



CITY PLANNING COMMISSION

September 22, 2021/Calendar No. 8

N 200185 ZRK

IN THE MATTER OF an application submitted by Franklin Ave. Acquisition LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

This application for an amendment of the Zoning Resolution of the City of New York was filed on November 4, 2019 by Franklin Ave. Acquisition LLC to modify Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing areas), in conjunction with the related applications for a zoning map amendment (C 200184 ZMK) and zoning special permits (C 200186 ZSK and C 200187 ZSK). Together, these actions would facilitate the construction of two 39-story mixed use buildings containing 1,578 dwelling units, along with commercial and community facility space, at 960 Franklin Avenue in the Crown Heights neighborhood of Brooklyn, Community District 9.

RELATED ACTIONS

In addition to the zoning text amendment (N 200185 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- | | |
|---------------------|---|
| C 200184 ZMK | Zoning map amendment to change an R6A zoning district to R9D and R9D/C2-4 zoning districts |
| C 200186 ZSK | Special Permit pursuant to Zoning Resolution (ZR) Section 74-743 to modify certain height, setback, and tower coverage regulations within a large-scale general development |
| C 200187 ZSK | Special permit pursuant to ZR Section 74-533 to reduce parking to facilitate affordable housing |

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200184 ZMK).

ENVIRONMENTAL REVIEW

The application (N 200185 ZRK), in conjunction with the applications for the related actions (C 200184 ZMK, C 200186 ZSK, C 200187 ZSK), were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 19DCP095K.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated September 10, 2021, appears in the report on the related application for a zoning map amendment (C 200184 ZMK).

PUBLIC REVIEW

This application (N 200185 ZRK) was duly referred to Brooklyn Community Board 9 and the Brooklyn Borough President on February 1, 2021 in accordance with the procedures for non-ULURP matters, along with the application for the related zoning map amendment (C 200184 ZMK) and special permits (C 200186 ZSK and C 200187 ZSK), which were certified as complete by the Department of City Planning on February 1, 2021 and were duly referred in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b). Due to court-mandated Temporary Restraining Orders (TROs), ULURP was suspended from March 2 to May 12 and again from June 4 to June 10; ULURP resumed on June 11th after the TROs were lifted.

Community Board Public Hearing

On June 21, 2021, Brooklyn Community Board 9 held a public hearing on this application (N 200185 ZRK) and the related applications for a zoning map amendment (C 200184 ZMK) and

special permits (C 200186 ZSK and C 200187 ZSK). On June 23, 2021, by a vote of 22 in favor, two opposed, and nine abstaining, Community Board 9 adopted a resolution recommending disapproval of the application.

Borough President Recommendation

On June 29, 2021, the Brooklyn Borough President held a public hearing on this application (N 200185 ZRK) and the related actions for a zoning map amendment (C 200184 ZMK) and special permits (C 200186 ZSK and C 200187 ZSK). On June 23, 2021, the Borough President issued a recommendation disapproving the application.

City Planning Commission Public Hearing

On July 14, 2021 (Calendar No. 21), the City Planning Commission scheduled February 17, 2021 for a public hearing on this application (N 200185 ZRK) and the related actions for a zoning map amendment (C 200184 ZMK) and special permits (C 200186 ZSK and C 200187 ZSK). The hearing was duly held on July 29, 2021 (Calendar No. 2). Six speakers testified in favor of the application and 45 in opposition, as described in the report for the related zoning map amendment (C 200184 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 200185 ZRK), in conjunction with the related zoning map amendment (C 200184 ZMK) and special permits (C 200186 ZSK and C 200187 ZSK), is not appropriate. A full consideration and analysis of the issues and the reasons for disapproving the application appear in the report for the related zoning map amendment (C 200184 ZMK).

RESOLUTION

Based on the consideration described in the related report (C 200184 ZMK), the Commission determines that this application does not warrant approval, and adopts the following resolution:

RESOLVED, by the City Planning Commission, pursuant to Sections 200 of the New York City

Charter, that the application by Franklin Ave. Acquisition LLC to amend the Zoning Resolution of the City Of New York, effective as of December 16, 1961, and as subsequently amended, by the following:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

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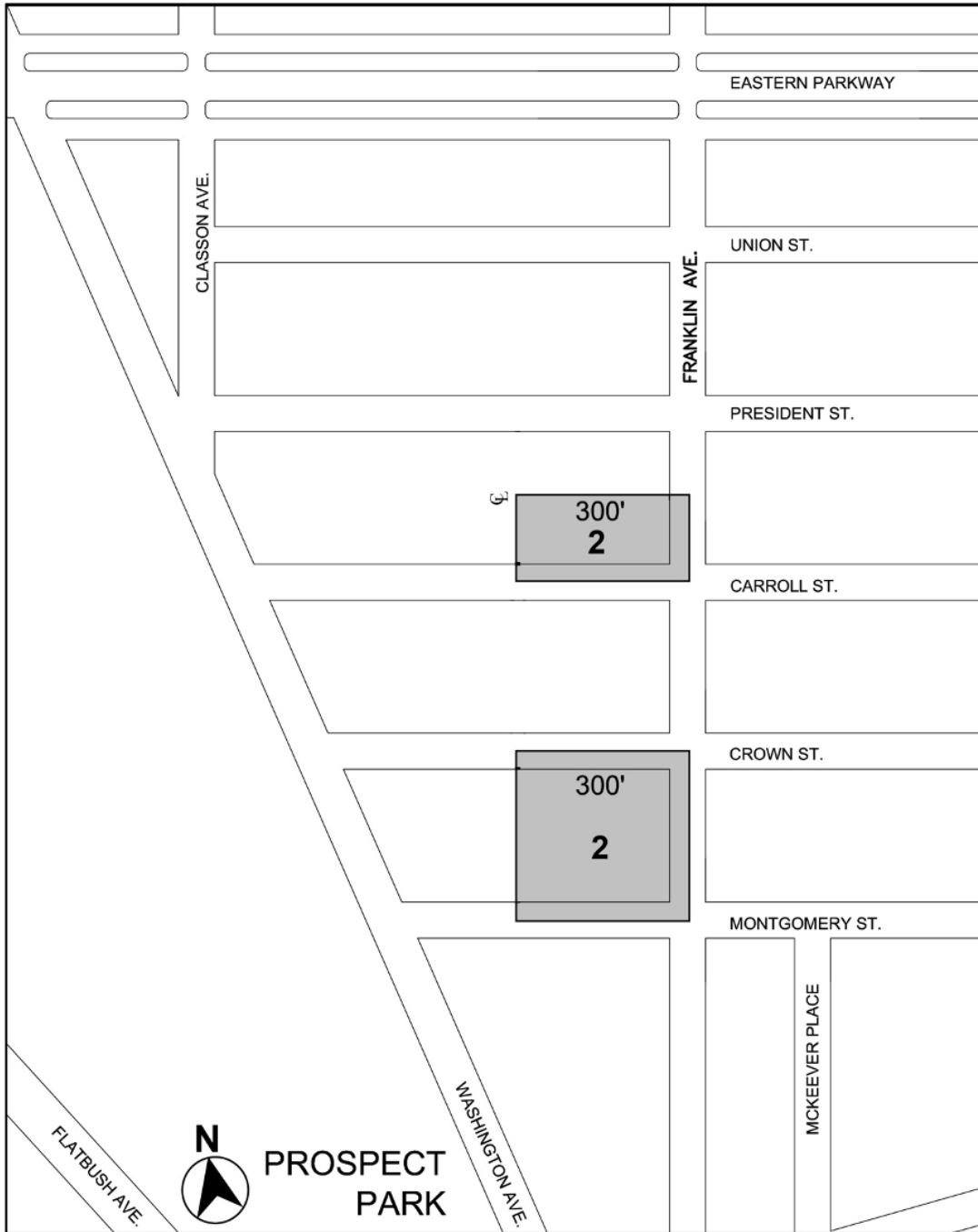
BROOKLYN

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Brooklyn Community District 9

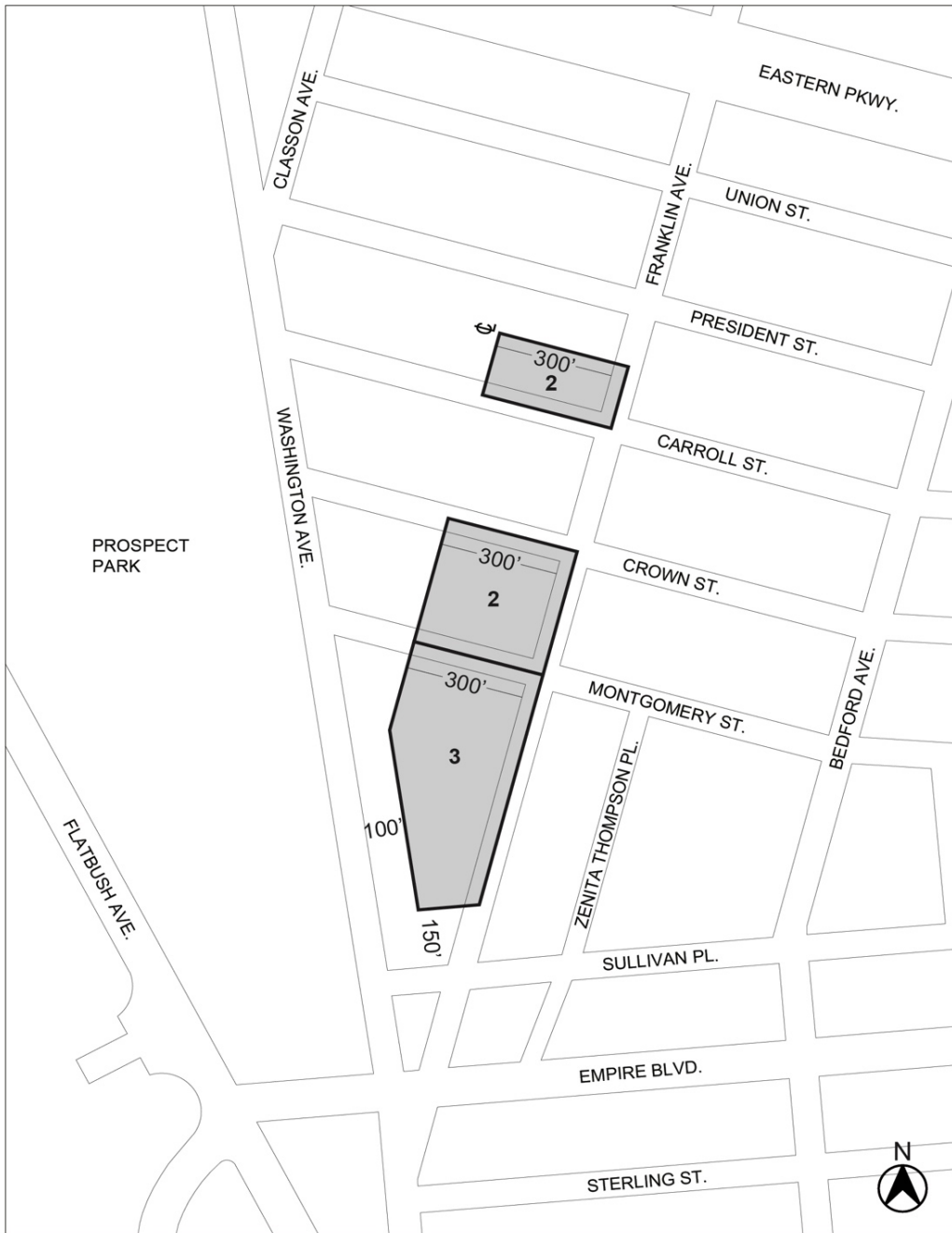
Map 2 - [date of adoption]

[EXISTING MAP]



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

[PROPOSED MAP]



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

Area 2 — 12/20/2018 — MIH Program Option 1

Area 3 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 9, Brooklyn

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is **DISAPPROVED**.

Pursuant to Section 200 of the New York City Charter, the action on September 22, 2021 by the City Planning Commission in this matter is final.

KENNETH J. KNUCKLES, ESQ., *Vice Chair*

**DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO III,
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, LARISA ORTIZ,
RAJ RAMPERSHAD,** *Commissioners*