1720 Atlantic Avenue Rezoning

Brooklyn

April 2023

1. Introduction

This application is made on behalf of Bermuda Realty No. 2 LLC ("the Applicant"), for a zoning map amendment, zoning text amendments, and Chairperson Certification (the "Proposed Actions") in the Crown Heights area of Brooklyn Community District 8. The proposed zoning map amendment would rezone a portion of an M1-1 district to C4-4D, another portion from M1-1 to R7A, and a third from M1-1 to R7A/C2-4. In addition, a zoning text amendment would be made to Appendix F of the Zoning Resolution ("ZR") in order to make Option 1 of the Mandatory Inclusionary Housing ("MIH") program applicable to the affected area. Finally, a zoning text amendment would be made to ZR Section 35-66, adding a Special Height and Setback Provision to allow for the sidewalk along Atlantic Avenue to be widened up to 20'.

The Proposed Actions would facilitate a new 13-story mixed use building on Block 1335, Lots 35, 30 and 28 (the "Development Site"), to contain a total of approximately 263,277 zoning square feet ("zsf") of floor area (5.45 FAR). It would rise to 140', with a base height of 86' in the C4-4D portion; a base height of 75' in the R7A portion; and a base height of 48' in the R7A/C2-4 portion. The building would contain a total of approximately 50,427 zsf of commercial uses between the first and second floors, with approximately 17,421 zsf of community facility uses located at the second floor. The remainder of the floors would be devoted to residential uses, containing a total of 278 dwelling units. 70 of the proposed 278 dwelling units, or 25%, would be made permanently affordable through MIH Option 1 to households making 60% of the Average Median Income ("AMI"), with 10% of the 278 units (28 units) being made affordable to incomes averaging 40% AMI (collectively, "the Proposed Development"). The Proposed Development would provide 112 accessory parking spaces between the cellar and first floor.

2. Background

The Development Site has been zoned M1-1 since the adoption of the Zoning Map in 1961.

In 2007, an area to the immediate north of the Development Site, consisting of approximately 206 blocks within the lower portion of the Bedford-Stuyvesant neighborhood, was rezoned through the Bedford-Stuyvesant South Rezoning (C 070447 ZMK). Through this action, all affected blocks were rezoned, either fully or partially, from R5, R6, M1-1, and C4-3 districts to R5B, R6B, R6A, R7D, C4-5D, and M1-1/R7D districts. In addition, a Zoning Text Amendment (N 070448 ZRY) officially established R7D, C4-5D, and MX-10 districts within the area, and made the Inclusionary Housing Program applicable to the proposed R7D and C4-5D districts. The purpose of these actions was twofold: To ensure the maintenance of a consistent character and scale of the neighborhood, and to encourage the development of mid-rise apartment buildings, overall residential growth, and affordable housing along appropriate corridors.

There are no other recently approved land use actions within 600' of the proposed Development Site.

3. Description of the Surrounding Area

The Proposed Actions affect a portion of a single tax block in the Crown Heights neighborhood of Brooklyn Community District 8. Community District 8 is generally defined as the area north of Eastern Parkway, northwest of East New York Avenue, west of Ralph Avenue, south of Atlantic Avenue, and east of Flatbush Avenue. The area within 600' of the Proposed Development Site is generally bound by Herkimer Street to the north, Troy Avenue to the west and northwest, Bergen Street to the south, and Utica Avenue to the east. Atlantic Avenue, just north of the Proposed Development Site, is a large thoroughfare 120' in width, while Pacific Street, to its south, is 70' in width. To the east, Schenectady Avenue is 70' in width, as is Troy Avenue to the west. Eastern Parkway, approximately 10 blocks south of Site, is a major thoroughfare of 210' in width.

The surrounding area is mixed in use, with residential, manufacturing/industrial, commercial/office, transportation/utility, community facility, and parking uses, as well as vacant land. One block south of the Development Site lie two NYCHA multi-family dwelling elevator buildings, each containing 137 units and standing at a respective 4 and 5 stories high. A 6-floor, 143-unit building lies two blocks north of the Site. To the immediate east of the Development Site lie a gas station, parking facilities, and a 1-story commercial building. To the immediate west lies a 1-story manufacturing building.

The surrounding area contains several community facility uses. South of the Site, at 90 Schenectady Avenue, lies Bethel Tabernacle A.M.E. Church, with Our Lady of Charity Church, the International Christian Center, and Christ Life Bible Church all lying to the southeast on Dean Street (1669, 1673, and 1694 Dean Street, respectively). Immanuel Bible Institute & Seminary also lies southeast of the Site at 1541 Bergen Street. P.S. 243 (the "Weeksville School") lies to the south of the Site at 117 Troy Avenue, as does P.S. 83 at 1634 Dean Street.

Commercial retail uses in the area, primarily located on Atlantic and Troy Avenues and Pacific Street, include neighborhood retail uses such as eating and drinking establishments. The area also contains parkland, with Harmony Park, a Parks and Recreation (DPR) park, located just north of the Development Site on Atlantic Avenue.

The surrounding area contains M1-1 and R6 districts to the east and west of the Development Site. To the north lies an R5B district that becomes R6B as one travels further north. An R6 district lies to the south of Site.

R6 districts permit residential and community facility use. Buildings may be designed according to either quality housing regulations, which permit up to 3.00 residential FAR on a wide street, or height factor regulations, which allow up to 2.43 FAR. Height factor buildings must be set within a sky exposure plane starting at 60' above street line and subsequently sloping inward above the zoning lot. Quality Housing buildings situated on a wide street may have a maximum building height of 75' with a qualifying ground floor, with a maximum base height of 65' before setback. Under height factor regulations, the development must provide parking for 70% of its units; under Quality Housing regulations, parking must be provided for 50% of the units.

The R6B district is a contextual district where Quality Housing regulations are mandatory. The district permits 2.00 residential FAR and generally results in 4-to-5-story buildings. The district requires buildings with qualifying ground floors to set back above a base height of 35-45', before rising to a maximum height of 55'. Parking is required for 50% of a development's dwelling units.

The R5B district allows both detached and semi-detached buildings, with a maximum permitted FAR of 1.35 for residential uses. The district allows a typical maximum street wall height of 30', beyond which the building either slopes or is set back up to the maximum building height of 33'. Front yards must be at least 5' deep, and the depth must generally match those of the neighboring lots. Whenever off-street parking is required, on-site parking must also be provided for two-thirds of the dwelling units. No parking is permitted in front yards.

The M1-1 district permits commercial and light-to-medium manufacturing/industrial uses (Use Group 4-14, 16-17). Commercial and industrial/manufacturing uses are permitted up to 1.00 FAR, while limited community facility uses are permitted up to 2.40 FAR. Building height and setbacks are governed by a sky exposure plane. Parking requirements are governed by the size and type of the use. For most types of commercial uses, the M1-1 district requires 1 space for every 300 square feet of floor area (1 space for every 600 square feet of floor area for low-traffic-generating uses). Non-profit community institutions require 1 space per 10 persons (rated capacity).

The Development Site and the surrounding area are located within a Food Retail Expansion to Support Health (FRESH) area and qualify for zoning and discretionary tax incentives to provide a qualifying FRESH use. The area is also within the Transit Zone.

Approximately 0.3 miles north of the Site lies the Bedford Stuyvesant/Expanded Stuyvesant Heights Historic District, located between Fulton and Jefferson Avenues and Malcolm X Boulevard and Marcy Avenue. The Crown Heights North III historic district is located approximately 0.3 miles to the west, between Atlantic Avenue and Eastern Parkway and Brooklyn and Troy Avenues. Finally, approximately half a mile to the west of the Development Site lies the Alice and Agate Courts Historic District, surrounding Alice and Agate Courts between Atlantic Avenue and Herkimer Street and Kingston and Albany Avenues.

The immediate area is well served by Metropolitan Transit Authority (MTA) subways. The Development Site is located approximately half a mile north of the Crown Heights-Utica Avenue subway station, with 3 and 4 Train service, and approximately 0.3 miles southwest of the Utica Avenue/Fulton Street subway station, with A and C service. In terms of bus service, the B15 and B65 lines both make stops approximately 0.1 miles southwest of the Development Site. The B15 line offers service between Bedford Stuyvesant and JFK Airport, while the B65 line connects Downtown Brooklyn and Crown Heights. Additionally, the B25 line stops approximately 0.2 miles northeast of the Development Site, providing service between Broadway Junction and Downtown Brooklyn. The Development Site also lies near the Atlantic Line of the Long Island Railroad, with the Nostrand Avenue stop approximately one mile west of the Site.

4. Description of the Proposed Project Area

The Proposed Project Area consists of the Applicant-owned Development Site, further described below. Together, the three lots on the Site house a single-story commercial shopping center. Lot 35 is currently improved with 20,980 square feet of gross floor area and 56 accessory parking spaces, located on 40,150 square feet of lot area (0.52 FAR). Lot 30 is improved with 4,152 square feet of gross floor area on 4,152 square feet of lot area (1.00 FAR). Lot 28 is improved with 3,548 square feet of gross floor area on 3,548 square feet of lot area (1.00 FAR).

5. Description of the Proposed Development Site

The Proposed Development Site consists of Block 1335, Lots 35, 30, and 28 (1720, 1708, and 1706 Atlantic Avenue). All three lots are owned by the Applicant. Lot 35 is an irregularly shaped corner lot, Lot 30 is an irregularly shaped interior lot, and Lot 28 is an irregularly shaped interior lot. All three lots are currently zoned M1-1, and together comprise 48,300 square feet of lot area, with approximately 270’ of frontage along Atlantic Avenue (120’ in width), 200’ of frontage along Schenectady Avenue (70’ in width), and 210’ of frontage along Pacific Street (70’ in width).

6. Description of Proposed Development

The Proposed Actions would facilitate a new mixed-use building on the Development Site, to contain approximately 263,277 zsf of floor area (5.45 FAR). This would include a total of approximately 50,427 zsf of commercial floor area at the first and second floors, with approximately 17,421 zsf of community facility floor area on the second floor. The building would also include approximately 53,248 gross square feet ("gsf") of enclosed accessory parking space between the cellar level and first floor, housing 112 parking spaces. The remaining 11 floors would contain 278 dwelling units, spread out over approximately 195,429 zsf of residential floor area. Pursuant to MIH Option 1, 25% of the proposed residential floor area (70 units) would be made affordable to households with incomes at 60% AMI, with 10% of the units (28) being made affordable to households with incomes at 40% AMI.

While the building will rise to 13 stories on the corner of Atlantic and Schenectady Avenues, the remainder of the proposal will have staggered heights. The portion of the building within the C4-4D district would rise to a base height of 86' and set back 10' before rising to a maximum height of 140' (13 stories). The portion of the building within the R7A district would rise to a base height of 75' and set back 15' before rising to a maximum height of 86' (8 stories).

To serve the open space needs of residents, the Applicant is proposing terraces on the 3rd, 9th, 11th, and 13th floors that would not be closed to the public, along with private paved terraces on the 5th-9th floors. As part of the Proposed Development, an occupiable green rooftop space will also be provided. Parking at the cellar and first floor would be accessed through a proposed 20' curb cut along Pacific Street.

7. Actions Necessary to Facilitate the Project

The Applicant seeks a zoning map amendment that would rezone portions of an existing M1-1 district to C4-4D, R7A, and R7A/C2-4 districts, respectively. In addition, a zoning text amendment to Appendix F of the Zoning Resolution (ZR) would be required to make MIH Option 1 applicable to the Proposed Project Area. The proposed zoning text amendment to MIH under Option 1 would require that 25% percent of the proposed residential floor area, or approximately 70 of the proposed 278 dwelling units, be made affordable to households with incomes at 60% AMI. Additionally, of the 278 units, 10% (28 units) must be made available to households with incomes at 40% AMI.

The C4-4D district is proposed for the eastern 270 feet of the subject block lining Atlantic Avenue, to permit additional mixed-use density along Atlantic Avenue, given the 120 feet of width present and proximity to transit. The southern end of the subject block lining Pacific Street (70 feet wide) would be mapped R7A and R7A/C2-4, reflecting lesser density along that roadway and Schenectady Avenue. The eastern 100 feet of the southern block frontage along

Pacific Street, with frontage along Schenectady Avenue (70 feet wide) would contain a new R7A/C2-4 district to permit mid-rise mixed-use density, while the area beyond 100 feet of Schenectady Avenue would only be mapped R7A, to reflect the residential mid-block character of the street. These R7A/C2-4 and R7A districts would also serve as transition districts between the C4-4D along Atlantic Avenue and blocks to the south that are zoned R6.

The Proposed Actions would also require a zoning text amendment to ZR Section 35-66, instituting a Special Height and Setback Provision. This provision would allow variation to the street wall along Atlantic Avenue, in C4-4D districts within Community District 8. As a result of this amendment, the sidewalk adjoining the Proposed Development along Atlantic Avenue could be widened up to 20'. The sidewalk widening would afford a safer, more aesthetically pleasing sidewalk that will help promote active ground floor commercial use. All Proposed Actions would affect the Development Site, consisting of Block 1335, Lots 35, 30, and 28.

The C4-4D district permits Use Groups 1-6, 8-10 and 12, consisting of residential, community facility, and commercial uses. The district has the residential bulk equivalent of an R8A district, permitting a residential FAR of 7.20. C4-4D districts allow a maximum community facility FAR of 6.50, with a maximum commercial FAR of 3.40. Under MIH requirements, a base height of 60'-105' is permitted, with a maximum building height of 140' (145' with a qualifying ground floor). Parking is required for 40% of market-rate dwelling units. Parking requirements for commercial and community facility uses vary by use.

The R7A/C2-4 district permits Use Groups 1-9 and 14, consisting of residential, community facility, and commercial uses. This district would allow a residential FAR of 4.60 for developments in an inclusionary housing designated area, as well as a community facility FAR of 4.00 and a commercial FAR of 2.00. Under MIH requirements, a base height of 40'-75' would be permitted, with a maximum building height of 90' (95' with a qualifying ground floor). For lots of 10,000 square feet or less, parking would be required for 30% of market-rate dwelling units. Parking requirements for commercial and community facility uses vary by use.

The R7A district follows Quality Housing regulations and allows residential and community facility uses (Use Groups 1-4). In inclusionary housing designated areas, a maximum residential FAR of 4.60 is permitted, with a maximum community facility FAR of 4.00. Under MIH requirements, a base height of 40'-75' would be permitted, with a maximum building height of 90'. Parking would be required for 50% of the market-rate dwelling units.

The Proposed Actions would facilitate the redevelopment of the Development Site with a new mixed-use building to contain commercial and community facility spaces, as well as 278 new dwelling units. The Proposed Project Area is located in close proximity not only to the main thoroughfare of Atlantic Avenue, but to multiple lines of public transportation. Due to its

location, this area is heavily trafficked by neighborhood residents, who would derive great benefit from both the new mixed-income housing capacity and the commercial and community facility uses being proposed. The community facility and commercial uses proposed under the instant application are also expected to create new jobs for residents of the surrounding area. Finally, the Proposed Actions would result in approximately 70 new affordable dwelling units, a recognized need in all areas of the City.

The proposed zoning map amendment is necessary because the current M1-1 zoning district does not permit residential uses. In order to provide a substantial number of the aforementioned new dwelling units, and thereby meet community needs, a high-density district such as C4-4D is required. The C4-4D district alone could accommodate the proposed number of units; nevertheless, the Proposed Actions also aim to rezone the southern portion of the Proposed Project Area as R7A and R7A/C2-4. This incorporates into the building design a smooth transition from the neighboring M1-1 district to the C4-4D district, which will face Atlantic Avenue and the transit rail.

The Proposed Project Area is already in close proximity to residential districts with commercial, community facility, and residential uses. This suggests that the Proposed Development would blend into its surroundings. The Proposed Actions would be of greater advantage to the area than the current use, increasing economic and residential opportunities for local residents while also providing valuable neighborhood amenities. Based on the above, the Proposed Actions are appropriate for this Site.

8. Conclusion

The Proposed Actions seek to amend the zoning district of three lots in Crown Heights, Brooklyn Community District 8, in order to accommodate a new, 13-story mixed use development. The Proposed Actions would fill important neighborhood needs by instituting commercial establishments, community services, and new housing in a highly trafficked area. Additionally, it would result in 70 new affordable housing units, meeting an important demand within the City. The Proposed Actions would allow the most productive use possible on the Development Site, provide the greatest convenience and benefit to neighborhood residents, and enable the Site to blend nicely with its surroundings. Based on the above, the Proposed Actions are appropriate for this area.