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Uniform Land Use Review Procedure (ULURP) Application

1289 ATLANTIC AVE REZONING– C200310ZMK, N200293ZRK

IN THE MATTER OF a private application by AA Atlantic LLC requesting a zoning map amendment from M1-1 to C4-5X and R6B and a zoning text amendment to designate a new Mandatory Inclusionary Housing (MIH) area to facilitate a new 14-story, approximately 162,494 sf mixed-use building with 112 dwelling units at 1289 Atlantic Avenue in the Bedford-Stuyvesant neighborhood of Community District 3.

BROOKLYN COMMUNITY DISTRICT 3

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 1289 ATLANTIC AVE REZONING – C200310ZMK, N200293ZRK

The Project Area is located at the border of the Bedford Stuyvesant and Crown Heights neighborhoods along Atlantic Avenue (a 120-foot wide arterial) and New York Avenue (a 70-foot street). The elevated railway of the Long Island Railroad (LIRR) runs along Atlantic Avenue facing the Project Area and stops in front of the Development Site at the Nostrand Avenue station. The site is just south of Fulton Street, with the Nostrand Avenue station on the A and C lines two blocks to the north. The site is also served by several bus lines, including the B44 and B44-SBS.

The Project Area consists of all or part of 21 lots on a single block of Atlantic Avenue zoned as M1-1, comprising approximately 92,000 square feet. The applicant owns six lots, comprising 20,000 square feet, with primary frontage on Atlantic Avenue. The Surrounding Area is characterized by commercial, manufacturing, and mixed uses, with typical commercial establishments of automotive businesses, contractor offices, showrooms, and recently built hotels. Residential areas to the north and south, mapped as R6A and R6B, consist of three- to four-story townhouses, brownstones, and pre-1961 six-story apartment buildings.

The neighborhood has undergone three contextual rezonings since 2007 that promoted residential and commercial development along key corridors. Since 2016, several developer-initiated rezonings have mapped a cluster of Mandatory Inclusionary Housing (MIH) areas west of the Project Area.

Most recently, the Atlantic Avenue Mixed-Use Plan (AAMUP) is planning for potential zoning changes to promote new housing, living wage jobs, and safety improvements along 13 blocks north and south of Atlantic Avenue between Vanderbilt and Nostrand Avenues. At the time of this recommendation, the draft zoning proposal for AAMUP includes no requirement for manufacturing uses. The Development Site is directly east of this potential neighborhood plan.

Along its Atlantic Avenue frontage, the Development Site contains an active storage use, a vacant two-story building, and surface parking. Along New York Avenue, a narrow four-foot sidewalk separates the site from the entrance to the Nostrand Avenue LIRR station. The Project Area outside of the Development Site consists of light manufacturing and automotive businesses on Atlantic Avenue as well as a non-conforming, 36-unit residential building. There are also non-conforming three-story walk-ups in the M-1 zone along New York Avenue.

The applicant proposes a zoning map amendment from M1-1 to C4-5X and R6B and a zoning text amendment to designate a new MIH area. These actions would facilitate a new 14-story mixed-use building with residential, commercial, community facilities, and 39 accessory parking spaces. The proposed C4-5X allows for location of community facility and commercial uses along the first and second floors. The applicant is seeking permission for second story non-residential uses to avoid placing residential units near the LIRR elevated railway.

The applicant is proposing to map MIH Options 1 and 2 over the Project Area, but the applicant has committed to all units (including 28 units under MIH Option 1) to be rented to households earning a range of affordability tiers under the NYC Department of Housing Preservation and Development (HPD) Mixed-Income Program (Mix & Match). Fifteen of the units would be designated for formerly homeless, 29 units would be for households making 40% of the Area Median Income (AMI), 18 units at 60% AMI, 18 units ranging from 90%-110% AMI, and 31 units ranging from 110%-130% AMI. The apartments would consist of 11 studios, 41 one-bedrooms, 48 two-bedrooms, and 12 three-bedrooms units.

The ground floor is proposed to contain retail stores, a residential lobby, and a community facility lobby. The second floor is planned for community facility space. Additionally, the development is proposed to include accessory parking spaces on the basement floor. Regarding sustainable features, the development would include functional rooftops, porous pavement, energy efficient materials, appliances, and equipment, and 60 bicycle parking spaces. The application also intends to widen the sidewalk and create a plaza at the corner of Atlantic and New York Avenues, near the entrance to the Nostrand Avenue station (LIRR).

Borough President Reynoso held a public hearing on this application on January 16, 2024. Two members of the public testified in favor of this item.

Community Board Position

Community Board 3 voted to approve the application (26 in favor, 1 against) on January 2, 2024, with the following conditions:

1. A restrictive declaration for the pedestrian plaza near the LIRR entrance on New York Avenue,
2. A restrictive declaration for the 16-foot widened sidewalk, and
3. A $100,000 fund set aside to cover potential construction damage to neighboring buildings on New York Avenue and Herkimer Street.

Approval Rationale

Given the demand for new, income-restricted housing in Community District 3 (CD 3) and the 120-food width of Atlantic Avenue, Borough President Reynoso believes the applicant's proposed height and bulk along Atlantic Avenue is appropriate.

The proposed development is in alignment with the Housing Growth & Parking Demand Management Framework of the Comprehensive Plan for Brooklyn. Specifically, it adds more and deeper affordability than required by MIH (Rec. 2.1.2) and maximizes residential FAR near transit (Rec. 2.2.4). While the project is proposed to be 100% affordable, the Borough President requests that the project be capped at 110% AMI, as units above this band have historically been more difficult to rent and offer rents similar to market-rate unregulated units. This application also aligns with the Healthy Streets & Environment Framework, and aspects of Goal 4: Active Living and Transit, by creating a 2,500 sq ft plaza near the LIRR entrance (Rec. 4.2.1) and providing enclosed parking for 60 bicycles (4.1.1). By including 39 unrequired parking spaces, this application is in conflict with Objective 2.2 in the Plan encouraging transit-oriented development without residential parking, and the Borough President encourages the applicant to remove this off-street parking.

However, while the Borough President supports increasing opportunities for affordable housing and public space, he remains concerned about the erosion of our borough's manufacturing land. This stretch of Atlantic Avenue has seen an incremental reduction of land zoned for light manufacturing, and the proposed AAMUP rezoning poses a greater loss. Preserving space for manufacturing jobs is a priority in the Comprehensive Plan, as these jobs have a lower education barrier to entry and higher wages. While the Project Area is not within an Industrial Business Zone, it presents an opportunity for maintaining and adding manufacturing jobs in a central, transit rich part of the borough. As such, the proposed development is not in alignment with the Plan's Resilient Jobs & Infrastructure framework, and specific recommendations related to preserving manufacturing land (Rec 6.1.1). And while the Borough President agrees with the applicant's decision to develop non-residential first and second floors along the elevated rail, he is skeptical that the current retail and office space market will allow for successful lease-up of these spaces.

To that end, the Borough President recommends a zoning map amendment for an MX district to allow for a mix of residential, community facility, and light industry at 1289 Atlantic Avenue. Moreover, the Borough President would like to reference a recent ULURP application for the 962 Pacific Street Rezoning. There, the applicant proposed an MX district and signed a community benefits agreement (CBA) requiring 19,355 gross square feet of light industrial uses on the cellar floor of the development. The Borough President applauds this commitment to providing manufacturing jobs.

This application creates a more fundamental question about the Atlantic Avenue corridor. By excluding these lots from AAMUP, the Department of City Planning renders the scarce light manufacturing land susceptible for further commercial rezonings. While the Borough President sees some land use rationale for mixed-use development and public space improvements at the foot of the LIRR station, such rationale does not warrant eliminating light manufacturing in the midblock portion of Atlantic Avenue where several businesses are already operating. Without a larger plan to preserve land and expand development potential for manufacturing jobs, the Borough President must continue to evaluate each application on a piecemeal basis. The Borough President believes it is imperative for the City to create a comprehensive manufacturing strategy. Further, the approval of this application should not be treated as a precedent to rezone further manufacturing land along the Atlantic Avenue corridor.

Approval of this application is an acknowledgement of the severe need for affordable housing and transit-oriented development in the borough. However, the Borough President remains displeased with the Department of City Planning's inconsistent and casual approach to mapping and protecting light manufacturing uses in mixed-use contexts, both along this corridor and as seen in other ULURP

applications throughout the borough. When economic development and housing are not planned rationally and in conjunction, it is a long-term detriment to the city.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. Assess the feasibility of an in-scope modification to map a Special Mixed Use District (MX) to encourage light manufacturing in the proposed development
2. The applicant remove the proposed parking spaces at the cellar level
3. The applicant agree to the conditions set for by Community Board 3 to sign a restrictive declaration for a plaza at the LIRR entrance, a 16-foot sidewalk, and a fund set aside to address any damage caused by construction

February 7, 2024

BROOKLYN BOROUGH PRESIDENT

DATE