



IN THE MATTER OF an application submitted by 895 Bedford Avenue Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 17a:

1. changing from an M1-2 District to an R7A District property bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue and Bedford Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue, and Bedford Avenue;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 24, 2018, and subject to the conditions of CEQR Declaration E-491.

This application for a zoning map amendment was filed by 895 Bedford Avenue Realty, LLC (the applicant) on January 18, 2018. The applicant is proposing to change an M1-2 zoning district on a portion of one block to an R7A/C2-4 district at 895 Bedford Avenue. This application, in conjunction with the related action (N 180230 ZRK), would facilitate the development of a new residential/commercial mixed-use building in the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn.

RELATED ACTION

In addition to the zoning map amendment (C 180229 ZMK), which is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 180230 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant is proposing to rezone a portion of one block (Block 1750, Lots 44, 46, 47, 49, and parts of 1, 24, and 48) in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3. The area to be rezoned comprises an 80-foot-deep by 200-foot-wide area (16,000 square feet) on the southern portion of the block, along Willoughby Avenue between Bedford Avenue and Spencer Street.

The project area is currently zoned M1-2, and the applicant proposes a zoning change to R7A/C2-4. The properties to be rezoned include a four-story commercial building (Lot 48), two legally non-conforming two-story residential buildings containing two dwelling units each (Lots 46 and 47), and a six-story commercial and community facility building (Lot 44). The rezoning area also includes a two-foot by 80-foot sliver of Lot 24; this lot currently houses a six-story commercial/residential building.

The development site consists of Lots 1 and 49 that would be combined into a single zoning lot. A majority of the development site is within the rezoning area; approximately 360 square feet of Lot 1 fall outside of the area. The development site is currently developed with a one-story, 1,260 square-foot, automotive service station and a paved accessory parking area with five spaces. The site is accessible from curb cuts on both Bedford and Willoughby avenues. The development site contains a total built floor area ratio (FAR) of 0.15.

The project area is located on a block (Block 1750) developed with a variety of land uses. The northeast portion of the block contains a six-story commercial/residential building constructed as a warehouse and subsequently converted into artist lofts/offices. On the Bedford Avenue frontage, there is a two-story commercial building, a mixed-use building and several residential buildings, as well as an auto repair shop, a kitchen/bath showroom, a laundromat, a parking facility, and a house of worship. Across Willoughby Avenue to the south is a six-story residential building constructed in 2007.

The surrounding area is characterized by a wide variety of land uses, including residential, commercial, institutional, and industrial. The prevailing land uses include conforming and non-conforming residential uses alongside light manufacturing/industrial uses and warehouses. There are also a growing number of community facility uses in the area. Bedford and Nostrand avenues are the principal north-south thoroughfares, while Myrtle and DeKalb avenues are the principal east-west thoroughfares. A majority of the commercial uses in the area are located along these corridors. These properties range from single-story retail/commercial buildings to ground floor retail/commercial uses in mixed-use buildings that are typically three to four stories tall. Side streets are predominantly residential in character, with some small light manufacturing/warehouse buildings, typically one or two stories tall.

The surrounding area is well served by public transit, with the New York City Transit G subway train stopping four blocks to the northeast at the Myrtle-Willoughby station and three blocks to the south at the Bedford-Nostrand station. The area is also well-served by bus lines, with the B44 line running on Bedford and Nostrand avenues between Williamsburg and Sheepshead Bay, and the B38 line running along Lafayette and DeKalb avenues between Ridgewood, Queens and Downtown Brooklyn.

The surrounding area has been subject to several prior land use action approvals. The Bedford-Stuyvesant North Rezoning (C 120294 ZMK), initiated by the Department of City Planning (DCP), was approved by the City Council on October 11, 2012. This project rezoned an approximately 140-block area to map contextual zoning districts, create a new enhanced commercial district, and establish a new zoning district (C4-4L), with the goals of preserving existing character in the residential core of the neighborhood; directing new residential and mixed-use growth to commercial/transit corridors; promoting vibrant, active, pedestrian-friendly streets with regulations to reinforce commercial character; and incentivizing affordable housing creation on major corridors. The areas directly across Willoughby and Bedford avenues were mapped with R6B and R7A zoning districts.

Most recently, on November 30, 2017, the City Council approved the 723-733 Myrtle Avenue Rezoning (C 170025 ZMK) on property northeast of the project area at Myrtle Avenue between Nostrand Avenue and Walworth Street. This rezoned portions of M1-1 and M1-2 districts to R6B and R7D districts with C2-4 overlays, with an associated zoning text amendment (N 170026 ZRK) establishing an MIH area.

The proposed rezoning would facilitate a development that would replace the existing structure with a seven-story, 38,427-square-foot (4.59 FAR) mixed-use residential and commercial building, including 33,901 square feet of residential floor area comprising approximately 36 dwelling units, and 4,526 square feet of local retail space on the ground floor. Eleven of the 36 dwelling units would be affordable under the MIH program. No accessory parking would be required or provided.

To facilitate the proposed development, the applicant proposes a zoning map amendment to change the M1-2 zoning district currently mapped over the rezoning area to an R7A/C2-4 zoning

district. M1-2 districts permit light manufacturing and commercial uses, and limited community facility uses, but do not allow residential uses. The maximum FAR for permitted manufacturing and commercial uses within M1-2 districts is 2.0 and the maximum FAR for community facility uses is 4.8. The proposed R7A district would permit residential and community facility uses. Under the MIH program, the maximum FAR would be 4.6 for developments that provide permanently affordable housing pursuant to program requirements. The maximum building height would be 80 feet (up to 95 feet with affordable housing and a qualifying ground floor, where the level of the finished floor of the second story is 13 feet or more above the adjoining sidewalk and inclusionary housing requirements or certain ground floor enhancements are provided). The C2-4 commercial overlay would permit local retail uses, and permit a maximum commercial FAR of 2.0.

R6B and R7A districts are mapped across Willoughby Avenue. The R6B and R7A zoning districts are contextual residential districts, allowing up to 2.0 (2.2 with MIH) and 4.0 (4.6 with MIH) FAR of residential development, respectively. A C2-4 commercial overlay runs along Bedford Avenue south of Willoughby Avenue, and allows for up to 2.0 FAR of commercial use. Also within proximity to the project area are M1-1, M1-5, and M1-2/R6A (MX) districts.

In addition to the proposed zoning map amendment, the applicant also requests a zoning text amendment to designate the rezoning area as an MIH area mapped with Options 1 and 2. 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 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the AMI. No more than three income bands can be used to average out to 80 percent, and no income band can exceed 130 percent of the AMI. The applicant is proposing to use Option 2.

The applicant intends to pursue Option 2, and to provide 11 units of permanently affordable housing.

ENVIRONMENTAL REVIEW

This application (C 180229 ZMK), in conjunction with the application for the related action (N 180230 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 agency is the City Planning Commission. The designated CEQR number is 18DCP040K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 20, 2018. The Negative Declaration included (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-491). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 180229 ZMK) was certified as complete by DCP on August 20, 2018 and was duly referred to Brooklyn Community Board 3 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 180230 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 3 held a public hearing on this application (C 180229 ZMK) on October 1, 2018, and on that date, by a vote of 19 in favor, 12 opposed, and two abstentions, adopted a resolution to approve the project.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 180229 ZMK) on October 11, 2018, and on November 2, 2018 issued a recommendation to approve the application with the following conditions:

- “1. That prior to considering the application, the City Council obtain commitments in writing from the developer, 895 Bedford Avenue Realty, LLC, that clarify how it would:

- a. Memorialize a bedroom mix having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one or more bedroom affordable housing units
 - b. Utilize a combination of locally-based affordable housing development non-profits to serve as the administering agent, and having one or more such entities play a role in promoting affordable housing lottery readiness
 - c. Commit to Connecting Residents on Safer Streets (CROSS) Brooklyn coordination with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) to implement curb extensions as part of a Builders Pavement Plan and/or as treated roadbed sidewalk extensions, with a developer commitment to enter into a standard DOT maintenance agreement for the intersection of Bedford and Willoughby avenues with the understanding that DOT implementation would not proceed prior to consultation with Brooklyn Community Board 3 (CB 3) and local elected officials
2. Explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, DEP rain gardens, passive house design, and/or solar panels
 3. Retain Brooklyn-based contractors and subcontractors, especially those who are 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) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as to coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That 895 Bedford Avenue, LLC commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits."

City Planning Commission Public Hearing

On October 31, 2018 (Calendar No. 3), the CPC scheduled November 14, 2018 for a public hearing on this application (C 180229 ZMK), in conjunction with the related application (N 180230 ZRK). The hearing was duly held on November 14 (Calendar No. 32). Three speakers testified in favor of the application.

The applicant's representative, speaking in favor of the application, described the proposed development, stating that the development site is currently underutilized, and that much of the immediately surrounding land use is residential, thus making the site an appropriate location for residential development. The representative also said that the requested rezoning would be an

extension of the R7A zoning district across the street, and that the proposed development would fit in with the fabric of the surrounding neighborhood. The applicant's representative also stated that the applicant was committed to local hiring.

Other representatives from the applicant team, including an affordability consultant and architect, also appeared on its behalf. The affordability consultant described the proposed affordability levels of the MIH units, which would include four units affordable to households with incomes at 60 percent of the AMI, three units affordable to households at 80 percent of the AMI, and four units affordable to households at 100 percent of the AMI. He also noted that of these affordable units, six are proposed to be one-bedroom units, and five are proposed to be two-bedroom units.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 180229 ZMK), in conjunction with the related application for a zoning text amendment (N 180230 ZRK), is appropriate.

The requested actions would facilitate the development of a new mixed-use building with ground floor retail and approximately 36 dwelling units on a site currently developed with a gas station and paved parking area. The development would help address the need for more housing in Brooklyn and in the City overall, in a transit-accessible location, consistent with City objectives for promoting housing production and affordability. The zoning text amendment would designate an MIH area coterminous with the rezoning area, requiring permanent affordability for a portion of units on the site. The proposed project would create approximately 11 units of permanently affordable housing.

The Commission believes that the proposed zoning change is consistent with the zoning and built context of the surrounding area, in which a recent rezoning has also occurred at 723-733 Myrtle Avenue (C 170025 ZMK). This rezoning, approved in 2017, mapped an R7D zoning district with a C2-4 commercial overlay on Blocks 1736 and 1737 and an R6B zoning district with a C2-4 commercial overlay on Block 1753. The proposed zoning change would also extend the existing

R7A zoning district boundary on Block 1762 northward, allowing commercial and residential development on underutilized land.

Regarding the recommendation of the Borough President regarding bedroom mix, the Commission notes that, at the public hearing, a member of the applicant's representative team stated the applicant's intention to provide 100 percent of the affordable units as one- or two-bedroom units, and 45 percent (five of 11) as two-bedroom units.

The Borough President also recommended that the applicant recruit a local building service workforce. The Commission is pleased that, at the public hearing, the applicant's representative stated the applicant's willingness to do so, but recognizes that it is not a condition of this approval.

Regarding the recommendation of the Borough President that the developer commit to CROSS Brooklyn coordination to implement curb extensions and/or treated roadbed sidewalk extensions with the Departments of Transportation and Environmental Protection, and that that the developer continue to explore additional resiliency and sustainability measures, in consultation with Community Board 3 and local elected officials, the Commission notes that this application seeks only zoning map and text amendments, but encourages the applicant to take these recommendations under consideration.

The Commission notes that additional recommendations of the Borough President regarding selection of a local not-for-profit to administer the affordable housing and marketing, as well as retention of Brooklyn-based contractors and subcontractors, are beyond the scope of this application.

RESOLUTION

RESOLVED, that 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 17a,

1. changing from an M1-2 District to an R7A District property bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue and Bedford Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue, and Bedford Avenue;

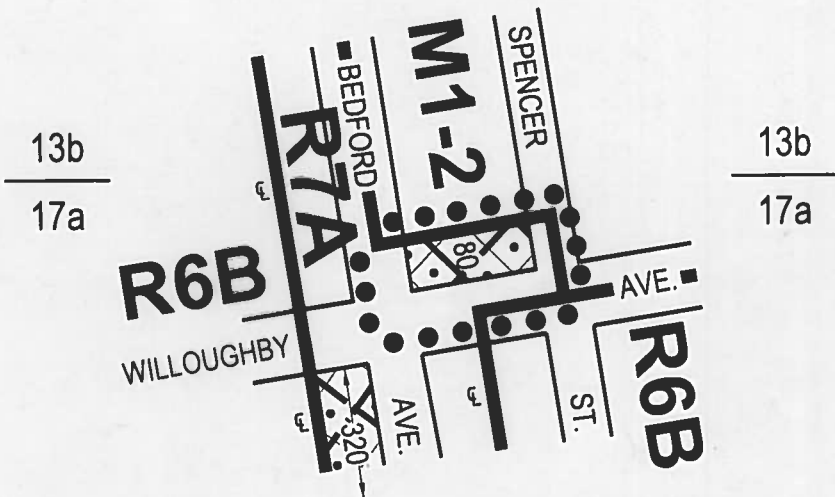
Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 24, 2018, and subject to the conditions of CEQR Declaration E-491.

The above resolution (C 180229 ZMK), duly adopted by the City Planning Commission on December 19, 2018 (Calendar No. 11), 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.

MARISA LAGO, *Chair*

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

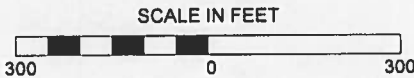
**ALLEN P. CAPELLI, ESQ., ALFRED C. CERULLO, III, MICHELLE de la UZ,
JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
17a
BOROUGH OF
BROOKLYN

New York, Certification Date
AUGUST 20, 2018

S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-2 District to an R7A District and by establishing a C2-4 District within the proposed R7A District.
- Indicates a C2-4 District.

Application #: **C 180229 ZMK**

CEQR Number: 18DCP040K

Project Name: **895 Bedford Avenue Rezoning**

Borough(s): Brooklyn

Community District Number(s): 03

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

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by 895 Bedford Avenue Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 17a:

- changing from an M1-2 District to an R7A District property bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue and Bedford Avenue; and
- establishing within the proposed R7A District a C2-4 District bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue, and Bedford Avenue;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 24, 2018, and subject to the conditions of CEQR Declaration E-491.

Applicant(s): 895 Bedford Avenue Realty, LLC 100 Jericho Quadrangle Jericho, NY 11753		Applicant's Representative: Eric Palatnik, Esq. Eric Palatnik P.C. 32 Broadway New York, NY 10004	
Recommendation submitted by: Brooklyn Community Board 3			
Date of public hearing: 10/11/18		Location: 1368 Fulton St. Bklyn, NY 11216	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: 10/11/18		Location: 1368 Fulton St. Bklyn, NY 11216	
RECOMMENDATION <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove </div> <div> <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions </div> </div>			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: 19 # Against: 12 # Abstaining: 2 Total members appointed to the board: 50			
Name of CB/BB officer completing this form Henry L. Butler		Title District Manager	
		Date 10/3/18	

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 #: 895 BEDFORD AVENUE REZONING – 180229 ZMK, 180230 ZRK

An application submitted by 895 Bedford Avenue Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments to change from M1-2 to R7A the southern portion of a block bounded by Bedford Avenue, Myrtle Avenue, Spencer Street, and Willoughby Avenue, establish a C2-4 district within the rezoning boundary, and designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a seven-story, mixed-use building with 4,526 square feet (sq. ft.) of commercial space and 33,091 sq. ft. of residential floor area in Brooklyn Community District 3 (CD 3). According to MIH Option 2, approximately 30 percent of the estimated 36 dwelling units would be affordable to households at an average of 80 percent of the Area Median Income (AMI). The development would be exempt from the New York City Zoning Resolution (ZR)'s parking requirements and would not be expected to provide commercial or residential parking.

COMMUNITY DISTRICT NO. 3

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

November 2, 2018

DATE

RECOMMENDATION FOR: 895 BEDFORD AVENUE REZONING – 180229 ZMK, 180230 ZRK

895 Bedford Avenue Realty, LLC submitted two applications pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments. The map amendment seeks to change the existing M1-2 zoning district along the north side of Willoughby Avenue between Bedford Avenue and Spencer Street, to R7A with a C2-4 commercial overlay. The text amendment would designate the rezoning area as a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a seven-story, mixed-use building with approximately 4,525 (square feet) sq. ft. of commercial space and 33,090 sq. ft. of residential floor area in Brooklyn Community District 3 (CD 3). According to MIH Option 2, approximately 30 percent of the estimated 36 dwelling units would have rents affordable to households that average 80 percent of the Area Median Income (AMI). The development would be exempt from the New York City Zoning Resolution (ZR)'s parking requirements and would not be expected to provide commercial or residential parking.

On October 11, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on these zoning map and text amendments. There were two speakers on the item, with a representative of 32BJ Service Employees International Union (SEIU), who spoke in opposition, citing a lack of commitment to well-paying building service jobs at 895 Bedford Avenue, and a member of Brooklyn Community Board 3 (CB 3)'s Land Use Committee, who spoke in favor, citing the applicant's willingness to accommodate the board's requests for improvements to the project, and commitment to providing good jobs for the community.

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 stated that the development intends to provide 11 affordable units, as follows: at 60 percent AMI, two one-bedroom units with monthly rents of \$963, and two two-bedroom units with monthly rents of \$1,166; at 80 percent AMI, two one-bedroom units with monthly rents of \$1,375, and two two-bedroom units with monthly rents of \$1,660; at 100 percent AMI, two one-bedroom units with monthly rents of \$1,733, and two two-bedroom units with monthly rents of \$2,089. The qualifying income ranges for prospective tenants are as follows: at 60 percent AMI, \$38,000 to \$43,000 for a one-bedroom unit and \$43,000 to \$54,000 for a two-bedroom unit; at 80 percent AMI, \$45,000 to \$61,000 for a one-bedroom unit and \$61,000 to \$76,000 for a two-bedroom unit; and at 100 percent AMI, \$66,000 to \$76,000 for a one-bedroom unit, and \$76,000 to \$95,000 for a two-bedroom unit.

In response to Borough President Adams' inquiry as to how agreements between the applicant and CB 3 regarding changes to the building's design, community access to on-site employment opportunities, and participation by a local non-profit housing provider would be assured, the representative expressed willingness to provide a letter from the applicant memorializing any commitments to CB 3.

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 3, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the representative stated that the applicant has commenced discussions with Bridge Street Development Corporation on the recommendation of CB 3.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, New York City Department of Environmental (DEP) rain gardens, and/or solar panels, the representative confirmed intent to incorporate a white roof into the project. The representative also discussed the inclusion of light-emitting diode (LED) fixtures, low-flow plumbing, low volatile organic compound (VOC) paints, permeable pavers, and construction materials with high recycled content. The consultant intends to evaluate the feasibility of installing rain gardens at the site.

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 expressed plans to work with CB 3 to conduct extensive outreach in the community, and with the Bridge Street Development Corporation to access the network of construction professionals and contractors in the area.

Consideration

CB 3 approved this application on October 1, 2018.

The applicant's property consists of two lots, comprising a total of 8,360 sq. ft., and fronting both Bedford and Willoughby avenues, with the remainder of the area proposed to be rezoned covering all or part of five other lots extending along Willoughby Avenue to Spencer Street. While a 360 sq. ft. portion of the site would remain in the current M1-2 district, according to ZR Section 77-11 Conditions for Application of Use Regulations of the Entire Zoning Lot, all subsequent development on these lots would be pursuant to the proposed R7A/C2-4 MIH zoning. This section of the M1-2 district occupies its southwest corner of a continuous mapping of manufacturing zoned land district that generally extends north and west to Flushing and Nostrand avenues. Its zoning district boundary line is shared by residence districts, with R7A across Bedford and part of Willoughby avenues, with the remainder being R6B.

The applicant's property has been utilized as an automotive service station for several decades. It provides five accessory parking spaces and is accessible via curb cuts on Bedford and Willoughby avenues. The other lots proposed to be rezoned are developed as follows: 383 Willoughby Avenue encompassing approximately 2,000 sq. ft. is improved with a four-story commercial building; 385 Willoughby Avenue encompassing approximately 1,560 sq. ft. contains a two-story non-conforming residential building with two dwelling units; 387 Willoughby Avenue encompassing approximately 1,560 sq. ft. is also improved with a two-story, two-unit non-conforming residential building, while 389 Willoughby Avenue encompasses approximately 3,120 sq. ft. and contains a six-story mixed-use commercial and community-facility building.

The surrounding context includes a mix of commercial, manufacturing, and residential uses. Commercial uses are found primarily along the Bedford, DeKalb, Myrtle, and Nostrand avenue corridors. Residential uses, typified by row houses and multi-family buildings of six stories or fewer, are located south and west of the development site. Nearby transportation includes the Brooklyn-Queens Crosstown Local G train, which stops at the Bedford-Nostrand and Myrtle-Willoughby stations. The B44 bus stops on Bedford Avenue, directly outside the proposed development.

Under an R7A/C2-4 MIH district, the requested R7A MIH zoning permits a maximum height of 95 feet, and nine stories with a qualifying ground floor. According to the application documents, the proposed development's height has been represented as approximately 68 feet.

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.

According to MIH Option 2, the development rights generated from the R7A section of the site would result in, at minimum, 30 percent of the residential zoning floor area made permanently affordable according to MIH, likely resulting in 11 permanently affordable housing units. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing developments to remain permanently affordable.

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 neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of needed affordable housing units for very low- to middle-income Brooklynites. Borough President Adams, therefore, supports developments that provide housing opportunities to a diverse range of household incomes, allowing a wide range of households to qualify for affordable housing through the City's affordable housing lottery.

The affordability options of the MIH program provide a range of opportunities to address the need for housing that serves a broad range of diverse incomes, consistent with Borough President Adams' objectives to provide affordable housing to households through various income band targets. As a result, the redevelopment of 895 Bedford Avenue would target units to households at multiple income tiers through the affordable housing lottery.

Borough President Adams is generally supportive of the proposed development. He believes that there are opportunities to improve the proposal while furthering a range of his policies such as memorializing the represented family-oriented bedroom mix, maximizing community participation to obtain the affordable housing units, advancing Mayor Bill de Blasio's Vision Zero agenda, incorporating resilient and sustainable energy and stormwater practices, and promoting a high level of LBE/MWBE hiring.

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. Therefore, Borough President Adams seeks for proposed developments to achieve an affordable unit mix that would adequately reflect the needs of low- to middle-income rent-burdened families. Borough President Adams believes that right-sizing the bedroom distribution should be a higher priority than maximizing the number of affordable housing units.

Borough President Adams believes that discretionary land use actions are appropriate opportunities to advance policies that constrain what would otherwise be permitted as-of-right. As represented by the applicant, five of the 11 projected affordable apartments would be two-bedroom units, though such representation is not legally-binding.

The proposed rezoning presents an opportunity to ensure that such representation of accommodations for family-sized apartments is consistent with Borough President Adams' policy for advocating for having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units, consistent with the zoning text for MIH floor area, pursuant to ZR Section 23-96(c)(1)(ii). 895 Bedford Avenue Realty, LLC has presented a non-binding family-oriented affordable housing bedroom mix consistent with Borough President Adams' policies.

In order to ensure that the envisioned family-sized units are provided in the development, Borough President Adams believes that prior to considering the application, the City Council obtain commitments in writing from the developer, 895 Bedford Avenue Realty, LLC, that clarify how it would memorialize a bedroom mix having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units.

Maximizing Community Participation of the MIH Affordable Housing

The ZR requires the affordable housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by the New York City Department of Housing Preservation and Development (HPD). Such administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verifying a prospective tenant household's qualifying income, and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure conformity.

Various non-profits have proven track records of successfully marketing affordable housing units, as well as promoting affordable housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for affordable housing non-profits to play a contributing role in maximizing community participation in neighborhood affordable housing opportunities, including serving as non-profit administering agents for new developments involving affordable housing. Borough President Adams recognizes that CD 3 is served by several non-profit housing advocates, such as Bridge Street Development Corporation, IMPACCT Brooklyn, and Northeast Brooklyn Housing Development Corporation, with proven track records of marketing affordable housing units and promoting affordable housing lottery readiness through educational initiatives.

In a letter to Borough President Adams, dated October 18, 2018, the applicant stated intent to retain the Bridge Street Development Corporation to administer and develop the affordable housing lottery for the 11 envisioned units at 895 Bedford Avenue pursuant to MIH Option 2.

Borough President Adams believes that prior to considering the application, the City Council should obtain in writing from the developer, 895 Bedford Avenue Realty, LLC, commitments that clarify how it would memorialize utilizing one or more such locally-based affordable housing development non-profits to serve as the administering agent and have such entities play a role in promoting affordable housing lottery readiness.

Advancing Vision Zero Policies

Borough President Adams is a supporter of Vision Zero, one of the policies of which is to extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents on Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. By installing more curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

Bedford Avenue is a designated New York City local truck route with multiple intersections lacking traffic controls such as stop signs or traffic lights. Given the mixed commercial, manufacturing, and residential character of Bedford and Willoughby avenues, and the residents expected to occupy the proposed development, together with potential users of its retail establishments, it is important to advance improvements that promote pedestrian safety at crossings along Bedford Avenue.

Borough President Adams believes there is an opportunity to implement the provision of a curb extension, either as a raised extension of the sidewalk or as a protected area as defined by the installation of temporary perimeter bollards bordering a section of roadbed where gravel and/or paint is applied, per his CROSS Brooklyn initiative, at the intersection of Bedford and Willoughby avenues. However, the presence of a bus stop adjacent to the development on the east side of Bedford Avenue necessitates that such curb extension be built out onto the Willoughby Avenue side of the applicant's property, so as not to interfere with the flow of traffic along Bedford Avenue. Any design of such curb extension would need to be reviewed and signed off by the New York City Department of Transportation (DOT) as part of the Builders Pavement Plan, in which the developer's consultant would need to work with DOT on the change alignment as DOT would need to finalize a curb alignment waiver. It would be expected that DOT would work with the New York City Department of Buildings (DOB) to alert them to this request before DOB would issue any signoff.

Borough President Adams recognizes that the costs associated with construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams urges DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of the Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable 895 Bedford Avenue Realty, LLC to undertake such improvements after consultation with CB 3, as well as local elected officials, as part of its Builders Pavement Plan. Where that is not feasible, as the implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner, Borough President Adams would expect 895 Bedford Avenue Realty, LLC to commit to such maintenance as an ongoing obligation.

Therefore, prior to considering any rezoning, the City Council should seek a demonstration from 895 Bedford Avenue Realty, LLC of their implementation of CROSS Brooklyn in coordination with the New York City Department of Environmental Protection (DEP) and DOT to install curb extensions either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of the developer's commitment to enter into a standard DOT maintenance agreement for the intersection of Bedford and Willoughby avenues. Furthermore, DOT should confirm that implementation will not proceed prior to consultation with CB 3 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish rain gardens that advance the DEP green infrastructure strategy. Blue/green roofs, permeable pavers, and rain gardens would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2017 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

Borough President Adams believes it is appropriate for the developer to engage government agencies, such as the Mayor's Office of Sustainability, NYPA, and/or NYSERDA 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 square-foot 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 developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

The proposed development offers opportunities to explore resiliency and sustainability measures in the development such as incorporating blue/green/white roof finishes, passive house construction principles, and solar panels. The required Builders Pavement Plan provides an opportunity to incorporate a DEP rain garden along the development's Willoughby Avenue frontage as the presence of the bus stop on the east side of Bedford Avenue would preclude integration of a rain garden. Such efforts could help advance DEP green water/stormwater strategies, enhancing the operation of the Newtown Creek Water Pollution Control Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

In a letter to Borough President Adams, dated October 18, 2018, the applicant stated intent to incorporate the following sustainable elements requested by CB 3: a landscaped residential courtyard at the rear with permeable pavers, pre-cast stone on horizontal bands on upper portions of façade and aluminum cladding panel on ground floor retail portion of façade, and a reflective white roof covering.

Therefore, prior to considering the application, the City Council should obtain in writing from the applicant, 895 Bedford Avenue Realty, LLC, commitments that clarify how it would memorialize integrating resiliency and sustainability features at 895 Bedford Avenue.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of

Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as LBEs and MWBEs, is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

In a letter to Borough President Adams, dated October 18, 2018, the applicant stated commitment to hiring Brooklyn residents throughout all phases of the project and prioritizing the retention of Brooklyn-based contractors and sub-contractors, especially those designated LBE and MWBE, in partnership with CB 3.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 895 Bedford Avenue Realty, LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code and MWBE as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

Prevailing Wages and Local Hiring for Building Service Workers

Jobs within the building service and industrial sector have long served as a pathway to middle-class living for lower-income individuals, including immigrants and people of color. Like industrial jobs, building service jobs have low barriers to entry and real career prospects. When compensated at prevailing wage standards, such jobs provide average wages twice that of the retail sector. Additionally, building service opportunities are often filled through local hiring.

Borough President Adams believes that it is appropriate to advocate for economic opportunities that allow families to remain in their neighborhoods, by securing sufficient income to alleviate their rent burdens. He further believes that building service positions often result in locally-based employment. Therefore, Borough President Adams strongly encourages 895 Bedford Avenue Realty, LLC to commit to hiring locally for building service jobs and paying prevailing wages to this workforce.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 201 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 prior to considering the application, the City Council obtain commitments in writing from the developer, 895 Bedford Avenue Realty, LLC, that clarify how it would:
 - a. Memorialize a bedroom mix having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one or more bedroom affordable housing units
 - b. Utilize a combination of locally-based affordable housing development non-profits to serve as the administering agent, and having one or more such entities play a role in promoting affordable housing lottery readiness

- c. Commit to Connecting Residents on Safer Streets (CROSS) Brooklyn coordination with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) to implement curb extensions as part of a Builders Pavement Plan and/or as treated roadbed sidewalk extensions, with a developer commitment to enter into a standard DOT maintenance agreement for the intersection of Bedford and Willoughby avenues with the understanding that DOT implementation would not proceed prior to consultation with Brooklyn Community Board 3 (CB 3) and local elected officials
2. Explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, DEP rain gardens, passive house design, and/or solar panels
3. Retain Brooklyn-based contractors and subcontractors, especially those who are 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) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That 895 Bedford Avenue, LLC commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits

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October 18, 2018

Hon. Eric Adams
Brooklyn Borough President
Brooklyn Borough Hall
209 Joralemon Street
Brooklyn, NY 11201

Re: *ULURP. No.: C180229 ZMK & N180230 ZRK*
895 Bedford Avenue Rezoning
Block 1750, Lots 1 & 49
Brooklyn, New York (the "Premises")

Dear Brooklyn Borough President Adams,

We would like to thank your office for the opportunity to present the above-referenced application at your public hearing on October 11, 2018. This letter seeks to memorialize our commitment to creating a project that addresses local concerns and provides opportunities for local residents. In furtherance of this goal, we include the supplemental information below on our ULURP application.

RESPONSE TO OCTOBER 11, 2018 PUBLIC HEARING

1. AFFORDABLE HOUSING:

The applicant has initiated discussions with Bridge Street Development Corporation, a local non-profit corporation that serves the greater Bedford-Stuyvesant community, with the hopes of retaining them to act as the marketing and leasing administering agent for the affordable housing units. They will develop and administer the lottery selection for the eleven (11) affordable units (30% of units) offered to families with incomes averaging 80% of AMI (in accordance with MIH Option 2).

2. JOBS AND ECONOMIC DEVELOPMENT:

The applicant commits to hiring Brooklyn residents throughout all phases of the project and prioritize the retention of Brooklyn-based contractors and sub-contractors, especially those

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designated as minority and women-owned business enterprises (MWBE) and local business enterprises. The applicant is working closely with Community Board 3 to help facilitate this goal.

3. DESIGN AND SUSTAINABILITY:

The applicant intends to operate the proposed development in an environmentally sustainable manner and plans to develop a building pursuant to the specific design elements requested by the Community Board. Therefore, the applicant included building design elements such as:

- a. Pre-cast stone on horizontal bands on upper portions of façade and aluminum cladding panel on ground floor retail portion of facade;
- b. A white reflective roof covering;
- c. A landscaped residential courtyard at the rear with permeable pavers.

CONCLUSION

On behalf of the applicant team, we thank you for your consideration of this application and respectfully request that you recommend approval of our application. Thank you.

Respectfully Submitted,

Eric Palatnik, Esq.