THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 665

Resolution approving the decision of the City Planning Commission on ULURP No. C 230356 ZMK, a Zoning Map amendment (L.U. No. 161).

By Council Members Salamanca and Riley

WHEREAS, Franklin Ave. Acquisition, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an R6A District to an R8A District and establishing within the proposed R8A District a C2-4 District, which in conjunction with the related actions would facilitate the construction of a 14-story mixed use building with approximately 383,000 square feet of floor area containing 475 dwelling units, 119 of which would be permanently income-restricted, along with 8,128 square feet of commercial floor area, at 962 Franklin Avenue in the Crown Heights neighborhood of Brooklyn, Community District 9 (ULURP No. C 230356 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 24, 2024 its decision dated September 23, 2024 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 230357(A) ZRK (L.U. No. 162), zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, and to modify bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); and C 230358 ZSK (L.U. No. 163), a special permit pursuant to Zoning Resolution Section 74-52 to reduce residential off-street parking to facilitate affordable housing;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 16, 2024;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, as reflected in the Positive Declaration issued June 27th, 2023 (CEQR No. 23DCP165K) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on September 12, 2024, which identified significant adverse impacts with respect to open space, shadows, and natural resources, and construction (noise). In addition, significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations (E-728) on the project site as specified in the Environmental Assessment Statement and Chapters 1, 7, and 12 of the FEIS. The application, as analyzed in the FEIS, contained Project Components Related to the Environment ("PCREs") related to construction air quality, which are

set forth in Chapter 10, "Construction". The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 11 "Mitigation" of the FEIS which include commitments related to improvements at Jackie Robinson Playground and the Brooklyn Botanic Garden; and construction noise. The Council has also considered the Technical Memorandum dated [_____] (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and the Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2. 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 the Decision;

3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the actions adopted are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and

4. The adverse environmental impacts revealed 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 Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230356 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16d:

1. changing from an R6A District to an R7D District property bounded by a line 285 feet southerly of Montgomery Street, Franklin Avenue, a line 150 feet northerly of Sullivan Place, and a line 100 feet easterly of Washington Avenue; and

2. establishing within the proposed R7D District a C2-4 District bounded by a line 285 feet southerly of Montgomery Street, Franklin Avenue, a line 575 feet southerly of Montgomery Street, and a line 100 feet westerly of Franklin Avenue;

as shown on a diagram (for illustrative purposes only) dated May 13, 2024, modified by the City Planning Commission on September 23, 2024, and subject to the conditions of CEQR Declaration E-728, Borough of Brooklyn, Community District 9.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2024, on file in this office.

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City Clerk, Clerk of The Council