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

1. changing from an M3-1 District to an R7A District property bounded by the southwesterly centerline prolongation of Walton Street, Harrison Avenue, Gerry Street, and a line 100 feet southwesterly of Harrison Avenue;
2. changing from an M3-1 District to an R7D District property bounded by the southwesterly centerline prolongation of Walton Street, a line 100 feet southwesterly of Harrison Avenue, Gerry Street, a line 335 feet southwesterly of Harrison Avenue, Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, and a line 265 feet southwesterly of Harrison Avenue;
3. changing from an M3-1 District to an R8A District property bounded by the southwesterly centerline prolongation of Walton Street, a line 265 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, Wallabout Street, a line 335 feet southwesterly of Harrison Avenue, Gerry Street, Flushing Avenue, Marcy Avenue, Wallabout Street, and Union Avenue;
4. establishing within the proposed R7A District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, Harrison Avenue, Gerry Street, and a line 100 feet southwesterly of Harrison Avenue;
5. establishing within the proposed R7D District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, a line 100 feet southwesterly of Harrison Avenue, Gerry Street, a line 335 feet southwesterly of Harrison Avenue, Wallabout Street, and a line 200 feet southwesterly of Harrison Avenue; and
6. establishing within the proposed R8A District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, a line 265 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, Wallabout Street, a line 335 feet southwesterly of Harrison Avenue, Gerry Street, Flushing Avenue, Marcy Avenue, Wallabout Street, and Union Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-427.

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This application for a zoning map amendment was filed by Harrison Realty LLC on February 24, 2015, to change an M3-1 zoning district to R7A, R7D, R8A and C2-4 zoning districts on Blocks 2249 and 2265, bounded by Union Avenue, Walton Street, Harrison Avenue, and Gerry Street. This application, in conjunction with the related application for an amendment to the Zoning Resolution (N 150277 ZRK), would facilitate the development of eight mixed use buildings, containing approximately 1,146 dwelling units, of which 287 units, or 25 percent of the residential floor area, would be set aside for permanently affordable housing; 62,810 square feet of ground floor retail; 404 accessory parking spaces; and 26,000 square feet of public open space in the South Williamsburg neighborhood of Community District 1, Brooklyn.

### **RELATED ACTION**

In addition to the zoning map amendment (C 150278 ZMK) that 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 150277 ZRK            Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

### **BACKGROUND**

The applicant requests a zoning map amendment to change an M3-1 zoning district to R7A, R7D, R8A and C2-4 zoning districts, and a zoning text amendment to designate an MIH area, for property located in the South Williamsburg neighborhood of Brooklyn, Community District 1. The requested actions would facilitate a mixed-use development consisting of 1,146 dwelling units, including 287 units of permanently affordable housing, 62,810 square feet of ground floor commercial space, 26,000 square feet of publicly accessible open space, and accessory parking for 404 cars.

The area to be rezoned (the “project area”) consists of two city blocks (Blocks 2249 and 2265), bounded by Union Avenue to the west, Walton Avenue to the north, Harrison Avenue to the east, and Gerry Street to the south. The northern block (Block 2249) is 71,322 square feet in area and the southern block (Block 2265) is 111,044 square feet in area, for a combined land area of 182,366

square feet. Both blocks are currently used for open vehicle storage and surface parking. These blocks were previously occupied by the Pfizer Pharmaceutical Company, which closed its Brooklyn operations in 2007 and subsequently sold the property to private owners.

The applicant is proposing to develop eight mixed-use buildings on two blocks, totaling 1,094,573 square feet, with a floor area ratio (FAR) of 6.0 and ranging in height from 65 to 145 feet, or six to 14 stories. The proposed development would include 1,031,763 square feet of residential floor area (comprising approximately 1,146 dwelling units), including 257,940 square feet of permanently affordable housing (approximately 287 dwelling units) pursuant to Option 1 of the MIH program. In addition, the development as proposed would include 62,810 square feet of ground floor commercial and community facility space, approximately 26,000 square feet of publicly accessible open space, and 404 accessory parking spaces located below-grade.

The northern block (Block 2249) would include three separate mixed-use buildings, totaling 422,749 square feet, including 397,469 square feet of residential floor area (approximately 441 dwelling units), of which 99,367 square feet would be permanently affordable housing (approximately 111 dwelling units). These buildings would also contain 25,280 square feet of ground floor commercial and community facility space fronting along Union Avenue, Harrison Avenue, and portions of the public open space corridor.

The southern block (Block 2265) would include five separate mixed-use buildings, totaling 671,824 square feet, including 634,294 square feet of residential floor area (approximately 705 dwelling units), including 158,573 square feet of permanently affordable housing (approximately 176 dwelling units), and 37,530 square feet of ground floor commercial and community facility space fronting along Union Avenue, Harrison Avenue, and the public open space corridor.

The tallest buildings would rise 12 to 14 stories along 80-foot-wide Union Avenue, then step down to 10 to 11 stories mid-block, along a proposed public open space corridor. The lower buildings would rise six to seven stories along Harrison Avenue, a 70-foot-wide narrow street.

The applicant would also provide a publicly accessible open space running mid-block and bisecting the project area. This 65-foot-wide, 400-foot-long public open space would total 26,000 square feet in area and extend from Walton Street to Gerry Street, separated by the 70-foot-wide Wallabout Street. The space would be landscaped with 25 trees, 1,460 square feet of planters, 204 linear feet of benches with backs, 196 linear feet of benches without backs, 40 sets of tables with two chairs each, 18 recycling and trash receptacles, and 12 bicycle racks. The open space would be accessible to both residents of the proposed development while also serving the general public.

The surrounding area is primarily developed with three- to four-story residential rowhouses, five- to seven-story apartment buildings, and community facilities such as schools and houses of worship. The area directly south of Flushing Avenue includes a mix of vacant land, light industrial and transportation uses, community facilities, rowhouses, and small- and medium-density apartment buildings. Also located along Flushing Avenue is New York City Housing Authority's six-story Marcy Houses complex; an eight-story former Pfizer factory building that has been converted into commercial and small-scale production spaces; and a mix of two- to four-story residential rowhouses with ground floor commercial uses.

The area to the immediate north and west of the project area is mapped with R6, R7-1 and R7A medium-density residential zoning districts, which generally permit residential uses up to 2.43, 3.0, and 4.0 FAR, respectively, pursuant to Quality Housing (QH) regulations, and community facility uses up to 4.8 FAR. Allowable building heights in R6 and R7-1 zoning districts are governed by either a sky exposure plane or the optional QH regulations, which permit buildings of eight to 13 stories. Blocks immediately to the east of the project area were rezoned in 2009 as part of the Broadway Triangle Rezoning (C 090413 ZMK) and mapped with medium-density R6A and R7A residential zoning districts and an Inclusionary Housing Designated Area (IHDA). These districts allow residential uses up to 3.6 and 4.6 FAR, respectively, if participating in the IHDA program, and can result in buildings of up to eight and nine stories tall, respectively. Uses within the M3-1 district directly south of the project area include a gas station on a small, irregular block and a school with an open play yard.

The project area is well served by public transportation, including two subway stations and several bus lines. The Flushing Avenue station, served by the G train, has entrances directly adjacent to the project area at Gerry Street and Union Avenue, and at Flushing Avenue. The Lorimer Street station, served by the J and M trains, has entrances at Broadway and Lorimer Street, two blocks east of the project area. Bus routes B46 (on Broadway), B48 (on Lorimer Street), and B57 and B43 (on Flushing Avenue) also serve the project area.

To facilitate the proposed development, the applicant is proposing a zoning map amendment (C 150278 ZMK) to rezone the project area from an M3-1 zoning district to R7A, R7D, and R8A zoning districts, with a C2-4 commercial overlay mapped across the majority of the site, and a zoning text amendment (N 150277 ZRK) to revise Appendix F by amending Map 4 in Brooklyn Community District 1 to designate the rezoning area as an MIH area mapped with Option 1.

#### Zoning Map Amendment - C 150278 ZMK

The project area is currently within an M3-1 zoning district, which permits heavy industrial and limited commercial uses up to a maximum floor area ratio (FAR) of 2.0. Buildings can rise along the street wall up to a maximum height of 60 feet or four stories, and then must set back beyond a sky exposure plane.

The applicant proposes to map three contextual zoning districts and a commercial overlay across the project area, with lower heights and densities along Harrison Avenue to the east, stepping up to larger heights and densities along Union Avenue to the west.

The applicant proposes to extend an existing R7A residential district from across Harrison Avenue along the eastern portion of the project area to a depth of 100 feet. R7A districts are medium-density contextual districts that permit up to 4.6 FAR for residential and community facility uses in MIH-designated areas. R7A districts have a minimum base height of 40 feet and a maximum base height of 75 feet or seven stories. Buildings in this district can rise to a maximum height of 95 feet, or nine stories, with a qualifying ground floor. Parking is required for 50 percent of the units affordable to households with incomes above 80 percent of the area median income (AMI).

No parking is required for units affordable to households with incomes at or below 80 percent of AMI.

An R7D residential district is proposed across the mid-blocks of the project area fronting Harrison Avenue. R7D districts are medium-density contextual districts that permit up to 5.6 FAR for residential and community facility uses in MIH-designated areas, have a minimum base height of 60 feet, a maximum base height of 95 feet, or nine stories, and a maximum building height of 115 feet, or 11 stories, with a qualifying ground floor. Parking is required for 50 percent of the units affordable to households with incomes above 80 percent of AMI and no parking is required for units at or below 80 percent of AMI. When R7D districts are combined with C2-4 commercial districts, they limit the ground floors of new developments to non-residential uses, with additional urban design requirements to encourage active streetscapes.

An R8A residential district is proposed across the western portion of the development site along Union Avenue. R8A districts are high-density contextual districts that permit up to 7.2 FAR for residential uses and 6.5 FAR for community facility uses in MIH-designated areas. R8A districts have a minimum base height of 60 feet, a maximum base height of 105 feet, or 10 stories, and a maximum building height of 145 feet, or 14 stories, with a qualifying ground floor. Parking is required for 40 percent of the units above 80 percent of AMI and no parking is required for units at or below 80 percent of AMI. This district would be mapped along 80-foot-wide Union Avenue, a wide street. When R8A districts are combined with C2-4 commercial overlays, new developments are required to meet additional street wall requirements associated with a building's envelope and massing.

A C2-4 commercial overlay is proposed to allow neighborhood retail, services, and commercial uses at an FAR of 2.0. This district would facilitate active ground floor uses across the project area, and require non-residential uses and additional urban design treatments within the R7D and R8A portions of the project area, respectively. The C2-4 commercial overlay is proposed across the majority of the project area, except for a small 65-foot by 60-foot area along Walton Street near the intersection of Union Avenue, coterminous with the northern end of the required public

open space area. This notch in the C2-4 overlay allows for the placement of the open space corridor at this location without triggering street wall requirements within 100 feet of the intersection of Union Avenue and Walton Street; implementation of those requirements would conflict with the 65-foot-wide open space.

#### Zoning Text Amendment - N 150277 ZRK

The applicant proposes to designate the entire project area as an MIH area with Option 1, which would require that 25 percent of residential floor area must be for housing units affordable for residents with household incomes averaging 60 percent of the AMI. Within that 25 percent, at least 10 percent of the square footage must be affordable for households at 40 percent of the AMI, with no income band above 130 percent of the AMI.

For the proposed project, MIH Option 1 requirements could result in: 115 units affordable to households at a maximum of 40 percent of AMI (\$34,360 income limit for a three-person family), 115 units affordable to households at a maximum of 60 percent of AMI (\$51,540 income limit for a three-person family), and 57 units affordable to households at a maximum of 100 percent of AMI (\$85,900 income for a three-person family).

#### **ENVIRONMENTAL REVIEW**

This application (C 150278 ZMK), in conjunction with the application for the related action (N 150277 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 15DCP117K.

It was determined that the proposed actions may have a significant effect on the environment and that an environmental impact statement would be required. A Positive Declaration was issued on August 19, 2016, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on August 19, 2016. A public scoping meeting was held on the Draft Scope of Work on November 9, 2016.

A Final Scope of Work, reflecting the comments made during the scoping, was issued on May 19, 2017.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on May 19, 2017. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on July 26, 2017, in conjunction with the public hearing on the related applications (C 150278 ZMK and N 150277 ZRK). A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing was completed and a Notice of Completion for the FEIS was issued on September 8, 2017.

The FEIS includes an (E) Designation (E-427) related to hazardous materials, air quality and noise to avoid the potential for significant adverse impacts, as described below.

The (E) designation requirements related to hazardous materials would apply to the following sites:

**Brooklyn, Block 2265, Lot 14**  
**Brooklyn, Block 2249, Lots 23, 37, 41, and 122**

E-427 text related to hazardous materials is as follows:

#### **Task 1-Sampling Protocol**

**The applicant submits to OER, for review and approval, a Phase 1 of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

#### **Task 2-Remediation Determination and Protocol**

**A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate**



**that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.**

**A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.**

The (E) designation related to air quality would apply to the following sites:

**Brooklyn, Block 2265, Lot 14  
Brooklyn, Block 2249, Lots 23, 37, 41, and 122**

E-427 text related to air quality is as follows:

Block 2249, Lot 122, Building A

Any new development or enlargement on the above-referenced property on Northern Block that has northern frontage on Walton Street, southern frontage on Wallabout Street, western frontage on Union Avenue, and eastern frontage on Harrison Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack on Building A is located at the height at least 148 feet above the grade as measured from base elevation of the Brooklyn Vertical Datum. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 2249, Lot 37 and 41, Building B

Any new development or enlargement on the above-referenced property on Northern Block that has northern frontage on Walton Street, southern frontage on Wallabout Street, western frontage on Union Avenue, and eastern frontage on Harrison Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC system will have two stacks -- Stack 1 on northern part and Stack 2 on the southern part of the building's roof, where both stacks should be located at most 48 feet from the Harrison Avenue at the height at least 108 feet above the grade as measured from base elevation of the Brooklyn Vertical Datum. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 2249, Lots 37 and 41, Building C

Any new development or enlargement on the above-referenced property on Northern Block that has northern frontage on Walton Street, southern frontage on Wallabout Street, western frontage on Union Avenue, and eastern frontage on Harrison Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC system will have two stacks -- Stack 1 on northern part and Stack 2 on the southern part of the building's roof, where both stacks should be located at most 10 feet from the Harrison Avenue, at the height at least 78 feet above the grade as measured from base elevation of the Brooklyn Vertical Datum. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 2265, Lot 14, Building D

Any new development or enlargement on the above-referenced property on Southern Block that has northern frontage on Wallabout Street, southern frontage on Gerry Street, western frontage on Union Avenue, and eastern frontage on Harrison Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC system will have two stacks -- Stack 1 on northern part and Stack 2 on the southern part of the building's roof, where both stacks should be located at most 10 feet from the Harrison Avenue, at the height at least 78 feet above the grade as measured from base elevation of the Brooklyn Vertical Datum. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 2265, Lot 14, Building E

Any new development or enlargement on the above-referenced property on Southern Block that has northern frontage on Wallabout Street, southern frontage on Gerry Street, western frontage on Union Avenue, and eastern frontage on Harrison Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC system will have two stacks with no restrictions on their locations, at a height at least 108 feet above the grade as measured from base elevation of the Brooklyn Vertical

Datum Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 2265, Lot 14, Building F

Any new development or enlargement on the above-referenced property on Southern Block that has northern frontage on Wallabout Street, southern frontage on Gerry Street, western frontage on Union Avenue, and eastern frontage on Harrison Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC system will have two stacks -- Stack 1 on northern part and Stack 2 on the southern part of the building's roof, where Stack 1 is located at least 172 feet from the Union Avenue and Stack 2 is located at least 189 feet from the Union Avenue, at the height at least 118 feet above the grade as measured from base elevation of the Brooklyn Vertical Datum. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 2265, Lot 14, Building G

Any new development or enlargement on the above-referenced property on Southern Block that has northern frontage on Wallabout Street, southern frontage on Gerry Street, western frontage on Union Avenue, and eastern frontage on Harrison Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC system will have two stacks -- Stack 1 on northern part and Stack 2 on the southern part of the building's roof where Stack 1 is located at least 241 feet from the Union Avenue and Stack 2 is located at least 270 feet from the Union Avenue, at the height at least 118 feet above the grade as measured from base elevation of the Brooklyn Vertical Datum. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Block 2265, Lot 14, Building H

Any new development or enlargement on the above-referenced property on Southern Block that has northern frontage on Wallabout Street, southern frontage on Gerry Street, western

frontage on Union Avenue, and eastern frontage on Harrison Avenue must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack on Building H is located at least 148 feet above the grade as measured from base elevation of the Brooklyn Vertical Datum. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

The (E) designation related to noise would apply to the following sites:

**Brooklyn, Block 2265, Lot 14**  
**Brooklyn, Block 2249, Lots 23, 37, 41, and 122**

E-427 text related to noise is as follows:

Block 2249, Lots 23, 37, 41 and 122

To ensure an acceptable interior noise environment, future Residential/Commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on any eastern-facing façade located within 100 feet of Harrison Avenue to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 2265, Lot 14

To ensure an acceptable interior noise environment, future Residential/Commercial uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on any western-facing façade along Union Avenue, and located within 118 feet of Flushing Avenue; and on any southern-facing façade along Gerry Street, and located within 155 feet of Flushing Avenue. A 28 dBA window/wall attenuation is required on all southern and eastern facades. A 28 dBA window/wall attenuation is required on northern façades located within 100 feet of Harrison Avenue. To maintain a closed window

condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

The applicant, Harrison Realty LLC, has entered into a restrictive declaration construct and maintain a 26,000 square foot publicly accessible open space. With the implementation of the publicly accessible open space Project Component Related to the Environment (PCRE), no significant adverse impacts related to open space would occur. The RD also includes information on other PCREs and mitigation measures. These include requirements for mitigation of intermediate school impacts, and requirement for a 12-foot tall noise barrier along the southern perimeter of the Southern Block during project construction to minimize the effects of action-generated construction noise on a school playground to the south.

The FEIS identified significant adverse impacts with respect to community facilities (intermediate schools) and transportation (traffic). The identified significant adverse impacts and proposed mitigation measures are summarized below. As noted above, the mitigation measures related to significant adverse community facilities impacts related to intermediate schools are memorialized in the RD.

## **Community Facilities and Services**

### *Intermediate Schools*

The proposed action would result in the introduction of approximately 138 additional intermediate school students. The study area utilization would exceed the 100 percent utilization threshold, increasing from 135.9 percent in the No-Action Condition to 142.0 percent in the With-Action Condition. The utilization rate would be approximately 6.2 percentage points higher compared to the No-Action condition. This constitutes a significant adverse impact on intermediate schools in sub-district 1 of community school district (CSD) 14.

The 138 students generated by the proposed action would increase the shortfall of available seats from 804 to 942. The difference between the CEQR threshold for significance and the With-Action Condition results in a maximum shortfall of 28 seats.

The analysis identified that the significant adverse impact to intermediate schools would occur upon occupancy of 921 new DUs, i.e., the number of units introduced into the study area that are projected to increase the collective utilization rate of the public intermediate schools in the study area in excess of 5 percent between the No-Action and With-Action conditions (from 135.9 percent to 142.0 percent); in order to fully mitigate the impact, intermediate school capacity in the study area would need to increase by 28 seats, i.e., the number of seats necessary to reduce the collective utilization rate of public intermediate schools in the study area to no greater than a 5 percent increase over the No-Action condition.

As detailed in the Restrictive Declaration, in order to fully mitigate this impact, the Declarant, i.e., the applicant or its successor(s) to fee title in the project area, would be required to either provide funding to the DOE/SCA or perform work to increase the intermediate school capacity by 28 seats at school(s) in the school study area where such capacity increase is warranted (as determined by DOE/SCA). Before building permits resulting cumulatively in the construction of 921 or more DUs in the project may be applied for by the applicant or issued by DOB, either funding from the applicant must be accepted by DOE/SCA or an agreement among these parties regarding the performance of work to increase capacity be executed. Furthermore, before the applicant can apply for or DOB can issue a temporary certificate of occupancy for development resulting cumulatively in 921 or more DUs, either funding from the applicant must be accepted by DOE/SCA or work to increase capacity completed to the satisfaction of DOE/SCA. The RD also specifies that the offer of school mitigation by the applicant must be accepted within a prescribed timeframe and process or the applicant would have no further school mitigation obligation.

## **Transportation**

### *Traffic*

The proposed action would result in significant adverse transportation impacts related to traffic. The mitigation measures described below would fully mitigate the transportation impact. The proposed action would result in significant adverse impacts at seven study area intersections during one or more analyzed peak hours; specifically, four lane groups at four intersections during the weekday AM peak hour; three lane groups at two intersections during the weekday midday peak

hour; eight lane groups at six intersections during the weekday PM peak hour; and one lane group at one intersection during the Saturday midday peak hour. Implementation of traffic engineering improvements, such as signal timing changes or modifications to curbside parking regulations, would provide mitigation for the anticipated traffic impacts. Implementation of the recommended traffic engineering improvements is subject to review and approval by the New York City Department of Transportation (DOT) prior to implementation. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified, if possible.

## **UNIFORM LAND USE REVIEW**

This application (C 150278 ZMK) was certified as complete by the Department of City Planning (DCP) on May 22, 2017, and was duly referred to Brooklyn Community Board 1 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 application for the related action (N 150277 ZRK), which was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President on May 22, 2017, in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Brooklyn Community Board 1 held a public hearing on this application (C 150278 ZMK) on June 6, 2017, and on June 13, 2017, recommended approval of the applications by a vote of 26 in favor, 15 opposed, and one abstention, with the following recommendation:

“In response to questions and concerns raised by speakers and residents, regarding whether there will be local hiring and prevailing wages, the applicant has committed in writing to hire local workers for both the construction and operation of the development and to pay prevailing wages to service workers at the new site. The applicant has also committed to give the Community Board prior notice of the opening of the affordable housing lottery and to market the affordable units directly to the public. Additionally, the applicant commits to working with local organizations to get the word out about the opportunity to apply for the affordable housing.

The committee voted unanimously to approve the application with the incorporation of the above commitments which have been made in writing by the applicant.

The committee noted the critical need for permanent affordable housing in the area in which the proposed site is located, especially considering the absence of the creation of any new affordability in that area for many years. In addition, the committee noted the ongoing federal lawsuit that threatens to take away community preference with affordable housing. That threat makes it wise and in the community's best interests to move ahead expeditiously with getting our residents placed in affordable units.”

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 150278 ZMK) on July 10, 2017, and on July 21, 2017, issued a recommendation disapproving the application with the following conditions:

1. “That in order to provide affordability to more households, approval of the requested R7D and R8A be conditioned on a demonstration by the developer to pursue a zoning text amendment to permit a voluntary affordable housing bonus permitting R7D bulk and FAR, provided that of the additional 1.0 FAR, 40 percent is affordable to no less than 60 percent AMI average rent, otherwise, the City Planning Commission and (CPC) and/or City Council should set forth that the requested R7D and R8A zoning districts should be conditioned on such a text change to create a special permit affordable housing bonus or other legal mechanism that commits an additional 21,300 sq. ft. of affordable housing at an average rent based on 60 percent AMI. Otherwise, the City Planning Commission or City Council should modify the proposed R8A and R7D to R7A.
2. That approval of the requested R8A zoning district be conditioned on a demonstration by the developer of a developer financial contribution towards restoring street stairs and fare controls at the northern end of the G line's Flushing Avenue station, pursued in coordination with the Metropolitan Transportation Authority (MTA), otherwise approved zoning should not exceed R7D.
3. That prior to considering the application, the City Council obtain in writing from the developer, Harrison Realty LLC, commitments that clarify how it would memorialize the extent that it would:
  - a. Ensure that no building permit would be applied for until either New York City Zoning Resolution 23-96 (c) "Bedroom mix of affordable housing units is modified by the City Council to permit for new construction to require for the affordable rental housing units to not be proportional to the bedroom mix of the remaining residential floor area when such bedroom mix provides in excess of 75 percent two or more bedrooms and in excess of 50 percent three or more bedrooms and/or



- b. Provide specificity to the percentages of affordable housing unit bedroom mix to include a percentage of studio, one-, two-, three-, and four-bedroom units, developed through community consultation
- c. Utilize a combination of locally-based housing development non-profits to serve as the administering agent, as well as to have one or more of such entities play a role in promoting affordable housing lottery readiness
- d. Continue to explore additional resiliency and sustainability measures such as incorporating blue/green/white roof finishes, Passive House construction principles, solar panels, and wind turbines in the development
- e. Retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code, and LBEs and Minority- and Women-Owned Business Enterprises (MWBE) establishments, as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency
- f. Coordinate with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) as follows:
  - i. Commitment to implement curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions with developer commitment to enter into a standard DOT maintenance agreement for the following intersections:
    - 1. Gerry, Wallabout, and Walton streets with Harrison and Union avenues, and
    - 2. Marcy and Flushing Avenues
  - ii. Commitment to the installation of bio swales as part of its Builders Pavement Plan

Be It Further Resolved:

- 1. That the CPC and/or the City Council, in order to establish AMI-equivalent affordable housing eligibility as a qualifier for those rent-burdened households that would be able to pay the same or have a reduction in their rent by leasing an MIH lottery unit, should advocate for the modification of the MIH section of the ZR pertaining to MIH-designated areas, to be adopted with a requirement that provides eligibility while taking into account rent-burdened status
- 2. That subject to any subsequent zoning approval, the New York City Department of Housing Preservation and Development (HPD) should take steps to ensure that

local preference to include residents of both Brooklyn Community Districts 1 (including former residents displaced since the 2005 Williamsburg-Greenpoint rezoning) and an adjoining portion of 3 (CDs 1 and 3)

3. That subject to any subsequent zoning approval, the New York City Department of Transportation (DOT) undertake a traffic study to determine the feasibility of demapping Gerry Street between Flushing and Harrison avenues, as a means to enhance the adjacent Beginning with Children Charter School playground, and to report its findings to CB 1 and local elected officials
4. That the MTA take steps to reopen inactive entrances/exits and pursue all opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstile (HEET) fare control elements for the elevated subway stations along Broadway.”

### **City Planning Commission Public Hearing**

On July 12, 2017 (Calendar No. 10), the Commission scheduled July 26, 2017 for a public hearing on this application (C 150278 ZMK), in conjunction with the related application (N 150277 ZRK). The hearing was duly held on July 26, 2017 (Calendar No. 42). There were 16 speakers in favor of the application and seven in opposition.

A representative of the applicant testified in support of the rezoning, briefly describing the history of the development site and the proposed development. The representative stated that MIH Option 1, proposed for the site, provided the deepest affordability, and described how 115 units would be affordable at 40 percent of AMI, another 115 units would be affordable at 60 percent of AMI, and the remaining 57 units would be affordable at 100 percent of AMI. He said that the affordable units’ lottery would be administered by an administering agent appointed by the NYC Department of Housing Preservation and Development (HPD) and that the developer would have no role in the process. The representative stated that the Brooklyn-based developer had built 2,000 units of housing, mostly in Brooklyn, and had previously developed affordable units as part of these developments in coordination with HPD. The representative also stated that the 26,000-square-foot publicly accessible open space, a required CEQR PCRE, would be built according to the plans shown to the Commission, and that the design elements would be memorialized in a Restrictive Declaration assuring that the open space would be built as proposed.

The representative described how the proposed commercial overlay would allow ground floor retail uses within all of the buildings and along most of the landscaped open space corridor. The representative said that the developer had not yet finalized the unit mix and was working to determine a financially viable unit mix for the entire development, which would be based on market demand. The representative said that it would be possible to sell off portions of the project area individually, but that the building height, setback, and density requirements would still be governed by the zoning districts mapped across the site and the location of the publicly accessible open space corridor, so therefore any future development would have to remain substantially the same as proposed.

The Council Member representing the adjacent Council District 34 spoke in opposition to the proposal and stated that, while the proposed development was not in his district, a large number of his constituents lived near the proposed development. The Council Member stated concerns about the development including its larger unit sizes, which he said would not be available to Latino and African-American area residents. The Council Member also stated that the developer had not met affordable housing commitments at the nearby Rheingold development in Bushwick, and that this site provided an opportunity to add more density and height than currently proposed in order to meet the great affordable housing demand in the community. The Council Member also stated that there were no changes or modifications to the proposal that would make him supportive of this development and that he did not support the City's ULURP process in its current form.

The principal of the Beginning with Children charter school, located directly south of the project site, expressed concern about the amount of parkland and play area. The principal also expressed concerns about the potential impact of construction-related noise, dust, and truck traffic on the school and open play yard and stated that a real-time health monitoring program for students should be put in place because of soil contamination in the surrounding area.

Five other speakers testified against the application. Two speakers representing the 32BJ SEIU building service workers union stated that the developer had failed to pay prevailing wages to workers in its other residential developments and did not use union employees. One speaker, who identified himself as an organizer for the Council Member representing District 34, stated that the 2005 Greenpoint-Williamsburg rezoning had caused displacement in the community and that this

rezoning would exacerbate the situation and force more people out. Two area residents testified in opposition, expressing concern about rising housing costs in neighboring Bushwick and the concerns of long-term residents about displacement. They stated concerns about their children's ability to afford to live in the area and the impact that any new development would have on local housing costs.

The Council Member representing Council District 33, in which the project area is located, did not indicate a position in support of or in opposition to the application, but stated that the scope of the proposed actions was limited and that the proposal should be reviewed on the merits of the specific development. The Council Member stated that there were significant affordable housing needs in the community and that this proposal would bring a large number of permanently affordable housing units to the area. The Council Member noted that the nearby Schaefer Landing housing development, along the Williamsburg waterfront, included both affordable and market-rate housing pursuant to inclusionary housing, and was occupied by a diverse range of residents.

A representative of the United Jewish Organization (UJO), a neighborhood housing advocacy group, spoke in favor of the application. He stated that there was a great need for affordable housing in this area and said that all area residents would benefit from the permanently affordable units in the development. He stated that UJO were the sponsors of the Schafer Landing project, that 40 percent of those units was set aside for affordable housing, and that that development was now home to a diverse group of African-American, Latino, and Hasidic families. He expressed his belief that the proposed development would yield similar results and would be beneficial in knitting together all communities in the area.

A representative of the Brooklyn Chamber of Commerce testified in support of the project, stating that it would produce 1,146 units of housing, including 287 units of badly-needed affordable housing, and that the proposed retail space would create businesses and jobs in Brooklyn.

Nine area residents, and one person who works in the neighborhood, spoke in favor of the application. They cited the need for affordable housing, including the need for large units, and discussed the pressures of living in small apartments with large families, which they stated was forcing long-term residents and their children to leave the city. They said that the site was currently

a blight in this part of the neighborhood, and that new investment in this area would be a welcome improvement.

Three representatives of local construction-related businesses spoke in support of the proposal, stating that the new development would greatly improve the unsafe area, create jobs and bring increased economic development to the area.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 150278 ZMK), in conjunction with the related application for a zoning text amendment (N 150277 ZRK), is appropriate.

The requested actions would facilitate the redevelopment of an underutilized two-block site with eight new mixed-use buildings containing approximately 1,146 dwelling units, of which 287 units would be permanently affordable under MIH program Option 1. In addition, the development would create 62,862 square feet of active ground floor commercial and community facility space and provide 26,000 square feet of required publicly accessible open space.

The project area is currently mapped with an M3-1 zoning district, allowing for heavy manufacturing uses. It was once owned by the Pfizer pharmaceutical company, which closed their Brooklyn operations in 2007 and subsequently sold the property to private owners. Since that time, the site, which is extremely well-served by public transit, has been used solely for surface parking and open vehicle storage.

As proposed by the applicant, the rezoning would result in the development of 1,146 new dwelling units at this location, including an estimated 287 permanently affordable units, helping to address the dire need for more housing, including affordable housing, particularly in transit-accessible areas of Brooklyn. The proposed project is consistent with the City's policy objectives for promoting housing production and affordability across the city, and would facilitate the redevelopment of underutilized and contaminated land.

The proposed zoning text amendment (N 50277 ZRK) would designate an MIH area coterminous with the rezoning area, requiring any new residential development on the site to provide permanent affordability for 25 percent of the residential floor area pursuant to Option 1. This action would ensure that the proposed development would be required to include nearly 258,000 square feet, or approximately 287 units, of permanently affordable housing.

The Commission believes that the proposed R7A, R7D, R8A and C2-4 zoning districts are appropriate. Much of the surrounding area is developed with medium-density residential, commercial and community facility uses, interspersed with some remaining light industrial uses, open storage, and vacant properties. The site's current M3-1 zoning district permits limited commercial uses and unenclosed heavy industrial uses, but it has only been used for open storage and surface parking for nearly 20 years. During this time, the surrounding neighborhoods continued to grow, increasing pressure on a limited housing supply. Uses within the M3-1 district south of the project area include a gas station on a small, irregular lot, and a school with an open play yard. The proposed change to allow residential, commercial, and community facility uses here is appropriate given the site's proximity to residential neighborhoods, the adjacent community facilities, its excellent transit access, and the lack of industrial growth under the current zoning.

The proposed zoning districts, coupled with the placement of the required publicly accessible open space, would result in a predictable site plan, massing, and form, and would result in a development with densities and heights responsive to the width of the surrounding streets. The proposed zoning district boundaries, and the location of the public open space in the middle of the blocks, would locate higher density and heights along 80-foot-wide Union Avenue and lower density and heights along 70-foot-wide Harrison Avenue. The proposed R8A district would be mapped along the 80-foot-wide Union Avenue, accommodating the tallest buildings (ranging in height from 12 to 14 stories). Building heights would step down to 10 to 11 stories in the proposed R7D district, mapped along the 65-foot-wide public open space corridor running through the middle of the site. They would further step down to six and seven stories along Harrison Avenue in the proposed R7A/C2-4 district. This proposed zoning change would extend an existing R7A/C2-4 district immediately from the east.

The proposed C2-4 commercial zoning district would facilitate the development of nearly 63,000 square feet of local retail space on the ground floors of the proposed buildings. These retail services would help create a pedestrian destination for this portion of the neighborhood, further activating the streetscape and fulfilling the needs of neighborhood residents. When C2-4 districts are mapped across R7D zoning districts, non-residential uses are required on the ground floor and additional urban design requirements are triggered. These provisions would allow the site include retail and services for area residents, including those that would be located within the proposed development, and would help enliven and activate the public pedestrian pathways to nearby subway station entrances.

The applicant's inclusion of a 26,000-square-foot publicly-accessible open space, bisecting the development site, would provide much-needed passive recreation space for both area and project residents. The requirements for the publicly accessible open space would be memorialized in a Restrictive Declaration, which would control not only the amount and location of the open space, but also the overall design and the amenities the developer would be required to provide. It would consist of a north-south corridor across both blocks, extending from Gerry Street to Walton Street. As described in the CEQR's Restrictive Declaration, the open space would be required to be open to the public 24 hours per day, 364 days per year, and would be required to include 25 trees, 1,460 square feet of planters, 204 linear feet of benches with backs, 196 linear feet of benches without backs, 40 sets of tables with two chairs, 18 recycling and trash receptacles, and 12 bicycle racks. In order to provide maintenance obligations of the required public open space over the long term, the Restrictive Declaration also requires that a Property Owners' Association be formed to protect public access to this space and assess fees of its Association members so as to provide appropriate upkeep. This open space would allow the public to walk through the site to access the Flushing Avenue G train entrance on Flushing Avenue, and the proposed amenities, including ground-floor retail and services, would help encourage people to stop and spend time within the open space. The Commission applauds the applicant's proposal to increase the amount of planted area within the open space by 557 square feet in response to concerns expressed during the public review process.

The combination of the residential and commercial zoning district boundary locations, the precise location of the open space, and its prescribed access and amenities create a de-facto site plan that shapes the height and density of buildings on the blocks based on the surrounding street widths and uses and responds to the Commission's concern regarding an appropriately-scaled development plan.

The Commission is sympathetic to the concerns raised during the public review process and at the public hearing regarding the potential for the development's unit sizes to skew larger. In response to past concerns about the appropriate sizes of affordable dwelling units, the Commission had enacted specific zoning regulations in the Zoning Resolution, Section 23-96, that require a mix of unit sizes to accommodate larger households. The Commission believes that the applicant representative's lack of responsiveness to questions about the unit sizes at the public hearing, and the applicant team's deferral to the City Council for additional details, obfuscates the Commission's consideration of these requested discretionary actions and was altogether unhelpful to the public review process.

Following the Commission's concerns and questions at the public hearing, the applicant's representative provided a letter to the Commission dated August 17<sup>th</sup>, 2017, stating that the applicant had a track record of developing housing for a wide range of households, including affordable housing under the auspices of HPD, and that in the applicant's existing developments, less than eight percent of dwelling units contain four or more bedrooms. The applicant's representative further stated that it was not the intention of the developer to provide only large-sized units in the proposed development, and that unit sizing would be entirely market-driven.

The Commission notes that the City maintains a strong role in the review of all MIH projects through HPD. HPD directly reviews and approves the layout and location of all MIH apartments, the affordability levels of those apartments, the developer's non-profit affordable housing administering agent, their track record, and their marketing plan to ensure compliance with MIH regulations, HPD rules and Fair Housing laws. These details are codified in a regulatory agreement.



The Commission strongly encourages the applicant to maintain its track record, as described in its letter, of providing an overall mix of unit sizes for all of its apartments in its development, and to work with HPD regarding the affordable dwelling units to ensure that they are fully accessible to the widest feasible range of New Yorkers.

The Commission emphasizes that its land use decisions are always based on rational land use concerns and not on assumptions based on the religion or ethnicity of an applicant or development team.

The Commission notes that the applicant stated in a letter to Community Board 1 dated June 7, 2017, that in order to address the Board's concerns, they would hire local workers for the construction and operation of the new development, pay prevailing wages to service workers, give Community Board 1 prior notice of the opening of the affordable housing lottery, and commit to work with local organizations to help the area residents apply for the affordable housing lottery.

Regarding the recommendation by the Borough President that the applicant specify the proposed affordable housing bedroom mix, the Commission reiterates that this is an important factor in understanding the proposed development, and is supportive of the applicant determining an appropriate mix of unit sizes that meets the needs of the widest range of New Yorkers as part of the public review process.

Regarding the recommendation by the Borough President that the applicant use a combination of local not-for-profit administering agents, the Commission notes that pursuant to MIH regulations, a developer participating in the inclusionary housing program is required to use a not-for-profit entity, vetted and approved by HPD, to manage the affordable housing lottery and units, and that marketing of those units must be conducted by a third-party entity in an open and public way, also monitored by HPD and advertised on HPD's Housing Connect electronic application portal.

Regarding the recommendation by the Borough President that the applicant explore additional resiliency and sustainability measures, hire locally, and use minority- and women-owned businesses, the Commission notes this is outside the scope of the proposed actions, but encourages the applicant to use best practices for building construction, management, and maintenance.

Specifically regarding project sustainability, the applicant is proposing to increase housing density in an area that has excellent transit access. With a subway station located directly adjacent to the proposed development site, this is clearly transit-oriented development, an inherently “green” form of development for an underutilized, likely-contaminated site.

Regarding the recommendation by the Borough President that the applicant coordinate with the NYC Department of Transportation (DOT) and the NYC Department of Environmental Protection (DEP) to develop streetscape and pedestrian-safety improvements, and construct bioswales, and that DOT demap portions of Gerry Street to help connect the site to the adjacent school’s open play area, the Commission notes that these are outside the scope of the proposed actions, but encourages these improvements where feasible and in coordination with DOT, the public school, and local constituents.

Regarding the Borough President’s recommendation that the Department of City Planning pursue a new zoning text amendment to modify the MIH regulations, the Commission notes that MIH is a recently-approved, citywide policy that requires affordable housing to be built as part of new residential developments. Modifying citywide requirements would require significant policy development and public review, and would be outside the scope of the proposed actions.

Regarding the recommendation that HPD modify the affordable housing lottery’s local preference for this project to include residents of both Community District 1 and 3, Greenpoint-Williamsburg and Bedford-Stuyvesant, respectively, and include residents displaced since the 2005 Greenpoint-Williamsburg rezoning, the Commission notes that community preference requirements have been removed from the recently approved version of New York State’s revised 421(a) legislation, now known as “Affordable New York”, and that the City’s current community preference policy is currently in litigation. Modifying citywide policy is outside the scope of the proposed actions.

Regarding the recommendation by the Borough President that the Department of City Planning modify R7D and R8A districts to require transit improvements at the site, and that the Metropolitan Transportation Authority (MTA) take steps to reopen station entrances and upgrade capacity to nearby stations, the Commission notes that these proposed changes would be beyond the scope of these applications and would require significant analyses. The Commission encourages the

applicant to work with the MTA to improve or reopen station entrances, including to facilitate compliance with the Americans with Disabilities Act where appropriate, but notes that this is outside the scope of the proposed actions.

Regarding the public hearing testimony in opposition provided by the Council Member representing District 34 that the proposal should be denied because it would provide only large units geared to a selective portion of residents, the Commission notes that it agrees that a range of unit sizes is advisable. The Commission is committed to housing accessibility for all and has supported regulations regarding the appropriate size of affordable housing units. The Commission has not been presented with evidence that shows that the applicant has built housing geared to only one segment of the population. Nonetheless, the Commission encourages the applicant to abide by the commitment made in its August 17<sup>th</sup>, 2017 letter to the Commission, in which the applicant stated that it intends to serve a full range of residents in the marketing of the buildings facilitated by the subject actions.

In response to concerns raised by the Council Member representing District 34 regarding the insufficient public review process, the Commission notes that ULURP is a robust process that allows for significant community engagement. ULURP is an open, legal process for land use changes, taking place over nearly seven months, that assures rigorous public input at the local community board, the borough president, the City Planning Commission and the City Council, including a series of required public hearings. ULURP allows for germane modifications proposed by elected officials and the general public. In addition, before the beginning of ULURP, this proposal was required to undertake a public meeting on the scope of work for the Environmental Impact Statement, at which the public could provide additional testimony on the environmental review for the proposed actions. Finally, since their filing in May, 2015, the applications were publicly available at the local community board and the borough president's office for anyone to review and discuss. The Commission takes its role in the ULURP process seriously as it reviews and considers land use applications, including the public testimony presented during its review period and at its public hearing, and only renders its vote after careful consideration.

In response to the recommendation by the Council Member representing District 34, calling for additional density and height at this site to further the goals of affordable housing generation, the

Commission notes that the applicant is proposing an FAR of 6.0 across the development site, within buildings ranging in height from six to 14 stories. While these densities and heights are appropriate at this location, adding additional density and height would be outside the scope of these actions, and would necessitate additional planning, environmental analysis, and urban design review.

Regarding concerns raised by the principal of the Beginning with Children charter school about potential construction impacts and timeline, the Commission encourages the applicant to continue working with the school's leadership, as the applicant has committed to do in the August 17, 2017 letter. The Commission notes that the proposed development would be an improved condition for the school, providing additional activity and safety, as well as additional publicly accessible open space, as compared with the current fenced lots today. Further, the proposed development would facilitate the remediation of the site.

Finally, the Commission values the written testimony submitted by Brooklyn's Community Board 4, received on August 8, 2017, stating their concerns and recommendations as they relate to these applications. As described earlier, the Commission notes that the proposed development sites are currently zoned for heavy manufacturing uses, with limited allowable commercial uses, yet have remained surface parking and open storage since Pfizer closed and relocated operations. These sites also sit directly on top of one subway station, and two blocks from another subway station, providing excellent transit access across Brooklyn and the city. Allowing for increased residential density to facilitate the production of housing, including 287 permanently affordable apartments pursuant to MIH and without public subsidy, would help relieve the significant demand for housing in this area. New York City's severe housing shortage affects communities across the entire city, and neighborhoods will have to work together to increase the supply of housing, including subsidized and unsubsidized affordable housing. The Commission understands that Community Board 4 is currently participating in a neighborhood planning study with the Department of City Planning and other City agencies. Tenant protections, rent stabilization programs, and the creation of new affordable housing opportunities are some of the stated goals of this neighborhood planning study. The Commission looks forward to working with Community Board 4 and Bushwick residents to solve some of these challenging issues.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 8, 2017, with respect to this application (CEQR No. 15DCP117K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 14, 2017, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 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. 13b:

1. changing from an M3-1 District to an R7A District property bounded by the southwesterly centerline prolongation of Walton Street, Harrison Avenue, Gerry Street, and a line 100 feet southwesterly of Harrison Avenue;
2. changing from an M3-1 District to an R7D District property bounded by the southwesterly centerline prolongation of Walton Street, a line 100 feet southwesterly of Harrison Avenue, Gerry Street, a line 335 feet southwesterly of Harrison Avenue, Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, and a line 265 feet southwesterly of Harrison Avenue;

3. changing from an M3-1 District to an R8A District property bounded by the southwesterly centerline prolongation of Walton Street, a line 265 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, Wallabout Street, a line 335 feet southwesterly of Harrison Avenue, Gerry Street, Flushing Avenue, Marcy Avenue, Wallabout Street, and Union Avenue;
4. establishing within the proposed R7A District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, Harrison Avenue, Gerry Street, and a line 100 feet southwesterly of Harrison Avenue;
5. establishing within the proposed R7D District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, a line 100 feet southwesterly of Harrison Avenue, Gerry Street, a line 335 feet southwesterly of Harrison Avenue, Wallabout Street, and a line 200 feet southwesterly of Harrison Avenue; and
6. establishing within the proposed R8A District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, a line 265 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, Wallabout Street, a line 335 feet southwesterly of Harrison Avenue, Gerry Street, Flushing Avenue, Marcy Avenue, Wallabout Street, and Union Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-427.

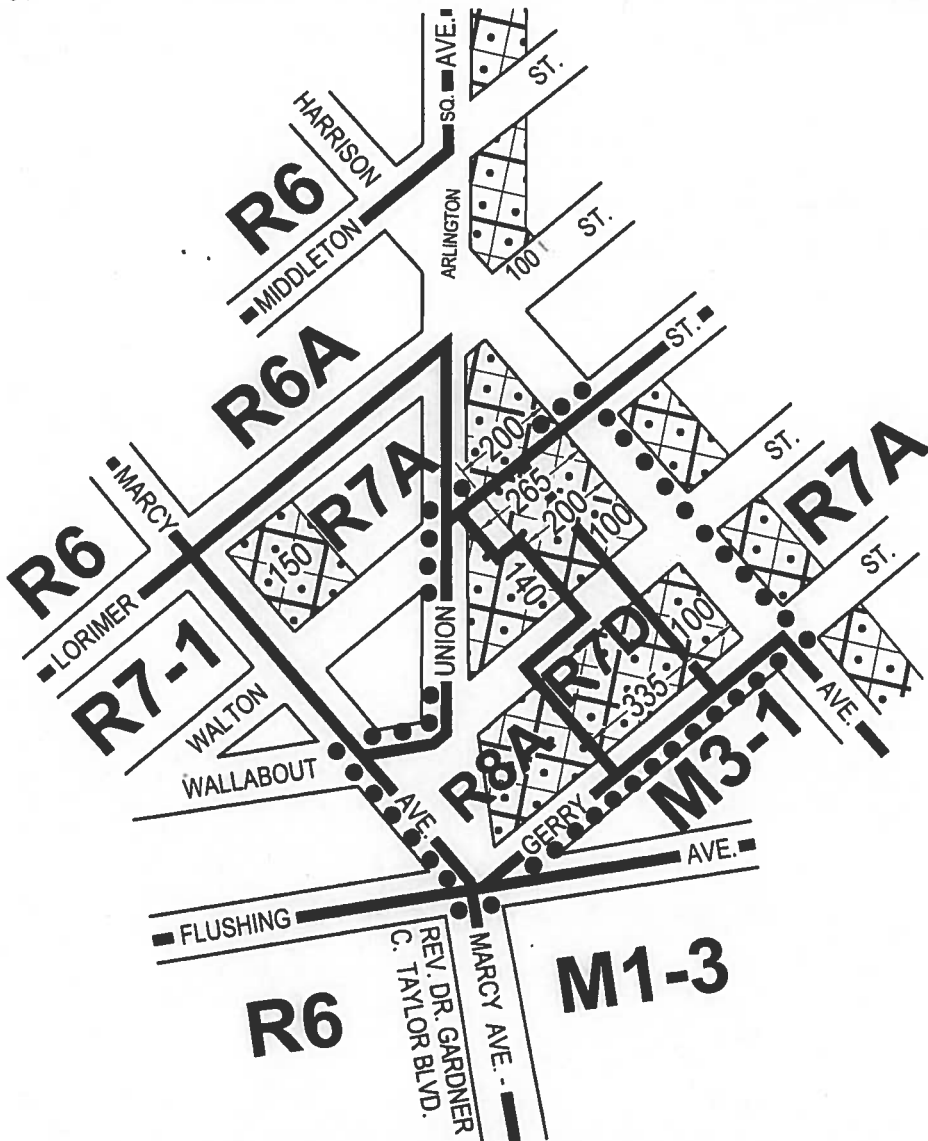
The above resolution (C 150278 ZMK), duly adopted by the City Planning Commission on September 19, 2017 (Calendar No. 7), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

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

**RAYANN BESSER, ALFRED C. CERULLO, III, JOSEPH I. DOUEK,  
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN**, *Commissioners*

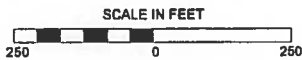
**MICHELLE DE LA UZ**, *Commissioner*, voting “No”






CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**13b**  
 BOROUGH OF  
**BROOKLYN**

*[Signature]*  
 S. Lenard, Director  
 Technical Review Division

New York, Certification Date  
 MAY 22, 2017



**NOTE:**

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing an existing M3-1 District to R7A, R7D and R8A Districts, and by establishing a C2-4 District within the proposed R7A, R7D and R8A Districts.
-  Indicates a C2-4 District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Application #: **C 150278 ZMK**

Project Name: **Pfizer Sites Rezoning**

CEQR Number: 15DCP117K

Borough(s): **Brooklyn**

Community District Number(s): **1**

*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](mailto: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, 31<sup>st</sup> 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:*

**SEE ATTACHED**

Applicant(s): Harrison Realty LLC c/o The Rabsky Group 505 Flushing Avenue Brooklyn, NY 11205		Applicant's Representative: Raymond Levin, Esq. Slater & Beckerman PC 61 Broadway, Suite 1801 New York, NY 10006	
Recommendation submitted by: Brooklyn Community Board 1			
Date of public hearing: June 6, 2017		Location: 211 Ainslie Street Brooklyn, NY 11211	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<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>	
Date of Vote: June 13, 2017		Location: 211 AINSLIE STREET BROOKLYN, NY 11211	
<b>RECOMMENDATION</b>			
<input type="checkbox"/> Approve		<input checked="" type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
PLEASE SEE ATTACHED			
<b>Voting</b>			
# In Favor: 26 # Against: 15 # Abstaining: 1 Total members appointed to the board: 50			
Name of CB/BB officer completing this form DEALICE FULLER		Title CHAIRPERSON	Date 6-21-17



##

*Pfizer Sites Rezoning*

CD 1

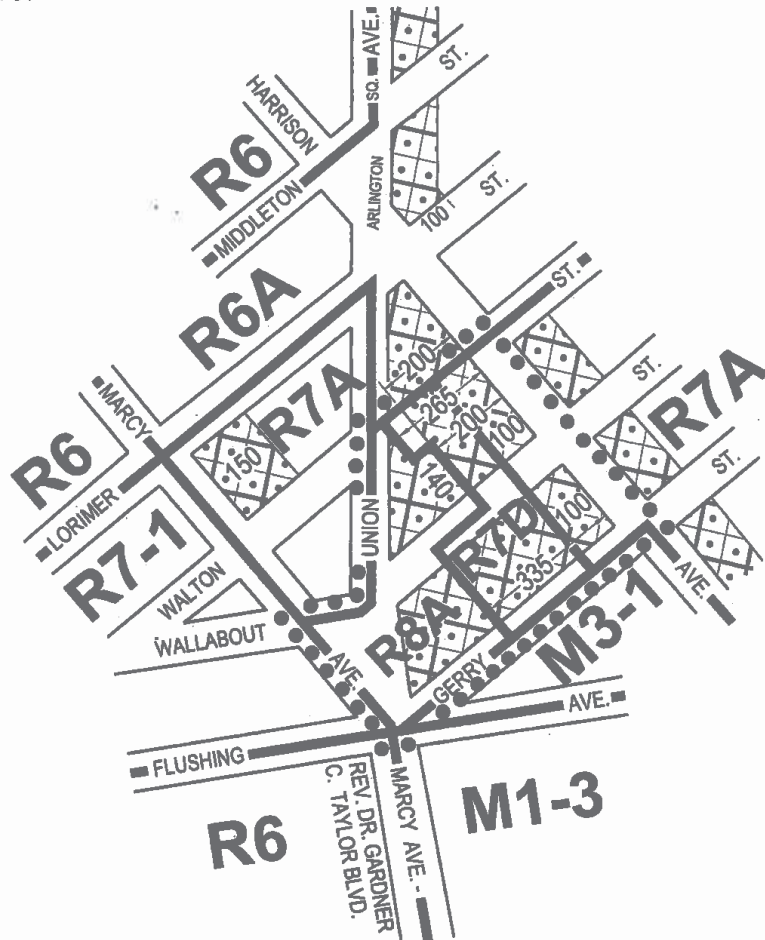
C 150278 ZMK

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

1. changing from an M3-1 District to an R7A District property bounded by the southwesterly centerline prolongation of Walton Street, Harrison Avenue, Gerry Street, and a line 100 feet southwesterly of Harrison Avenue;
2. changing from an M3-1 District to an R7D District property bounded by the southwesterly centerline prolongation of Walton Street, a line 100 feet southwesterly of Harrison Avenue, Gerry Street, a line 335 feet southwesterly of Harrison Avenue, Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, and a line 265 feet southwesterly of Harrison Avenue;
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6. establishing within the proposed R8A District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, a line 265 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, Wallabout Street, a line 335 feet southwesterly of Harrison Avenue, Gerry Street, Flushing Avenue, Marcy Avenue, Wallabout Street, and Union Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-427.

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CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**

ON SECTIONAL MAP  
**13b**

BOROUGH OF  
**BROOKLYN**



New York, Certification Date  
 MAY 22, 2017

*S. Lenard*  
 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 M3-1 District to R7A, R7D and R8A Districts, and by establishing a C2-4 District within the proposed R7A, R7D and R8A Districts.
- ◊ ◊ ◊ Indicates a C2-4 District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



# COMMUNITY BOARD NO. 1

435 GRAHAM AVENUE – BROOKLYN, NY 11211

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HON. ERIC L. ADAMS  
BROOKLYN BOROUGH PRESIDENT



RABBI ABRAHAM PERLSTEIN  
FIRST VICE-CHAIRMAN

DEL TEAGUE  
SECOND VICE-CHAIRPERSON

STEPHEN J. WEIDBERG  
THIRD VICE-CHAIRMAN

MARIA VIERA  
FINANCIAL SECRETARY

SONIA IGLESIAS  
RECORDING SECRETARY

PHILIP A. CAPONEGRO  
MEMBER-AT-LARGE

DEALICE FULLER  
CHAIRPERSON

GERALD A. ESPOSITO  
DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33<sup>rd</sup> CD

HON. ANTONIO REYNOSO  
COUNCILMEMBER, 34<sup>th</sup> CD

June 13, 2017

## LAND USE, ULURP, & LANDMARKS (subcommittee) COMMITTEE REPORT

TO: Chairperson Dealice Fuller and  
CB #1 Board Members

FROM: Del Teague, Committee Chair  
Trina McKeever, Landmarks Subcommittee Chair

RE: Report from meetings held on June 6 & June 7, 2017

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*(Please be advised that the Land Use, ULURP & Landmarks (subcommittee) Committee held a Public Hearing on the listed agenda items as follows)*

**WHEN: TUESDAY Public Hearing - June 6, 2017**  
(Attendance: Present - Teague, McKeever, McCann, Barros, Kaminski, Needelman, Rabbi Niederman, Rabbi Perlstein, Sofer, Weidberg, Weiser. Absent – Argento, Dybanowski, Viera)

**WEDNESDAY Committee Meeting - June 7, 2017**  
(Attendance: Present - Teague, McCann, Barros, Kaminski, Needelman, Rabbi Niederman, Rabbi Perlstein, Sofer, Weidberg, Weiser. Absent – McKeever, Argento, Dybanowski, Viera)

**TIME: 6:30 PM**

**WHERE: Swinging Sixties Senior Citizen Center  
211 Ainslie Street  
Brooklyn, NY 11211  
(Corner of Manhattan Avenue)**

**(1.) DCP - CD 1 C 150278 ZMK - Pfizer Sites Rezoning: IN THE MATTER OF** an application submitted by Harrison Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an M3-1 District to an R7A District property bounded by the southwesterly centerline prolongation of Walton Street, Harrison Avenue, Gerry Street, and a line 100 feet southwesterly of Harrison Avenue;
2. changing from an M3-1 District to an R7D District property bounded by the southwesterly centerline prolongation of Walton Street, a line 100 feet southwesterly of Harrison Avenue, Gerry Street, a line 335 feet southwesterly of Harrison Avenue, Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, and a line 265 feet southwesterly of Harrison Avenue;
3. changing from an M3-1 District to an R8A District property bounded by the southwesterly centerline prolongation of Walton Street, a line 265 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, Wallabout Street, a line 335 feet southwesterly of Harrison Avenue, Gerry Street, Flushing Avenue, Marcy Avenue, Wallabout Street, and Union Avenue;
4. establishing within the proposed R7A District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, Harrison Avenue, Gerry Street, and a line 100 feet southwesterly of Harrison Avenue;
5. establishing within the proposed R7D District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, a line 100 feet southwesterly of Harrison Avenue, Gerry Street, a line 335 feet southwesterly of Harrison Avenue, Wallabout Street, and a line 200 feet southwesterly of Harrison Avenue; and
6. establishing within the proposed R8A District a C2-4 District bounded by the southwesterly centerline prolongation of Walton Street, a line 265 feet southwesterly of Harrison Avenue, a line 140 feet northwesterly of Wallabout Street, a line 200 feet southwesterly of Harrison Avenue, Wallabout Street, a line 335 feet southwesterly of Harrison Avenue, Gerry Street, Flushing Avenue, Marcy Avenue, Wallabout Street, and Union Avenue;

Mr. Raymond Levin presented on behalf of Harrison Realty LLC. He explained that the applicant is asking for Mandatory Inclusionary Housing Designation with the intent of building a development which consists of 8 residential buildings ranging from 5 to 14 stories with 404 parking spaces, and retail spaces that would accommodate mostly small local businesses, one of which is large enough to house a super market. There would be overall 1,146 residential units with 25% affordable units at the AMI average of 60%. The affordable units, totaling 287, are broken down as 5% at 100% AMI; 10% at 60% AMI; and 10% at 40% AMI. They would be integrated with and spread out among the market rate units with equal access to the amenities. In response to requests from the community, there will be no studio apartments.

The plan calls for the buildings to have private open spaces between them, and a 65-foot-wide green space which will be privately developed and maintained, but open to the public.

The applicant estimates occupancy by November 2019.

In response to questions and concerns raised by speakers and residents, regarding whether there will be local hiring and prevailing wages, the applicant has committed in writing to hire local workers for both the construction and operation of the development and to pay prevailing wages to service workers at the new site. The applicant has also committed to give the Community Board prior notice of the opening of the affordable housing lottery and to market the affordable units directly to the public. Additionally, the applicant commits to working with local organizations to get the word out about the opportunity to apply for the affordable housing.

Recommendation: The committee voted unanimously to approve the application with the incorporation of the above commitments which have been made in writing by the applicant.

The committee noted the critical need for permanent affordable housing in the area in which the proposed site is located, especially considering the absence of the creation of any new affordability in that area for many years. In addition, the committee noted the ongoing federal lawsuit that threatens to take away community preference with affordable housing. That threat makes it wise and in the community's best interests to move ahead expeditiously with getting our residents placed in affordable units.

## **(2.) DCP # N170425ZRY – PROPOSED SELF STORAGE FACILITY TEXT**

**AMENDMENT-** The NYC Department of City Planning proposes a zoning text amendment to require a CPC Special Permit for new self-storage facilities within Designated Areas in M districts, which represent New York City's most active industrial areas, to promote the future availability of siting opportunities for industrial more job-intensive uses. (See Attached Documents)

Ms. Kerensa Wood presented. Ms. Wood explained that the motivation for this proposal is the growth and resurgence of industry in North Brooklyn. When asked about the effect such a requirement would have on self-storage units, she said a new unit would have to go through a whole ULURP process, which could take up to 2 years without any guarantee of success.

There was testimony in opposition to the city's proposal by both individuals and a representative of Safe N Lock Self-Storage Company. The opponents argued that the city's plan would pose an unfair, perhaps fatal, burden on small businesses, especially the burgeoning on-line business community, which use the economical and moderate size self-storage spaces to store inventory. The representative of Safe N Lock Self-Storage stated that a recent citywide survey shows that businesses account for 30%, perhaps 40%, of self-storage users and they include non-profit

organizations, manufacturers, home renovation contractors and mom-and -pop retailers, as well as NYC agencies like the Dept. of Homeless Services helping families in transition.

Opponents also argued that working and middle class residents who rely on self-storage as their only affordable storage option in this space constrained city often cannot afford the larger more expensive spaces offered by warehouses, which will not be affected by the proposal.

Opponents also noted that this board has been urging the city to enact a requirement for hotels to obtain special permits. It was argued that the hotels, which also take up large space in manufacturing areas, have presented an untenable burden on our infrastructure.

Recommendation: The committee voted unanimously to disapprove the zoning text amendment until further study is conducted to show how the above negative effects on our businesses and private residents can be addressed and ameliorated, if the zoning text amendment is enacted.

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
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**

PFIZER SITES REZONING – 150278 ZMK, 150277 ZRK

Applications submitted by Harrison Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter, seek a zoning map amendment to change the existing M3-1 district to a combination of R7A, R7D, and R8A zoning districts, all with C2-4 commercial overlays, and a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area of two blocks in the Williamsburg neighborhood of Brooklyn Community District 1 (CD 1). Such actions would facilitate the development of eight mixed-use buildings varying in height from five to 14 stories. The buildings would contain 62,800 square feet of commercial retail space and 1,146 dwelling units, 25 percent of which would be set aside for median rents based on households earning 60 percent of Area Median Income (AMI). Ten percent of the housing units would be prioritized for households earning up to 40 percent of AMI. The development will include 404 accessory self-parking spaces below grade and on the first floor.

BROOKLYN COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

July 21, 2017

DATE

**RECOMMENDATION FOR: PFIZER SITES REZONING – 150278 ZMK, 150277 ZRK**

Applications submitted by Harrison Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter, seek a zoning map amendment to change the existing M3-1 district to a combination of R7A, R7D, and R8A zoning districts, all with C2-4 commercial overlays, and a zoning text amendment to establish an MIH area of two blocks in the Williamsburg neighborhood of Brooklyn Community District 1 (CD 1). Such actions would facilitate the development of eight mixed-use buildings varying in height from five to 14 stories. The buildings might contain 62,800 square feet (sq. ft.) of commercial retail space and 1,146 dwelling units, 25 percent of which would be set aside for median rents based on households earning 60 percent of area median income (AMI). Ten percent of the housing units would be prioritized for households earning up to 40 percent of AMI. The development might include 404 accessory self-parking spaces below grade and on the first floor.

On July 10, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on the zoning map change and text requests. The applicant did not have the opportunity to present and no speakers had the opportunity to testify since the hearing was closed as a public safety precaution, though written testimony was hand-delivered as follows:

- Without taking a position on the application, Director of Parent Engagement and Community Outreach at the Beginning with Children Foundation, expressing concern from adverse construction impacts due to the adjacent outdoor school yard being the only resource to accommodate exercise, as the school building does not contain a gymnasium. In order to ensure that its student body is able to live in reasonable proximity to the school, it seeks for the maximization of affordable housing opportunities throughout the area.
- In opposition from a representative of Service Employees International Union (SEIU) 32BJ, expressing concern toward the developers' bad track record of violating workers' rights and impacts on tenants pertaining to irresponsible contracting or poor security.
- In opposition from a representative of the Broadway Triangle Community Coalition (BTCC), noting concerns pertaining to residential displacement, segregation, and the development entity. There is concern that a massive influx of wealthier residents would drive up rent throughout the area, resulting in the harassment, eviction, and displacement of low-income residents there is concern that the project does not recognize serious fair housing issues. Concern also stems from aspects of the developer's actions pertaining to its Rheingold site development and construction, as well as building maintenance practices elsewhere.
- In support from a representative of the Brooklyn Chamber of Commerce noting that this project provides a tremendous opportunity to address obstacles to business such as finding available commercial space and affordable residential space to house Brooklyn's talented, diverse workforce. The opinion was expressed that development would create permanent and construction job opportunities.
- In support from the Jewish Community Relations Council of New York noting on record that affordable housing is one of the key challenges to the future of New York City's Jewish community. Support was expressed for Borough President Adams' *Housing Brooklyn: A Roadmap to Real Affordability for Brooklynites*. It was recommended that the Mandatory Inclusionary Housing (MIH) benchmarks are appropriate benchmarks and standards to



achieve affordable housing. It believes that all households that qualify for affordable housing, no matter their household size, deserve to be eligible for affordable housing. It noted, according to the latest United States American Community Survey, that there are 136,000 households in Brooklyn with eight or more persons. Furthermore, it was expressed that in the Schaefer Landing development's affordable housing lottery, Hasidic families accounted for approximately one-quarter of households selected for four-bedroom units while Latino families were significantly represented in the remainder of those units.

Additional testimony in opposition was received prior to the hearing by a professor emeritus of the Pratt Institute Graduate Center for Planning and the Environment, expressing that were the zoning action to be approved, it would continue an illegal and outrageous planning practice, as well as eliminate any ability to address the spatial segregation that has taken place for more than 50 years.

Subsequent to the hearing, Borough President Adams received written testimony in opposition to the applications from 34<sup>th</sup> District Council Member Antonio Reynoso. Council Member Reynoso raised concerns that this rezoning would perpetuate discriminatory development practices based on development that would not maximize the number of affordable housing units because unit sizes would not be accessible to many of the smaller families in the surrounding community of color. Council Member Reynoso also raised concerns as to whether there would be an adequate mechanism of public oversight of the publicly-accessible open space and of the absence of a plan to address public transit infrastructure. A concern was raised regarding exhibited dangerous and illegal behavior at other developments owned by the applicant.

Subsequent to the hearing, additional testimony was received from the BTCC in opposition while recommending proceeding only subsequent to community engagement in a comprehensive planning process to achieve a plan that advances the Fair Housing Act. They expressed that affordable housing needs to be more deeply affordable and contain a greater percentage of affordable units. They expressed that funding should address anti-displacement education. They expressed that community preference should be extended to Bedford-Stuyvesant and Bushwick. They expressed that the resulting plan should provide for hiring and training of local residents in partnership with local groups. They expressed that the plan should not achieve a financial windfall for the developer. They expressed that agreements must be binding and enforceable and contain provisions for community oversight.

Subsequent to the hearing, additional a testimony was received from representatives of Brooklyn Legal Services Corporation A, on behalf of BTCC, expressing concern in opposition consistent with points raised by BTCC provided at the public hearing, though with additional details. This included noting that the rezoning of manufacturing land for residential development has typically caused much more indirect displacement than predicted by the environmental disclosure for those actions. They expressed that the Pfizer environmental disclosure does not properly assess displacement impacts. They expressed that there is an absence of a real anti-gentrification plan in this already heavily gentrified area. The BTCC urged the Office of the Brooklyn Borough President to investigate the under-representation of Latino and NYCHA residents of Brooklyn Community Board 1 (CB 1) as CB 1 is not representative of the underlying community.

Subsequent to the hearing, six testimonies were received in support of the application based on that the need to address the City's housing crisis and promote job opportunities.

Also subsequent to the hearing, a letter was submitted to Borough President Adams from the attorney representing Harrison LLC, dated July 12, 2017, which noted that the development would be addressing a long-dormant, highly contaminated site. It was noted that it would be the largest

privately-sponsored MIH development to date. The applicant agreed to notify CB 1 and relevant non-profit organizations in the neighborhood in advance of the lottery and to advertise the upcoming availability of the units in the neighborhood publications. The applicant expressed that it intends to sponsor community workshops, to be organized by the Brooklyn Chamber of Commerce, to advise potential applicants on how to compete in affordable housing lotteries, including how to determine if they qualify, the income verification process, and how to complete and submit their application. Furthermore, the applicant would agree to pay a prevailing wage to building service workers, undertake an aggressive local hiring program, and set a target of a minimum 25 percent participation by LBE and MWBE companies. Also noted was the more than half an acre of publicly-accessible open space to be constructed and maintained by the applicant, as well as the possibility of sustainable elements based on economic viability that could include such items as capturing excess rainwater as well as green and/or white roofs.

### **Consideration**

CB 1 approved this application with conditions pertaining to local hiring, including prevailing wages, notification regarding the development's affordable housing lottery, and commitment to working with local non-profits regarding the affordable housing lottery outreach.

The requested rezoning would affect two blocks consisting of 182,366 sq. ft from the intersection. These blocks are adjacent to the Broadway Triangle Urban Renewal Area across Harrison Street and Walton Street. The proposed rezoning map amendment would permit residential uses, which are not permitted within the current M3-1 zoning district. The proposed text amendment of Zoning Resolution (ZR) Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Designated Areas would establish the rezoning area as a new MIH area within CD 1. Pursuant to the MIH program, a percentage of the residential floor area in the proposed development must be affordable. The applicant proposes mapping MIH Option 1, resulting in an affordable housing set-aside of 25 percent of the residential floor area, or an approximate total of 287 units, based on 1,146 total dwelling units. The mid-block publicly assessable open space would be pursuant to a landscape plan that depicts 25 trees, 930 sq. ft. of planters, 930 sq. ft. of benches with raised planters integrated, 250 linear feet of benches, 40 sets of tables and chairs, four pieces of public art, and 12 bicycle racks.

Borough President Adams supports developments that address the City's objectives by facilitating redevelopment of underutilized land for productive uses. Borough President Adams supports development that addresses the City's affordable housing objectives by facilitating development of underutilized land for productive uses that address the City's need for additional affordable housing. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing development to remain permanently affordable. He supports facilitating such development through the mapping of height-based zoning districts as a means to promote certainty within the host community of how many stories would be permitted.

Borough President Adams supports rezoning when paired with the ZR's MIH program as a means to achieve permanently affordable housing units. 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.

This proposed development would result in some permanent affordable housing according to MIH. The rezoning would be consistent with Mayor Bill de Blasio's goal of achieving 200,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," through the development of affordable housing. It would provide housing opportunities to a diverse range of household incomes to apply for apartments through the affordable housing lottery.

Borough President Adams recognizes that, pursuant to zoning, accessory off-street parking is not required as the site is located within the Transit Zone, exempting Income Restricted Housing Units ("IRHUs") from any parking requirements. He believes that the development's location is well-served by multiple forms of transportation options. The proposed building will provide bicycle parking spaces for residential tenants, and the development site is well served by mass transit. The site is accessible via two subway stations. The Flushing Avenue station is served by the IND Brooklyn-Queens Crosstown Local G Line. The Lorimer Street station is served by the Myrtle Avenue Local M Line and the Nassau Street Express J and Z lines. Additional bus service is provided along Broadway, Flushing Avenue, and Lorimer Street. Additionally, the development site is located within the Citi Bike network, with Citi Bike stations at Marcy Street and Union Avenue. A bike lane is mapped along Harrison and Wallabout streets, extending along Leonard Street and Tompkins Avenue.

Borough President Adams believes that there are limited and unique circumstances when it is appropriate to rezone manufacturing-zoned blocks. Such blocks must be located outside of the designated Industrial Business Zones (IBZs), and existing and/or recent land use should generally exclude those uses that require a manufacturing zoning district designation. The existing context should be adjacent to residential development and uses that are supportive of the residential community. In addition, such resulting development must further Borough President Adams' policies of promoting housing affordability across multiple income tiers. With this proposed zoning map amendment, no sections of these blocks are located within or adjacent to an IBZ. The existing and/or recent uses are/were primarily automotive- and open storage-related, which would conform with a C8 zoning district designation. Residential development along Gerry Street would be a more appropriate neighbor across from the Beginning with Children Charter School and its playground. The predominant residential development being proposed is compatible with the prevailing residential character of the area across Marcy and Union avenues as well as Walton Street, with some adjacent blocks being rezoned in 2012, and is compatible to the ongoing residential development according to the 2009 Broadway Triangle rezoning across Harrison Avenue.

Though Borough President Adams is generally supportive of the proposed MIH zoning text amendment and the requested zoning district designations, he has concerns regarding the percentage of affordable housing floor area, the absence of participation toward improving subway access, the uncertainty of the bedroom mix (and percentage by unit type) for the affordable housing units, the community participation in the delivery of the affordable housing, as well as the advancement of local hiring, resilient and sustainable development, and Vision Zero initiatives. Furthermore, he believes it is appropriate for the City to improve lottery eligibility (through addressing inequity for rent-burdened households), better address community preference, and explore opportunities that might provide for more open space. In addition, there are opportunities for the Metropolitan Transportation Authority (MTA) to improve access to subway stations.

### **Greater Affordability**

In order to have MIH withstand constitutional challenges, it must have consistency for advancing public purpose. Though, in doing so, the proposed MIH rezoning creates more development opportunity for the portion of the zoning proposed in excess of R7A. Given the area's recent zoning history, as noted above, any assumption of securing zoning in excess of R7A would be purely speculative. Thus, any zoning district in excess of R7A lacks any leverage to induce more affordable housing as a public benefit pursuant to MIH. Thus, where the rezoning is in excess of R7A, it would result in those sections of the zoning lot to be enriched by more than 25 percent of market rate floor area than its R7A counterpart, without any added public benefit.

Borough President Adams believes that significant upzonings should yield more affordable housing and, where appropriate, at deeper levels of affordability than upzonings that do not provide as much of an increase in density. As rectifying this inequity cannot be achieved directly through MIH, he believes that equity can be advanced in a manner that blends the voluntary inclusionary designated area and the affordable housing bonus as a means to achieve the maximum permitted floor area. Borough President Adams believes that maximizing the number of affordable units while lowering the levels of household affordability, where appropriate, can be achieved by blending what is required according to the proposed MIH with a voluntary special bulk permit.

Specifically, under this request for the R7D and R8A portions of these blocks, Borough President Adams believes that the developer does not choose to exceed the MIH requirements, as such sites should be developed according to R7A MIH regulations of 4.6 FAR. As proposed to be mapped, the R7D and R8A zoning lots sections represent approximately 142,000 sq. ft., of which R7D constitutes approximately 142,000 sq. ft. of additional development rights with 106,000 sq. ft. that could be used for market rate housing. Borough President Adams believes that some portion of these rights would yield sufficient profit, especially given the extra premium that 30 feet of additional height provides when compared to R7A. Additionally, those development rights might reasonably be considered to be free from the land purchase price. Therefore, that value warrants being recaptured as affordable housing.

For developers seeking to use the additional 1.0 FAR and height available in the R7D designated areas, Borough President Adams believes that, in this case, such additional floor area should have a requirement that 40 percent of its floor area be affordable based on rents averaging 60 percent of AMI. By linking a substantial amount of market rate floor area in excess of the 4.6 FAR in pursuant to R7A districts (0.6 FAR) to a bonus of 1.0 FAR based on the R7D district's 5.6 FAR, it provides a much greater incentive for a developer to use the zoning bonus and thus provide the publicly desired affordable housing. Increasing the percent of the affordability requirement between 4.6 FAR and 5.6 FAR from 25 percent to 40 percent would provide for approximately 21,300 sq. ft. of additional floor area for affordable housing. Based on the 900 sq. ft. per average unit size factor used in the draft environmental impact statement (EIS), 24 additional affordable housing units would result.

Unless there is adequate demonstration by the developer of a commitment to pursue a zoning text amendment for a voluntary affordable housing bonus permitting R7D bulk and FAR (provided that of the additional 1.0 FAR, 40 percent is affordable to no less than 60 percent AMI average rent), it would not be appropriate for any zoning of this site to exceed R7A in order to provide affordability to more households. The City Planning Commission (CPC) and/or City Council should set forth that the requested R7D and 8A zoning districts should be conditioned on such a text change to create a special permit affordable housing bonus or other legal mechanism that commits an additional 21,300 sq. ft. of affordable housing at an average rent based on 60 percent AMI. Otherwise, the CPC or City Council should modify the proposed R8A and R7D to R7A, provided that the rezoning is warranted.

### **Advancing Access to the Crosstown G Train Service at its Flushing Avenue Station**

Street stairs and fare controls at the northern end of the IND Brooklyn-Queens Crosstown Local G Line service at the Flushing Avenue station have been absent as the station opening has been covered over for decades. As a result, riders tend to congregate on the platforms near the stairways, creating significant delays on subway lines as a result of uneven boarding access at stations. When it is time to exit the train, there are tendencies for resulting bottlenecks. In addition to congestion during rush hour, there are safety concerns at various stations. Having only one entrance creates a fire hazard, and others have said that there is often a "traffic jam" of people during rush hour leading to missed trains. During the colder months, those who live closer to the shuttered staircases have to walk further in inclement weather, potentially impacting elderly riders.

It is Borough President Adams' policy to identify opportunities to reopen any inactive entrances/exits. With the proposed rezoning, construction at the corner of Union Avenue and Walton Street would be adjacent to the former station's street stairs. It would be unfortunate for development to let this condition remain unresolved. Given the extent of floor area being requested, Borough President Adams believes that it would not be appropriate for the City Council to approve the requested R8A zoning district designation with an assumption that development pursuant to MIH is of sufficient public benefit. Given the area's recent zoning history, as noted above, any assumption of securing zoning in excess of R7A would be purely speculative and that should have been contemplated in the land's purchase price. The portion of the rezoning proposed for an R8A represents approximately 71,500 sq. ft. of zoning lot area. As R7D MIH yields a maximum floor area of 5.6 FAR, as proposed to be mapped, R8A provides for an additional 114,000 sq. ft. of development rights, of which 86,000 sq. ft. could be used for market rate housing. Borough President Adams believes that some portion of these rights would yield sufficient profit, especially given extra premium the 30 feet of additional height provides. Additionally, those development rights might reasonably be considered to be free from the land purchase price. Therefore, that value warrants being recaptured as a contribution toward restoring street stairs and fare controls at the northern end of the G line's Flushing Avenue station.

Unless there is adequate demonstration of engagement with the Metropolitan Transportation Authority (MTA) and of a reasonable financial contribution by the developer, it would not be appropriate for any zoning of this site to exceed R7D. The CPC and/or City Council should set forth that the requested 8A zoning district be conditioned on a demonstration by the developer of a developer financial contribution toward restoring street stairs and fare controls at the northern end of the G line's Flushing Avenue station, pursued in coordination with the MTA. Otherwise, approved zoning should not exceed R7D.

#### **Appropriate Affordable Housing Bedroom Mix**

According to the application documents, there is no specificity to the bedroom mix for the intended apartments. It indicates 1,031,763 sq. ft. being for residential use to accommodate 1,146 dwelling units, based on 900 sq. ft. gross per unit. With consideration for common areas such as elevators, hallways, lobbies, and stairwells, based on the floor plan efficiency, it is reasonable for such a unit count to equate to a median apartment size in the neighborhood of 765 to 810 sq. ft., somewhere between a typical one- to two-bedroom apartment. A recent report identified that rent-burdened households, which typically represent those households applying to the City's affordable housing lotteries, are more likely to require family-sized unit types. A letter to Borough President Adams from the attorney representing Harrison LLC, dated June 20, 2017, noted that the exact unit mix has yet to be determined, though based on input from area residents, the applicant has agreed to exclude studios and intends to offer one-, two-, three-, and four-bedroom apartments.

Borough President Adams is concerned that such typical average unit size might not have an appropriate number of two-, three-, or four-bedroom apartments, especially if that average did not include studios. Therefore, the mix of the proposed housing units would not adequately reflect the needs of CD 1's and the nearby section of CD 3's low- to middle-income rent-burdened residents. Especially when it comes to affordable housing units, Borough President Adams believes that right-sizing the bedroom distribution is more important 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. He believes that the resulting apartments present an opportunity to achieve family-sized units for the non-elderly. He typically seeks to require a minimum threshold for non-independent senior housing

residences to accommodate family-sized apartments at those rents. Borough President Adams supports having at least 50 percent of two- or more bedroom affordable housing units and at least 75 percent of one- or more bedroom affordable housing units, consistent with zoning text for Inclusionary Housing floor area pursuant to ZR 23-96(c)(1)(ii), though he considers it appropriate to have more studios when rents for studios and one-bedroom units would be affordable to seniors.

Prior to the date of his public hearing, it was conveyed to Borough President Adams that many nearby market-rate buildings, constructed on blocks formerly zoned for non-residential use, promote a bedroom mix pattern designed to accommodate households with many family members. These were built pursuant to variances granted by the New York City Board of Standards of Appeals (BSA) and pursuant to both the Flushing-Bedford rezoning and the subsequent 2009 Broadway Triangle rezoning, as well as anticipated New York City Department of Buildings (DOB) development application filings. It is widely speculated that resulting apartments, and those in the development pipeline, will predominantly contain four bedrooms. Though few buildings have been completed subject to the 2009 rezoning, there have been filings with DOB for approximately 440 dwelling units within the Broadway Triangle. There is concern as to whether the developer would seek to accommodate predominantly four-bedroom units if the requested rezoning were approved. ZR 23-96(c) provides the developer the option to have the affordable housing floor area bedroom mix to be at least proportional to the non-affordable housing floor area bedroom mix. As proposed, the non-affordable housing floor area would likely represent 75 percent of the residential floor area. Therefore, it is expected that a developer would want to have the bedroom mix be dictated by the market-rate floor area. Given that the ZR allows the developer to have proportional distribution of bedroom types for the affordable housing, government officials would have no say if the rezoning were adopted and the developer advanced this development trend in the area on privately-owned sites.

It is Borough President Adams' policy to provide affordable housing opportunities to the greatest number of households. Such policy is met by having multiple income tiers, a relaxation of regulations that adversely impact rent-burdened households, as well as a wide range and reasonable distribution of bedroom mix. The ZR as it exists is considerably vague and does not adequately remove the perception that development resulting from the proposed rezoning would not follow the trend of other area developments on lots that had been zoned to preclude residential use.

Borough President Adams feels strongly against approving any residential zoning for this site without an adequate representation of the bedroom mix and an approximation of the percentage of units at each bedroom unit type. If the developer, Harrison Realty LLC, wants to continue the development trends for four- or more bedroom units, it needs to be balanced by an amendment to ZR 23-96(c) that would provide a limitation on the percentage of affordable housing units in excess of four bedrooms. Otherwise, they could address this concern in two ways. One means might be to memorialize a commitment to preclude the filing of any building permit on these affected blocks until ZR 23-96(c) is modified by the City Council as follows: permit for new construction to not require affordable rental housing units to be proportional to the bedroom mix of the remaining residential floor area when specific conditions are evident. Such defining conditions might be when the bedroom mix is in excess of 75 percent two or more bedrooms. Another would be when the mix is in excess of 50 percent three or more bedrooms. The second means might be by memorializing the specificity to the percentages of affordable housing unit bedroom mix to include a percentage of studios, one-, two-, three-, and four-bedroom units, developed through community consultation.

Prior to considering the application, the City Council should obtain commitments in writing from Harrison Realty LLC that clarify how it would memorialize one or both of the above approaches.

### **Maximizing Community Participation of the MIH Affordable Housing**

The ZR requires the affordable housing units be overseen by a non-profit administering agent, not affiliated 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 the responsible entity to ensure that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verification of a prospective tenant household's qualifying income and approval of the rent 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, followed up with annual affidavits to ensure conformity.

In addition to the stated requirements, various non-profits have proven track records of successfully marketing affordable housing units within the host community of the particular development, as well as promoting housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for such affordable housing non-profits to play a contributing role toward the success of community participation in obtaining neighborhood affordable housing opportunities. Borough President Adams recognizes that CD 1 has multiple non-profit entities that are entrenched in the communities they serve, and whose core missions include being providers and strong advocates for affordable housing. For this section of CD 1, these include, but are necessarily limited to, Churches United for Fair Housing, Los Sures, St. Nicks Alliance, and United Jewish Organizations of Williamsburg. According to June 20, 2017 and July 12, 2017 letters to Borough President Adams, the applicant has requested that the Brooklyn Chamber of Commerce (as opposed to a local group) prepare a plan to produce and host a number of workshops to educate area residents on the eligibility and process used to apply for affordable housing.

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

### **Advancing Resilient and Sustainable Energy and Stormwater Management Policies**

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize solar panels, wind turbines, and/or blue/green/white roofs, as well as Passive House construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, New York State Energy Research and Development Authority (NYSERDA), and/or New York Power Authority (NYPA) at each project site. Such modifications would increase energy efficiency and reduce the 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 bioswales that advance the New York City Department of Environmental Protection (DEP) green-water/stormwater strategies. Bioswales, blue/green roofs, and permeable pavers would deflect stormwater from entering the City's water pollution control plants. According to the "New York City Green Infrastructure 2014 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous environmental, social, and economic co-benefits.

It is appropriate for the developers to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per 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 coordinating on this matter.

The July 12, 2017 letter noted the possibility of incorporating sustainable elements based on economic viability, that could include such items as capturing excess rainwater as well as green and/or white roofs.

Prior to considering the application, the City Council should obtain in writing from the developer, Harrison Realty LLC, commitments that clarify how it would memorialize so as to continue to explore additional resiliency and sustainability measures such as incorporating blue/green/white roof finishes, Passive House construction principles, solar panels, and wind turbines in the development.

### **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 will create more employment opportunities. According to the New York University 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 our community districts experiencing poverty rates of nearly 25 percent or higher. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses and including those that qualify as a Local Business Enterprise (LBE) and/or Minority and Women-Owned Business Enterprise (MWBE) is central to Borough President Adams' economic development agenda. As the blocks that are subject to this rezoning application are with minor building improvement, resulting construction activity provides opportunities for retaining Brooklyn-based contractors and subcontractors, especially those who are designated LBEs, consistent with section 6-108.1 of the New York City Administrative Code, and MWBEs, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation).

The July 12, 2017 letter stated intent to pay prevailing wages to building service workers, to undertake an aggressive local hiring program, and set a target of a minimum 25 percent participation by LBE and MWBE companies.

Prior to considering the application, the City Council would obtain in writing from the developer, Harrison Realty LLC, commitments that clarify how it would memorialize the extent that it would retain Brooklyn-based contractors and subcontractors, especially those who are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and LBEs and MWBEs. This would be done as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency.

### **Advancing Vision Zero Policies**

Borough President Adams is a supporter of Vision Zero, one component 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 drivers 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. Subsequent funding included



\$2.2 million in Fiscal Year 2017 (FY17) and \$600,000 in FY18. By installing more curb extensions, seniors will benefit because more of their commute will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadway will benefit from a safer street.

Consistent with his CROSS Brooklyn initiative, Borough President Adams believes that should there be a time in which development would proceed on these blocks, there should be implementation of curb extensions at appropriate corners. These include those that are adjacent to the neighboring schools, including the Bais Rochel School, Beginning With Children Charter School, and Intermediate School (IS) 318 Eugenio Maria De Hostos, as well as at the G line Flushing Avenue station entrances. Where such improvement is not feasible, there should be a commitment to pursue and to maintain protected painted sidewalk extensions.

Therefore, there should not be City Council consideration of any rezoning proposal without applicant consultation with the New York City Department of Transportation (DOT) regarding the provision of curb extensions, either built or painted, across the intersections of Gerry, Wallabout, and Walton Streets with Harrison and Union avenues, and at Marcy and Flushing avenues. Should a Flushing Avenue station entrance be restored at the intersection of Union Avenue and Walton Street, a curb extension should be included there as well. Borough President Adams recognizes that the cost associated with construction of sidewalk extensions can be high based on the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to at least explore the implementation of protected painted sidewalk extensions until capital resources are secured. Should implementation meet the criteria of DOT, there should be consultation with CBs 1 and 3 as well as local elected officials before undertaking such improvements. Such painted extensions require 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 this to be the ongoing obligation of the owner of such development.

Therefore, prior to considering any rezoning, the City Council should seek a demonstration of coordination with DOT and DEP with the resulting commitment to implement curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions, with developer commitment to enter into a standard DOT maintenance agreement for the following intersections: Gerry, Wallabout and Walton Streets with Harrison and Union avenues, and Marcy and Flushing avenues. Furthermore, DOT should confirm that implementation would not proceed prior to consultation with CB 1s and 3 as well as local elected officials.

### **Streetscape Improvement and Stormwater Management Policies**

Borough President Adams' policy is to make neighborhoods more welcoming through various street beautifications that make communities more aesthetically appealing and create a sense of place, while introducing best practices to manage stormwater runoff. He believes that where whole city blocks would be undergoing redevelopment, sidewalks should be transformed through planting by incorporating bioswales. The ZR requires that there be the planting of a number of street trees. Tree plantings can be consolidated with Right of Way Bioswales as part of a more comprehensive green stormwater management strategy. It should be noted that Right of Way Bioswales would require maintenance commitment and attention from the adjacent property owner. Maintenance includes cleaning out debris and litter, as it may clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during hot and dry periods, and weeding to keep the plants healthy and uncongested for proper water absorption.

Borough President Adams believes that the City Council should not approve the requested rezoning without the introduction of Right of Way Bioswales as part of any development.

The July 12, 2017 letter noted the possibility of sustainable elements based on economic viability that could include such items as capturing excess rainwater.

Borough President Adams believes that should the City Council give consideration to advance a rezoning, it should seek a commitment from the developer, Harrison Realty LLC, of how it would memorialize to the extent that it would be proceeding with constructing bioswales as part of the Builders Pavement Plan. Such improvement should be based on consultation with DEP and DOT) for consideration of the installation and possible inclusion of Right of Way Bioswales. Such enhancements should be considered in consultation with CB 1 and local elected officials prior to agreeing to take action. Borough President Adams encourages the agencies to reach out to his office for any help opening the dialogue with DEP and DOT, and further coordinating on this matter.

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

Borough President Adams supports Mayor de Blasio's goal of achieving 200,000 affordable housing units over the next decade. Brooklyn is one of the fastest growing communities in the New York City 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 the borough's affordable housing crisis through the creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites. Among numerous strategies and approaches, Borough President Adams is committed to advancing his affordable housing policy through his role in the ULURP. The development of much-needed affordable housing provides opportunities to existing neighborhood residents at risk for displacement or increased degree of being rent-burdened.

Data show that more than 80 percent of those making 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest income citizens, 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 — over two million people — earn less than \$25,000 a year and almost one-third earns less than \$35,000. As the City's housing crisis grows worse, the burden falls most heavily on these low-income households, many of them senior citizens.

Many residents living in rented apartments within CD 1 and nearby CD 3, live in unregulated housing, or regulated apartments subjected to a legal regulated rent increase in which landlords have been renting below the legally permitted regulatory rent (preferential rent) and have been seeking to increase rent, at lease renewal, according to the legal amount permitted. For ZIP code 11206, recently disclosed data list 1,618 such units, representing 36 percent of all rent stabilized units. For ZIP code 11211, there were 1,984 such units, representing 27 percent of all rent stabilized units. The continued significant increase in rents has resulted in an increased rent burden and/or residential displacement. Therefore, there is a pressing need to provide more affordable housing units in this area.

In this section of CDs 1 and 3, in proximity to the proposed Pfizer Sites development site, too many households fall into low- and very low-income categories and are often rent-burdened. Given the risk for displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

A strict rent-to-income requirement of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged households from the affordable housing lotteries. As a result, these rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same rent, or are in excess of the rent stated for the affordable housing unit. Thus, the requirement to pay no more than 30 percent of household income is actually hurting people who are already living in substandard housing and are paying more than 30 percent of their income toward housing.

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

One means to address rent burden should be achieved by amending the ZR to adjust the AMI qualifications so they include such households that would maintain or reduce their rent burden. For such lotteries resulting from MIH housing lottery offerings, DCP needs to amend the ZR to allow for exceptions to the 30 percent of income threshold so that households that are burdened, though paying the same or more rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, quality housing accommodations.

Borough President Adams believes that the City Planning Commission (CPC) and/or the City Council should echo his call to seek the modification of the MIH section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status to qualify for such affordable housing units pursuant to MIH.

**Community Preference: Proximity to Community District Boundary/Displaced Residents**

City local preference policy is at times unfair to community residents who live just beyond the border of a community district. Given that these development sites are near the border shared with CD 3, HPD should extend the local preference to the boundaries, such as extending out through the ZIP code. Residents living in nearby blocks, just within CD 3, are also in need of quality affordable housing, especially considering the local subway station is shared by residents of both community districts, making the development apparent to residents of both neighborhoods.

This is particularly important given that the residential neighborhoods of Bedford-Stuyvesant and Williamsburg are inclusive of small buildings that are not subject to rent protection laws as well as containing stabilized apartments governed by preferential rent leases. In considering the potential for indirect displacement due to investment in these neighborhoods, Borough President Adams believes this development has potential to lend itself as a relocation resource.

Small buildings that are not subject to rent protection laws largely comprise the residential neighborhoods of Greenpoint and Williamsburg, including areas within and beyond the area of the 2005 Greenpoint-Williamsburg Rezoning.

While the communities have had stable residential populations in recent history, proximity to Manhattan and once-affordable rents has led to the growth of a creative and youthful population. This was followed by more affluent residents who have been drawn to the recently developed waterfront towers and other new buildings, adding to the desirability of the neighborhoods. As more and more people "discover" Greenpoint and Williamsburg, rents climb substantially in many

unregulated apartments, ultimately displacing many longtime residents. The ongoing upward trend in market rents has continued unabated and has been amplified by new developments.

While a percentage of the new housing developed along the waterfront has been set aside as affordable, and the City has been pursuing the development of affordable housing on its assets in CD 1, this alone does not sufficiently protect residents from displacement. Fortunately, the City recognizes that the newly produced affordable units would not in themselves be a timely resource to provide alternatives to those being displaced. In recognition of those who might be displaced indirectly, a result of the effects on the housing market from the 2005 rezoning, without having adequate opportunity to apply for affordable housing, the City established a policy to extend the local community preference to displaced CD 1 residents.

Therefore, HPD should take steps to ensure that the 50 percent preference for community residents in the lottery for this development would be given to community residents of both CDs 1 (including former residents displaced since the 2005 Greenpoint-Williamsburg Rezoning and an adjoining portion of 3.

### **Expanding the Supply of Open Space**

The study area exhibits a low open space ratio approximately 0.486 acres of open space per 1,000 residents (0.385 acres of active open space and 0.101 acres of passive open space) well below the citywide average of 1.5 acres per 1,000 residents. Several new residential developments are currently under construction or anticipated to be completed within the study area, which would increase the residential population within the study area. When combined with the number of new residents who might be accommodated by new development and its 0.6 acre mid-block passive open space, should the City Council decide to approve the rezoning, this area's open space ratio would decrease by 3.4 percent. Such a decrease, while not resulting in a significant adverse open space impact, is concerning given that children — with 13 percent under the age of five and 27 percent between the ages of five and 18 — comprise 40 percent of the study area's population. This youth population is 50 percent higher than that of Brooklyn as a whole. Generally a higher percentage of child population would be expected to produce a proportionately higher demand for playgrounds and playing fields.

Borough President Adams recognizes that Beginning with Children Charter School at 11 Bartlett Street, with its significantly sized playground across Gerry Street from the rezoning area, was not counted in the analysis as the school yard is not an official playground and is privately owned. However, the existence of this school yard provides potential for wider community use. This could be further enhanced to the extent that Gerry Street between Flushing and Harrison avenues warrants street closing hours or street demapping.

Therefore, Borough President Adams believes that subject to any subsequent zoning approval, DOT should undertake a traffic study to determine the feasibility of demapping Gerry Street between Flushing and Harrison avenues, as a means of enhancing the adjacent Beginning with Children Charter School playground, and report its findings to CB 1 and local elected officials.

### **Advancing Access to Elevated Train Stations along Broadway**

New York City Transit (NYCT) stations along the Broadway corridor have had too many subway staircases and entrances in North Brooklyn shuttered years ago to cut costs. According to the 2014 data, straphangers were familiar with gated staircases at 12 locations along the Broadway corridor, served by the above-ground Myrtle Avenue Local M Line and Nassau Street Express J and Z lines. As a result, riders tend to congregate on the platforms near the stairways creating significant delays on subway lines as a result of uneven boarding access at stations and there are tendencies for resulting bottleneck when it is time to exit the train. In addition to congestion during rush hour, there are safety concerns at various stations. Having only one entrance creates a fire hazard, and others have said that

there is often a "traffic jam" of people during rush hour leading to missed trains. During the colder months, those who live closer to the shuttered staircases have to walk further in inclement weather, potentially impacting elderly riders.

Nearby the proposed rezoning blocks, service at the Lorimer Street station on the J/M/Z lines has been operating for too long with diminished public accessibility, with more than 3,000 turnstile exits each day reported during the week of October 31, 2015. The Lorimer Street station on the J/M/Z lines is just one of many elevated stations where commuters have been urging the MTA to open a shuttered entrance.

It is Borough President Adams' policy to identify opportunities to reopen any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstile (HEET) fare control elements. He believes that such fixes are reasonably lower cost improvements at the subway stations that would greatly improve service delivery. In particular, NYCT should identify opportunities to reopen any inactive entrances/exits, and examine whether there are opportunities to upgrade capacity through the installation of HEET fare control elements. The possibility of more access points connecting to station platforms would be system enhancements.

Therefore, the MTA should take steps to reopen inactive entrances/exits and pursue all opportunities to upgrade capacity through the installation of HEET fare control elements along these Broadway corridor stations.

### **Recommendation**

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

1. That in order to provide affordability to more households, approval of the requested R7D and R8A be conditioned on a demonstration by the developer to pursue a zoning text amendment to permit a voluntary affordable housing bonus permitting R7D bulk and FAR, provided that of the additional 1.0 FAR, 40 percent is affordable to no less than 60 percent AMI average rent, otherwise, the City Planning Commission and (CPC) and/or City Council should set forth that the requested R7D and 8A zoning districts should be conditioned on such a text change to create a special permit affordable housing bonus or other legal mechanism that commits an additional 21,300 sq. ft. of affordable housing at an average rent based on 60 percent AMI. Otherwise, the City Planning Commission or City Council should modify the proposed R8A and R7D to R7A.
2. That approval of the requested R8A zoning district be conditioned on a demonstration by the developer of a developer financial contribution towards restoring street stairs and fare controls at the northern end of the G line's Flushing Avenue station, pursued in coordination with the Metropolitan Transportation Authority (MTA), otherwise approved zoning should not exceed R7D.
3. That prior to considering the application, the City Council obtain in writing from the developer, Harrison Realty LLC, commitments that clarify how it would memorialize the extent that it would:
  - a) Ensure that no building permit would be applied for until either New York City Zoning Resolution 23-96 (c) "Bedroom mix of affordable housing units is modified by the City Council to permit for new construction to require for the affordable rental housing units to not be proportional to the bedroom mix of the remaining residential floor area when such bedroom mix provides in excess of 75 percent two or more bedrooms and in excess of 50 percent three or more bedrooms and/or

- b) Provide specificity to the percentages of affordable housing unit bedroom mix to include a percentage of studio, one-, two-, three-, and four-bedroom units, developed through community consultation
- c) Utilize a combination of locally-based housing development non-profits to serve as the administering agent, as well as to have one or more of such entities play a role in promoting affordable housing lottery readiness
- d) Continue to explore additional resiliency and sustainability measures such as incorporating blue/green/white roof finishes, Passive House construction principles, solar panels, and wind turbines in the development
- e) Retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code, and LBEs and Minority- and Women-Owned Business Enterprises (MWBE) establishments, as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency
- f) Coordinate with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) as follows:
  - i. Commitment to implement curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions, with developer commitment to enter into a standard DOT maintenance agreement for the following intersections:
    - 1. Gerry, Wallabout, and Walton streets with Harrison and Union avenues, and
    - 2. Marcy and Flushing Avenues

With the understanding of DOT confirming that implementation would not proceed prior to consultation with Brooklyn Community Boards 1 and 3 (CBs 1 and 3) and local elected officials
  - ii. Commitment to the installation of bioswales as part of its Builders Pavement Plan

Be It Further Resolved:

- 1. That the CPC and/or the City Council, in order to establish AMI-equivalent affordable housing eligibility as a qualifier for those rent-burdened households that would be able to pay the same or have a reduction in their rent by leasing an MIH lottery unit, should advocate for the modification of the MIH section of the ZR pertaining to MIH-designated areas, to be adopted with a requirement that provides eligibility while taking into account rent-burdened status
- 2. That subject to any subsequent zoning approval, the New York City Department of Housing Preservation and Development (HPD) should take steps to ensure that local preference to include residents of both Brooklyn Community Districts 1 (including former residents displaced since the 2005 Williamsburg-Greenpoint rezoning) and an adjoining portion of 3 (CDs 1 and 3)

3. That subject to any subsequent zoning approval, the New York City Department of Transportation (DOT) undertake a traffic study to determine the feasibility of demapping Gerry Street between Flushing and Harrison avenues, as a means to enhance the adjacent Beginning with Children Charter School playground, and to report its findings to CB 1 and local elected officials
4. That the MTA take steps to reopen inactive entrances/exits and pursue all opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstile (HEET) fare control elements for the elevated subway stations along Broadway