



IN THE MATTER OF an application submitted by Mikerose Realty, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b:

1. changing from an R3-2 District to an R6B District property bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
2. changing from an R3-2 District to an R7A District property bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 300 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
3. establishing within the proposed R6B District a C2-4 District bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
4. establishing within the proposed R7A District a C2-4 District bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 540 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of CEQR Declaration E-579.

This application for a zoning map amendment was filed by Mikerose Realty, Inc. on May 14, 2020 to change an R3-2 zoning district to R6B/C2-4, R7A, and R7A/C2-4 zoning districts. This application, in conjunction with the related action, would facilitate the development of a new nine-story, approximately 43,000-square-foot mixed-use development. The proposed development would contain approximately 3,800 square feet of commercial use and approximately 3,600 square feet of community facility use on the second floor facing the street, as well as 55 residential units on floors two through nine, approximately 14 of which would be designated as permanently affordable pursuant to the Mandatory Inclusionary Housing (MIH) program, at 2892 Nostrand Avenue in the Madison neighborhood of Community District 15, Brooklyn.

RELATED ACTIONS

In addition to the zoning map amendment (C 200329 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 200328 ZRK Zoning text amendment to designate an MIH area coterminous with the project area

BACKGROUND

The applicant seeks a zoning map amendment to change an R3-2 zoning district to R6B and an R7A zoning districts, establish within the proposed R6B district a C2-4 district, and establish within a portion of the proposed R7A district a C2-4 district across 12 tax lots located at 2872-2922 Nostrand Avenue (Block 7690, Lots 65-73, 7501, 240 and 82) in the Madison neighborhood of Brooklyn, Community District 15. The applicant also seeks a zoning text amendment to establish an MIH area coterminous with the project area. The proposed actions would facilitate the development of a new nine-story, approximately 43,000-square foot mixed-use building containing community facility, commercial, and residential uses

The project area is located on the eastern portion of Block 7690, bounded by Kings Highway to the north, Avenue P to the south, East 29th Street to the west, and Nostrand Avenue to the east, totaling 43,380 square feet of lot area. The project area comprises the development site (Block 7690, Lot 73), another lot that is also owned by the applicant (Block 7690, Lot 68), and 10 additional lots not owned by the applicant (Block 7690, Lots 65-67, 69-72, 7501, 240, and 82). Currently, the project area contains six mixed-use residential and commercial buildings, two residential buildings, two commercial buildings, one community facility, and one vacant lot. Seven lots within the project area are legally non-conforming, and two are legally non-complying.

The development site (Block 7690, Lot 73) is an 11,000-square-foot lot with approximately 100 feet of frontage on Nostrand Avenue. It is currently improved with an approximately 5,000-

square-foot one-story commercial building occupied by a plumbing supply business. On October 23, 1951, the Board of Standards and Appeals (BSA) granted a variance on the site (313-51-BZ) permitting the use of woodworking equipment and allowing accessory lumber storage on the site. The BSA extended this variance in 1961, 1971, and 1982; the variance expired in 1986.

The project area consists of 12 lots, comprising approximately 43,380 square feet of lot area and containing a mix of commercial and residential uses. 2872-2886 Nostrand Avenue (Block 7690, Lots 65-71) are seven narrow non-complying interior lots, each 2,100 square feet with floor area ratios (FAR) that exceed the maximum permitted FAR in the existing R3-2 zoning district. In addition, many of these lots include non-conforming commercial uses. Directly to the south of the development site, Lot 1001-1048 is improved with a four-story residential building with fifteen dwelling units, constructed in 2010 pursuant to a BSA variance (25-06-BZ). The southernmost lot in the project site (Lot 82) is improved with a 7-story non-complying residential building with 69 dwelling units with an FAR of 2.84.

The surrounding area is characterized by a mix of residential uses, community facilities, and mixed-use and commercial uses to the north and south. Residential buildings are primarily comprised of one- and two-family, with some larger medium-density multi-family buildings, ranging from three to seven stories, along Nostrand Avenue and Kings Highway. Community facilities include primarily schools and daycares, houses of worship, and medical facilities.

The project area is well-served by several bus routes. The B44 and B44 Select Bus Service (SBS) run north-south along Nostrand Avenue. The B44 SBS bus stops one block north of the project area at Kings Highway and shuttles passengers to the Flatbush Avenue Brooklyn College subway station, which provides service to the 2 and 5 train lines. The BM4 express bus route is an express bus route with a stop located one block north of the project area, providing service to the Financial District and Midtown Manhattan. The B82, B82 SBS, and B7 routes run along Kings Highway, providing service to w, x, y and z, respectively.

PFC Thomas Norton Memorial Playground, an approximately 25,000-square-foot mapped park owned by the New York City Department of Parks and Recreation (DPR), is located directly to

the north of the project area, on the west side of Nostrand Avenue. Across the street to the southeast of the project area is Aimee Triangle, managed by DPR, is a small triangular open space bounded by Nostrand Avenue, Avenue P, and Madison Place.

The project area is located within an R3-2 zoning district. R2, R4, R4-1, and R7A districts are mapped nearby, and C1-2 and C2-2 commercial overlays are also mapped within the surrounding area. R3-2 zoning districts are low-density non-contextual residential district that permit single- or two-family homes along with small multi-family apartment buildings in a range of housing types – detached, semi-detached, and attached buildings. R3-2 zoning districts have a maximum FAR of 0.5 and one parking space is required for each dwelling unit. Land uses in the surrounding area include detached or semi-detached single- or two-family homes and small multi-family residences, consistent with R2, R4, and R4-1 zoning district regulations.

The project area is located just south of the 2006 Homecrest and Midwood rezoning areas (C 060129 ZMK and C 060130 ZMK, respectively), which aimed to limit housing construction by preserving lower density neighborhood scale on side streets and reserving higher density residential development options on selected wide streets with existing apartment buildings such as Kings Highway. While rezoning Kings Highway from R6 to R7A brought several existing buildings into compliance, because the intent of the rezonings was to limit new construction, many buildings on Kings Highway still exceed the density regulations permitted by the R7A zoning district.

The applicant proposes to develop a new nine-story, 50,741-square-foot (4.6 FAR) building containing approximately 43,400 square feet of residential use on floors two through nine, approximately 3,800 square feet of commercial use at the ground floor, and approximately 3,500 square feet of community facility use at the second floor facing the street. The building would have a maximum height of 93 feet, with a base height of 73 feet and a 10-foot setback at the seventh floor. Of the 55 proposed dwelling units, approximately 14 units (25 percent of the total floor area of the building) would be designated as permanently affordable pursuant to MIH Option X. The proposed development would maintain an existing curb cut and provide 56 vehicle parking spaces and 41 bicycle parking spaces in the cellar level.

In order to facilitate the proposed development, the applicant requests a zoning map amendment (C 200329 ZMK) and a zoning text amendment (N 200328 ZRK) to rezone the R3-2 zoning district to an R7A/C2-4 district on Lots 70-73 and a portion of Lot 240, an R6B/C2-4 district on Lots 65-69 and a portion of Lot 240, and an R7A district on Lots 7501 and 82.

R7A districts are medium-density contextual residential districts that typically facilitate seven- to nine-story apartment buildings. Buildings developed pursuant to Inclusionary Housing regulations have a maximum FAR of 4.6 and a maximum building height of 90 feet (95 with a qualifying ground floor). Parking is required for 50 percent of dwelling units.

R6B districts are medium-density contextual residential districts. MIH buildings have a maximum FAR of 2.2. There is a maximum building height of 50 feet, or 55 with a qualifying ground floor. Off-street parking is generally required for 50 percent of a building's dwelling units; parking requirements are lower for income-restricted housing units. Parking requirements may be waived if five or fewer spaces are required.

C2-4 districts are commercial overlay districts mapped within residential neighborhoods along streets that serve local retail needs. C2-4 districts allow a range of local-serving commercial retail and service uses, such as grocery stores, restaurants, general stores, barber shops, laundromats, and other similar retail and services businesses. When mapped within R7A and R6B districts, C2-4 districts allow commercial uses to a maximum FAR of 2.0. Commercial uses are limited to the first floor in mixed-use buildings.

The applicant proposes a zoning text amendment (N 200328 ZRK) to modify Appendix F to designate an MIH area mapped with Options 1 and 2 coterminous with the project area. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no

unit targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that at least 30 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 80 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 200329 ZMK), in conjunction with the application for the related action (N 200328 ZRK), 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 20DCP148K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 16, 2021. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-579).

UNIFORM LAND USE REVIEW

This application (C 200329 ZMK) was certified as complete by the Department of City Planning on August 16, 2021, and was duly referred to Brooklyn Community Board 15 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 action (N 200328 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 15 held a public hearing on this application (C 200329 ZMK) on October 26, 2021, and on October 26, 2021, by a vote of 17 in favor, 19 opposed, and none abstaining, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 200329 ZMK) and the related action (N 200328 ZRK) on November 1, 2021, and on December 17, 2021 issued a recommendation of approval of the application with the following conditions:

“1. That in lieu of the proposed R7A, and R7A/C2-4 districts, the City Council and/or CPC map an R6A/C2-4 district over this section of the proposed rezoning provided that prior to considering the application, the City Council obtain written commitments from the applicant, Mikerose Realty, Inc., clarifying how it would:

- a. Memorialize a maximum height of five stories
- b. Provide not less than one parking space for every residential unit
- c. Engage car-sharing companies, in consultation with Brooklyn Community Board 15 (CB 15) and local officials, to lease multiple spaces within the garage

Otherwise, the entire proposed rezoning should be limited to R6B including the proposed limits of the C2-4 district

2. That prior to considering the application, the City Council obtain written commitments from the applicant, Mikerose Realty, Inc., clarifying how it would:

- d. Provide permanently affordable housing according to Mandatory Inclusionary Housing (MIH) Option 1
- e. 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
- f. Utilize one or more local non-profit(s) to assist the designated affordable housing administering agent in promoting lottery outreach and readiness
- g. Set aside ground floor commercial space for local arts/cultural entities and/or nonprofit organizations
- h. Engage with car-sharing companies, in consultation with Brooklyn Community Board 15 (CB 15) and local officials, to lease multiple spaces within the garage

- i. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, solar façades, and micro-grid battery storage
- j. Coordinate with the New York City Department of Environmental Protection (DEP), the New York City Department of Parks and Recreation (NYC Parks), and the New York City Department of Transportation (DOT) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan (BPP) in consultation CB 15 and local elected officials
- k. 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

Be it further resolved:

1. That the CPC and/or the City Council call for modification of the MIH section of the New York City Zoning Resolution (ZR) to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or higher rent than what the housing lottery offers) to qualify for MIH affordable housing lotteries
2. That the New York City Department of Housing Preservation and Development (HPD) extend local preference to also include residents of portions of Brooklyn Community Districts 14 and 18 (CDs 14 and 18) residing in the City Council District 45.”

City Planning Commission Public Hearing

On November 17, 2021 (Calendar No. 1), the City Planning Commission scheduled December 1, 2021 for a public hearing on this application (C 200329 ZMK), in conjunction with the related application (N 200328 ZRK). The hearing was duly held on December 1, 2021 (Calendar No. 26). Five speakers testified in favor of the application and 10 in opposition.

Speakers testifying in favor of the application included three members of the project team. The applicant’s representative presented an overview of the application, describing the surrounding

neighborhood and zoning, as well as the goals of the project. He stated that Nostrand Avenue has a width of 100 feet, discussed the presence of existing R7A districts within 300 feet of the project area on Kings Highway and noted the presence of bus lines proximate to the project site. The architect then presented details of the proposed development, noting that the project would include stacked parking in the cellar, commercial space on the ground floor, and community facility on the second floor. The environmental consultant discussed car ownership and commuting patterns in the area, highlighting that, according to the 2019 American Community Survey, there is a 70 percent car ownership rate among residents within two blocks of the project site and that 35 percent of local residents use public transit to commute. He stated that the proposed commercial and community facility uses are local-serving uses unlikely to generate significant vehicular traffic and that the applicant has committed to a managed parking operation.

Two additional speakers testified in favor of the project, stating that the neighborhood is in need of quality, affordable housing, particularly near two medical centers, and that there were already several structures of comparable height near the project area.

Ten speakers testified in opposition to the project at the hearing, including a representative of the Assemblywoman from the 41st District and a representative of the Flatbush Jewish Community Coalition. In addition to the speakers at the public hearing, the Commission received written testimony from several members of the surrounding community. Generally, those opposed to the project stated that the development was out of character with the surrounding neighborhood, would provide an insufficient number of parking spaces, and would introduce excessive traffic congestion. Those in opposition also expressed skepticism of the demand for additional community facility and retail space in this neighborhood. Regarding parking, those in opposition felt that the stacked parking organization proposed by the applicant would not be feasible. Some speakers also expressed concerns regarding potential shadows on nearby properties, including the park, as well as the infringement of privacy, as new residents of the proposed development would be able to see into the rear yards of nearby residents.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application for a zoning map amendment (C 200329 ZMK), in conjunction with the related application for a zoning text amendment (N 200328 ZRK), is appropriate.

The requested actions will facilitate the development of a nine-story mixed-use building containing 55 dwelling units, approximately 14 of which will be designated as permanently affordable under MIH Option 1, as well as approximately 3,800 square feet of commercial floor area, and approximately 3,600 square feet of community facility floor area. The proposed actions will only be the third mapped MIH area within Community District 15 and one of only very few buildings with regulated affordable housing units in the district at a location with good access to transit, services and jobs, to help address the city's affordable housing crisis, as outlined in *Housing New York*.

The proposed zoning districts better reflect the uses and densities of the existing buildings in the project area. Ten lots within the project area will be brought into compliance by the proposed actions while the proposed C2-4 commercial overlay will bring the existing retail and commercial uses into conformance. Compliance and conformance with zoning will allow the existing property owners to more easily seek refinancing and insurance of their properties and ensure greater stability of the building stock and uses.

Nostrand Avenue, a 100-foot-wide street with multiple bus lines and a mix of residential and commercial buildings, is an appropriate corridor for new housing construction at R7A density and height. The corridor and surrounding area include many dense, multi-family buildings, including a seven-story building with nearly 70 apartments directly adjacent to the proposed development site. Just three blocks to the north, Nostrand Avenue is zoned R6 which allows mixed-use buildings at a density of up to 3.00 FAR for residential use and 4.80 FAR with community facility space, up to a height of eight-stories. While the existing zoning allows for medium-density developments, it does not include any incentives or requirements for new affordable housing.

Further to the north, at its junction with Flatbush Avenue, Nostrand Avenue was zoned R7A as part of the Flatbush rezoning in 2009, and as noted earlier some of these existing buildings exceed the allowable density under the R7A zoning. Furthermore, the height allowed by R7A zoning districts is easily accommodated across the project area due to the amount of light and air created by the intersecting street grid patterns at Aimee Triangle at the intersection of Marine Parkway and Nostrand Avenue, and by PFC Norton Park.

The project area is also within a half block of Kings Highway, a 140-foot-wide thoroughfare lined with six- to seven-story apartment buildings, many of which are adjacent to lower-density housing, including one- and two-family homes within the R3-2 zoning district which abuts the proposed project area. Kings Highway was rezoned from R6 to R7A in 2005 and 2006 to reflect the then-existing development pattern and to limit development to wide streets. Many of the existing buildings on Kings Highway, while only six- to seven-stories in height, are built with high lot coverage and have FARs that exceed what is allowed even by the R7A zoning because of the goal of the prior rezonings to restrict development at that time.

The proposed zoning districts respond adequately to the surrounding context. The absence of the C2-4 commercial overlay on Lots 82 and 1001-1048, the southernmost lots in the project area, is appropriate, as commercial overlays along Nostrand Avenue are generally found north of Kings Highway. While the majority of the project area will be rezoned to R7A/C2-4 or R7A, the northernmost lots within the project area will be rezoned to R6B/C2-4 district to provide a reduction in density and height adjacent to PFC Norton Playground while still bringing these lots into conformance with bulk and use regulations.

The Commission notes that the height allowed by the R7A zoning district and height of the proposed building is greater by necessity than that of nearby buildings of similar or higher density due to the zoning regulations' limitation on lot coverage and requirements for setbacks to ensure light and air to building residents as well as residents of adjacent buildings. Further, the Environmental Assessment Statement (EAS) confirmed that the project would not lead to significant adverse impacts from project-related shadows.

Regarding concerns over the effect of the proposed building on availability of free, on-street parking, the Commission notes that the proposed zoning requires off-street parking at a minimum of 50 percent of dwelling units. Furthermore, according to the American Community Survey 2015-2018 data, fewer than 38 percent of residents within the Community District use a car to commute to work and a majority use public transportation or walk. The community facility and commercial uses proposed are unlikely to generate significant additional traffic or congestion and will allow nearby residents to find services in closer proximity to their homes, requiring fewer car trips. Though the site is well-served by public bus routes, including an express bus service directly to Manhattan, the applicant has stated that they would provide more than twice the number of parking spaces required by zoning due to concerns from surrounding neighbors. Though the applicant can provide more parking than zoning requires, this is in conflict with the City's goals of reducing greenhouse gas emissions. The Commission notes that by reducing parking as well as reducing the availability of off-street parking, a project reduces the use private motor vehicles and encourages the use of public transportation, reducing greenhouse gas emissions and helping to address the existential climate crisis.

Regarding the Community Board's concern and public testimony that the proposed zoning will allow a building that is out of character with the surrounding neighborhood, the Commission notes that buildings permitted by the proposed zoning districts are appropriate given the project area's proximity to dense development on Kings Highway as well as the non-complying status of many existing buildings within the project area and nearby on Nostrand Avenue. The Commission further notes that the recent 2020 Census results showed a record population growth for New York City, led by record growth in Brooklyn. The growth in population highlights the need to build more housing through increasing density – and thus the height – of new buildings and that, therefore, any new building will be taller than the buildings which currently exist in the immediately surrounding area.

The proposed zoning text amendment to map an MIH area with Option 1 over the project area is appropriate. Pursuant to MIH Option 1, the proposed development is required to provide 25 percent of the residential floor as permanently affordable housing. This would result in 10,847

square feet of much needed income-restricted floor area, or approximately 14 permanently affordable apartments. The project will bring affordable units to an area of Brooklyn that is more than one mile from the nearest MIH or Voluntary Inclusionary Housing (VIH) mapped area, and will be only the third MIH-mapped area in Brooklyn Community District 15.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on August 16, 2021 with respect to this application (CEQR No. 20DCP148K), 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 Sections 197-c and 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 by changing the Zoning Map, Section No. 23b:

1. changing from an R3-2 District to an R6B District property bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
2. changing from an R3-2 District to an R7A District property bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 300 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
3. establishing within the proposed R6B District a C2-4 District bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
4. establishing within the proposed R7A District a C2-4 District bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 540 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;

in the Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of the CEQR Declaration E-579.

The above resolution (C 200329 ZMK), duly adopted by the City Planning Commission on January 5, 2021 (Calendar No. 9), 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. KNUCKES, Esq., *Vice Chairman*

DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,

RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARÍN,

LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

JOSEPH I. DOUEK, LEAH GOODRIDGE, *Commissioners, ABSTAINING*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 2892 Nostrand Avenue Rezoning	
Applicant: Mikerose Realty, Inc.	Applicant's Primary Contact: Richard Lobel
Application # 200329ZMK	Borough:
CEQR Number: 20DCP148K	Validated Community Districts: K15

Docket Description:

IN THE MATTER OF an application submitted by Mikerose Realty, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b:

1. changing from an R3-2 District to an R6B District property bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
 2. changing from an R3-2 District to an R7A District property bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 300 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
 3. establishing within the proposed R6B District a C2-4 District bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue; and
 4. establishing within the proposed R7A District a C2-4 District bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 540 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
- Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of CEQR Declaration E-579.

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

RECOMMENDATION: Unfavorable			
# In Favor: 17	# Against: 19	# Abstaining: 0	Total members appointed to the board: 36
Date of Vote: 10/26/2021 12:00 AM		Vote Location: Webex	

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

Date of Public Hearing: 10/26/2021 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:	Webex

CONSIDERATION: Board Members felt it was out of character.

Recommendation submitted by	BK CB15	Date: 10/27/2021 11:14 AM
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BOROUGH PRESIDENT RECOMMENDATION

Project Name: 2892 Nostrand Avenue Rezoning	
Applicant: Mikerose Realty, Inc.	Applicant's Administrator: Richard Lobel
Application # 200329ZMK	Borough: Brooklyn
CEQR Number: 20DCP148K	Validated Community Districts: K15

Docket Description:

IN THE MATTER OF an application submitted by Mikerose Realty, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b:

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 2. changing from an R3-2 District to an R7A District property bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 300 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
 3. establishing within the proposed R6B District a C2-4 District bounded by a line 800 feet northerly of Avenue P, Nostrand Avenue, a line 700 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue; and
 4. establishing within the proposed R7A District a C2-4 District bounded by a line 700 feet northerly of Avenue P, Nostrand Avenue, a line 540 feet northerly of Avenue P, and a line 110 feet westerly of Nostrand Avenue;
- Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of CEQR Declaration E-579.

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

RECOMMENDATION: Conditional Favorable

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

CONSIDERATION: Conditional favorable

Recommendation submitted by	BK BP	Date: 12/17/2021 5:26 PM
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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

2892 NOSTRAND AVENUE REZONING – 200329 ZMK, 200328 ZRK

Applications submitted by Mikerose Realty, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the following land use actions: a zoning map amendment to change 2872 through 2922 Nostrand Avenue in Brooklyn Community District 15 (CD 15) from R3-2 to R7A/C2-4, R6B/C2-4, and R7A districts, and a zoning text amendment to establish the project site as a Mandatory Inclusionary Housing (MIH) area, mapped with Options 1 and 2. The requested actions are intended to facilitate a nine-story, mixed commercial, community facility, and residential building with 55 dwelling units, of which approximately 14 would be permanently affordable. The proposed development would contain 24 vehicular and 22 bicycle parking spaces.

BROOKLYN COMMUNITY DISTRICT NO. 15

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Ethi L. Adams

November 26, 2021

BROOKLYN BOROUGH PRESIDENT

DATE

RECOMMENDATION FOR: 2892 NOSTRAND AVENUE REZONING – 200329 ZMK, 200328 ZRK

Mikerose Realty, Inc. submitted applications, pursuant to Sections 197-c and 201 of the New York City Charter, for the following land use actions: a zoning map amendment to change 2872 through 2922 Nostrand Avenue in Brooklyn Community District 15 (CD 15) from R3-2 to R7A/C2-4, R6B/C2-4, and R7A districts, and a zoning text amendment to establish the project site as a Mandatory Inclusionary Housing (MIH) area, mapped with Options 1 and 2. The requested actions are intended to facilitate a nine-story, mixed commercial, community facility, and residential building with 55 dwelling units, of which approximately 14 would be permanently affordable. The proposed development would contain 24 vehicular and 22 bicycle parking spaces.

On November 1, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were 18 speakers on the item, including local residents and employees of nearby schools and hospitals. The 16 who testified in opposition cited concerns about appropriate density on the block, light and air for abutting homes, as well as challenging parking and traffic conditions. The two who testified in support noted the need for affordable housing in the area.

In response to Borough President Adams' inquiry regarding Brooklyn Community Board 15 (CB 15)'s narrow rejection of the application with a split vote, and what might have led to such outcome, the applicant's representative noted that the application received support from the board's land use committee, and that a significant number of attendees spoke in favor of the proposed bulk at the full board meeting.

In response to Borough President Adams' inquiry regarding the increase in the proposed accessory parking from 24 to 56 spaces, which would require an attended operation, and what guarantees that stacked parking would be provided as promised, the representative expressed that the applicant, who has owned and managed a business on the property for 35 years, would be willing to memorialize the expanded parking in writing.

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's representative noted that the current design is based on MIH Option 1. At an average 60 percent AMI, qualifying incomes would range from \$50,160 for a single-person household to \$77,340 for a five-person household. The representative expressed that the 14 affordable apartments would be divided into nine one-bedroom units and five two-bedroom units, which would rent for \$1,204 and \$1,437, respectively, at 60 percent AMI. Finally, the representative noted that the higher-end AMI tier has not been determined.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing non-profits would be used in the tenant selection process to ensure the highest level of participation from CD 15 residents, and whether the applicant's marketing strategy would include a financial literacy campaign to qualify area residents for the lottery, the representative mentioned preliminary discussions with some groups, and stated intent to consult the local council member.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, solar roof or façade panels, New York City Department of Environmental (DEP) rain gardens, and/or wind turbines, the representative expressed intent to provide some combination of a solar and green roof above the ninth story. The building would also have high-efficiency heating and cooling equipment, per the New York City Energy Conservation Code (NYCECC). The representative expressed willingness to consider DEP rain gardens.

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 representative stated intent to apply for a tax incentive program that requires 25 percent MWBE participation. The applicant intends to meet and exceed that minimum standard.

Subsequently, Borough President Adams received written testimony in opposition from Yeshiva Derech HaTorah and five local residents elaborating concerns expressed at the hearing.

Consideration

CB 15 voted to disapprove this application on October 26, 2021.

The proposed rezoning would affect a mid-block section of 500 feet extending 300 feet from Avenue P on the west side of Nostrand Avenue between Kings Highway and Avenue P, located in an R3-2 district, which permits a maximum residential floor area ratio (FAR) of 0.6 for residential use, and 1.0 for community facilities. Building height is capped at 35 feet, and one parking space is required for each dwelling unit.

The represented development site is an approximately 11,000 sq. ft. tax lot with 100 feet of frontage along Nostrand Avenue. It contains a one-story, 5,016 sq. ft. commercial building, occupied by a plumbing supply business. Other properties in the rezoning area are improved as follows: 2872, 2874, and 2876 Nostrand Avenue are two-story buildings, containing non-conforming commercial uses mixed with two residential dwelling units in each attached building; 2880 Nostrand Avenue is a similar two-story building with a non-conforming liquor store and apartment owned by the applicant; 2882 and 2884 Nostrand Avenue are two-story buildings containing community facility uses, a Jewish social service organization, and a special education school, respectively, while 2886 Nostrand Avenue is a two-story building housing a non-conforming upholstery shop. These properties are identical 2,100 sq. ft. tax lots with an average floor area ratio (FAR) of 1.6, more than three times what is permitted for residential buildings by the current R3-2 zoning district.

The project area also includes a 370 sq. ft. vacant interior lot without an address; 2910 Nostrand Avenue, an 8,800 sq. ft. lot with a four-story, 15-unit building constructed in 2010 pursuant to a New York City Board of Standards and Appeals (BSA) variance, and 2922 Nostrand Avenue, a 17,600 sq. ft. lot improved with a six-story, 2.84 FAR, non-complying building containing 69 apartments, built in 1960 prior to the establishment of the 1961 comprehensive rezoning that established the current R3-2 zoning district.

The represented development would be a nine-story residential, commercial, and community facility building with approximately 43,387 sq. ft. (3.93 FAR) of residential use, 3,770 sq. ft. (0.34 FAR) of ground-floor retail, and 3,584 sq. ft. of community facility uses on the second floor. 2892 Nostrand Avenue would rise to 93 feet with a base height of 73 feet and a 10-foot setback at the seventh floor. To serve the 55 anticipated apartments, the building would provide a 4,076 sq. ft. open yard at the rear, as well as vehicular and bicycle parking. Recognizing the high parking demand in the area, in response to the CB 15 Land Use Committee, the applicant has represented intent to provide an attended 56-car garage that would comply with the CB 15's stated policy that new developments should provide parking for one vehicle per unit.

The applicant is seeking to map R6B/C2-4, R7A, and R7A/C2-4 districts. The surrounding area contains a mix of low-density residential, commercial, and community facility uses. The predominant housing type is one- and two-family attached, semi-detached, and detached homes, including behind the represented development site. Also common are residences with ground-floor retail stores, medical offices, or educational facilities. Multi-family buildings ranging from four to nine stories are found along Kings Highway and Nostrand Avenue, which also serve as the major commercial

corridors in the neighborhood, with Kings Highway providing such function west of Ocean Avenue. The surrounding blocks contain several houses of worship, parochial, and public schools, most notably James Madison High School. There are two major medical facilities, Mount Sinai Brooklyn and New York Community Hospital, also along Kings Highway. Open space resources include the PFC Norton Playground, immediately north of the project area, and Marine Park, located approximately half a mile southeast.

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 15 and across New York City, there is a pressing need for affordable and stable housing among elderly adults, 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 establish a minimum 25 percent of the residential floor area as permanently affordable. According to the applicant, 14 of the 55 units at 2892 Nostrand Avenue would be pursuant to MIH. Additionally, 10 percent of the total units (40 percent of the MIH affordable units) would be geared toward households earning up to 40 percent AMI. 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 AMIs. Borough President Adams supports developments that allow low-, moderate-, and middle-income residents to qualify for the City's affordable housing lotteries. Units developed pursuant to MIH at 2892 Nostrand Avenue would target multiple income tiers and remain permanently affordable.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. The development site is accessible via accessible by several buses, including the B44 and B44 Select Bus Service (SBS), which make stops along Nostrand Avenue, as well as the B7 and B82, which travel along Kings Highway. The Central Park West/Sixth Avenue Express B and Second Avenue/Broadway Express Q trains are available at Kings Highway station, located about 15 blocks southwest of the site.

Borough President Adams generally supports the stated objectives of the proposed rezoning, which include affordable housing, adequate parking, and zoning compliance and conformance. However, he is concerned that such benefits do not justify a dramatic increase in density that would yield unprecedented height in proximity to one- and two-family homes. He believes that height should not exceed five stories to merit consideration of a less drastic upzoning to an R6A district. Therefore, he seeks assurances that the applicant would cap 2892 Nostrand Avenue at such height, provide

one parking space per unit and accommodate car-share vehicles in the garage. In the absence of such commitments, the mapped zoning district should be one that caps the height at five stories. In addition, he seeks provision of affordable residential floor area pursuant to MIH Option 1, a more family-oriented bedroom mix, maximum community participation to secure the affordable housing, dedicated commercial space for local arts/cultural groups, incorporation of resilient and sustainable features including rain gardens, and a high level of local and MWBE hiring. Finally, he calls on the Administration to take steps to qualify rent-burdened households for affordable housing lotteries.

Appropriate Zoning, Density, and Parking Provision

The applicant seeks to introduce zoning that permits nine stories to an area that is zoned for 2.5 stories. Nearby along Kings Highway, the zoning was modified to allow slightly less height and density as part of both the Midwood (CD 14) and Sheepshead Bay-Plumb Beach (CD 15) rezonings. Since these changes were implemented, few new buildings have been constructed along Kings Highway, though not necessarily to the maximum height. The Kings Highway segment of the Sheepshead Bay rezoning modified an existing R6 district that allowed a maximum residential floor area of 3.0 FAR and a height of seven stories to achieve that floor area, though for less permitted floor area, taller/slender buildings were permissible. However, no buildings have been built under that premise. The resulting R7A zoning removed the possibility of constructing taller/slender buildings, while increasing building height potential by one-story and density by 33 percent.

Like Kings Highway, Nostrand Avenue also meets the definition of a wide street. However, development along Kings Highway has less direct effect on the mid-block, as it typically occurs on the edge, where it shares a side yard with the first mid-block fronting property on a street. Development on the west side of Nostrand Avenue, along the long direction of the block would share a rear yard boundary with multiple homes limited to 2.5 stories according to the existing zoning. Furthermore, the 2892 Nostrand Avenue site is flanked by low-rise development between the site and Kings Highway, so it cannot be viewed as a continuation of the allowable zoning rationale for Kings Highway. Therefore, the introduction of R7A MIH density and height requires significant consideration.

It should be noted that south of the site toward Avenue P, there is a legal non-complying building that predates the 1961 Zoning Resolution, which established the current extremely low-bulk zoning, as well as a building that exceeds the bulk according to a variance. Given the buildings developed to the south as well as the width of Nostrand Avenue, it is reasonable to support rezoning the mid-block. The question is to what extent this should be permitted.

Borough President Adams has heard strong concerns from the community about the potential adverse impacts of the proposed project and its implications for future development in the area. While he appreciates the applicant's efforts to provide the required permanent affordable housing floor area and adhere to CB 15's general policy regarding provision of accessory off-street parking, he does not believe that the extent of such benefit justifies the requested R7A MIH zoning. Moreover, he does not concur that location on a wide street and proximity to Kings Highway make nine-story bulk more appropriate, as the mid-block site is not adjacent to the existing R7A district.

Borough President Adams believes that the proposed R6B and the C2-4 commercial overlay are both appropriate, as such zoning would legalize non-conforming commercial uses and provide an opportunity to retain a modest amount of commercial development on the development site, currently improved with a non-residential building. Furthermore, it would bring several extant buildings into bulk compliance while nominally allowing for perhaps a one-story addition to the existing structures.

While the R7A would bring both existing apartment buildings into bulk compliance, the same result could be achieved through changing the existing R3-2 zoning to R6A. Borough President Adams understands that some increase in density is necessary to facilitate affordable housing pursuant to MIH. He believes

that an R6A district, which permits an FAR of 3.6 for residential use, meet this objective. However, such a district permits a maximum height of 85 feet, which he does not believe is justified given the extent of public purpose achieved. Borough President Adams believes that it is possible to facilitate growth in this area, including construction of affordable housing, while respecting very-low density mid-block homes lining East 29th Street. It is therefore appropriate and important to limit the height of 2892 Nostrand Avenue to five stories.

Even with the aforementioned reduction in density, Borough President Adams seeks to secure the expanded parking represented to the CB 15 land use committee, which led to its approval of the requested zoning. In this case, he concurs with the committee that the applicant should strive to retain a parking ratio of one space per unit, facilitated through the provision of stackers operated by parking attendants. Based on the requested C2-4 commercial overlay district, such parking could be made available to building residents, as well as rented to area residents, and employees and visitors of local hospitals and schools.

Borough President Adams understands that not all households can afford to own a car, and still others choose not to, though there can be times where access to a car can be beneficial. A rental car can provide mobility in certain cases, though it is not as flexible as car ownership and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. However, there are times when affordable access to automobiles can provide a quality-of-life enhancement, even for wealthier households. Furthermore, research suggests that car-share access achieves environmental benefits by reducing automobile use among car owners. Based on such consideration, he advocates alternatives to car ownership such as bicycle and car share services.

Borough President Adams believes that facilitating car-share at this location would benefit building occupants as well as employees of nearby hospitals and schools. According to New York City Zoning Resolution (ZR) Section 36-46(a)(1), a car-sharing entity is permitted to occupy up to five parking spaces, though no more than 20 percent of all spaces in group parking facilities. Borough President Adams believes that a limited number of the resulting number of parking spaces at 2892 Nostrand Avenue should be set aside for car-share vehicles through dialogue with car-sharing companies. Per ZR Section 36-523, the developer would have to provide visible signage, and state the total number of spaces, as well as the maximum number of car-sharing vehicles.

Borough President Adams believes that the recommended five-story height, one to one parking ratio, and car-share space set-aside must be guaranteed by the applicant before the City Council considers modifying replacement of the proposed R7A with R6A zoning. Such a binding mechanism could be achieved through a deed restriction, a contract with a local partner, or a new building application filed with the New York City Department of Buildings (DOB). Without such commitments, the only means to ensure that development would not exceed five stories would be to extend the proposed R6B district for the entire 500 feet of the proposed rezoning area.

Therefore, prior to considering the application, in lieu of the requested R7A, Borough President Adams' recommendation is that it be modified to R6A, the City Council should obtain written commitments from Mikerose Realty, Inc. clarifying how it would memorialize a maximum height of five stories, provide not less than one parking space for every residential unit, and engage car-sharing companies, in consultation with CB 15 and local officials, to lease multiple spaces within the 2892 Nostrand Avenue garage. In the absence of such binding commitments, the City Council should rezone the entire project area to R6B while also approving the requested C2-4 segment of the requested rezoning.

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. Though the 2892 Nostrand Avenue bedroom mix has not been disclosed, it has been represented that the building

would mostly contain one-bedroom units. Such distribution is inconsistent with Borough President Adams' policy to maximize affordable units for low- to middle-income families.

Borough President Adams believes that right-sizing the bedroom distribution within the affordable housing floor area is more important than maximizing the number of units. As 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.

Therefore, prior to considering the application, the City Council should obtain written commitments from Mikerose Realty, Inc. that 2892 Nostrand Avenue would contain at least 50 percent two- or three-bedrooms, and at least 75 percent one-, two-, or three-bedrooms, but for studios targeted to households at 40 percent AMI.

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 the New York City Department of Housing Preservation and Development (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. CD 15 is served by several neighborhood organizations that provide services to residents seeking affordable rental accommodations. These include the Greater Sheepshead Bay Development Corporation and the Midwood Development Corporation. Borough President Adams believes that special efforts should be made to engage faith-based organizations and representatives of the Nostrand and Sheepshead Bay Houses to act in consultation with the designated administering agent in CD 15. For 2892 Nostrand Avenue, appropriate organizations should be selected in consultation with CB 15 and local elected officials.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from Mikerose Realty, Inc. to utilize one or more affordable housing non-profits in tandem with the designated administering agent for 2892 Nostrand Avenue that would also play a role in promoting lottery readiness.

Ensuring An MIH Option that Provides for Low-Income Households

Borough President Adams is concerned about rising real estate values in mixed-income Brooklyn neighborhoods where low-, moderate-, and middle-income residents face the potential of displacement. 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 NYU Furman Center's Core Data project, 897 regulated units in CD 15 are set to expire between 2025 and 2036. Without further action, some tenants may lose subsidies that made such housing affordable while others might be subject to eviction by lawful demolition.

Within CD 15, 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), 49 percent of these households are rent-burdened, though this figure has fallen since 2019, when it was 56 percent. In the last two years, the number of units affordable at 80 percent AMI has risen from 69 to 82 percent. The median household income in CD 15 currently exceeds the citywide figure, and the district's poverty rate is lower than the citywide rate of 16 percent.

However, seniors constitute a large proportion of the district's population, and are more likely to be rent-burdened and/or in need of affordable housing. Moreover, While CD 15 remains a mixed-income community, the 251 residential units constructed in the district last year was more than double the number certified in 2019. As more new buildings enter the market in CD 15, it is vital to preserve and grow the supply of units affordable to low- and moderate-income households.

Data show that more than 80 percent of New York City households earning 50 percent AMI or less are rent-burdened. 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. As the City's housing crisis deepens, the burden falls most heavily on low-income New Yorkers, including families and seniors. The current New York area AMI for a family of three is \$107,400. To qualify for affordable housing at 40 percent AMI (40 percent of MIH Option 1 affordable housing floor area), this household would have to earn \$42,960; at 60 percent AMI (MIH Option 1), their qualifying income would be \$64,440, and at 80 percent AMI (MIH) Option 2, the family's income would be capped at \$85,920.

As applications such as this proposal move through the ULURP process, it is important to ensure that the required affordable housing meets community needs. The New York City Zoning Resolution (ZR) specifies four options for new construction subject to MIH regulations. As stated at Borough President Adams' hearing, 2892 Nostrand Avenue would incorporate MIH Option 1, which reserves 25 percent of the floor area for households earning an average of 60 percent AMI, with 10 percent of the unit total (40 percent of the affordable apartments) reserved for households at 40 percent AMI. Borough President Adams seeks assurance that 2892 Nostrand Avenue would generate permanently affordable housing, pursuant to MIH Option 1.

Lower-income households are more likely to need affordable housing as they tend to be disproportionately rent-burdened. Targeting apartments to low-income households allows seniors, especially those living alone, to qualify for affordable housing lotteries. As community preference provides an opportunity to award 50 percent of the units to CD 15 residents, Borough President Adams seeks to ensure affordable housing opportunities for low-income residents, which 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 Mikerose Realty, Inc. to provide permanently affordable housing according to MIH Option 1.

Setting Aside Non-Residential Space for Local Arts/Cultural and Non-Profit Organizations

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.

According to the application, 2892 Nostrand Avenue would contain 7,354 sq. ft. of non-residential floor area, with 3,770 sq. ft. of ground-floor retail and 3,584 sq. ft. of community facility uses on the second floor. Borough President Adams believes that a portion of such space could also accommodate arts/cultural uses, or community organizations, at below-market rents.

Borough President Adams believes that the inclusion of cultural entities and non-profit organizations at 2892 Nostrand Avenue would be beneficial to the community, given CD 15's considerable residential density as well as its high proportion of children and families.

Therefore, prior to considering this application, the City Council should obtain written commitments from Mikerose Realty, Inc. to set aside a portion of the commercial ground floor for arts/cultural organizations and/or local non-profits at below-market lease terms, as warranted. Furthermore, Mikerose Realty, Inc. should actively solicit such entities, based on reasonable lease terms, in consultation with CB 15 and local elected officials.

Advancing Sustainable Energy and Resilient Stormwater Management

It is Borough President Adams' policy to advocate for 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.

In Borough President Adams' letter to President Joseph R. Biden Jr., dated January 21, 2021, he outlined policies to rebuild America as a more equitable and just society, including initiatives consistent with the Green New Deal. Specifically, Borough President Adams advocated investments in renewable energy and battery storage to move beyond reliance on natural gas and dirty "peaker plants" disproportionately sited in communities of color. He believes that grid-connected rooftop batteries should be a standard

consideration for commercial buildings. Between existing flat roofs upgrades and new developments, there should be sufficient demand to manufacture such units locally and create industrial jobs.

Borough President Adams believes it is appropriate for Mikerose Realty, Inc. 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) regarding government grants and programs that might offset costs associated with enhancing building resiliency and sustainability. For example, the City's Green Roof Tax Abatement (GRTA) offers a rebate of \$5.23 per sq. ft. of green roof provided. 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 Coney Island Wastewater Treatment Plant.

The required Builders Pavement Plan (BPP) for the proposed development provides an opportunity to install DEP rain gardens along its frontage on Nostrand 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. Rain gardens would require a maintenance commitment and attention from the landlord, such as cleaning out debris that can clog the inlet/outlet and prevent water collection, watering during dry and hot periods, and weeding to ensure proper water absorption. It is also necessary to conduct regular inspections to prevent soil erosion.

Borough President Adams believes that Mikerose Realty, Inc. should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) about integrating rain gardens with street trees as part of the BPP. Any implementation should involve advance consultation with CB 15 and local elected officials.

Therefore, prior to considering the application, the City Council should obtain written commitments from Mikerose Realty, Inc. clarifying how it would integrate resiliency and sustainability features at 2892 Nostrand 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 Mikerose Realty, Inc. 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.

Accommodating Rent-Burdened Households in Lieu of Strict Area Median Income Standards

Data shows that more than 80 percent of New York City households earning 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest income residents, those making 30 percent of AMI or less, currently \$23,310 for a family of three. Among this population, well over 50 percent pay more than half of their income toward rent. More than one-fifth of New York City households — more than two million people — earn less than \$25,000 a year and almost one-third earn less than \$35,000. As the City's housing crisis grows worse, the burden falls most heavily on these low-income households, exacerbating racial disparities. According to the Citizens Housing Planning Council (CHPC), one in four households of color are severely rent-burdened, which is 11 percent more than Caucasian households.

A strict rent-to-income requirement of no more than 30 percent of income for annual rent payments disqualifies many income-challenged households from the affordable housing lotteries. These rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same or greater rent for the affordable housing unit. In this way, the requirement to pay no more than 30 percent of household income is hurting people who are already living in substandard housing and are spending more than 30 percent of their income on rent.

As first noted in his East New York Community Plan ULURP recommendation, Borough President Adams believes that it is time to break the mold in which families already paying too much rent for substandard housing are excluded from affordable housing lotteries. Borough President Adams seeks to qualify rent-burdened households for selection through the housing lottery process, which would ensure that they receive the maximum opportunity to secure affordable housing units and expand the number of households eligible for government-regulated affordable housing lotteries.

Amending the ZR for the purpose of adjusting AMI qualifications to include households that would maintain or reduce their rent burden would be one way to address this disparity. For MIH housing lottery offerings, the New York City Department of City Planning (DCP) needs to modify the ZR to allow for exceptions to the 30 percent of income threshold so that households that are rent-burdened, though paying equal or greater rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, and quality accommodations. Borough President Adams believes that the CPC and/or the City Council should echo his call to modify the ZR section concerning MIH areas with a requirement that rent-burdened households be permitted to qualify for affordable housing lotteries.

Extend Community Preference to Residents of Community Districts 14 and 18 in the 45th Council District

City local preference policy is at times unfair to residents who live just beyond the border of a community district. The 2892 Nostrand Avenue site is located at the intersection of CD 15 and Brooklyn Community District 18 (CD 18). The proposed development would be just south of the border with Brooklyn Community District 14 (CD 14). Residents of CD 18 who live on the east side of Nostrand Avenue, and CD 14 residents across Kings Highway, also need quality affordable housing, and the new development would not only be apparent, but consequential for both communities.

As such, Borough President Adams believes that HPD should extend local preference to portions of CD 14 and CD 18 within the 45th Council District. This is particularly important as residential neighborhoods in both districts include small buildings that are not subject to rent protection laws. Borough President Adams believes that if constructed in accordance with his recommendations, 2892 Nostrand Avenue could serve

as a relocation resource for those at risk for displacement. Therefore, prior to the vote by the City Council, HPD should provide a written commitment attesting that in addition to CD 15, local preference would be given to CD 14 and CD 18 residents in the 45th Council District.

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 (CPC) and City Council approve this application with the following conditions:

1. That in lieu of the proposed R7A, and R7A/C2-4 districts, the City Council and/or CPC map an R6A/C2-4 district over this section of the proposed rezoning provided that prior to considering the application, the City Council obtain written commitments from the applicant, Mikerose Realty, Inc., clarifying how it would:
 - a. Memorialize a maximum height of five stories
 - b. Provide not less than one parking space for every residential unit
 - c. Engage car-sharing companies, in consultation with Brooklyn Community Board 15 (CB 15) and local officials, to lease multiple spaces within the garage

Otherwise, the entire proposed rezoning should be limited to R6B including the proposed limits of the C2-4 district

2. That prior to considering the application, the City Council obtain written commitments from the applicant, Mikerose Realty, Inc., clarifying how it would:
 - d. Provide permanently affordable housing according to Mandatory Inclusionary Housing (MIH) Option 1
 - e. 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
 - f. Utilize one or more local non-profit(s) to assist the designated affordable housing administering agent in promoting lottery outreach and readiness
 - g. Set aside ground floor commercial space for local arts/cultural entities and/or non-profit organizations
 - h. Engage with car-sharing companies, in consultation with Brooklyn Community Board 15 (CB 15) and local officials, to lease multiple spaces within the garage
 - i. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, solar façades, and micro-grid battery storage
 - j. Coordinate with the New York City Department of Environmental Protection (DEP), the New York City Department of Parks and Recreation (NYC Parks), and the New York City Department of Transportation (DOT) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan (BPP) in consultation CB 15 and local elected officials

- k. 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

Be it further resolved:

1. That the CPC and/or the City Council call for modification of the MIH section of the New York City Zoning Resolution (ZR) to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or higher rent than what the housing lottery offers) to qualify for MIH affordable housing lotteries
2. That the New York City Department of Housing Preservation and Development (HPD) extend local preference to also include residents of portions of Brooklyn Community Districts 14 and 18 (CDs 14 and 18) residing in the City Council District 45.