CITY PLANNING COMMISSION

September 23, 2024 / Calendar No. 3 N 230357(A) ZRK

IN THE MATTER OF an application submitted by Franklin Ave Acquisition LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying bulk regulations in ARTICLE II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts), as well as APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

This application for a zoning text amendment was filed by Franklin Ave Acquisition LLC on May 30, 2023. This application, in conjunction with the related zoning map amendment (C 230356 ZMK) and zoning special permit (C 230358 ZSK) actions would facilitate the construction of a 14-story mixed use buildings containing 475 dwelling units, along with commercial space, at 962 Franklin Avenue in the Crown Heights neighborhood of Brooklyn, Community District 9.

RELATED ACTIONS

In addition to the zoning text amendment (N 230357(A) ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 230356 ZMK Zoning map amendment to change an R6A district to R8A and R8A/C2-4 districts

C 230358 ZSK Zoning special permit pursuant to Section 74-533 of the ZR to reduce the number of required accessory off-street parking spaces;

BACKGROUND

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 230356 ZMK).

ENVIRONMENTAL REVIEW

This application (N 230357(A) ZRK), in conjunction with the applications for the related actions (C 230356 ZMK, C 230358 ZSK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 23DCP165K.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated September 12, 2024, appears in the report on the related application for a zoning map amendment (C 230356 ZMK).

PUBLIC REVIEW

This application (N 230357(A) ZRK) was referred for information and review in accordance with the procedures for non-ULURP matters, in conjunction with the related ULURP actions for a zoning map amendment (C 230356 ZMK) and a special permit (C 230358 ZSK) which were certified as complete by the Department of City Planning on May 13, 2024, and were duly referred to Brooklyn Community Board 9 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 9 held a public hearing on this application (N 230357(A) ZRK) and the related actions for a zoning map amendment (C 230356 ZMK) and a special permit (C 230358 ZSK) on June 18, 2024, and on June 24th, by a vote of 24 in favor, zero in opposition, and two abstaining, adopted a resolution recommending disapproval of the application.

A full description and discussion of the community boards' recommendation, and a copy of the resolution, appear in the report on the related action (C 230356 ZMK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (N 230357(A) ZRK) and the related actions for a zoning map amendment (C 230356 ZMK) and special permit (C 230358 ZSK) on July 16, 2024, and on August 25, 2024 issued a recommendation to disapprove the application.

CITY PLANNING COMMISSION PUBLIC HEARING

On July 24, 2024 (Calendar No. 6), the City Planning Commission scheduled a public hearing on this application (N 230357(A) ZRK) and the related applications for a zoning text amendment (C 230356 ZMK) and a special permit (C 230358 ZSK). The hearing was duly held on August 7, 2024 (Calendar No. 33). There were eight speakers in favor of the application and 48 in opposition.

A full account of public testimony given at this hearing appears in the report for the related zoning map amendment (C 230356 ZMK).

CONSIDERATION

The Commission believes that this application for the grant of a zoning text amendment, (N 230357(A) ZRK), as modified herein, in conjunction with the related actions is appropriate. A full consideration and analysis of the issues and reasons for approving the application, with modifications, appear in the report for the related zoning map amendment (C 230356 ZMK).

RESOLUTION

Therefore, the City Planning Commission, deeming the actions described herein to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 12, 2024, with respect to this application

(CEQR No. 23DCP165K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulation, have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action adopted herein is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable;
3. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 23, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission pursuant to section 200 of the New York City Charter that based on the environmental determination, and the consideration and findings described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

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

* * *

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.

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APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 9

* * *

Map 1 – [date of adoption]

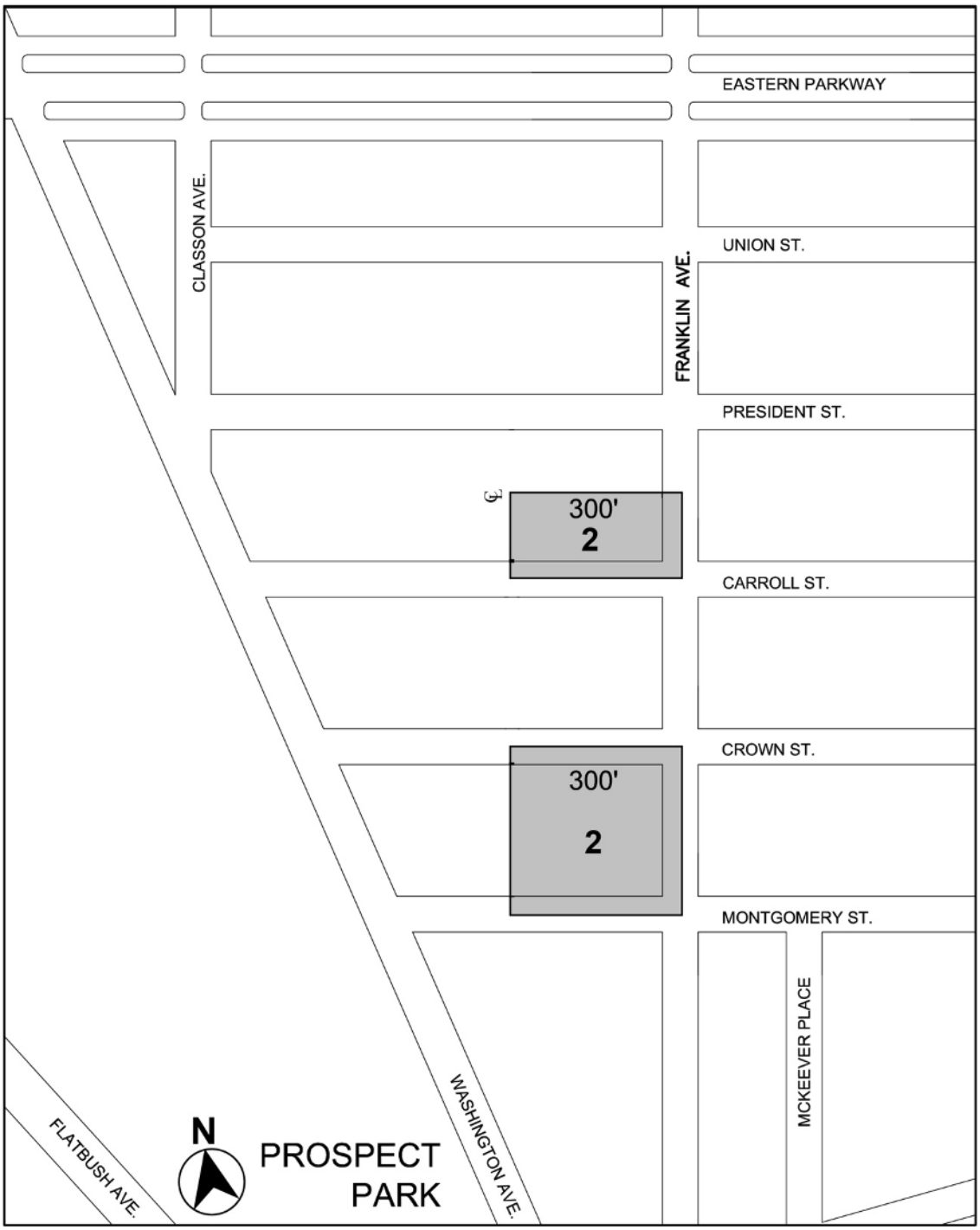
[EXISTING MAP]



Mandatory Inclusionary Housing Program Area *see Section 23-154 (d)(3)*
Area **1** – 11/30/17 MIH Program Option 1

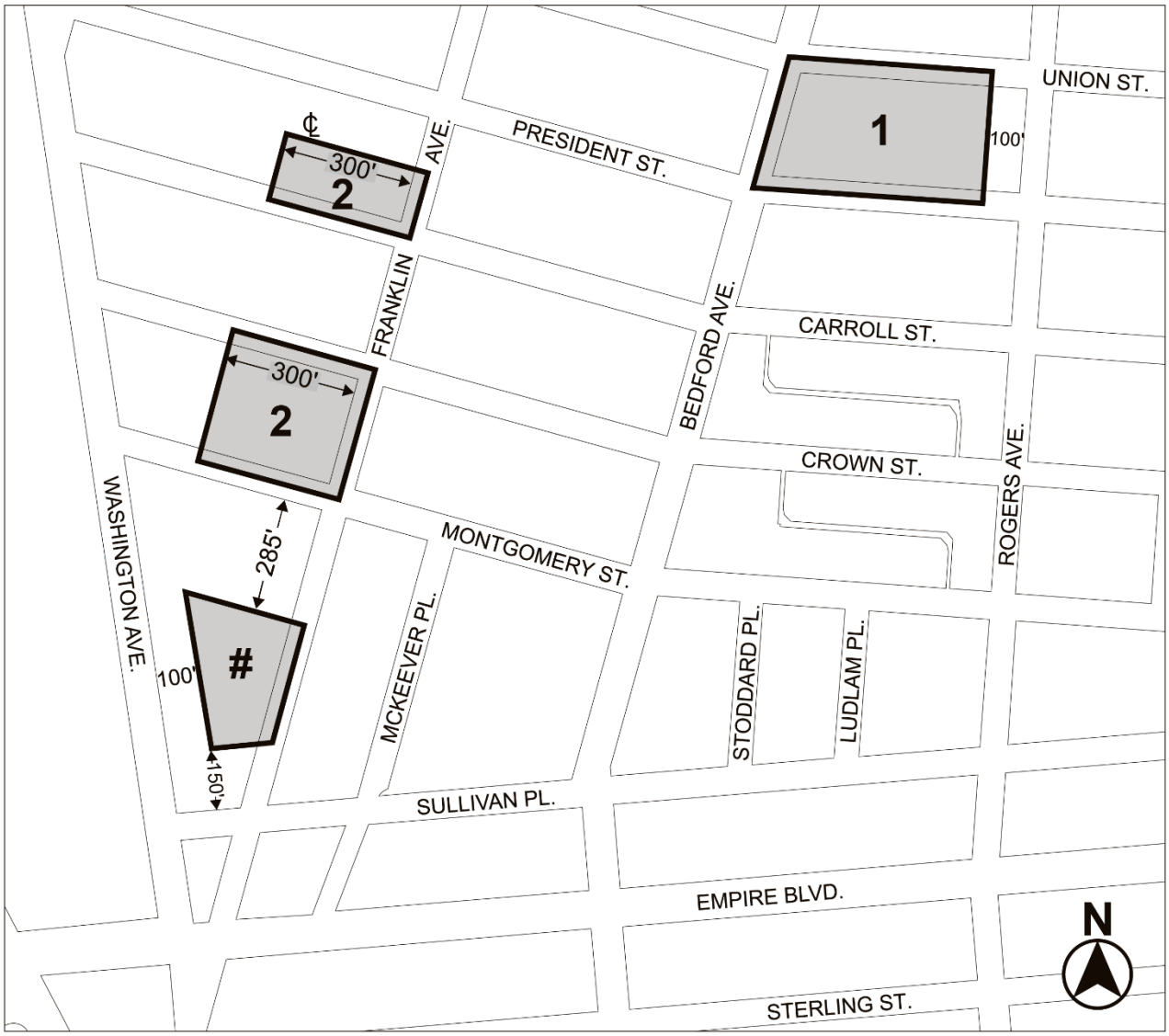
~~Map 2 - (12/20/18)~~

[EXISTING MAP]



Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*
Area **2** 12/20/18 — MIH Program Option 1

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** – 11/30/17 MIH Program Option 1

Area **2** – 12/20/18 MIH Program Option 1

Area **#** – [date of adoption] MIH Option 1 and Option 2

Portion of Community District 9, Brooklyn

* * *

The above resolution (N 230357(A) ZRK) duly adopted by the City Planning Commission on September 23, 2024 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and

the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq Chair
GAIL BENJAMIN, ALFRED C. CERULLO, III, Esq, ANTHONY CROWELL, Esq
JOSEPH I. DOUEK, DAVID GOLD, Esq, RASMIA KIRMANI-FRYE,
ORLANDO MARÍN, RAJU MANN, *Commissioners*

LEAH GOODRIDGE, Esq., JUAN CAMILO OSORIO,
RAJ RAMPERSHAD, *Commissioners,* VOTING NO