CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

November 18, 2024

New York City Council
City Hall
New York, NY 10007

Re: 962-972 Franklin Avenue Rezoning
ULURP No. N 230357(A) ZRK, C 230358 ZSK
Related Actions: C 230356 ZMK
Borough of Brooklyn

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated November 13, 2024, from the City Council regarding the proposed modifications to the above-referenced application submitted by Franklin Ave Acquisition LLC for a Zoning Map Amendment, Zoning Special Permit, and a Zoning Text Amendment to Appendix F of the Zoning Resolution.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on November 18, 2024, has determined that the City Council's proposed modifications do not require further review of environmental issues or pursuant to Section 197-c of the Charter.

Very truly yours,

Daniel R. Garodnick

Daniel Garodnick, Chair
City Planning Commission
120 Broadway, 31st Fl. - New York, N.Y. 10271
(212) 720-3200
www.nyc.gov/planning

THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY - ROOM 1602
NEW YORK NEW YORK 10007

PERRIS STRAUGHTER
DIRECTOR

November 13, 2024

Honorable Daniel Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application Nos. N 230357(A) ZRK (L.U. No. 162) and C 230358 ZSK (L.U. No. 163)
Related Application No. C 230356 ZMK (L.U. No. 161)

962-972 Franklin Avenue Rezoning

Dear Chair Garodnick:

On November 13, 2024, the Land Use Committee of the City Council, by a vote of 11-0-0 for Applications **N 230357(A) ZRK and C 230358 ZSK**, recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

With respect to **N 230357(A) ZRK**, the proposed modification adds the Workforce Option to the proposed new MIH area and modifies the height and setback regulations applicable to the proposed development. With respect to **C 230358 ZSK**, the proposed modification is limited to a revision of the approved drawings list, to reflect the proposed development's consistency with the related zoning text amendment, as modified by the Council. The modifications proposed herein are more fully set forth below.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

N 230357 (A) ZRK (L.U. No. 162)

Matter <u>underlined</u> is new, to be added;
Matter ~~struck out~~ is to be deleted;

Matter double-underlined is new, added by the City Council
Matter ~~double-struck out~~ is old, deleted by the City Council;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

[EXISTING TEXT REFLECTS CITY OF YES FOR HOUSING OPPORTUNITY ZONING TEXT WHICH IS BEING VOTED ON BY CPC SEPTEMBER 25th, 2024]

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Residential Bulk Regulations in Residence Districts

* * *

23-40
HEIGHT AND SETBACK REGULATIONS

* * *

23-44
Special Provisions for Certain Areas

* * *

23-442
Special provisions for certain community districts

* * *

(b) Borough of Brooklyn

(1) Street wall modifications in Community Districts 8 and 9
For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-431 and 23-432, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

(2) Height and setback modifications in Community District 9

For #zoning lots# in #Mandatory Inclusionary Housing areas# within the portion of Community District 9 in the Borough of Brooklyn, on the #block# bounded by Montgomery Street, Washington Avenue, Sullivan Place, and Franklin Avenue, the following height and setback modifications shall apply. The maximum height of a #building or other structure# shall not exceed an imaginary plane that:

(i) begins at an elevation of ~~85~~ 90 feet above the level of the #base plane#, beginning at the point along the center line of Sullivan Place, distant 120 feet, 4 inches east of the center line of Washington Avenue and parallel to Sullivan Place, and extending to Montgomery Street at an angle of 83°17' 38"; and

(ii) extends upwards at a slope equivalent of ~~15~~ 10 percent to the horizontal, in an easterly direction, as measured perpendicular to the line established by paragraph (b)(2)(i) of this Section.

Obstructions permitted pursuant to Section 23-411 may penetrate such imaginary plane provided that they are at least 90 percent transparent. In addition, obstructions specified in Section 23-412(c) located within 85 feet of Franklin Avenue may penetrate such imaginary plane up to 12 feet if there is a minimum of 30 feet between such obstructions and the obstruction is no longer than 60 feet in length along the frontage of Franklin Avenue.

* * *

Chapter 4
Bulk Regulations for Community Facilities in Residence Districts

* * *

24-50
HEIGHT AND SETBACK REGULATIONS

* * *

24-56
Special Height and Setback Provisions for Certain Areas

* * *

(d) Notwithstanding any other provisions of this Resolution, in #Mandatory Inclusionary Housing areas# within the portion of Community District 9 in the Borough of Brooklyn, on the #block# bounded by Montgomery Street, Washington Avenue, Sullivan Place, and Franklin Avenue, any #building or other structure# hereafter constructed or any existing

#building or other structure# hereafter relocated, #enlarged# or reconstructed shall comply with the provisions of Section 23-442(b)(2), inclusive.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

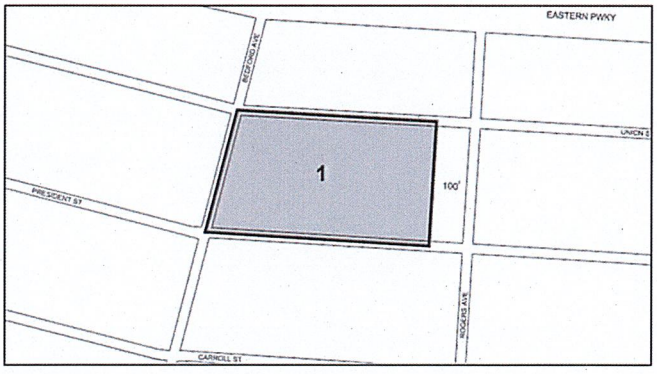
* * *

Brooklyn Community District 9

* * *

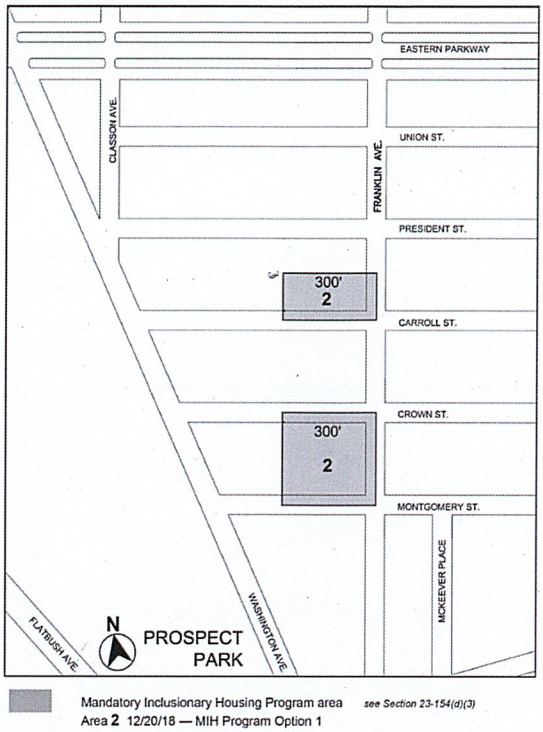
Map 1 – [date of adoption]

[EXISTING MAP]

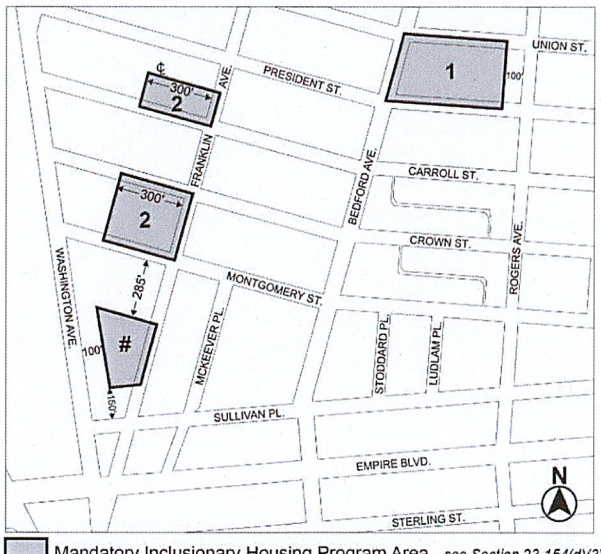


~~Map 2 – (12/20/18)~~

[EXISTING MAP]



[PROPOSED MAP]



Portion of Community District 9, Brooklyn

* * *

C 230358 ZSK (L.U. No. 163)
Matter ~~double-struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 230358 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Hill West Architects filed with this application and incorporated in this Resolution:

Drawing No.	Title	Last Date Revised
Z-02	Site Plan/ Zoning Analysis	~~09/23/2024~~ [__/__/__]

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby

granted or of the restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents' failure to act in accordance with the provisions of this special permit.

* * *

Please feel free to contact me at AMcCaughey@council.nyc.gov if you or your staff have any questions in this regard.

Sincerely,

.....
Anne F. McCaughey
General Counsel

AFM:kg

CC: Susan Amron, DCP General Counsel
Danielle DeCerbo, DCP
James Harris, DCP
Perris Straughter, Director, Planning and Land Use Division
Brian Paul, Deputy Director
Chelsea Kelley, Deputy Director
Arthur Huh, Deputy General Counsel
William Vidal, Deputy General Counsel
Tim Anderson, Planner
File