



CITY PLANNING COMMISSION

October 6, 2021, Calendar No. 20

N 200315 ZRK

IN THE MATTER OF an application submitted by 824 Metropolitan Avenue Owner 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, Borough of Brooklyn, Community District 1.

This application for a zoning text amendment was filed by 824 Metropolitan Avenue Owner LLC, on April 13, 2020, to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the proposed R7-A/C2-4 zoning district mapped on the project area at the southeast corner of Metropolitan and Bushwick avenues (Block 2916, Lots: p/o 8, 14, 16, and p/o 17). This application, in conjunction with the related action (C 200314 ZMK), would facilitate the construction of an eight-story mixed-use building with 36 dwelling units, of which 11 units would be permanently affordable under MIH Options 1 and 2, at 824 Metropolitan Avenue (Block 2916, Lots 14 and 16), in the East Williamsburg section of Community District 1, Brooklyn.

RELATED ACTIONS

In addition to the zoning text amendment (N 200315 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC or Commission) on the following application, which is being considered concurrently with this application:

C 200314 ZMK Zoning map amendment to map an R7A/C2-4 zoning district.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment application (C 200314 ZMK).

ENVIRONMENTAL REVIEW

This application (N 200315 ZRK), in conjunction with the application for the related action (C 200314 ZMK), 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 lead is the City Planning Commission. The designated CEQR number is 20DCP110K.

PUBLIC REVIEW

This application (N 200315 ZRK) was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President in accordance with the procedures for non-ULURP matters, along with the application for the related action, (C 200314 ZMK), which was certified as complete by the Department of City Planning on May 17, 2021 and duly referred in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 1 held a public hearing on this application (N 200315 ZRK), and the related application (C 200314 ZMK) on June 8, 2021, and on July 12, 2021, approved the applications with conditions by a vote of 27 in favor, one opposed, and no abstentions. A summary of the Community Board's consideration appears in the report for the related zoning map amendment (C 200314 ZMK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (N 200315 ZRK) and the related application (C 200314 ZMK) on July 7, 2021, and on August 16, 2021, issued a recommendation to approve the application with conditions. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment (C 200314 ZMK) application.

City Planning Commission Public Hearing

On July 28, 2021 (Calendar No. 18), the City Planning Commission scheduled August 18, 2021, for a public hearing on this application (N 200315 ZRK) in conjunction with the related application (C 200314 ZMK). The hearing was duly held on August 18, 2021 (Calendar No. 65). Three speakers appeared in favor of the application, and none appeared in opposition, as described in the report for the related zoning map amendment (C 200314 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application (N 200315 ZRK) is appropriate. A full consideration and analysis of the issues and reasons for approving this application appear in the report for the related zoning map amendment (C 200314 ZMK).

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on May 17, 2021, with respect to this application (CEQR No. 20DCP110K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

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

* * *

BROOKLYN

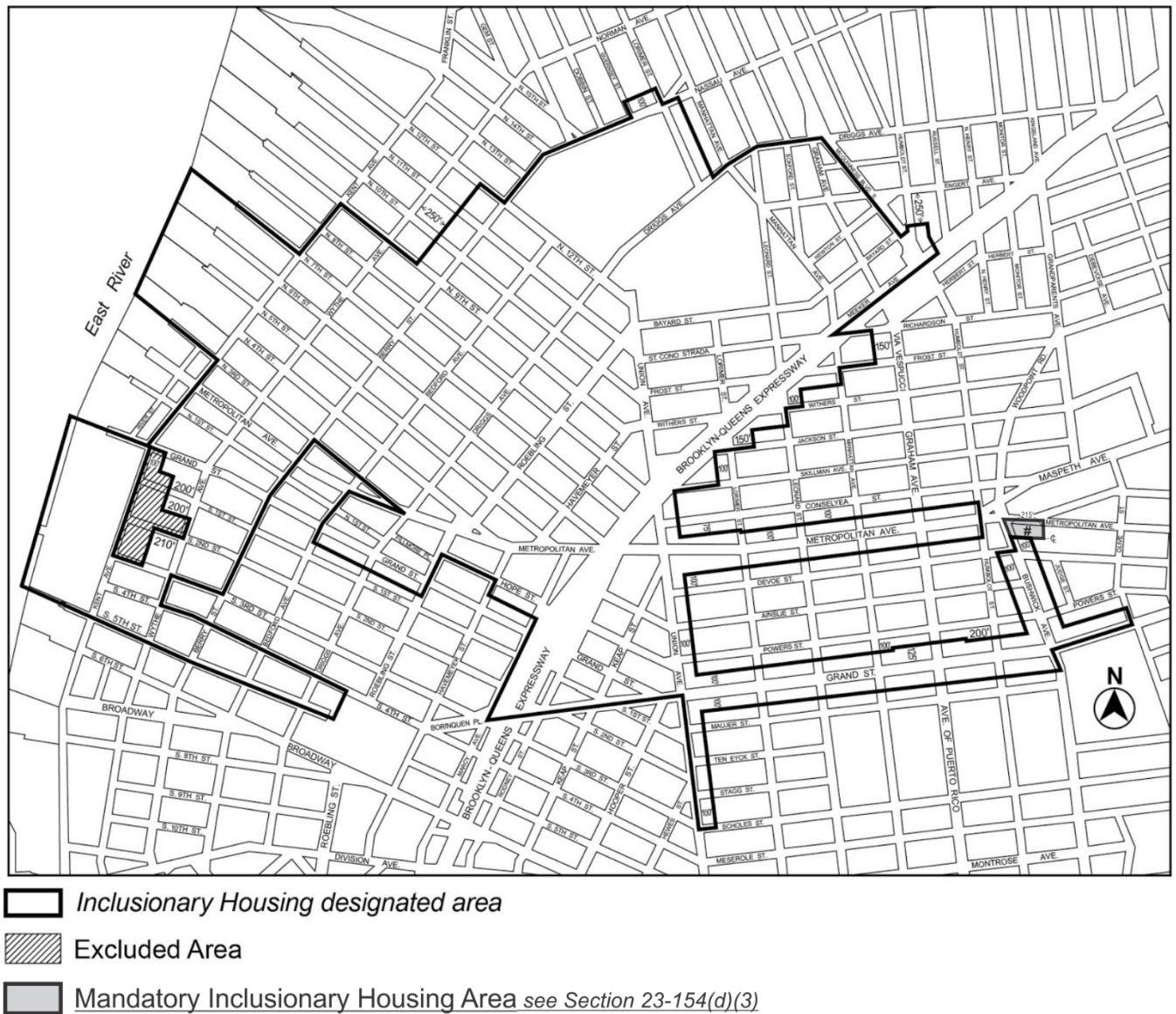
* * *

Brooklyn Community District 1

* * *

[PROPOSED]

Map 2 – (date of adoption)



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

Portion of Community District 1, Brooklyn

* * *

The above resolution (N 200315 ZRK), duly adopted by the City Planning Commission on October 6, 2021 (Calendar No. 20), 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.

ANITA LAREMONT, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

DAVID BURNEY, ALFRED C. CERULLO, III, MICHELLE R. de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*

RAJ RAMPERSHAD, *Commissioner*, RECUSED



COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

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HON. ERIC L. ADAMS
BROOKLYN BOROUGH PRESIDENT



SIMON WEISER
FIRST VICE-CHAIRMAN

DEL TEAGUE
SECOND VICE-CHAIRPERSON

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RECORDING SECRETARY

PHILIP A. C
MEMBER-A

DEALICE FULLER
CHAIRPERSON

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

HON. ANTONIO REYNOSO
COUNCILMEMBER, 34th CD

July 12, 2021

COMMITTEE REPORT

Land Use, ULURP, Landmarks (subcommittee) Committee

TO: Chairperson Dealice Fuller
and CB#1 Board Members

FROM: Del Teague, Committee Chair

RE: Land Use Committee Report for June 28, 2021

The committee met virtually on June 28, 2021 via WEBEX in the evening at 6:30 PM

Attendance:

Present: Teague; McKeever; Chesler; Drinkwater; Miceli; Niederman; Sofer; Weidberg; Vega; Andrews; Berger; Kawochka; Naplatarski.

Absent: Viera; Barros; Indig; Kaminski; Lebovits; Solano; Weiser; Kantin; Stone.
(a quorum was present)

AGENDA:

1. PRESENTATION: Citywide Hotel Text Amendment N 210406 ZRY—The special permit would newly require a CPC special permit for new hotels and enlargements where hotels are permitted as-of-right today: C1, C2, C4, C5, C6, C8, mixed Use (MX), and paired M1/R districts. The proposed CPC special permit would replace existing CPC special permit for new hotels in the special purpose districts. The special permit for hotels in M1 manufacturing districts would retain its findings that are specific to light industrial areas. Presented by Alexandra Paty-Diaz, NYC Department of City Planning. (Item to be Voted before 7/13/21.

Alexandra Paty-Diaz explained that the goal of this amendment is to have a system using uniform criteria that will make sure hotel development does not negatively impact on the surrounding areas. There will be an environmental review and a full ULURP review for each application.

Projects filed with DOB prior to 2018 will be vested.

Recommendation: Write a letter of support to DCP.

11 - yes

1 - recusal

2.PRESENTATION: 824 Metropolitan Avenue N 200314 ZMK & N 200315 ZRK-Private application for a Zoning Map Amendment to facilitate the development of an eight-story mixed use residential building of 36 dwelling units, of which 11 would be permanently affordable under MIH Option 2, and 7,000 square feet of commercial use at 824 Metropolitan Avenue(Block 2916, Lots p/o 8, 14, 16 & p/o 17) in Greenpoint Williamsburg, Community District 1.Presented by Lauren George, Senior Vice President, Constantinope & Vallone Consulting LLC. (10 minutes) (Item to be Voted on 7/13/21)

Lisa Orrantia presented. She explained that after hearing the community's requests for 3 BR units at the pre-certification presentation, the developer decreased the overall design of 36 residential units to 34. The developer also committed to using MIH option 1 instead of 2, requiring at least 25% of the units to be 60% AMI or lower, and 10% at 40% AMI. The developer also committed to change its goal for the ground floor commercial use from a supermarket to different usage that would better serve the surrounding area.

The overall breakdown is 6 studios, 19 1BR, 7 2BR, 2 3BR, with proportional affordability.

Committee Questions /concerns and answers:

- 1- The status of the gas station in the adjacent lot. The gas station can continue.
- 2- Noise level on terraces. There will be house rules regarding tenant activities.
- 3- Rents for affordable units. The owner has contracted with St. Nick's to be the managing agent.
- 4- The possibility of damage to the adjacent three-story building. The owner agreed to add that building as a co-insured on its insurance policy. The owner also agreed, for the benefit of all of the surrounding buildings, to have a liaison from the project with the phone number displayed.
- 5- Noise concerns from air conditioners. The committee suggested not using VRF units, utilizing noise mitigation if the units are placed on the roof, or using passive house technology.

Recommendation:

Approve with the following conditions:

- 1- The owner of the adjacent building at 834 Metropolitan Ave. will be named as a co-insured on the developer's insurance policy for the duration of the construction; and there will be a liaison from the project for surrounding property owners with the phone number displayed. The developer will also provide vibration monitors answerable to DOB.
- 2- The air conditioners will not be vented to the outside facades of the building and noise mitigators will be utilized, or passive house technology will be used.

-3- The committee recommends dividing the commercial space and choosing a diverse selection of businesses that will serve the character of the neighborhood. The developer can reach out to Evergreen to locate local businesses that are in danger of displacement and non-profits, as potential tenants.

8- yes
1-recusal
1- no

3.PRESENTATION: Fresh Update Non-ULURP N 210380 ZRY-A citywide text amendment to expand the FRESH program to other underserved neighborhoods of the Bronx, Brooklyn, Queens, and Staten Island. In addition, the proposal will modify rules for certification of a FRESH food store. Presented by Alexandra Paty-Diaz, NYC Department of City Planning. (10 Minutes) (Item to be Voted on 7/13/21)

Alexandra Paty-Diaz explained that the goal of this amendment is to have a system using uniform criteria that will encourage construction of supermarkets in underserved areas of the city in order to increase accessibility of fresh foods. There must be at least 6,000 SF of contiguous grocery store located on the same floor, with 60% fresh products.

The amendment contains an evaluation process to avoid over-saturation to protect pre-existing supermarkets.

Incentives include:

There is an allowance of additional FAR in mixed-use buildings, one square foot for each square foot of fresh food, up to 20,000 SF. However, if a developer uses this incentive, the supermarket must remain in perpetuity.

There is also an easing of the glazing requirements, and of parking requirements in lower density residential districts (R3 - R5).

Recommendation: Write a letter of support to DCP with a request for clarification regarding the enforcement mechanism for the perpetuity requirement when additional FAR is utilized.

10-yes
1-abstain

4.PRESENTATION: Health and Fitness Citywide Text Amendment N 210382 ZRY-Non ULURP-Proposal to amend the Zoning Resolution to modify regulations related to gyms, spas, licensed massage therapy, and other health and fitness facilities defined as “Physical Culture or Health Establishments.” The proposed text amendment will remove the requirement for such facilities to receive a special permit by the Board of Standards and Appeals (ZR 73-36). Presented by Alexandra Paty-Diaz, NYC Department of City Planning. (Item to be Voted on 7/13/21)

Alexandra Paty-Diaz explained that the goal of this amendment is to reduce costly and time-consuming barriers to the establishment of gyms, spas, and massage therapy businesses. They will be allowed as-of-right in commercial and manufacturing districts up to 10,000 square feet.

Establishments with high impact equipment will be subject to review by DOB to make sure they will install sufficient noise/vibration reduction measures. Massage therapy businesses will be treated the same as other ambulatory health care uses.

Recommendation: Write a letter of support to DCP.

10- yes

1- no



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 824 Metropolitan Avenue			
Applicant:	824 Metropolitan Avenue Owner LLC	Applicant's Primary Contact:	Lisa Orrantia
Application #	200314ZMK	Borough:	
CEQR Number:	20DCP110K	Validated Community Districts:	K01

Docket Description:

IN THE MATTER OF an application submitted by 824 Metropolitan Avenue Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an R6B District to an R7A District property bounded by Metropolitan Avenue, a line perpendicular to the southerly street line of Metropolitan Avenue of distant 215 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Metropolitan Avenue and the northeasterly street line of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and a line 150 feet northeasterly of Bushwick Avenue;
2. changing from a C8-2 District to an R7A District property bounded by Metropolitan Avenue, a line 150 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and Bushwick Avenue; and
3. establishing within the proposed R7A District a C2-4 District bounded by Metropolitan Avenue, a line 150 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and Bushwick Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject to the conditions of CEQR Declaration of E-618.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 27	# Against: 1	# Abstaining: 0	Total members appointed to the board: 28
Date of Vote: 7/12/2021 12:00 AM		Vote Location: WEBEX	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/8/2021 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	https://nycb.webex.com/nycb/onstage/g.php?MTID=e71284208290306e6c442b3234e8cb25a Event number: 129 814 9461 Event password: SRrqBepD244 Audio conference: +1-646-992-2010 [New York City] Show all

CONSIDERATION: Please see the attached report.

Recommendation submitted by	BK CB1	Date: 7/14/2021 9:38 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 824 Metropolitan Avenue			
Applicant:	824 Metropolitan Avenue Owner LLC	Applicant's Primary Contact:	Lisa Orrantia
Application #	200315ZRK	Borough:	
CEQR Number:	20DCP110K	Validated Community Districts:	K01

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 27	# Against: 1	# Abstaining: 0	Total members appointed to the board: 28
Date of Vote: 7/12/2021 12:00 AM		Vote Location: WEBEX	

Please attach any further explanation of the recommendation on additional sheets as necessary

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Public Hearing Location:	https://nyccb.webex.com/nyccb/onstage/g.php?MTID=e71284208290306e6c442b3234e8cb25a Event number: 129 814 9461 Event password: SRrqBepD244 Audio conference: +1-646-992-2010 [New York City] Show all

CONSIDERATION: Please see the attached report.

Recommendation submitted by	BK CB1	Date: 7/14/2021 9:38 AM
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Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

CalendarOffice@planning.nyc.gov

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

824 METROPOLITAN AVENUE – 200314 ZMK, 200315 ZRK

Applications submitted by 824 Metropolitan Avenue Owner, LLC, pursuant to sections 197-c and 201 of the New York City Charter for land use actions affecting an 18,835 square-foot (sq. ft.) property near the intersection of Bushwick and Metropolitan avenues. The proposed zoning map amendment would change portions of the project area from C8-2 and R6B districts to R6B/C2-4, R7A and R7A/C2-4. The proposed zoning text amendment would designate a Mandatory Inclusionary Housing (MIH) area coterminous with the project area. The requested actions are intended to facilitate an eight-story, 34,000 sq. ft. development with 36 dwelling units, and 7,000 sq. ft. of commercial uses in Brooklyn Community District 1 (CD 1). Approximately 11 units would be affordable to households earning an average 80 percent of Area Median Income (AMI), pursuant to MIH Option 2.

BROOKLYN COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

August 16, 2021

DATE

RECOMMENDATION FOR: 824 METROPOLITAN AVENUE – 200314 ZMK, 200315ZRK

824 Metropolitan Avenue Owner, LLC, submitted applications pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change an 18,835 square-foot (sq. ft.) property near the intersection of Bushwick and Metropolitan avenues. The proposed zoning map amendment would change portions of the project area from C8-2 and R6B districts to R6B/C2-4, R7A and R7A/C2-4. The proposed zoning text amendment would designate an MIH area coterminous with the project area. The requested actions are intended to facilitate an eight-story, 34,000 sq. ft. development with 36 dwelling units, and 7,000 sq. ft. of commercial uses in Brooklyn Community District 1 (CD 1). Approximately 11 units would be affordable to households earning an average 80 percent of Area Median Income (AMI), pursuant to MIH Option 2.

On July 7, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were no speakers on the item.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the applicant stated that the MIH units would include two studios, four one-bedroom, two two-bedroom, and one three-bedroom units (the latter in response to a community request for family-sized units). The rents would be targeted to households at 40, 60, and 80 percent AMI, and would range from \$600 to \$1,300 for a studio, \$750 to \$1,600 for a one-bedroom unit, \$900 to \$2,000 for a two-bedroom unit, and \$1,000 to \$2,300 for a three-bedroom unit. Incomes would range from \$33,440 to \$66,880 for a one-person household, \$38,200 to \$76,400 for a two-person household, \$42,960 to \$85,920 for a three-person household, and \$47,720 to \$95,440 for a four-person household, though larger households would also qualify.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from CD 1 residents, and whether the applicant's marketing strategy would include a financial literacy campaign to qualify local residents for the lottery, the representative stated intent to retain the St. Nicks Alliance as the administering and marketing agent. The St. Nicks Alliance representative noted that it would include this project in its larger marketing sessions and financial literacy trainings.

In response to Borough President Adams' inquiry regarding the intended commercial space, and the possibility of providing a resource for businesses at risk of displacement, including small contracting establishments and studios located in the East Williamsburg industrial area, the representative noted that the owner would welcome tenants such as a hardware store; artisan establishment; contractor's shop, and studios for art, music or dance, as examples of maker uses. The representative also expressed intent to coordinate tenant recruitment with the North Brooklyn Chamber of Commerce and the local industrial development corporation.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, and New York City Department of Environmental (DEP) rain gardens, the applicant stated intent to provide roof plantings and solar panels.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the applicant stated intent to partner with the St. Nicks Alliance workforce development team and other local groups such as Evergreen.

Consideration

On July 12, 2021, Brooklyn Community Board 1 (CB 1) voted to approve this application on the condition that the applicant:

- Name 834 Metropolitan owner as co-insured on the developer's insurance policy for the duration of construction
- Retain a project liaison and install vibration monitors to minimize disturbances
- Restrict placement of air conditioners or utilize passive house technology
- Divide commercial space with occupancy reflecting diverse businesses that will serve the character of the neighborhood

The board encouraged outreach to Evergreen to identify local businesses that are in danger of displacement as well as non-profits, as potential tenants. It was represented at Borough President Adams' public hearing that the developer intends to meet such conditions.

The proposed actions would affect properties located along the south blockfront of Metropolitan Avenue from the corner of Bushwick Avenue, comprising a project area of 19,000 sq. ft. The applicant owns two abutting properties, 824 and 832 Metropolitan Avenue. The former is a 5,000 sq. ft. vacant lot with 50 feet of frontage split between the C8-2 and R6B/C2-4 districts that is used for open storage of commercial vehicles. 832 Metropolitan Avenue is a 2,500 sq. ft. property occupied by a three-story structure with three dwelling units. The adjacent 2,500 sq. ft. 834 Metropolitan Avenue property is also occupied by a three-story structure, with two units, though much of this property is outside the proposed rezoning area. To the west of 824 is 808 Metropolitan Avenue, a corner lot that extends for 140 feet from Bushwick Avenue and 135 feet along Bushwick Avenue to the south of Metropolitan Avenue into the adjacent R7A zoning district. It is occupied by a gas station with vehicular access provided by two curb cuts on Bushwick Avenue and three on Metropolitan Avenue.

The underlying C8-2a district that enables occupancy for automotive, heavy commercial, and warehousing uses is mapped to a depth of 150 feet from Bushwick Avenue. At that point, the balance of the proposed rezoning area is zoned R6B/C2-4 with a mixed commercial-residential district for the remainder of the blockfront. C8-2 zoning permits an FAR of 2.0 for commercial uses and up to 4.8 FAR with the inclusion of community facility use. The R6B/C2-4 permits 2.0 FAR for non-residential development and 2.0 FAR for residential or mixed development, with commercial use restricted to the ground floor. The proposed rezoning would extend an R7A/C2-4 district mapped along the east side of Bushwick Avenue over the proposed rezoning area.

Currently, the applicant is seeking to redevelop the combined 824 and 832 Metropolitan Avenue 7,500 sq. ft. site into a 4.6 FAR, approximately 34,500 sq. ft. eight-story building with a height of 85 feet, though the requested district permits a maximum height of 95 feet. The 25-foot segment nearest to the R6B/C2-4 district boundary would be required to not exceed a maximum height of 65. The mixed-use development would contain 34 units, with affordability initially proposed according to MIH Option 2 (with 30 percent of the residential floor area affordable to households earning an average of 80 percent AMI). However, per community consideration, the applicant is now proposing MIH Option 1, with 25 percent of such floor area targeted to households at 60 percent AMI. The development would contain 7,000 sq. ft. of commercial ground floor without accessory parking, as the affordable housing does not require such provision, given the site's location in a New York City Zoning Resolution (ZR) Transit Zone, and the market rate units do not exceed the threshold of 15 spaces that may be waived. Bicycle parking would need to be provided at a rate of one space per two apartments.

The surrounding area hosts a mix of building types and uses. Residential buildings include two- to four-story attached houses and several taller buildings such as recently constructed five- to eight-story apartment buildings, in all directions, and the Cooper Park Houses. Mixed residential and commercial buildings are found along Graham and Metropolitan avenues, as well as Grand Street. Only a few uses in the C8-2 designated zones contain auto repair or gas station uses.

Brooklyn is one of the fastest growing communities in the New York metropolitan area and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their own neighborhoods. Borough President Adams is committed to addressing Brooklyn's affordable housing crisis through creation and preservation of housing units for very low- to middle-income households.

Moreover, in CD 1 and across New York City, there is a pressing need for affordable and stable housing among elderly adults, homeless households, low-income families, and other populations. Increasing the supply of affordable apartments for a range of incomes and household types in mixed-use buildings is a critical strategy for promoting a sustainable neighborhood and city.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed development would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible.

Based on MIH Option 1 the development rights generated from the proposed rezoning would result in, at minimum, 25 percent of the residential floor area designated as permanently affordable. According to the applicant, nine of the 34 units at 824 Metropolitan Avenue would be pursuant to MIH. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing to remain in perpetuity.

The MIH program targets affordable housing units to a broad range of incomes, consistent with his objective to extend such opportunities to households at various AMI tiers. Borough President Adams supports developments that allow low-, moderate-, and middle-income residents to qualify for the City's affordable housing lottery. The proposed rezoning leading to redevelopment of 824 Metropolitan Avenue, would gear apartments to households at multiple income tiers, which would remain permanently affordable. In addition, MIH Option 1 requires that 40 percent of the affordable housing floor area be affordable to those earning up to 40 percent AMI.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. The development site is located near the 14th Street-Canarsie Local L train at the Graham Avenue and Grand Street stations. It is also accessible via the B24 bus, which makes stops along Metropolitan Avenue and Bushwick Avenue/Woodpoint Road, and the B43 bus, which travels along Graham Avenue.

Borough President Adams appreciates the developer's representation that the building would include a public Mesh WiFi network, which would serve several New York City Housing Authority (NYCHA) developments in CD 1, CD 3, and CD 4, as well as the broader community.

Borough President Adams generally supports the proposed rezoning to R7A/C2-4 MIH to initiate 824 Metropolitan Avenue's development. However, he is concerned that the adjacent gas station would be redeveloped without sufficient public benefit resulting. Additionally, he seeks a more family-

oriented bedroom mix with deeply affordable smaller apartments targeted to seniors, maximum community participation in the affordable housing, dedicated commercial space for local arts/cultural groups and/or at risk for displacement businesses, the incorporation of resilient and sustainable features including rain gardens, and a high level of local and MWBE hiring.

Appropriate Extent of the Proposed Rezoning

The proposed rezoning boundary includes a corner gas station that has not been represented as a development site. While that may be true now, the property may change use if significant investments are required to sustain the operation long-term. Brooklyn has witnessed a wave of gas station closures spurred by lucrative redevelopment opportunities, including rezonings that unlock residential FAR. Replacing the C8-2 district with R7A/C2-4 could create an incentive for the property owner to cease the gas station operation. This means that ceasing the gas station operation becomes the discretion of the property owner, given that this lot is nearly double the size of the 824 Metropolitan Avenue property.

Borough President Adams has often called on developers to go beyond MIH requirements by exceeding the required affordable housing floor area and/or providing more deeply affordable units. Whenever possible, he has also sought additional public purpose through the inclusion of car-share, affordable space for cultural/non-profit uses, and/or local retail. However, for non-applicant-controlled properties, there is no guarantee that the resulting development would provide more than the minimum benefit. To retain discretionary consideration, Borough President Adams believes that it would be best to exclude the gas station property from the 824 Metropolitan Avenue rezoning boundary.

Therefore, the City Planning Commission and/or the City Council should modify the proposed rezoning to retain the existing C8-2 district for 125 feet as measured along Metropolitan Avenue to Bushwick Avenue.

Ensuring an MIH Option that Provides for Very Low-Income Households

Borough President Adams has heard a great deal of concern about gentrification and displacement in East Williamsburg and Williamsburg. The influx of wealthier individuals to the area, together with rising real estate values, has led to the displacement of longtime low-income tenants, with new residents able to pay higher rents. For households in non-regulated housing there is little recourse beyond targeted downzoning, which may slow the pace of property turnover and new construction by reducing development rights. It should be noted that even regulated buildings do not provide permanent protection from displacement. According to the NYU Furman Center, CD 1 contains approximately 27 buildings with 680 regulated units set to expire by 2025. Without further action, some tenants may lose subsidies that made such housing affordable, and others might be subject to eviction by lawful demolition.

Data shows that more than 80 percent of New York City households earning 50 percent AMI or less are rent-burdened. The situation is even worse among those who earn up to 30 percent AMI or \$23,310 for a family of three. More than one-fifth of New York City households — over two million people — earn less than \$25,000 a year and almost one-third earn less than \$35,000. Well over 50 percent of this population pays more than half its income toward rent. As the City's housing crisis deepens, the burden falls most heavily on low-income New Yorkers, including many senior citizens.

Within CD 1, a significant number of households in regulated and unregulated housing pay too much of their income toward rent. According to the Association for Neighborhood Housing and Development (ANHD), 47 percent of households in CD 1 are rent-burdened. In 2019, 24 percent of households in CD 1 spent 50 percent or more of their income on rent, making them severely rent-burdened. NYU Furman found that the percentage of rental units affordable to households at 80 percent AMI fell 17 percent between 2010 and 2019, and that the median gross rent in Greenpoint/Williamsburg grew much faster in the last decade than that of Brooklyn as a whole. There is thus a pressing need to increase the supply of affordable housing in CD 1.

As applications such as this proposal move through the ULURP process, it is important to ensure that the required affordable housing meets the most pressing community needs. The MIH obligation provides opportunities to maximize permanently affordable floor area for low-income households.

The ZR specifies four options for new construction subject to MIH regulations. As stated at Borough President Adams' hearing, 824 Fourth Avenue would incorporate MIH Option 1, which sets aside 25 percent of the floor area for households earning an average of 60 percent AMI, with 10 percent (40 percent of the affordable housing units) reserved for those at 40 percent AMI. Borough President Adams believes that by targeting apartments to very low-income households, MIH Option 1 allows seniors, especially those living alone, to qualify for affordable housing lotteries. He concurs that ensuring affordable housing opportunities for very low-income residents would maximize the development's benefit to the community.

Therefore, prior to considering the application, the City Planning Commission (CPC) and/or City Council should obtain written commitments from 824 Metropolitan Avenue Owner, LLC, to provide permanently affordable housing according to MIH Option 1.

Bedroom Mix

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately reflect the needs of low- to middle-income families. 824 Metropolitan Avenue Owner, LLC has stated that the building would provide six studios, 19 one-bedrooms, seven two-bedrooms, and two three-bedrooms. It was represented that the permanent affordable housing floor area would contain two studios, four one-bedroom, two two-bedroom, and one three-bedroom units. Pursuant to MIH Option 1, a number of these apartments would be reserved for households at 40 percent AMI.

Borough President Adams believes that right-sizing the bedroom distribution within the affordable housing floor area is more important than maximizing the number of MIH units. Though the applicant expressed intent to provide larger units, development pursuant to MIH lacks leverage to require affordable apartments with multiple bedrooms. Borough President Adams believes that it is appropriate to use discretionary land use actions to advance policies that constrain what would be permitted as-of-right.

For this building, it is important to mandate that the developer provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii). This would require at least 50 percent of the units to be two- or three-bedrooms and at least 75 percent of the units to contain one or more bedrooms. The application's representation of 34 apartments, with nine affordable units at 824 Metropolitan Avenue, is not consistent with Borough President Adams' policy to ensure family-oriented units for low- to moderate-income households.

Borough President Adams seeks a binding commitment to secure what has been represented to the community. Therefore, prior to considering the application, the City Council should obtain written commitments from 824 Metropolitan Avenue Owner, LLC, to provide a bedroom mix of at least 50 percent two- or three-bedrooms, and at least 75 percent one-, two-, or three-bedrooms for the affordable units at 824 Metropolitan Avenue.

Maximizing Community Participation in the Affordable Housing

The ZR requires inclusionary housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit development entity, except when otherwise approved by HPD. The administering non-profit is responsible for ensuring that affordable housing complies with the regulatory agreement that governs the development's affordable housing plan. Tasks include verifying a prospective tenant household's qualifying income and approving the rents of such affordable units. The administering non-

profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the units is consistent with the income requirements and following up with annual affidavits to ensure compliance.

It is Borough President Adams' policy for housing non-profits to play a role in maximizing community participation in local affordable housing opportunities. He recognizes that CD 1 is served by several non-profit organizations with a proven record of marketing affordable housing units and promoting lottery readiness through educational initiatives. The developer has expressed intent to retain SNA as the affordable housing administrator and marketing agent for the project. In this capacity, SNA would work with the community board to qualify CD 1 residents for 824 Metropolitan Avenue MIH lottery.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from 824 Metropolitan Avenue Owner, LLC, to utilize one or more local affordable housing non-profits as the administering agent for 824 Metropolitan Avenue, and have such entities play a role in promoting lottery readiness.

Setting Aside a Portion of the Commercial Space for Local Arts/Cultural and Non-Profit Organizations and/or Businesses at Risk of Displacement

Borough President Adams seeks to assist community-based non-profits in securing affordable space in the borough. These organizations play an important role in their neighborhoods but often struggle to obtain the necessary space to expand and sustain their programs. Many cultural entities have contacted the Office of the Brooklyn Borough President with these concerns. It has been Borough President Adams' policy to review discretionary land use actions for opportunities to promote cultural and non-profit uses.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining challenges for artists in the borough, with accompanying recommendations. The report highlighted the benefits of arts and dance, which include maintaining physical fitness, promoting creative self-expression, and making significant contributions to the vibrant culture of Brooklyn. Among the difficulties faced by the Brooklyn arts community is an absence of diversity — according to 2000 United States Census data, fewer than half the individuals working in dance are people of color. Additionally, public funding for the arts in New York City has shrunk dramatically in recent years: by 37 percent from the New York State Council of the Arts (NYSCA), by 15 percent from the National Endowment for the Arts (NEA), and by 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data shows that cultural programs generate a variety of positive effects, which include combating the borough's high obesity rate. As of 2016, 61 percent of Brooklyn adults are overweight or obese, according to the New York State Department of Health (NYSDOH). Research by the Citizens' Committee for Children of New York has found that such activities also help children succeed in school. Moreover, demand for cultural programs continues to grow across Brooklyn. A 2015 report by the Center for an Urban Future (CUF) found a 20 percent increase in attendance at local cultural events since 2006.

Borough President Adams believes that the inclusion of cultural entities and non-profit organizations at 824 Metropolitan Avenue would be beneficial to the community, given CD 1's considerable residential density, and its high proportion of children and families.

Borough President Adams is also concerned about small businesses that might be at risk of displacement, including immigrant-owned establishments, and those connected to the nearby East Williamsburg Industrial Business Zone (IBZ). Such businesses are a vital part of their communities but easily displaced by rising commercial rents or residential redevelopment pressures. According to a recent report by the Citizens Planning and Housing Council (CPHC), immigrants own more than half of the city's small businesses, but 77 percent are burdened by commercial rents. Financial hardships threaten the livelihood of such enterprises, which are often owned by families with limited capital and resources. Borough President Adams recognizes the importance of supporting immigrant-owned businesses and seeks to secure opportunities for immigrant entrepreneurship through the creation of affordable commercial space.

The frontages to the west along Metropolitan Avenue and extending to Union Street, and along Bushwick Avenue a few blocks south of Metropolitan Avenue to Grand Street were upzoned to R7A with a Voluntary Inclusionary Housing (VIH) bonus to incentivize development. Grand Street was upzoned to the R7A commercial equivalent C4-4A based on the same rationale. As such areas are already developed, utilization of the permitted zoning often results in business displacement. Two blocks to the east is the IBZ, where landlords can rent to tenants able to pay more or sell their properties to developers seeking to maximize zoning rights.

Multiple use groups permitted in the proposed C2 commercial overlay would allow uses that might exist in the nearby IBZ. These include various contracting establishments; printing and sign-painting establishments, all limited to 2,500 sq. ft.; auto glass, mirror, seat cover and tire establishments; lumber stores limited to 5,000 sq. ft.; heating, plumbing and ventilation showrooms without repairs, as well as studios for art, dancing, music, or theatre, as such examples.

Borough President Adams believes that it would be possible to monitor for at-risk businesses based on applications filed with the New York City Department of Buildings (DOB). In addition, locally-based organizations such as Evergreen might be aware of businesses in the IBZ that would need a new location and there are organizations such as the North Brooklyn Chamber of Commerce that might be aware of businesses seeking to be relocated.

Therefore, prior to considering this application, the City Council should obtain written commitments from 824 Metropolitan Avenue Owner, LLC, its intent to set aside a portion of the commercial ground floor for non-profits and/or arts and cultural organizations, and/or businesses at risk of displacement, at below-market lease terms, as warranted.

Furthermore, if City Council seeks to secure accommodations for non-profits and/or arts and cultural organizations, 824 Metropolitan Avenue Owner, LLC should actively solicit such entities, based on reasonable lease terms, in consultation with CB 1 and local elected officials.

Advancing Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for promoting environmentally-sustainable development that integrates blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require newly constructed buildings as well as those undergoing renovation (with some exceptions) to incorporate a green roof and/or solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate, which Borough President Adams believes developers should exceed by integrating blue roofs with green roof systems. Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally-based construction and procurement.

Borough President Adams recognizes that the applicant has expressed intent to achieve an energy-efficient building envelope at 824 Metropolitan Avenue and seek LEED certification. He believes it is appropriate for the developer to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA), to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per sq. ft. of green roof,

up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the applicant to contact his office for further coordination on this matter.

As part of his resiliency policy, Borough President Adams seeks to advance stormwater management best practices including permeable pavers and/or rain gardens that promote DEP's green infrastructure agenda. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a comprehensive green infrastructure strategy. Where it is not advisable to remove street trees, it's possible to integrate stormwater retention measures into existing tree pits, with additional plantings to increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Newtown Creek Wastewater Treatment Plant.

The required Builders Pavement Plan for the proposed development provides an opportunity to install DEP rain gardens in front of 824 Metropolitan Avenue. The ZR requirement to plant street trees provides shade on excessively hot days, helps combat the urban heat island effect, and provides other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris that can clog the inlet/outlet and prevent water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to ensure proper water absorption.

Borough President Adams believes that 824 Metropolitan Avenue Owner, LLC should consult with DEP, the New York City Department of Transportation (DOT), and NYC Parks about the integration of rain gardens with street trees as part of the Builders Pavement Plan. If there is interest in implementing an enhancement, advance consultation should be initiated with CB 1 and local elected officials.

Therefore, prior to considering the application, the City Council should obtain written commitments from 824 Metropolitan Avenue Owner, LLC, clarifying how it would integrate resiliency and sustainability features at 824 Metropolitan Avenue.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality across Brooklyn, with more than half of the borough's community districts reporting poverty rates of 20 percent or higher. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. One way to address this economic crisis is by prioritizing local hiring and promoting Brooklyn-based businesses, including those that qualify as LBE and MWBE. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those designated LBE consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from 824 Metropolitan Avenue Owner, LLC, to retain Brooklyn-based contractors and subcontractors, especially those designated LBE consistent with Section 6-108.1 of the City's Administrative Code and MWBE to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate oversight of such participation by an appropriate monitoring agency.

Recommendation

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

1. That the existing C8-2 zoning district be retained for 125 feet as measured along Metropolitan Avenue to Bushwick Avenue
2. That prior to considering the application, the City Council obtain written commitments from the applicant, 824 Metropolitan Avenue Owner, LLC, clarifying how it would:
 - a. Provide permanently affordable housing according to Mandatory Inclusionary Housing (MIH) Option 1
 - b. Achieve an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-, two-, or three-bedroom units, but for studios targeted to households at 40 percent AMI
 - c. Utilize local affordable housing development non-profit(s) as the administering agent and have such entities play a role in promoting lottery readiness
 - d. Set aside ground floor commercial space for interim arts/cultural entities, non-profit organizations, and/or businesses at risk of displacement
 - e. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, and solar façades.
 - f. Coordinate with the New York City Department of Environmental Protection (DEP), the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding installation of DEP rain gardens as part of a Builders Pavement Plan in consultation with Brooklyn Community Board 1 (CB 1) and local elected officials
 - g. Retain Brooklyn-based contractors and subcontractors, especially those designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate oversight of such participation by an appropriate monitoring agency