DEPARTMENT OF CITY PLANNING
120 Broadway – 31st Floor
New York, New York 10271

NOTE: Please use the reference number(s) on all correspondence concerning this application.

NOTICE OF RECEIPT OF STANDARD APPLICATION FORM

The attached application(s) was submitted to the Department of City Planning for processing under the Uniform Land Use Review Procedure and has been assigned the above referenced number(s). It is being forwarded to you for information purposes only.

IMPORTANT NOTICE

This is not a Notice of Certification. Do not schedule a public hearing or take other formal action on this application until you receive the Notice of Certification. Retain the attached application until you receive the certification notice and certified application.

After this application has been certified as complete by the Department of City Planning or the City Planning Commission, it will be referred for official action.

TYPE OF APPLICATION:

( ) Change in the City Map (MM)
(X) Zoning Map Amendment (ZM)
( ) Zoning Special Permit (ZS)
( ) Revocable Consent (GF)
( ) Public Facility (PS, PQ, PC)
( ) Disposition of Real Property (PP, PN, DL, DM)
(X) Other (ZC, ZA, ZR, PC, HA)

Project Name: Franklin Avenue Rezoning

Project Address: Franklin Avenue

Community District: 9 Date: November 15, 2016

Borough: Brooklyn

QUESTIONS ABOUT THIS APPLICATION SHOULD BE ADDRESSED TO Aline Fader in the Brooklyn Borough Office AT (718) 780-8296
November 10, 2016

VIA EMAIL AND HAND DELIVERY
Maurice Spreiregen
Central Intake
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10007

Re: Land Use Application for Franklin Avenue Rezoning
Project ID No. P2015K0057

Dear Mr. Spreiregen,

We are pleased to submit fourteen (14) sets of an application for (1) a zoning map amendment for two and one half blockfronts on the western side of Franklin Avenue, from R6A, R6A with a C1-3 overlay, and R8A zoning districts, to R8X and R8X with a C2-4 overlay zoning districts; and (2) a text amendment to map the rezoned area an Mandatory Inclusionary Housing Designated Area, to facilitate the development of 40 Crown Street (Block 1190, Lots 29, 45, and 50), and 931 Carroll Street (Block 1188, Lot 58), in the Borough of Brooklyn.

Enclosed please find the following documents:

1. Land Use Review Application;
2. Supplemental Item 2. Site Data Form;
3. Supplemental Form: Zoning Map and Text Amendment;
4. Description of Proposal;
5. Zoning Map 16d;
6. Tax Maps;
7. Land Use/Area Map;
8. Project Area Photographs;
9. Zoning Change Map;
10. Zoning Comparison Table; and
11. Proposed Mandatory Inclusionary Housing Text Amendment.

Thank you for your time and consideration of this application.
November 10, 2016
Page 2 of 2

Very truly yours,

[Signature]

Stefanie Marazzi

cc: Sarit Platkin, Project Manager, DCP Brooklyn Borough Office
Shloimy Reichman, Cornell Realty Management
Rena Mande, Platt Byard Dovell White Architects
David Velez, Philip Habib & Associates
Raymond Levin
Land Use Review Application

APPLICATION NUMBER

170147ZMK

APPLICATION NUMBER

N170148ZRK

Cornell Realty Management LLC

Raymond Levin, Esq.

170147ZMK

APPLICATION NUMBER

N170148ZRK

75 Huntington Street

Slater & Beckerman PC

ADDRESS

Brooklyn, NY 11231

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

61 Broadway, Suite 1801

STREET ADDRESS

New York, NY 10006

CITY

STATE

ZIP

CITY

STATE

ZIP

718 942-9191

212 391-8045

AREA CODE

TELEPHONE #

FAX #

212 391-8047

AREA CODE

TELEPHONE #

FAX #

See LR Item 2 Site Data Attachment Sheet

Franklin Avenue Rezoning

PROJECT NAME (IF ANY)

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

R6A, R6A with C1-3, R8A

See LR Item 2 Site Data Attachment Sheet

Brooklyn

BOROUGH

9

COMM DIST.

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

60d

ZONING SECTIONAL MAP NO(S)

N/A

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO □ YES □ IF YES, IDENTIFY

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO □ YES □ IF YES, IDENTIFY

DESCRIPTION OF PROPOSAL

See attached LR Item 3: Description of Proposal

4. ACTIONS REQUESTED AND FEES

CHANGE IN CITY MAP

$ 1

ZONING MAP AMENDMENT

$ 7,105

ZONING TEXT AMENDMENT

$ 6,445

ZONING SPECIAL PERMIT

$ 1

ZONING AUTHORIZATION

$ 1

ZONING CERTIFICATION

$ 1

PUBLIC FACILITY, SEL...ACQ

$ 1

DISPOSITION OF REAL PROP

$ 1

URBAN DEVELOP...ACTION

$ 1

URBAN RENEWAL PROJECT

$ 1

HOUSING PLAN & PROJECT

$ 1

FRANCHISE

$ 1

REVOCABLE CONSENT

$ 1

CONCESSION

$ 1

LANDFILL

$ 1

OTHER (Describe)

$ 1

MODIFICATION

$ 1

FOLLOW-UP

$ 1

APPLICATION NO.

$ 1

RENEWAL

APPLICATION NO.

$ 1

OTHER

SPECIFY

TOTAL FEE (For all actions)

$ 12,550

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

Has pre-application meeting been held? NO □ YES □

If yes

Date of meeting

DPC Office/Representative

11.02.16

I-10
New York City Department of City Planning
Land Use Review Application
Supplemental Form

City Map Change

APPLICATION NO

1. ESTABLISH NEW STREET PARK PUBLIC PLACE GRADE
2. ELIMINATE EXISTING STREET PARK PUBLIC PLACE GRADE
3. CHANGE EXISTING STREET WIDTH ALIGNMENT GRADE
4. EASEMENT
   Delineate New Remove Existing Modify Existing
5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY

Zoning Map Change

170147ZMK

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes.")

Proposed Zoning Map Change(s)
CHANGE #1 FROM: R6A-1 EXISTING TO: R6X with C2-4 PROPOSED
CHANGE #2 FROM: R6A-1 EXISTING TO: R6X PROPOSED
CHANGE #3 FROM: R6A with C1-3 EXISTING TO: R6X with C2-4 PROPOSED
CHANGE #4 FROM: R6A-1 EXISTING TO: R6X PROPOSED
CHANGE #5 FROM: EXISTING TO: PROPOSED

Zoning Text Amendment

N170148ZRK

(If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

Affected Zoning Resolution (ZR)
Sections

<table>
<thead>
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<th>Appendix F</th>
<th>ZR SECTION NUMBER</th>
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mar 0505w
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<th>Tax Block or Tax Lot Range (Enter Range only if all lots in Range are Included)</th>
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Franklin Avenue Rezoning
Block 1188, Lots p/o 35, p/o 44, 53, 54, 55, 56, 58;
Block 1189, Lots 31 and p/o 60; and
Block 1190, Lots p/o 26, 29, 45, 46, 48 and 50
Crown Heights, Brooklyn
November 10, 2016

Introduction

This is an application by Cornell Realty Management LLC ("Cornell" or the "Applicant") to facilitate two developments in the Crown Heights neighborhood of Brooklyn:

(i) a 16-story mixed residential and commercial development at 40 Crown Street, containing approximately 390 dwelling units, approximately 105 of which will be affordable, on tax lots 29, 45, and 50 in Block 1190 (the "40 Crown Development"); and

(ii) a 16-story residential development at 931 Carroll Street, containing approximately 128 dwelling units, approximately 35 of which will be affordable, on tax lot 58 in Block 1188 (the "931 Carroll Development.")

Collectively, the 40 Crown Development and the 931 Carroll Development will be referred to herein as the "Proposed Development." In total, the Proposed Development will include 530,043 square feet of floor area, comprised of 514,694 square feet of residential floor area and 15,349 square feet of commercial retail floor area, with 518 dwelling units.

The Applicants propose the following actions to facilitate the Proposed Development:

1. A zoning map amendment to rezone the Project Area from R6A, R6A with a C1-3 overlay and R8A zoning districts to an RBX district and an RBX district with a C2-4 overlay; and
2. A zoning text amendment to designate the Project Area a Mandatory Inclusionary Housing ("MIH") area.

The Project Area is approximately 300 feet wide and two and a half blocks long, located on the western side of Franklin Avenue. Specifically, it consists of:

- Within Block 1188: a portion of Lot 35, a portion of Lot 44, and Lots 53, 54, 55, 56, and 58 (the "Northern Half Block");
- Within Block 1189: Lots 31 and 60 (the "Middle Blockfront"); and
Collectively, the Northern Half Block, the Middle Blockfront, and the Southern Blockfront are referred to herein as the “Project Area.” The Southern Blockfront and the Middle Blockfront are each 300 feet wide and 262 feet long. However, the portion of Block 1188 within the Project Area (the portion which is being rezoned) is only the southern half of its frontage on Franklin Avenue. Thus, the Northern Half Block is 300 feet wide, like the other blockfronts, but only extends to a line 131 north of, and parallel to, Carroll Street. Therefore, the Project Area is generally bounded by Franklin Avenue to the east, Montgomery Street to the south, a line 300 feet west of, and parallel to, Franklin Avenue, on the west, and on the north by a line 131 feet north of, and parallel to, Carroll Street.

**Background**

1. **1991 Contextual Rezoning**

   In 1991, the Project Area was rezoned in conjunction with a Department of City Planning rezoning of a 13-block area bounded by Eastern Parkway, Washington Avenue, Sullivan Place, and a line 100 feet east of Franklin Avenue, pursuant to ULURP No. C 910293 ZMK. The application rezoned R6 and R8 districts and a 150 foot deep C1-3 commercial overlay to contextual R6A and R8A districts, and lessened the C1-3 overlay to a 100 foot depth. The rezoning was intended to encourage mid-rise, high coverage buildings, and to prevent incursion of commercial uses in the residential midblocks.

2. **ZQA and MIH**

   On March 22, 2016, the New York City Council approved two text amendments to the Zoning Resolution (i) the Zoning for Quality and Affordability text amendment ("ZQA") under ULURP No. N1600492RY, and (ii) the Mandatory Inclusionary Housing text amendment under ULURP No. N160051ZRY. The ZQA text amendment allowed modest five, ten or fifteen foot height increases in certain zoning districts to allow for buildings with desirable high-ceilinged ground floor retail space, to allow for variety in building envelopes, to reduce parking requirements for buildings providing affordable housing under the Inclusionary Housing program in certain transit-rich areas, and to accommodate all permitted floor area in the permitted bulk envelope, particularly in buildings providing affordable housing under the Inclusionary Housing program. In the Project Area, ZQA increased the permitted height of buildings in R8A and R8X districts (the proposed new zoning districts) by 5 feet, or by 25 feet for buildings containing affordable housing under the Inclusionary Housing program. The MIH text amendment made the Inclusionary Housing program mandatory in certain districts to facilitate the production of affordable housing.

3. **As-of-Right Building Plans for 40 Crown Street and 931 Carroll Street**

   Cornell has filed New Building applications at the New York City Department of Buildings ("DOB") to construct two new residential buildings under the current as-of-right R6A zoning regulations, one at 56
Crown Street, and one at 931 Carroll Street. Cornell intends to withdraw the plans for both as-of-right buildings upon approval of this ULURP application to facilitate the Proposed Development.

The as-of-right plans for 56 Crown Street (Lots 29, 45, and 50) are filed under DOB Job No. 321042304. The plans reflect a residential building with 209 market-rate dwelling units, comprised of 167,982.25 square feet of residential floor area. The building would rise to a height of 70 feet and seven stories.

The as-of-right plans for 931 Carroll Street (Lot 58) are filed under DOB Job No. 321080833. The plans reflect a residential building with 69 market-rate dwelling units, comprised of 54,252 square feet of residential floor area. The building would rise to a height of 70 feet and seven stories.

Description of the Surrounding Area

The Project Area is located within Community District 9, in Crown Heights, Brooklyn, approximately one block to the east of the Brooklyn Botanic Garden, one block west of Medgar Evers College and one block north of Ebbets Field Apartments, the former location of Ebbets Field, home of the Brooklyn Dodgers.

1. Land Use

The immediate area within a 600 foot radius of the Project Area is generally characterized by multi-family residential buildings, public facilities and institutions, and a few scattered commercial uses, mostly located along Franklin Avenue. Residential uses can be found on the midblocks and along Washington Avenue, and to some extent on Franklin and Bedford Avenues. Commercial uses are predominantly located on Franklin Avenue, north of President Street. Among the residential uses is Tivoli Towers, a 33-story apartment tower Mitchell-Lama development, which lies directly between the two proposed Development Sites, on Franklin Avenue, at 49 Crown Street. Ebbets Field Apartments, a rent stabilized apartment complex with seven twenty-six story buildings, totaling 1,300 units, on the site of the former Ebbets Field baseball stadium, home to the Brooklyn Dodgers, is located a half block from the Project Area, at the corner of Bedford Avenue and Sullivan Place.

There are a number of public facilities and institutions in the surrounding area. Medgar Evers College's campus lies directly to the east and southeast of the Project Area and is comprised of four buildings on Carroll Street, Bedford Avenue, and Crown Street. The Brooklyn School for Music & Theatre and the High School for Global Citizenship are located at 883 Classon Avenue. St. Francis de Sales School for the Deaf is located at 260 Eastern Parkway. Clara Barton High School is located at 901 Classon Avenue, across from the Brooklyn School for Music & Theatre. The City-owned Bedford-Union Armory, which occupies most of the block between Bedford Avenue, Union Street, Rogers Avenue and President Street, is currently vacant. However, the New York City Economic Development Corporation, together with a private developer, has proposed redevelopment of the Armory as a mixed commercial and residential development with a recreation facility.
The Brooklyn Botanic Garden is located to the west of Washington Avenue, one block from the Project Area. Adjacent to Washington Avenue, within the BBG, are (i) the Laboratory Administration Building, which was designed as a landmark by the Landmarks Preservation Commission in 2007 and contains the Brooklyn Botanic Garden library, Visitor’s Center, and Gardener’s Resource Center; (ii) the Palm House/Atrium, an event space rented by the Brooklyn Botanic Garden to the public; and (iii) the Bonsai Museum.

2. Prevailing Built Form

The prevailing built form in the neighborhood ranges from two to seven story buildings, with several larger towers nearby. Residential buildings on the midblocks between Washington Avenue, Franklin Avenue and Bedford Avenue are typically attached rowhouses, ranging in height from two to six stories. Along the east side of Washington Avenue, six-story apartment buildings predominate, facing Brooklyn Botanical Gardens to the west. Mixed commercial and residential buildings along Franklin Avenue and Bedford Avenue range in height from four to six stories. There is one high-rise development within the Project Area (Tivoli Towers at 49 Crown Street, which is a 33-story residential apartment tower), and a few blocks to the southeast of the Project Area is a complex of buildings called Ebbetts Field Apartments, comprised of seven buildings, each twenty-five stories in height.

3. Transportation

The surrounding area is generally bounded by Eastern Parkway to the north, Rogers Avenue to the east, Empire Boulevard to the south, and the Brooklyn Botanic Garden to the west. Eastern Parkway is a major east-west thoroughfare connecting Grand Army Plaza to Crown Heights and Brownsville. Empire Boulevard is the other major east-west thoroughfare, running from the Brooklyn Botanic Garden to a terminus at East New York Avenue.

The Project Area is served by the Botanic Garden stop of the Franklin Avenue subway shuttle, located north of Union Street, and the 2, 3, 4 and 5 subway lines at Franklin Avenue, located at Eastern Parkway. The B48 bus line, which runs southbound along Franklin Avenue in the vicinity of the Project Area, is the New York City Transit bus route that most directly serves the Project Area and provides transfers with the nearby subway station. The northbound B48 runs along Washington Avenue. The B48 runs between Greenpoint and Prospect/Lefferts Gardens, with terminal stations at Meeker Avenue/Gardner Avenue and Flatbush Avenue/Lincoln Road.

4. Zoning

Existing zoning districts within the surrounding area include an R6 district to the east of the Project Area, an R8A district to the west of the Project Area, an R6A/C1-3 district to the north along Franklin Avenue, and R6A districts to the north and south of the Project Area. The Project Area is currently zoned R6A, R6A/C1-3, and R8A.
The R6A and R6A/C1-3 zoning districts are medium-density contextual districts where Quality Housing bulk regulations are mandatory. R6A districts permit a maximum residential FAR of 3.0 with a minimum base height of 40 feet, a maximum base height of 60 feet (under ZQA, 65 feet), and a maximum building height of 70 feet (under ZQA, 75 feet, or 85 feet if Inclusionary Housing is provided). Within the C1-3 commercial overlay, a commercial FAR of 2.0 is permitted. In MIH districts, R6A districts permit a maximum residential FAR of 3.6.

An RBA district lies to the west of the Project Area on all three blocks. RBA districts are high-density contextual districts where Quality Housing Bulk regulations are mandatory. RBA districts permit a maximum FAR of 6.02 with a minimum base height of 60 feet, a maximum base height of 85 feet (under ZQA, 95 feet, or 105 feet if Inclusionary Housing is provided), and a maximum building height of 120 feet (under ZQA, 125 feet, or 145 feet if Inclusionary Housing is provided). The 6.02 FAR permitted in the proposed RBX district would match the 6.02 FAR permitted in the existing RBA district which lies to the west of the Project Area. In MIH areas, RBA districts permits a maximum FAR of 7.2.

R6 districts are medium-density residential districts. R6 districts have a maximum FAR of 2.43 with a maximum building height governed by a sky exposure plane, which begins 60 feet above the street line. In MIH areas, R6 districts permit a maximum FAR of 2.42.

**Description of the Proposed Project Area**

**Description of Project Area**

The Project Area consists of two and one-half 300-foot-wide blockfronts along the western side of Franklin Avenue, bounded by Montgomery Street to the South, and on the north by a boundary on the midblock above Carroll Street, in the Crown Heights neighborhood of Brooklyn. Specifically, the Project Area consists of the following:

- On the Northern Half Block, within Block 1188: a portion of Lot 35, a portion of Lot 44, and Lots 53, 54, 55, 56, and 58;
- On the Middle Blockfront, within Block 1189: Lots 31 and a portion of 60; and
- On the Southern Blockfront, within Block 1190: a portion of Lot 26, and Lots 28, 29, 45, 46, 48 and 50.

The Project Area is generally bounded by Franklin Avenue to the east, Montgomery Street to the south, a line 300 feet west of, and parallel to, Franklin Avenue on the west, and on the north by a boundary 131 feet north of, and parallel to, Carroll Street. The Project Area is two and a half blocks long and approximately 300 feet wide. The Project Area includes the tax lots serving as a subway right-of-way for the Franklin Avenue Shuttle operated by the Metropolitan Transit Authority: a portion of Tax Lot 35 in Block 1188, a portion of Tax Lot 60 in Block 1189, and Tax Lot 26 in Block 1190.
Current Zoning and Land Uses

Currently, the Northern Half Block is zoned R6A with a C1-3 overlay within 100 feet of Franklin Avenue, and R6A beyond 100 feet of Franklin Avenue. The Middle Blockfront is zoned R8A. The Southern Blockfront is zoned R6A.

Current land uses in the Project Area include transportation uses for the lots comprising the MTA Franklin Avenue Shuttle, and tax lot 31 in Block 1189; residential uses at the 33-story Tivoli Towers and along Union Street; a few commercial uses along Franklin Avenue north of Carroll Street, and former industrial uses (at the 40 Crown Street Development Site). The precinct for the New York Police Department Transit District 32 is located at 960 Carroll Street, directly adjacent to the northern side of Tivoli Towers.

The 40 Crown Development Site is comprised of tax lots 29, 45 and 50 in Block 1190. Tax lots 29 and 50 is current vacant, but previously contained a single-story unoccupied building that was formerly used as an industrial wet wash laundry by Sea Crest Linen Supply Co. Inc., which has since vacated the property. The building, which has been demolished, previously contained approximately 57,533 square feet of floor area, for an existing built FAR of 1.03. Lot 45 is currently vacant and contains no structures. The 40 Crown Development Site is approximately 55,985 square feet in area. Lots 46 and 48, which are not part of the 40 Crown Development Site but are part of the Project Area to be rezoned, are owned by Asian Americans for Equality, and are currently vacant.

The 931 Carroll Development Site, which is Block 1188, Lot 58, is improved with a one-story building formerly used as storage of commercial motor vehicles, which is currently vacant, and which contains approximately 17,685 feet of floor area, for an FAR of approximately 1.0. The lot is approximately 17,632 square feet in area.

Description of the Proposed Development

Cornell is proposing two developments, one at 40 Crown Street and one at 931 Carroll Street. Taken together, the two developments, which are referred to herein as the Proposed Development, will include 530,043 square feet of floor area, comprised of 514,694 square feet of residential floor area and 15,349 square feet of commercial retail floor area, with 518 dwelling units. In addition, a total of 151 parking spaces will be provided for both developments.

1. 40 Crown Development

The 40 Crown Development will be located on an irregularly shaped parcel, roughly 262 feet long by 235 feet wide, bounded by Crown Street, Franklin Avenue, and Montgomery Street, containing
LR Item 3: Project Description
Project ID No. P20ISKDO57
November 10, 2016
Page 7 of 12

approximately 55,985 square feet of lot area, and comprised of lots 29, 45 and 50 in Block 1190 (the "40 Crown Development Site"). The 40 Crown Development Site does not include lots 46 and 48 in Block 1190, which are under separate ownership. The 40 Crown Development will contain approximately 15,349 square feet of commercial floor area in the form of ground floor retail, fronting on Franklin Avenue. It will also contain approximately 387,743 square feet of residential floor area comprising approximately 390 dwelling units. In sum, the 40 Crown Development will contain approximately 403,092 square feet of floor area, equivalent to approximately 427,634 square feet of gross floor area. Approximately 105 (25%) of the dwelling units will be affordable.

The development will contain a floor area ratio of 7.2, the floor area ratio permitted under the Mandatory Inclusionary Housing Program set forth in Section 23-154 of the Zoning Resolution, which requires provision of either (i) affordable housing in an amount equivalent to at least 25% of the residential floor area within the development, priced at or below 60% AMI, with at least 10% of such floor area priced at or below 40% AMI (Option 1), or (ii) affordable housing in an amount equivalent to at least 30% of the residential floor area within the development, priced at or below 80% AMI (Option 2). The Applicants propose to utilize Option 1 by providing affordable housing equivalent to 25% of the residential floor area, at 60% AMI, with 10% of the residential floor area at 40% AMI.

The development will wrap around a central courtyard, and will be 16 stories high. It will rise to a base height of approximately 69 feet 2 inches and will rise to a maximum building height of approximately 157 feet 2 inches. Both affordable and market-rate apartments will share common amenity facilities.

114 off-street accessory parking spaces (for 40% of the market rate dwelling units) will be provided in the cellar.

Future FRESH Food Store

A FRESH Food Store is anticipated to be located in the ground floor retail space, which will provide an additional 15,349 square feet of floor area by certification of the Chairperson of the New York City Planning Commission ("CPC") pursuant to Section 63-30 of the Zoning Resolution. With the FRESH Food Store, the additional floor area would allow the total number of dwelling units in the 40 Crown Development to increase by approximately 16 dwelling units, 4 of which would be affordable. With the FRESH Food Store, the total residential floor area would be approximately 403,092 square feet, and the total floor area would be 418,441 square feet (approximately 443,918 gross square feet of floor area). Off-street accessory parking spaces for 119 dwelling units (40% of the market rate dwelling units) will be provided in the cellar.

2. 931 Carroll Development

The 931 Carroll Development will be located entirely on tax lot 58 in Block 1188, a roughly 135 foot wide by 131 foot deep parcel of land with a lot size of 17,632.04 square feet. It will contain approximately 126,950 square feet of residential floor area (approximately 134,730 square feet of gross floor area) comprising approximately 150 dwelling units, 38 of which will be affordable. It will rise to a base height
of approximately 79.40 feet and a maximum building height of approximately 149.30 feet. Off-street accessory parking spaces for 60 spaces (40% of the market rate dwelling units) will be provided in the cellar.

The development will contain a floor area ratio of 7.2, the floor area ratio permitted under the Mandatory Inclusionary Housing Program set forth in Section 23-154 of the Zoning Resolution, which requires provision of either (i) affordable housing in an amount equivalent to at least 25% of the residential floor area within the development, priced at or below 60% AMI, or at least 10% of such floor area priced at or below 40% AMI, or (ii) affordable housing in an amount equivalent to at least 30% of the residential floor area within the development, priced at or below 80% AMI. The Applicants propose to utilize Option 1 by providing affordable housing equivalent to 25% of the residential floor area, at 60% AMI, with 10% of the residential floor area at 40% AMI.

Actions Necessary to Facilitate the Proposal

Two actions are requested:

- Zoning Map Amendment to rezone the Project Area from R6A, R6A with a C1-3 overlay and R8A zoning districts to R8X and R8X with a C2-4 overlay districts.

- Zoning Text Amendment to create Map 1 for Brooklyn Community District 9 in Appendix F of the Zoning Resolution to designate a new Mandatory Inclusionary Housing area over the entirety of the Project Area.

1. Zoning Map Amendment

As a result of the Zoning Map Amendment, the Northern Half Block and Southern Blockfront would be rezoned R8X with a C2-4 overlay, and Middle Blockfront would be rezoned R8X. Currently, the Northern Half Block is zoned R6A with a C1-3 overlay, the Middle Blockfront is zoned R8A, and the Southern Blockfront is zoned R6A. The zoning map amendment would map an R8X zoning district over the entire Project Area. The R8X district would extend 300 feet west of Franklin Avenue on the Northern, Middle, and Southern Blockfronts. The zoning map amendment would also map a C2-4 zoning district for a depth of 100 feet from Franklin Avenue on the Southern Blockfront and on the Northern Half Block. Note that the Northern Half Block only consists of the southern half of the block’s frontage on Franklin Avenue, and is thus comprised of an area bounded by a line 300 feet west of Franklin Avenue, and a line 131 feet north of, and parallel to, Carroll Street. The Middle and Southern Blockfronts are each 300 feet wide and 262 feet long.

The Project Area currently contains a number of different uses. The Northern Half Block contains retail fronting on Franklin Avenue, including a discount variety store, a pharmacy, and a laundromat. It also contains the 931 Carroll Development Site. The Middle Blockfront contains Tivoli Towers, a 33-story
residential tower developed under the Mitchell-Lama program, and the precinct for New York Police Department Transit District 32. The Southern Blockfront is vacant.

a. Existing Bulk Regulations

The R6A district, which is not mapped as an MIH area, allows a maximum residential FAR of 3.0 and a maximum building height of 70 feet (or 75 feet if a qualifying ground floor is provided). Above a base height ranging from 40 feet to 60 feet (65 feet if a qualifying ground floor is provided), a setback of 10 or 15 feet is required for wide or narrow streets, respectively. The R8A district allows a 6.02 residential FAR. The R8A district, which is not mapped as an MIH area, limits height to 120 feet (125 feet if a qualifying ground floor is provided). In an R8A district, above a base height of 95 feet, a setback of 10 or 15 feet is required for wide or narrow streets, respectively. The C1-3 zoning district, like the proposed C2-4, allows a commercial FAR of 2.0, but a C1-3 district requires more accessory parking (one space per 300 square feet of floor area for food stores) than a C2-4 district does (one space per 1,000 square feet of floor area for food stores).

b. Proposed Changes To Bulk Regulations

The R8X zoning district would allow a maximum residential FAR of 6.02, which is the residential FAR permitted in the existing R8A district within and to the west of the Project Area. With the MIH area, the R8X zoning district allows a maximum residential FAR of 7.2. R8X districts mapped as MIH areas permit a maximum building height of 170 feet, or 175 feet if qualifying ground floors are provided. In the future, the applicant may apply for a New York City Planning Commission certification for a FRESH food store on the ground floor of the Proposed Development, which would allow an additional 15,349 square feet of residential floor area. Such a certification would allow a maximum of 418,441 square feet of floor area at the 40 Crown Development Site and an additional 16 dwelling units, 4 of which would be affordable. The C2-4 overlay would allow a commercial FAR of 2.0.

c. Proposed Zoning Rationale

R8X zoning district regulations allow for development that fits within the surrounding built context. There is one high-rise development within the Project Area (Tivoli Towers at 49 Crown Street, which is a 33-story residential apartment tower), and a few blocks to the southeast of the Project Area is a complex of buildings called Ebbets Field Apartments, comprised of seven buildings, each twenty-five stories in height.

In addition, the Project Area is proximate to public transit and other public institutions, and is therefore appropriate for increased density. The Franklin Avenue subway stop for the 2, 3, 4, and 5 trains is two and one half blocks north of the Project Area. The Botanic Gardens – Eastern Parkway subway stop for the 5 train shuttle is approximately 2 blocks north of the Project Area. The Prospect Park subway stop for the B, Q, and 5 train shuttle is approximately 3 blocks south of the Project Area. There are also a number of nearby bus lines: the B48 route runs along Franklin Avenue, between Greenpoint and
Prospect-Lefferts Gardens: the B49 route runs along Bedford Avenue, between Kingsborough Community College and Bedford-Stuyvesant; and the B16 route runs along Ocean Avenue, between Prospect-Lefferts Gardens and Fort Hamilton. The neighborhood is also well served by public institutions such as the Brooklyn Museum, Brooklyn Botanic Gardens, and Prospect Park. Also, there are a number of schools in the area, such as Medgar Evers College (CUNY), PS 375 (the Jackie Robinson School).

The rezoning from R6A and R8A districts to an R8X district would bring Tivoli Towers into greater compliance with zoning. Tivoli Towers, a 33-story residential tower, would be rezoned to an R8X district, from an R8A district. The R8X district (when combined with the MIH area) allows maximum heights up to 175 feet. Tivoli Towers, which is approximately 341 feet in height, would be in greater compliance with maximum height regulations when mapped as an R8X district. The R8X district would also allow height closer to those of the nearby Ebbets Field Apartments, whose heights would not be permitted in the current R6A district. Ebbets Field Apartments are comprised of seven buildings, each twenty-six stories high.

Rezoning to an R8X, instead of the adjacent R8A district, allows the 40 Crown Street Development to make use of the density allowed to provide additional housing even under the constraints of an irregularly sized zoning lot. The zoning lot has approximately 241 feet of frontage on Franklin Avenue and 235 feet of frontage on Crown Street. (The Development Site also wraps around Lots 46 and 48, which are owned separately and not part of the zoning lot, rendering the site even more irregular.) Because the Crown Street Development Site is unusually deep (235 feet by 241 feet) and irregularly shaped, it is challenging to design a building that will maximize the number of dwelling units permitted while simultaneously providing all dwelling units with required light and air. The R8X allows an additional 30 feet in height when compared to the R8A district, but has the same residential FAR as the R8A district (6.02 without MIH, and 7.2 with MIH). The additional height at the 40 Crown Street Development Site will be offset by the fact that it’s surrounded on all three sides by 70 foot wide streets, and bounded on the west by the Franklin Avenue S train shuttle subway cut, which is also 70 feet wide. Thus, the 40 Crown Street Development will be adjacent on all four sides to 70 foot wide open spaces, thereby increasing the flow of light and air to its dwelling units, and minimizing the building’s impact on adjacent properties.

The C2-4 district overlay will have the benefit of enlivening and activating the streetscape through the provision of ground floor retail. Due to the large number of institutional and parking uses along Franklin Avenue, the streetscape can be quiet and unpopulated. Across from the 40 Crown Development Site is a large Medgar Evers parking lot, and further south is PS 375 (the Jackie Robinson School) and its associated playground. A vacant building formerly used as a spice distribution warehouse is directly south of the Project Area, next to a large vacant lot. In addition, Tivoli Towers’ frontage contains a blank wall on Franklin Avenue. These conditions would be greatly improved by ground floor retail at the Crown Street Development Site, which, combined with the residential dwelling units, would result in more pedestrian foot traffic and eyes on the street. A C2-4 district instead of the existing C1-3 district currently mapped on the Northern Half Block is appropriate due to the wider range of possible
commercial uses permitted in a C2-4. C2-4 district also require less parking for commercial uses, which is appropriate for the Project Area, which is close to a number of public transit options.

The C2-4 district overlay is appropriate on the Northern Half Block to bring the existing retail stores into conformance with the zoning map. A C2-4 district overlay is also appropriate on the Southern Blockfront, as the applicant intends to provide ground floor retail to enhance and enliven the street. A commercial overlay, however, would not be appropriate for the Middle Blockfront, which contains Tivoli Towers, a residential tower set back from and raised above the street line. Due to the setback and upward slope to the ground floor of the Tivoli Towers from the street line, the Middle Block is not a likely location for ground floor retail.

d. Land Use Conformance and Compliance in the Project Area.

The existing properties within the Project Area would be brought into greater conformance and compliance with zoning regulations under the proposed RBX district, with a 100 foot deep C2-4 overlay on the Northern Half Block and on the Southern Block. The 931 Carroll Development Site and the 40 Crown Development Site are both currently vacant.

On the Northern Half Block, which is currently zoned R6A with a C1-3 overlay within 100 feet of Franklin Avenue, all properties currently comply with existing zoning and will also comply with proposed zoning. Tax Lots 53, 54, 55, and 56 on the Northern Half Block contain one to three story buildings with ground floor retail and residential above built to an approximately 3.0 FAR. A portion of tax lot 44 contained within the Northern Half Block contains a five-story residential building at a 3.7 FAR, which currently exceeds the existing permitted 3.0 FAR. After the rezoning, it will be complying with the 6.0 permitted residential FAR for RBX zoning districts.

The Middle Blockfront is zoned R8A, which allows a maximum building height of 120 feet. In the Middle Blockfront, Tivoli Towers (located on tax lot 60), which contains an approximately 5.03 FAR, will continue to comply with the permitted 6.02 FAR. Tivoli Towers is approximately 341 feet in height, which exceeds the permitted height of 120 feet in R8A districts. The maximum permitted height will be 170 feet for RBX districts in M1H areas, Tivoli Towers will be brought into greater height compliance after the rezoning. The MTA precinct building on lot 31, constructed at an approximate 1.0 FAR, will continue to be noncomplying as to use but complying as to FAR.

On the Southern Blockfront, tax lots 45, 46, 48, 50, and 29 are vacant, and any development on those properties will be fully conforming and complying with the proposed zoning districts.

Zoning Text Amendment

The Applicants are proposing to map the Project Area as a Mandatory Inclusionary Housing area by creating a new Map 1 for Brooklyn Community District 9 in Appendix F of the Zoning Resolution. A Mandatory Inclusionary Housing area requires affordable housing to be provided equivalent to either 25
or 30 percent of the residential floor area developed, pursuant to Section 23-154 of the Zoning Resolution. The MIH area sets a new maximum bonus permitted residential FAR which supersedes the FAR permitted by the underlying zoning district. With both the designation of the Project Area as a Mandatory Inclusionary Housing area and its rezoning to an R8X residential zoning district, the maximum permitted FAR would be 7.2.

New development in Mandatory Inclusionary Housing areas must provide either (i) affordable housing in an amount equivalent to at least 25% of the residential floor area within the development, priced at or below 60% AMI, with at least 10% of such floor area priced at or below 40% AMI, or (ii) affordable housing in an amount equivalent to at least 30% of the residential floor area within the development, priced at or below 80% AMI. The Applicants propose to utilize Option 1 by providing affordable housing equivalent to 25% of the residential floor area, at 60% AMI, with 10% of the residential floor area at 40% AMI. Mapping of the Mandatory Inclusionary Housing area will facilitate development of approximately 140 affordable housing units over the two development sites.

Conclusion

The Proposed Development will create approximately 518 dwelling units, of which 140 would be affordable, 15,349 sf of commercial space, and 151 parking spaces at two substantially vacant and underutilized sites in Crown Heights. To facilitate the development, a rezoning of the Project Area from R6A, R6A with C1-3 overlay, and R8A zoning districts to R8X and R8X with C2-4 overlay zoning districts is required. The proposed rezoning is consistent with the need for transit-oriented development and construction of additional housing units in the City. The rezoning would also facilitate additional ground floor retail on Franklin Avenue, thereby enlivening and activating the streetscape. Additionally, mapping of a Mandatory Inclusionary Housing area on the rezoning area would facilitate development of approximately 140 units of affordable housing on two development sites.
CURRENT ZONING MAP - 16d Brooklyn

PROPOSED ZONING MAP - Area being rezoned is outlined with dotted lines
Changing R6A, R6A/C1-3 and R8A districts to R8X and R8X/C2-4 districts
PROPOSED FRANKLIN AVENUE REZONING

Community District 9, Brooklyn
November 10, 2016

Matter in underline is new, to be added;
Matter in strikeout is to be deleted;
Matter with ## is defined in Section 12-10;
** ** indicates where unchanged text appears in the Zoning Resolution

*) (*) (*)

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

*) (*) (*)

Brooklyn

*) (*) (*)

Brooklyn Community District 9
In the RBX District within the area shown on the following Map 1:

Map 1 - (date of adoption)
Mandatory Inclusionary Housing Area (MIH) (Section 23-154(d)(3))

Area 1  MIH Program Option 1

Portion of Community District 9, Brooklyn