130 St. Felix Street

1. Introduction

130 St. Felix Street LLC (the "Applicant") respectfully requests the following actions (the "Proposed Actions") with respect to Brooklyn Block 2111, Lots 37, 40, 45, and 7501 (collectively, the "Project Area"):

1. A zoning map amendment to change a C6-1 district within the Special Downtown Brooklyn District (the "Special District" or "DB") to C6-4 (DB) and C6-6 (DB) districts;
2. A zoning text amendment to modify:
    a. Section 101-21(d) of the Zoning Resolution (the "ZR") to increase the permitted residential floor area ratio in C6-6 (DB) districts that are mapped within Mandatory Inclusionary Housing ("MIH") areas established after the date of adoption of the proposed text amendment and ZR Section 101-82 to make an existing Special District special permit for bulk modifications in C6-9 (DB) districts applicable in C6-4 (DB) and C6-6 (DB) districts that are mapped after the date of adoption of the proposed map amendment;
    b. Appendix F to establish an MIH area permitting Option 1 and the Workforce Option in the Project Area;
3. A special permit from the City Planning Commission (the "CPC" or the "Commission") pursuant to ZR Section 101-82 to modify rear yard, court, and tower lot coverage regulations applicable to the merged zoning lot consisting of Lots 37, 40, and 7501 (collectively, the "Development Site"); and
4. A special permit from the CPC pursuant to ZR Section 74-533 to waive parking regulations applicable to a development on the Development Site to facilitate affordable housing.

The Proposed Actions would facilitate the development of a 23-story, approximately 146,800-zoning-square-foot mixed-use building with three stories of space for the expansion of the adjoining Brooklyn Music School, including one story below grade, and 21 stories of residential use built in accordance with the City's MIH program (the "Proposed Development").

2. Background

The Development Site is located in Downtown Brooklyn. Prior to 1962, Lot 40 (130 St. Felix Street) (the "Project Site") was designated as Lot 8 and Lot 7501 (1 Hanson Place) was designated as Lot 44. On December 4, 1962, Lots 8 and 44 were merged into a single tax lot – Lot 1.[1] There is no record of contemporaneous applications to the Department of Buildings that suggests that the tax lot merger occurred at the initiative of the sites' owners or in connection with any construction. A certificate of occupancy for the building at 1 Hanson Place issued in October 1980 shows that Lot 1, encompassing what are now 1 Hanson Place and the Project Site collectively, was considered a single zoning lot at that time. In April 2007, Lot 1 was subdivided into current Lot 7501 (1 Hanson Place) and Lot 40 (the Project Site). Based on the history, the 1 Hanson Place and Project Site tax lots continue to be considered a single zoning lot.[2]

For decades, the Department of City Planning and the Commission have recognized that the Project Area and its surroundings are part of a central business district where high-density development is appropriate, including Downtown Brooklyn. To that end, the Special District was created in 2001 (C 010199 ZMY and N 000244(B1) ZRY) to establish special height and setback controls that would facilitate the construction of new buildings in what the Commission called a "successful, established central business district."[3] The Special District permitted developments in certain commercial districts to be developed pursuant to standard height and setback controls or tower controls; established street wall location requirements on streets where the street wall is

[1] Department of Finance, Historical Alteration Book 14, Section 7, Volume 6, p. 41.

[2] 1 Hanson Place was the subject of a CPC Chairperson certification pursuant to ZR Section 15-30(b) (N 070144 ZCK) to reduce the amount of rooftop recreational space, from the required 50 percent to 27 percent of the residential roof area, in connection with the conversion of the building from commercial to residential use pursuant to Article I, Chapter 5 of the ZR.

[3] City Planning Commission Report N 000244(B1) ZRY (June 13, 2001, Cal. No. 23), p. 12.

typically located at the street line; and required ground-floor retail uses and prohibited curb cuts along key shopping and pedestrian corridors. The Special District regulations were modified in 2004 (C 040171 ZMK, N 040172 ZRK, and related actions) in connection with the City's Downtown Brooklyn Development Plan, which sought to reinforce Downtown Brooklyn's role as a regional central business district with vibrant cultural institutions. The 2004 changes: increased the permitted density in parts of the Special District; amended height and setback controls to facilitate the development of small or irregularly shaped lots; reduced parking requirements; and in certain areas imposed enhanced urban design regulations. In 2007, the CPC approved a zoning map amendment and related zoning text amendment (C 070430 ZMK and N 070431 ZRY, also known as the Fort Greene/Clinton Hill Rezoning) to rezone 99 blocks east of the Project Area from R6, R7-1, R7-2, and M1-1 districts to contextual R5B, R6A, R6B, and R7A districts to ensure that development would be consistent with the predominantly three- and four-story building character in those neighborhoods and establish an Inclusionary Housing Designated Area in the new R7A districts. C2-4 commercial overlays were mapped in portions of the new R6B and R7A districts.

More recently, the CPC has approved zoning map amendments and zoning text amendments to the Special District controls to increase the permitted density of properties near the Project Area. In 2013, the CPC rezoned the block bounded by Flatbush Avenue, Lafayette Avenue, and Ashland Place to the west of the Project Area from C6-1 (DB) to C6-2 (DB) and granted a special permit to facilitate a 32-story, approximately 349,000-square-foot development with residential use and cultural facilities (C 130116 ZMK, N 130117 ZRK, and C 130118 ZSK, also known as the BAM South Rezoning). In 2018, the CPC rezoned the block bounded by Flatbush Avenue, State Street, Third Avenue, and Schermerhorn Street that is two blocks west of the Project Area from C6-2 (DB) to C6-9 (DB) to facilitate the development of an approximately 967,000-square-foot mixed-use development (C 180216 ZMK, N 180217 ZRK, and C 180218 ZSK, also known as the 80 Flatbush Avenue Rezoning). The approved zoning regulations permit a maximum floor area ratio ("FAR") of 15.0 (exclusive of up to 46,050 square feet of floor area used for a public school), with up to 12.0 FAR of residential use. In 2019, the CPC approved a zoning map amendment and zoning text amendment to permit 18.0 FAR as-of-right in C6-9 (DB) districts (N 180457 ZRK and C 180459 ZMK, also known as the 570 Fulton Street Rezoning) other than the C6-9 (DB) district established in 2018.

On August 4, 2020, the Landmarks Preservation Commission ("LPC") adopted a Resolution approving the issuance of a Certificate of Appropriateness for the Proposed Development, which would be located within the Brooklyn Academy of Music Historic District (LPC-20-09702). The adoption of such Resolution followed a public hearing on June 23, 2020, during which LPC commissioners requested a reduction of the building height, greater setbacks from St. Felix Street, the elimination of certain brick colors, and other modifications. The issuance of the Certificate of Appropriateness was conditioned on these modifications as well as the Applicant's further consultation with LPC staff to reduce the scale of the school entrance on St. Felix Street and soften the streetwall façade on Ashland Place, and the incorporation of all such changes in final drawings for the approved work.

3. Description of the Surrounding Area

The area within a 600-foot radius of the Project Area (the "Surrounding Area") is located in Downtown Brooklyn within Community District 2. The Surrounding Area is very well served by public transportation. The Atlantic Avenue-Barclays Center subway station is a large complex located at the intersection of Flatbush Avenue and Atlantic Avenue serving the B, D, N, Q, R, 2, 3, 4, and 5 lines. Multiple entrances to this station are located to the north and south of Atlantic Avenue from Fourth Avenue to east of Flatbush Avenue, including an entrance on Hanson Place within the Development Site. The Fulton Street subway station, serving the G line, is located within the Surrounding Area at the intersection of Fulton Street, Ft. Greene Place, and Lafayette Avenue. Across Hanson Place from the Development Site is Atlantic Terminal, a terminal station for the Long Island Rail Road commuter railroad. Atlantic Terminal includes internal connections to the Atlantic Avenue-Barclays Center subway station. In addition, the following bus routes have stops in the Surrounding Area: B25, B26, B37, B41, B45, B52, B63, B67, and B103.

The Surrounding Area features a variety of underlying zoning districts, all of which are mapped within the Special District except for the area east of St. Felix Street and north of Hanson Place. North of the Project Area – on the same block and on the block to the north – is a C6-1 (DB)

district, which establishes an FAR of 3.44 for residential uses (4.0 for residential uses developed pursuant to Quality Housing regulations within 100 feet of a wide street), 6.0 for commercial uses, and 6.5 for community facility uses. There are C6-2 (DB) districts on the block to the west of the Project Area and on the block at the southeast corner of Atlantic Avenue and Fourth Avenue; these districts provide for an FAR of 6.02 for residential uses (7.2 for residential uses developed pursuant to Quality Housing regulations on portions of zoning lots within 100 feet of a wide street outside of the Manhattan Core), 6.0 for commercial uses, and 6.5 for community facility uses.[4] C6-4 (DB) districts to the northwest of the block occupied by the Project Area (on the north side of Lafayette Avenue between Rockwell Place and Ashland Place) and to the south of the Project Area permit a base FAR of 10.0 for residential, commercial, and community facility uses, bonusable to 12.0 FAR through the provision of affordable housing for residential development or public plazas for commercial or community facility development. The block two blocks west of the Project Area is mapped within a C6-9 (DB) district that permits a maximum FAR of 15.0, with up to 12.0 FAR of residential use.

The remainder of the Surrounding Area is mapped within residential zoning districts or residential zoning districts with commercial overlays. The full block immediately east of the Project Area, portions of the block two blocks east of the Project Area, and portions of the block bounded by State Street, Flatbush Avenue, Fourth Avenue, Atlantic Avenue, and Third Avenue (to the southwest of the Project Area) are mapped within R6B and R6B (DB) districts, which establish an FAR of 2.0 for residential and community facility uses. R7A/C2-4 and R7A/C2-4 (DB) districts, which permit an FAR of 4.0 for residential and community facility uses and 2.0 for commercial uses, are located on the eastern portion of the block bounded by State Street, Flatbush Avenue, Fourth Avenue, Atlantic Avenue, and Third Avenue (to the southwest of the Project Area)[5] and along Fulton Street between Ft. Greene Place and South Elliott Place. Finally, the R8A/C2-4 (DB) district on the eastern portion of the block bounded by Atlantic Avenue, Fourth Avenue, Pacific Street, and Third Avenue (to the southwest of the Project Area) establishes an FAR of 6.02 for residential uses, 6.5 for community facility uses, and 2.0 for commercial uses.

The Special District controls generally require buildings to be developed in accordance with contextual height and setback regulations or, in certain non-contextual districts, tower regulations. For example, C6-1 (DB) districts permit a maximum base height of 150 feet within 100 feet of a wide street, or 125 feet beyond 100 feet of a wide street; require a setback of at least 10 feet from a wide street and at least 15 feet from a narrow street; and permit a maximum building height of 210 feet within 100 feet of a wide street, or 185 feet beyond 100 feet of a wide street. By contrast, buildings developed in C6-1 (DB) districts pursuant to tower regulations must provide a setback at or below a height of 85 feet; for zoning lots like the Development Site that would exceed a lot area of 15,000 square feet, the setback must have a depth of at least 20 feet from the street line.[6] Above a height of 150 feet, tower lot coverage is limited to 40 percent for building portions containing residential floor area; building portions not containing residential floor area may achieve a tower lot coverage of 65 percent between a height of 150 to 300 feet and 50 percent above a height of 300 feet. In the C5-4 (DB), C6-1 (DB), C6-4 (DB), C6-6 (DB), and C6-9 (DB) districts allowing for the use of tower controls, there is no maximum building height, except in C6-1 districts where the maximum building height is capped at 495 feet.[7] Portions of the Surrounding Area are also subject to Special District requirements for ground-floor street wall transparency, retail continuity, and street wall continuity that are intended to enhance the pedestrian experience.

The Surrounding Area features several historic buildings. The Surrounding Area to the north and east (along with the Project Area) is located within the Brooklyn Academy of Music Historic District (LP-1003), whose predominantly brick and brownstone row houses located

[4] A special permit available within the block of the Special District bounded by Flatbush Avenue, Hanson Place, Ashland Place, and Lafayette Street allows the community facility FAR to be increased from 6.5 to 7.0. See C 130118 ZSK (Apr. 24, 2013, Cal. No. 6).

[5] This R7A/C2-4 (DB) district is also located within the Atlantic Avenue Subdistrict, which is subject to special use, height and setback, signage, urban design, and parking regulations intended to preserve the scale, character and architecture of the buildings in this area.

[6] Zoning lots with an area of 15,000 square feet or less must provide a setback of at least 10 feet from a wide street and at least 15 feet from a narrow street.

[7] ZR Sections 101-222 and 101-223.

primarily to the east of St. Felix Street "reflect[] the architectural development of Brooklyn's middle-class residential neighborhoods in the late 1850s."[8] Other prominent, non-row house buildings within the historic district include the neo-Italian-Renaissance-style Peter Jay Sharp Building (30 Lafayette Avenue) constructed circa 1907-1908, the classical BAM Fisher Building (321 Ashland Place) constructed circa 1927, and the neo-Gothic Central Methodist Episcopal Church (88 Hanson Place) constructed circa 1929. Within the Development Site is the neo-Romanesque and Art Deco-style Williamsburgh Savings Bank Building (1 Hanson Place), an individual and interior landmark (LP-0971 and LP-1909) constructed circa 1927-1929 that rises to a height of approximately 514 feet. The Development Site also includes three rowhouses (126 St. Felix Street) dating from the 1850s that are identified as contributing buildings to the Brooklyn Academy of Music Historic District in the historic district designation report.

The predominant land use within the Surrounding Area is residential use. However, there is also a notable concentration of commercial uses (e.g., the 14-story office building and Atlantic Terminal shopping center across Hanson Place from the Development Site, as well as ground-floor retail uses throughout the Surrounding Area) and institutional uses, such as the Brooklyn Music School within the Development Site, the Brooklyn Academy of Music buildings to the north of the Development Site, and the Central Methodist Episcopal Church to the southeast of the Development Site.

Nearby open spaces include Betty Carter Park (0.23 acres) bounded by Lafayette Avenue, Fulton Street, and St. Felix Street; the BAM South privately owned public space (0.34 acres) located at the corner of Flatbush Avenue and Lafayette Avenue; and Times Plaza (0.1 acres) bounded by Fourth Avenue, Flatbush Avenue, and Atlantic Avenue. Just beyond the Surrounding Area are the Atlantic Terminal Mall Plaza (0.54 acres) bounded by Flatbush Avenue and Ft. Greene Place and the Barclays Center Plaza (0.32 acres) at the intersection of Flatbush Avenue and Atlantic Avenue.

4. Description of the Project Area

The Project Area consists of Brooklyn Block 2111, Lots 37, 40, 45, and 7501, which collectively has an area of approximately 56,248 square feet. The Project Area has approximately 199 feet of frontage on Hanson Place (a wide street with a width of 80 feet), 250 feet of frontage on Ashland Place (a narrow street with a width of 70 feet), and 330 feet of frontage on St. Felix Street (a narrow street with a width of 50 feet). The Project Area is mapped within a C6-1 (DB) district and is in the Brooklyn Academy of Music Historic District. As noted in the preceding section, C6-1 (DB) districts allow for a base FAR of 3.44 for residential uses (4.0 for residential uses developed pursuant to Quality Housing regulations within 100 feet of a wide street), 6.0 for commercial uses, and 6.5 for community facility uses; buildings in C6-1 (DB) districts may be developed pursuant to contextual height and setback regulations or tower regulations.

Lots 37, 40, and 7501 comprise the Development Site, which is discussed in Section 5 below.

Lot 45 (88 Hanson Place) is improved with the neo-Gothic Central Methodist Episcopal Church. The lot has an area of approximately 16,447 square feet, located at the corner of Hanson Place and St. Felix Street, and an estimated 65,500 square feet of floor area (3.98 FAR). The dark red-brick church, constructed circa 1929, rises to a height of approximately 85 feet. It has a granite base and is trimmed with light-colored stone. Its main façade features double-entry doors, a Gothic stone arch, and elaborate symbolic carvings.

5. Description of the Development Site

The Development Site consists of Lots 37, 40, and 7501 and has an area of approximately 39,764 square feet. It is an irregularly shaped assemblage with approximately 99 feet of frontage on Hanson Place, 250 feet of frontage on Ashland Place, and 165 feet of frontage on St. Felix Street.

[8] Landmarks Preservation Commission, "Brooklyn Academy of Music Historic District Designation Report (LP-1003)," Sep. 26, 1978, http://s-media.nyc.gov/agencies/lpc/lp/1003.pdf (last accessed Aug. 17, 2020), p. 4.

Lot 37 (126 St. Felix Street) has an area of approximately 7,853 square feet and is improved with the Brooklyn Music School campus, consisting of approximately 12,150 square feet of floor area (1.55 FAR if considered as a separate zoning lot) across four-story row houses constructed in the 1850s. The Brooklyn Music School provides musical instruction and serves over 6,000 students of all ages, 90 percent of whom receive some form of scholarship. The Brooklyn Music School has grown rapidly in recent years to achieve its mission of increasing access to high-quality musical education, and its campus is at capacity.

Lot 40 (130 St. Felix Street) (the "Project Site") is an approximately 12,548-square-foot, irregularly shaped, vacant lot intermittently used for parking and other activities.

Lot 7501 (1 Hanson Place) is an approximately 19,363-square-foot lot improved with the former Williamsburgh Savings Bank, an approximately 514-foot-tall, 324,550-square-foot condominium consisting of 179 residential units and multiple stories of commercial space ("One Hanson"). One Hanson was the tallest building in Brooklyn until around 2009, but its striking silhouette and four-faced dial clock continue to make One Hanson a prominent skyscraper of the Brooklyn skyline. The base of the building is rainbow granite and limestone, and features approximately 40-foot-tall arched windows with stained glass and limestone screens. Above the first story is a floor of closely-spaced, arched windows, which provide a transition to the buff-colored brick and terra-cotta portion of the building that rises in a series of setbacks up to the building's clock and copper dome crown. One Hanson was originally developed as an office for the Williamsburgh Savings Bank, but the upper floors were converted to residential use in 2005.[9]

Lot 7501 and Lot 40 are a single zoning lot as a result of the tax lot merger in 1962 described in the Background section. Today this zoning lot is developed to approximately 10.17 FAR and is substantially overbuilt under existing C6-1 (DB) floor area regulations due to the presence of the One Hanson building; if the zoning lot for One Hanson were coterminous with its condominium lot, One Hanson would be approximately 16.76 FAR.

The Applicant intends to incorporate Lot 37 into the existing zoning lot in connection with the Proposed Development.

6. Description of the Proposed Development

The Proposed Development would be an approximately 146,800-zoning-square-foot mixed-use building with approximately 120 residences for sale (30 percent of which would be permanently affordable) including approximately 16,500 zoning square feet of floor area for the expansion of the Brooklyn Music School, more than doubling the school's instructional space and making the school accessible to people with physical disabilities. The Proposed Development would be built on the Project Site, within the Development Site. The Proposed Development would provide affordable home-ownership housing in a historic district; infill a significant gap on an otherwise vibrant Downtown Brooklyn block; and facilitate the growth of the Brooklyn Music School.

The base of the Proposed Development would have street walls located at the street lines on St. Felix Street and Ashland Place, except for a recessed entrance for the new Brooklyn Music School along St. Felix Street that would align with the street wall of the existing Brooklyn Music School building immediately north of the Project Site. The primary residential entrance would also be located on St. Felix Street, south of the Brooklyn Music School entrance. (An additional service entrance would be located on Ashland Place.) The Proposed Development would provide a residential lobby at the first story, residential amenity space at the third story, and residential units on the third through twenty-third stories. The Brooklyn Music School would occupy space in the cellar and first and second stories and would have internal connections to Brooklyn Music School's existing facilities on Lot 37, providing a horizontal enlargement of the Brooklyn Music School. The first story of the Proposed Development would also incorporate space for a generator and loading areas along Ashland Place serving One Hanson. No parking would be included in the Proposed Development.

[9] Landmarks Preservation Commission, "Williamsburgh Savings Bank Designation Report (LP-0971)," Nov. 15, 1977, http://s-media.nyc.gov/agencies/lpc/lp/0971.pdf (last accessed Aug. 17, 2020).

The Proposed Development would be built pursuant to MIH Workforce Option regulations. The Proposed Development would include approximately 120 residences for sale; 30 percent of the units and floor area would be permanently affordable homeownership units for households earning between 70 and 100 percent of area median income ("AMI"), creating an unique opportunity for low- and moderate-income households to invest and build equity in a home in a historic district. Five percent of the residences would be affordable to households earning up to 70 percent of AMI, five percent of the residences would be affordable to households earning up to 90 percent of AMI, and 20 percent of the residences would be affordable to households earning up to 100 percent of AMI.

Upon the completion of the Proposed Development, the Development Site would be improved with approximately 483,494 square feet of floor area (12.16 FAR) consisting of approximately 28,608 square feet of community facility floor area on Lot 37 and the Project Site (0.72 FAR), approximately 52,277 square feet of commercial floor area at One Hanson (1.31 FAR), and approximately 402,609 square feet of residential floor area across on the Project Site and One Hanson (10.13 FAR) comprised of approximately 130,336 square feet of residential floor area in the Proposed Development and 272,273 square feet of residential floor area in One Hanson. If One Hanson were not part of the zoning lot, the remainder of the Development Site would have an FAR of 7.79 with the Proposed Development.

The Proposed Development has been designed to be sensitive to its architectural context. Along St. Felix Street, the building's two-story, approximately 36-foot-tall base would replicate the street's townhouse scale. The building would set back approximately 18 feet above this base and rise another story to a height of approximately 48 feet, which would align approximately with the height of the existing Brooklyn Music School townhouses. Above the third story, the building would set back another approximately 22 feet before rising to 16- and 13-story building portions. These setbacks would allow the building's mass to be concentrated away from the low-rise row houses on St. Felix Street. The building would set back again above the sixteenth, nineteenth, and twenty-second stories. Along Ashland Place, the building would have a three-story, approximately 43-foot-tall base, above which the building would set back approximately 16 feet before rising to a 22-story building portion. Overall, the Proposed Development would be 23 stories and approximately 267 feet in height (including the mechanical bulkhead), which would be approximately 20 feet below the "shoulder" of One Hanson and 247 feet shorter than the overall height of One Hanson.[10] The design of the Proposed Development would also provide a transition between the relatively dark brick, low-rise Central Methodist Episcopal Church and the light brick, high-rise One Hanson building through its scale, palette, and materials.

The design of the Proposed Development was reviewed and approved by LPC, which adopted a Resolution approving the issuance of a Certificate of Appropriateness on August 4, 2020 (LPC-20-09702).[11]

7. Actions Necessary to Facilitate the Project

The Proposed Actions are requested to facilitate the Proposed Development.

Zoning Map Amendment. A zoning map amendment is requested to change an existing C6-1 (DB) district to (i) C6-6 (DB) along the Ashland Place frontage starting from Hanson Place and extending 100 feet along Ashland Place and (ii) C6-4 (DB) along the St. Felix Street frontage starting from Hanson Place and extending 330 feet along St. Felix Street and along the Ashland Place frontage starting from 100 feet beyond Hanson Place and extending 150 feet along Ashland Place.[12] These districts would permit the same uses that are allowed today, but would allow higher

[10] The proposed maximum building envelope would permit a height of up to 266.68 feet, measured above the base plane in accordance with Special District regulations. The height differences noted above are measured between the top of the bulkhead of the Proposed Development and the actual height of One Hanson, rather than the One Hanson's proposed maximum building envelope.

[11] As noted in Section 2 above, the issuance of the Certificate of Appropriateness is conditioned on the Applicant's consultation with LPC staff to reduce the scale of the school entrance on St. Felix Street and soften the streetwall façade on Ashland Place, and the incorporation of such changes in final drawings for the approved work.

[12] The new zoning districts are not proposed to extend for an equal distance from Hanson Place because changing the portion of the C6-1 (DB) district between 250 and 330 feet from Hanson Place on the west side of the block would

densities. C6-6 (DB) districts permit 15.0 FAR for community facility and commercial uses, and 12.0 FAR for residential uses in MIH areas (as modified pursuant to the proposed text amendment). C6-4 (DB) districts permit 10.0 FAR for community facility and commercial uses, and 12.0 FAR for residential uses in MIH areas. The increase in the permitted FAR would bring One Hanson into closer compliance with the applicable zoning regulations and would generate sufficient development rights on the Development Site to permit the Proposed Development. In the absence of the zoning map amendment, there would be no floor area available for the Proposed Development or any other development.

For buildings developed pursuant to standard height and setback regulations, there are different regulations for the proposed C6-4 (DB) and C6-6 (DB) districts. In C6-4 (DB) districts, buildings may have a maximum base height of 125 feet (beyond 100 feet of a wide street) to 155 feet (within 100 feet of a wide street). The maximum building height within 100 feet of a wide street is 210 feet or 215 feet (21 stories) with a qualifying ground floor; for buildings satisfying the requirements of ZR Section 23-664(a) the maximum building height is 230 feet (23 stories) or 235 feet (23 stories) with a qualifying ground floor. The maximum building height beyond 100 feet of a wide street is 185 feet; for buildings satisfying the requirements of ZR Section 23-664(a) the maximum building height is 210 feet (21 stories) or 215 feet (21 stories) with a qualifying ground floor. In C6-6 (DB) districts, buildings may have a maximum base height of 150 feet within 100 feet of a wide street and 125 feet beyond 100 feet of a wide street; buildings may achieve a maximum height of 250 feet. Both districts require setbacks of 10 feet from a wide street and 15 feet from a narrow street above the base height.[13]

For buildings developed pursuant to tower regulations (as planned for the Proposed Development), the bulk regulations for the proposed C6-4 (DB) and C6-6 (DB) districts are the same as the C6-1 (DB) bulk regulations described in Section 3 above, except that there is no maximum building height in C6-4 (DB) and C6-6 (DB) districts, unlike C6-1 (DB) districts that impose a maximum building height of 495 feet.[14] As noted above, the Proposed Development would have a maximum building height of approximately 267 feet. Buildings developed in C6-4 (DB) and C6-6 (DB) districts pursuant to tower regulations must provide a setback at or below a height of 85 feet; for zoning lots like the Development Site that would exceed a lot area of 15,000 square feet, the setback must have a depth of at least 20 feet from the street line.[15] Above a height of 150 feet, tower lot coverage is limited to 40 percent for building portions containing residential floor area; building portions not containing residential floor area may achieve a tower lot coverage of 65 percent between a height of 150 to 300 feet and 50 percent above a height of 300 feet.[16]

The proposed zoning map amendments and increases in permitted floor area are appropriate given the Project Area's close proximity to the Atlantic Center transit hub and the major Flatbush Avenue thoroughfare; the history of recent land use actions in the surrounding area; and the Project Area's existing built character. Transit-oriented development is a fundamental principle of New York City land use policy, and the Project Area benefits from a rich concentration of subway, bus, and commuter rail infrastructure. The Commission has frequently noted its support for high-density development in areas well served by transportation and in this area of Downtown Brooklyn in particular, as reflected in the recent rezonings affecting the blocks west of the Project Area. The proposed zoning map amendments would make the permitted floor area more consistent with the built character of the Project Area, including the high-density One Hanson. The higher-density C6-6 (DB) district is proposed for the west side of the Project Area within 100 feet of Hanson Place. This portion of the Project Area is closest to entrances to the Atlantic Center transit hub, contains an existing subway entrance within the Development Site on Hanson Place, and is highly visible because it fronts on the confluence of the major Flatbush Avenue thoroughfare, Fourth Avenue, Atlantic Avenue, Ashland Place, and Hanson Place, as well as Times Plaza. The C6-6 (DB) district, with a maximum FAR of 15.0, would also align more closely with One

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have no practical effect; this portion of the block is occupied by the BAM Fisher building, a contributing building within the Brooklyn Academy of Music Historic District that was renovated and enlarged around 2012.

[13] ZR Sections 101-222, 23-662, and 23-664.

[14] ZR Section 101-223(d).

[15] Zoning lots with an area of 15,000 square feet or less must provide a setback of at least 10 feet from a wide street and at least 15 feet from a narrow street.

[16] ZR Section 101-223.

Hanson's FAR (approximately 16.76 FAR if the zoning lot for One Hanson were coterminous with its condominium lot) than the current zoning district that permits a maximum FAR of 6.5 for a C6-1 (DB) district. Beyond 100 feet of Hanson Place, the character of Ashland Place changes as the intersection of multiple major thoroughfares is no longer visible; the slightly lower-density C6-4 (DB) district would provide an appropriate transition between the new C6-6 (DB) district and the existing C6-1 (DB) district to the north. A C6-4 (DB) district is also proposed for the remainder of the Project Area along St. Felix Street, consistent with the C6-4 (DB) district on the south side of Hanson Place directly across the street from the Project Area.

Zoning Text Amendment. A zoning text amendment is requested to modify residential FAR regulations in ZR Section 101-21(d), make an existing special permit (ZR Section 101-82) applicable to the Proposed Development, and establish an MIH area.

a. ZR Section 101-21(d): ZR Section 101-21(d) establishes special floor area regulations in C6-6 (DB) districts but does not identify the residential FAR regulations applicable in MIH areas within C6-6 (DB) districts. The Applicant proposes to amend ZR Section 101-21(d) to specify that the residential FAR would be 12.0 in C6-6 (DB) districts within MIH areas established after the date of adoption of the proposed text amendment. This change would be consistent with the residential FARs for other R10-equivalent districts.

b. ZR Section 101-82: ZR Section 101-82 allows the CPC to modify bulk regulations on irregular sites in C6-9 (DB) districts mapped after March 13, 2019 by special permit. The Applicant proposes to amend ZR Section 101-82 to allow this special permit to be utilized in C6-4 (DB) and C6-6 (DB) districts mapped after the date of adoption of the proposed text amendment. Irregular site conditions necessitating bulk modifications are also found in Special District zoning districts other than C6-9 districts, and this text amendment would allow the special permit to be utilized for the Proposed Development.

c. Appendix F: The Applicant proposes to amend Appendix F to establish an MIH area, permitting Option 1 and the Workforce Option within the Project Area. Option 1 would require that all residential developments, enlargements, and conversions in the Project Area that meet certain criteria set forth in the MIH program provide at least 25 percent of the residential floor area as housing affordable to households with incomes at or below an average of 60 percent of AMI, and at least 10 percent of the residential floor area as housing affordable to households with incomes at or below an average of 40 percent of AMI. No units may be targeted to households with incomes exceeding 130 percent of AMI. The Workforce Option would require that all residential developments, enlargements, and conversions in the Project Area that meet certain criteria set forth in the MIH program provide at least 30 percent of the residential floor area as housing affordable to households with incomes at or below an average of 115 percent of AMI, with five percent of the residential floor area as housing affordable to households with incomes at 70 percent of AMI and five percent at 90 percent of AMI. No units may be targeted to households with incomes exceeding 135 percent of AMI.

Section 101-82 Special Permit. Due to the irregular shape of the Development Site and the presence of existing buildings, a CPC special permit pursuant to ZR Section 101-82 is requested to modify rear yard, court, and tower lot coverage regulations applicable to the Proposed Development.

a. Rear Yard: ZR Sections 23-532 and 33-53 require a rear yard equivalent to be provided at the floor level of the lowest story used for dwelling units within the through-lot portion of the Development Site. The Proposed Development would not comply with this requirement. Rather than providing two open areas with a combined depth of 60 feet extending along the full length of the through-lot street lines, there would be minor non-compliant obstructions within the Proposed Development's rear yard equivalent. The Applicant seeks modifications to permit (i) one story that contains dwelling units within up to 22 feet of the 40-foot open area along St. Felix Street and all of the rear yard equivalent portion along Ashland Place and (ii) an up to four-foot-deep, 22-story residential building portion within part of the 20-foot open area along Ashland Place. The modification would also cover the existing portions of One Hanson located in the rear yard equivalent along Ashland Place.

b. Courts: ZR Sections 12-10 and 23-80 provide that a small inner court on which legally required windows do not face must have an area of at least 200 square feet with minimum dimensions of at least 10 feet. Due to One Hanson's shallow setback along a portion of the common lot line with the Project Site, there would be an irregularly shaped, approximately 75-square-foot inner court with a width of approximately 2.4 to 3.6 feet and a length approximately 25 feet on the west side of the Development Site, between the Proposed Development and the north side of One Hanson, that would not comply with the minimum area and dimension requirements for inner courts. The Applicant seeks a modification to permit this inner court condition.

c. Tower Lot Coverage: ZR Section 101-223(c) provides that a building containing residential floor area is limited to a lot coverage of 40 percent above a height of 150 feet. Because the Proposed Development would be located on a zoning lot with an existing building that has a high lot coverage at and above a height of 150 feet (One Hanson), the Development Site would exceed 40 percent lot coverage at and above this height. The Applicant seeks a modification to permit a lot coverage of up to 54 percent at and above a height of 150 feet.

The rationale for each bulk modification is discussed further in the Statement of Findings.

Parking Special Permit. In the Special District, one accessory off-street parking space must be provided for 20 percent of market-rate residences. This would require the Proposed Development to incorporate approximately 17 accessory off-street parking spaces. The Applicant proposes to provide no parking in order to accommodate space for the Brooklyn Music School and to facilitate the construction of affordable housing. Accordingly, a CPC special permit pursuant to ZR Section 74-533 is requested to waive parking regulations applicable to the Proposed Development.

8. Conclusion

The Applicant seeks to build a mixed-use and mixed-income building that would offer affordable home-ownership housing, complete a gap in the urban fabric of Downtown Brooklyn's cultural district, and expand the beloved Brooklyn Music School. The Applicant respectfully requests that the CPC approve the zoning map amendment, zoning text amendments, and special permits requested herein.