840 Atlantic Avenue Rezoning
Block 1122, Lots 1, 9, 10, 68, 69, 70, and 71
Borough of Brooklyn
February 25, 2021

Introduction

This is an application by Vanderbilt Atlantic Holdings LLC (the "Applicant"), the ground lessee of 840 Atlantic Avenue (Block 1122, Lots 1, 9, 10, 68, 69, 70 and 71), Borough of Brooklyn (the "Development Site"), located in Brooklyn Community District 8 on the borders of Prospect Heights and Clinton Hill, for certain land use actions to facilitate a new 18-story mixed residential, retail, and community facility building (the "Proposed Development"). The land use actions required to facilitate the Proposed Development are as follows:

1. Zoning map amendment to rezone a portion of the Development Site from M1-1 and R6B to a C6-3X zoning district (which is an R9X equivalent) for a depth of 200 feet from Vanderbilt Avenue along Atlantic Avenue, and for a depth of 125 feet from Vanderbilt Avenue along Pacific Street (the "Rezoning Area");
2. Zoning text amendment to designate a portion of the Project Area as a Mandatory Inclusionary Housing area in Appendix F of the Zoning Resolution; and
3. 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 in C6-3X zoning districts in Community District 8 in the Borough of Brooklyn.

Background

The Development Site has been primarily mapped with an M1-1 zoning district since 1961, when the Zoning Resolution was first adopted. In 1961, much of the surrounding area, concentrated on Atlantic Avenue was also zoned M1-1. Over the years, portions of the M1-1 district have been rezoned piecemeal over the years in connection with neighborhood rezonings or to facilitate specific projects. Today, the M1-1 district mapped over the Development Site is a vestige of what was once a much larger M1-1 district mapped over Atlantic Avenue and several blocks to the north and south, running from Flatbush Avenue

to many blocks eastward. In 1975, the Department of City Planning initiated a rezoning of large portions of the M1-1 district within Prospect Heights to an R6 district in order to "have the zoning more closely confirm to the existing development in the area" (CPC No. 23005).[1] The 1975 rezoning rezoned a 50-foot-wide portion of the Development Site on Pacific Street from M1-1 to R6. In 2001, a portion of the block north of Dean Street between Flatbush and Carlton Avenues was rezoned from M1-1 to C4-4A pursuant to CPC No. C 000024 ZMK to facilitate the residential conversion of the former Daily News printing plant. In 2007, more of the M1-1 district on the north side of Atlantic Avenue was rezoned to R7A, R6A and R6B in the Fort Greene-Clinton Hill Rezoning (CPC No. C070430 ZMK).[2] In the Fort Greene-Clinton Hill Rezoning, the north side of Atlantic Avenue between Vanderbilt Avenue and Classon Avenue was rezoned from M1-1 to R7A/C2-4 and mapped with an Inclusionary Housing Designated area, as part of the stated goal of the rezoning to facilitate housing growth and incentives for affordable housing on Atlantic Avenue. In 2009, 470 Vanderbilt Avenue was rezoned from M1-1 to C6-3A to facilitate a new mixed-use building and to allow the conversion and expansion of an existing loft building.[3] And finally, in 2019, 809 Atlantic Avenue (directly across from the Development Site) was rezoned from R7A/C2-4, R7A and R6A zoning districts to an R9/C2-5 zoning district and an R6A zoning district, and granted a ZR 74-711 special permit to modify bulk regulations and a ZR 74-533 special permit to waive residential parking requirements to facilitate a new 29-story, 312-foot-tall mixed retail, office and residential tower.[4]

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[1] In 1994, the southern portion of Prospect Heights was rezoned from R6 to R6B (with R7A along Vanderbilt Avenue) to preserve the contextual character of the neighborhood, pursuant to CPC No. 930430 ZMK (the "Prospect Heights Rezoning"). In the Prospect Heights Rezoning, the 50-foot-wide R6 portion of the Development Site on Pacific Street was rezoned to R6B, while the remainder of the Development Site remained in an M1-1 district.

[2] The Fort Greene-Clinton Hill rezoning was initiated by Community Board 2 and rezoned ninety-nine blocks with contextual districts to prevent out-of-context development inconsistent with the low-rise, townhouse character of the neighborhood.

[3] 470 Vanderbilt, which is directly to the northwest of the Development Site, received a ULURP approval for a general large-scale development (C 090443 ZSK, et. al.) in 2009 to allow, among other things, conversion of the 7-10 story loft building to offices and a new residential development. The 2009 ULURP approval rezoned the site from M1-1 and R6/C2-3 zoning districts to a C6-3A zoning district, a commercial district with an R9A residential equivalent that allows up to an 8.5 residential FAR.

[4] CPC No. C190072ZSK. R9/C2-5 districts permit up to an 8.0 FAR for residential use within an MIH area and up to 2.0 FAR for commercial use. The development will be comprised of two buildings, a four-story retail, office, and residential building and a 29-story, 312-foot-tall retail, office, and residential tower. A transfer of up to 70,000 square feet of development rights from the adjacent Episcopal Church of St. Luke & St. Matthew allows the new

The area along Atlantic Avenue and surrounding blocks is undergoing a transformation due to new construction, particularly the development of Pacific Park (formerly known as Atlantic Yards), a 22-acre mixed commercial and residential development comprised of 17 high-rise buildings and Barclay's Center. Pacific Park is located on five blocks stretching from Vanderbilt Avenue to Fourth Avenue, located above the Long Island Railroad train yard. The full Pacific Park project is slated to include approximately 6,430 apartments, of which 2,250 are affordable, and 250,000 square feet of retail space, at least 336,000 square feet of office space, and 8 acres of publicly accessible open space. Completion is anticipated in 2035, although the affordable housing must be fully built by 2025. Building heights at Pacific Park will range from 202 to 511 feet. The 18-story building at 550 Vanderbilt Avenue, which lies directly to the southwest of the Development Site, was the first of the Pacific Park buildings to be constructed, in 2017. Barclays Center and Atlantic Terminal are located two long blocks to the west of the Development Site. Barclays Center is a 17,000-person capacity sports and entertainment arena, and the adjacent Atlantic Terminal is a regional shopping and transit hub, with an LIRR station, numerous bus routes, and stations for the 2/3/4/5/B/D/N/Q/R/W subway lines. Pacific Park is a state project overseen by the Empire State Development Corporation, a New York State public benefit corporation, and is not subject to the New York City Zoning Resolution.

In 2009, the New York City Landmarks Preservation Commission designated the Prospect Heights Historic District, mapped over much of the southeast portion of Prospect Heights, east of Flatbush Avenue and west of Washington Avenue. It covers many single-family row houses and apartment buildings constructed between the middle of the nineteenth century and early twentieth century. The Development Site is not within the Prospect Heights Historic District.

The land use subcommittee of Community Board 8, with the cooperation of the Department of City Planning, has been studying a potential rezoning of the M1-1 district along Atlantic Avenue. The study is called M Crown, and its goal is to determine opportunities that would foster a dynamic new mixed-use neighborhood that contains affordable housing, job-generating commercial and community facility development, and allows for the creation or preservation of industrial space.

312-foot-tall development at 809 Atlantic Avenue to contain 237,146 square feet of floor area on a 21,068 square foot development site, and the 74-711 special permit bulk waivers allowed the building's tower and floor area to be concentrated at the corner of Atlantic Avenue and Vanderbilt Avenue.

Surrounding Area

The Development Site is located in Brooklyn Community District 8, on the south side of Atlantic Avenue, a major Brooklyn thoroughfare serving as the border between Prospect Heights to the south and Fort Greene and Clinton Hill to the north. Prospect Heights is a neighborhood that contains three- to four-story historic pre-war brownstone townhouses on side streets, with larger apartment buildings concentrated on the avenues and Grand Army Plaza to the south.

The surrounding area contains a mix of residential, commercial, community facility, and auto-oriented uses. The neighborhoods of Prospect Heights, Clinton Hill, and Fort Greene are primarily residential row house neighborhoods with some medium-density apartment buildings. Vanderbilt Avenue (which is 100 feet wide) and Fulton Street (which is 80 feet wide) to the north serve as the nearest nearby retail corridors. Atlantic Avenue, which is 120 feet wide, contains primarily auto-related uses and some retail such as hardware stores, kitchen supply, self-storage, and institutional uses such as New York City Human Resources Administration and New York City Housing Authority offices in the office building at 470 Vanderbilt Avenue.

There are some newer high-rise apartment buildings near Atlantic Avenue. 550 Vanderbilt, the first of the Pacific Park buildings to be constructed, is an 18-story building directly across from the Development Site on Vanderbilt Avenue. While still under construction, 809 Atlantic Avenue, directly across from the Development Site, will be developed with a new 29-story, 312-foot-tall residential, office and retail tower.

Public transit in the surrounding area is abundant. The Rezoning Area is within walking distance of a number of MTA subway stations, the most prominent being Atlantic Avenue-Barclays Center, a subway station served by ten trains: the 2, 3, 4, 5, D, N, Q, B, R, and W trains. Three blocks to the west is Atlantic Terminal, which contains an LIRR station, numerous bus routes, and stations for the 2/3/4/5/B/D/N/Q/R/W subway lines. The 4, 5, B, Q, 2, and 3 trains run along Flatbush Avenue and beyond, with stops at Bergen Street (for the 2 and 3 trains), 7th Avenue (for the B and Q trains) and Grand Army Plaza (for the 2 and 3 trains). The Clinton/Washington stop for the C train is one block away, on Fulton Street to the north of the Development Site. Among many other buses in the surrounding area, the B69 bus runs along Vanderbilt Avenue, linking Downtown Brooklyn and Kensington, the B45 runs along

Atlantic Avenue, linking Downtown Brooklyn with Crown Heights, and the B65 runs along Dean Street and Bergen, linking Downtown Brooklyn with Crown Heights. The LIRR station in Atlantic Terminal contains the westernmost stop of the Long Island Railroad, linking Downtown Brooklyn to East New York, Jamaica, Far Rockaway (and JFK Airport), Hempstead, and West Hempstead. There are four Citibike stations within a block of the Rezoning Area, and Vanderbilt Avenue has a two-way, north-south bicycle lane.

The Development Site is currently zoned M1-1 and R6B. Most of the Development Site is zoned M1-1. The portion of the Development Site zoned R6B is that portion beyond 100 feet of Vanderbilt Avenue on the Pacific Street side. Zoning districts mapped over the surrounding area vary. A M1-1 district extends along Atlantic Avenue, from Barclays Center to Nostrand Avenue; however, the portion of the M1-1 directly to the west of the Development Site is part of the future "Pacific Park" development and will be constructed to between an approximately 8.2 to 10.3 FAR under the General Project Plan adopted by the New York State Urban Development Corporation. Many of the surrounding townhouse midblocks are zoned R6B, R6A and R6. An R7A district with a C1-4 overlay runs down Vanderbilt Avenue, and an R7A district with a C2-4 overlay runs along Fulton Street, to the north of the Development Site. R7A districts allow a residential FAR of 4.0 and buildings with a maximum height of 85 feet . C1-4 and C2-4 commercial overlays allow a commercial FAR of 2.0 when paired with an R7A district.

809 Atlantic Avenue, directly to the north of the Development Site, was recently rezoned from an R7A/C2-4 zoning district (a district which allows a 4.6 residential FAR), to an R9/C2-5 zoning district, and mapped with an MIH area. R9 districts allow up to an 8.0 residential FAR if paired with a Mandatory Inclusionary Housing area or voluntary Inclusionary Housing Area. Buildings in R9 districts may rise to a maximum height of 175 feet under Quality Housing regulations, and, under tower regulations, are not subject to a maximum height.

The M1-1 and R6B zoning districts are described in greater detail in the next section regarding the Project Area and Development Site.

Description of the Project Area and Development Site

The Development Site, 840 Atlantic Avenue, is comprised of seven tax lots on Tax Block 1122: Lots 1, 9, 10, 68, 69, 70, and 71. The Development Site is coterminous with the Project Area. The Development Site is an L-shaped site with 38,800 square feet of lot area, located the southeast corner of Atlantic Avenue (a 120-foot wide "wide street") and Vanderbilt Avenue (a 100-foot-wide "wide street"). The Development Site has 218 feet of frontage on Atlantic Avenue, 200 feet of frontage on Vanderbilt Avenue, and 170 feet of frontage on Pacific Street. Lots 1, 68, and 71 currently contain a McDonald's fast food establishment with a drive-through and accessory parking. Lots 69 and 70 each contain a three-story office and residential building fronting on Pacific Street (each with two dwelling units) and a two-story residential building in the rear (each with two dwelling units). Lots 69 and 70 are flanked by two driveways to the McDonald's, one on each side of the two lots, both driveways entering from Pacific Street. Lots 9 and 10 front on Atlantic Avenue and contain, respectively, an open area for storage, and a three-story building with an eating and drinking establishment and residential use above.

The existing 1-story McDonald's fast food establishment contains approximately 3,760 square feet of floor area. Lots 1, 68 and 71 collectively comprise 29,000 square feet of lot area. Thus, those lots are developed at an approximately 0.13 FAR. The two residential buildings on each of Lots 69 and 70 comprise approximately 3,000 square feet on a 2,500 square foot lot, so Lots 69 and 70 are each approximately built at a 1.2 FAR. Lot 9, which is vacant, has an FAR of 0. And the three-story building on Lot 10 has an approximate floor area of 2,500 square feet on a 2,400 square foot lot, for an FAR of 1.04.

The Development Site is currently zoned M1-1 and R6B. The M1-1 zoning district extends to within 100 feet of Vanderbilt Avenue on the Pacific Street side of the Development Site, and extends for the full width of the Development Site on the Atlantic Avenue side of the Development Site (which is 218 feet). The remaining 70 feet of the Development Site along Pacific Street, beyond 100 feet from Vanderbilt Avenue, is located in an R6B zoning district.

The majority of the Development Site is located in an M1-1 zoning district. In M1-1 zoning districts, developments are permitted a 1.0 FAR for commercial and manufacturing uses and a 2.4 FAR for community facility uses. Developments are governed by sky exposure plane regulations in M1-1 districts;

at the Development Site, a building's front street wall may rise to a height of 30 feet or two stories, whichever is less, above which a 15-foot setback must be provided along Atlantic and Vanderbilt Avenues, and a 20-foot setback along Pacific Street. Above the setback, the building must comply with a sky exposure plane of 1 foot of vertical distance to 1 foot of horizontal distance. If alternate front setback regulations are followed, the building must provide an open area of either 15 feet (on Pacific Street) or 10 feet (on Atlantic and Vanderbilt Avenues), and at a height of 30 feet above the street line a sky exposure plane of 1.4 feet of vertical distance to 1 foot of horizontal distance commences, which the building may not penetrate. Under sky exposure plane regulations, there is no maximum height limit. Parking requirements in M1-1 districts vary by use; for Use Group 16 self-storage facilities, one space per every 3 employees is required; for Use Group 6A general retail and Use Group 6B office, one space per every 300 square feet is required, and for Use Group 6A food stores exceeding 2,000 square feet, one space per every 200 square feet is required. For manufacturing and industrial uses, one space per every 1,000 square feet, or 1 space per 3 employees, whichever requires a greater number of spaces, is required.

A 7,000 square foot (70 foot by 100 foot) portion of the Development Site is in an R6B zoning district, a contextual district which requires Quality Housing developments, with frontage on Pacific Street, a narrow street. R6B zoning districts allow residential and community facility uses at a 2.0 FAR. At a 2.0 FAR, 14,000 square feet of residential uses would be permitted on the 7,000 square foot R6B portion of the Development Site. Community facility and residential lot coverage is restricted to 60% for interior and through lots and 80% for corner lots (although residential uses may reach 100% lot coverage for corner lots). R6B height and setback regulations allow a maximum base height of 40 feet, above which a 15-foot setback must be provided along Pacific Street (a narrow street). Buildings in R6B districts may rise to a maximum height of 55 feet and a maximum of five stories if a Quality Ground Floor is provided. The R6B district was created in 1994 as part of the Prospect Heights Rezoning, which generally rezoned the R6 district mapped over much of Prospect Heights to an R6B district. The Prospect Heights Rezoning also created the R7A/C1-4 currently mapped on Vanderbilt Avenue, and the R6A/C2-4 currently mapped on Washington Avenue.

Description of Proposed Development

The Proposed Development would rise to 18 stories and would contain 342,610 square feet of floor area, comprised of 284,470 square feet of residential floor area, 50,650 square feet of commercial floor area on the first and second floors, and 7,490 square feet of community facility floor area on the first and second floors. The building would contain 316 dwelling units, of which 95 would be affordable housing units with income bands with a weighted average of 80% of AMI in compliance with Option 2 of the Mandatory Inclusionary Housing regulations.

The Proposed Development would comply with C6-3X height and setback regulations (which are equivalent to those for an R9X district), with the base height of the street wall varying by street. On Vanderbilt Avenue, the street wall would rise to a base height of approximately 123 feet, above which a 10-foot setback will be provided. On Pacific Street, near the intersection with Vanderbilt Avenue, the street wall would rise to a base height of approximately 113 feet (10 stories), above which a 30-foot setback will be provided, and then rise again to a height of approximately 144 feet (13 stories), above which a 32 ½ foot setback will be provided, and then the building will rise to the full height of approximately 195 feet (18 stories). Further along Pacific, within the R6B district, the street wall would rise to a height of approximately 40 feet (3 stories) above which a 15 foot setback would be provided, and then the building would rise to a height of approximately 51 feet (4 stories). Within 25 feet of the R6B district, the Proposed Development would reach a maximum of 65 feet in height (5 stories). The Proposed Development would have a maximum building height of approximately 195 feet (18 stories) at the corner of Atlantic and Vanderbilt Avenues.

The Proposed Development would be set back from the Atlantic Avenue street line by 8 feet to allow for a wider sidewalk on Atlantic Avenue. As the existing width of the sidewalk is 12 feet on Atlantic Avenue, the 8-foot setback would allow for a 20-foot sidewalk on Atlantic Avenue. On Vanderbilt Avenue, the 21-foot sidewalk would be increased by 8 feet to a total width of 29 feet. The sidewalk on Pacific Street would continue to remain at a width of 18 feet.

Actions Necessary to Facilitate the Project

The land use actions required to facilitate the Proposed Development are as follows:

- Zoning map amendment to rezone the Rezoning Area from M1-1 and R6B to a C6-3X zoning district (which is an R9X equivalent) for a depth of 200 feet from Vanderbilt Avenue along Atlantic Avenue, and for a depth of 125 feet from Vanderbilt Avenue along Pacific Street;

- Zoning text amendment to designate a portion of the Project Area as a Mandatory Inclusionary Housing area in Appendix F of the Zoning Resolution; and

- 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 in C6-3X zoning districts in Community District 8 in the Borough of Brooklyn.

A. Zoning Map Amendment

The Applicant proposes a zoning map amendment for the Project or Rezoning Area to a C6-3X zoning district (an R9X equivalent). From Vanderbilt Avenue, the Rezoning Area would extend 200 feet along Atlantic Avenue and 125 feet along Pacific Street. A 19-foot-wide portion of the Development Site would remain in the M1-1 district along Atlantic Avenue, and a 45-foot-wide portion of the Development Site would remain in the R6B district along Pacific Street. After the rezoning, due to the adjacency of the R6B zoning district, a 25-foot-wide portion of the Development Site zoned C6-3X would be subject to a height limit of 65 feet, pursuant to ZR 23-693.

Leaving a 45-foot-wide portion of the Development Site in an R6B zoning district would guarantee a transition between the higher proposed density district and lower scale of the adjacent R6B district to the east. As designed, the Proposed Development's mass will be concentrated on Atlantic Avenue, with a series of step-downs as the building mass moves toward Pacific Street. At its lowest height, a portion of the Proposed Development will rise to only four stories (approximately 50 feet in height), in compliance with the R6B district covering that portion of the Development Site, and respecting the lower-density townhouses on the midblock of Pacific Street. The adjacency of the R6B adds another bulk requirement to improve the transition between the scale of the avenue and the scale of the side street. The 25-foot-wide portion of the Development Site in the C6-3X district that is adjacent to the R6B district would be limited to a height of 65 feet, pursuant to ZR 23-693.

C6-3X District Regulations

C6-3X zoning districts, when paired with Mandatory Inclusionary Housing areas, allow residential uses up to a 9.7 FAR, community facility uses up to a 9.0 FAR, and commercial uses up to a 6.0 FAR. R6B zoning districts allow up to a 2.2 FAR for residential uses. After the proposed rezoning the Development Site would yield a maximum 8.83 FAR, due to the split between the C6-3X and R6B zoning districts. For residential uses, C6-3X districts follow Quality Housing height and setback regulations for R9X districts, which allow, in Mandatory Inclusionary Housing areas, a maximum base height of 145 feet, above which a 15-foot setback is required along narrow streets, and a 10-foot setback is required along wide streets. Above the required setback, buildings in C6-3X districts mapped as MIH areas may reach a maximum building height of 195 feet (along a narrow street) or 205 feet (along a wide street) if a Qualifying Ground Floor is provided. The maximum number of stories permitted is 19 along a narrow street, and 20 along a wide street. R6B height and setback regulations allow a maximum base height of 40 feet, above which a 15-foot setback must be provided along Pacific Street (a narrow street). Buildings in R6B districts may rise to a maximum height of 55 feet and a maximum of five stories if a Qualifying Ground Floor is provided.

The C6-3X district would allow provision of two stories of commercial uses, including retail uses, office, and services, helping to retain the commercial character of Atlantic Avenue and keep residential units elevated above the busy traffic corridor of Atlantic Avenue.

Land Use Rationale

Rezoning the Rezoning Area from an M1-1 zoning district to an C6-3X zoning district (which is an R9X equivalent) is appropriate, considering the Rezoning Area's adjacency to buildings of similar density, superior public transit access, location on a major arterial route in Brooklyn, and proximity to major employment centers and an abundance of retail options and services. The Rezoning Area is therefore an ideal location for increased residential density.

- *Public Transit Access*

The Rezoning Area has superior public transit access and therefore fulfills the City's goals of increasing transit-oriented development. Transit-oriented development allows for walkable, pedestrian-

oriented, environmentally sustainable communities centered around train, bicycle and bus systems, while still allowing for residential growth. As discussed in the Surrounding Area section of this Project Description, public transit in the surrounding area is abundant, and includes proximity to the Atlantic Avenue-Barclays Center station of the 2, 3, 4, 5, D, N, Q, B, R and W trains and numerous other stations within walking distance of the Rezoning Area. The LIRR Atlantic Terminal station is also within walking distance, a commuter rail line with access to Jamaica (and JFK Airport), Far Rockaway and Long Island. A number of bus routes linking Downtown Brooklyn to greater Brooklyn have stops adjacent to or very close to the Rezoning Area. And finally, there are four Citibike stations within a block of the Rezoning Area.

- *Location Along Atlantic Avenue*

The density that the Development Site would generate as a result of the proposed rezoning (8.83 FAR) is entirely appropriate for a site at the corner of Atlantic Avenue and Vanderbilt Avenues, which are exceptionally wide streets at 120 feet wide and 100 feet wide, respectively. Atlantic Avenue is one of Brooklyn's major traffic arterial routes, running from the Brooklyn waterfront to Jamaica, Queens. Taller buildings are more appropriate along wide corridors such as Vanderbilt and Atlantic Avenues, which can accommodate taller buildings while still allowing sufficient access to light and air, than in the lower density midblock rowhouse-style portions of Prospect Heights, where taller buildings would contrast with the built context. A corner comprised of two wide streets (Atlantic Avenue and Vanderbilt Avenue) is better suited to accommodate greater density and height. The Rezoning Area will serve as a contextual transition from Pacific Park and Downtown Brooklyn, especially in light of the 800 foot long blocks on the southern side of Atlantic Avenue.

- *Nearby Buildings of Similar Height*

The height permitted by the proposed zoning district is also consistent with recent nearby rezonings and approved projects on Atlantic Avenue. The maximum height permitted in the Rezoning Area (195 to 205 feet) is less than what is permitted at the nearby 809 Atlantic Avenue and Pacific Park sites.

809 Atlantic Avenue was rezoned in early 2019 from R7A/C2-4, R7A and R6A zoning districts to an R9/C2-5 zoning district and an R6A zoning district, which permits up to an 8.0 FAR for residential use

within an MIH area. 809 Atlantic Avenue is slated to be developed with a four-story building and a 29-story tower. In addition, 470 Vanderbilt, directly to the northwest of the Development Site, was rezoned in 2009 from M1-1 and R6/C2-3 zoning districts to a C6-3A zoning district, which allows up to an 8.5 residential FAR. At 470 Vanderbilt, the existing 10-story, 565,700 square foot loft building was renovated for retail and office use, while a new building with 12 stories and 376 residential units was developedfs.

The five-block Pacific Park, while approved pursuant to a General Project Plan and not a rezoning, will be located directly to the west of the Development Site. Buildings will range from 202 to 511 feet in height, and the total development will include approximately 6,430 apartments, of which 2,250 will be affordable.

Other nearby buildings that are in line with the heights requested for the Proposed Development include the 31-story, 300-unit New York City Housing Authority Atlantic Terminal Site 4B development, located two blocks west of the Proposed Development along Atlantic Avenue. To the north of NYCHA's Atlantic Terminal, along Carlton Avenue, are three 15-story Mitchell-Lama residential buildings called Atlantic Terminal II.

- *Proximity to Retail and Services*

The Proposed Development is within walking distance of a wide variety of retail and services. Barclays Center, a 17,000-person capacity sports and entertainment arena, is two blocks to the west of the site, as is Atlantic Terminal, a regional shopping and transit hub, with an LIRR station, numerous bus routes, and stations for the 2/3/4/5/B/D/N/Q/R/W subway lines. Local retail and services are located along Vanderbilt Avenue, directly to the south of the Proposed Development, on Fulton Street in Fort Greene, one block to the north of the Proposed Development, along Washington Avenue, one block to the east, and along Flatbush Avenue, located to the southwest of the Development Site.

B. Zoning Text Amendment - MIH Area

The Mayor's policy is to require the mapping of a Mandatory Inclusionary Housing area whenever zoning changes substantially increase residential capacity of a zoning lot, and therefore the Applicant

proposes to map a Mandatory Inclusionary Housing area over a portion of the Development Site by amending Appendix F of the Zoning Resolution. The Applicant is proposing to utilize Option 2 of the Mandatory Inclusionary Housing program, which requires dedication of 30 percent of the residential floor area as permanently affordable for households at an average of 80 percent of Area Median Income. Thirty percent of the residential floor area is approximately equivalent to 95 of the 316 proposed dwelling units. The MIH area would extend over the majority of the Development Site, excluding only an 18-foot-wide portion of Lot 10 that will remain within a M1-1 zoning district.

The MIH area automatically increases the permitted residential FAR for the C6-3X portion of the Development Site from 9.0 to 9.7, with exceptions for certain small developments, AIRS developments, and developments obtaining a BSA waiver. However, the Development Site as a whole is permitted a total maximum FAR of 8.83 when the split between the C6-3X district and the R6B district is considered.

C. Zoning Text Amendment - Street Wall

The Applicant proposes to create a new Section 35-662 in the Zoning Resolution which would apply special street wall regulations to zoning lots with frontage on Atlantic Avenue C6-3X districts in Community District 8 in Brooklyn. The special street wall regulations would allow provision of a wider sidewalk along Atlantic Avenue than would be permitted without the text amendment. Without the text amendment, the C6-3X street wall regulations in ZR 35-651(b)(1) require the street wall for a development to be located on the street line, and street wall setbacks to accommodate a sidewalk widening are not permitted. Street wall setbacks are permitted for continuous sidewalk widenings provided along the entire block frontage of the street, such as a sidewalk widening along the Vanderbilt Avenue street wall of the Development Site. However, street wall setbacks are not permitted along the Atlantic Avenue and Pacific Street street walls of the Development Site pursuant to ZR 35-651(b)(1), which applies to developments in C6-3X zoning districts.

The existing widths of the sidewalks are 12 feet on Atlantic Avenue, 21 feet on Vanderbilt Avenue, and 18 feet on Pacific Street. Maintaining the 12-foot sidewalk width on Atlantic Avenue would result in a poor streetscape condition for pedestrians, considering Atlantic Avenue is 120 feet wide, and the Proposed Development would rise 18 stories. Therefore, the Applicant proposes to create ZR 35-662 to

allow the street wall to be set back from the street line on Atlantic Avenue by up to 8 feet for 70% of the aggregate width of the street walls, for developments in C6-3X zoning districts in Community District 8 in the Borough of Brooklyn, and beyond 8 feet for up to 30% of the aggregate width of the street walls. Allowing an additional 8-foot street wall setback on Atlantic Avenue would allow for provision of a 20-foot sidewalk on Atlantic Avenue.

Consistency with M Crown Framework

Community Board 8 has been working with the Department of City Planning on a framework for changes to the existing M1-1 District that runs along Atlantic Avenue from Vanderbilt to Nostrand Avenue, in both Community Districts 8 and 3. The existing M1-1 district is not the most productive use of such a large swath of land in neighborhoods that are so close to Downtown Brooklyn. The M1-1 district limits jobs, as it does not allow for a great deal of job-producing uses, and it prohibits the construction of new housing. Over the last few years, CB 8 and DCP have developed a rezoning proposal known as "M-Crown" which seeks to promote jobs and affordable housing near transit, and seeks to lessen Atlantic Avenue's status as a boundary between neighborhoods. The proposal seeks to "facilitate mixed development and greater density" in the M-Crown study area, which has "strong public transit access" and is "well-connected to other employment nodes," to "support new housing with affordable housing opportunities (pursuant to MIH)," and to "promote job-generating uses and clusters of non-residential uses."[5]

In the M-Crown proposal, the portion of the Rezoning Area fronting on Atlantic Avenue is targeted as a location for "High-density C FAR's" with "significant affordable housing."[6] The portion of the Rezoning Area fronting on Pacific Street is targeted as a location for "Medium-density residential." The C6-3X district proposed for the Rezoning Area is consistent with the M-Crown framework, because it proposes a high density commercial district (which permits both commercial and residential uses) over much of the Development Site. The proposed zoning map amendment leaves a 45-foot-wide portion of the Development Site mapped as an R6B zoning district, which thereby requires an additional 25-foot-

[5] "M Crown Study Stakeholder Meeting" presentation dated Friday, May 31, 2019, available at http://www.brooklyncb8.org/docs/dcp%20mcrown%20update.pdf.
[6] Pages 5-8 of "M-Crown DCP Proposal" provided by Department of City Planning.

wide portion of the C6-3X district to be limited in height. Thus, the proposed zoning map amendment is consistent with the requirement along Pacific Street for "medium-density residential."

Conclusion

The Applicant respectfully requests approval of three actions to facilitate the Proposed Development, an 18-story mixed residential, retail, and community facility building with 342,610 square feet of floor area, comprised of 284,470 square feet of residential floor area, 50,650 square feet of commercial floor area, and 7,490 square feet of community facility floor area. The Proposed Development would contain approximately 316 dwelling units, of which 95 would be affordable housing units with income bands with a weighted average of 80% of AMI. The actions required to facilitate the Proposed Development are: (i) a zoning map amendment to rezone a portion of the Development Site from M1-1 and R6B to C6-3X; (ii) a zoning text amendment designate a portion of the Project Area as a Mandatory Inclusionary Housing area in Appendix F of the Zoning Resolution; and (iii) a zoning text amendment to create a new Section 35-662 in the Zoning Resolution to allow street wall setbacks for zoning lots with frontage on Atlantic Avenue in C6-3X districts in Community District 8 in Brooklyn. The Proposed Development will provide needed housing, affordable housing, and commercial retail space on Atlantic Avenue on the northern border of Prospect Heights, close to Atlantic Center, a regional retail and transit hub, and therefore an ideal location for increased density.