# 1.0 Project Description

## Introduction

The New York City Department of City Planning (DCP), together with the New York City Department of Housing Preservation and Development (HPD) and Department of Citywide Administrative Services (DCAS), is proposing a series of land use actions including zoning map amendments, acquisition, disposition of City-owned property and Urban Development Action Area Project (UDAAP), and zoning text amendments (including establishing a new Special District and Mandatory Inclusionary Housing [MIH]) (collectively, the Proposed Actions) that would facilitate the implementation of a neighborhood land-use plan along Atlantic Avenue in Prospect Heights, northwestern Crown Heights, and southern Bedford Stuyvesant in partnership with elected officials, City agencies, community boards, and local stakeholders.

The Proposed Actions would affect an approximately 21-block area, primarily along Atlantic Avenue in Brooklyn Community Districts (CDs) 3 and 8, and generally bounded by Vanderbilt Avenue to the west, Nostrand Avenue to the east, Herkimer Street to the north, and Bergen Street to the south. In addition, the Proposed Actions would affect two, separate, non-contiguous areas on a portion of two blocks bounded by:

- 6th Avenue to the west, Carlton Avenue to the east, Dean Street to the north, and St. Marks and Flatbush Avenues to the south.
- Halsey Street to the north, Macon Street to the south, Nostrand Avenue to the west and Marcy Avenue to the east.

In response to the comments received on the Draft Scope of Work, two additional development sites (Projected Development Sites 53 and 55) have been included in environmental analysis to account for development that could be facilitated by future discretionary actions not subject to the current Uniform Land Use Review Procedure (ULURP) land use application associated with the Proposed Actions. These two separate, non-contiguous sites in CD 2 and 8 are on a portion of two blocks bounded by:

- Fulton Street to the north, Atlantic Avenue to the south, Carlton Avenue to the west and Clermont Avenue to the east.

- Prospect Place to the north, Park Place to the south, New York Avenue to the west and Brooklyn Avenue to the east.

The Proposed Actions are intended to reinvigorate portions of the 120-foot-wide Atlantic Avenue thoroughfare and surrounding blocks and help mitigate the regional housing crisis by allowing the development of new housing, including affordable housing, and facilitating economic opportunity and the growth of local services and jobs in an area that has excellent public transit access and is near the major employment hubs of Downtown Brooklyn and Lower Manhattan. These actions will also be reinforced by investments into local community resources and the public realm to improve sustainability, safety, mobility, and neighborhood connectivity. The Proposed Actions seek to accomplish the following land use objectives:

- Implement community-identified priorities for housing, services, and job growth, and reinforce proposed investments into community amenities and the streetscape.

- Allow for new housing where appropriate and require permanently affordable housing in new residential developments.

- Reinforce the area as a local job hub that serves surrounding neighborhoods and new residents and promotes a walk-to-work environment.

- Ensure the area evolves into a mixed-use neighborhood that supports new housing and space for local retail, community facilities and services, and commercial and light industrial uses.

- Encourage the investment in, and expansion of, loft-style buildings to help the growth of job-dense uses in appropriate locations.

- Strengthen the quality of the Atlantic Avenue streetscape, improve safety along the corridor and at key intersections, enhance the pedestrian experience along the sidewalk, and find opportunities for publicly accessible open space for existing and future residents.

- Support active ground floor uses along key corridors, including Atlantic Avenue, Grand Avenue, Classon Avenue, and Bedford Avenue.

- Create special zoning rules to improve urban design and accommodate unique development conditions.

Related to the objectives above, the proposed actions also seek to facilitate the following redevelopments of public- and nonprofit-owned lots:

- **Dean Park Edge:** One 11-story new construction mixed-use building containing approximately 151 affordable senior rental units, one additional unit for a superintendent, approximately 2,780 square feet (sf) of community facility space on the ground floor. The proposed development will be developed on five underutilized

City-owned lots within the Prospects Heights neighborhood of Brooklyn's CD 8, located at 542 Dean Street (Block 1136, Lots 29, 32, 33, 34, 35) (Projected Development Site 46).

- **Bergen Green:** One 11-story new construction mixed-use building containing approximately 111 affordable rental units, one additional unit for a superintendent, approximately 5,323 sf of community facility space on the ground floor, and approximately 23 parking spaces for HPD operations on one underutilized City-owned site within the Prospects Heights neighborhood of Brooklyn's CD 8, located at 516 Bergen Street (Block 1143, Lot 25) (Projected Development Site 47).

- **457 Nostrand Avenue (Department of Education):** One 13-story new construction mixed-use building containing approximately 200 affordable rental units,[1] one additional unit for a superintendent, approximately 18,034 sf of community facility space on the ground floor on one underutilized City-owned site within the Bedford-Stuyvesant neighborhood of Brooklyn's CD 3, located at 457 Nostrand Avenue (Block 1844, Lot 1) (Projected Development Site 54).

- **1134 Pacific Street (Acacia Network):** One 11-story new construction mixed-use building containing approximately 119 affordable rental units, one additional unit for a superintendent, approximately 2,479 sf of community facility space on the ground floor on three underutilized formerly City-owned sites within the Prospects Heights neighborhood of Brooklyn's CD 8, located at 1134-1142 Pacific Street (Block 1205, Lots 11, 14, 111) (Projected Development Site 48).

- **1110 Atlantic Avenue (New York City Transit):** One new construction mixed-use building ranging in height from 10 to 19 stories and containing approximately 200 affordable rental units and approximately 21,000 sf of commercial space on the ground floor of an underutilized City-owned site within the Prospect Heights neighborhood of Brooklyn's CD 8, located at 1110 Atlantic Avenue (Block 1126, Lot 32) (Projected Development Site 45).

Atlantic Avenue serves as one of the City's major thoroughfares, spanning across several neighborhoods from Brooklyn's East River waterfront to Jamaica, Queens. During the 19th century, a freight and passenger rail line ran at-grade along Atlantic Avenue bringing raw materials into the city from Long Island, leading to many industrial, distribution-based businesses flourishing along the corridor and surrounding blocks, intermingling with the existing rowhouses and apartment buildings. In the early 1900s, as Brooklyn densified and Long Island suburbanized, the rail line was buried below Atlantic Avenue and began operating as passenger-only service for the Long Island Rail Road (LIRR). Concurrently with

[1] For a conservative analysis the RWCDS assumes 279 affordable DUs at 457 Nostrand Avenue, based on total available floor area and unit size assumptions. As noted, current DOE/HPD plans assume 200 affordable DUs would be built on Projected Development Site 54.

the rapid growth of the automobile and suburbanization of Long Island, portions of Atlantic Avenue in Central Brooklyn evolved into an auto-centric corridor with gas stations, vehicle repair shops, warehouses, and distribution centers. In 1961, the area was mapped with an M1-1 zoning district, codifying the area as a low-rise, auto-oriented corridor. Due to the M1-1's low allowable densities and heights, high off-street parking and loading requirements, and use limitations, this zoning contributed to disinvestment in the area by encouraging the devaluation and demolition of non-conforming homes and apartment buildings, banning development of any new housing, and significantly constraining the growth of commercial and industrial businesses. Today, the area consists of vacant and underutilized lots, as well as single-story warehouses and auto-related uses.

In contrast, the areas immediately surrounding the M1-1 zoning district are mainly built up and thriving with residential and other types of uses. Housing demand has soared in Crown Heights, Prospect Heights, Clinton Hill, Bedford Stuyvesant, and other neighborhoods surrounding Atlantic Avenue, which benefit from strong access to public transit and major employment hubs, such as Downtown Brooklyn and Lower Manhattan. To prevent new, potentially out-of-context development, large swaths of these neighborhoods have been mapped with contextual zoning districts and designated as historic districts by the Landmarks Preservation Commission (LPC), limiting capacity for new housing and placing increasing pressure on industrial-zoned parts of Atlantic Avenue to accommodate growth.

Following the 2013 area-wide rezoning of Crown Heights West, Brooklyn Community Board (CB) 8 formed a land use sub-committee called M-CROWN with the aim of establishing a shared vision for housing and job growth along a section of Atlantic Avenue. In 2015, CB 8 adopted their first Resolution requesting the City rezone the M-CROWN geography to support new mixed-income housing and living-wage jobs, envisioning expanded industrial uses and restrictions on retail, nightlife, and eating and drinking establishments.

Since 2016, DCP has been engaged with CB 8 and began a study in collaboration with board members, residents and property owners, and other stakeholders. In 2018, DCP released a land use framework, which built upon CB 8's goals and set forth a vision with individual subareas that has subsequently been used as a tool to guide private rezoning applications. In spring 2022, DCP began work to advance an area-wide plan for Atlantic Avenue in response to a request from elected officials, local organization and community board leaders, and various stakeholders. In October 2022, an outreach and engagement process were launched by elected officials, DCP, and partnering agencies, known as the Atlantic Avenue Mixed-Use Plan (AAMUP), culminating in a community priorities report in July 2023 which included recommendations for land use changes, public realm improvements, and other community-based priorities.

An overview of the area subject to the Proposed Actions (also referred to as the Project Area or Rezoning Area), the purpose and need for the Proposed Actions, and their specific components are discussed below. **Appendix 1** of the Environmental Assessment Statement (EAS) includes a full list of the blocks and lots that would be affected by the Proposed Actions.

## Required Approvals

The Proposed Actions include discretionary actions that are subject to review under the ULURP, Section 200 of the City Charter, and City Environmental Quality Review (CEQR) process, as follows:

- **Zoning Map Amendment** to:
    - Rezone portions of existing M1-1, C6-2A, C6-3A, C6-3X, M1-4/R7A, R7A/C2-4, R7D/C2-4, R6B, and R6A districts to R7A, R7D, C6-3A, M1-1A/R6B, M1-2A/R6A, M1-3A/R7D, M1-4A/R9A, C4-3A, C4-5D, R7-2, and M1-3A districts and C2-4 commercial overlays.
- **Zoning Text Amendments to:**
    - Establish the Special Atlantic Avenue Mixed-Use District largely coterminous with the Rezoning Area. The proposed special purpose district will include modifications to underlying use, bulk, parking and loading, and streetscape regulations. The proposed special district will include requirements and incentives related to active ground floor uses and job--generating uses and establish controls for building articulation and streetscape improvements along key corridors.
    - Modify Appendix F for the purpose of establishing proposed R7A, R7-2, R7D, C6-3A, M1-1A/R6B, M1-2A/R6A, M1-3A/R7D, M1-4A/R9A, C4-3A, C4-5D, and R7-2 as MIH areas, applying the MIH program to require a share of new housing to be permanently affordable where significant new housing capacity would be created.
- **Designation of Urban Development Action Areas (UDAA), Approval of an Urban Development Action Area Project (UDAAP), Acquisition, and Disposition of City-Owned Properties**
    - Designation of UDAAs, project approval of an UDAAP, and disposition of the City-owned property for two parcels owned and managed by HPD on Block 1136 (Lots 29, 32, 33, 34, and 35) and Block 1143 (Lot 25). HPD seeks to designate a UDAAP for the purpose of disposition and development of affordable housing for older adults and families, as well as to provide on-site services and amenities for residents and other community facility uses.
    - Acquisition and disposition actions related to the property for Block 1205, Lots 11, 14, and 111; acquisition and disposition of City-owned property at Block 1126, Lot 32; acquisition of City-owned property at Block 1143, Lot 25, and disposition of City-owned property at Block 1844, Lot 1.

- In addition to these land use actions, potential Article XI disposition, tax exemption, and HPD financing for one or more sites to facilitate the development of affordable housing.

## Background to the Proposed Actions

### *Community Engagement and Interagency Participation*

Following the 2013 area-wide rezoning of Crown Heights West, Brooklyn CB 8 formed a land use sub-committee called M-CROWN with the aim of establishing a shared vision for housing and job growth along a section of Atlantic Avenue. In 2015, CB 8 adopted their first Resolution requesting the City rezone the M-CROWN geography to support new mixed-income housing and living-wage jobs, envisioning expanded industrial uses and restrictions on retail, nightlife, and eating and drinking establishments.

In 2016, DCP began engaging with CB 8 on a land use study, encompassing the M1-1 zoning district that extends from Vanderbilt Avenue on the west to Nostrand Avenue on the east. Because conditions were similar across both sides of the corridor, DCP added an M1-1 area on the north side of Atlantic Avenue in 2017 and initiated discussions with CB 3. In 2018, DCP released a land use framework as part of its study with the goal of reaching consensus on a shared vision for growth and to help guide private rezoning applications. As part of the framework, the following three sub-areas were identified:

- **Atlantic Avenue Mixed-Use Sub-Area:** Support growth of a major corridor with a high-density mix of commercial and residential uses.
- **Western Mid-Block Mixed-Use Sub-Area:** Encourage moderate density, mixed-use development with greater density along the north/south avenues.
- **Eastern Mid-Block Commercial and Industrial Sub-Areas:** Maintain and support clusters of industrial and commercial uses.

Following additional outreach between DCP and CB 8, in 2019 CB 8 adopted a second Resolution, building on the 2018 DCP framework with recommendations to incentivize a mix of light-industrial and community facility uses, and formally presented the framework to CB 3 in 2019. In 2020 and 2021, DCP continued to engage with CB 8 and CB 3, holding discussions on a variety of urban design issues along with demographic and population trends.

In April 2022, in response to a letter requesting a City-sponsored neighborhood plan from elected officials, CBs 3 and 8, and local organizations, the City began efforts to advance a neighborhood plan. During the summer and fall of 2022, DCP worked with key stakeholders to formulate an outreach plan to better understand priorities for land use, affordable housing, and capital investments among residents and businesses, many of whom had not been engaged with past M-CROWN planning efforts. To facilitate the expanded engagement initiative, a consultant was selected and on-boarded through a Request for Proposals (RFP)

process and several city agencies formally joined the planning efforts, including HPD, the Department of Transportation (DOT), the Department of Parks and Recreation (DPR), the Department of Small Business Services (SBS), and the Economic Development Corporation (EDC). To distinguish this expanded engagement process from past M-CROWN work, the new outreach and planning process was renamed the AAMUP.

In December 2022, a steering committee, consisting of local council members, community boards, and representatives from community-based organizations and advocacy groups, was formed to provide oversight and guidance of the outreach process. In January 2023, the new outreach process kicked off with a virtual workshop to introduce AAMUP and hear initial feedback from community members. During winter and spring 2023, a series of public engagement meetings were convened to develop a detailed set of goals and priorities for the plan, including two open-house-style community planning workshops, nine topic-based working groups meetings, and monthly steering committee meetings.

In an effort to allow community members to engage with City agencies on specific planning topics and generate community-driven priorities for the plan, three working groups were formed on the topics of (1) Streetscape, Physical Infrastructure, and Open Space; (2) Economic Development, Human Capital, and Services; and (3) Land Use, Density, and Housing—each of which met three times for a total of nine working group meetings. Every working group meeting consisted of a mix of presentations, interactive activities, and break-out group discussions led by the engagement consultant and in close coordination with the steering committee, DCP, Council Member Crystal Hudson, and the City Council's Planning and Land Use Division. Several City agencies also participated in and supported the engagement process, including HPD, DOT, DPR, SBS, and the EDC.

Following the public community planning workshops and working group meetings, opportunity statements, goals, and priorities that emerged from the outreach process were compiled into a final engagement report, the AAMUP Community Vision and Priorities report, which was released in August 2023. As part of the AAMUP Community Vision and Priorities report, six community-based priorities were identified, which will inform future land use actions and actions taken by the City to provide services and undertake capital investment projects that support the plan's goals.

Concurrently with DCP's work to develop the land-use framework and neighborhood plan that would eventually become the AAMUP proposal, HPD issued the Minority/Women-Owned Business Enterprises (M/WBE) RFP Round 2 on April 22, 2021, to develop high-quality, sustainable mixed-use affordable housing developments on two underutilized City-owned sites in Prospect Heights, Brooklyn: Site A 542 Dean Street (Projected Development Site 46) and Site B 516 Bergen Street (Projected Development Site47). The RFP is part of HPD's initiative to build opportunity among minority- and women-owned developers, and address demonstrated disparities in M/WBE participation in affordable housing development. The RFP followed community outreach held between 2020 and 2021 that included a series of public workshops, community surveys and stakeholder meetings to identify priorities and goals for the site that were compiled into a Community Visioning Report. Three main priorities

included in the Community Visioning Report were open public space, neighborhood amenities and contextual building design. The Proposed Developments were designated in August 2023 (Site A) and January 2024 (Site B) and reflect the City's affordable housing goals, as well as input and feedback received during community engagement.

## Atlantic Avenue Mixed-Use Plan Project Area History

### *Project Area History*

Early inhabitants of the Project Area included the Lenape indigenous people. The area was mostly forested, hilly, and unpopulated until the establishment of the Village of New Bedford in the 17th century as part of a grant from New Amsterdam Governor Pieter Stuyvesant. The area would later become part of the Village of Brooklyn and, in 1674, was transferred from Dutch to British rule. During European colonization, many areas were de-forested and became farmland. In the 19th century, the area experienced rapid urbanization due to the layout of a new street grid, technological advances in rail transportation and construction, and the development of Prospect Park.

During the late 19th century, Atlantic Avenue had an at-grade freight and passenger rail connecting Brooklyn's industrial waterfront with the farms of Long Island, fueling Brooklyn's rapid development, and leading to industrial, distribution-based businesses concentrating along the corridor and surrounding blocks. In the early 1900s, the rail line was moved below grade and began operating as passenger-only service for the LIRR. As Long Island suburbanized amidst the rapid growth of the automobile, Atlantic Avenue evolved into an auto-centric corridor with gas stations, vehicle repair shops, warehouses, and distribution centers. In 1961, M1-1 zoning was mapped along the corridor to limit new housing and promote suburban-style industrial and commercial uses, reinforcing the character of low-rise, auto-oriented uses; devaluing the existing rowhouses and apartment buildings by designating their use as non-conforming with zoning; and precluding any new residential development, conversions, or expansions.

Due to the M1-1 zoning's stringent restrictions on use, limitations on density and height, and high parking requirements, coupled with periods of disinvestment, portions of Atlantic Avenue have experienced minimal new development. The area is presently characterized by a mix of vacant lots, open storage, self-storage, auto-oriented uses, and high lot coverage, loft-style industrial buildings, some of which have been adaptively reused for offices, art studios, and retail uses. Meanwhile, much of the residential neighborhoods surrounding Atlantic Avenue—Crown Heights, Prospect Heights, Clinton Hill, and Bedford Stuyvesant—have undergone rapid socioeconomic changes. Though rich in public transit and located near major job centers like Downtown Brooklyn and Lower Manhattan, these neighborhoods were "contextually" rezoned and mapped with historic districts, preserving their existing built character and limiting new housing development. As housing demand in these inner-ring neighborhoods grew and attracted higher income residents, many low- and moderate-income residents have faced rising rents and displacement pressure. Simultaneously, the population of Black residents within the surrounding neighborhoods has declined, while the population of White and Asian residents has grown substantially.

### *Neighborhood Context*

The Project Area is located primarily in northwestern Crown Heights and situated at the nexus of Crown Heights, Bedford Stuyvesant, Clinton Hill, and Prospect Heights. Surrounding neighborhoods consist mainly of low-rise residential areas with retail and services concentrated on Fulton Street to the north and several north-south corridors that overlap with the Project Area. Following the establishment of Prospect Park and the expansion of the subway station during the late 19th century and early 20th century, these neighborhoods experienced a rapid population boom with the construction of row-house style homes and small- and medium-sized apartment buildings.

The area surrounding the Project Area is well-served by public transit. The A and C subway lines run along Fulton Street, two blocks north of the Project Area, with access at the Clinton-Washington, Franklin Avenue, and Nostrand Avenue stations. The Franklin Avenue shuttle, a two-car subway connecting the neighborhoods of Bedford Stuyvesant with Prospect Lefferts Gardens in Central Brooklyn, runs north-south directly through the Project Area with stations two blocks from the Project Area at Franklin Avenue and Park Place. Within the Project Area, the elevated train runs over Atlantic Avenue, Pacific Street, Dean Street, and Bergen Street. Additionally, three blocks to the west of the Project Area is Atlantic Terminal, a multi-modal transit hub with access to 10 subway lines and the LIRR, and less than a half mile to the south of the Project Area is the Franklin Avenue station at Eastern Parkway, which provides access to the 2, 3, 4, and 5 subway lines. Less than one block outside the Project Area, at the intersection of Atlantic Avenue and Nostrand Avenue, is a newly renovated LIRR station, which provides regional access to Atlantic Terminal, East New York, and various stations in Queens and Long Island. Several bus lines run within a quarter mile of the Project Area, including the B25, B26, B45, B44, B48, B49, B65, and B69, as well as the B44 Select Bus Service.

Three blocks west of the Project Area is Atlantic Terminal, a multi-modal transit hub and gateway to Downtown Brooklyn, a high-density neighborhood that serves as a Central Business District serving the entire City and was subject to an area-wide rezoning in 2004 (C 040171 ZMK) to promote commercial and residential growth. Three LPC-designated historic districts are located within a few blocks from the Project Area (Prospect Heights District, Crown Heights North District, and Bedford District), and several other Historic Districts are located within a one-mile radius of the Project Area, including Fort Greene, Clinton Hill, Stuyvesant Heights and Crown Heights North II and III.

Immediately surrounding the Project Area are three Historic Districts designated by LPC. In 1977, LPC designated the 23rd Regiment Armory as a New York City Landmark. Referred to as the Bedford Atlantic Armory, the building was constructed in 1895 to store arms and military equipment, train soldiers, and provide services to veterans of the Civil War. Resembling a brick fortress, a prominent feature is the round crenellated tower, which rises to a height of 136 feet. Currently, the building is occupied by a homeless shelter for men operated by the Department of Homeless Services (DHS) and used for temporary storage. In 1974, LPC designated St. Bartholomew's Church as a New York City Landmark, located

partially within the Project Area at 1227 Pacific Street. Built in 1890, St. Bartholomew's Church is a Queen Anne-style structure featuring a square tower and belfry, as well as a stained-glass window by Tiffany Studios, dating from 1932. In 1986, the Imperial Apartments as a New York City Landmark, located approximately one block to the south of the Project Area at 1198 Pacific Street. Built in 1892 and inspired by French Renaissance chateaux, the Imperial Apartments are clad with Roman brick and terra-cotta. In 1983, LPC designated Girls High School at 457 Nostrand Avenue as a New York City Landmark, which is currently occupied by the Adult Learning Center. Erected in 1885 with a combination of Victorian Gothic and French Second Empire styles, Girl's High School was one of the first public secondary schools in New York City.

Directly to the west of the Project Area is Pacific Park, a multi-phased development project led by Empire State Development (ESD) that spans five blocks and 22 acres. As originally envisioned, Pacific Park would include 6,430 residential units, 35 percent of which would be income-restricted, approximately 750,000 sf of office, retail, and hotel space, 8 acres of new publicly accessible open space, community facilities, and the 18,000 seat Barclays Center Arena. Pacific Park, formerly known as Atlantic Yards, is subject to a General Project Plan (GPP) that was approved in 2006 and has since been amended to accommodate updates to the proposal. As of summer 2024, 3,212 out of the expected 6,430 units have been completed, including 1,374 income-restricted units, leaving approximately 3,218 units including 876 income-restricted units to be completed during the second phase of construction. In addition, approximately 91,000 sf of retail space has been completed on the ground floor of new residential buildings, with the remaining commercial and hotel space yet to be constructed, and a new school opened on the Pacific Park site in September 2024.

Over the past few decades, the surrounding neighborhoods have experienced major demographic and population changes. Within Census Tracts overlapping within a quarter mile of the Project Area, from 2010 to 2020 the Black population declined from 53,592 to 39,342, while the White Non-Hispanic increased from 29,690 to 49,349. During this period, the population increased by 15 percent from 102,377 to 119,021, which also coincided with a rise in median household incomes, educational attainment, and households with non-family members or roommates. Underscoring these demographic shifts are broader local and Citywide trends and issues. Demand to live in the surrounding neighborhoods remains consistently strong, while existing zoning, historic districts, and a limited number of development sites have constrained the ability to accommodate growth and placed increasing pressure on the existing housing stock. Due to the rise in demand, many owners decided to sell their homes and move, while many renters, particularly low-income populations living in unregulated housing, struggle to afford to live in the neighborhood and relocate when faced with the rising cost of living, tenant harassment, and a lack of nearby affordable housing opportunities.

### *Project Area*

The Proposed Actions would affect an approximately 21-block, 72.5-acre area primarily along Atlantic Avenue in the neighborhoods of northwest Crown Heights and southern Bedford-

Stuyvesant, Brooklyn CD's 8 and 3, respectively. The Project Area (also known as the "Plan Area") is generally bounded by Vanderbilt Avenue to the west, Nostrand Avenue to the east, Herkimer Street to the north, and Bergen Street to the south. In addition, the Proposed Actions would affect two non-contiguous areas located on a portion of two blocks in Prospect Heights and one block in Bedford-Stuyvesant:

- 6th Avenue to the west, Carlton Avenue to the east, Dean Street to the north, and St. Marks and Flatbush Avenues to the south.

- Halsey Street to the north, Macon Street to the south, Nostrand Avenue to the west and Marcy Avenue to the east.

In response to the comments received on the Draft Scope of Work, two additional development sites (Projected Development Sites 53 and 55) have been included in environmental analysis to account for development that could be facilitated by future discretionary actions not subject to the current ULURP application associated with the Proposed Actions. These two separate, non-contiguous sites in CD 2 and 8 are on a portion of two blocks bounded by:

- Fulton Street to the north, Atlantic Avenue to the south, Carlton Avenue to the west and Clermont Avenue to the east.

- Prospect Place to the north, Park Place to the south, New York Avenue to the west and Brooklyn Avenue to the east.

Atlantic Avenue is a prominent east-west corridor that extends the entire length of the Project Area. Other secondary corridors running north-south within the Project Area are Vanderbilt Avenue, Grand Avenue, Classon Avenue, Franklin Avenue, Bedford Avenue, and Nostrand Avenue. The Project Area consists of commercial, mixed-use, and non-residential subareas with varying building typologies. The Bedford Atlantic Armory (23rd Regiment Armory), Girl's High School, and St. Bartholemew's Church, three LPC-designated Landmarks, along with the Bedford Historic District, directly overlap with the Project Area, while a portion of the Project Area is adjacent to the Prospect Heights Historic District and Crown Heights North District.

*Atlantic Avenue*

Atlantic Avenue is a 120-foot-wide corridor that runs east-west and traverses several neighborhoods, connecting Brooklyn's East River waterfront with Jamaica, Queens. Within central Brooklyn, Atlantic Avenue is a DOT-designated through truck route with four to six lanes of traffic and narrow sidewalks, passing through the Project Area for six blocks or approximately 5,100 feet. The LIRR Atlantic Branch is buried below the center median until it rises above grade east of Bedford Avenue to a height of 14 feet, with a vehicle clearance of 11.5 feet; below the elevated portion the street is either unused or for left-turning vehicle lanes. The design and surrounding land uses contributes to a high-speed auto-oriented character, resulting in unsafe conditions for vehicles, pedestrians, and bicyclists, especially those crossing the avenue north-south to access nearby A/C subway stations along Fulton

Street, the Franklin Ave shuttle, or the LIRR Nostrand station. The Franklin Avenue Shuttle crosses Atlantic Avenue above-grade approximately 150- to 200-feet west of Franklin Avenue and at a vehicle clearance of 16 feet 9 inches.

Historically, a freight-rail line ran at-grade along Atlantic Avenue, leading to the growth and concentration of industrial uses adding value to goods moving between then-rural Long Island and the docks along the East River waterfront. In the early 1900s, freight service was discontinued, and the passenger rail line was electrified and moved below-grade between Flatbush and Bedford avenues, still operating today as the LIRR Atlantic Branch. With the freight rail closed and with more road dedicated to vehicles and trucks, auto-related businesses flourished along Atlantic Avenue including gas stations, auto repair and service stations, garages and showrooms, and warehouse and distribution uses. While the area was initially mapped as an "unrestricted" zone in 1916, allowing a mix residential, commercial, and industrial uses, it was subsequently mapped with an M1-1 district in 1961, galvanizing the trend of auto-related uses and encouraging disinvestment in the existing residential building stock. Over the next 40 years, Atlantic Avenue became an auto-service corridor and through-route for drivers and freight trucks moving between Queens and Brooklyn. Made up of warehouses, car washes, auto shops and gas stations, fast food drive-thrus, self-storage, and parking, the area became a barrier for surrounding area residents. Though some non-conforming residential uses survived the years, new investment mostly came in the conversion of former industrial-loft buildings converting into restaurant supply stores, retail, nightlife, and self-storage.

The MTA operates two lots along the south side of Atlantic Avenue near the corner of Franklin Avenue (Block 1126, lots 32 and 57). Lot 32 is 25,749 sf and is owned by the City, occupied by the MTA under a master lease, and is improved with an MTA cable storage and repair facility. Lot 57 is 30,230 sf, is owned in fee by the MTA, and is used for open vehicle storage.

DPR operates two public open spaces in the Project Area. Lowry Triangle (Block 1123), located south of Atlantic Avenue, bounded by Underhill Avenue to the west, Pacific Street to the south, and Washington Avenue to the east, is a 9,455 sf plaza with passive uses. Dean Playground (Block 1136, Lot 15), located on the block bound by Dean Street to the north, Carlton Avenue to the east, Bergen Street to the south, and Sixth Avenue to the west, is a 55,725 sf space with active uses including playgrounds and sports fields.

*Bedford Atlantic Armory*

The Bedford Atlantic Armory (BAA) is located at 1164 Atlantic Avenue (Block 1199, Lot 15) in the Crown Heights neighborhood of Brooklyn. The structure is approximately 165,000 sf and located on an approximately 82,400 sf lot with frontage on Atlantic Avenue, a 120-foot-wide street on the north, Bedford Avenue, an 80-foot-wide street on the east, and Pacific Street, a 70-foot-wide street on the south. The BAA occupies the majority of the block.

The BAA was built in 1895 and the exterior was listed as both a national landmark in 1990 and a NYC Landmarks Preservation Commission (LPC) landmark in 1997 due to the façade's

Romanesque Revival style. The facility is operated by DHS and currently used as a single men's shelter, a training facility for DHS peace officers, storage, and laundry. The headhouse is primarily used for 400 shelter beds, while the drill hall space consists of training area for DHS officers, laundry facility for DHS operations, and emergency supply storage.

*North-South Corridors*

There are several corridors running north-south that overlap with the Project Area. Within the Project Area, these corridors contain a mix of automotive repair shops, gas stations, warehouses, eating and drinking establishments, open storage and parking, and vacant lots. On the westernmost portion of the Project Area is Vanderbilt Avenue, a 100-foot-wide street that serves as a local retail and service-based corridor for the Prospect Heights neighborhood. One block to the east is Underhill Avenue, which terminates at Atlantic Avenue, and Washington Avenue, an 80-foot-wide street with retail uses that serves as a connection to the Clinton-Washington Avenue subway station, providing access to the C subway line. Further to the east are Grand Avenue and Classon Avenue, both 70 feet in width, which are primarily residential with pockets of commercial and community facility uses. Franklin Avenue, a 70-foot-wide corridor, and Nostrand Avenue, an 80-foot-wide corridor, serve as neighborhood-based commercial thoroughfares and in proximity to subway stations two blocks to the north along Fulton Street. Bedford Avenue, an 80-foot-wide street, serves as another important connection with a bicycle lane and the B44 Select Bus Service.

*Interior Blocks*

The interior mid-blocks located north and south of Atlantic Avenue cover the streets running east-west—Bergen Street, Dean Street, Pacific Street, and Herkimer Place—and are categorized under three subareas: the western mid-blocks between Grand Avenue and Classon Avenue, the eastern mid-blocks between Classon Avenue and Franklin Avenue, and Herkimer Place further to the east between Atlantic Avenue and Nostrand Avenue. Bergen Street, Dean Street, and Pacific Street are 70 feet in width, while Herkimer Place is 50 feet wide.

The western mid-blocks are characterized by large, underutilized lots that are either vacant or used for warehousing, open storage, and vehicular or truck parking, along with clusters of pre-existing, non-conforming residential uses. The eastern mid-blocks are characterized by one- and two-story warehouses, along with multi-story, loft-style buildings, some of which have been adaptively reused and converted to office, art studios, community facilities, and light industrial uses, such as the former Studebaker automotive showroom at 1000 Dean Street or the facility operated by the Greenpoint Manufacturing Design Center (GMDC) at 1102 Atlantic Avenue. Herkimer Place is characterized by a cluster of one- to two-story warehouse buildings that are used for storage or occupied by building contractors.

Along Pacific Street between Franklin and Bedford Avenues is Projected Development Site 48, an approximately 19,200 sf site consisting of three formerly City-owned lots (Block 1205, Lots 11, 14, 111). The site contains a vacant building. Projected Development Site 48 received disposition approval in 1987 (Board of Estimate Calendar No. 27) to facilitate a

rehabilitation project for affordable housing. The property was subsequently transferred to Peter Young Shelter Services, Inc. in December 2001, Acacia Network Housing, Inc. in December 2015, and Promesa Residential Health Care Facility, Inc. in June 2016. A portion of the Disposition Area includes the formerly rehabilitated affordable housing building , which is currently vacant. To facilitate the Proposed Development, the City will reacquire and reconvey the Projected Development Site 48 pursuant to ULURP with approval for a new construction multifamily affordable rental project.

*HPD Parcels on Dean and Bergen Streets and Surrounding Blocks*

In addition to the areas described above, the Project Area encompasses portions of two blocks located approximately three blocks to the southwest in Prospect Heights. This area consists primarily of two parcels of land owned by the City of New York and under the jurisdiction of HPD within a block of each other that comprise two non-contiguous development sites, as well as adjacent lots that would also be subject to a proposed zoning map amendment and zoning text amendment related to the mapping of MIH.

The first HPD site is 542 Dean Street (Projected Development Site 46), an approximately 17,144-square-foot site located on the south side of Dean Street between 6th Avenue and Carlton Avenue, consisting of five vacant underutilized City-owned interior lots (Block 1136, Lots 29, 32, 33, 34, 35) currently used by HPD for parking City vehicles used for HPD's emergency outreach, housing maintenance complaints and violations, and community outreach. Land uses near Projected Development Site 46 include the Dean Playground, three to five-story residential and mixed-use buildings with ground floor commercial uses, and a City-owned fire station (Engine 219, Ladder 105) operated by the Fire Department of New York City (FDNY).

The second HPD site is 516 Bergen Street (Projected Development Site 47), an approximately 17,051-square-foot interior lot (Block 1143, Lot 25) improved with a two-story building located on the south side of Bergen Street between 6th Avenue and Carlton Avenue, and a portion of the site is currently used by HPD for parking City vehicles used for HPD's emergency outreach, housing maintenance complaints and violations, and community outreach. Land uses near 516 Bergen Street consist of two-story commercial buildings, a church and parking lot, a nine-story warehouse, a three-story, multi-family walk-up building, and a two- story, two-family home across the street from the Dean Playground.

*Department of Education (DOE) Parcel*

The Project Area also encompasses a parcel (Projected Development Site 54) owned by the Department of Education (DOE) at 457 Nostrand Avenue. Projected Development Site 54 is approximately 60,000 sf and consists of one City-owned corner lot (Block 1844, Lot 1) at the intersection of Nostrand Avenue and Halsey Street. Nostrand Avenue is a 70-foot wide street and Halsey Street is a 70-foot wide street. The western portion of the development site is home to the Girls High School, constructed from 1885 to 1886, designed by James W. Naughton, and designated as a landmark by the LPC in 1984 (N 840014HKK, LP-1246). The Girls School was designed in a combination of the Victorian Gothic and Second Empire

styles, the oldest remaining high school in the city designed as such. The building is currently under the DOE jurisdiction and occupied by the Brooklyn Adult Learning Center. The eastern portion of the projected development site consists of a 30,000 sf parking lot managed by DOT. Projected Development Site 54 is located within the Bedford Historic District, designated by the LPC on December 8, 2015 (LP-2514). The Bedford Historic District comprises of more than 800 buildings throughout the Bedford-Stuyvesant neighborhood constructed between 1870 and 1900. The neighborhood consists of distinguished row houses as well as two of the city's most significant school buildings.

### *Previous Planning Efforts and Past Actions*

Over the last 10 years, CBs 3 and 8 have engaged with DCP to develop a vision for housing and job growth for the AAMUP Study Area, which was a process spearheaded by CB 8 as part of M-CROWN. Furthermore, several past actions have been taken by DCP and others within the Project Area and its immediate surroundings.

#### *Historic Districts*

In 2007, LPC designated the Crown Heights North Historic District, located directly south and southwest of the Project Area running along Dean Street east of Bedford Avenue. It includes approximately 470 buildings that were constructed between the 1850s and the 1930s and designed in styles ranging from the Romanesque Revival and Queen Anne to Georgian and Renaissance Revival. In 2009, LPC designated the Prospect Heights Historic District, which is located directly south of the Project Area along Vanderbilt Avenue and east of the Project Area along Dean Street, adjacent to the HPD-owned parcel at 542 Dean Street. The Prospect Heights Historic District includes 850 buildings designed in the Italianate, neo-Grec, Queen Anne, Romanesque and Renaissance Revivals styles. In 2015, LPC designated the Bedford Historic District, located within the Project Area at the school parcel located at 457 Nostrand Avenue. It includes 824 buildings ranging from modest Italianate and Neo-Grec houses built in the 1870s to lavishly ornamented Neo-Grec, Queen Anne, Romanesque Revival, and Renaissance Revival structures from the 1880s and 1890s.

#### *Area-Wide Rezonings*

Much of the area surrounding the Project Area has been subject to area-wide rezonings sponsored by DCP at the request of local community boards, including a include a 53-block rezoning of Prospect Heights in 1993 (C 930430 ZMK), a 99-block rezoning of Fort-Greene-Clinton Hill in 2007 (C 070430 ZMK, N 070431 ZRY), 206-block rezoning of Bedford Stuyvesant South in 2007 (C 070447 ZMK, N 070448 ZRY), and a 55-block rezoning of Crown Heights West in 2013 (C 130213 ZMK, N 130212 ZRK). The primary objective of these rezonings was to protect and maintain the low-rise, row-house-style neighborhood character from out-of-context development. Specific corridors, such as Fulton Street, Atlantic Avenue, and Franklin Avenue, were mapped with R7A or R7D residential zoning districts to encourage moderate growth and incentivize affordable housing within new developments in conjunction with the mapping of voluntary inclusionary housing areas. Specifically, the Fort-Greene-Clinton Hill Rezoning changed the zoning on the northern frontage of Atlantic Avenue between Vanderbilt Avenue and Classon Avenue from M1-1 to R7A/C2-4, while the Crown

Heights West Rezoning changed the zoning from R6 to R7A along blocks to the south of the Project Area between Classon Avenue and Franklin Avenue. Along Fulton Street, one block to the north of the Project Area, the Fort-Greene-Clinton Hill and Bedford Stuyvesant South Rezonings mapped R7A/C2-4, R7D/C2-4, and C4-5D.

*470 Vanderbilt Avenue (2009)*

Located across the street from the Project Area, 470 Vanderbilt Avenue was an application (C 090441 ZMK, N 090442 ZRK, C 090443 ZSK) by Atara Vanderbilt, LLC for a City Planning Commission (CPC) special permit related to a Large Scale General Development (LSGD), a zoning text amendment to map an inclusionary housing area, and zoning map amendment from an M1-1 zoning district and an R6/C2-3 zoning district to a C6-3A zoning district located on an entire block bounded by Atlantic Avenue to the south, Fulton Street to the north, Clermont Avenue to the west, and Vanderbilt Avenue to the east. The application sought to facilitate the development of a new mixed-use building containing 376 dwelling units (DU), 32,358 sf of ground floor retail space, and the reuse and expansion of an existing 565,700-sf loft building for commercial uses. The application was approved by the New York City Council on September 30, 2009.

*1350 Bedford Avenue Rezoning (2017)*

Located approximately one block from the Project Area, 1350 Bedford Avenue Rezoning was an application (C 170070 ZMK, N 170071 ZRK) by Bedford Arms, LLC for a zoning map amendment from R6A to R7D zoning district and a zoning text amendment to map an MIH area. The application sought to facilitate the development of a nine-story residential development with 94 affordable DU. The application was approved by the New York City Council on July 20, 2017. Additionally, this development was granted a special permit by the New York City Board of Standards and Appeals (BSA) in 2016 (2016-4333-BZ) to permit the reduction of 35 accessory off-street parking spaces.

*809 Atlantic Avenue Rezoning (2019)*

Located across the street from the Project Area, 809 Atlantic Avenue Rezoning was an application (C 190071 ZMK, C 190072 ZSK, C 190073 ZSK, N 190074 ZRK) by y 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC for two CPC special permits to modify bulk regulations in relation to a nearby LPC-designated Landmark and waive off-street residential parking requirements, a zoning text amendment to map an MIH area, and a zoning map amendment to change R7A/C2-4, R7A and R6A districts to an R9/C2-5 district and to change an R7A/C2-4 district to an R6A district along the northern frontage of Atlantic Avenue between Vanderbilt Avenue and Clinton Avenue. The application sought to facilitate the development of a 29-story, 237,000-sf mixed-use development with retail, office and 286 residential units while preserving and financing the renovations of the Saint Luke's Episcopal Church individual landmark at 520 Clinton Avenue (LP-2014). The New York City Council approved the application on April 9, 2019.

*1010 Pacific Street (2019)*

1010 Pacific Street (C 180042 ZMK, N 180043 ZRK) was an application by 1010 Pacific Street LLC to rezone the southeastern frontage of Pacific Street between Grand Avenue and Classon Avenue from M1-1 to R7D/C2-4, which was modified by the CPC to R7A/C2-4. The applicant also sought a zoning text amendment to designate an MIH area. The application sought to facilitate the development of an 11-story mixed-use building with approximately 154 DUs and ground floor retail and art studio space; however, after approval the property was sold to a new owner and was recently developed as a residential building with 175 DUs. The NYC City Council approved the application on November 8, 2019.

*1050 Pacific Street (2019)*

1050 Pacific Street (C 160175 ZMK, N 160176 ZRK) was an application by 1050 Pacific Street LLC to rezone the eastern frontage of Classon Avenue between Pacific Street and Dean Street, along with mid-block portions further to the west, from M1-1 to M1-4/R7A. The applicant also sought a zoning text amendment to designate an MX and MIH area. The application sought to facilitate the development of an eight-story mixed use building with approximately 103 DUs and ground floor commercial space. The NYC City Council approved the application on November 8, 2019.

*Grand Avenue and Pacific Street (2020)*

Grand Avenue and Pacific Street (C 190256 ZMK, N 190257 ZRK) was an application by EMP Capital LLC to rezone the northeastern and southeastern corners of Grand Avenue and Pacific Street from M1-1 to R7D/C2-4. The applicant also sought a zoning text amendment to designate an MIH area. The application sought to facilitate the development of a nine-story mixed-use building with approximately 68 DUs and ground floor commercial and community facility space. The NYC City Council approved the application on August 27, 2020, which modified the rezoning in a portion of the Project Area, located on the southeastern corner of Grand Avenue and Pacific Street, from R7D/C2-4 to R7A/C2-4.

*840 Atlantic Avenue (2021)*

840 Atlantic Avenue (C 210249 ZMK, N 210250 ZRK) was an application by Vanderbilt Atlantic Holdings LLC to rezone the western frontage of Vanderbilt Avenue between Atlantic Avenue and Pacific Street from M1-1 and R6B district to C6-3X district. The applicant also sought a zoning text amendment to designate an MIH area and provide street wall flexibility along Atlantic Avenue. The application sought to facilitate the development of an 18-story mixed-use building with approximately 316 DUs and two floors of commercial and community facility space. The NYC City Council approved the application on September 23, 2021, which modified the rezoning in a portion of the Project Area from C6-3X to C6-3A and C6-2A.

*1045 Atlantic Avenue (2021)*

1045 Atlantic Avenue Rezoning (C 210276 ZMK, N 210277 ZRK) was an application by Atlantic Brooklyn LLC to rezone a mid-block frontage of Atlantic Avenue between Classon Avenue and Franklin Avenue from M1-1 district to C6-3A district. The applicant also sought

a zoning text amendment to designate an MIH area and provide street wall flexibility along Atlantic Avenue. The application sought to facilitate the development of a 17-story mixed-use building with approximately 426 DUs and two floors of commercial and community facility space. The NYC City Council approved the application on November 23, 2021.

*870-888 Atlantic Avenue Rezoning (2022)*

870-888 Atlantic Avenue Rezoning (C 210335 ZMK, N 210336 ZRK C 210260 ZSK) was an application by Y & T Development LLC to rezone a mid-block frontage of Atlantic Avenue between Vanderbilt Avenue and Underhill Avenue from M1-1 district to C6-3A district. The applicant also sought a zoning text amendment to designate an MIH area and provide street wall flexibility along Atlantic Avenue, as well as a CPC special permit to reduce the number of required off-street parking spaces accessory to the residential units. The application sought to facilitate the development of a 17-story mixed-use building with approximately 228 DUs and ground floor and cellar commercial and community facility space. The NYC City Council approved the application on April 28, 2022.

*1034-1042 Atlantic Avenue Rezoning (2022)*

1034-1042 Atlantic Avenue (C 210386 ZMK, C 210379 ZSK, N 210387 ZRK) was an application by EMP Capital Group to rezone the eastern side of Classon Avenue between Atlantic Avenue and Pacific Street, consisting of rezoning the Atlantic Avenue frontage from M1-1 district to C6-3A district and the Pacific Street frontage from M1-1 district to R7A/C2-4 district. The applicant also sought a zoning text amendment to designate an MIH area and provide street wall flexibility along Atlantic Avenue, as well as a CPC special permit to reduce the number of required off-street parking spaces accessory to the residential units. The application sought to facilitate the development of a 17-story mixed-use building with approximately 210 DUs and ground floor and cellar commercial and community facility spaces. The NYC City Council approved the application on April 28, 2022, which modified the rezoning to remove the eastern portion of the Project Area fronting Classon Avenue.

*962 Pacific Street Rezoning (2023)*

962 Pacific Street Rezoning was an application (C 230157 ZMK, N 230158 ZRK, C 230159 ZSK) by HSN Realty Corp. to rezone a mid-block frontage of Pacific Street from M1-1 district to M1-4/R7A district. HSN Realty Corp also sought a zoning text amendment to designate an MIH and MX area, as well as a CPC special permit to reduce the number of required off-street parking spaces accessory to the residential units. The application sought to facilitate the development of a nine-story mixed-use building with approximately 150 DUs with ground floor commercial and community facility spaces. The application was certified on July 24, 2023, and during ULURP was disapproved by the City Council on February 8, 2024.

*953 Dean Street FRESH Certification (2024)*

953 Dean Street FRESH Certification is an application (240346 ZCK) by Dean Owner LLC to certify a FRESH food store on the ground floor of 953 Dean Street, a project bounded by Classon Avenue on the west, Pacific Street on the north, and Dean Street on the south. The

applicant seeks to build an approximately 6,500 sf fresh food store where structured ground-floor parking is currently located and reallocate 6500 sf of floor area to build 11 DUs on the 9th floor of the building. The original rezoning obtained by this applicant was the 1050 Pacific Street Rezoning cited above. As of June 2024, this application has been filed with the DCP but has not been certified.

*BSA Applications*

In the past 20 years, there have been several applications approved by the BSA within the Project Area, consisting primarily of variances to allow residential use within the M1-1 district. These include variances to permit a four-story residential building with 31 DUs at 799-805 Bergen Street (165-05-BZ), a four-story residential building at 871 Bergen Street (278-06-BZ), a five-story residential building at 887 Bergen Street (79-06-BZ), a four-story residential building at 583 Franklin Avenue (98-08-BZ), the residential conversion of an existing factory building at 964 Dean Street (311-12-BZ), and two three-story single-family residences at 10 Underhill Avenue (221-14-BZ).

In addition, the BSA granted a special permit to allow a reduction in required parking in connection with change of use from Use Group (UG) 16 to UG 6 in an existing building at 915 Dean Street in 2010 (112-10-BZ). Further, a Common Law Vesting application was filed in 2022 requesting that the BSA determine that the property owner at 35 Herkimer Place secured a vested right to complete construction of a development of a hotel prior to the adoption of a Citywide zoning text amendment (2022-60-A).

## Existing Zoning

The Project Area includes the northwest portion of CD 8 and a southern portion of CDs 2 and 3. Much of the area's zoning has not been modified since 1961; however, there have been private applications have changed the zoning within the area, as described in the previous section.

The Project Area comprises M1-1, C6-2A, C6-3X, C6-3A, M1-4/R7A, R7D/C2-4, R7A/C2-4, R6B, and R6A districts. Commercial districts mapped as overlays include C2-4 (see **Figure 1-1: Existing Zoning (Revised)**

~~**Figure 1-1: Existing Zoning (Revised)**~~

Existing zoning districts are discussed below.

### *M1-1*

M1-1 zoning districts are mapped across most of the Project Area in an area generally bounded by Vanderbilt Avenue to the west, Nostrand Avenue to the east, Atlantic Avenue to the north, and Bergen Street to the south.

The M1-1 zoning district has a floor area ratio (FAR) of 1.0 for industrial and commercial uses and 2.4 for community facility uses. M1-1 zoning districts also permit community facility uses

at a maximum FAR of 2.4. M1-1 districts have a base height limit of 30 feet, above which a structure must fit within a sloping sky exposure plane. One parking space is generally required for every 300 sf of commercial and for every 1,000 sf of industrial. No new residential uses are permitted.

Land uses permitted to be located within the M1-1 zoning districts include vacant land, open storage, parking garages, warehousing and distribution, building supply and various light industrial uses, gas stations and automotive repair businesses, self-storage, commercial offices, hotels, retail, non-conforming residential uses, and fitness facilities. A few community facility uses such as medical office and houses of worship are also located within the M1-1 zoning district.

### *C6-3X*

A C6-3X zoning district is mapped at the southwestern corner of Vanderbilt Avenue and Atlantic Avenue, which was mapped in connection with the 840 Atlantic Avenue private application approved in 2021 and described in the prior section.

C6-3X zoning district is a high density contextual commercial zoning district with an R9X residential district equivalent. When mapped in conjunction with inclusionary housing areas, C6-3X zoning districts allow residential uses up to 10.8~~9.7~~ FAR for development incorporating qualifying affordable housing, community facility uses up to 9.0 FAR, and commercial uses up to 6.0 FAR. Base heights are permitted to be between 60 and 155~~145~~ feet on narrow streets and between 105 and 145 feet on, or within 100 feet of, wide streets. Above the base heights, a 15-foot setback is required along narrow streets, and a 10-foot setback is required along wide streets. Building heights are allowed up to a maximum of 215 feet for development incorporating qualifying affordable housing ~~190 feet (19 stories) along a narrow street or 200 feet (20 stories) along a wide street~~, which may increase by 5 feet if a Qualifying Ground Floor is provided.[2]

The C6-3X zoning district permits a range of non-residential uses and allows multiple stories of commercial uses, including retail, offices, and service-based uses. Off-street parking is not requiredgenerally required for 40 percent of the market-rate dwelling units and optional for income-restricted units within the Transit Zone.

### *C6-3A*

A C6-3A zoning district is mapped in three non-contiguous areas at the northeastern corner of Vanderbilt Avenue and Pacific Street, along Atlantic Avenue between Vanderbilt Avenue and Underhill Avenue, and along Atlantic Avenue between Classon Avenue and Grand Avenue. The C6-3A zoning districts were mapped in connection with the 840 Atlantic Avenue

[2] ~~If the City of Yes for Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, C6-3X districts on wide streets would allow up to 10.8 FAR and a maximum height of 215 feet. Parking would no longer be required.~~

(2021), 870-888 Atlantic Avenue (2022), and 1034-1042 Atlantic Avenue (2022) private applications, as described in the prior section.

C6-3A zoning district is a high density contextual commercial zoning district with an R9A residential district equivalent. When mapped in conjunction with inclusionary housing areas, C6-3A zoning districts allow residential uses up to 9.0~~8.5~~ FAR for development incorporating qualifying affordable housing, community facility uses up to 7.5 FAR, and commercial uses up to 6.0 FAR. Base heights are permitted to be between 60 and 135~~125~~ feet. Above the base height, a 15-foot setback is required along narrow streets and a 10-foot setback is required along wide streets. Building heights are allowed up to 195 feet~~ a maximum of 160 feet (16 stories) along a narrow street or 170 feet (17 stories) along a wide street~~, which may be increased by 5 feet if a Qualifying Ground Floor is provided.[3]

The C6-3A zoning district permits a range of non-residential uses and allows multiple stories of commercial uses, including retail, offices, and service-based uses. Off-street parking is ~~generally required for 40 percent of the market-rate dwelling units and optional for income-restricted units within the Transit Zone~~not required.

### *C6-2A*

C6-2A zoning district is mapped on a 50-foot-wide sliver portion of Atlantic Avenue from a distance of 150 feet to 200 feet east of Vanderbilt Avenue. The C6-2A zoning district was mapped in connection with the 840 Atlantic Avenue private application approved in 2021, as described in the prior section.

C6-2A zoning district is a high density contextual commercial zoning district with an R8A residential district equivalent. When mapped in conjunction with inclusionary housing areas, C6-2A zoning districts allow residential uses up to 7.2 FAR for development incorporating qualifying affordable housing, community facility uses up to 6.5 FAR, and commercial uses up to 6.0 FAR. Base heights are permitted to be between 60 and 105 feet. Above the base heights, a 15-foot setback is required along narrow streets and a 10-foot setback is required along wide streets. Building heights are allowed up to a maximum of 145~~140~~ feet (14 stories), which may increase by 5 feet if a Qualifying Ground Floor is provided.

The C6-2A zoning district permits a range of non-residential uses and allows multiple stories of commercial uses, including retail, offices, and service-based uses. Off-street parking is ~~generally required for 40 percent of the market-rate dwelling units and optional for income-restricted units within the Transit Zone~~not required.

### *R7D/C2-4*

R7D/C2-4 zoning district is mapped at the northeastern corner of Grand Avenue and Pacific Street. The R7D/C2-4 district contains a mixed-use building under construction. This district

[3] ~~If the City of Yes for Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, C6-3A districts on wide streets would allow up to 9.0 FAR and a maximum height of 185 feet. Parking would no longer be required.~~

was mapped in connection with the Grand Avenue and Pacific Street private application approved in 2020, as described in the prior section.

R7D zoning district is a medium-density contextual district that, when mapped concurrently with an inclusionary housing area and C2-4 commercial overlay, allows residential uses up to 5.6 FAR for development incorporating qualifying affordable housing, community facility uses up to 4.2 FAR, and commercial use up to 2.0 FAR. Base heights are permitted to be between 60 and 95 feet, above which a 15-foot setback is required along a narrow street. Building height can reach a maximum of 125 feet, which may increase five feet ~~110 feet (11 stories) or 115 feet~~ with a Qualifying Ground Floor. Off-street parking is ~~generally required for 50 percent of the market-rate dwelling units and optional for income-restricted units within the Transit Zone~~not required. A C2-4 commercial overlay is paired with the R7D zoning district, allowing a range of local retail and service-based uses, such as grocery stores, beauty salons, offices, and repair shops, as well as small-scale entertainment and production uses. Parking requirements vary by use.[4]

### *R7A/C2-4*

R7A/C2-4 zoning district is mapped in two non-contiguous areas, including at the southeastern corner of Grand Avenue and Pacific Street and along the north and south block frontages along Pacific Street between Grand Avenue and Classon Avenue. The R7A/C2-4 zoning districts contain a residential building under construction, a self-storage facility, a warehouse, and non-conforming residential uses. These districts were mapped in connection with the Grand Avenue and Pacific Street and 1034-1042 Atlantic Avenue private applications, which were approved in 2020 and 2021, respectively, as described in the prior section.

R7A zoning district is a medium-density contextual district that, when mapped concurrently with an inclusionary housing area and C2-4 commercial overlay, allows residential uses up to 5.0~~4.6~~ FAR for development incorporating qualifying affordable housing, community facility uses up to 4.0 FAR, and commercial use up to 2.0 FAR. Base heights are permitted to be between 40 and 85~~75~~ feet, above which a 15-foot setback is required along a narrow street. Building height can reach a maximum of 115 feet or 120 feet ~~90 feet (nine stories) or 95 feet~~ with a Qualifying Ground Floor. Off-street parking is not required ~~generally required for 50 percent of the market-rate dwelling units and optional for income-restricted units within the Transit Zone~~. A C2-4 commercial overlay is paired with the R7A zoning district, allowing a range of local retail and service-based uses, such as grocery stores, beauty salons, offices,

~~[4] If the City of Yes for Housing Opportunity zoning text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the DCP, R7D zoning districts would allow up to 5.6 FAR and a maximum height of 125 feet. Parking would no longer be required.~~

and repair shops, as well as small-scale entertainment and production uses. Parking requirements vary by use.[5]

### *M1-4/R7A*

M1-4/R7A zoning district is mapped along the western portion of a block bounded by Classon Avenue to the west, Franklin Avenue to the east, Pacific Street to the north, and Dean Street to the south. M1-4/R7A zoning district was mapped in connection with the 1050 Pacific Street private application approved in 2019, as described in the prior section.

M1-4/R7A zoning district is a Mixed Use (MX) zoning district that pairs M1-4, a manufacturing district that supports a mix of low-rise commercial and industrial uses, with R7A, a medium-density contextual residential district. Mixed Use zoning districts also have special regulations that enable residential and certain industrial uses to be located either side by side or within the same building. When mapped jointly with inclusionary housing areas, M1-4/R7A zoning districts allow industrial uses up to a maximum of 2.0 FAR, community facility uses up to a maximum of 4.0 FAR, and residential uses up to a maximum of 5.0~~4.6~~ FAR. Base heights are permitted to be between 40 and 85 feet, after which buildings must setback either 10 feet on a wide street or 15 feet on a narrow street. The maximum height of buildings is ~~90~~ 115 feet ~~(9 stories)~~, which may increase by 5 feet with a Qualifying Ground Floor. Off-street parking is ~~generally required for 50 percent of the dwelling units and optional for income-restricted units in the Transit Zone~~not required.

### *R6B*

R6B zoning district is mapped on mid-blocks portions of two areas, the first of which is bounded by 6th Avenue to the west, Carlton Avenue to the east, Dean Street to the north, and St. Marks and Flatbush Avenues to the south, and the second of which is bounded by Halsey Street to the north, Macon Street to the south, Nostrand Avenue to the west, and Marcy Avenue to the east. These areas are primarily characterized by two- to five-story one- and two-family homes and walk-up apartment buildings, as well as a parking lot and storage facility owned and operated by HPD.

R6B zoning district is a medium-density contextual district that allows residential and community facility uses up to 2.4~~0~~ FAR ~~outside of inclusionary housing areas~~for development incorporating qualifying affordable housing. Base heights are permitted to be between 30 and 45~~40~~ feet, above which a 15-foot setback is required along a narrow street or 10 feet along a wide street. Building height may reach a maximum of 65~~55~~ feet ~~(five stories)~~ when providing a Qualifying Ground Floor. Off-street parking is ~~generally required for 50 percent of the~~

[5] ~~If the City of Yes for Housing Opportunity zoning text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the DCP, R7A zoning districts would allow up to 5.0 FAR and a maximum height of 115 feet. Parking would no longer be required.~~

~~market-rate dwelling units and optional for income-restricted units within the Transit Zone~~not required.[6]

### *R6A*

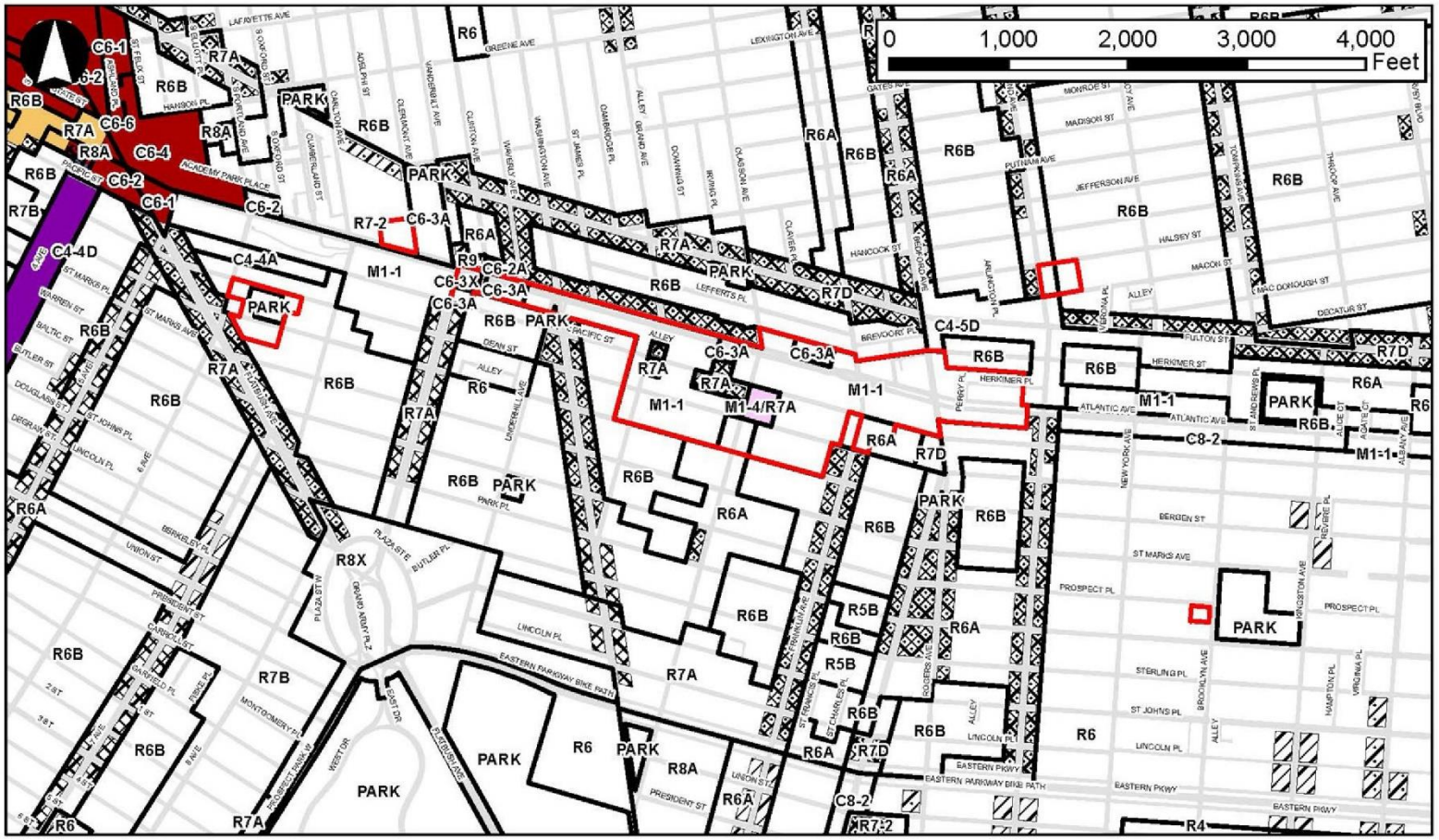
R6A zoning district is mapped along the frontages of Classon Avenue between Bergen Street and Dean Street, and Nostrand Avenue between Halsey Street and Macon Street, within areas characterized by three- to five-story walk-up apartment buildings, some of which are occupied by ground floor retail uses.

R6A zoning district is a medium-density contextual district that allows residential and community facility uses up to 3.9~~0~~ FAR for developments incorporating qualifying affordable housing. Base heights are permitted to be between 40 and 65~~60~~ feet, above which a 15-foot setback is required along a narrow street or 10 feet along a wide street. Building height may reach a maximum of 95~~85~~ feet ~~(eight stories)~~ when providing a Qualifying Ground Floor. Off-street parking is ~~generally required for 50 percent of the market-rate dwelling units and optional for income-restricted units within the Transit Zone~~not required.[7]

[6] ~~If the City of Yes for Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, R6B districts would allow up to 2.4 FAR and a maximum height of 65 feet. Parking would no longer be required.~~

[7] ~~If the City of Yes for Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, R6A districts would allow up to 3.9 FAR and a maximum height of 95 feet. Parking would no longer be required.~~

***Figure 1-1: Existing Zoning (Revised)***




**Atlantic Avenue Mixed-Use Plan**

**Figure 1-1**
**Existing Zoning**

## Purpose and Need for the Proposed Actions

### *General*

- The Proposed Actions would support the community-based goals of re-envisioning an industrially zoned area to spur the growth of jobs and housing, driven by approximately 10 years of outreach and engagement with local community boards, elected officials, nonprofits, advocacy groups, residents, businesses, property owners, and various stakeholders.

- The existing M1-1 zoning has not been changed in 1961 and reflects eras when Atlantic Avenue served as a freight rail line during the 19th century and later as a suburban-style, auto-centric corridor with repair shops, gas stations, garages, and other low density uses. M1-1 zoning permits an FAR of only 1.0, requires substantial amounts of off-street parking, and does not allow new residential, all of which inhibit growth within the area. Since 1961, few if any new development has occurred, with the exception of single-story warehouses and automotive uses. Meanwhile many non-conforming residential buildings have been demolished due to the restrictive nature of the zoning and prolonged disinvestment.

- Over the past two decades, the demand for housing has skyrocketed within the surrounding neighborhoods, occurring in tandem with population and demographic shifts, such as a large reduction in the Black non-Hispanic population and simultaneous rise in the White non-Hispanic and Asian populations, as well as sharp increases in household income and educational attainment, according to Census-based data.

- Within the neighborhoods of Crown Heights, Prospect Heights, Clinton Hill, and Bedford Stuyvesant, the ability to accommodate new housing, especially affordable housing for a range of incomes, has not kept pace with demand, leading to tremendous pressure on the existing housing stock with tenants particularly vulnerable to landlord harassment, rising rents, and involuntary displacement. These neighborhoods have also been subject to area-wide rezonings—Prospect Heights in 1993, Fort Greene/Clinton Hill and Bedford Stuyvesant South in 2007, and Crown Heights West in 2013—that largely preserved the neighborhood character and limiting growth to modest levels along specific corridors, such as Fulton Street, Atlantic Avenue, and Franklin Avenue. Moreover, the presence of LPC-designated historic districts in Prospect Heights, Fort Greene/Clinton Hill, Crown Heights North, and Bedford Stuyvesant has further hampered growth.

- Although certain long-term development projects, such as the nearby Pacific Park (formerly known as Atlantic Yards) development, have produced a few thousand units with forthcoming phases at varying construction timelines, the need for new housing continues unabated. The Proposed Actions would help address the severe shortage of both market-rate and affordable housing, ushering in both housing and a mix of local services and job-generating uses.

- The Proposed Actions would implement the objectives set forth in the M-CROWN planning effort, spearheaded by CB 8 and culminating in multiple CB Resolutions and a 2018 DCP framework, which has been used as a tool to guide the review and approval of seven subsequent private applications.

- During the winter and spring of 2023, DCP, local Council Members, and a facilitation consultant jointly led an outreach process as part of the AAMUP, involving nine topic-based working group meetings, three community planning workshops, and steering committee meetings. The Proposed Actions would advance the vision and priorities established in the AAMUP Community Vision and Priorities released in the summer of 2023.

- The Proposed Actions would update the zoning in an approximately 21-block area primarily along Atlantic Avenue and neighboring blocks, allowing for growth and development in appropriate locations. Also, although not part of the proposed land use and zoning actions, a coordinated plan would call for strategic improvements to infrastructure and services, such as streetscape and pedestrian safety improvements along Atlantic Avenue, and investments in parks, affordable housing and various services and programs, among other elements.

- The Proposed Actions would facilitate an area-wide rezoning that would increase density in a transit-rich area accessible to both the local subway system and regional rail (LIRR) within a short commuting distance from Central Business Districts, such as Downtown Brooklyn and Lower Manhattan. In light of the combined goals of encouraging the growth of housing and jobs, density would be provided to facilitate both new housing and allow multiple floors of non-residential uses.

- The Proposed Actions would orient density in a manner that directs the highest density along Atlantic Avenue, a 120-foot-wide corridor providing access to light and air, while medium-density zoning districts would be mapped on portions beyond 100 feet of Atlantic Avenue based on the narrower width of streets and mid-block, side street conditions.

- The Proposed Actions would implement zoning districts with height limits, requiring new developments to be developed under Quality Housing regulations resulting in better urban design while providing much needed housing and non-residential spaces. Building heights and setbacks would be higher along Atlantic Avenue, based on the wide nature of the street, while building height would step down along the north-south avenues—Grand Avenue, Bedford Avenue, and Classon Avenue—and then lower further on the mid-block, side streets.

- The Proposed Actions would foster a vibrant mix of uses with active ground floors along Atlantic Avenue, Bedford Avenue, Classon Avenue, and Grand Avenue, in tandem with incentives for non-residential uses in mid-block areas and the pairing of

residential with manufacturing districts that encourages the creation of new space for jobs through the adaptive reuse of existing buildings and new, loft-style buildings.

- The Proposed Actions would apply the MIH program, which would require the inclusion of permanently affordable housing in new developments, expansions, or conversions.

- Without an area-wide rezoning, it is likely that some property owners would continue to seek private applications that updates the zoning in a piecemeal, incremental manner, lacking the depth of a holistic plan or the ability to apply special zoning regulations. New development and conversions would occur and shaped by the 2018 framework, but without the benefit of a coordinated, overarching plan with infrastructure improvements and other investments.

- Without an area-wide rezoning, limited change would occur in the industrially zoned areas, exacerbating the lack of housing within the surrounding neighborhoods, especially for lower income populations.

### *Housing*

- The Project Area is well-situated to accommodate housing growth, located a few blocks from multiple transit lines and the regional LIRR rail that provide access to the City's central employment hubs of Downtown Brooklyn and Lower Manhattan. Additionally, the area is close to schools, major parks, and institutions—including Prospect Park, the Brooklyn Museum, and the Brooklyn Botanic Garden—as well as local commercial corridors—such as Fulton Street, Vanderbilt Avenue, Washington Avenue, Franklin Avenue, and Nostrand Avenue—that can help meet retail and service needs of new residents.

- Despite the strong access to public transit and services, both the Project Area and surrounding neighborhoods have experienced limited growth due to a combination the current M1-1 zoning prohibiting new residential, the mapping of several area-wide rezonings in the immediate neighborhoods that protected the neighborhood character with limited opportunities for growth, and the designation of Historic Districts that added further barriers for new, as-of-right development and expansions.

- New development within the surrounding area has been concentrated along certain corridors, such as Franklin Avenue, Atlantic Avenue, and Fulton Street, in addition to sites that were part of recently approved private applications. The most prominent development project within the surrounding area is Pacific Park (formerly Atlantic Yards), a state-led, multi-phased development that was approved as part of a GPP in 2006 and subsequent amendments and will consist of more than 6,000 dwelling units when fully built out. Although Pacific Park and surrounding developments have been an integral source of housing production, these developments are not enough to meet the urgent demand for housing and increase the overall supply of both market-rate and affordable housing.

- With the Proposed Actions, a substantial amount of new housing will be built, oriented along a major corridor in proximity to services and jobs, while providing permanent affordable housing through the mapping of MIH areas and the disposition of City-owned sites that can be developed with 100 percent affordable housing for families, older adults, and the formerly homeless.

- The Proposed Actions will facilitate the disposition of two City-owned sites on Dean Street and Bergen Streets currently owned by HPD. These sites were subject to an RFP process and community visioning process, resulting in the selection and designation of two development proposals for fully affordable projects that serve older adults and families, in conjunction with on-site services and community facilities on the ground floor that complement the housing above.

- Specifically, the Proposed Actions would create opportunities for new housing along major corridors including Atlantic Avenue, a 120-foot-wide street; north-south avenues of Grand Avenue, Bedford Avenue, and Classon Avenue; and mid-block side streets of Bergen Street, Dean Street, and Herkimer Place.

- With the Proposed Actions, more new housing with permanently affordable housing would be created, which would increase the supply of housing overall and lessen the already high pressure on rents.

### *Industrially and Commercially Zoned Areas*

- The areas zoned M1-1—a low density Manufacturing District that allows commercial and industrial uses and no new residential uses—has been in place since 1961. Prior to 1961, these areas contained a greater presence of residential uses, many of which have been demolished due to disinvestment.

- The areas zoned for industrial and commercial uses cover many blocks that contain a mix of industrial and commercial buildings but also residential homes that predate the zoning. The combination of outdated zoning—with its tight restrictions on uses, floor area, and parking—coupled with broader economic conditions, has resulted in few new buildings constructed within the proposed Project Area.

- Except for a few automotive related and building supply businesses, few properties have been redeveloped since 1961. Large swaths of land sit vacant or underutilized, serving as open storage, garages, or warehouses that contain few jobs. Over the past two decades, a handful of multi-story, loft-style buildings, which are currently non-complying with zoning, have been repurposed for offices, artist studios, medical offices, and light industrial uses.

- The existing zoning has not kept up with economic changes. Industrial areas, including the proposed Project Area, do not have zoning in place that matches the needs of existing businesses and has discouraged new development and the creation of

residential and commercial spaces that would complement and support the growth of surrounding institutions.

- Without the Proposed Actions, underutilized sites in industrially and commercially zone areas will remain underdeveloped and underutilized, resulting in a lost opportunity for creation of new housing and space for jobs in the context of a housing shortage and rising housing prices.

- Absent the Proposed Actions, it is likely that a few property owners would seek discretionary actions to alleviate zoning challenges that exist today. Therefore, it is likely that limited new development may occur, albeit in a piecemeal fashion and without the benefit of a holistic plan.

### *Jobs and Non-Residential Uses*

- The Proposed Actions would help foster a new vision of housing and job growth. Specifically, they would support new space for jobs in various geographies of the Project Area and promote existing clusters of businesses, reinforcing the area's characteristics as a local job hub where residents in the surrounding neighborhoods can walk or bike to work.

- By increasing density of all types of non-residential uses—commercial, industrial, and community facilities—the Proposed Actions would allow multiple floors of space for jobs with a range of options, such as ground floor retail or light industrial with either residential or offices above. Moreover, residential districts would be paired with manufacturing districts, allowing for flexibility to locate a diverse mix of uses either in the same building or side by side. A new contextual envelope to help match the loft-style building form that can accommodate high floor to ceiling heights and large floor plates.

- Along Atlantic Avenue and the north-south corridors of Bedford Avenue, Classon Avenue, and Grand Avenue where additional activity and foot traffic is anticipated due to its higher level of density, the Proposed Actions would require active ground floors guaranteeing that the spaces provide a source of jobs, while mandating glazing and transparency of frontages, which would enhance the streetscape for residents, businesses, visitors, and shoppers.

- The Proposed Actions would also include an area for only non-residential uses by mapping a manufacturing district that permits increased density, eliminates the off-street parking and modifies loading requirements, and creates flexibility in the bulk envelope to permit loft-style buildings with high floor to ceiling heights that maximize opportunities for light and air.

### *Urban Design*

- Today, Atlantic Avenue functions as an auto-centric corridor with a harsh, uninviting streetscape with few trees, narrow sidewalks, and unsafe conditions for pedestrians and bicyclists that, in combination of these characteristics, acts as a physical barrier between the neighborhoods to the north (Clinton Hill and Bedford Stuyvesant) and south (Prospect Heights and Crown Heights).

- As a designated through truck route with three lanes of traffic in both directions and inadequate pedestrian islands or bulb outs, walking along and crossing Atlantic Avenue is often difficult and unsafe, detracting from the pedestrian-friendly streets nearby.

- The Proposed Actions would support the redevelopment of lots along Atlantic Avenue and nearby corridors within the Project Area with new housing and space for jobs, bringing new vibrancy and activity along the corridors, coupled with special zoning regulations along Atlantic Avenue that would require active ground floors and wider sidewalks by setting back buildings.

- The Proposed Actions would map zoning districts with appropriate height and setback regulations based with the tallest buildings concentrated along Atlantic Avenue due its 120-foot-wide width, which provides more opportunity for light and air. Mid-blocks and side streets would have lower buildings and base heights in response to the narrower street width of 70 feet.

- The Proposed Actions would complement a broader redesign of Atlantic Avenue being explored by NYCDOT. These public realm improvements may include, but are not limited to, sidewalk widenings, landscaped medians, bulb-outs and pedestrian islands at key intersections, lighting, rain gardens or bioswales, and other road-based improvements.

- In the absence of the Proposed Actions, the Atlantic Avenue corridor would remain an auto-oriented thoroughfare, and private applications would continue piecemeal, lacking special zoning regulations to enhance the streetscape that would take place under an area-wide rezoning and a holistic plan in coordination with agency partners.

## Description of Proposed Actions

The Proposed Actions would facilitate development generally consistent with the goals of the AAMUP study and outreach processes by allowing for housing growth with required, permanently affordable housing near public transit, enlivening corridors with active ground floor uses and streetscape improvements and incentivizing increased job-densities to foster a walk-to-work neighborhood. To accomplish these goals, DCP is proposing zoning text amendments, zoning map amendments, disposition and acquisition of property by the City, and UDAAP designations.

The Proposed Actions would affect an approximately 21-block area in CDs 3 and 8, including several frontages along Atlantic Avenue generally bounded by Vanderbilt Avenue to the west, Nostrand Avenue to the east, Herkimer Street to the north, and Bergen Street to the south. In addition, the Proposed Actions would affect two separate, non-contiguous areas on a portion of two blocks bounded by:

- 6th Avenue to the west, Carlton Avenue to the east, Dean Street to the north, and St. Marks and Flatbush Avenues to the south.
- Halsey Street to the North, Macon Street to the south, Nostrand Avenue to the west and Marcy Avenue to the east.

In response to the comments received on the Draft Scope of Work, two additional development sites (Projected Development Sites 53 and 55) have been included in environmental analysis to account for development that could be facilitated by future discretionary actions not subject to the current ULURP application associated with the Proposed Actions. These two separate, non-contiguous sites in CD 2 and 8 are on a portion of two blocks bounded by:

- Fulton Street to the north, Atlantic Avenue to the south, Carlton Avenue to the west and Clermont Avenue to the east.
- Prospect Place to the north, Park Place to the south, New York Avenue to the west and Brooklyn Avenue to the east.

As discussed in detail below, the Proposed Actions consist of:

- **Zoning Map Amendment** to:
    - Rezone portions of existing M1-1, C6-2A, C6-3A, C6-3X, M1-4/R7A, R7A/C2-4, R7D/C2-4, R6B, and R6A districts to R7A, R7D, C6-3A, M1-1A/R6B, M1-2A/R6A, M1-3A/R7D, M1-4A/R9A, C4-3A, C4-5D, R7-2, and M1-3A districts and C2-4 commercial overlays.
    - Map the Special Atlantic Avenue Mixed Use District, largely coterminous with the Rezoning Area
- **Zoning Text Amendment** to:
    - Establish the Special Atlantic Avenue Mixed Use District largely coterminous with the Rezoning Area. The proposed special purpose district will include modifications to underlying use, bulk, parking and loading, and streetscape regulations. The proposed special district will include requirements and incentives related to active ground floor uses and job-generating uses and establish controls for building articulation and streetscape improvements along key corridors.

- Modify Appendix F for the purpose of establishing proposed R7A, R7D, C6-3A, M1-1A/R6B, M1-2A/R6A, M1-3A/R7D, M1-4A/R9A, C4-3A, C4-5D, R7-2 as MIH areas, applying the MIH program to require a share of new housing to be permanently affordable where significant new housing capacity would be created.

- **Designation of Urban Development Action Areas (UDAA), Approval of an Urban Development Action Area Project (UDAAP), Acquisition, and Disposition of City-Owned properties**

  - Designation of UDAAs, project approval of an UDAAP, and disposition of the City-owned property for two parcels owned and managed by HPD on Block 1136 (Lots 29, 32, 33, 34, and 35) and Block 1143 (Lot 25). HPD seeks to designate a UDAAP for the purpose of disposition and development of affordable housing for older adults and families, as well as to provide on-site services and amenities for residents and other community facility uses.

  - Acquisition and disposition actions related to the property for Block 1205, Lots 11, 14, and 111; acquisition and disposition of City-owned property located at Block 1126, Lot 32; Acquisition of City-owned property at Block 1143, Lot 25, and Disposition of City-owned property for Block 1844, Lot 1. In addition to these land use actions, potential Article XI disposition, tax exemption, and HPD financing for one or more sites to facilitate the development of affordable housing.

In connection with the Proposed Actions, an (E) designation (E-810) would be established on the majority of the projected and potential development sites to avoid potential for impacts related to hazardous materials, air quality, and noise. The details of the requirements of the (E) designation for specific sites are located in **Chapters 9, Hazardous Materials, Chapter 14, Air Quality,** and **Chapter 16, Noise** of the FEIS. For publicly owned sites, environmental restrictions will be established through alternate mechanisms, such as a Land Disposition Agreement (LDA).

## *Proposed Zoning Map Changes*

*Proposed M1-1A/R6B (Existing M1-1 District)*

M1-1A/R6B zoning districts are proposed to cover one partial block in one area:

- An area roughly bounded by Herkimer Place to the south, Herkimer Street to the north, Bedford Avenue to the west, and Nostrand Avenue to the east, and generally with frontage on Herkimer Place.

M1-1A/R6B is a mixed-use district that pairs M1-1A, a manufacturing district that supports a mix of low-rise commercial and industrial uses, with R6B, a medium-density contextual residential district that would allow residential uses and community facility uses and is designed to produce Quality Housing buildings. Mixed Use zoning districts also have special regulations that enable residential and certain industrial uses to be located either side by side

or within the same building. R6B districts permit a maximum residential FAR of 2.4, when mapped with inclusionary housing, an FAR for commercial and industrial uses up to 2.0, and an FAR for community facility up to 2.0. For mixed-use buildings combining residential and non-residential uses, the total FAR would be 3.0. Where inclusionary housing is mapped and on narrow streets, R6B districts permit maximum street wall height of 45 feet, above which the building must be set back, may rise to a maximum height of 65 feet, and have a maximum of 6 stories. All buildings would be allowed a more flexible envelope with a maximum street wall height of 65 feet and a maximum building height of 95 feet. A building setback of 10 feet is required on wide streets and 15 feet on narrow street. Like other residential districts, the R6B district requires a 30 feet rear yard for residential portions of any building. Off-street parking would be optional for residential uses.

*Proposed M1-2A/R6A (Existing M1-1, M1-4/R7A, and R7A/C2-4 Districts)*

M1-2A/R6A zoning districts are proposed to cover seven partial blocks in two areas:

- An area roughly bounded by Bergen Street to the south, Atlantic Avenue to the north, Grand Avenue to the west, and Classon Avenue to the east, and generally within the mid-blocks beyond 100 feet of the avenues.

- An area roughly bounded by Bergen Street to the south, Atlantic Avenue to the north, Classon Avenue to the west, and Bedford Avenue to the east, and generally on mid-blocks beyond 100 feet of Classon Avenue and with frontage on Franklin Avenue between Atlantic Avenue and Pacific Street.

M1-2A/R6A is a mixed-use district that pairs M1-2A, a manufacturing district that supports a mix of commercial and industrial uses, with R6A, a medium-density contextual residential district that would allow residential uses and community facility uses and is designed to produce Quality Housing buildings. Mixed Use zoning districts also have special regulations that enable residential and certain industrial uses to be located either side by side or within the same building. R6A districts permit a maximum residential FAR of 3.9, when mapped with inclusionary housing, an FAR for commercial and industrial uses up to 3.0, and an FAR for community facility up to 3.0 with a maximum base and building height of 65 and 95 feet, respectively. For mixed-use buildings combining residential and non-residential uses, the total FAR would be 5.0. Buildings within the M1-2A/R6A areas would be allowed a bulk envelope with a maximum street wall height of 95 feet and a maximum building height of 125 feet. A building setback of 10 feet is required on wide streets and 15 feet on narrow street. Like other residential districts, the R6A district requires a 30 feet rear yard for residential portions of any building. Off-street parking would be optional for residential uses.

*Proposed R7A (Existing R6A District)*

R7A districts are proposed for approximately one partial block in one area:

- An area roughly bounded by Dean Street to the south, Pacific Street to the north, Franklin Avenue to the west, and Bedford Avenue to the east, and generally on the northeast frontage of the block.

R7A is a medium-density contextual residential district that would allow residential uses of all types and community facility uses and is designed to produce Quality Housing buildings. R7A districts permit a maximum residential FAR of 5.0, when mapped with inclusionary housing, and an FAR for community facility up to 4.0. Where inclusionary housing is mapped and on narrow streets, R7A districts permit a maximum street wall height of 85 feet, above which the building must be set back, may rise to a maximum height of 115 feet, and have a maximum of 11 stories. A building setback of 10 feet is required on wide streets and 15 feet on narrow street. Like other residential districts, the R7A district requires a 30 feet rear yard for residential portions of any building. Off-street parking would be optional for residential uses.

*Proposed C4-3A (Existing M1-1 District)*

C4-3A districts are proposed for approximately two partial blocks in one area:

- An area roughly bounded by Brevoort Place to the north, Atlantic Avenue to the south, Franklin Avenue to the west, and Bedford Avenue to the east, and with frontage generally along Bedford Place beyond 100 feet of Atlantic Avenue.

C4-3A is a medium-density commercial district that allows a range of commercial uses as well as residential and community facility uses. C4-3A districts permit a maximum commercial FAR of 3.40 and a community facility FAR of 3.0. C4-3A districts permit, as-of-right, retail and commercial uses in Use Groups 5, 6, 8, 9, 10, and 12. These use groups include retail, offices, business services, larger retail establishments such as department stores, and some entertainment uses. For C4-3A districts, the residential district equivalent is an R6A district. As a result, any residences within the C4-3A district must comply with the R6A bulk regulations and, where inclusionary housing is mapped, with the mandatory affordable housing requirements pursuant to the MIH program. C4-3A districts permit a maximum residential FAR of 3.9, when mapped with inclusionary housing. Where inclusionary housing is mapped and on narrow streets, C4-3A districts permit a maximum street wall height of 65 feet, above which the building must be set back, may rise to a maximum height of 95 feet, and have a maximum of nine stories. A building setback of 10 feet is required on wide streets and 15 feet on narrow street. Off-street parking would be optional for residential uses.

*Proposed R7D (Existing R6B District)*

R7D districts are proposed for approximately two partial blocks in one area:

- An area roughly bounded by 6$^{th}$ Avenue to the west, Carlton Avenue to the east, Dean Street to the north, and St. Marks and Flatbush Avenues to the south.

R7D is a medium-density contextual residential district that would allow residential uses of all types and community facility uses and is designed to produce Quality Housing buildings. R7D districts permit a maximum residential FAR of 5.6, when mapped with inclusionary housing, and an FAR for community facility up to 4.2. Where inclusionary housing is mapped and on narrow streets, R7D districts permit a maximum street wall height of 95 feet, above which the building must be set back, may rise to a maximum height of 125 feet, and have a maximum of 12 stories. A building setback of 10 feet is required on wide streets and 15 feet

on narrow street. Like other residential districts, the R7D district requires a 30 feet rear yard for residential portions of any building. Off-street parking would be optional for residential uses.

*Proposed C4-5D (Existing M1-1 District)*

C4-5D districts are proposed for approximately two partial blocks in one area:

- An area roughly bounded by Brevoort Place and Herkimer Street to the north, Atlantic Avenue to the south, Bedford Place to the west, and Perry Place and Nostrand Avenue to the east, and with frontage generally along Bedford Avenue 100 feet north of Atlantic Avenue.

C4-5D is a medium-density commercial district that allows a range of commercial uses as well as residential and community facility uses. C4-5D districts permit a maximum commercial FAR of 4.2 and a community facility FAR of 4.2. C4-5D districts permit, as-of-right, retail and commercial uses in Use Groups 5, 6, 8, 9, 10, and 12. These use groups include retail, offices, business services, larger retail establishments such as department stores, and some entertainment uses. For C4-5D districts, the residential district equivalent is an R7D district. As a result, any residences within the C4-5D district must comply with the R7D bulk regulations and, where inclusionary housing is mapped, with the mandatory affordable housing requirements pursuant to the MIH program. C4-5D districts permit a maximum residential FAR of 5.6, when mapped with inclusionary housing. Where inclusionary housing is mapped and on narrow streets, C4-5D districts permit a maximum street wall height of 95 feet, above which the building must be set back, may rise to a maximum height of 125 feet, and have a maximum of 12 stories. A building setback of 10 feet is required on wide streets and 15 feet on narrow street. Off-street parking would be optional for residential uses.

*Proposed M1-3A/R7D (Existing M1-1 and R7A/C2-4 Districts)*

M1-3A/R7D districts are proposed for approximately nine partial blocks in two areas:

- An area roughly bounded by Washington Avenue to the west, Classon Avenue to the east, Atlantic Avenue to the north, and Bergen Street to the south, generally located along the frontage of Grand Avenue between Atlantic Avenue and Bergen Street to a depth of 100 feet from Grand Avenue.

- An area roughly bounded by Grand Avenue to the west, Franklin Avenue to the east, Atlantic Avenue to the north, and Bergen Street to the south, generally located along the frontage of Classon Avenue between Atlantic Avenue and Bergen Street to a depth of 100 feet from Classon Avenue.

M1-3A/R7D is a mixed-use district that pairs M1-3A, a manufacturing district that supports a mix of commercial and industrial uses, with R7D, a medium-density contextual residential district that would allow residential uses and community facility uses and is designed to produce Quality Housing buildings. Mixed Use zoning districts also have special regulations

that enable residential and certain industrial uses to be located either side by side or within the same building. R7D districts permit a maximum residential FAR of 5.6, when mapped with inclusionary housing, an FAR for commercial and industrial uses up to 4.0, and an FAR for community facility up to 4.2. Where inclusionary housing is mapped and on narrow streets, R7D districts permit maximum street wall height of 95 feet, above which the building must be set back, may rise to a maximum height of 125 feet, and have a maximum of 12 stories. A building setback of 10 feet is required on wide streets and 15 feet on narrow street. Like other residential districts, the R7D district requires a 30 feet rear yard for residential portions of any building. Off-street parking would be optional for residential uses.

*Proposed M1-4A/R9A (Existing M1-1 District)*

M1-4A/R9A districts are proposed for approximately one partial block in one area:

- An area roughly bounded by Classon Avenue to the west, Franklin Avenue to the east, Atlantic Avenue to the north, and Pacific Street to the south, generally located along the southern frontage of Atlantic Avenue to a depth of 100 feet.

M1-4A/R9A is a mixed-use district that pairs M1-4A, a manufacturing district that supports a mix of commercial and industrial uses, with R9A, a high-density contextual residential district that would allow residential uses and community facility uses and is designed to produce Quality Housing buildings. Mixed Use zoning districts also have special regulations that enable residential and certain industrial uses to be located either side by side or within the same building. M1-4A/R9A districts permit a maximum residential FAR of 9.0, when mapped with inclusionary housing, an FAR for commercial and industrial uses up to 5.0, and an FAR for community facility up to 7.5. Where inclusionary housing is mapped, R9A districts permit maximum street wall height of 135 feet, above which the building must be set back, may rise to a maximum height of 185 feet, and have a maximum of 18 stories. A building setback of 10 feet is required on wide streets and 15 feet on narrow street. Like other residential districts, the R9A district requires a 30 feet rear yard for residential portions of any building. Off-street parking would be optional for residential uses.

*Proposed C6-3A (Existing M1-1 and C6-2A Districts)*

C6-3A districts are proposed for approximately 10 partial blocks in one area:

- An area roughly bounded by Vanderbilt Avenue to the west, Nostrand Avenue to the east, Atlantic Avenue, Brevoort Place, and Herkimer Street to the north, and Pacific Street to the south, and with frontage generally along Atlantic to a depth of 100 feet.

C6-3A is a high-density commercial district that allows a range of commercial uses as well as residential and community facility uses. C6-3A districts permit a maximum commercial FAR of 6.0 and a community facility FAR of 7.5. C6-3A districts permit, as-of-right, retail, and commercial uses in Use Groups 5, 6, 8, 9, 10, and 12. These use groups include retail, offices, business services, larger retail establishments such as department stores, and some entertainment uses. For C6-3A districts, the residential district equivalent is an R9A district. As a result, any residences within the C6-3A district must comply with the R9A bulk

regulations and, where inclusionary housing is mapped, with the mandatory affordable housing requirements pursuant to the MIH program. C6-3A districts permit a maximum residential FAR of 9.0, when mapped with inclusionary housing. Where inclusionary housing is mapped and on narrow streets, C6-3A districts permit a maximum street wall height of 135 feet, above which the building must be set back, may rise to a maximum height of 185 feet, and have a maximum of 18 stories. A building setback of 10 feet is required on wide streets and 15 feet on narrow street. Off-street parking would be optional for residential uses.

*Proposed R7-2 (Existing R6A and R6B Districts)*

R7-2 districts are proposed for approximately one block in one area:

- An area roughly bounded by Halsey Street to the north, Macon Street to the south, Nostrand Avenue to the west and Marcy Avenue to the east, and with frontage along the entire western portion of the block.

R7-2 is a medium-density non-contextual residential district that would allow residential uses of all types and community facility uses. R7-2 districts permit a maximum residential FAR of 4.6 when mapped with inclusionary housing and a maximum FAR for community facility up to 6.5. Where inclusionary housing is mapped, R7-2 districts permit a maximum street wall height of 75 feet, above which the building must be set back, may rise to a maximum height of 135 feet, and have a maximum of 13 stories. A building setback of 10 feet on wide streets and of 15 feet on narrow streets is required. Like other residential districts, R7-2 districts require a 30 feet rear yard for residential portions of any building. Off-street parking is required for 50 percent of the dwelling units in the building. For income-restricted housing units (IRHU), there are no parking spaces required inside the Transit Zone.

*Proposed M1-3A (Existing M1-1 District)*

M1-3A districts are proposed for approximately one partial blocks in one area:

- An area roughly bounded by Franklin Avenue to the west, Bedford Avenue to the east, Atlantic Avenue, to the north, and Pacific Street to the south.

M1-3A is a manufacturing districts that allows a range of commercial, industrial, and community facility uses. M1-3A districts permit a maximum FAR of 4.0 for commercial and industrial uses and a maximum FAR of 4.8 for community facility uses. Buildings may rise to a maximum base height of 95 feet and a maximum building height of 125 feet.

*Proposed C2-4 Commercial Overlay*

C2-4 commercial overlays are proposed to be mapped over portions of an existing R6A district and proposed R7A district. The proposed rezoning would establish a new C2-4 overlay along the east and west frontages of Classon Avenue between Dean Street and Bergen Street where a C1-3 overlay was mapped prior to the approval of the 2013 Crown Heights West Rezoning. In addition, a C2-4 overlay would be established in a proposed R7A district on the eastern frontage of Franklin Avenue between Dean Street and Pacific Street.

A C2-4 overlay will be paired with the R6A and R7A districts in order to bring existing ground floor commercial uses into conformance with zoning and allow additional commercial uses to occupy space and expand.

The affected areas are as follows:

- Portions of two blocks bounded by Dean Street to the north, Bergen Street to the south, Grand Avenue to the west, and Franklin Avenue to the east, along the east and west frontages of Classon Avenue between Bergen Street and Dean Street to a depth of 100 feet.

- Portion of one block bounded by Pacific Street to the north, Dean Street to the south, Franklin Avenue to the west, and Bedford Avenue to the east.

C2-4 commercial overlays allow for up to 2.0 FAR of local retail uses in stand-alone commercial buildings or on the ground floor of mixed-use buildings. C2-4 allows uses listed in Use Groups 1-9 and 14, which include a wide range of neighborhood commercial uses including retail and services, as well as small-scale entertainment and production uses". For general commercial uses, as listed in PRC-B, one off-street parking space is required for every 1,000 sf of floor area.

*Special Atlantic Avenue Mixed Use District*

A special purpose district known as the Special Atlantic Avenue Mixed Use District would be mapped largely coterminous with the Project Area. The proposed special purpose district is described in more detail below as part of the related action to amend the zoning text and establish the proposed special purpose district.

### *Proposed Zoning Text Amendments*

The DCP proposes a series of text amendments to facilitate the land use objectives and the AAMUP. The following is a list and description of the proposes text amendments:

*Special Atlantic Avenue Mixed Use District*

A special purpose district known as the Special Atlantic Avenue Mixed Use District would be mapped largely coterminous with the Project Area. The proposed special purpose district would establish a framework around Atlantic Avenue and neighboring blocks, to

- promote the growth of housing and employment centers around transit and foster an adequate range of services and amenities for residents, workers, and visitors;

- ensure a lively and attractive streetscape along Atlantic Avenue and other major corridors; and

- support a mix of residential, commercial, community facility, and light industrial uses.

To achieve this, a series of modifications to a range of underlying zoning provisions are proposed, as follows:

***Use Regulations***

To create an attractive and pedestrian-friendly environment, provide space for jobs, and enhance activity along major corridors, the special purpose district would require non-residential uses along the ground floors to a depth of 30 feet. This requirement would serve to foster an active street frontage with glazing and transparency for businesses that occupy space in new developments. Absent the modification, residential uses could be located at the ground floor, which would be an undesirable location for those living on such a busy thoroughfare. In paired industrial/residential districts where light industrial and residential uses are located in the same or adjacent buildings, the provisions of ZR Section 123-22 (Additional Conditions for Certain Uses) must be met. The AAMUP Special District proposes to include provisions for alternate compliance with these provisions in ZR Section 146-11. A future CPC Chair Certification would be required to certify an alternate means of compliance pursuant to ZR Section 146-12. An (E) designation would be established in conjunction with the Certification establishing specific building design or other environmental requirements in order to protect occupants of the building and surrounding properties from any hazardous materials, noise, or air quality associated with such commercial or manufacturing uses. ~~the special district would require the submission of a Restrictive Declaration to allow flexibility for the uses to coexist while protecting residents from air contaminants, odors, vibrations, or noise associated with the industrial use. These regulations would be modeled after those implemented in the 803 Rockaway Avenue rezoning (200056ZMK, N200057ZRK).~~

Further, the modification would also prevent blank wall conditions for non-residential uses, which can result in an unattractive streetscape condition. Atlantic Avenue and Bedford Avenue would be designated as Tier C frontages pursuant to the recently adopted City of Yes for Economic Opportunity text amendment, and north/south corridors Grand Avenue and Classon Avenue would be designated as Tier B frontages but would still be required to provide nonresidential ground floor uses.

As part of the special purpose district, manufacturing districts would be paired with residential districts in a few locations. Such a pairing of zoning districts typically necessitates a designation of a Special Mixed Use (MX) District. Rather than being a separate, individually designated MX district, these districts and their mixed-use regulations would be incorporated into the proposed special purpose district. In addition, M1-1A/R6B and M1-2A/R6A districts would include a floor area incentive of approximately 0.6 and 1.1 FAR respectively to encourage the development of mixed-use buildings with non-residential ground floors, as well as greater flexibility in the bulk envelope. The special purpose district would also update previously approved MX districts that overlap with the Project Area.

***Streetscape and Bulk Regulations***

To enhance the streetscape experience for pedestrians and ensure there is sufficient space for various users of the sidewalk, the special purpose district would require the street wall of new developments to setback such that the minimum sidewalk width on Atlantic and Bedford

Avenues is 20 feet, unless the required setback is more than 5 feet. ~~a~~ Without the special purpose district, the underlying zoning would require a development's street wall to locate at the street line. The special purpose district would also update previously approved street wall location regulations that apply along the portion of Atlantic Avenue and surrounding streets overlapping with the Project Area.

In addition, due to block frontages along Atlantic Avenue being 800 feet in length, new developments with more than 100 feet of frontage will be required to provide recesses, projections or other features that articulate the façade. In the absence of the special purpose district, larger developments with frontage along Atlantic Avenue could have a sheer, continuous wall up to the minimum base height with minimal articulation.

Within the special purpose district, two manufacturing districts paired with residential districts would modify underlying bulk regulations to allow for taller mixed-use buildings or standalone non-residential buildings, as well as allow more flexibility for rear yard obstructions to better support two floors of non-residential uses. M1-1A/R6B would allow a maximum FAR of 3.0, maximum base height of 65 feet, and maximum building height of 95 feet for mixed-use buildings (versus an FAR of 2.4, base height of 45 feet, and maximum height of 65 feet for residential-only buildings). M1-2A/R6A would allow a maximum FAR of 5.0, maximum base height of 95 feet, and maximum building height of 125 feet for mixed-use buildings (versus an FAR of 3.9, base height of 65 feet, and maximum height of 95 feet for residential-only buildings). Additionally, to accommodate the future development near the Franklin Avenue shuttle, including on a parcel of land (Block 1126, Lots 32 and 57) owned and operated by MTA, the special purpose district would modify bulk regulations to allow greater flexibility in the bulk envelope on these irregular and uniquely dimensioned sites.

Additionally, with the special purpose district, certain commercial districts would modify underlying bulk regulations on lots with no rear yards. To accommodate the unique conditions along Herkimer Place and Atlantic Avenue, the special purpose district would modify bulk regulations to ensure a majority of the bulk on future developments be anchored towards Atlantic Avenue, allowing a transition in height to the North. In the absence of the special purpose district, the bulk could be shifted to Herkimer Place creating a stark difference in height and density transitions to the North.

Lastly, the proposed special purpose district would create a CPC authorization to enable the traditional public plaza bonus available in high-density non-contextual districts to zoning lots greater than 25,000 sf in contextual Commercial Districts and MX pairs with a residential equivalent of an R9A or R9X District. In conjunction with the FAR increase, an applicant could modify building certain plaza regulations to better adapt the design requirements to the unique character of the area or could modify certain bulk parameters so long as height modifications did not exceed 25% of the district's height. This authorization would enable new publicly accessible open spaces in a neighborhood that lacks adequate access to open space and has an existing walk-to-a-park gap.

***Open Space Incentive***

In order to create opportunities for publicly accessible open space, the special district would include a CPC authorization to allow developments in R9 equivalent districts to access the ZRs floor area bonus for on-site public plazas. The underlying public plaza program (Section 37-70) allows bonuses at these densities but not in AAMUPs specific zoning districts which have street wall and maximum building height requirements. The typical 20 percent maximum bonus would apply, and the bonus ratio would be 4:1, like in equivalent zoning districts (C6-3). The authorization would be available for zoning lots greater than 25,000 sf and would allow modification of street wall and maximum height requirements to accommodate the plaza and bonus floor area. In addition, the authorization would allow modifications to the plaza design requirements to encourage spaces that reflect the mixed-use character of the area.

***Parking and Loading Requirements***

With the special purpose district and in alignment with the City of Yes for Housing Opportunity zoning text amendment, no off-street parking would be required for residential uses to support a vision of growth where residents and workers walk, bicycle, or use public transit as their primary modes of transportation. Moreover, off-street parking can pose constraints on development, expansions, and conversions, both financially and physically, as parking spaces compete for non-residential space on the ground floor and greatly add to the costs of a development, especially if parking is built below grade in cellar levels.

## *Mandatory Inclusionary Housing*

Amendment to Appendix F adding the proposed R7A, R7-2, R7D, C6-3A, M1-1A/R6B, M1-2A/R6A, M1-3A/R7D, M1-4A/R9A, C4-3A, C6-3X, and C4-5D districts to the list and maps of MIH areas.

The proposed R6A, R7A, R7D, R7-2, C6-3A, M1-1A/R6B, M1-2A/R6A, M1-3A/R7D, M1-4A/R9A, C4-3A, C6-3X, and C4-5D zoning districts would be mapped as MIH areas setting mandatory affordable housing requirements pursuant to the MIH program to require a share of new housing to be permanently affordable where significant new housing capacity would be created. The proposed MIH areas would also consolidate maps from previously approved private applications within the Project Area.

The MIH program requires permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH areas. The program requires permanently affordable housing set asides for all developments over 10 units or 12,500 zoning sf within the MIH Areas or, as an additional option for developments below 25 units and 25,000 sf, a payment into an Affordable Housing Fund.

The MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility tradeoff inherent between income levels and size of the affordable set-aside. Option 1 requires 25 percent of residential floor area to be for affordable housing units for households with incomes averaging 60 percent of the Area Median Income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent of AMI. Option 2 requires 30 percent of residential floor area to be for affordable to households with an average of 80 percent of AMI. Additionally, an Option 3 could also be applied in conjunction with Options 1 or 2. Option 3, also known as the "Deep Affordability" option, requires that 20 percent of the residential floor area be affordable to residents at 40 percent AMI. ~~Unlike the standard MIH program where Option 3 must be mapped in conjunction with Option 1 or 2, in the AAMUP Special District~~ Following the approval of the City of Yes for Housing Opportunity in December 2024, Option 3 ~~would be~~is permissible as a standalone option. The City Council and CPC could apply an additional Option 4, known as the "Workforce" option, for markets where moderate- or middle-income development is marginally financially feasible without subsidy. This requires a 30 percent set-aside at AMIs averaging 115 percent and does not allow public funding.

### *Designation of an Urban Development Action Area, Urban Renewal Area Amendment, Urban Development Action Project and Disposition of City-Owned Land*

The proposed site-specific actions, including designation of Urban Development Action Areas (UDAA), approval of Urban Development Action Area Projects (UDAAP), and acquisition and disposition of City-owned properties, will facilitate the redevelopment of four City-owned sites and an individual site owned by the nonprofit organization Acacia Network, as summarized below. In addition to these land use actions, potential Article XI disposition, tax exemption, and HPD financing for one or more sites to facilitate the development of affordable housing.

Dean Park Edge/Projected Development Site 46

- UDAA/UDAAP: Projected Development Site 46 (Block 1136, Lots 29, 32, 33, 34, 35) consists of underutilized property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and promote sound growth and development. The development site is therefore eligible to be a UDAA, and the proposed project is eligible to be a UDAAP pursuant to Article 16 of the General Municipal Law.

- Disposition of City Property: Projected Development Site 46 is proposed for disposition to a sponsor selected by HPD.

Bergen Green/Projected Development Site 47

- UDAA/UDAAP: Projected Development Site 47 (Block 1143, Lot 25) consists of underutilized property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and promote sound growth and development. The development site is therefore eligible to be a UDAA, and the proposed project is eligible to be a UDAAP, pursuant to Article 16 of the General Municipal Law.

- Disposition of City Property: Projected Development Site 47 is proposed for disposition to a sponsor selected by HPD.

- Acquisition of property by the City: The City proposes to reacquire a portion of Projected Development Site 47 (Block 1143, Lot 25) for replacement parking for use by HPD.

457 Nostrand/Projected Development Site 54

- Disposition of City Property: Projected Development Site 54 (Block 1844, Lot 1) is proposed for disposition to a sponsor selected by HPD.

1134 Pacific/Projected Development Site 48

- Acquisition of property by the City: The City proposes to acquire Projected Development Site 48 (Block 1205, Lots 11, 14, 111).

- Disposition of City Property: Projected Development Site 48 is proposed for disposition to a sponsor selected by HPD.

1110 Atlantic Avenue/Projected Development Site 45

- Disposition of City-owned property: Projected Development Site 45 (Block 1126, Lot 32) is proposed for disposition.

- Acquisition of private property by the City: The City proposes to reacquire a portion of Lot 32 on Block 1126 (Development Site 45) for the MTA's use.

## Framework for Environmental Review

### *Reasonable Worst-Case Development Scenario*

To assess the possible impacts of the Proposed Actions, a reasonable worst-case development scenario (RWCDS) was developed for both the current (Future No-Action Condition) and proposed zoning (Future With-Action Condition) conditions for a 10-year period (build year 2034). The incremental difference between the Future No-Action and Future With-Action conditions will serve as the basis for the impact analyses of the EIS. A 10-year period typically represents the amount of time developers would act on the proposed action for an area-wide rezoning not associated with a specific development.

To determine the Future With-Action and No-Action conditions, standard methodologies have been used following the 2021 *CEQR Technical Manual* guidelines employing reasonable assumptions. These methodologies have been used to identify the amount and location of future development.

In projecting the amount and location of new development, several factors have been considered in identifying likely development sites; including known development proposals, past and current development trends, and the development site criteria described below.

Generally, for area-wide rezonings that create a broad range of development opportunities, new development can be expected to occur on selected, rather than all, sites within the Rezoning Area. The first step in establishing the development scenario for the Proposed Actions was to identify those sites where new development could be reasonably expected to occur.

### *Development Site Criteria*

Development sites were initially identified based on the following criteria:

- Lots located in areas where changes in use would be permitted.
- Lots located in areas where a substantial increase in permitted FAR is proposed; and lots with a total size of 5,000 sf or larger (may include potential assemblages totaling 5,000 sf, respectively, if assemblage seems probable); unless the site is underutilized, per the definition below; or
- Lots constructed to less than or equal to half of the maximum allowable FAR under the relevant zoning (see **Table 1-1** for more information), or occupied by a vacant building; and
    - Lots between 2,000 to 5,000 sf if considered underutilized; and
    - Underutilized lots which are defined as vacant, occupied by a vacant building, a building with only a single occupied floor, or lots constructed to less than or equal to half of the maximum allowable FAR under the relevant zoning; Lots located in areas where changes in use would be permitted.

Certain lots that meet these criteria have been excluded from the scenario based on the following conditions because they are very unlikely to be redeveloped as a result of the proposed rezoning.

- Lots where construction activity is occurring or has recently been completed.
- Long-standing institutional uses, such as schools (public and private), municipal libraries, government offices, and large medical centers in control of their sites, with no known development plans. These facilities may meet the development site criteria, because they are built to less than half of the permitted floor area under the current zoning and are on larger lots. However, these facilities have not been redeveloped or expanded despite the ability to do so, and it is extremely unlikely that the increment of additional FAR permitted under the proposed zoning would induce redevelopment or expansion of these structures. Additionally, for government-owned properties, development and/or sale of these lots may require discretionary actions from the pertinent government agency.
- Multi-unit buildings (i.e., existing individual buildings with six or more residential units) built before 1974 are unlikely to be redeveloped as they may contain rent stabilized units. Buildings with rent-stabilized units are difficult to legally demolish due to tenant re-location requirements. Unless there are known redevelopment plans (throughout the public review process or otherwise), these buildings are generally excluded from the analysis framework.

- Certain large commercial or industrial structures, such as multi-story non-residential buildings, sites owned and operated by major national corporations. Although these sites may meet the criteria for being built to less than half of the proposed permitted floor area, some of them are unlikely to be redeveloped due to their current or potential profitability, the cost of demolition and redevelopment, and their location.

- Certain active uses that would have difficulty relocating to other areas because of Citywide restrictions on the location of said uses, such as heavily used gas stations with critical locations.

- Lots whose location, highly irregular shape, or highly irregular topography would preclude or greatly limit future as-of-right development, including lots split by disparate zoning districts. Generally, development on highly irregular lots does not produce marketable floor space.

- Lots utilized for public transportation and/or public utilities.

### *Projected and Potential Development Sites*

To produce a reasonable, conservative estimate of future growth, the development sites have been divided into two categories: projected development sites and potential development sites. The projected development sites are considered more likely to be developed within the 10-year analysis period for the Proposed Actions (i.e., by the analysis year 2034) while potential sites are considered less likely to be developed over the approximately 10-year analysis period. Potential development sites were identified based on the following criteria:

- Lots whose slightly irregular shapes, topographies, or encumbrances would make development more difficult.

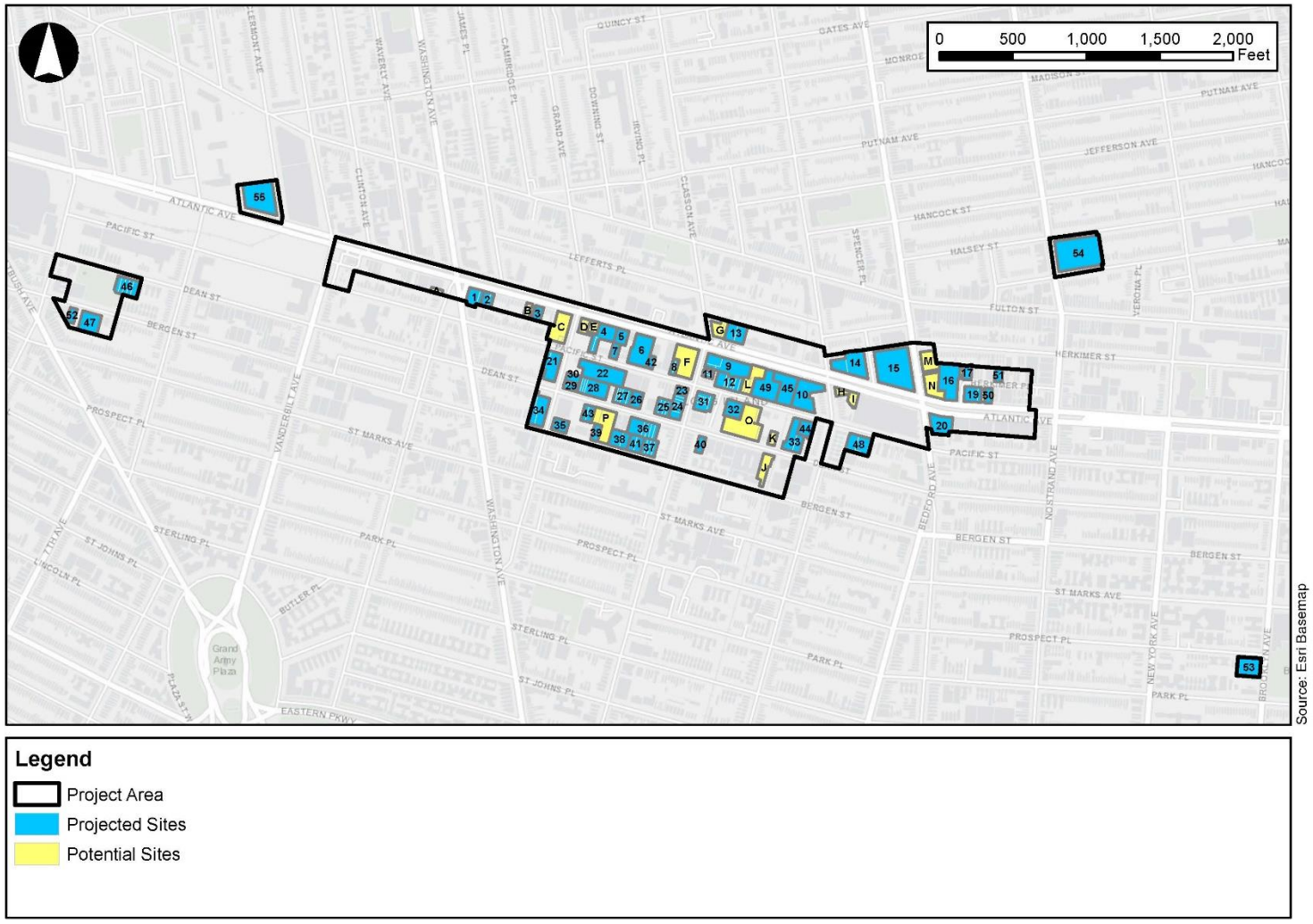
- Lots with four or more commercial tenants, which are less likely to redevelop in the foreseeable future.

- Active businesses that may provide unique services or are prominent, successful neighborhood businesses or organizations unlikely to move.

Based on the above criteria, 70 development sites (54 projected and 16 potential) have been identified in the Project Area. These projected and potential development sites are depicted in **Figure 1-2,** and the detailed RWCDS tables provided in **Appendix A** identify the uses expected to occur on each of these sites under No-Action and With-Action conditions.

This EIS assesses both density-related and site-specific potential impacts from development on all projected development sites. Density-related impacts are dependent on the amount and type of development projected on a site and the resulting impacts on traffic, air quality, community facilities, and open space.

***Figure 1-2: Projected and Potential Development Sites***




**Atlantic Avenue Mixed-Use Plan**

**Figure 1-2**
**RWCDS Projected and Potential Development Sites**

Site-specific impacts relate to individual site conditions and are not dependent on the density of projected development. Site-specific impacts include potential noise impacts from development, the effects on historic resources, and the possible presence of hazardous materials. Development is not anticipated on the potential development sites in the foreseeable future. Therefore, these sites have not been included in the density-related impact assessments. However, review of site-specific impacts for these sites will be conducted to ensure a conservative analysis.

### *Conceptual Analysis*

Under the State Environmental Quality Review Act (SEQRA), a conceptual analysis is warranted if a Proposed Action creates new discretionary actions that are broadly applicable even when projects seeking those actions will trigger a future, separate environmental review. It is the lead agency's responsibility to consider all possible environmental impact of the new discretionary actions at the time it creates them. The Proposed Actions would create a new discretionary action; an authorization for floor area bonus and height modification with the provision of publicly accessible open space, for the City Planning Commission to consider. A Conceptual analysis will be provided to understand how the new discretionary actions could be used in the future and to generically assess the potential environmental impacts that could result. However, all potential significant adverse impacts related to these future discretionary actions would be disclosed through environmental review at the time of the application.

### *Development Scenario Parameters*

*Dwelling Unit Factor*

The number of projected dwelling units in residential use buildings is determined by dividing the total amount of residential floor area by 850 and rounding to the nearest whole number.

*Future without the Proposed Actions (No-Action Condition)*

In the future without the Proposed Actions (No-Action Condition), the identified projected development sites are assumed to either remain unchanged from existing conditions or become occupied by uses that are as-of-right under existing zoning and reflect current trends if they are vacant, occupied by vacant buildings, or occupied by low intensity uses that are deemed likely to support more active uses. **Table 1-1** shows the No-Action Conditions for the projected development sites.

As **Table 1-1**~~**Table 1-1**~~ shows, it is anticipated that, in the future without the Proposed Actions, there would be a total of approximately 898,360 sf of built floor area on the 54 projected development sites. Under the RWCDS, the total No-Action development would comprise approximately 114,957 sf of residential floor area (approximately 136 DUs, 31-37 Affordable DUs pursuant to MIH at locations where MIH is currently mapped), 57,818 sf of local retail uses, 22,648 sf of office and other commercial uses, 81,000 sf of automotive related uses, 237,371 sf of industrial uses, 267,686 sf of community facility uses, and 52,309 sf of parking (209 accessory parking spaces). The estimated population under the No-Action

Condition would include a total of approximately 333 residents and 740 workers on these projected development sites.

*Future with the Proposed Actions (With-Action Condition)*

The Proposed Actions would allow for the development of new uses and higher densities at the projected and potential development sites. As shown in **Table 1-1~~Table 1-1~~**, under the RWCDS, the total development expected to occur on the 54 projected development sites under the With-Action Condition which would consist of approximately 6,665,448 sf of floor area, including 5,321,642 sf of residential floor area (approximately 5,279 DUs, 25 to 30 percent of units would be affordable pursuant to MIH with additional affordable housing to be provided pursuant to other City-based programs), 344,325 sf of local retail uses, 50,410 sf of destination retail uses, 472,574 sf of office and other commercial uses, 77,095 sf of industrial uses, and 389,402 sf of community facility uses, as well as no accessory parking spaces. The estimated population under the With-Action condition would include a total of approximately 12,933 residents and 3,559 workers on these projected development sites. The projected incremental (net) change between the No-Action and With-Action conditions that would result from the Proposed Actions would be an increase of 5,206,685 sf of residential floor area (5,143 DUs), 286,507 sf of local retail space, 50,410 sf of destination retail space, 449,926 sf of office space and other commercial uses, 121,716 sf of community facility space, a net reduction of 160,276 sf of industrial spaces, 209 accessory parking spaces, and a net decrease of 81,000 sf of automotive-related uses on the projected development sites.

Based on 2020 Census data, the average household size for residential units in Brooklyn CD 3 and Brooklyn CD 8 is 2.45.[8] Based on this ratio and standard ratios for estimating employment for commercial, community facility and industrial uses, **Table 1-1~~Table 1-1~~** also provides an estimate of the number of residents and workers on the 54 projected development sites in the No-Action and With-Action conditions. As indicated in the table, under the RWCDS, the Proposed Actions would result in a net increment of 12,600 residents and 2,819 workers.

A total of 16 sites were considered less likely to be developed within the foreseeable future and were thus considered potential development sites (see **Appendix A**). As noted earlier, the potential sites are deemed less likely to be developed because they did not closely meet the criteria listed above. However, as discussed above, the analysis recognizes that several potential development sites could be developed under the Proposed Actions in lieu of one or more of the projected sites in accommodating the development anticipated in the RWCDS. The potential development sites are therefore also analyzed in the EIS for site-specific effects.

[8] The average household size is for CD 3 is 2.56 and for CD 8 is 2.30.

As such, the EIS will analyze the projected development sites for all technical areas of concern and also evaluate the effects of the potential developments for site-specific effects such as archaeology, shadows, hazardous materials, stationary air quality, and noise.

***Table 1-1: 2034 RWCDS No-Action and With-Action Land Uses***

| Land Use | No-Action Condition | With-Action Condition | Increment |
|---|---|---|---|
| **Residential** | | | |
| **Total Residential[3]** | **114,957 sf<br>136 DUs** | **5,321,642 sf<br>5,279 DUs** | **5,206,685 sf<br>5,143 DUs** |
| **Commercial** | | | |
| Local Retail | 57,818 sf | 344,325 sf | 286,507 sf |
| Destination Retail | 0 sf | 50,410 sf | 50,410 sf |
| Office & Other Commercial | 22,648 sf | 472,574 sf | 449,926 sf |
| Automotive Related | 81,000 sf | 0 sf | (81,000 sf) |
| **Total Commercial** | **161,466 sf** | **867,309 sf** | **705,843 sf** |
| **Industrial** | | | |
| Warehouse | 92,583 sf | 0 sf | (92,583 sf) |
| Other Industrial | 144,788 sf | 77,095 sf | (67,693 sf) |
| **Total Industrial** | **237,371 sf** | **77,095 sf** | **-160,276 sf** |
| **Community Facility** | | | |
| Medical Office | 0 sf | 48,548 sf | 48,548 sf |
| Other | 267,686 sf | 340,854 sf | 73,168 sf |
| **Total Community Facility[3]** | **267,686 sf** | **389,402 sf** | **121,716 sf** |
| **Total Floor Area** | **898,360 sf** | **6,665,448 sf** | **5,757,088 sf** |
| **Parking** | **52,309 sf** | **0 sf** | **(52,309 sf)** |
| Parking Spaces | 209 | 0 | (209) |
| **Population** | | | |
| Residents[1] | 333 | 12,933 | 12,600 |
| Workers[2] | 740 | 3,559 | 2,819 |

Notes:
[1] Assuming an average occupancy of 2.45 persons per household based on the average household size within both CD 3 and CD 8 (2020 Decennial Census).
[2] Estimate of workers based as follows: 1 employee per 250 sf of office; 1 employee per 875 sf destination retail; 1 employee per 400 sf of local retail; 1 employee per 25 DU; 1 employee per 1,000 sf of industrial/auto; 1 employee per 15,000 sf of warehouse; 1 employee per 400 sf medical office space; 1 employee per 1,000 sf of other community facility space; and 1 employee per 50 parking spaces.
3 Includes , Sites 53 and 55, which are not subject to the ULURP land use application, which collectively accounts for 589 DUs and 85,089 sf of community facility uses.

*Additional Development Sites*

In response to the comments received on the Draft Scope of Work, two additional development sites (Projected Development Sites 53 and 55) have been included in environmental analysis to account for development that could be facilitated by future discretionary actions not subject to the currently contemplated ULURP application.

*Existing Zoning*

### *R6*

R6 is mapped at the school parcel site located at 178 Brooklyn Avenue at the southeast corner of Brooklyn Avenue and Prospect Place and is characterized by a one-story City-owned educational facility occupied by an Alternate Learning Center.

R6 districts are medium-density non-contextual residential districts that allow residential uses of all types and community facility uses. Community facility uses are generally permitted at a maximum FAR of 4.8. R6 has two sets of bulk regulations to choose from: height factor regulations and Quality Housing regulations.

Height factor regulations promote slender, tall buildings set far back from the street and surrounded by open space, while Quality Housing regulations promote the types of high lot coverage buildings found in many neighborhoods prior to the 1961 Zoning Resolution. Under height factor regulations, residential uses are allowed a maximum FAR of 2.43 with height regulated by a relationship between the FAR and open space ratio (OSR), the percentage of total floor area that should be provided as open space. The FAR and OSR are calibrated on a sliding scale, and maximum FAR is only achievable if considerable open space is provided. Under Quality Housing regulations, the sliding scale of FAR and OSR in the height factor system is replaced by fixed maximum FARs and maximum lot coverages. On narrow streets (defined as less than 75 feet wide), residential uses are allowed a maximum of 2.2 FAR with a maximum street wall height of 45 feet, above which the building must be set back, and may rise to a maximum height of 55 feet. Under the Quality Housing option, on wide streets (defined as greater than 75 feet wide), residential uses are allowed a maximum of 3.0 FAR with a maximum street wall height of 65 feet, above which the building must be set back, and may rise to a maximum height of 75 feet.

Off-street parking is required for 70 percent of the dwelling units (Height Factor). This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 sf or if Quality Housing provisions are used. Parking requirements are lowered for income-restricted housing units and are further modified within the Transit Zone. If five spaces or fewer are required, the off-street parking requirement is waived.

### *R7-2*

R7-2 is mapped at the school parcel site located at 510 Clermont Avenue at the northwest corner of Clermont Avenue and Atlantic Avenue and is characterized by a three-story City-owned educational facility occupied by K753, a D75 school serving students with special needs.

R7-2 districts are medium-density non-contextual residential districts that allow residential uses of all types and community facility uses. Community facility uses are generally permitted at a maximum FAR of 6.5. R7-2 has two sets of bulk regulations to choose from: height factor regulations and Quality Housing regulations.

Height factor regulations promote slender, tall buildings set far back from the street and surrounded by open space, while Quality Housing regulations promote the types of high lot coverage buildings found in many neighborhoods prior to the 1961 Zoning Resolution. Under height factor regulations, residential uses are allowed a maximum FAR of 3.44 with height regulated by a relationship between the FAR and OSR, the percentage of total floor area that should be provided as open space. The FAR and OSR are calibrated on a sliding scale, and maximum FAR is only achievable if considerable open space is provided. Under Quality Housing regulations, the sliding scale of FAR and OSR in the height factor system is replaced by fixed maximum FARs and maximum lot coverages. On narrow streets (defined as less than 75 feet wide), residential uses are allowed a maximum of 4.0 FAR with a maximum street wall height of 65 feet, above which the building must be set back, and may rise to a maximum height of 75 feet. Under the Quality Housing option, on wide streets (defined as greater than 75 feet wide), residential uses are allowed a maximum of 3.44 FAR with a maximum street wall height of 75 feet, above which the building must be set back, and may rise to a maximum height of 85 feet.

*Possible Future Zoning and Discretionary Actions*

*Proposed C6-4 (Existing R7-2 Districts)*

While not part of the Proposed Actions, in response to comments received on the DSOW, environmental analysis will assume a C6-4 district for approximately one block in one area, as described below:

- An area roughly bounded by Fulton Street to the north, Atlantic Avenue to the south, Carlton Avenue to the west and Clermont Avenue to the east, and with frontage on the northwestern corner of Clermont Avenue and Atlantic Avenue to a depth of approximately 250 feet from Atlantic Avenue.

C6-4 is a high density non-contextual commercial district that would allow a wide range of local and regional commercial uses, residential uses of all types and community facility uses. C6-4 districts permit a maximum commercial FAR of 10.0, a maximum residential FAR of 12.0 when mapped with inclusionary housing and a maximum FAR for community facility up to 10.0. Where inclusionary housing is mapped along wide streets, C6-4 districts permit a maximum street wall height of 155 feet, above which the building must be set back, may rise to a maximum height of 235 feet, and have a maximum of 23 stories. A building setback of 10 feet on wide streets and of 15 feet on narrow streets is required. Like other residential districts, C6-4 districts require a 30 feet rear yard for residential portions of any building. Off-street parking is required for 40 percent of the dwelling units in the building. For IRHU, there are no parking spaces required inside the Transit Zone.

## Public Review Process for the Proposed Actions

The Proposed Actions described above are subject to public review under ULURP, Section 200 of the City Charter, as well as CEQR procedures. The ULURP and CEQR review processes are described below.

### *Uniform Land Use Review Procedure*

The City's ULURP, mandated by Sections 197-c and 197-d of the City Charter, is a process especially designed to allow public review of a proposed project at four levels: the community board, the Borough President and (if applicable) Borough Board, CPC, and the City Council. The procedure sets time limits for review at each stage to ensure a maximum total review period of approximately seven months.

The ULURP process begins with a certification by CPC that the ULURP application is complete, which includes satisfying CEQR requirements (see the discussion below). The application is then forwarded to the community board(s), which has 60 days to review and discuss the proposal, hold public hearings, and adopt recommendations regarding the application. Once this step is complete, the Borough President reviews the application for up to 30 days. CPC then has 60 days to review the application, during which time a ULURP/CEQR public hearing is held. Comments made at the Draft EIS (DEIS) public hearing (the record for commenting remains open for 10 days after the hearing to receive written comments) are incorporated into a Final EIS (FEIS); the FEIS must be completed at least 10 days before CPC makes its decision on the application. CPC may approve, approve with modifications, or deny the application.

If the ULURP application is approved, or approved with modifications, it moves to the City Council for review. The City Council does not automatically review all ULURP actions that are approved by CPC. Zoning map changes and zoning text changes (not subject to ULURP) nevertheless must be reviewed by the City Council; the Council may elect to review certain other actions. The City Council, through the Land Use Committee, has 50 days to review the application and, during this time, will hold a public hearing on the proposed project. The Council may approve, approve with modifications, or deny the application. If the Council proposes a modification to the proposed project, the ULURP review process stops for 15 days, providing time for a CPC determination on whether the modification is within the scope of the environmental review and ULURP review. If it is, then the Council may proceed with the modification; if it is not, then the Council may only vote on the project as approved by CPC. Following the Council's vote, the Mayor has five days in which to veto the Council's actions. The City Council may override a Mayoral veto within 10 days.

### *New York City Environmental Quality Review*

Pursuant to the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations found at 6 NYCRR Part 617, New York City established rules for its own environmental quality review in Executive Order 91 of 1977, as amended, and 62 RCNY Chapter 5, the Rules of Procedure for CEQR. The environmental review process provides a means for decision-makers to systematically consider environmental effects along

with other aspects of project planning and design, to propose reasonable alternatives, to identify, and when practicable mitigate, significant adverse environmental effects. CEQR rules guide environmental review, as follows:

- *Establishing a Lead Agency*: Under CEQR, the "lead agency" is the public entity responsible for conducting the environmental review. Usually, the lead agency is the entity principally responsible for carrying out, funding, or approving a proposed action. CPC is the lead agency for the Proposed Actions.

- *Determination of Significance*: The lead agency's first charge is to determine whether a proposed action may have a significant adverse impact on the environment. To do so, it must prepare an EAS. The Proposed Actions were the subject of an EAS that was issued on September 15, 2023. Based on the information contained in the EAS, the lead agency (CPC) determined that the Proposed Actions may have a significant adverse effect on the environment and issued a Positive Declaration on September 15, 2023, requiring preparation of an EIS.

- *Scoping*: Once the lead agency has issued a Positive Declaration, it must then issue a draft scope of work for the EIS. "Scoping," or creating the scope of work, is the process of focusing the environmental impact analyses on the key issues to be studied. The Draft Scope of Work for the Proposed Actions was issued on September 15, 2023. CEQR requires a public scoping meeting as part of the process. A scoping meeting was held for the Proposed Actions and EIS Draft Scope of Work on October 17, 2023. Agencies and the public were given until October 27, 2023, to review and comment on the Draft Scope of Work. Modifications to the Draft Scope of Work were made as a result of public and interested agency input during the scoping process. This Final Scope of Work for the project was issued on October 11, 2024.

- *Draft Environmental Impact Statement*: The DEIS was prepared in accordance with the Final Scope of Work and followed methodologies and criteria for determining significant adverse impacts in the CEQR *Technical Manual*. The lead agency reviewed all aspects of the document, calling on other City and state agencies to participate in where the agency's expertise is relevant. Once the lead agency is satisfied that the DEIS is complete, it issues a Notice of Completion (NOC) and circulates the DEIS for public review. The NOC was issued on October 11, 2024.

- *Public Review*: Publication of the DEIS and issuance of the Notice of Completion signal the start of the public review period. During this time (a period of not less than 30 days), the public has the opportunity to review and comment on the DEIS either in writing or at the public hearing convened for the purpose of receiving such comments. Where the CEQR process is coordinated with another City process that requires a public hearing, such as the CPC ULURP process, joint hearings may be held. The lead agency must publish a notice of the hearing at least 14 days before it takes place and must accept written comments for at least 10 days following the close of the hearing. All substantive comments received at the hearing become part of the CEQR

record and must be summarized and responded to in the FEIS. The joint public hearing on the DEIS and ULURP application was held on February 4, 2025, in the New York City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. The public hearing was also accessible to view and participate in remotely through NYC Engage. The period for submitting written comments remained open until February 18, 2025.

- *Final Environmental Impact Statement*: After the close of the public comment period on the DEIS, the lead agency FEIS will be prepared. The FEIS must incorporate relevant comments on the DEIS, either in a separate chapter or in changes to the body of the text, graphics, and tables. Once the lead agency determines that the FEIS is complete, it issues a Notice of Completion and circulates the FEIS. The NOC for this FEIS was issued on March 7, 2025.

- *Findings*: The lead agency will adopt a formal set of written findings based on the FEIS, reflecting its conclusions about the significant adverse environmental impacts of the proposed action, potential alternatives, and potential mitigation measures. The findings may not be adopted until at least 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead agency may take its actions. This means that CPC must wait at least 10 days after the FEIS is complete to act on a given application.