Project Description: (LR Item 3)

Project ID No.: P2019K0235

862-868 Kent Avenue

February 2024

1. Introduction

Kent Development LLC and 123 Taaffe LLC (the "Applicants") seek a zoning map amendment and zoning text amendment (the "Proposed Actions") to facilitate a new mixed-use development at 862-868 Kent Avenue and 123-125 Taaffe (Block 1897, Lots 9 and 49; the "Development Sites") which are located mid-block on Block 1897 near the intersection of Myrtle Avenue in the Clinton Hill/Bedford Stuyvesant area of Brooklyn Community District #3.

The proposed zoning map amendment seeks to rezone Block 1897 Lots 5, 6, 9, 10, 11, 12 (p/o), 47 (p/o), 48, 49, 54, 55, 56 (p/o), 7504 (p/o), 7505 and 7509 (the "Project Area" from M1-1 to M1-4/R6A (MX-4). The proposed zoning text amendment would modify Appendix F of the Zoning Resolution of the City of New York ("ZR") to establish a Mandatory Inclusionary Housing Area ("MIH") coterminous with the proposed Project Area.

The proposed zoning text amendment to Appendix F of the Zoning Resolution would make the Project Area applicable as an MIH and would be mapped as Option 1 and Option 2, pursuant to ZR 23-154(d). Under this proposal, the Applicant would comply with MIH under Option 1 with a total of 22 units proposed as affordable (25%).

The Proposed zoning map amendment would facilitate the development of two new buildings on the Development Sites. 862-868 Kent Avenue would be redeveloped with an 8-story 46,356 zoning square foot (zsf) (3.60 FAR) residential building with 17 affordable units under MIH Option 1. 123-125 Taaffe Place would be redeveloped with a new 7-story, 12,018 zsf (3.60 FAR) residential building featuring 19 dwelling units, of which 5 would be affordable pursuant to MIH Option 1 (hereafter, the "Proposed Development").

2. Background

The Project Area has been zoned M1-1 since the inception of the 1961 Zoning Resolution. In October 2012, the City adopted the Bedford Stuyvesant North Rezoning (C 120294 ZMK), which affected the area immediately to the south of the Project Area. The City-initiated rezoning affected an approximately 140-block area in the northern half of the Bedford Stuyvesant neighborhood of Brooklyn Community District 3. The rezoning area was generally bounded by Lafayette Avenue and Quincy Street to the south, Classon and Franklin Avenues to the west, Broadway to the east and Flushing Avenue to the north. The existing R7A/C2-4 zoning mapped just south of the

Development Site along Myrtle Avenue was created as part of this rezoning, which was previously zoned R6 with commercial overlays present. In addition, the area was mapped as a (Voluntary) Inclusionary Housing area along Myrtle Avenue. The goal of the rezoning was to preserve the existing character and building patterns in the residential core of the neighborhood, while allowing modest enlargements of existing homes. It also intended to direct new residential and mixed-use growth to commercial corridors, promote active, pedestrian-friendly streets and incentivize the creation of affordable housing through the Inclusionary Housing program.

Prior to the Bedford Stuyvesant North Rezoning, the City adopted the Fort Greene/Clinton Hill Rezoning in July 2007 (C 070430 ZMK), with its eastern boundary located two blocks west of the Project Area along Classon Avenue. The Rezoning created contextual zoning districts for 99 blocks within the Fort Greene and Clinton Hill neighborhoods in Brooklyn Community District #2. The rezoning created contextual R5B, R6B, R6A and R7A zoning districts in order to protect and preserve the predominately brownstone character of the neighborhood's residential core and limit the construction of tall apartment buildings that are inconsistent with the typical brownstone character of the neighborhood and historic districts.

In addition, the area immediately to the east of the Project Area was amended in 2001 as part of the Flushing-Bedford Rezoning (C 000109 ZMK) which amended M1-1, M1-2 and M3-1 districts to M1-2/R6A to establishing a Special Mixed-Use District as MX-4. The district was mapped in an area bound by Flushing Avenue to the north, Franklin Avenue to the west, Myrtle Avenue to the south and Spencer Street to the east.

The Board of Standards and Appeals ("BSA") has approved numerous variances over the past 15 years for residential uses on Block 1897, all of which are located in the subject M1-1 District, where residential uses are not permitted as-of-right. Some notable cases are outlined below.

In May 2019, the Board under BSA Cal. No. 2017-313-BZ granted a variance to permit a 2-family dwelling on Block 1898 Lot 7 (853 Kent Avenue) contrary to the use regulations of the underlying M1-1 district.

In April 2019, the Board under BSA Cal. No. 2016-4171-BZ granted a variance to permit the development of a 3-story plus penthouse residential building on Block 1898 Lot 23 (823 Kent Avenue) contrary to the use regulations of the underlying M1-1 district.

In December 2017, the BSA under Calendar No. 179-15-BZ granted a variance for a new 4-story residential building on Block 1897, Lot 6 (129 Taaffe Place) on a historically residential lot in an M1-1 district. This site though is still vacant.

In March 2014, the BSA under BSA Cal. No. 78-13-BZ granted a variance for a 4-story residential building on Block 1897, Lot 56 (876 Kent Avenue), where residential uses are not permitted in the underlying M1-1 district as-of-right.

In June 2010, the Board under BSA Cal. No. 28-09-BZ, permitted a variance for a 4-story residential building on vacant lot Block 1897 Lot 4 (133 Taaffe Place) contrary to the use regulations of the underlying M1-1 zoning district.

In May 2010, the Board under BSA Cal. No. 220-08-BZ permitted a variance to enlarge a non-conforming one family dwelling on Block 1897 Lot 23 (95 Taaffe Place) contrary to the underlying M1-1 district.

There are no other land use actions approved within 600-feet of the Project Area within the last 15 years.

3. Description of the Surrounding Area

The Project Area is generally located to the north of Myrtle Avenue, a principal mixed-use arterial for the surrounding area, between Taaffe Place and Kent Avenue. Myrtle Avenue is a 'wide' roadway with 75 feet in width, while side streets such as Kent Avenue, Taaffe Place and Skillman Street are 'narrow' side streets with mapped widths of 50 and 60 feet. However, Classon and Franklin Avenues, located another block east and west (respectively), are north-south neighborhood arterials that connect to neighborhoods north and south, despite being mapped with 60 feet in width (narrow). As such, these three roadways (Myrtle Avenue, Classon Avenue and Franklin Avenue) are vibrant heavily trafficked roadways, reflecting the mixed-use character of the surrounding area.

Despite being in an M1-1 zoning district, the surrounding area is predominantly mixed in use, with a high concentration of residential uses present, along with light manufacturing and ground-floor commercial uses. The residential uses are typically 3-4 story multi-family walk-up buildings along the mid-blocks with taller buildings along the wider avenues that run east to west, such as Myrtle Avenue, where more mid-rise development is present with buildings rising to 6- and 7-stories. Manufacturing buildings consist of 1- and 2-story warehouse buildings, many of which appear to be vacant. Besides for the Development Site, only one other property in the proposed Project Area contains a building with no residential uses (Block 1897, Lot 9), which is improved with a two-story commercial building. Taaffe Playground spans almost the entire block along the western side of Taaffe Place, featuring courts for ball playing and a playground area and is under the jurisdiction of the Department of Parks and Recreation (DPR). Two Landmarks Preservation Commission (LPC) designated landmarks are located on the block to the south of the Project Area at 580-584 Myrtle Avenue (M.H. Renken Dairy Company Offices and Engine Room), which are currently utilized as mixed-use buildings (residential and ground-floor commercial) in 3- and 6-stories.

The surrounding area also features numerous community facility uses. Most notably, the P.S./I.S. 157 Benjamin Franklin Health Science Academy is located immediately north of the proposed Project Area on Block 1897 Lot 13 (850 Kent Avenue). Other notable community facility uses in the surrounding area include St. Lucy-St. Patrick's Roman Catholic Church on the northeast corner

of Taaffe Place and Willoughby Street and St. Mary's Episcopal Church (an LPC-designated landmark), which is on Classon Avenue and Myrtle Avenue. Furthermore, the Volkan Shul is located at the southeast corner of Franklin and Myrtle Avenues, one block southeast of the proposed Project Area, and the Francis Scott Key Middle School and Junior High School 117 is located on the southwestern corner of Kent Avenue and Willoughby Avenue, approximately one block south of the proposed Project Area. These uses rise between 3- and 10-stories.

The Project Area is located in an M1-1 District. Immediately to the south is an R7A/C2-4 district (mapped under the Bedford Stuyvesant North Rezoning discussed above) which lines the area 100 feet in depth of Myrtle Avenue. To the north of the Project Area is a M1-2 district. To the south of Myrtle Avenue are R6 and R6B districts. To the east of Franklin Avenue is the M1-2/R6A (MX-4) district.

The underlying M1-1 districts permit light industrial uses as well as offices, hotels, and most retail uses at a maximum FAR of 1.0. Use Group 4 community facility uses are permitted at a maximum FAR of 2.4. No front yards and side yards are required unless the side yard is along a residential district boundary. Rear yards of 20 feet are usually required, except within 100 feet of a corner. The maximum front wall of buildings is 30 feet or 2 stories whichever is less after which building heights are governed by a sky exposure plane with a 1:1 ratio on both narrow and wide streets. Parking is required based on the use and size of the establishment. One parking space is required for every 300 square feet of general retail use. Loading berths could be required as well depending on size and type of use.

A large M1-2 district is mapped immediately north of the Project Area. M1-2 districts allow similar uses to M1-1 districts but allow for a greater bulk with an FAR of 2.0 and 4.8 for certain community facilities (Use Group 4). Off-street parking and loading facilities requirements also vary in M1-2 districts according to the type and size of the use on the property. Front wall heights may rise to 60 feet or 4 stories, whichever is less, above which the height is governed by a sky exposure plane.

The M1-2/R6A district (MX-4) is mapped east of the Development Site. In general, M1-2/R6A districts have the same use and bulk regulations that would apply in an independent M1-2 and R6A district. R6A districts are contextual districts with a maximum residential FAR of 3.0 (3.6 with MIH or IH). Quality Housing regulations are mandatory in this district. Above a maximum base height of 60 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 70 or 75 feet (80 or 85 feet with MIH or IH) depending on whether a qualifying ground floor is provided. Off-street parking is required for 50% of a building's dwelling units or can be waived if five or fewer spaces are required. 2.0 is permitted for commercial, industrial and light manufacturing uses and parking requirements vary by use.

An R7A/C2-4 district is mapped immediately south of the Project Area along Myrtle Avenue. This zoning district was created as part of the Bedford Stuyvesant North Rezoning discussed above. R7A districts are contextual districts with a maximum FAR of 4.0 (4.6 with MIH or IH). Above a base height of 40 to 65 feet, or 75 feet if providing a qualifying ground floor, the building must set

back at a depth of 10 feet along a wide street and 15 feet along a narrow street before rising to a maximum height of 80 feet or 85 feet (90 or 95 feet with MIH or IH) if providing a qualifying ground floor. Off-street parking is generally required for 50% of the building's dwelling units and is reduced or waived entirely for affordable units.

C2-4 districts permit Use Groups 5-9 & 14 at a maximum FAR of 2.0 when mapped within R6 and R7 districts. Parking is required for every 1,000 square feet of commercial floor area, with some variation for certain uses.

The area is well-served by public transit and is located in the Transit Zone. The New York City Transit (NYCT) G train is located at Bedford and Lafayette Avenues, approximately three blocks southeast of the Development Site. The B48, B54 and B44-SBS bus routes are operate near the Development Site as well. The B54 bus runs along Myrtle Avenue with stops near the Development Site at Franklin Avenue to the east and Classon Avenue to the west, providing service between Downtown Brooklyn and Ridgewood. The B48 travels along Classon and Franklin Avenues with stops at Myrtle Avenue and provides service between Greenpoint and Prospect-Lefferts Gardens. Lastly, the B44-SBS runs along Bedford Avenue, three blocks to the east and provides express service between Williamsburg and Sheepshead Bay.

4. Description of the Proposed Project Area

The Proposed Project Area consists of Block 1897, Lots 5, 6, 9, 10, 11, 12 (p/o), 47 (p/o), 48, 49, 54, 55, 56 (p/o), 7504 (p/o), 7505 and 7509 in the Clinton Hill/Bedford Stuyvesant neighborhood of Brooklyn Community District #3. Kent Avenue is classified as a narrow with 60 feet in width. All lots in the proposed Project Area are located in the underlying M1-1 district. Lots 9 and 49 comprise the Development Sites and are discussed in greater detail below.

The former Lots 1, 3 and 4 (now Lots 7504, 7505 and 7509, respectively) are all narrow interior lots with approximately 25 feet of frontage along Taaffe Place. Lots 1 and 4 both contain an attached 4-story residential walk-up building. Each of those lots have now been converted to residential condominiums.

Lot 5 (131 Taaffe Place) consists of a 2,075 square foot lot with a 3-story, 2-family residential building containing 4,000 square feet of residential floor area. The building was built in 1901. It is currently a non-conforming use.

Lot 6 (127 Taaffe Place) consists of a 2,500 square foot lot with a four-story multi-family residential building with 8 units in approximately 5,970 square feet (2.38 FAR). The building was constructed in 2021.

Lot 10 (121 Taaffe Place) consists of a 2,100 square foot lot with a 3-story 2-family residence containing approximately 1,925 square feet of floor area. It was built in 1990. It is currently a non-conforming use.

Lot 11 (119 Taaffe Place) consists of a 3-story residential building with 6 residential units totaling 4,875 square feet of floor area. It was built in 1905. It is currently a non-conforming use.

Lot 12 (117 Taaffe Place) consists of a 2,100 square foot lot with a 2-story, 2-family residential building containing approximately 1,344 square feet of floor area. The building was built in 1905. This is also a non-conforming use.

Lot 47 (858 Kent Avenue) consists of a 2,500 square foot lot with a 3-story multi-family walk-up building containing 4 dwelling units comprising approximately 1,600 square feet of floor area. The building was built in 1905. It is currently a non-conforming use.

Lot 48 (860 Kent Avenue) consists of a 2,500 square foot lot with a 3-story, 2-family residential building containing approximately 1,500 square feet of floor area. The building was built in 1910. It is currently a non-conforming use.

Lot 54 (872 Kent Avenue) consists of a 2,500 square foot lot that contains a 3-story 1,750 square foot mixed-use 1-2 family building. The building was built in 1949. It is currently a non-conforming use.

Lot 55 (874 Kent Avenue) consists of a 2,500 square foot lot that contains a 3-story residential building with 2 units comprising 2,412 square feet of floor area. The building was built in 1952. It is a non-conforming use as residential buildings are not permitted as-of-right in manufacturing districts.

Lot 56 (876 Kent Avenue) consists of a 2,250 square foot lot with a 4-story residential building containing 4 dwelling units comprising approximately 5,165 square feet of floor area. Approximately 16 of the 25 feet of the lot along Kent Avenue would be included in the Project Area. This lot was granted a variance under BSA Cal. No. 78-13-BZ, as mentioned above.

5. Description of the Proposed Development Sites

As outlined above, the Development Sites comprise Block 1897, Lots 9 and 49, which are adjacent but separately owned parcels with frontage on opposite streets (Taaffe Place & Kent Avenue).

Lot 9 (123-125 Taaffe Place) consists of a 3,340 square foot lot with a 2-story 6,680 square foot commercial structure. It was built in 1993. The building is currently a conforming use. The parcel fronts Taaffe Place with approximately 41 feet of width and a depth of approximately 83 feet.

Lot 49 (862-868 Kent Avenue). The lot is a 12,928 square foot irregularly shaped interior lot located on the western side of Kent Avenue between Park Avenue to the north and Myrtle Avenue. The lot has 125 feet of frontage along Kent Avenue and an overall depth of 100 feet. However, a 50-foot-wide portion of the lot extends another approximately 8 feet deep. It is currently improved with a one-story 12,500 square foot warehouse building. A portion of the building is currently a defunct commercial factory and the other portion of the building is used for chocolate processing.

6. Description of Proposed Development

The Proposed Actions would facilitate the development of two new buildings on the Development Sites.

862-868 Kent Avenue would be redeveloped into an 8-story, 46,356 zoning square foot (zsf) (3.60 FAR) residential building. The proposed development would contain a total of 65 dwelling units (including approximately 17 affordable units pursuant to MIH Option 1, which requires 25 percent of proposed dwelling units be affordable). The building would have a base height of 63 feet (6-stories), a required 15-foot setback at that height, and a roof height of 83 feet (8-stories), with a 10-foot-tall bulkhead extending the overall structure height to 93 feet. The 7th and 8th floors would feature outdoor terraces, and a permitted dormer would penetrate the setback area on the 7th floor. The first floor would contain a gym / recreation space, as well as 23 enclosed accessory off-street parking spaces for building residents. The number of spaces equals half of the proposed number of market-rate units (parking requirements are waived for the affordable units, as the Rezoning Area is located within a Transit Zone). One curb cut is proposed along the Kent Avenue frontage to allow automobile access to the parking area. It is noted that the building would also feature a private rooftop terrace for residents.

123-125 Taaffe Place would be redeveloped with a new 7-story, 12,018 zsf (3.60 FAR) residential building, featuring 19 dwelling units (of which 5 would be affordable pursuant to MIH Option 1). The building would have a base height of 63 feet (6-stories), a required 15-foot setback at that height, and a roof height of 73 feet (7-stories), with a 10-foot-tall bulkhead extending the overall structure height to 83 feet. One curb cut is proposed along the Taaffe Place frontage to allow automobile access to the parking area, which would feature 7 enclosed spaces. It is noted that the building would also feature a private rooftop terrace for residents.

Combined, the Proposed Development would provide 22 new MIH units under Option 1 (17 in 862-868 Kent Avenue and 5 in 123-125 Taaffe Place).

7. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a zoning map amendment and zoning text amendment that would facilitate the Proposed Development. The proposed zoning map amendment seeks to rezone the proposed Project Area from M1-1 to M1-4/R6A (MX-4). As the MX-4 district already exists in this area, the underlying regulations that apply in Special Mixed-Use Districts pursuant to Article XII, Chapter 3 would be applicable to the Project Area.

The proposed district would extend 240 feet in length from the pre-existing R7A/C2-4 district. The proposed zoning text amendment would amend Appendix F of the Zoning Resolution by establishing the Project Area as a Mandatory Inclusionary Housing Area (MIH) and would be

mapped as Options 1 and 2, pursuant to §23-154(d). All residential developments, enlargements, and conversions within this MIH that meet the criteria set forth in the MIH program must comply with the requirements of one of the options described below:

- Option 1: 25% of residential floor area must be for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI.
- Option 2: 30% of residential floor area must be for affordable housing units for residents with incomes averaging 80% AMI.

At this time, the Proposed Development would comply with a combined 22 units of MIH (25% of residential floor area) with incomes averaging 60% AMI.

The proposed MX-4 district is a special mixed-use district that permits Use Groups 1-14, 16 & 17. The bulk regulations for residential uses follow the R6A district equivalent under MIH. R6A districts are typically mapped along mid-block portions of streets near wide avenues, such as Myrtle Avenue. The district permits a maximum FAR of 3.6 with MIH and community facility uses are permitted at a maximum FAR of 3.0. Building base height can ranges from 40 to 65 feet and a maximum building height of 85 feet under MIH with a qualifying ground floor (or 8-stories). Off-street parking is generally required for 50% of dwelling units and affordable units are waived in the Transit Zone. Any commercial or manufacturing uses to be developed or enlarged in the proposed new district would be governed by the bulk regulations for the proposed M1-4 district. Commercial and light manufacturing uses would be permitted up to a maximum FAR of 2.0. Buildings could rise 60 feet or 4 stories, whichever is less, before being governed by a sky exposure plane. Parking requirements in the M1-4 district vary by use but most uses waive out of parking in the district, based on access to mass transit.

The proposed M1-4/R6A district is appropriate for this area, which is heavily mixed in use, consistent with the adjacent MX-4 district to the east. The Project Area is located mid-block, making the area appropriate for an R6A residential district that permits mid-rise buildings to complement taller mid-rise development permitted along Myrtle Avenue, while continuing to permit limited light industrial and manufacturing uses at 2.0 FAR, consistent with districts in the immediate area - but with a reduced parking requirement given the location in the Transit Zone.

As mentioned above, of the 15 properties in the proposed Project Area, only three of them currently have no residential uses whatsoever and two of those sites are the Development Site. The third remaining non-residential parcel is Block 1897, Lot 6, which was granted a variance to construct a 4-story residential building on the lot. The depth of the special new mixed-use district would extend from the pre-existing R7A/C2-4 district to the south, to the Benjamin Franklin Health Science Academy immediately north of the Project Area, to recognize the cluster of residential uses that exists mid-block between the school and Myrtle Avenue. In addition, the proposed MX

district would also legalize the existing day care center on Lot 5, which is currently a non-conforming use in an M1-1 district.

As such, the proposed MX-4 district would more accurately reflect the existing conditions in the Project Area, which is increasingly residential, and would serve to increase the Project Area's conformance and compliance with zoning. Moreover, the proposed MX-4 district would enable the existing commercial uses in the proposed Project Area to remain conforming uses. The proposed M1-4/R6A district also leaves open the possibility for commercial uses to occupy the sites in the future, further promoting the mixed-use character of the Project Area.

Last, the Proposed Actions would make the Project Area applicable to MIH, which would require new affordable dwelling units, a recognized need in all areas of the city. As currently proposed, at least 22 units would be made permanently affordable to incomes averaging 60% AMI, with any new residential development occurring in the Project Area requiring additional affordable units.

8. Conclusion

The proposed M1-4/R6A district would recognize the pre-existing mixed-use character of the Project Area, which consists of a cluster of mid-rise residential, commercial and older light industrial uses situated between Myrtle Avenue and the Benjamin Franklin Health Science Academy to the north. The proposed M1-4/R6A district would require residential uses under contextual requirements, consistent with the R7A/C2-4 district mapped along Myrtle Avenue to the south and would require affordable units under MIH. In addition to requiring new affordable dwelling units, the Proposed Actions would continue to permit commercial, industrial and manufacturing uses, in addition to recognizing the range of uses present in the Project Area, thereby increasing the area's conformance and compliance with zoning.