



September 22, 2021/ Calendar No. 9

C 200186 ZSK

IN THE MATTER OF an application submitted by Franklin Ave. Acquisition LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743 of the Zoning Resolution to modify the height and setback requirements of Section 23-662 (Maximum Height of Buildings and Setback Regulations) and the tower coverage requirements of Section 23-663 (Tower Regulations in R9D and R10X Districts), in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by Montgomery Street, Franklin Avenue, a line 150 feet northerly of Sullivan Place, a line 100 feet easterly of Washington Avenue, and a line 300 feet northwesterly of Franklin Avenue (Block 1192, Lots 41, 46, 63, & 66), in R9D and R9D/C2-4 Districts, Borough of Brooklyn, Community District 9.

This application for a special permit (C 200186 ZSK) was filed by Franklin Ave. Acquisition LLC on November 4, 2019. This application, in conjunction with the related actions for a zoning map amendment (C 200184 ZMK), zoning special permit (C 200187 ZSK), and zoning text amendment (N 200185 ZRK), 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 special permit (C 200186 ZSK) that is the subject of this report, implementation of the land use actions associated with the proposed development also require actions by the City Planning Commission (CPC) 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
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- N 200185 ZRK** Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area
- C 200187 ZSK** Special permit pursuant to Zoning Resolution Section 74-533 to reduce parking to facilitate affordable housing

BACKGROUND

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

ENVIRONMENTAL REVIEW

The application (C 200186 ZSK), in conjunction with the applications for the related actions (C 200184 ZMK, N 200185 ZRK, 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).

UNIFORM LAND USE REVIEW

This application (C 200186 ZSK), and the related applications for a zoning map amendment (C 200184 ZMK) and zoning special permit (C 200187 ZSK), were certified as complete by the Department of City Planning on February 1, 2021, and duly referred to Brooklyn Community Board 9 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N

200185 ZRK), which was referred for the information and review in accordance with the procedure for non-ULURP matters. 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 (C 200186 ZSK) and the related applications for a zoning text amendment (N 200185 ZRK), zoning map amendment (C 200184 ZMK), and zoning special permit (C 200187 ZSK). On June 23, 2021 and 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 Review

On June 29, 2021, the Brooklyn Borough President held a public hearing on this application (C 200186 ZSK) and the related applications for a zoning text amendment (N 200185 ZRK), zoning map amendment (C 200184 ZMK), and zoning special permit (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. 22), the City Planning Commission scheduled February 17, 2021 for a public hearing on this application (C 200186 ZSK) and the related applications for a zoning text amendment (N 200185 ZRK), zoning map amendment (C 200184 ZMK), and zoning special permit (C 200187 ZSK). The hearing was duly held on July 29, 2021 (Calendar No. 3). 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 special permit (C 200186 ZSK), in conjunction with the related applications for a zoning text amendment (N 200185 ZRK), zoning map amendment (C 200184 ZMK), and zoning special permit (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 report for the related action (C 200184 ZMK), the Commission determined that this application does not warrant approval, and adopted the following resolution on September 22, 2021 (Calendar No. 9):

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that the application (C 200186 ZSK) submitted by Franklin Ave. Acquisition LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743 of the Zoning Resolution to modify the height and setback requirements of Section 23-662 (Maximum Height of Buildings and Setback Regulations) and the tower coverage requirements of Section 23-663 (Tower Regulations in R9D and R10X Districts), in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by Montgomery Street, Franklin Avenue, a line 150 feet northerly of Sullivan Place, a line 100 feet easterly of Washington Avenue, and a line 300 feet northwesterly of Franklin Avenue (Block 1192, Lots 41, 46, 63, & 66), in R9D and R9D/C2-4 Districts, Borough of Brooklyn, Community District 9, is **DISAPPROVED**.

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

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RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, LARISA ORTIZ,
RAJ RAMPERSHAD**, *Commissioners*