**CITY PLANNING COMMISSION**

September 7, 2016 / Calendar No. 14 C 160029 ZRK

**IN THE MATTER OF** an amendment to the Zoning Resolution submitted by 385 Gold Property Investors IIA, LLC, modifying X, Chapter 1 (Special Downtown Brooklyn District) to add a C6-6 District and update its bulk and envelope regulations, and modifying Appendix F (Inclusionary Housing Designated Areas) to add a Mandatory Inclusionary Housing Area to the proposed project area in the Borough of Brooklyn, Community District 2.

The application for an amendment to the Zoning Resolution was filed by 385 Gold Property Investors IIA, LLC, also known as Savanna Real Estate Fund, on August 13, 2015, to facilitate a new 49-story, 577-foot high, 372,078 square foot mixed-use development located at 141 Willoughby Street (Block 2060, Lots 1, 4 and 8) in Downtown Brooklyn, Community District 2. The proposed building would contain 29,923 square feet of retail space, 94,103 square feet of office space, and 248,052 square feet of residential floor area, including 74,416 square feet of affordable floor area pursuant to Mandatory Inclusionary Housing requirements, and approximately 2,400 square feet of at-grade, publicly accessible open space.

**RELATED ACTIONS**

In addition to the amendment to the Zoning Resolution, which is the subject of this report (N 160029 ZRK), implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently:

C 160030 ZMK A proposed zoning map amendment to rezone a C6-1 District and portion of a C6-4 District to a C6-6 District within the Special Downtown Brooklyn District.

C 160054 MMK An amendment to the City Map by the NYC Department of Housing Preservation and Development and the NYC Economic Development Corporation to eliminate, discontinue, and close a portion of Flatbush Avenue Extension at its intersection with Gold Street.

## BACKGROUND

A full background discussion and description of this application appears in the related report for an amendment of the Zoning Map (C 160030 ZMK).

## ENVIRONMENTAL REVIEW

This application (N 160029 ZRK), in conjunction with the applications for the related actions (C 160030 ZMK and C 160054 MMK), was 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 designated CEQR number is 15DME003K. The lead agency is the Deputy Mayor for Housing and Economic Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 29, 2016.

## UNIFORM LAND USE REVIEW

This application (N 160030 ZRK) was duly referred to Community Board 2 and the Brooklyn Borough President on May 9, 2016 in accordance with the procedures for non-ULURP matters, along with the related actions (C 160030 ZMK and C 160054 MMK), which were certified as complete by the Department of City Planning on May 9, 2016, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### Community Board Review

Brooklyn Community Board 2 held a public hearing on this application (N 160029 ZRK) on May 18, 2016. On June 8, 2016, by a vote of 30 to 2, with 1 abstention, the Community Board voted to disapprove this application. A summary of the recommendation of Community Board 2 appears in the related report for a zoning map amendment (C 160030 ZMK).

**Borough President Recommendation**

This application were considered by the Borough President of Brooklyn, who held a public hearing on June 13, 2016. On July 20, 2016, the Borough President issued recommendations to disapprove the zoning map amendment (C 160030 ZMK) with conditions. A summary of the Borough President's recommendation and conditions appears in the related report for an amendment to the Zoning Map (C 160030 ZMK).

**City Planning Commission Public Hearing**

On July 13, 2016 (Calendar No. 6), the City Planning Commission scheduled July 27, 2016 for a public hearing on this application (N 160029 ZRK). The hearing was duly held on July 27, 2016 (Calendar No. 33). There were a total of 14 speakers, 9 in favor and 5 in opposition, as described in the report for the related amendment to the Zoning Map application (C 160030 ZMK), and the hearing was closed.

**CONSIDERATION**

The Commission believes that this application (N 160029 ZRK) is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the amendment to the Zoning Resolution application (C 160030 ZMK).

**RESOLUTION**

Therefore, the City Planning Commission, deeming the actions described herein to be appropriate, adopts the following resolution:

**RESOLVED,** by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination described in this report the Zoning Resolution of the City of New York, effective as of December 15, 1961, as as subsequently amended, is further amended as follows:

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

**ARTICLE X:**
**SPECIAL PURPOSE DISTRICTS**

**Chapter 1**
**Special Downtown Brooklyn District**

*  *  *

**101-20**
**SPECIAL BULK REGULATIONS**

**101-21**
**Special Floor Area and Lot Coverage Regulations**
R7-1  C6-1  C6-4.5  C6-6

*  *  *

(d)  In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0.

*  *  *

**101-222**
**Standard height and setback regulations**

C2-4/R7-1  C6-1  C6-4.5  C6-6

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS
IN C2-4/R7-1, C6-1, ~~AND~~ C6-4.5 AND C6-6 DISTRICTS

| | Maximum Base Height | | Maximum #Building# Height | |
|---|---|---|---|---|
| District | Beyond 100 feet of a #wide street# | Within 100 feet of a #wide street# | Beyond 100 feet of a #wide street# | Within 100 feet of a #wide street# |
| * * * | * * * | * * * | * * * | * * * |
| C6-4.5 C6-6 | 125 | 150 | 250 | 250 |

**101-223**
**Tower regulations**

C5-4 C6-1 C6-4 C6-6

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provision of Section 101-222 (Standard height and setback regulations).

* * *

(b) Setback requirements for #commercial# or #community facility# towers

For #buildings# that contain #commercial# or #community facility floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet.

For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, or upon that portion of the Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street, or for any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, provided that this exemption shall not be applicable to portions of #buildings# above 85 feet that contain #residential floor area#.

* * *

(d) Maximum #building# height

In C6-1 Districts, the maximum height of a #building or other structure# shall be 495 feet. No height limit shall apply within a C5-4, ~~or~~ C6-4 or C6-6 District.

* * *

**101-40**
**MANDATORY DISTRICT PLAN ELEMENTS**

**101-41**
**Special Street Wall Location Regulations**

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widenings) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

* * *

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of street walls# of any #building# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. However, such regulations shall not apply to any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension.

* * *

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

**BROOKLYN**

* * *

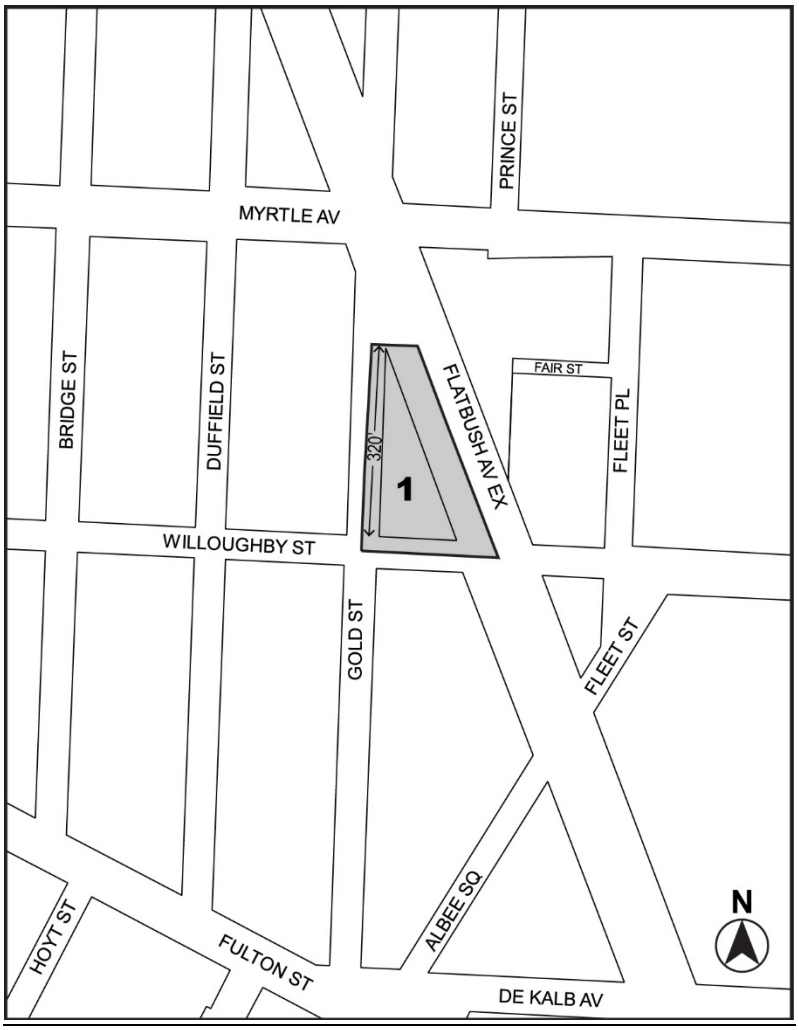
**Brooklyn Community District 2**

* * *

In the R10 District within the area shown on the following Map 5:

Map 5 - (date of adoption)

[PROPOSED MAP]




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

Area **1** (date of adoption) – MIH Program Option 2

Portion of Community District 2, Brooklyn

* * *

The above resolution (N 160029 ZRK), duly adopted by the City Planning Commission on September 7, 2016 (Calendar No. 14), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD**, Chairman
**KENNETH J. KNUCKLES, ESQ.,** Vice Chairman
**RAYANN BESSER, IRWIN G. CANTOR, *P.E*., ALFRED C. CERULLO, III, JOSEPH I. DOUEK, CHERYL COHEN EFFRON, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,** Commissioners

**MICHELLE R. DE LA UZ,** Commissioner, Abstained