1034-1042 Atlantic Avenue Rezoning
Community District 8, Brooklyn
April 13, 2021

1. Introduction

EMP Capital Group (the "Applicant") proposes a series of land use actions, including a rezoning from an existing M1-1 zoning district to C6-3A (R9A equivalent) and R7A/C2-4 zoning districts in the Crown Heights neighborhood within Brooklyn Community District 8. The proposed Project Area consists of Block 1125, Lots 29, 33, 40, 52, 53, 57, 59, and 61 (the "Project Area"). The following actions are proposed:

1. a zoning map amendment to change the existing M1-1 zoning district to:
    a. a C6-3A zoning district measuring approximately 315 ft. by 100 ft. bounded in part by Atlantic and Classon Avenues; and
    b. an R7A/C2-4 zoning district measuring approximately 315 ft. by 100 ft. bounded in part by Classon Avenue and Pacific Street;
2. a text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 8, Brooklyn, to establish a Mandatory Inclusionary Housing ("MIH") Area with Options 1 and 2 to provide maximum flexibility;
3. a text amendment to modify ZR § 35-66 to permit a minimum 20-foot sidewalk along Atlantic Avenue; and
4. a special permit pursuant to ZR § 74-533 to reduce the number of required accessory parking spaces.

The proposed actions would facilitate the development of 1034-1042 Atlantic Avenue located on Block 1125, Lots 29 and 33 (the "Development Site"). The applicant proposes to build an approximately 172,800 sf (7.20 FAR) mixed-use commercial, community facility, and residential development with two separate buildings. The Atlantic Avenue building, a 142,615 sf (7.93 FAR) 17-story building would be built within the C6-3A portion of the Project Area (frontage along Atlantic Avenue) and the Pacific Street building, a 30,185 sf (5.04 FAR) 9-story building would be built within the R7A/C2-4 portion (frontage along Pacific Street) (together, the "Proposed Development"). The Proposed Development will provide approximately 210 dwelling units, including approximately 52-63 permanently affordable dwelling units pursuant to MIH. The Proposed Development would also include approximately 11,900 sf (0.5 FAR) of commercial space and a 2,580 sf (0.1 FAR) youth center community facility space. The Proposed Development would provide parking at the cellar level with approximately 20 residential parking spaces.

2. Background

The Project Area is located at the northwestern part of the Crown Heights neighborhood. In collaboration with the local Community Board, the Department of City Planning ("DCP") has led area-wide rezonings of nearly all of the residential areas surrounding the existing M1-1 zoning district where the Project Area is located. However, the existing M1-1 zoning district has remained generally unchanged since it was mapped in 1961.

<u>DCP-Sponsored Rezoning Actions</u>

In 1994, a large portion of the Prospect Heights neighborhood to the west of the Project Area was rezoned as part of the Prospect Heights Rezoning (C 930430 ZMK, effective February 9, 1994). The Prospect Heights Rezoning established contextual zoning districts in a 53-block portion of the neighborhood in the western part of Community District 8 and a portion of Community District 6. It changed the predominantly R6 zoning to R6B, R6A, R7A, and R8X districts with commercial overlays along Washington, Vanderbilt, and Flatbush Avenues. In addition, it changed several

M1-1 zoning districts to R7A, R6B and R6A.

In 2007, much of the area north of Atlantic Avenue was rezoned in the Fort Greene and Clinton Hill rezoning (C 070430ZMK, N 070431 ZRY, effective July 25, 2007). The rezoning changed all or portions of 99 blocks from R6, R7-1, R7-2 and M1-1 districts to contextual R5B, R6B, R6A and R7A districts, including an R7A district with a C2-4 overlay along the north side of Atlantic Avenue between Classon and Vanderbilt Avenues. R7A districts were mapped to create new housing opportunities in areas that could support greater density within contextual zoning districts that establish height limits. In addition, the rezoning established Inclusionary Housing Designated Areas ("IHDA") generally along portions of Fulton Street and Myrtle Avenue and portions of surrounding areas. The Inclusionary Housing program provides incentives for the creation and preservation of affordable housing.

Also in 2007, the Bedford-Stuyvesant South Rezoning (C 070447 ZMK, N 070448 ZRY, effective October 29, 2007), rezoned an approximately 206-block area to the north of the Project Area with contextual districts, including R6A, R6B, R7D, C4-5D, and MX-10 (M1-1/R7D) districts, some with commercial overlays. The Bedford-Stuyvesant South Rezoning also made the Inclusionary Housing Program applicable in R7D and C4-5D districts. This rezoning also created the R7D district, which requires ground floor non-residential uses when mapped with a C2-4 commercial overlay. The R7D-zoned areas are located on Fulton Street, a couple of blocks north of the Development Site.

In 2013, the area to the south of the Project Area was rezoned as part of the Crown Heights West Rezoning (C 130213 ZMK, N 130212 ZRK, effective September 24, 2013) that affected an approximately 55-block area in the western part of Crown Heights that mapped contextual R6B, R6A, and R7A districts and commercial overlays. An R7A was mapped on 18 full and partial blocks between St. Johns Place and Eastern Parkway, along Franklin Avenue, and on portions of blocks between Franklin and Classon Avenues north of Park Place. The Project Area is directly to the north of the Dean Street and Classon Avenue boundary of this rezoning. The Crown Heights West rezoning established new IHDA to incentivize the development of affordable housing.

Private Applications

In 2009, the 470 Vanderbilt Rezoning (C 090441 ZMK, N 090442 ZRK, effective September 30, 2009) mapped a C6-3A (R9A equivalent) district on the block bounded by Atlantic Avenue, Fulton Street, Claremont Avenue, and Vanderbilt Avenue to facilitate development of a 376-unit new mixed-use building with ground floor retail.

The 1350 Bedford Avenue Rezoning (C 190070 ZMK, N 170071 ZRK, effective July 20, 2017) changed an existing R6A zoning district to an R7D district to the east of the Project Area on property at the corner of Bedford Avenue and Pacific Street to facilitate the development of a new nine-story residential building containing approximately 93 units of affordable housing.

The 809 Atlantic Avenue Rezoning (C 170071 ZMK, N 190074 ZRK, C 190072 ZKS, C 190073 ZSK, effective April 9, 2019) rezoned the R7A/C2-4 zoning district to an R9/C2-5 district, to the west of the Project Area, along Atlantic Avenue, and bounded by Vanderbilt and Clinton Avenues, to facilitate the development of a new 237,000-square foot mixed-use development containing retail, office and residential uses (approximately 38 units of affordable housing). Special permits pursuant to ZR Sections 74-711 and 74-533 were also approved to modify bulk regulations and to reduce parking requirements at the site.

The 1010 Pacific Street Rezoning (C 180042 ZMK, N 180043 ZRK, effective May 8, 2019) rezoned the existing M1-1 zoning district located directly to the south of the Project Area to an R7A/C2-4 zoning district to facilitate the construction of a nine-story mixed residential, commercial, and community facility building.

The 1050 Pacific Street Rezoning (C 160175 ZMK, N 160176 ZRK, effective May 8, 2019) rezoned the existing M1-1 zoning district to the southeast of the Project Area to an MX (M1-4/R7A) zoning district to facilitate a new eight-story mixed use development on Pacific Street between Franklin and Classon Avenues.

The Grand Avenue and Pacific Street Rezoning (C 190256 ZMK and N 190257 ZRK, effective September 3, 2020) rezoned the existing M1-1 zoning district to the west of the Project Area to R7D/C2-4 and R7A/C2-4 zoning districts to facilitate a new mixed use development on the corner of Pacific Street and Grand Avenue.

The 840 Atlantic Avenue Rezoning (C 210249 ZMK and N 210250 ZRK) is currently in ULURP. The rezoning seeks: (1) a zoning map amendment to rezone the southeast corner of Atlantic and Vanderbilt Avenues to a C6-3X zoning district; (2) a zoning text amendment to designate the Project Area as an MIH area; and (3) a zoning text amendment to create Section 35-662 of the Zoning Resolution allowing special street wall regulations to apply to zoning lots along Atlantic Avenue C6-3X zoning districts in Community District 8 in the Borough of Brooklyn. The actions would facilitate the development of a new 18-story mixed residential, retail, and community facility building.

M1-1 District Study

In 2015, Community Board 8 issued a resolution requesting that DCP study rezoning of the M1-1 zoned area where the proposed Project Area is located. The resolution stated:

> Whereas a six-block area located in the northwest sector of Crown Heights and bound by Atlantic Avenue, Franklin Avenue, Bergen Street, and Grand Avenue is currently zoned M1-1 (the "M1-1 Zone"); and
>
> Whereas Community Board 8 finds that: the M1-1 Zone contains many properties that are vacant or otherwise underutilized, and that the current zoning provides little economic incentive for owners to improve such properties so that they can become productive; and
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> Whereas adjoining neighborhoods outside the M1-1 Zone are experiencing strong demand for both residential and commercial real estate; and
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> Whereas Community Board 8 finds that there yet remains an urgent need for affordable housing and jobs paying a living wage or better to be created within its District;

Since that time, Community Board 8 has worked to produce a plan to address the above concerns. In support of this effort, DCP is engaged in an area-wide study to establish a zoning framework through ongoing discussions with Community Board 8 and local stakeholders. In May 2019, DCP issued its M-Crown Land Use Framework to facilitate mixed-use developments within the study area. DCP aims to support new housing with affordable housing and to promote job-generating uses near public transportation. DCP's framework would include: (1) the Atlantic Avenue Mixed-Use Subarea which would consist of a high density mix of commercial and residential uses, (2) the Western Mid-Block Mixed-Use Subarea which would encourage moderate density with greater density along the north/south avenues, and (3) the Eastern Mid-Block Commercial and Industrial Subarea, which would maintain and support a cluster of commercial and industrial uses. On September 12, 2019, Community Board 8 issued its M-Crown Resolution. Community Board 8's framework includes: (1) a Commercial Subzone comprised of lots on the south side of Atlantic Avenue between Vanderbilt Avenue and Classon Avenue, which would permit residential and commercial use, with requirements for a non-residential ground floor; (2) a Mixed Use Subzone to the south permitting residential and commercial uses, with preferential floor area increases for non-residential use, with a portion to be used for light-industrial, arts-related, cultural, civic and repair and production service uses; (3) a new Medium-density Manufacturing Subzone which would provide a preferential floor area for non-retail use; (4) a new High-density Manufacturing Subzone that would provide preferential floor area for non-retail use; and (5) new affordable residential units limited to MIH Option 1.

Other Land Use Actions

The Board of Standards and Appeals ("BSA") has granted numerous variance applications within an approximately three-block radius of the Proposed Project Area (the "Surrounding Area") that permitted residential developments in the M1-1 zoning district. The BSA found that conforming

manufacturing uses would not be feasible for several lots within the Surrounding Area. *See* BSA Cal. No. 275-00-BZ (BSA granted a use variance pursuant to ZR § 72-21 to permit the conversion of the three upper floors of a four story manufacturing building to residential use at 860 Atlantic Avenue); BSA Cal. No. 220/221-14-BZ (BSA granted a use variance to permit the construction of two, three-story single family residential buildings at 8 and 10 Underhill Avenue); BSA Cal. No. 122-05-BZ (BSA granted a variance to permit a new 13-story residential building in a manufacturing district at 525 Clinton Avenue); BSA Cal. Nos. 23-01-BZ, 3-01-BZ and 238-02-BZ (BSA granted variances to permit the conversion of manufacturing buildings to residential buildings at 618, 626, and 638 Dean Street).

3. Description of the Surrounding Area

The Project Area is located in the northwestern portion of the Crown Heights neighborhood, within Brooklyn Community District 8. Existing land uses within the surrounding area primarily consist of industrial, commercial, one- and two-family residences, multi-family residences, mixed commercial and residential buildings, and vacant land. The industrial buildings range from one to four stories in height, and the residential buildings range from two to fourteen stories in height. The subject Block 1125 is improved with residential, commercial, manufacturing, and parking uses, as well as vacant land. The Pacific Street frontages of the block are largely occupied by three- and four-story multi-family walk-up residential buildings, with the exception of a two-story gym (Global Strongman Gym), a one-story manufacturing building, parking uses, a single vacant lot on the corner and Pacific Street and Grand Avenue, and a two-story CubeSmart self-storage facility with frontages along Pacific Street, Classon Avenue and Atlantic Avenue. The Atlantic Avenue frontages of the block are largely occupied by one-story manufacturing uses and several three-story mixed commercial and residential buildings on the western portion of the block. The Prospect Heights Shul, a religious institutional use, is also located on the subject block along Pacific Street.

The block to the south of the Project Area, Block 1133, contains mostly vacant land and parking uses. The block is also sprinkled with several one- and two-story manufacturing buildings with frontages along Pacific Street and Classon Avenue. There are also approximately eight two- and three-story multi-family walk-up residential buildings and four commercial buildings along Pacific Street and Dean Street.

The Lowry Triangle is located approximately two blocks west of the Project Area. The area is a public park with open space and seating. The Crispus Attucks Playground is located two blocks north of the Project Area at the corner of Fulton Street and Classon Avenue. There are several community facility uses, including religious institutions and schools, located within the Surrounding Area. Religious institutions include the Nigerian-American Muslim Integrated Community Center on Dean Street, the Baitush Sharaf Jame Masjid Mosque on Bergen Street, the Brooklyn Pentecostal Assembly on Classon Avenue and the Bethel Seventh-Day Adventist Church, among others. The Acorn Community High School is located on Grand Avenue and the Brooklyn Arts & Science Elementary School is located on St. Marks Avenue, both south of the Project Area.

Additional residential, commercial and mixed uses are located to the west and east of the Project Area. The Long Island Railroad's below-grade Vanderbilt Yard is located to the west of the Project Area and is the location of future proposed development associated with the Pacific Park project developed under the New York State General Project Plan. The project is estimated for a 2025 completion date and will introduce higher-density mixed-use development to the neighborhood. 550 Vanderbilt, located to the west of the Project Area, is an 18-story residential building with ground floor retail uses.

The blocks to the north of the Project Area contain manufacturing, residential, mixed residential and commercial and institutional uses.

There are contextual zoning districts mapped withing a 600-foot radius of the Project Area, including R7A, R6A, R7D, and R6B zoning districts with C2-4 commercial overlays on the north side of Atlantic Avenue, Pacific Street and Grand Avenue. To the southeast of the Project Area, there is an MX (M1-4/R7A) zoning district on Block 1134. The existing zoning districts in the surrounding area include:

M1-1

The Project Area is within an M1-1 zoning district established in 1961, which extends beyond the Project Area to the east and west generally between Atlantic Avenue to the north, Bergen and Pacific streets to the south. The M1-1 district is primarily characterized by one- and two-story industrial buildings and open uses. In addition, there are three- and some four-story residential buildings. There are many vacant or underutilized parcels in the M1-1 district. The existing M1-1 zoning district permits light industrial uses, such as woodworking shops, repair shops, wholesale service, storage facilities, limited community facility uses, and commercial uses. New residential use is not permitted within the M1-1 district. The maximum floor area ratio ("FAR") for permitted manufacturing and commercial uses within the M1-1 district is 1.0 and 2.4 for permitted community facility uses. Off-street parking is required for manufacturing and commercial uses, and for most uses is calculated based on the amount of floor area. In M1-1 districts, the off-street parking requirement may be waived if fewer than fifteen spaces are required

MX (M1-4/R7A)

There is an MX (M1-4/R7A) zoning district mapped to the southeast of the Project Area on Block 1134. The district was mapped pursuant to the 1050 Pacific Street Rezoning (C 160175 ZMK, N 160176 ZRK, effective May 8, 2019). The MX-20 (M1-4/R7A) zoning district is a Special Mixed Use District. R7A district allows up to 4.6 FAR for residential uses when mapped in an Inclusionary Housing area, a maximum base height of 75 feet, or seven stories, and a maximum building height of 95 feet, or nine stories. Residential buildings and portions of buildings must comply with Quality Housing program regulations. Off-street parking is generally required for 50 percent of the dwelling units and optional for income-restricted units within the Transit Zone. M1-4 districts permit a maximum FAR of 2.0 for a range of commercial and industrial uses with no off-street parking requirement. When paired, M1-4 and R7A districts form a Special Mixed Use or MX District (MX-20) where most light industrial uses would be permitted as-of-right, while others are subject to restrictions, and heavy industrial (Use Group 18) uses are excluded altogether, except for small breweries.

R7A/C2-4

There are R7A/C2-4 zoning districts mapped to the north and south of the Project Area generally along the north side of Atlantic Avenue, Pacific Street and Fulton Street. These areas are Inclusionary Housing Designated Areas ("IHDA"), along Atlantic Avenue only, where the Inclusionary Housing program provides zoning incentives for the creation and preservation of affordable housing in conjunction with new development. R7A is a contextual district that allows for new medium-density residential development and community facilities. R7A districts allow for residential development up to 4.6 FAR in Inclusionary Housing Designated Areas and MIH Areas with a maximum base FAR of 4.0, and community facility uses up to 4.0 FAR. The building form requires a street wall of 40 to 75 feet, a setback above the maximum base height, and a maximum building height of up to 95 feet for Inclusionary Housing buildings with a qualifying ground floor. R7A districts require off-street parking for 50 percent of the dwelling units in a building, with an exemption from parking for income-restricted units within the Transit Zone. The C2-4 commercial overlay is mapped along streets that serve local retail needs. The C2-4 commercial overlay permits Use Groups 5 through 9 and 14, allowing commercial development with up to 2.0 FAR. The C2-4 overlay requires one accessory parking space per 1,000 sq. ft. of commercial floor area for general retail or service uses.

R7D/C2-4

There are existing R7D/C2-4 zoning districts mapped to the north of the Project Area along Fulton Street and on the subject block with frontages along Pacific Street and Grand Avenue. R7D is a contextual district that promotes new medium-density residential development along transit corridors. R7D districts allow for residential development up to 4.2 FAR and up to 5.6 FAR in Inclusionary Housing Designated Areas. Quality Housing bulk regulations are mandatory in R7D districts and produce buildings set at or near the

street line. The base height of a new building must be 60 to 85 feet before setback, rising to a maximum 100 feet, or 105 feet if providing a qualifying ground floor. The C2-4 commercial overlay is mapped along streets that serve local retail needs. The C2-4 commercial overlay permits Use Groups 5 through 9 and 14, allowing commercial development with up to 2.0 FAR. The C2-4 overlay requires one accessory parking space per 1,000 sq. ft. of commercial floor area for general retail or service uses.

R6B

To the north of the Project Area is an R6B zoning district mapped generally along Lefferts Place (a small R6B area falls within the 600-foot radius, to the south of the Project Area along Bergen Street). The R6B zoning district permits residential uses with a maximum FAR of 2.0, a minimum streetwall height of 30 feet, a maximum streetwall height of 40 feet, and a maximum building height of 50 feet. R6B districts require off-street parking for 50 percent of the dwelling units in a building, with an exemption from parking for income-restricted units within the Transit Zone. The Quality Housing program is mandatory for residential developments.

R6A

There is an existing R6A zoning district to the south of the Project Area and is mapped generally south of Dean Street and along Classon Avenue. R6A districts are medium-density contextual districts that permit residential and community facility uses. R6A districts allow a maximum FAR of 3.0 for residential and community facility uses (up to 3.6 for residential uses with Inclusionary Housing in designated areas). Bulk regulations for R6A districts require a base height between 40 feet and 65 feet and have a maximum total height limit of 75 feet for Quality Housing buildings with qualifying ground floors (up to 85 feet with Inclusionary Housing in designated areas). R6A districts require off-street parking for 50 percent of the dwelling units in a building, with an exemption from parking for income-restricted units within the Transit Zone.

Although not located within the 600-foot radius, there is an existing C6-3A zoning district located to the northwest of the Project Area on the block bounded by Atlantic Avenue, Fulton Street, Claremont Avenue, and Vanderbilt Avenue. The district was mapped pursuant to the 470 Vanderbilt Avenue Rezoning (C 090441 ZMK). C6-3A zoning districts are contextual districts with maximum building heights and follow R9A bulk requirements. C6-3A zoning districts have maximum permitted FAR of 8.5 (R9A equivalent).

Public Transportation

There are numerous public transportation options for bus and subway service near the Project Area. The B48 line runs north/south along Classon Avenue, the B65 runs east/west along Dean Street, and the B25 runs east/west along Fulton Avenue. There is a CitiBike bike sharing station located on the subject block at the corner of Pacific Street and Classon Avenue, and one station located north of the Project Area at the corner of Fulton Street and Irving Place. The Franklin Avenue subway station with A and C line service is located two blocks north of the Project Area at the intersection of Franklin Avenue and Fulton Street. The Clinton-Washington Avenue subway stations with A and C line service is located approximately four blocks northwest of the Project Area. The Park Place subway station with Shuttle service is located five blocks south of the Project Area. Additionally, the Project Area is located approximately five blocks east of Flatbush Avenue which serves the 2, 3, 4, 5, B, and Q subway lines. The Long Island Rail Road Atlantic Terminal train station is located approximately 1 mile west of the Project Area and provides commuter rail connections for the Babylon, Far Rockaway, Hempstead, Long Beach, and City Zone lines, which run east into Long Island and west to Pennsylvania Station in Manhattan.

Other Zoning Designations

As noted above, there are Inclusionary Housing Designated Areas mapped to the north of the Project Area along Atlantic Avenue and Fulton Street.

The Project Area and surrounding area are located within a FRESH-eligible program area for

zoning and discretionary tax incentives. In addition, the Project Area is located within the Transit Zone pursuant to ZR Appendix G, where reduced parking requirements apply to developments with income-restricted housing units.

4. Description of the Proposed Project Area

The Project Area (Block 1125, Lots 29, 33, 40, 52, 53, 57, 59, and 61) is located in the Crown Heights neighborhood within Brooklyn Community District 8. The Project Area is near the borders of Brooklyn Community Districts 2 and 3, which have district boundaries running along Atlantic Avenue and Classon Avenue, just east of the Project Area. The Project Area has approximately 315 feet of total frontage along Atlantic Avenue, approximately 200 feet of total frontage along Classon Avenue and approximately 315 feet of total frontage along Pacific Street. The Project Area has a total of approximately 63,000 sf of aggregate lot area.

The Development Site

The Development Site (Block 1125, Lots 29 and 33; 1034-1042 Atlantic Avenue) is controlled by the Applicant and is approximately 24,000 sq. ft. with approximately 160 feet of frontage along Atlantic Avenue and 60 feet of frontage along Pacific Street.

Block 1125, Lots 29 is an approximately 12,000 sq. ft. lot improved with a vacant one-story warehouse building with an aggregate floor area of approximately 3,915 sq. ft. (0.33 FAR).

Block 1125, Lot 33 is an approximately 12,000 sq. ft. lot improved with a two-story, 24,000 sq. ft. (2.0 FAR) vacant warehouse.

Non-Applicant Controlled Sites

Block 1125, Lot 40 (1050 Atlantic Avenue) is an approximately 26,450 sq. ft. lot improved with a two-story, 50,550 sq. ft. (1.91 FAR) self-storage facility (CubeSmart).

Block 1125, Lot 52 (1041 Pacific Street) is an approximately 2,000 sq. ft. unimproved lot used for parking.

Block 1125, Lot 53 (1039 Pacific Street) is an approximately 2,000 sq. ft. lot improved with a three-story, 2,700 sq. ft. (1.35 FAR) multi-family residential building with three dwelling units.

Block 1125, Lot 57 (1033 Pacific Street) is an approximately 2,400 sq. ft. lot improved with a four-story, 6,000 sq. ft. (2.5 FAR) multi-family residential building with eight dwelling units.

Block 1125, Lot 59 (1031 Pacific Street) is an approximately 2,400 sq. ft. lot improved with a four-story, 6,000 sq. ft. (2.5 FAR) multi-family residential building with eight dwelling units.

Block 1125, Lot 61 (1025-1029 Pacific Street) is an approximately 3,200 sq. ft. lot improved with a one-story commercial retail business.

5. Description of Proposed Development Site

The proposed Development Site is located at 1034-1042 Atlantic Avenue and consists of two tax lots (Block 1125, Lots 29 and 33) totaling approximately 24,000 sq. ft. of lot area. The Development Site has approximately 160 feet of frontage along Atlantic Avenue and 60 feet of frontage along Pacific Street. Atlantic Avenue is a 120-foot wide street. Lot 29 is approximately 12,000 sq. ft. and contains a vacant one-story warehouse building. Lot 33 is an approximately 12,000 sq. ft. lot improved with a two-story, 24,000 sq. ft. vacant warehouse.

6. Description of the Proposed Developments

The proposed actions would facilitate the development of a new seventeen-story mixed residential, commercial and community facility building with approximately 172,800 sf of floor area (7.2 FAR), 210 dwelling units, including approximately 52-63 permanently affordable units and local retail. The Atlantic Avenue building will be an approximately 142,615 sf mixed-use building with

131,170 sf (7.29 FAR) of residential floor area, 10,850 sf (0.6 FAR) and 595 sf (0.03 FAR) of community facility floor area. The building will have a height of 175'-0" and will have 174 dwelling units. 20 parking spaces will be provided within the cellar. The Pacific Street building will be approximately 30,185 sf building with 27,150 sf (4.52 FAR) of residential floor area, 1,050 sf (0.19 FAR) of commercial floor area, and 1.985 sf (0.33 FAR) of community facility floor area. The Pacific Street building will have a height of 95'-0 and will provide 36 dwelling units. No parking will be provided. The Applicant is seeking a special permit to waive 35-39 spaces for the total project, depending on the MIH affordability option.

7. Actions Necessary to Facilitate the Project

The following actions are necessary to facilitate the proposed project:

1. a zoning map amendment to change the existing M1-1 zoning district to:
    a. a C6-3A zoning district measuring approximately 315 ft. by 100 ft. bounded in part by Atlantic and Classon Avenues; and
    b. an R7A/C2-4 zoning district measuring approximately 315 ft. by 100 ft. bounded in part by Classon Avenue and Pacific Street;
2. a text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 8, Brooklyn, to establish a Mandatory Inclusionary Housing ("MIH") Area with Options 1 and 2 to provide maximum flexibility;
3. a text amendment to modify ZR § 35-66 allow a minimum 20-foot sidewalk along Atlantic Avenue and;
4. a special permit pursuant to ZR § 74-533 to reduce the number of required accessory parking spaces.

<u>Proposed Zoning Map Amendments</u>

The Project Area is located on a block primarily characterized by vacant uses or open parking and is ideally suited to support growth for the Crown Heights neighborhood. It is in close proximity to existing residential districts and to public transit. There are numerous public transportation options for bus and subway service near the Project Area including the Franklin Avenue subway station with C and S line service located at the intersection of Fulton Street and Franklin Avenue to the northeast of the Project Area, the 2, 3, 4, 5, B, and Q subway lines to the south of the Project Area, and four bus lines.

The Project Area is mapped in an M1-1 zoning district that does not permit residential development. The proposed rezoning would bring the three existing residential buildings on Lots 59, 57, and 53 into conformance. The existing M1-1 district has a low maximum FAR and high parking requirement, which do not provide an incentive for new conforming development. The proposed rezoning would encourage reinvestment in the Crown Heights Neighborhood. The Project Area and surrounding area within the M1-1 district are underutilized and present an opportunity for new mixed-use growth. The proposed C6-3A district is a high-density contextual district that would permit residential development at a maximum FAR of 8.5 for developments with permanent affordable housing set asides pursuant to the MIH program or 6.0 FAR for a commercial development. The Proposed R7A/C2-4 zoning district is a medium-density contextual district that would permit residential development at a maximum FAR of 4.6 for developments with permanent affordable housing set asides pursuant to the MIH program. The proposed C6-3A is appropriate due to the Project Area's location on Atlantic Avenue (a major arterial route), proximity to public transit, and proximity to retail and services. Atlantic Avenue is a 120 ft. wide street that can accommodate taller buildings while allowing access to light and air. The Pacific Park development is located to the west of the Project Area. Pacific Park is a 22-acre mixed commercial and residential development consisting of 17 buildings and the Barclays Center. Pacific Park introduces a greater density than would be allowed by the proposed C6-3A zoning district on the south side of Atlantic Avenue. The proposed 840 Atlantic Avenue is located

approximately 0.4 miles to the west of the Project Area at the corner of Atlantic and Vanderbilt Avenues and is proposed to map a C6-3X zoning district. An R9/C2-5 district is mapped across the street from the 840 Atlantic Avenue at 809 Atlantic Avenue. The proposed C6-3A would act as a continuation of this trend from Pacific Park, while stepping down to the lower zoning districts. The built context of the south side of Atlantic Avenue is denser than the north side of Atlantic and can support the proposed density. The proposed R7A zoning district is consistent with R7A districts mapped in the area. It would permit medium-density residential development at a maximum FAR of 4.6 for developments with a permanent affordable housing set aside pursuant to the MIH program. R7A zoning districts are mapped on Pacific Street on both sides of Classon Avenue, as well as located on the south eastern corner of Pacific Street and Grand Avenue. The proposed rezoning aligns with DCP's M-Crown visions of a 7-8 FAR located within the Commercial Subzone.

Mapping the proposed C6-3A and R7A/C2-4 districts would further the City's goals by promoting development on underutilized property proximate to an existing residential community and public transit that is undergoing a substantial rise in the price of housing related to an inadequate supply of housing to meet the current demand. C6-3A and R7A/C2-4 districts promote new contextual mixed-use developments along transit corridors. The Proposed Project Area is underutilized and would benefit from the development of mixed-use buildings, as Atlantic Avenue is a commercial thoroughfare.

The proposed rezoning would provide new opportunities for affordable and market-rate housing development in an area experiencing population growth. According to the 2017-2018 ACS Profile, total population grew by 15.2 percent in the local Census Tract encompassing the Project Area, Brooklyn 305. In addition, within the Crown Heights North Tabulation Area where the proposed Project Area is located, the number of housing units increased by 7.7% from the 2006-2010 ACS Profile to the 2014-2018 ACS Profile. This reflects the strong demand for housing in this area as more New Yorkers seek to live in the Inner Ring[1] communities of Brooklyn. The proposed development would add 210 new housing units to help meet the demand, with approximately 52 – 63 affordable dwelling units.

According to the Furman Center's State of New York City's Housing and Neighborhoods in 2018, median monthly rent in Community District 8 rose from $1,080 in 2006 to $1,400 in 2018 as the demand for housing placed upward pressure on the supply of housing. It reports that median asking rents were substantially higher at $2,570 in 2018 having risen rapidly from $1,870 in 2018.[2] The proposed rezoning would thus promote the development of new high-density housing with active ground floor commercial uses to serve the neighborhood, provide jobs, and enliven the Atlantic Avenue streetscape. The proposed rezoning would also provide for the productive and more intensive reuse of underutilized properties. The rezoning would make three existing residential buildings (Lots 53, 57, and 59) conforming.

Mandatory Inclusionary Housing Area Text Amendment

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 25-30 percent of residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. The Applicant proposes mapping both MIH Option 1 and Option 2 within the Project Area to provide maximum flexibility for non-Applicant controlled sites. The applicant will seek additional input from Brooklyn Community Board 8 and the Council Member regarding the level of affordability for the Proposed Development. The proposed affordable housing set asides would ensure that development within the Project Area would address the critical need for new affordable housing in Brooklyn Community District 8. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by increasing

[1] The "Inner Ring" is a collection of transit-rich neighborhoods in Upper Manhattan, the Bronx, Western Queens and Brooklyn, identified in the Inner Ring Residential Parking Study, NYC Department of City Planning, December 2013
[2] State of the City 2019: Crown Heights/Prospect Heights BK08
https://furmancenter.org/neighborhoods/view/crown-heights-prospect-heights

affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development.

Furthermore, new affordable housing is a critical need in Brooklyn Community District 8, where nearly half of the households are rent burdened. According to the U.S. Census Bureau, ACS 2011-15 Five Year Estimates for Public Use Microdata Area (PUMA) 4006 (which approximates Brooklyn Community District 8), 42.9 percent of households spend 35 percent or more of their income on rent.

Text Amendment: ZR Section 35-66

The proposed text amendment to ZR § 35-66 will allow sidewalks along Atlantic Avenue to be a minimum of 20 feet wide. The proposed text amendment will require that zoning lots with frontage along Atlantic Avenue in C6-3A zoning districts in Brooklyn Community District 8, comply with the street wall provisions of ZR § 35-651(a).

Special Permit for Required Accessory Parking Reduction

The proposed special permit pursuant to ZR § 74-533 is necessary to provide a partial waiver of the 59 required parking spaces to 20 parking spaces for the non-income-restricted units at the Proposed Development Site. Without the proposed special permit, the required spaces would need to be provided, which would be both prohibitively costly and would cause a reduction in the number of units. Furthermore, the Project Area is well served by public transportation with multiple options for subway and bus service. The proposed waiver of 39 parking spaces would facilitate the creation of income-restricted housing units by allowing the proposed development to concentrate available financial resources on the production of affordable housing rather than parking. The proposed waiver in parking significantly contributes to the financial feasibility of the project.

Collectively, the proposed land use actions would facilitate the development of a mixed-use building with approximately 210 dwelling units, of which 52-63 are to be permanently affordable. The proposed actions represent an opportunity to pioneer transit-oriented, mixed-use development of both affordable housing and job-generating space, that is appropriate for the surrounding neighborhood and consistent with community and citywide goals. The proposed actions would encourage investment in the neighborhood and promote opportunities for workers to live in the vicinity of new jobs. The proposed actions will enhance the vitality and character of the neighborhood.

8. Conclusion

The Applicant proposes a zoning map amendment to map C6-3A and R7A zoning districts in the Project Area currently zoned as M1-1, a zoning text amendment to establish the Project Area as an MIH Area, a zoning text amendment to modify ZR Section 35-66 to permit a minimum 20-foot sidewalk along Atlantic Avenue, and a special permit pursuant to ZR Section 74-533 to reduce the number of required accessory parking spaces. The proposed actions would facilitate mixed-use development in the Crown Heights neighborhood within Brooklyn Community District 8. The proposed development would create approximately 210 new dwelling units, with approximately 52-63 permanently affordable units, community facility space and new local retail for the neighborhood. The proposed rezoning would provide increased opportunities for housing development on underutilized sites, including mandatory affordable housing and non-residential use. The MIH program ensures that new development within the Project Area would address the need for housing that serves low-income levels. These actions would be consistent with the City's goals of strengthening neighborhoods, expanding housing, including affordable housing, and employment in transit accessible areas while respecting the character of surrounding residential communities.