent of units at or below 60 percent of Area Median Income ("AMI"), 25 percent of units at or below 80 percent AMI, and 25 percent of units at or below 100 percent AMI. The non-MIH units would be income-based affordable housing through various city and state programs for low, moderate, and middle-income families.

Appendix I

A zoning text amendment to Appendix I would expand the boundary of the Transit Zone to include the Project Area. Currently, Transit Zone 12 is limited to the area to the north of Flatlands Avenue. Transit Zones are areas where special lower accessory parking requirements apply for various types of affordable housing, including income-restricted housing units. In general, these are areas of the City beyond the Manhattan Core within one-half mile of a subway station where auto ownership rates are among the lowest in the City.

Figure 2-3 Proposed Zoning Map



Special Permits

Special Permit Pursuant to ZR Section 74-743(a)(2)

The Applicant is requesting a special permit pursuant to ZR 74-743(a)(2) to locate buildings without regard for yard, court, distance between buildings, and height and setback regulations in general large-scale developments. This special permit would allow for the centralized community-centered core and street-oriented residential buildings envisioned by the Proposed Project.

Yards

The Development Site is comprised of a series of corner lot and interior lot areas and would require a series of yards adjacent to the common lot line with the neighboring property even though a significant setback exists between the common lot line and the adjoining buildings. Waiving side and rear year requirements in this area allows for the location of the PAC in the center of the Development Site and the introduction of a central quad as a new open space for the community. The yard waivers would also allow for the location of the parking garage in proximity to the PAC and the CCC. Accordingly, the Applicant is requesting a modification of the rear yard requirements of ZR Section 23-47 (Minimum Required Rear Yards) and the special side yard requirements of Section 23-51 (Special Provisions for Yards Adjacent to R1 Through R5 Districts) to eliminate yard requirements along the southern boundary of the Development Site.

Distance between buildings

In order to introduce a residential presence along Louisiana Avenue and at the same time maintain the CCC in its existing location, limited modifications to the requirements of ZR Section 23-711 (Standard minimum distance between buildings) are requested between the primary residential building along Louisiana Avenue and the CCC building. At the closest point, there would be a separation of 31 feet between the two buildings; the amount of separation quickly expands to 47 feet-6 inches in the areas where the modification is requested. In addition, because the CCC building is only 40 feet tall, this condition is limited to the lowest floors of the residential building and would be a window to wall condition as opposed to facing windows.

Height and Setback

While the proposed R7-2 district provides an appropriate density for the Project Area and the Proposed Project, R7-2 MIH developments are subject to height and setback controls that do not allow for the strong street wall presence and variation in heights envisioned for the Proposed Project. In particular, MIH developments are limited to a height of 75 feet within 10 feet of a wide street and 15 feet of a narrow street and an overall building height of the lesser of 135 feet or 13 stories. While much of the Proposed Project would comply with the maximum height limitation, the height of the Proposed Project's street wall would exceed the 75-foot height in several locations. In addition, portions of each of the buildings along Flatlands Avenue would exceed the 135-foot height limitation by one story for three buildings (to a height of 145 feet) and by two stories (to a height of 150 feet) for the building located at the intersection of Flatlands and Pennsylvania Avenues. The additional

heights allow for buildings with a dynamic and varied profile with building elements ranging from six to fifteen stories creating visual interest throughout the project. The higher elements also allow for the introduction of the quad to the center of the Development Site surrounded by the lower scale community facility core. Accordingly, a modification to ZR Sections 23-693 (Special provisions applying adjacent to R1 through R6B Districts), 23-951 (Height and Setback for Compensated Developments in Inclusionary Housing Designated Areas), 23-952 (Height and Setback in Mandatory Inclusionary Housing Areas), and 23-66 (Height and Setback Requirements for Quality Housing Buildings) is being requested by the Applicant to permit modifications of maximum base height before setback and maximum building height controls.

Special Permit Pursuant to ZR 74-512

The Applicant is requesting a special permit pursuant to ZR 74-512 to allow a public parking garage with more than 150 spaces with some spaces being located on the roof of the public parking garage for use during periods of peak demand at the church (Sundays and Tuesday evenings).

Assessment

The Proposed Actions would allow for higher-density residential development on the Development Site, consistent with the R7-2 zoning district regulations proposed for the Project Area, as well as expanded community facility space and new retail uses permitted by the C2-4 commercial overlay. It is the Applicant's belief that the Proposed Actions would allow the bulk, uses, and density that would be appropriate for and compatible with the existing zoning conditions within the study area and would facilitate a better site design for the Development Site, as detailed below.

The proposed zoning map amendment would establish an R7-2 zoning district with a C2-4 overlay. Compared with the R5 zoning, which would remain in place under the No-Action condition and would typically produce three- and four-story residential buildings, the R7-2 district would facilitate higher-density residential development more compatible with the existing built conditions to the east and south of the Project Area. The C2-4 commercial overlay would allow for local retail uses, including a grocery store, within the ground-floors of the proposed residential buildings, which would serve the existing and future residents in the study area.

As discussed above, the mixed-use building form would integrate the Development Site within the context of the largely multi-family residential study area as well as the existing commercial development across from the study area along Flatlands, Louisiana, and Pennsylvania Avenues. This represents an improvement over the No-Action condition, which would maintain a majority of the Development Site for surface parking and vacant land that is occasionally used as an overflow parking area for the church.

The proposed zoning text amendments would establish an MIH area in the Project Area and would extend the boundary of the Transit Zone 12 to include the Project Area. These text amendments would facilitate the development of affordable housing which has been identified as a significant need both in the East New York neighborhood and citywide, as discussed below. Moreover, the extension of the Transit Zone to include the Project Area would encourage the use of public transportation by future residents by reducing the

number of required accessory parking spaces. The Development Site is served by a range of transit options, including the subway (the East 105th Street stop on the L is located a six and a half block walk from the Project Area) and several bus lines, including the BM2 Express, BM5 Express, B6, B6 limited, B60, B82, B82 Select Bus Service (SBS), B83, and B103 limited bus lines, providing local and express service throughout Brooklyn, Manhattan, and Queens. The extension of the Transit Zone and would better reflect these various public transportation options available to the local community in this area.

The special permit to locate buildings without regard for yard, court, distance between buildings, and height and setback regulations in general large-scale developments would facilitate better site design, including private streets and sidewalks for circulation and a pedestrian-friendly Development Site centered around the central quad. As detailed above, the proposed increase in building heights would facilitate the development of buildings with a dynamic and varied profile, reflecting the range of building heights under the current built condition within the study area.

The special permit for a public parking garage with more than 150 spaces would allow for a garage of sufficient size to serve the congregants of the CCC and the visitors to the PAC. CCC congregants travel from areas outside of the study area and have different transportation needs than the future residents introduced by the Proposed Project. The special permit would consolidate the existing surface parking into an enclosed facility allowing for the productive use of the Development Site as compared to the No-Action condition.

Overall, the Proposed Actions would increase the density and building heights permitted on the Development Site, ensure that residential development on the Development Site contains affordable housing, and encourage the use of public transportation. While the Proposed Project would be of greater density and bulk than the No-Action condition on the Development Site, the proposed density would be comparable to multi-family developments located to the northwest, south, and east of the Development Site, including the NYCHA Breukelen Houses and Spring Creek Towers/Starrett City development as well as the large-scale residential development that resulted from rezonings at Linden Boulevard and Ebenezer Plaza (located outside of the study area). Such density is necessary to facilitate the provision of affordable housing and related amenities in the form of expanded community facility space, local retail, and open space. Therefore, the Proposed Actions would not result in a significant adverse impact to zoning.

Public Policy

The Proposed Actions would not result in any changes to public policies affecting the study area. As discussed below, the Proposed Actions would be consistent with, and supportive of, the public policies relevant to the study area.

Housing New York 2.0

The Proposed Actions would be consistent with the Housing New York 2.0 plan as follows:

Create more homes for seniors

The Proposed Project would provide approximately 2,050 affordable dwelling units of which up to 200 units would be exclusively for seniors.

Build a firewall against displacement

The Proposed Project involves funding from the City in partnership with the CCC, a faith-based community facility, to construct multi-family residential apartments. The new buildings would provide approximately 2,050 affordable mixed-income dwelling units. Sitewide, the Proposed Project would include 50 percent of units at 60 percent of AMI or less; 25 percent of units at 80 percent of AMI or less; and 25 percent of units at 100 percent of AMI or less. The non-MIH units would be income-based affordable housing through various city and state programs for low, moderate, and middle income. The income bands for the affordable housing units in excess of the MIH requirement, and the applicable programs for the senior/supportive housing units, will remain subject to the availability of capital subsidy and other public capital sources at the time of construction.

Unlock the potential of vacant lots

The buildings proposed under the Proposed Project would be constructed on the currently vacant and underutilized lots that include: Block 4434, Lots 1 and 10.

Based on the foregoing, the Proposed Actions would contribute to achieving the City's goal of creating new affordable housing units in underutilized lots that are targeted towards senior and mixed-income populations and would be supportive of this public policy.

OneNYC 2050

The Proposed Project would support several of the initiatives outlined in OneNYC 2050, as detailed below.

Goal 3: Thriving Neighborhoods

Initiative 9: Ensure all New Yorkers have access to safe, secure, and affordable housing

This goal is focused around fostering communities that have safe and affordable housing and are well-served by parks, cultural resources, and shared spaces. As noted, the Proposed Actions would introduce 2,050 new affordable housing units to the East New York neighborhood, and would exceed the requirements of the City's MIH program. As such, the Proposed Actions would be in support of this initiative by expanding the City's affordable housing stock.

Initiative 10: Ensure all New Yorkers have access to neighborhood open spaces and cultural resources

This initiative seeks to increase the number of shared spaces throughout the City in the form of public open spaces, plazas, and cultural institutions such as art venues and libraries. The Proposed Project would include approximately 84,950 sf of publicly accessible open space consisting of: a piazza on the corner of Flatlands and Louisiana Avenues, providing a much more porous and public facing entrance to the Christian Cultural Center than the present condition. The piazza would have both passive space for sitting and mingling as well larger

areas of gently graded hardscape suitable for active programing and events; contemplative gardens flanking the piazza that would provide landscaped pedestrian connections to the rest of the site; a central quad, which would form the civic heart of the site, anchored by the PAC and bookended on either side by the trade school and childcare facility. The quadrangle would have planted areas, a lawn and a paved assembly space with a stage for events; and a public arcade and entry plaza lined with additional community facility space. The arcade and entry plaza would provide public access for the PAC and open up the quadrangle to Flatlands Avenue. The PAC would include up to 299 seats. These amenities would be supportive of the goal of increasing access to open spaces and cultural resources in the City.

Goal 4: Healthy Lives

Initiative 15: Make healthy lifestyles easier in all neighborhoods

This initiative is centered around providing access to nutritious foods across all communities in order to promote positive health outcomes. The Proposed Project would introduce 14,300 gsf of commercial space that would be allocated to a new grocery store on the Development Site. This would provide an opportunity for residents onsite and in the surrounding area to purchase healthy foods. As such, the Proposed Project supports this initiative by expanding healthy food options in the community.

Waterfront Revitalization Program

Because the Project Area is located within the New York City Coastal Zone, the Proposed Actions are subject to review for their consistency with the City's WRP. In accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the Proposed Actions' consistency with the WRP policies was undertaken. This preliminary evaluation requires completion of the WRP Consistency Assessment Form (CAF), which contains a series of questions designed to screen out those policies that would have no bearing on a consistency determination for a proposed action (see **Appendix A**). The CAF lists the WRP policies and indicates whether a proposed project would promote or hinder that policy, or if that policy would not be applicable. For any policies which may be affected, this section provides additional information and assessment. As detailed in **Appendix A**, the Proposed Actions would be consistent with WRP policies (WRP# 18-208).

Zoning for Coastal Flood Resiliency

The implementation of Zoning for Coastal Flood Resiliency (ZCFR) would allow developers to measure height from a reference plane up to five feet above the DFE for proposed developments in the 0.2 percent annual chance floodplain, which could result in buildings up to five feet taller. The lowest floor elevations of all of the proposed buildings would be above 10 feet BFE. Therefore, the Proposed Project is consistent with this policy.