



**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17c and 17d:

1. eliminating from within an existing R5 District a C1-2 District bounded by Conduit Boulevard, Glenmore Avenue, and Pine Street and its northerly prolongation;
2. eliminating from within an existing R5 District a C1-3 District bounded by:
  - a. Arlington Avenue, Essex Street, a line 150 feet southeasterly of Fulton Street, and Linwood Street;
  - b. a line 150 feet northerly of Liberty Avenue, Milford Street, Liberty Avenue, and Atkins Avenue;
  - c. a line 150 feet northerly of Pitkin Avenue, Vermont Street, a line 100 feet northerly of Pitkin Avenue, and New Jersey Avenue;
  - d. a line 150 feet northerly of Pitkin Avenue, Hendrix Street, a line 150 feet southerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, and Van Siclen Avenue;
  - e. a line 150 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, Berriman Street, a line 150 feet northerly of Pitkin Avenue, Logan Street, a line 150 feet southerly of Pitkin Avenue, and Linwood Street; and
  - f. a line 150 feet northerly of Pitkin Avenue, Doscher Street, a line 150 feet southerly of Pitkin Avenue, and Crystal Street;
3. eliminating from within an existing R6 District a C1-3 District bounded by:
  - a. a line 100 feet northerly of Pitkin Avenue, Vermont Street, Pitkin Avenue, and New Jersey Avenue; and
  - b. a line 100 feet northerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 150 feet southerly of Pitkin Avenue, Miller Avenue, Pitkin Avenue, and Van Siclen Avenue;
4. eliminating from within an existing R5 District a C2-2 District bounded by:

- a. a line 100 feet northerly of Atlantic Avenue, Van Siclen Avenue, Atlantic Avenue, and Bradford Street; and
  - b. a line midway between Wells Street and Liberty Avenue and its easterly prolongation, Conduit Boulevard, Pine Street and its northerly prolongation, a line 150 feet northerly of Pitkin Avenue, Crescent Street, Pitkin Avenue, Euclid Avenue, a line 150 feet southerly of Pitkin Avenue, Doscher Street, a line 140 feet northerly of Pitkin Avenue, a line midway between Euclid Avenue and Doscher Street, Liberty Avenue, and a line 100 feet southwesterly of Conduit Boulevard;
5. eliminating from within an existing R4 District a C2-3 District bounded by:
- a. a line 150 feet northwesterly of Fulton Street, Elton Street, a line 100 feet northwesterly of Fulton Street, and Wyona Street; and
  - b. a line 150 feet northerly of Arlington Avenue, a line 150 feet northwesterly of Fulton Street, a line midway between Euclid Avenue- Father John Krieg Place and Chestnut Street;
6. eliminating from within an existing R5 District a C2-3 District bounded by:
- a. a line 100 feet northwesterly of Fulton Street, Linwood Street, a line 150 feet southeasterly of Fulton Street, and Wyona Street;
  - b. Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, a line midway between Euclid Avenue- Father John Krieg Place and Chestnut Street, a line 150 feet northwesterly of Fulton Street, Euclid Avenue- Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, Logan Street, a line 150 feet southeasterly of Fulton Street, and Essex Street;
  - c. Liberty Avenue, Ashford Street, a line 100 feet northerly of Liberty Avenue, Cleveland Street, a line 150 feet northerly of Liberty Avenue, a westerly boundary line of a playground (Sperandio Bros. Playground), Liberty Avenue, Linwood Street, a line 150 feet northerly of Liberty Avenue, Shepherd Avenue, a line 150 feet southerly of Liberty Avenue, and Warwick Street;
  - d. Liberty Avenue, Milford Street, a line 150 feet northerly of Liberty Avenue, Crystal Street, a line 150 feet southerly of Liberty Avenue, and Montauk Avenue;
  - e. Glenmore Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue-Industrial Park, and a line midway between Pennsylvania Avenue- Granville Payne Avenue and Sheffield Avenue;

- f. a line 150 feet northerly of Pitkin Avenue, Wyona Street, a line 100 feet northerly of Pitkin Avenue, and Vermont Street;
  - g. a line 150 feet northerly of Pitkin Avenue, Linwood Street, a line 150 feet southerly of Pitkin Avenue, and Schenck Avenue; and
  - h. a line 150 feet northerly of Pitkin Avenue, Crystal Street, a line 150 feet southerly of Pitkin Avenue, and Logan Street;
7. eliminating from within an existing R6 District a C2-3 District bounded by a line 100 feet northerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, Miller Avenue, a line 150 feet southerly of Pitkin Avenue, the easterly boundary line of a park and its northerly prolongation, Pitkin Avenue, and Vermont Street;
8. changing from a C8-1 District to an R5 District property bounded by:
- a. the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), Pine Street, a line 100 feet northwesterly of Atlantic Avenue, Autumn Avenue, Atlantic Avenue, and the southeasterly prolongation of a line 100 feet westerly of Pine Street;
  - b. a line 125 feet northerly of Glen Street, a line 100 feet southeasterly of Atlantic Avenue, and Crescent Street; and
  - c. Atlantic Avenue, Lincoln Avenue, a line 100 feet southeasterly of Atlantic Avenue and Autumn Avenue;
9. changing from a C8-2 District to an R5 District property bounded by:
- a. Atlantic Avenue, an easterly boundary line of a playground (Sperandio Bros. Playground) and its northerly prolongation, a line 100 feet southeasterly of Atlantic Avenue, and Cleveland Street;
  - b. a line 210 feet northwesterly of Atlantic Avenue, a line 100 feet westerly of Pine Street, and a line perpendicular to the easterly street line of Euclid Avenue distant 210 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Euclid Avenue and the northwesterly street line of Atlantic Avenue; and
  - c. a line 100 feet northwesterly of Atlantic Avenue, Pine Street, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), and a line 100 feet westerly of Pine Street;

10. changing from an R5 District to an R5B District property bounded by
  - a. a line 100 feet southeasterly of Fulton Street, Logan Street, a line 300 feet northwesterly of Atlantic Avenue, Norwood Avenue, a line perpendicular to the westerly street line of Norwood Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, a line 100 feet easterly of Hale Avenue, a line 100 feet northwesterly of Atlantic Avenue, Shepherd Avenue, a line 200 feet northwesterly of Atlantic Avenue, Essex Street, a line perpendicular to the westerly street line of Essex Street distant 110 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Essex Street and the northwesterly street line of Atlantic Avenue, Linwood Street, a line 100 feet northwesterly of Atlantic Avenue, Elton Street, a line 150 feet northwesterly of Atlantic Avenue, Jerome Street, a line 100 feet northwesterly of Atlantic Avenue, Hendrix Street, a line 275 feet southerly of Fulton Street, Van Siclen Avenue, a line 100 feet northerly of Atlantic Avenue, Vermont Street, a line 150 feet northerly of Atlantic Avenue, and New Jersey Avenue;
  - b. a line 100 feet southerly of Liberty Avenue, Wyona Street, a line 200 feet southerly of Liberty Street, a line midway between Wyona Street and Bradford Street, a line 150 feet southerly of Liberty Avenue, Bradford Street, a line 100 feet southerly of Liberty Avenue, a line midway between Shepherd Avenue and Essex Street, a line 100 feet northerly of Pitkin Avenue, Van Siclen Avenue, a line 200 feet northerly of Pitkin Avenue, Bradford Street, a line 100 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 200 feet northerly of Pitkin Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue- Granville Payne Avenue;
  - c. a line 238 feet southeasterly of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line 335 feet southeasterly of Atlantic Avenue, Milford Street, a line 100 feet southeasterly of Atlantic Avenue, Logan Street, a line 300 feet southeasterly of Atlantic Avenue, Fountain Avenue, a line 100 feet northerly of Liberty Avenue, and Montauk Avenue;
  - d. Wells Street, and its southeasterly centerline prolongation, a line 100 feet northerly of Liberty Avenue, and Crystal Street;
  - e. a line 100 feet southerly of Glenmore Avenue, Atkins Avenue, Glenmore Avenue, Montauk Avenue, a line 100 feet southerly of Liberty Avenue, Euclid Avenue, a line 100 feet northerly of Pitkin Avenue, and Berriman Street; and
  - f. Glenmore Avenue, a line 120 feet easterly of Euclid Avenue, a line 100 feet northerly of Glenmore Avenue, Pine Street, Glenmore Avenue, Crescent Street, a

line 100 feet northerly of Pitkin Avenue, and a line midway between Euclid Avenue and Pine Street;

11. changing from a C8-1 District to an R5B District property bounded by a line 70 feet northerly of Glen Street, a line 100 feet westerly of Crescent Street, a line perpendicular to the westerly street line of Crescent Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Crescent Street and the southeasterly street line of Atlantic Avenue, Crescent Street, Glen Street, and Euclid Avenue;

12. changing from a C8-2 District to an R5B District property bounded by a line 150 feet northerly of Atlantic Avenue, Vermont Street, a line 100 feet northerly of Atlantic Avenue, and a line midway between Vermont Street and New Jersey Avenue;

13 changing from an M1-1 District to an R5B District property bounded by:

a. a line 150 feet northwesterly of Atlantic Avenue, Elton Street, a line 100 feet northwesterly of Atlantic Avenue, and Jerome Street;

b. a line 200 feet northwesterly of Atlantic Avenue, Shepherd Avenue, a line 100 feet northwesterly of Atlantic Avenue, and Essex Street;

c. a line 300 feet northwesterly of Atlantic Avenue, Logan Street, a line perpendicular to the westerly street line of Logan Street distant 265 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Logan Street and the northwesterly street line of Atlantic Avenue, a line midway between Logan Street and Norwood Avenue, a line perpendicular to the easterly street line of Norwood Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, and Norwood Avenue;

d. a line 100 feet southeasterly of Fulton Street, a line 100 feet easterly of Logan Street, Dinsmore Place, and Logan Street;

e. a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, Milford Street, a line 335 feet southeasterly of Atlantic Avenue, a line midway

between Milford Street and Montauk Avenue, a line 238 feet southeasterly of Atlantic Avenue, and Montauk Avenue;

- f. a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Fountain Avenue, a line 300 feet southeasterly of Atlantic Avenue, and Logan Street; and
  - g. Liberty Avenue, Atkins Avenue, a line 180 feet southerly of Liberty Avenue, Montauk Avenue, Glenmore Avenue, and Berriman Street;
14. changing from an M1-2 District to an R5B District property bounded by a line 80 feet southerly of Herkimer Street, a line midway between Jardine Place and Havens Place, a line 80 feet northerly of Atlantic Avenue, a line midway between Jardine Place and Sackman Street, Atlantic Avenue, Sackman Street, a line midway between Herkimer Street and Atlantic Avenue, and a line midway between Sackman Street and Sherlock Place;
15. changing from an R5 District to an R6A District property bounded by:
- a. a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, and Bradford Street; and
  - b. a line 100 feet northerly of Liberty Avenue, Cleveland Street Liberty Avenue, Linwood Street, a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, Montauk Avenue, Liberty Avenue, Shepherd Avenue, Glenmore Avenue, Atkins Avenue, a line 100 feet southerly of Glenmore Avenue, Berriman Street, a line 100 feet northerly of Pitkin Avenue, a line midway between Shepherd Avenue and Essex Street, a line 100 feet southerly of Liberty Avenue, and Barbey Street;
16. changing from an M1-1 District to an R6A District property bounded by:
- a. Somers Street, a line 280 feet easterly of Sackman Street, a line midway between Somers Street and Truxton Street, a line 225 feet easterly of Sackman Street, and Sackman Street;
  - b. Liberty Avenue, Berriman Street, Glenmore Avenue, and Shepherd Avenue;
  - c. Liberty Avenue, Montauk Avenue, a line 180 feet southerly of Liberty Avenue, and Atkins Avenue; and

- d. a line 100 feet southeasterly of Fulton Street, a line 100 feet easterly of Richmond Street, a line 125 feet northerly of Dinsmore Place, Richmond Street, and Dinsmore Place;
17. changing from an R5 District to an R6B District property bounded by:
- a. a line 100 feet southeasterly of Atlantic Avenue, Ashford Street, a line 100 feet northerly of Liberty Avenue, and Barbey Street; and
  - b. a line 100 feet southeasterly of Atlantic Avenue, Essex Street, a line 300 feet southeasterly of Atlantic Avenue, Berriman Street, a line 100 feet southeasterly of Atlantic Avenue, Montauk Avenue, a line 100 feet northerly of Liberty Avenue, and Linwood Street;
18. changing from a C8-2 District to an R6B District property bounded by:
- a. a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, Vermont Street, a line 100 feet northerly of Liberty Avenue, and New Jersey Avenue; and
  - b. a line 100 feet southerly of Atlantic Avenue, Schenck Avenue, a line 100 feet northerly of Liberty Avenue, and Wyona Street;
19. changing from an M1-1 District to an R6B District property bounded by:
- a. a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Jerome Street and the southeasterly street line of Atlantic Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Barbey Street;
  - b. a line 100 feet southeasterly of Atlantic Avenue, Cleveland Street, a line 100 feet northerly of Liberty Avenue, and Ashford Street; and
  - c. a line 100 feet southeasterly of Atlantic Avenue, Shepherd Avenue, a line perpendicular to the easterly street line of Shepherd Avenue distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Shepherd Avenue and the southeasterly street line of Atlantic Avenue, a line midway between Shepherd Avenue and Berriman Street, a line perpendicular to the westerly street line of Berriman Street distant 165 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Berriman Street and the southeasterly street line of Atlantic

Avenue, Berriman Street, a line 300 feet southeasterly of Atlantic Avenue, and Essex Street;

20. changing from an M1-2 District to an R6B District property bounded by a line midway between Fulton Street and Herkimer Street, a line 300 feet easterly of Sackman Street, Herkimer Street, Havens Place, a line 150 feet southerly of Herkimer Street, a line midway between Havens Place and Jardine Place, a line 80 feet southerly of Herkimer Street, a line midway between Sackman Street and Sherlock Place, Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
21. changing from an R5 District to an R7A District property bounded by:
  - a. Liberty Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet southerly of Glenmore Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue-Industrial Park, and  
  
a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;
  - b. a line 100 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, a line midway between Berriman Street and Shepherd Avenue, a line 100 feet southerly of Pitkin Avenue, Schenck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, and a line midway between Hendrix Street and Van Siclen Avenue;
  - c. a line 100 feet northerly of Pitkin Avenue, Doscher Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, and Berriman Street;
  - d. Conduit Boulevard, Crescent Street, Glenmore Avenue, Pine Street, a line 100 feet northerly of Glenmore Avenue, a line 120 feet easterly of Euclid Avenue, Glenmore Avenue, a line midway between Pine Street and Euclid Avenue, a line 100 feet northerly of Pitkin Avenue, and Euclid Avenue;
  - e. a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, and Pine Street;
  - f. a line 100 feet southeasterly of Atlantic Avenue, a line 100 feet westerly of Autumn Avenue, and a line 125 feet northerly of Glen Street; and
  - g. a line 100 feet southeasterly of Atlantic Avenue, Autumn Avenue, and a line perpendicular to the westerly street line of Autumn Avenue distant 115 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Autumn Avenue and the southeasterly street line of Atlantic Avenue;



22. changing from an R6 District to an R7A District property bounded by a line 100 feet northerly of Pitkin Avenue, Bradford Street, a line 200 feet northerly of Pitkin Avenue, Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, and New Jersey Avenue;
23. changing from a C8-1 District to an R7A District property bounded by:
  - a. the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), the southerly prolongation of a line 100 feet westerly of Pine Street, Atlantic Avenue, Autumn Avenue, a line 100 feet southeasterly of Atlantic Avenue, a line 125 feet northerly of Glen Street, Crescent Street, a line perpendicular to the westerly street line of Crescent Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Crescent Street and the southeasterly street line of Atlantic Avenue, a line 100 feet westerly of Crescent Street, a line 70 feet northerly of Glen Street, and Euclid Avenue; and
  - b. a line 100 feet northwesterly of Atlantic Avenue, Lincoln Avenue, Atlantic Avenue, and Autumn Avenue;
24. changing from a C8-2 District to an R7A District property bounded by:
  - a. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, Liberty Avenue, and a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;
  - b. a line 100 feet southerly of Glenmore Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 250 feet northerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue;
  - c. a line 100 feet southerly of Pitkin Avenue, a line midway between former New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, Belmont Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
  - d. a line perpendicular to the easterly street line of Euclid Avenue distant 210 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Euclid Avenue and the northwesterly street line of Atlantic

Avenue, a line 100 feet westerly of Pine Street, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), and Euclid Avenue;

25. changing from an M1-1 District to an R7A District property bounded by:
  - a. a line 100 feet northerly of Bergen Street, a line 100 feet northwesterly of East New York Avenue, Dean Street, East New York Avenue, and Mother Gaston Boulevard; and
  - b. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Pitkin Avenue-Industrial Park, and Sheffield Avenue;
26. changing from an M1-2 District to an R7A District property bounded by Pacific Street, East New York Avenue, Dean Street, and Sackman Street;
27. changing from an M1-4 District to an R7A District property bounded by East New York Avenue, Christopher Avenue, Liberty Avenue, and Mother Gaston Boulevard;
28. changing from an M1-1 District to an R7D District property bounded by Somers Street, Sackman Street, Fulton Street, and Mother Gaston Boulevard;
29. changing from an R5 District to an R8A District property bounded by:
  - a. a line 100 feet northerly of Atlantic Avenue, Van Siclen Avenue, a line 275 feet southerly of Fulton Street, Hendrix Street, Atlantic Avenue, and Bradford Street;
  - b. a line perpendicular to the westerly street line of Essex Street distant 110 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Essex Street and the northwesterly street line of Atlantic Avenue, a line 100 feet northwesterly of Atlantic Avenue, and Linwood Street; and
  - c. Atlantic Avenue, Montauk Avenue, a line 100 feet southerly of Atlantic Avenue, and Berriman Street;
30. changing from a C8-2 District to an R8A District property bounded by:
  - a. Atlantic Avenue, Hendrix Street, a line 100 feet northwesterly of Atlantic Avenue, Jerome Street, Atlantic Avenue, Cleveland Street, a line 100 feet southeasterly of Atlantic Avenue, Jerome Street. a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the

point of intersection of the westerly street line of Jerome Street and the southeasterly street line of Atlantic Avenue, Barbey Street, Atlantic Avenue, Schenck Avenue, a line 100 feet southerly of Atlantic Avenue, and Bradford Street;

b a line 100 feet northwesterly of Atlantic Avenue, Essex Street, Atlantic Avenue, Essex Street, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, and Elton Street; and

c. a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet easterly of Hale Street, Atlantic Avenue, and Shepherd Avenue;

31. changing from an M1-1 District to an R8A District property bounded by:

a. a line 100 feet northwesterly of Atlantic Avenue, Elton Street, Atlantic Avenue, and Jerome Street; and

b. Atlantic Avenue, Essex Street, a line 100 feet northwesterly of Atlantic Avenue, Shepherd Avenue, Atlantic Avenue, Berriman Street, a line perpendicular to the westerly street line of Berriman Street distant 165 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Berriman Street and the southeasterly street line of Atlantic Avenue, a line midway between

Berriman Street and Shepherd Avenue, a line perpendicular to the easterly street line of Shepherd Avenue distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Shepherd Avenue and the southeasterly street line of Atlantic Avenue, Shepherd Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Essex Street;

32. changing from an R5 District to a C4-4D District property bounded by:

a. a line 200 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 100 feet northerly of Pitkin Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue;

b. a line perpendicular to the westerly street line of Norwood Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, Norwood Avenue, a line 100 feet northwesterly of Atlantic Avenue, and a line 100 feet easterly of Hale Avenue; and

c. a line 100 feet northerly of Pitkin Avenue, Pine Street, a line 100 feet southerly of Pitkin Avenue, and Doscher Street;

33. changing from a C8-2 District to a C4-4D District property bounded by:

- a. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the easterly street line of Pennsylvania Avenue-Granville Payne Avenue distant 155 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between Vermont Street and New Jersey Avenue, a line 100 feet northerly of Atlantic Avenue, Bradford Street, a line 100 feet southerly of Atlantic Avenue, Wyona Street, Atlantic Avenue, Vermont Street, a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Atlantic Avenue, and Sheffield Avenue;
  - b. a line 250 feet northerly of Pitkin Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet north of Pitkin Avenue, New Jersey Avenue, Pitkin Avenue, the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
  - c. a line 100 feet northwesterly of Atlantic Avenue, Norwood Avenue, Atlantic Avenue, and a line 100 feet easterly of Hale Avenue;
34. changing from an M1-1 District to a C4-4D District property bounded by:
- a. Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, and Sheffield Avenue; and

- b. Atlantic Avenue, Norwood Avenue, a line perpendicular to the easterly street line of Norwood Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, a line midway between Logan Street and Norwood Avenue, a line perpendicular to the westerly street line of Logan Street distant 265 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Logan Street and the northwesterly street line of Atlantic Avenue, Logan Street, Atlantic Avenue, Fountain Avenue, a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Logan Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, and Montauk Avenue;
- 35. changing from an R5 District to a C4-4L District property bounded by a line 100 feet northerly of Fulton Street, Bradford Street, a line 100 feet southerly of Fulton Street, and Wyona Street;
- 36. changing from a C8-2 District to a C4-4L District property bounded by Jamaica Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Fulton Street, Wyona Street, New Jersey Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the easterly street line of Pennsylvania Avenue-Granville Payne Avenue distant 155 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, and Sheffield Avenue;
- 37. changing from an M1-1 District to a C4-4L District property bounded by Eastern Parkway Extension, Broadway, Van Sinderen Avenue, Fulton Street, Sackman Street, Truxton Street, a line 225 feet easterly of Sackman Street, a line midway between Somers Street and Truxton Street, a line 280 feet easterly of Sackman Street, and Somers Street;

38. changing from an M1-2 District to a C4-5D District property bounded by Fulton Street, Van Sinderen Avenue, East New York Avenue, Pacific Avenue, Sackman Street, Atlantic Avenue, a line midway between Jardine Place and Sackman Street, a line 80 feet northerly of Atlantic Avenue, a line midway between Havens Place and Jardine Place, a line 150 feet southerly of Herkimer Street, Havens Place, Herkimer Street, and a line 300 feet easterly of Sackman Street;
39. changing from an R5 District to an M1-4/R6A District property bounded by:
  - a. Liberty Avenue, New Jersey Avenue, a line 100 feet southerly of Liberty Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue; and
  - b. a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, and Wyona Street;
40. changing from a C8-2 District to an M1-4/R6A District property bounded by:
  - a. a line 100 feet northerly of Liberty Avenue, Vermont Street, Liberty Avenue, and a line 50 feet westerly of New Jersey Avenue; and
  - b. a line 100 feet southerly of Atlantic Avenue, Wyona Street, a line 100 feet northerly of Liberty Avenue, and Vermont Street;
41. changing from an M1-1 District to an M1-4/R6A District property bounded by Liberty Avenue, Vermont Street, a line 100 feet northerly of Liberty Avenue, Schinck Avenue, a line 230 feet northerly of Liberty Avenue, Barbey Street, a line 100 feet southerly of Liberty Street, and New Jersey Avenue;
42. changing from an M1-1 District to an M1-4/R7A District property bounded by a line 100 feet southeasterly of Fulton Street, Chestnut Street, Dinsmore Place, Richmond Street, a line 125 feet northerly of Dinsmore Place, and a line 100 feet easterly of Richmond Street;
43. changing from an M1-2 District to an M1-4/R7D District property bounded by Fulton Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
44. changing from a C8-2 District to an M1-4/R8A District property bounded by Atlantic Avenue, Wyona Street, a line 100 feet southerly of Atlantic Avenue, and Vermont Street;
45. changing from an M1-1 District to an M1-4/R8A District property bounded by:

- a. Atlantic Avenue, Barbey Street, a line 230 feet northerly of Liberty Avenue, and Schenck Avenue; and
  - b. Dinsmore Place, Chestnut Street, Fulton Street, Euclid Avenue, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), the northerly centerline prolongation of Fountain Avenue, Atlantic Avenue, and Logan Street;
46. establishing within a proposed R5 District a C2-4 District bounded by:
- a. Atlantic Avenue, an easterly boundary line of a playground (Sperandio Bros. Playground) and its northerly prolongation, a line 100 feet southeasterly of Atlantic Avenue, and Cleveland Street;
  - b. a line 50 feet northwesterly of Atlantic Avenue, Autumn Avenue, Atlantic Avenue, and a line 100 feet southwesterly of Pine Street; and
  - c. Atlantic Avenue, Lincoln Street, a line 50 feet southeasterly of Atlantic Avenue and Autumn Avenue;
47. establishing within a proposed R5B District a C2-4 District bounded by:
- a. Glenmore Avenue, Pine Street, a line 100 feet southerly of Glenmore Avenue, and a line midway between Pine Street and Euclid Avenue; and
  - b. Liberty Avenue, Atkins Avenue, a line 100 feet southerly of Liberty Avenue, and Berriman Street;
48. establishing within a proposed R6A District a C2-4 District bounded by:
- a. a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, and Bradford Street; and
  - b. a line 100 feet northerly of Liberty Avenue, Jerome Street, Liberty Avenue, Warwick Street, a line 100 feet northerly of Liberty Avenue, Cleveland Street, Liberty Avenue, Linwood Street, a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, Atkins Avenue, Liberty Avenue, Berriman Street, a line 100 feet southerly of Liberty Avenue, and Barbey Street;
49. establishing within a proposed R7A District a C2-4 District bounded by:

- a. a line 100 feet northerly of Bergen Street, a line 100 feet northwesterly of East New York Avenue, Dean Street Sackman Street, a line 100 feet northerly of Dean Street, a line 100 feet northwesterly of East New York Avenue, Pacific Street, East New York Avenue, Christopher Avenue, a line 100 feet southeasterly of East New York Avenue, Mother Gaston Boulevard, East New York Avenue, Bergen Street, and Mother Gaston Boulevard;
- b. a line 100 feet northerly of Liberty Avenue, Christopher Avenue, Liberty Avenue, and Mother Gaston Boulevard;
- c. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Liberty Avenue, a line 100 feet easterly of Pennsylvania Avenue-Granville Payne Avenue, a line 250 feet northerly of Pitkin Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue, and a line 100 feet westerly of Pennsylvania Avenue-Granville Payne Avenue;
- d. a line 100 feet southerly of Pitkin Avenue, a line midway between former New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, Belmont Avenue, and Pennsylvania Avenue-Granville Payne Avenue;
- e. a line 100 feet northerly of Pitkin Avenue, Bradford Street, Pitkin Avenue, Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, a line midway between Shepherd Avenue and Berriman Street, a line 100 feet southerly of Pitkin Avenue, Scheck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, and New Jersey Avenue;
- f. a line 100 feet northerly of Pitkin Avenue, Doscher Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, and Berriman Street;
- g. Conduit Boulevard, Pine Street, a line 100 feet of Glenmore Avenue, and Euclid Avenue;
- h. Glenmore Avenue, a line midway between Euclid Avenue and Pine Street, a line 100 feet northerly of Pitkin Avenue, and Euclid Avenue;
- i. a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, and Pine Street;



- j. a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet southwesterly of Pine Street, Atlantic Avenue, Autumn Avenue, a line perpendicular to the westerly street line of Autumn Avenue distant 115 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Autumn Avenue and the southeasterly street line of Atlantic Avenue, a line 100 feet westerly of Autumn Avenue, a line 125 feet northerly of Glen Street, Crescent Street, a line 100 feet southeasterly of Atlantic Avenue, a line 70 feet northerly of Glen Street, and Euclid Avenue; and
  - k. a line 100 feet northwesterly of Atlantic Avenue, Lincoln Street, Atlantic Avenue, and Autumn Avenue;
- 50. establishing within a proposed R7D District a C2-4 District Somers Street, a line 100 feet easterly of Mother Gaston Boulevard, Eastern Parkway Extension, Fulton Street, and Mother Gaston Boulevard;
- 51. establishing within a proposed R8A District a C2-4 District bounded by a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet easterly of Hale Avenue, Atlantic Avenue, Montauk Avenue, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, Cleveland Street, a line 100 feet southeasterly of Atlantic Avenue, Jerome Street, a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly Street line of Jerome Street and the southeasterly street line of Atlantic Avenue, Barbey Street, Atlantic Avenue, Schenck Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Bradford Street;
- 52. establishing a Special Mixed Use District (MX-16) bounded by:
  - a. Fulton Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
  - b. Atlantic Avenue, Wyona Street, a line 100 feet northerly of Liberty Avenue, Schenck Avenue, Atlantic Avenue, Barbey Street, a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, a line 200 feet southerly of Liberty Avenue, Wyona Street, a line 100 feet southerly of Liberty Avenue, a line 100 feet easterly of Pennsylvania Avenue- Granville Payne Avenue, Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, and Vermont Street; and
  - c. Dinsmore Place, Richmond Street, a line 125 feet northerly of Dinsmore Place, a line 100 feet easterly of Richmond Street, a line 100 feet southeasterly of Fulton

Street, Chestnut Street, Fulton Street, Euclid Avenue, Atlantic Avenue, and Logan Street;

53. establishing a Special Enhanced Commercial District (EC-5) bounded by:
- a. Fulton Street, Van Sinderen Avenue, Herkimer Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
  - b. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, a line 100 feet southerly of Fulton Street, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between Vermont Street and New Jersey Avenue, a line 100 feet northerly of Atlantic Avenue, a line 100 feet northwesterly of Atlantic Avenue, Euclid Avenue, Atlantic Avenue, Fountain Avenue, a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Logan Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, Montauk Avenue, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, Cleveland Street, a line 100 feet southeasterly of Atlantic Avenue, Vermont Street, a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, and Sheffield Avenue; and

- c. a line 250 feet northerly of Pitkin Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 200 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 100 feet northerly of Pitkin Avenue, Bradford Street, Pitkin Avenue, a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, a line midway between Berriman Street and Shepherd Avenue, a line 100 feet southerly of Pitkin Avenue, Schenck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
54. establishing a Special Enhanced Commercial District (EC-6) bounded by a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Place, Euclid Avenue, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Fulton Street, and Sheffield Avenue;

Borough of Brooklyn, Community Districts 5 and 16, as shown on a diagram (for illustrative purposes only) dated September 21, 2015 and subject to the conditions of CEQR Declaration E-366.

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The application for an amendment of the Zoning Map for the East New York Community Plan was filed by the Department of City Planning (DCP) on September 18, 2015, for portions of 190 blocks in two distinct areas. The larger of the two areas comprises approximately 175 blocks within Community District 5, East New York and Cypress Hills, and is generally bounded by Sheffield Avenue to the west, Lincoln Avenue to the east, Fulton Street to the north and Pitkin Avenue to the south. A 15-block area within Community District 16, Ocean Hill, is generally bounded by Eastern Parkway Extension to the west, Van Sinderen Avenue to the east, Broadway to the north and East New York Avenue to the south. In conjunction with the related actions, the proposed Zoning Map amendments would change R5, R6, C8-1, C8-2, M1-1 and M1-2 districts to R5B, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-5D, M1-4/R6A, M1-4/R7D and M1-4/R8A districts, eliminate and establish new commercial overlays, establish a Special Mixed Use District, and establish Special Enhanced Commercial Districts.

## **RELATED ACTIONS**

In addition to the amendment of the Zoning Map which is the subject of this report (C 160035 ZMK), implementation of the proposal also requires action by the City Planning Commission on the following actions which are being considered concurrently with this application:

- N 160036 ZRK**      Amendment to the Zoning Resolution to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable
- C 160037 HUK**      Amendment to the Dinsmore Chestnut Urban Renewal Plan
- C 160042 HDK**      Disposition of property within the Dinsmore Chestnut Urban Renewal Area
- N 160050 ZRK**      Amendment to the Zoning Resolution to establish Special Mixed Use District 16, establish Enhanced Commercial Districts, and establish a Mandatory Inclusionary Housing area

Together, all of these actions (the “Proposed Actions”) would help facilitate the East New York Community Plan, a coordinated neighborhood plan for new housing with requirements for the inclusion of housing affordable to low-income residents, active local retail corridors, new commercial development opportunities and community facilities to serve area residents.

## **BACKGROUND**

The East New York Community Plan is the first neighborhood to be addressed as part of *Housing New York*, the City’s plan to preserve and create over 200,000 units of housing to serve a range of New Yorkers, from the very poorest to the middle class households that make up New York City’s workforce. As part of *Housing New York*, the Department of City Planning (DCP), in close coordination with HPD and other capital and service agencies, including the Departments of Transportation (DOT), Parks and Recreation (DPR), Small Business Services (SBS) and the Economic Development Corporation (EDC), have launched community development initiatives in neighborhoods throughout New York City to plan for improvements needed to support residential and commercial growth, preserve housing, and enhance quality of life for existing residents in these

areas. As such, this represents a new, more coordinated approach to neighborhood planning.

East New York and Cypress Hills was the first such identified neighborhood based on extensive prior community engagement work by DCP during the course of Sustainable Communities East New York (SCENY), a federal Department of Housing and Urban Development (HUD) Sustainable Communities grant initiative, as well as a result of a NYS Department of State Brownfield Opportunities Area (BOA) grant in partnership with the Cypress Hills Local Development Corporation (CHLDC).

Building on the planning framework developed by SCENY, the East New York Community Plan is based on extensive and exhaustive community outreach and participation from the summer of 2014 to the present. Led by DCP with other City agencies, the Plan was developed to achieve the community's stated goals for housing affordable to local residents, economic development, community facilities and infrastructure improvements through new zoning and other land use actions, expanded programs and services as well as capital public investments to meet the needs of both current and future residents.

Current zoning in the neighborhood is virtually unchanged for more than 50 years and does not permit the implementation of the goals of the East New York Community Plan. New residential development in key areas and along major corridors is not permitted and in areas where residential use is permitted, the existing zoning restricts new development to such low densities that it curtails the production of substantial amounts of housing, particularly affordable housing, and diminishes the potential of the major corridors to again become vibrant pedestrian destinations with retail activity and community facilities. Today, manufacturing zoning districts and general service commercial districts that had been mapped in 1961 when there were remaining industrial users, foster mostly auto-oriented retail uses and self-storage facilities that are incongruous with a growing residential community.

In order to allow full implementation of the East New York Community Plan, the Proposed Actions would support the following land use objectives:

- Create opportunities for new residential development with requirements for significant amounts of permanently affordable housing and to preserve existing affordability to ensure that the neighborhood continues to serve diverse housing needs
- Encourage mixed-use development on key corridors
- Enhance and revitalize major thoroughfares through new economic development
- Protect the neighborhood character of the existing residential core and ensure predictable future development in context with existing homes in the area.

The East New York Community Plan would facilitate the vision articulated by local community members of a vibrant, inclusive neighborhood with a wide variety of housing options, local and regional commercial uses, job opportunities, attractive streets, and high-quality schools, parks and other community resources. Opportunities for new housing, including affordable housing, along key corridors, particularly Atlantic Avenue, would provide more housing choices for current and future residents. A growing residential population would restore population lost during the neighborhood's decline in decades past, and also expand the customer base for existing and new businesses such as grocery stores, pharmacies, and other services to flourish while providing new business and job opportunities for residents. Investments in schools, parks, streets and other community infrastructure would ensure a livable, healthy neighborhood for all.

The East New York Community Plan includes commitments to neighborhood-based programs as well as strategic infrastructure and community investments. These strategies, such as targeted investments in new affordable housing, programs to support small business development, the construction of a new school, streetscape improvements along Atlantic Avenue, and investments in local parks, while separate from the proposed land use actions, are essential for achieving this comprehensive vision of a thriving and sustainable neighborhood.

### **Study Area History**

East New York was largely farmland until 1835, when Colonel John R. Pitkin purchased a large portion of the farmland, laid out a township called East New York and established a shoe factory at the intersection of Williams and Pitkin Avenues. A year later, the Long Island Rail Road opened its

first section running an elevated line along Atlantic Avenue between the Brooklyn waterfront and Jamaica, Queens. Cypress Hills and East New York grew further with the extension of elevated transit lines in the 1880's and 1890's that connected neighborhoods of Queens with Downtown Brooklyn and Manhattan. The area continued to grow in the first half of the 20th century, attracting a large European immigrant population.

In the 1960's and 1970's, the population of Cypress Hills and East New York declined significantly, accompanied by private disinvestment and abandonment of property. Between 1960 and 1980 the population of the East New York study area decreased by a third, from approximately 66,000 to 40,000 residents, and the number of housing units dropped by nearly half.

Beginning in the 1980's, City investment and grass-roots initiatives helped East New York and Cypress Hills stem their decline and begin a recovery that continues to this day. The City initiated the Nehemiah Housing Program in partnership with East Brooklyn Congregations to redevelop the large swaths of City-owned vacant land that were left from the abandonment of private homes earlier in the 1970's and 1980's. The program developed small, two-story, single-family row houses and provided an affordable homeownership opportunity to moderate-income families. This and other similar programs helped reverse the tide of private disinvestment in the community and rebuild the neighborhood's fabric, leaving few vacant lots remaining today.

In the 1990's small-scale, private-sector market-rate construction of one- and two-family homes returned to East New York. While the pace of construction was slowed by the recession of 2008, and a concurrent rise in mortgage foreclosures in the area, construction of new private housing has resumed with an improving economy and increased demand due to a rising city population and the movement into East New York of residents from other, costlier neighborhoods. As a result of the City's housing programs, together with the private market home construction, the population of the East New York project area has now rebounded from its low-point in 1980 of approximately 40,000 residents to 48,000 today, but still remains below its 1960 peak of 66,000 residents.

## **Sustainable Communities East New York**

The East New York Community Plan builds on the work of the Sustainable Communities East New York (SCENY) study, a federally-funded collaborative planning effort led by DCP, together with community residents, stakeholders, elected officials and local organizations from 2011-2013. The SCENY planning initiative was funded under a regional planning grant awarded by the U.S. Department of Housing and Urban Development (HUD) to the New York-Connecticut Sustainable Communities Consortium, a collection of governmental and planning organizations in partnership to support the development of livable communities and growth centers around the region's most extensive commuter rail network. This study examined opportunities for transit-oriented development capitalizing on East New York's robust transportation assets including a regional rail station, numerous city transit stations, particularly Broadway Junction, and several bus lines.

Community Boards 5 and 16, which each cover portions of the study area, residents, stakeholders, elected officials and community organization were engaged extensively throughout the study. The project team involved all stakeholders, including each of the Community Boards and their Land Use committees regularly and solicited input on their ideas and vision. As part of the outreach effort, the project was also guided by a Community Advisory Committee (CAC), consisting of residents and representatives from local community-based organizations. Through this extensive outreach and public engagement, residents and other stakeholders identified key challenges and opportunities in East New York, as well as their vision for the future of the area. The Sustainable Communities East New York report, published in the spring of 2014, recommended allowing moderate-density mixed-use development with affordable housing along key corridors, preserving the low-density character of residential side streets, cultivating a regional destination with larger-scale uses around Broadway Junction, promoting job and business growth in the Industrial Business Zone, and implementing streetscape improvements to make the area safer for pedestrians.

### **East New York Community Plan**

In May, 2014, Mayor Bill de Blasio released *Housing New York*, the City's plan to build and preserve 200,000 of affordable housing throughout New York City in coordination with strategic infrastructure investments to foster a more equitable and livable New York City. The *Housing New York* plan calls for neighborhood studies to be undertaken in communities across the five boroughs



that offer opportunities for new affordable housing through an extensive community engagement process. These plans will support affordable housing development not only through changes to zoning, but through coordinated investments and programs to support economic development and provide enhanced neighborhood amenities and assure that public resources have the capacity to address the needs of the anticipated increase in population.

This represents a more comprehensive approach to neighborhood planning that involves many city agencies and the Office of Management and Budget (OMB). The intent is to assure that as neighborhoods are rezoned to permit increased housing capacity, the appropriate capital public investments are committed to and funded. To support this new approach, the City has established an unprecedented Neighborhood Development Fund in its Capital Budget to ensure that resources are committed to infrastructure investments in neighborhoods where housing capacity is increased. This holistic approach to neighborhood development will allow the City to plan for residential growth and provide needed services such as schools, parks, and transportation improvements to foster livable, thriving communities.

East New York was selected as the first neighborhood for such a planning process based on the previous community planning work in the area, including the goals and opportunities identified by community members as part of the Sustainable Communities East New York study. These goals – to develop housing, including significant amounts of affordable housing, new commercial services, jobs and open space in an area with excellent transit access – provided the blueprint for the next phase of community engagement and planning.

Following the Mayor's announcement, DCP commenced a ten-month community planning process in September 2014. In close partnership with other City agencies, including the Department of Housing Preservation and Development (HPD), Department of Small Business Services (SBS), Economic Development Corporation (EDC), Department of Transportation (DOT), School Construction Authority (SCA), and Department of Parks and Recreation (DPR), DCP held a series of workshops and public events to identify current and future needs of the neighborhood building on the vision outlined in the SCENY report. Hundreds of East New York, Cypress Hills and Ocean Hill

residents attended and shared their insights and feedback at events over the course of this planning process. HPD, SBS, EDC and DOT held additional issue-specific workshops to further refine goals and identify strategies for affordable housing, economic development and streetscape improvements.

Through this process, the following goals and objectives were identified:

- Create new affordable housing, including housing accessible to families at income levels currently living in the community;
- Protect low-income tenants living in the neighborhood today;
- Foster job opportunities and more diverse commercial and retail options;
- Support business growth along key corridors and in the IBZ;
- Promote safer and more active streets with improved streetscapes, especially on Atlantic Avenue;
- Improve local parks and playgrounds to allow more recreational opportunities; and
- Encourage new community facilities offering recreation and youth programs.

Based on these community identified objectives, DCP, in collaboration with other City agencies, developed a plan to facilitate these goals through new zoning and other land use actions, expanded programs and services and capital investments, known as the East New York Community Plan. The Plan includes strategies in four categories: Housing, Economic Development, Transportation & Community Resources, and Land Use. These strategies are described below.

## HOUSING

- Preserve existing affordable housing: HPD will focus and expand a series of financing and tax incentive programs in East New York to maintain affordability and proactively target buildings with expiring regulatory agreements or tax benefits and work with owners to extend affordability. The City's new Green Housing Preservation Program will allow building owners to rehabilitate and preserve affordability in 5- to 50- unit buildings by financing energy efficiency and water conservation improvements, creating financial savings that can be passed on to tenants. HPD will streamline and expand small home loan repair programs for low to moderate income homeowners of 1- to 4- unit buildings, which make up

a significant portion of the building stock in East New York. HPD will also ensure housing quality by targeting code enforcement with additional inspectors.

- Protect tenants from displacement: The City has committed \$36 million to provide free legal representation in housing courts to tenants facing harassment in neighborhood rezoning areas. East New York tenants facing harassment, building neglect, or eviction proceedings who meet income requirements are eligible. The City’s Tenant Support Unit has canvassed the neighborhood to ensure that residents are aware of these services, and HPD has conducted extensive outreach to tenants through a mobile van and Tenant Resource Fairs to make resources available to local residents. The City and State have worked together to create a new Tenant Harassment Prevention Task Force to investigate and bring enforcement actions – including criminal charges – against landlords who harass tenants in East New York and other neighborhoods.
- Create new affordable housing: HPD will prioritize the development of over 1,200 units of affordable housing within the next two years, including at the vacant City-owned Dinsmore-Chestnut site on Atlantic Avenue. The effort will include both large-scale rental and infill homeownership development. Any private sites receiving subsidy will be required to be 100% affordable to low- and moderate-income households. Nearly all units in HPD-subsidized developments in East New York must be affordable to households between 30-60% of AMI, or earning anywhere from \$15,232 for a single-person household to \$51,780 for a family of four. On public sites, HPD will require developers to provide even deeper affordability levels. Mandatory Inclusionary Housing (MIH) will require that a minimum percentage of new housing in the East New York rezoning area is permanently affordable.

## ECONOMIC DEVELOPMENT

- Connect residents to career opportunities: SBS will locate a new Workforce1 Satellite Center in East New York/Brownsville to better connect residents to job training and placement services. The City’s newly expanded HireNYC program requires that any city contract over \$1 million and any project receiving \$2 million or more in HPD subsidy post open positions with the Workforce1 system, making local career opportunities available to residents.

- Foster opportunities in the East New York Industrial Business Zone: NYC EDC is committed to strengthening the capacity of the East New York Industrial Business Zone (IBZ) and is conducting a study to identify opportunities to make the IBZ a better connected and more thriving center for jobs. EDC has recently completed the installation of four new gateway signs to this area, and is working to make improvements to a City-owned building so that it can better accommodate current and future industrial business tenants.
- Help residents grow and start businesses: SBS will launch an East New York-focused training course that will equip East New York business owners and entrepreneurs with the skills to strategically grow their businesses. SBS will provide education, assistance, and tools to help businesses with leases, and make the retail market more transparent.
- Strengthen commercial corridors and promote diverse retail uses: SBS is working with local partners in East New York to conduct a commercial district needs assessment. The findings of this study will inform a broad menu of commercial revitalization services and resources which could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, district marketing and local capacity building opportunities.
- Promote local economic opportunity through affordable housing development: When HPD subsidizes new development in East New York, it will work to ensure that small businesses and community facilities are integrated into the lower floors of the building. The City will work to build capacity, improve access to capital, and increase opportunities for Minority- and Women- Owned Business Enterprises (M/WBEs) to participate in the development process and connect local residents to career training and job opportunities in affordable housing development.

## TRANSPORTATION & COMMUNITY RESOURCES

- Make Atlantic Avenue a Great Street: DOT will redevelop this central spine of the neighborhood with safer crosswalks, a raised, planted median, and new sidewalks complete with public benches, bike racks and more than 100 new street trees. This project will advance Vision Zero for pedestrian safety while also helping to set the stage for new development along the Atlantic Avenue corridor.

- Enhance connectivity and access to transit: DOT will complete the redesign and redevelopment of the street network in front of the Broadway Junction subway complex, making the area safer while also adding new pedestrian amenities. New bike lanes have already been added to Pitkin Avenue, extending the existing bike network in Brownsville into East New York.
- Improve existing parks: A one-acre underused asphalt area at City Line Park will be transformed into a new green space. DPR will begin community outreach to gather input from residents about the design of this new open space this spring. DPR will also repair and revitalize the basketball courts in Sperandeo Brothers playground and install new, modern play equipment in Lower Highland Park.
- Build a new school: SCA will build a new school in District 19, with 1,000 new school seats to alleviate school overcrowding and provide for a growing population. The site for this new school is envisioned to be a portion of the Dinsmore-Chestnut Urban Renewal Site within the rezoning area; a site selection for the school will be forthcoming.
- Install new green infrastructure throughout the neighborhood: The Department of Environmental Protection will install new curbside bioswales to absorb and manage storm water in East New York, improving water quality in Jamaica Bay while beautifying streets.
- Expand access to health care: The City will expand the network of health clinics in East New York to provide services to thousands more patients per year.
- Support local arts and culture: The Department of Cultural Affairs will run a capacity-building initiative for arts and cultural groups. A neighborhood fellow will be hired to work with local organizations to expand opportunities for community members to engage in local cultural activity as leaders, audience members, artists, students, and volunteers.

## LAND USE

- Promote mixed-use development along key corridors and near transit: New residential and commercial zoning districts along Atlantic Avenue, Fulton Street, Pitkin Avenue, and around Broadway Junction would allow moderate-density mixed-use development. Affordable housing would be required in all new residential development. Retail or community facility uses would be required at the ground-floor along key corridors to create active streetscapes

and strengthen the retail environment.

- Preserve the residential character of side streets: Side streets are characterized by two- to three-story rowhouses, single-family homes, and small apartment buildings. This existing character would be preserved with contextual residential zoning districts that require new buildings to be in context with existing buildings. Long-standing residential areas west of Broadway Junction which currently do not conform to the existing manufacturing zoning designation would be brought into conformance under proposed contextual residential districts.
- Allow more diverse uses in industrial areas: Industrial as well as residential and commercial uses would be allowed in areas that are currently home to a mix of uses including Liberty Avenue as well as parts of Ocean Hill and Atlantic Avenue.

## **EXISTING CONTEXT AND ZONING**

The study area covers approximately 0.75 square miles in eastern Brooklyn that include portions of the East New York, Cypress Hills, Ocean Hill and Brownsville neighborhoods of Community Districts 5 and 16. Separating East New York and Ocean Hill, and not subject to the Proposed Actions described herein, is an industrially zoned area that includes Broadway-Junction and the East Brooklyn IBZ.

As noted above, the Proposed Actions would affect two noncontiguous areas. The first is an approximately 175 block area covering portions of East New York and Cypress Hills, generally bounded by Fulton Street to the north, Pitkin Avenue to the south, Sheffield Avenue to the west, and Conduit Boulevard and Lincoln Avenue to the east. This area is defined by a series of east-west corridors, with Atlantic Avenue dividing the area into northern and southern sections; major corridors and areas of the neighborhood are described below. The second area is an approximately 15 block portion of the Ocean Hill neighborhood, generally bounded by Broadway to the north, East New York Avenue to the south, Eastern Parkway Extension to the west, and Van Sinderen Avenue to the east.

### ***East New York - Fulton Street***

Fulton Street has retained most of its historic character as an active local retail corridor and is an important shopping and dining destination for the surrounding Cypress Hills community. The J/Z subway line runs above grade along this corridor, with stations at Van Siclen Avenue, Cleveland Street, Norwood Avenue, and Crescent Street. This corridor is mainly lined with historic two- to four-story attached mixed-use buildings with ground floor retail and housing above. Three blocks immediately east of Pennsylvania Avenue contain gas stations, car sales lots and auto-repair shops. Residential uses at the ground floor can also be found intermittently along this section of the corridor.

### ***East New York - Atlantic Avenue***

At 120 feet wide, Atlantic Avenue is the largest corridor running through the area and one of the main thoroughfares in Brooklyn. The Long Island Railroad runs below Atlantic Avenue in East New York and has a stop at Van Sinderen Avenue in between the East New York and Ocean Hill Plan areas. Common land uses along the avenue include one-story semi-industrial uses including a large bakery, auto-related uses, such as gas stations, car washes and auto repair shops, self-storage facilities, local retail shops and fast food restaurants interspersed with limited residential uses. Most loft-style buildings that were originally built for industrial purposes have been converted to warehousing, self-storage facilities or are vacant. Atlantic Avenue also features a few large vacant and/or underutilized sites. New development along the corridor has primarily consisted of fast food drive-thru establishments and self-storage centers.

### ***East New York - Liberty Avenue***

Liberty Avenue is a corridor that runs east-west just south of Atlantic Avenue. The corridor today consists of auto repair shops, scrap metal yards and other light-industrial uses, such as warehouses and supply stores, mixed with two- to four-story residential homes, small local retail shops, schools and houses of worship.

### ***East New York - Pitkin Avenue***

Pitkin Avenue is generally characterized by two- to four-story residential buildings or mixed-use buildings with neighborhood retail at the ground floor and residential units above. The A/C subway

line runs below ground along Pitkin Avenue with stations at Van Siclen Avenue, Shepherd Avenue, and at Euclid Avenue, an express stop and the terminus of the C train. While Pitkin Avenue was once a thriving continuous commercial strip, today many of the ground floors of buildings are used for residential or community facility use. Residential uses occupy the ground floors of over 40 percent of buildings as many former retail spaces have been converted to residential units. New construction is mostly residential and often sets back from the street line to allow for off-street parking or faces side-streets with blank building sides facing onto Pitkin Avenue. Commercial uses include one of the area's few full-service supermarkets, as well as delis, laundromats, salons and other small retail establishments. Fiorentino Plaza is a medium-density NYCHA development on the northern side of Pitkin Avenue. The CHLDC recently received approval for a zoning map change to increase the allowed density at Pitkin Avenue and Berriman Street adjacent to the Shepherd Avenue subway station to build an eight-story apartment building with ground-floor retail.

### ***East New York - Residential Core***

The residential blocks between the main commercial corridors of Fulton Street, Atlantic Avenue and Pitkin Avenue are characterized by two- to three-story row houses and small three- to four-story apartment buildings built in the early 1900's. Recent development includes low-scale rowhouses or semi-detached homes with deep setbacks and front-yard parking. This new construction conforms to the low-density zoning regulations which require off-street parking and front yards, producing developments that do not match the form and character of existing buildings. The Cypress Hills residential core lies to the north of Atlantic Avenue and is characterized by slightly lower-scale rowhouses and detached homes than are typically found south of Atlantic Avenue in East New York. Glenmore Avenue, just north of and running parallel to Pitkin Avenue, is characterized by low-scale homes interspersed with pockets of auto-related uses and open industrial uses, as well as a number of community gardens on vacant city-owned lots, once occupied by residential buildings.

### ***Ocean Hill***

The western portion of the study area, in the Ocean Hill neighborhood, contains a mix of longstanding residential buildings, light-industrial activities including warehouses/storage and distribution facilities, and institutional uses. The residential uses consist of a mix of one- and two-



family homes, as well as three- to four-story apartment buildings. The existing low-scale warehouse buildings are typically occupied with low-intensity light industrial and auto-oriented uses, including storage and warehousing, and auto-repair shops. Recent construction consists of two recently completed and one proposed hotel and conversions of former loft buildings to homeless family shelters.

### ***Existing Zoning***

The majority of the current zoning has remained unchanged since 1961 when the current Zoning Resolution was originally established. Two zoning map amendments were recently adopted; the Pitkin-Berriman Rezoning (C 130161 ZMK), adopted in 2013, changed an R5/C1-3 zoning district to an R7A/C2-4 district on a block bounded by Pitkin Avenue, Shepherd Avenue, and Berriman Street. The Logan Street Rezoning (C 040389 ZMK), adopted in 2005, changed an M1-1 zoning district to an R5 district on the northern half of a block bounded by Milford Street, Atlantic Avenue, and Logan Street. Both rezonings shared the goal of encouraging the creation of more housing units in the neighborhood.

### ***M1-1 & M1-2***

M1-1 zoning districts, which have a floor area ratio (FAR) of 1.0 for manufacturing and commercial uses, are mapped in fragments throughout the study areas. An M1-2 district is located in a portion of the Ocean Hill area and permits manufacturing and commercial uses at a maximum FAR of 2.0. M1-1 and M1-2 districts also permit community facility uses at a maximum FAR of 2.4 and 4.80, respectively. M1 districts have a base height limit, above which a structure must fit within a sloping sky exposure plane; this base height is 30 feet in M1-1 districts, and 60 feet in M1-2 districts. M1-1 and M1-2 districts are subject to parking requirements based on the type of use and size of an establishment. M1 districts generally allow one- or two-story warehouses for light-industrial uses, including repair shops, wholesale service facilities, as well as self-storage facilities and hotels. M1 districts are intended for light industry; however, heavy industrial uses are permitted in M1 districts as long as they meet the strict performance standards set forth in the Zoning Resolution (ZR). No new residential uses are permitted.

Existing land uses within the M1-1 and M1-2 districts include warehouses/storage for light industrial uses, auto-related businesses such as car dealerships and auto-repair shops, fast-food restaurants, gas stations, self-storage facilities, hotels, and vacant or underutilized land.

### ***C8-1 & C8-2***

There is one C8-1 district mapped in the most eastern part of the study area on Atlantic Avenue and three blocks immediately east of Pennsylvania Avenue are currently zoned C8-2. C8-1 and C8-2 districts permit commercial uses at a maximum FAR of 1.0 and 2.0, respectively. C8 districts are found mainly along major traffic arteries and allow automotive and other heavy commercial uses that often require large amounts of land. C8 districts have a base height limit, above which a structure must fit with a sloping sky exposure plane; this base height is 30 feet in C8-1 districts, and 60 feet in C8-2 districts, and typically produces low-rise, one-story structures. C8-1 and C8-2 districts also permit community facility uses at a maximum FAR of 2.4 and 4.80, respectively. Typical uses are automobile showrooms and repair shops, warehouses, gas stations, and car washes; community facilities, self-storage facilities, hotels and amusements, such as theatres are also permitted. No new residential uses are permitted.

Existing land uses within the C8-1 and C8-2 districts include gas stations, car sales lots, auto-repair shops, small local retail shops mixed with residential uses above the ground floor and residential homes that front on the side streets.

### ***R5***

Approximately 137 full or partial blocks north and south of Atlantic Avenue, between Fulton Street and Atlantic Avenue and Between Atlantic Avenue and Pitkin Avenue, are currently zoned R5. R5 districts allow low-density housing, including detached, semi-detached, attached and multi-family residences, at a maximum FAR of 1.25 (or 1.65 in predominantly built-up areas utilizing the R5-infill provisions) and community facilities up to a maximum FAR of 2.0. R5 districts typically produce three- to four-story attached houses and small apartment buildings set back from the street with parking in their front yards. R5 districts have a base height limit of 30 feet and a maximum building height of 40 feet is permitted after a 15 foot setback. R5 zoning requires a minimum front

yard depth of 10 feet, which is increased to 18 feet if front yard parking is provided. Off-street parking in a grouped facility is required for 85% of the dwelling units.

Most of the Fulton Street and Liberty and Pitkin Avenue corridors are within the R5 zoning district. While many of the existing residential buildings were historically built at a height of four stories or less, their built densities are greater than currently permitted, due to their higher lot coverage. The existing land uses in these areas include detached, semi-detached, attached single and two family homes, and multi-family residences interspersed with light manufacturing uses, warehouses/storage facilities, auto repair facilities, community facilities, and vacant land and community gardens.

### ***R6***

There is one R6 district in the southwest of the study area located along a block frontage facing Pitkin Avenue. R6 districts allow all housing types at a maximum FAR of up to 2.43 is allowed for residential uses and up to 4.8 FAR is allowed for buildings containing community facility uses. R6 is a “height factor” district where residential and community facility uses are permitted with no fixed height limits and building envelopes are regulated by an open space ratio and a sky exposure plane after a maximum base height of 60 feet. Residential development under the optional Quality Housing Program has a maximum FAR of 2.2 on narrow streets (defined as less than 75 feet wide) with a 55-foot building height limit and a maximum of 3.0 FAR on wide streets (defined as 75 feet wide or greater) with a height limit of 70 feet. Off-street parking is required for 70 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 square feet or if Quality Housing provisions are used.

A R6 residential district encompasses approximately five blocks of Pitkin Avenue east of Pennsylvania Avenue and includes the New York City Housing Authority (NYCHA) Fiorentino Plaza development, a one-story supermarket, a school, and one- and two-family homes.

### ***R7A***

There is one R7A district in the study area located on the front block facing Pitkin Avenue between Shepherd Avenue and Berriman Street. This zoning district was adopted in 2013 at the request of the

CHLDC from an R6 zoning district to facilitate an eight-story affordable housing building with ground-floor retail. R7A districts typically produce high lot coverage, seven- to eight-story apartment buildings pursuant to the Quality Housing program, and blend with existing buildings in many established neighborhoods. In R7A districts, the maximum residential FAR is 4.0, and the maximum community facility FAR is 4.0. Above a maximum base height of 65 feet, the building must set back 10 feet along narrow streets or 15 feet along wide streets before rising to the maximum permitted height of 80 feet.

### ***Commercial Overlays***

Commercial overlays, commercial zoning districts mapped over residential zoning districts to allow local commercial retail uses, are mapped along Fulton Street and Pitkin Avenue, as well as on scattered blockfronts on Atlantic and Liberty Avenues.

### ***C1-2 & C1-3***

A C1-2 commercial district is located over one block in the southeastern area of the study, between Pine Street and Glenmore Avenue. C1-3 commercial districts are mapped on 24 block frontages, and typically to a depth of 150 feet, along Fulton Street, and Liberty and Pitkin Avenues. C1 commercial districts are typically mapped in residential neighborhoods along streets that serve local retail needs. They are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. The maximum commercial FAR is 1.0 when mapped in R5 districts or below, and 2.0 when mapped in R6 or higher. This typically produces a commercial ground floor in an otherwise residential mixed-use building. C1-2 districts have higher off-street parking requirements than C1-3 districts.

### ***C2-3 & C2-2***

C2-2 commercial districts are mapped on nine block frontages including Atlantic Avenue from Bradford Street to Van Siclen Avenue; and along Pine Street between Liberty and Pitkin Avenues. C2-3 commercial districts are mapped on 79 block frontages along Pitkin Ave between Vermont Avenue and Crystal Street; on Liberty Avenue between Warwick Street and Crystal Street; and along

Fulton Street from Wyona Street to Pine Street. C2 districts permit a slightly wider range of uses than C1 districts, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to the ground floor and must always be located below the first floor containing dwelling units.

In C1-2 and C2-2 districts, most retail uses require one accessory parking space per 300 square feet of commercial floor space. In C1-3 and C2-3 districts, most retail uses require one accessory parking space per 400 square feet of commercial floor space.

#### ***C2-4***

A C2-4 commercial district is mapped on one block frontage along Pitkin Avenue and was mapped as part of the 2013 Pitkin-Berriman Rezoning. C2-4 commercial districts allow for local retail uses and commercial development up to 2.0 FAR. C2-4 districts allow Use Groups 1-9 and 14, which include uses such as plumbing and electrical shops, small bowling alleys and movie theaters, funeral homes, small repair shops, printers, and caterers. For general commercial uses, one off-street parking space is required for every 1,000 square feet of such use, and up to 40 spaces may be waived.

### **PROPOSED ACTIONS**

#### **Zoning Map Amendment (C 160035 ZMK)**

The proposed rezoning would replace all or portions of existing M1-1, M1-2, C8-1, C8-2, R5, and R6 districts with M1-4/R6A, M1-4/R7A, M1-4/R8A, M1-4/R7D, R5, R5B, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-4L and C4-5D districts. The proposed rezoning would also replace or eliminate portions of existing C1-2, C1-3, C2-2, and C2-3 overlays mapped within the existing R5 and R4 districts with C2-4 overlays and establish new C2-4 overlays.

#### ***Proposed R5***

*(Existing C8-1 district)*

Three R5 districts are proposed for six partial blocks along Atlantic Avenue between Pine Street and Lincoln Avenue currently zoned C8-1 and between Cleveland and Linwood Streets currently zoned C8-2. Most of these lots are home to residential uses today, which do not conform to the existing

zoning. The proposed R5 zoning district will bring existing residential uses into conformance. R5 district permits all housing types at a maximum FAR of 1.25. A minimum lot width of 40 feet is required for detached houses and a minimum lot width of 18 feet is required for other housing types. A minimum lot area of 3,800 square feet is required for detached houses, and a minimum lot area of 1,700 square feet is required for other housing types. The perimeter wall of all housing types may rise to 30 feet before sloping or being set back to a maximum building height of 40 feet. Front yards must be exactly 10 feet deep or a minimum of 18 feet. One parking space is required for each dwelling unit, or 85% if grouped.

### ***Proposed R5B***

*(Existing R5, C8-2, M1-1, and M1-2 districts)*

R5B is proposed in the core residential blocks between Fulton Street and Atlantic Avenue, between Atlantic Avenue and Liberty Avenue, between Liberty Avenue and Pitkin Avenue, and between Herkimer Street and Atlantic Avenue between Sherlock Place and Havens Place as follows:

- Between Fulton Street and Atlantic Avenue: 22 partial blocks between New Jersey Avenue and Milford Street. These blocks are currently zoned C8-2, R5/C2-3, and M1-1.
- Between Atlantic Avenue and Liberty Avenue: 3 partial blocks between Montauk Avenue and Fountain Avenue; 2 partial blocks between Crystal and Chestnut Streets; and 1 partial block between Euclid and Crescent Streets. These blocks are currently zoned M1-1 and R5.
- Between Liberty Avenue and Pitkin Avenue: 34 full or partial blocks between Pennsylvania Avenue and Shepherd Avenue that are currently zoned R5; 18 partial blocks between Berriman Street and Euclid Avenue that are currently zoned M1-1 and R5; and 3 partial blocks between Euclid Avenue and Crescent Street that are currently zoned R5.
- Between Sherlock Place and Havens Place: 3 partial blocks between Herkimer Street and Atlantic Avenue that are currently zoned M1-2

These proposed districts will increase conformance of existing residential uses. R5B permits detached and semi-detached residential buildings, but is primarily a three-story rowhouse district. The maximum FAR is 1.35 with a maximum street wall height of 30 feet, above which the building is set back to a maximum height of 33 feet. The front yard must be at least five feet deep and it must

be at least as deep as one adjacent front yard and no deeper than the other, but it need not exceed a depth of 20 feet. Attached rowhouses do not require side yards but there must be at least eight feet between the end buildings in a row and buildings on adjacent zoning lots. Curb cuts are prohibited on zoning lot frontages less than 40 feet. On-site parking spaces must be provided for 66 percent of the dwelling units although parking can be waived when only one space is required. Front yard parking is prohibited.

### ***Proposed R6B***

*(Existing M1-2, M1-1, C8-2 and R5)*

R6B is proposed in two areas as follows:

- Along Herkimer Street between Sherlock Place and Havens Place currently zoned M1-2.
- Between Atlantic Avenue and Liberty Avenue between New Jersey Avenue and Vermont Street (1 partial block currently zoned C8-2), between Wyona Street and Schenck Avenue (5 partial blocks currently zoned C8-2), and between Barbey Street and Montauk Avenue (10 partial blocks currently zoned R5, C8-2 and M1-1).

These proposed districts will increase conformance of existing residential uses. R6B is a typical row house district that includes height limits and street wall lineup provisions to ensure that new buildings are consistent with the scale of the existing built context. R6B permits residential and community facility uses to a maximum FAR of 2.0. Building base heights must be between 30 and 40 feet, with a 50 foot maximum building height after the building set back to a depth of 10 feet on a wide street and 15 feet on a narrow. New development in the proposed R6B district would be required to line up with adjacent structures to maintain the continuous street wall character. New multifamily residences must provide one off-street parking space for 50% of dwelling units, which may be waived if 5 or fewer spaces would be required.

### ***Proposed R6A***

*(Existing R5, C8-2, and M1-1 districts)*

R6A is proposed on approximately 76 full or partial blocks in three areas:

- Between Bradford Street and Euclid Avenue along Fulton Street that are currently zoned

R5/C2-3.

- Along Liberty Avenue between Barbey and North Conduit Avenue currently zoned R5 and M1-1.
- Between Liberty Avenue and Pitkin Avenue between Essex and Atkins Streets currently zoned R5 and M1-1.
- And along Sackman Street between Somers and Truxton Streets currently zoned M1-1.

R6A districts allow residential and community facility uses up to 3.0 FAR (3.6 FAR in areas designated as part of the Inclusionary Housing program per Zoning Resolution Section 23-90). The building form requires a street wall between 40 and 60 feet, a setback above the maximum base height of 60 feet, and a maximum building height of 70 feet. Off-street parking is required for 50 percent of the dwelling units, but this requirement is waived if 5 or fewer spaces are required.

### ***Proposed R7A***

*(Existing R5, C8-1, C8-2, and M1-1)*

R7A is proposed on approximately 73 full/partial blocks in four areas:

- Between Sheffield Avenue and midblock between Pennsylvania and New Jersey Avenues between Belmont Avenue and Atlantic Avenue that is currently zoned M1-1, C8-2 and R5.
- Along Pitkin Avenue between New Jersey Avenue to the west, and Doscher Street to the east; and between Pine Street and Crescent Street along Pitkin Avenue, that is currently zoned R5.
- Between Liberty Avenue and Pitkin Avenue along Euclid Avenue that is currently zoned R5.
- Along Atlantic Avenue between Euclid Avenue and Lincoln Avenue currently zoned C8-1 and C8-2.

R7A is a contextual district that allows for new medium-density residential development and community facilities. R7A districts allow for residential development up to 4.0 FAR (4.6 FAR in areas designated as part of the Inclusionary Housing program) and community facility uses up to 4.0 FAR. The building form requires a street wall of 40 to 65 feet, a setback above the maximum base height, and a maximum building height of 80 feet. New residences would be required to provide one



off-street parking space for 50% of the dwelling units, with reduced requirements for affordable housing.

***Proposed R7D***

*(Existing M1-1)*

R7D is proposed on two blocks on along Eastern Parkway Extension between Mother Gaston Boulevard and Sackman Street that is currently zoned M1-1.

R7D allows medium-density apartment buildings at a maximum FAR of 4.2 for community facility uses and 5.60 for residential uses in areas designated as part of the Inclusionary Housing program. New structures in R7D districts are required to line up with adjacent structures to maintain the streetwall. Above a base height of 60 to 85 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 100 feet. In addition, where commercial overlays are mapped, active ground floor uses are required, and the related zoning text amendment would also require transparency on the ground floor (see below).

***Proposed R8A***

*(Existing C8-2 and M1-1)*

R8A is proposed on 29 partial blocks for portions along Atlantic Avenue between Bradford Street and Montauk Avenue. These blocks are currently zoned C8-2 and M1-1.

R8A districts permit residential and community facility uses at a maximum FAR of 6.02 (7.20 in areas designated as part of the Inclusionary Housing program) and 6.50, respectively. The building form requires a base height between 60 and 85 feet and a maximum building height of 120 feet. The off-street parking requirement is one space per 1000 square feet of commercial use and health care facilities and one off-street parking space for 40% of the dwelling units.

***Proposed C4-4L***

*(Existing C8-2 and M1-1)*

C4-4L is proposed on 12 full or partial blocks along a section of Fulton Street between Sheffield

Avenue and Bradford Street and in Ocean Hill along Broadway between Eastern Parkway and Van Sinderen Avenue. These blocks are currently zoned C8-2 and M1-1.

The proposed C4-4L is an existing zoning district created specifically for commercial corridors with elevated trains, similar to Fulton Street. The designation represents a contextual, regional commercial district that permits residential development at an R7A equivalent, as well as commercial and community facility. The proposed C4-4L district would allow for a wider range of uses and provide more building design along the elevated J/Z transit line.

C4-4L zoning districts allow residential development up to 4.0 FAR (4.6 FAR in areas designated as part of the Inclusionary Housing program) and commercial and community facility uses up to 4.0 FAR. The proposed C4-4L district would allow two distinct building types depending on the location in relation to elevated train tracks:

- For lots not fronting on the elevated train, the proposed C4-4L district applies the height and setback regulations of a C4-4A district, requiring a street wall between 40 and 65 feet high and allowing a maximum building height of 80 feet.
- For lots fronting on the elevated train and within 125 feet of the streetline adjacent to the elevated train, buildings would be required to set back five feet from the streetline adjacent to the elevated train at the ground floor, and allowed to rise to a maximum height of 100 feet or ten stories, with a minimum base height of 30 feet and a maximum base height of 65 feet. Above the base height, buildings would be required to set back at least 15 feet. Certain corner lots and through lots, depending on size and configuration, would also be subject to more generous lot coverage maximums, and some through lots would be permitted to waive the required rear yard equivalent.

### ***Proposed C4-5D***

*(Existing M1-2)*

A C4-5D district is proposed for all or parts of five blocks generally bounded by Fulton Street, Van Sinderen Avenue, Sackman Street and Pacific Street. These blocks are currently zoned M1-2.

C4-5D permits residential, commercial, and community facility buildings at a maximum FAR of 4.2 (5.6 FAR in areas designated as part of the Inclusionary Housing program). The building form requires a base height between 60 and 85 feet and a maximum building height of 100 feet. Active ground floor uses are required, and fifty percent of the building frontage on the ground floor between a height of 2 and 12 feet above curb level is required to be glazed with transparent materials that will enhance the pedestrian experience. The off-street parking requirement is one space per 1000 square feet of commercial use and one off-street parking space for 50% of the dwelling units.

***Proposed C4-4D***

*(Existing R5, C8-2 and M1-1)*

C4-4D is proposed on 21 partial blocks along two sections of Atlantic Avenue, between Sheffield Avenue and Bradford Street; and between Montauk Avenue and Fountain Avenue; and two sections of either end of Pitkin Avenue in the study area, between Pennsylvania and New Jersey Avenues and between Doscher Street and Pine Street. These blocks are currently zoned R5, M1-1 and C8-2.

C4-4D is an R8A equivalent that permits residential development up to 6.02 FAR (7.20 FAR in areas designated as part of the Inclusionary Housing program), commercial uses up to 3.4 FAR, and community facilities up to 6.5 FAR. The building form requires a base height between 60 and 85 feet and a maximum building height of 120 feet. The off-street parking requirement is one space per 1000 square feet of commercial use and health care facilities and one off-street parking space for 40% of the dwelling units.

***Proposed M1-4/R6A***

*(Existing R5, C8-2 and M1-1)*

An M1-4/R6A mixed use district is proposed for 18 partial blocks along Liberty Avenue between New Jersey Avenue and Barbey Street. These blocks are currently zoned R5, C8-2, and M1-1. This area is currently home to a wide variety of uses including residential, community facility, commercial, and industrial. Over half of lots in this area currently contain residential uses, which do not conform to the existing predominant M1-1 zoning district. The proposed mixed use zoning would bring these existing uses into conformance and provide a framework for residential uses to

coexist with industrial and other uses.

M1-4/R6A districts permit residential and community facility uses within Use Groups 1-4, and commercial and manufacturing uses within Use Groups 5-15 and 17 at a maximum FAR of 3.0 (3.6 with Inclusionary Housing) for residential, 3.0 for community facility, and 2.0 for commercial or manufacturing uses. For residential uses the building form requires a street wall of 40 to 60 feet, a setback above the street wall, 10 feet facing wide streets and 15 feet facing narrow streets, and a maximum building height of 70 feet. For industrial and commercial uses, the allowable FAR would remain at 2.0 resulting typically in two-story buildings.

***Proposed M1-4/R7A***

*(Existing M1-1)*

An M1-4/R7A mixed use district is proposed for a partial block between Chestnut Street and Richmond Street just south of Fulton Street that is currently zoned M1-1.

M1-4/R7A districts permit residential and community facility uses within Use Groups 1-4, and commercial and manufacturing uses within Use Groups 5-15 and 17 at a maximum FAR of 4.0 (4.6 with Inclusionary Housing) for residential, 4.0 for community facility, and 2.0 for commercial or manufacturing uses. For residential uses the building form requires a street wall of 40 to 65 feet, a setback above the street wall, 10 feet facing wide streets and 15 feet facing narrow streets, and a maximum building height of 80 feet. For industrial and commercial uses, the allowable FAR would remain at 2.0 resulting typically in two-story buildings.

***Proposed M1-4/R7D***

*(Existing M1-2)*

An M1-4/R7D mixed use district is proposed for two partial blocks along Fulton Street between Eastern Parkway Extension and Havens Place that is currently zoned M1-2.

M1-4/R7D districts permit residential and community facility uses within Use Groups 1-4, and commercial and manufacturing uses within Use Groups 5-15 and 17 at a maximum FAR of 4.2 (5.6

with Inclusionary Housing) for residential, 4.2 for community facility, and 2.0 for commercial or manufacturing uses. For residential uses, above a base height of 60 to 85 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 100 feet. For industrial and commercial uses, the allowable FAR would remain at 2.0 resulting typically in two-story buildings.

### ***Proposed M1-4/R8A***

*(Existing M1-1)*

The proposed M1-4/R8A mixed use district is proposed for two full or partial blocks between Logan Avenue and Euclid Avenue along Atlantic Avenue and a two partial blocks along Atlantic Avenue between Barbey and Schenck Streets and between Vermont and Wyona Streets. These blocks are currently zoned M1-1.

The proposed M1-4/R8A district would allow residential and community facility uses within Use Groups 1-4, and commercial and manufacturing uses within Use Groups 5-15 and 17 at a maximum FAR of 6.02 (7.20 with Inclusionary Housing) for residential, 6.50 for community facility, and 2.0 for commercial or manufacturing uses. The proposed M1-4/R8A district requires new buildings to have a street wall height of 60 to 85 feet and a maximum building height of 120 feet. For industrial and commercial uses, the allowable FAR would remain at 2.0 resulting typically in two-story buildings.

### ***Proposed Commercial Overlays***

Existing C1 and C2 commercial districts are mapped intermittently throughout the study area. C1 districts permit commercial Use Groups 5 and 6 while C2 districts permit Use Groups 5 through 9 and 14.

C2-4 commercial districts are proposed to be mapped over portions of the proposed R5, R6A, R7A, R7D and R8A districts as detailed below. The proposed rezoning would also replace or eliminate portions of existing C1-2, C1-3, C2-2, and C2-3 districts with C2-4 districts and establish new C2-4 districts. The affected area is as follows:

- Proposed R5: Six partial blocks along Atlantic Avenue between Pine Street and Lincoln Avenue currently zoned C8-1 and between Cleveland and Linwood Streets currently zoned C8-2.
- Proposed R6A: 40 full/partial blocks on Fulton Avenue between Bradford Avenue and Euclid Avenue that are currently zoned R5/C2-3; and 28 full/partial blocks on Liberty Avenue between Barbey Street and Conduit Avenue that are currently zoned R5 and M1-1.
- Proposed R7A: Four partial blocks on Atlantic Avenue between Euclid Avenue and Lincoln Avenue that are current zoned C8-1 and C8-2; 4 partial blocks along Liberty Avenue between Berriman and Montauk Streets currently zoned R5 and M1-1; 7 partial blocks on Pennsylvania between Liberty Avenue and Belmont Avenue that are currently zoned R5 and C8-2; 49 partial blocks along Pitkin Avenue between New Jersey Avenue and Crescent Street currently zoned R5 and R6; 3 full/partial blocks along East New York Avenue between Pacific Street and Bergen Street and Liberty Avenue.
- Proposed R7D: One partial block between Eastern Parkway and Mother Gaston Boulevard that is currently zoned M1-1.
- Proposed R8A: 29 full/partial blocks on Atlantic Avenue between Bradford and Montauk that are current zoned R5/C2-3, C8-2, M1-1, and R5; and 2 full/partial blocks on Pitkin Avenue between Pennsylvania and New Jersey Avenue that are currently zoned R5 and C8-2.

C2-4 commercial districts allow for local retail uses and commercial development up to 2.0 FAR. In these areas, the C2-4 commercial districts would support the development of mixed residential/commercial uses. This proposal would map commercial districts to a depth of 100 feet to reflect the typical depth of existing lots along these corridors and to prevent commercial uses from encroaching on residential side streets. Existing commercial districts mapped at a depth of 150 feet would be removed on Fulton Street, Pitkin Avenue, and Liberty Avenue.

### **Proposed Zoning Text Amendments (N 160036ZRK and N 160050ZRK)**

The Proposed Actions include amendments to the text of the Zoning Resolution to establish and apply a new Mandatory Inclusionary Housing program (see below) to portions of the proposed rezoning area where zoning changes are promoting new housing. Additionally, the Proposed Actions

include amendments to Zoning Resolution including the establishment of Enhanced Commercial Districts and a Special Mixed Use District within the rezoning area.

***Mandatory Inclusionary Housing Program (N 160036ZRK and N 160050ZRK)***

The Department of City Planning proposes a Zoning Text amendment to establish a Mandatory Inclusionary Housing program that would require a share of new housing in East New York to be permanently affordable (N 160036ZRK). This text amendment mirrors the proposed citywide text amendment, which was voted and approved by the Commission with modifications on February 3, 2016.

A second zoning text amendment would apply the Mandatory Inclusionary Housing program to portions of the proposed rezoning area, including where zoning changes are promoting new housing (N 160050ZRK). The mandatory Inclusionary Housing program would apply within the following districts: M1-4/R6A, M1-4/R7A, M1-4/R7D M1-4/R8A, R6A, R7A, R7D, R8A, C4-4D, C4-4L and C4-5D districts within the rezoning area. This program would require that a share of new housing be provided as affordable to low- or moderate-income households. These units would be permanently protected as affordable.

***Enhanced Commercial Districts (N 160050ZRK)***

The Department of City Planning proposes a Zoning Text amendment to establish Enhanced Commercial Districts in the rezoning area along Atlantic Avenue, Pitkin Avenue, Fulton Street and Pennsylvania Avenue. The Enhanced Commercial District would foster a safe and engaging pedestrian experience along these corridors by establishing regulations requiring non-residential ground floor use, transparency on the ground floor, limiting curb cuts, and requiring building setbacks to create wider sidewalks on Fulton Street.

***Special Mixed Use District (N 160050ZRK)***

The Special Mixed Use District (MX) is a special zoning district that is mapped in several locations throughout the city. It combines a light industrial (M1) district with a residential district, and permits a mix of selected light industrial, commercial, residential, and community facility uses under the

applicable regulations. The MX district permits mixed-use buildings, and includes an expanded definition of “home occupations,” permitting a broader variety of live-work accommodations than is allowed in standard zoning districts. The proposed MX district is intended to retain existing light industrial businesses while encouraging the redevelopment of vacant and/or underutilized land and lofts with residential uses. The proposed MX district locations and regulations are described in more detail above under “Proposed Zoning Map Amendments” where an M1-4 district is proposed with a residential district.

### **Proposed Amendment to Dinsmore-Chestnut Urban Renewal Plan (C 160037HUK)**

HPD established the Dinsmore-Chestnut Urban Renewal Area (URA) in 2001, comprised of an urban renewal plan site, Site A (Block 4142, Lot 32), generally bounded by Dinsmore Place on the north, Chestnut Street on the east, Atlantic Avenue on the south, and Logan Street on the west. HPD proposes an amendment to the Dinsmore-Chestnut Urban Renewal Plan (URP) to change the land use designation on Site A to reflect the proposed zoning changes. Site A is currently designated for manufacturing use. Under the proposed action, the land use designation would be changed to allow residential, community facility, commercial and light manufacturing uses, and other uses permitted under the proposed zoning. In addition, the proposed amendment would update the URP’s general provisions and language to conform to current standards.

### **Disposition Approval (C 160042HDK)**

HPD is also seeking approval for the disposition of City-owned property associated with Site A (Block 4142, Lot 32) of the Dinsmore-Chestnut URA and designation of Site A as an urban development action area project (UDAAP). The requested approval would permit the construction of a mixed-use development that could include housing, community facility, commercial, light manufacturing and other uses allowed under the proposed zoning, and in accordance with the uses permitted in the amended Dinsmore-Chestnut Urban Renewal Plan.

## **ENVIRONMENTAL REVIEW**

This application (C 160035 ZMK), in conjunction with the related applications (N 160036 ZRK, C 160037 HUK, C160042 HDK, and N160050 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 designated CEQR number is 15DCP102K. The lead agency is the City Planning Commission.

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 February 3, 2015, 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 February 3, 2015. A public scoping meeting was held on March 5, 2015, and the Final Scope of Work was issued on September 18, 2015.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on September 18, 2015. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on January 6, 2016, in conjunction with the public hearing on this ULURP item (C 160035 ZMK) and the related items (N 160036 ZRK, C 160037 HUK, C160042 HDK, and N160050 ZRK).

A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing was completed, and a Notice of Completion of the FEIS was issued on February 12, 2016.

Significant adverse impacts related to hazardous materials, air quality and noise would be avoided through the placement of (E) designations (E-366) on selected projected and potential development sites as specified in Exhibit A attached hereto.

The Proposed Action as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (public schools and child care services), open space, shadows, historic and cultural resources (architectural), transportation (traffic, transit, and pedestrians), air quality, noise, and construction activities related to historic and cultural resources, and noise. The identified significant adverse impacts and proposed mitigation measures under the Proposed Actions are summarized in Exhibit B attached hereto.

On February 24, 2016, subsequent to the issuance of the FEIS, a Technical Memorandum (Technical Memorandum 001) was completed which addressed the potential impacts of certain CPC modifications to the applications, which are discussed later in this report. The Technical Memorandum concludes that these modifications would not have any new or different significant adverse impacts than those identified in the FEIS for the Proposed Actions.

## **UNIFORM LAND USE REVIEW**

This application (C 160035 ZMK) and the applications for the related ULURP items (C 160037 HUK, C160042 HDK), were certified as complete by the Department of City Planning on September 21, 2015, and were duly referred to Community Boards 5 and 16 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 non-ULURP actions (N 160036 ZRK, N160050 ZRK) which were referred for review and comment.

### **Community Board Public Hearing**

Community Board 5 held a public hearing on this application on October 28, 2015 and on November 18, 2015, by a vote of 17 to 0 with 5 abstaining, adopted a resolution recommending disapproval of this application with the following conditions:

1. The community does not want a storage facility on the corner of Pitkin and Pennsylvania Avenue also known as block 3721, lot 1.
2. The community would like to reclaim the old Traffic Court building known as 127 Pennsylvania Avenue, corner of Liberty Avenue also known as block 3687, lot 1. The Community Board office is located in the building and the community would like to see this building restored to a recreation facility for community use. Approximately three million dollar is needed to repair the building. This would increase productivity and morale for community board members and staff to effectively address the economic development needs of the community. Additionally, community residents would benefit from this investment.
3. The community would like for the city to acquire the Long Island Railroad sub-station building located at Atlantic Avenue (service road) and Snediker Avenue. This building is located on block 3680. This building will be used as a cultural center for the residents of East New York and Brownsville.
4. We would like a CUNY campus in the rezone area. This would allow for long-term

economic sustainability for all of East New York and neighboring communities.

5. We would like an Innovation Lab – a job placement and training center run in conjunction with New York City College of Technology and local business organizations that would train young people to do basic computer coding; and help locals start small cooperative businesses; and help find jobs for adults.
6. We would like approximately \$20 million dollars or more investment from NYC Economic Development Corporation (EDC) in East New York for Business Incubators in the IBZ, and Innovation Labs throughout Community Board #5 (Note: 2014 EDC invested \$316,396 in East New York). This much needed investment would address the high unemployment in CB #5.
7. We need a 30-year tax credit for long-term East New York homeowners and businesses to ease the property tax burden due to rezone changes.
8. The City should finance the creation of lower cost rental space for local small businesses.
9. We need multi-year, robust support for strengthening local business focusing training and business planning, including topics such as purchasing properties, meeting increased and differing demands for services and preparing your business for changes, etc.
10. We want to make sure that the merchants in the community request is in placed which is: assistance in the preservation/repair of mixed use properties and down-payment assistance made available to support local businesses in buying mixed-use buildings.
11. We need a City commitment to save East New York manufacturing and provide relocation fund for industrial businesses that need to relocate.
12. We need a City commitment to create good living wage jobs for East New York residents in construction and manufacturing and other growth sectors.

Community Board 16 held a public hearing on this application on October 19, 2015 and on November 23, 2015, by a vote of 23 to 1 with 4 abstaining, adopted a resolution recommending disapproval of this application, with the following conditions:

1. Brooklyn Community Board #16 is concerned that the rezoning text does not address ability for current businesses and community organizations to maintain affordability and withstand the changing housing market due to new market-rate construction. The Community Board seeks to develop a plan for retail and community organizations, including discounted rentals, technical assistance, and tax breaks for owners of mixed-use buildings who maintain long-time businesses and community organizations.
2. Brooklyn Community Board #16 is concerned that residential developments as a result of new mixed-use zoning will threaten existing manufacturing businesses.

These existing businesses are a vital part of the community and should be protected from rising rental costs and threat of being converted to residential development. The Community Board seeks to allow the mixed manufacturing and R7D zoning, but with measures that will protect existing manufacturing, especially at the ground level.

3. Brooklyn Community Board #16 is concerned that the opportunity to develop market rate housing will threaten existing low-income residents out of their homes. The Community Board seeks to implement an Anti-Harassment program (based on the Special Clinton District in Hell's Kitchen) that would require a permit/ram HPD prior to altering, demolishing, or changing any sound development.
4. Brooklyn Community Board #16 is concerned that the building technology and process of new development construction will exclude many community members while benefitting people from outside the community. The Community Board seeks to establish a working relationship between the City and local contractors and workers to employ local workers for the rezoning. The plan should link mandatory local hiring requirements to government subsidy programs, including housing and economic development subsidies.
5. Brooklyn Community Board #16 is concerned that the focus of transportation safety issues is focused only Atlantic Avenue. While Atlantic Avenue is in need of safety improvements, a recent (Nov. 3, 2015) fatality of a woman crossing the street at Fulton Street and Sackman Street demonstrates that other streets of Ocean Hill must be considered under the rezoning. The Community Board seeks that DCP work with NYC DOT to evaluate Atlantic Avenue and other streets of Ocean Hill/or safety improvements.
6. Brooklyn Community Board #16 is concerned that the increase in population due to new residential developments will place a burden on the existing community facilities and resources. Currently, the only available open space resource is Callahan-Kelly Playground located at Fulton Street and Eastern Parkway. The Community Board seeks to incorporate more consideration for community facilities, such as youth and senior centers, into the rezoning area. In particular, the park should be well-maintained as usage is likely to increase.
7. Brooklyn Community Board #16 is concerned that many smaller, low-density side streets are proposed to be rezoned in higher densities. This goes against contextual planning and will lead to higher densities where it is not appropriate. R7D, in particular, is very out of context on Eastern Parkway, where buildings are low-rise. Higher densities would be more appropriate on a large thoroughfare such as Atlantic Avenue. The Community Board seeks to change the zoning text from areas designated as R7D zoning to R6A zoning. This change allows for new development while keeping in context with the neighborhood.

### **Borough President Recommendation**

This application (C 160035 ZMK), in conjunction with the related applications (N 160036 ZRK, C 160037 HUK, C160042 HDK, and N160050 ZRK), was considered by the Borough President, who

issued a recommendation on December 30, 2015 disapproving the application with the following conditions:

1. That there be permanent affordability commitments for 100 percent of the housing units within the Dinsmore-Chestnut and NIHOP sites and the former Chloe Foods site, memorialized in the property records, through mechanisms such as a LDA, Regulatory Agreement, funding agreement or other equivalent measures, prior to granting its approval to the requested modification to the Dinsmore-Chestnut Urban Renewal Plan, property dispositions and the proposed rezoning affecting these properties.
2. That prior to the City Council's subcommittee on Zoning and Franchises hearing regarding the ENY Plan, it is imperative for the City Council to obtain such commitments in writing from HPD regarding:
  - a. The status of its expansion of a series of financing and tax incentive programs, and include in its menu of tax incentives and workouts such products that would be eligible for residential real estate tax credits including tax exemptions and/or forgiveness on City collections subject to lien sales, such as water and sewer charges, real estate taxes, etc., for landlords willing to index rental unit lease renewals to RGB increases;
  - b. Lists and outreach regarding government assisted housing, the affordability requirements of which are expiring;
  - c. Code violation data collections;
  - d. The convening of the advocates and practitioners for best practice to enhance efforts to protect tenants from displacement – including possibly establishment of additional anti-harassment areas;
  - e. Resources to enable such legal clinics to occur with regularity;
  - f. Ongoing funding to local CBDO for anti-eviction work, eviction prevention services, and housing quality enhancements;
  - g. Resources need to be directed to HPD's Tenant Harassment Prevention Task Force;
  - h. Free legal representation in housing court, and,
  - i. Resources to provide educational and outreach resources to CBDOs and faith-based organizations to help with housing lottery readiness and lottery awareness regarding the 278 units as part of Livonia Commons first phase, 288 units as part of the second phase; the NYCHA Van Dyke Houses campus development of approximately 100 units underway by CAMBA and approximately 1,000 units according to the proposed General Project Plan regarding the State's Brooklyn Development Center campus at 888 Fountain Avenue, as well as subsequent MIH developments

In addition, HPD should commit to the City Council that it would provide quarterly updates of such status reports that would be required to be submitted to Community

Boards 5 and 16 and affected local elected officials.

3. That for Arlington Village, prior to the City Council hearing, the redeveloper provides proof of a binding mechanism to the Council as a means of ensuring that the residents would be seamlessly accommodated in the redevelopment at comparable rents. Otherwise, the City Council shall exclude the combination upzonings of R8A along Atlantic Avenue, R6A along Liberty Avenue and R6B along the mid-blocks from the rezoning, leaving these blocks as an R5 zoning district designation.
4. That prior to the City Council hearing, the Administration commits for the DCP to undertake a rezoning study, in consultation with CBs 5 and 16 and its Local elected officials, of the proposed R5B and R6B districts as well as surrounding R4 and R5 districts. This is a means to better match the allowable zoning with both the predominant building type and built floor area with proposed boundaries presented within six months of the date of ENY Plan adoption and a rezoning application Certified within 18 months.
5. That prior to the public hearing of the City Council, HPD shall provide a written commitment to codify that the 50 percent preference for community residents would be inclusive of former CD 5 and 16 residents displaced since the Certification date of the ENY Plan.
6. That 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 through the leasing of MIH lottery units, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
  - a. ZR 23-154 (d)(3) (i)(ii) and (iii) of the Inclusionary Housing provisions;
  - b. ZR 23-91 General definitions – income bands, income index, low income household, low income limit, middle income floor area, middle income household, moderate income floor area, moderate income household, moderate income limit, qualifying household, to be modified to clarify that the AMI income index and income bands, have an equivalent for allowing those rent-burdened households that would be able to pay the same or have a reduction in their rent to lease such mandatory unit also be deemed a qualifying household for eligibility;
  - c. ZR 23-912 Definitions applying to rental affordable housing – maximum monthly rent to reflect the equivalency of income bands as a measure to accommodate rent-burdened households; and,
  - d. ZR 23-961 (a)(1) and (c)(2) Additional requirements for rental affordable housing – Tenant selections and Income, to reflect the rent-burdened low, moderate and middle income households as qualifying households, and that the administering income shall verify the household’s rent history in lieu of income for rent-burdened households affordability requirements

7. That in order to establish a requirement setting at least 15 percent of the MIH units at rents affordable to households earning not more than 40 percent of Area Medium Income, and its rent-burdened equivalent of ENY Plan MIH lottery units, the City Planning Commission or City Council shall require Section 23-154 (d)(3)(i)(ii) of the Zoning Resolution to note such obligation.
8. That in order to provide affordability to more households at a lower AMI, the City Planning Commission or City Council shall modify the proposed R8A along Atlantic Avenue, between Bradford Street and Montauk Avenue, to R7A and prior to the public hearing of the City Council, DCP shall provide a written commitment to establish a zoning text amendment to permit a voluntary affordable housing bonus permitting R8A bulk and FAR, provided that of the additional 2.6 FAR, 30 percent is affordable to not less than 50 percent AMI average rent.
9. That in order to make applicable the Voluntary Inclusionary Housing program's preservation option to MIH so that more tools are available to keep residents permanently in their apartments according to rent-regulated protection, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
  - a. ZR 23-91 General definitions – Preservation affordable;
  - b. ZR 23-94 (a) Methods of Providing Affordable Housing, to allow preservation affordable housing to be applicable to satisfy the requirements in Mandatory Inclusionary Housing areas;
  - c. ZR 23-961 (d)(3)(1) Additional Requirements for rental affordable housing – affordable housing plans and MIH applications to include preservation affordable housing
10. That for buildings in excess of 25 units seeking modifications of MIH program requirements through the Board of Standards and Appeals, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
  - a. That there be a demonstration that the City is not prepared to provide enhanced subsidies;
  - b. That qualifying households be further defined to include a rent-burdened AMI equivalent;
  - c. That BSA be precluded from converting the 60 percent AMI average income rental basis-restricted housing to not exceed 90 percent AMI, with maximum eligibility remaining at no more than 130 percent AMI and its rent-burdened equivalent;
  - d. That market rate floor area, and its commercial equivalent, be limited to 75 percent of the as-of-right permitted Floor Area Ratio (FAR);
  - e. That as a condition of precluding any provision of MIH mandatory affordable housing, the BSA would be mandated to reduce the allowable height in recognition of the reduction of provided floor area based on providing market

rate only floor area, per Brooklyn Borough Board Zoning for Quality and Affordability Height Recommendation per proposed Zoning Resolution section 23-662b;

- f. That a reasonable return shall consider what was a reasonable return of the property prior to the effective date of the public scoping notice for the preparation of the EIS, adjusted by the Consumer Price Index.
11. That to modify the payment in lieu of option from 11 units to four units, the City Planning Commission or City Council shall require the amending of Section 23-154 (d)(4)(i) of the Zoning Resolution.
  12. That a minimum threshold of family-sized units be not less than 50 percent of the affordable housing units containing two or more bedrooms and 75 percent of the affordable housing units containing one or more bedrooms, for non-independent residences for seniors and non-supportive housing, as a means to accommodate family-sized apartments, that:
    - a. The City Planning Commission or City Council shall require the amending of Section ZR 23-96 Requirements for Generating Sites or MIH Sites (c)(1) of the Zoning Resolution; and,
    - b. HPD shall provide a written commitment prior to the public hearing of the City Council to codify this minimum threshold for the bedroom distribution that:
      - i. The Dinsmore-Chestnut Urban Renewal site disposition shall meet at least that standard of bedroom distribution through memorializing this in the LDA or regulatory agreement between a designated developer and HPD; and,
      - ii. The former Chloe Foods site to be developed by Phipps Houses shall meet at least that standard of bedroom distribution, memorialized in its funding agreement with HPD
  13. That to achieve additional opportunities to provide affordable housing for those at risk for displacement, already displaced, and of very-low income, prior to the City Council hearing, the City should provide a written framework, to the City Council, of its intent to undergo such steps as follows:
    - a. Transfer jurisdiction of existing Grant Avenue Field municipal lot to HPD with the understanding that affordable housing development would incorporate the public parking as part of site redevelopment;
    - b. Transfer jurisdiction to HPD to allow for it to issue an RFP for the lot's unused residential floor area, the section of the open area along Amboy Street of the site considered for the Brownsville Juvenile Justice Center;
    - c. For HPD to collaborate with NYCHA to explore the appropriate extent of opportunities to use the remaining development rights within the neighborhood's NYCHA campus, and only proceed with sites after consultation with the community, CBs 5 and 16, and local elected officials;



- d. Provide financial capacity and technical support from appropriate government agencies to advance the development of neighborhood faith-based sites with available development rights; and,
  - e. To take steps necessary to develop a mixed use school/affordable housing building at the PS 178 annex, as part of a larger zoning lot that provides the opportunity to maximize the available unused residential floor area with consideration for such development vision, including building bulk, income diversity and the necessary number of classrooms, which should be in consultation with CB 16, the District 23 Community Education Council, the District 23 Superintendent, the Principle of PS 178, and local elected officials
14. That the City Planning Commission or City Council modifies the proposed zoning map and text amendments as follows:
- a. That the proposed R7D zoning district within CD 16 to be changed to R6A; and
  - b. That the proposed maximum height of building Maximum Height of Building with qualifying ground floor means the second floor would be at least 13 feet above the sidewalk; 95 feet in MIH R7A and 115 feet in R7D, with heights reduced to 90 feet and 110 feet when the second floor is placed less than 13 feet above the sidewalk. In both instances, the number of stories should be restricted to nine and 11 for these districts
15. That in order to better guarantee that redevelopment of supermarket sites would include a FRESH Food Store, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text of both the floor area ratio and FRESH section warranted as a corrective action to amend Zoning Resolution Section 35-23 (a). The amendment would state that on the effective date of this rezoning, existing supermarkets located on sites with maximum development standards of R6A and R7A, or its commercial equivalents, shall require development be pursuant to ZR 63-00, Special Regulations Applying to FRESH Food Stores. The replacement supermarket would be required to contain no less than the existing food market zoning floor area on the effective date of the rezoning, and as further modified by recommendations for Section 35-24 Table A. Otherwise, any subsequent redevelopment shall be developed as follows:
- a. Where designated as R6A MIH, pursuant to R5B; and
  - b. Where designated as R7A MIH, pursuant to R6A
16. That in order to restrict the size of as-of-right retail establishments to not more than 80,000 sf in C4-4L, C4-4D and C4-5D zoning districts, established pursuant to the ENY Plan, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted as a corrective action to amend Zoning Resolution Section 32-10 Uses Permitted As of Right.
17. That in order to minimize noise, vibration, and light and air impacts of developing adjacent to elevated train structures, DCP shall provide a written commitment prior

to the City Council hearing of its intent to modify the zoning text for revising the street wall provisions along elevated trains along Broadway and Fulton. This is pursuant to Zoning Resolution Section 35-24 (c) (4) Special Street Wall Location and Height and Setback Regulations in Certain Districts, regarding setback locations as it pertains to the C4-4L zoning district and R6A district along Fulton Street, as follows:

- a. That the minimum required street wall be one story;
  - b. That setback above 30 feet shall not be required where such window fenestrations are not the primary window opening for habitable spaces such as living rooms and bedrooms;
  - c. That setback of 20 feet from the street line above 30 feet shall not be discretionary for sections of window walls where fenestrations are the primary windows for habitable space; and
  - d. Residential developments set back starting at or below 30 feet shall obtain two additional floors allowable through rezoning
18. That in order to explore the possibility of precluding commercial displacement by establishing incentives and/or credits, and low-cost financing products for landlords who seek to maintain longtime small businesses, DSBS shall provide a written commitment prior to the City Council hearing of its intent to give consideration to business real estate tax exemptions and/or forgiveness on City collections subject to lien sales such as water and sewer charges, for landlords willing to index lease renewals to specified limit percentages.
19. That in order to ensure the DSBS's technical expertise and legal assistance is provided in a timely and ongoing manner, and is aimed to improving the fiscal operation to preclude commercial displacement of businesses due to higher rents, DSBS shall provide a written commitment prior to City Council hearing of its intent on delivering programs, which will help residents grow businesses:
- a. Launching an East New York-focused FastTrac Growth Venture Course;
  - b. Providing education, assistance, and tools to help businesses with leases;
  - c. Initiating efforts to make the retail market more transparent;
  - d. Targeting support provided through WNYC to help women operate, and grow a business; and,
  - e. Targeting its "Small Business First" program to help businesses in the neighborhood navigate government regulations
20. That in order to minimize the risk of business displacement due to excessive available development rights - attributed to the proposed rezoning along certain stretches of Fulton Street - in consultation with DCP, CPC or City Council shall modify the proposed zoning text map to any combination of a more neutral and/or more modest upzoning along Fulton Street, as warranted, as follows:
- a. In lieu of R6A, to R5B and/or R6B, to the east of Bradford Street, and,

- b. In lieu of the C4-4L west of Bradford Street to R5B, R6B or R6A.
21. That in order to strengthen retail corridors, prior to the public hearing of the City Council, DSBS shall provide a written commitment of its intent to work with local partners in East New York to conduct a commercial district needs assessment and develop a menu of commercial revitalization services. These could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, and supplemental sanitation.
22. That in order to promote locally-based business start-ups through affordable local business space, prior to the public hearing of the City Council, written commitments shall be provided as follows:
- a. By EDC of its intent to pursue improvements to city-owned buildings, coordinate incentives from the IDA, and a status of its study of the IBZ; and,
- b. By HPD as part of the Dinsmore-Chestnut Urban Renewal site disposition through a LDA, the former Chloe Food site, and other commercially zoned private sites seeking significant government funding, through funding agreements.
23. That in order to promote the Liberty Avenue section of the proposed MX district as a corridor for artisans and artisanal establishments, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted, as a corrective action to amend Zoning Resolution Sections 123-20, Special Use Regulations and 123-30 Supplementary Use Regulations, to undertake a collaborative process with CB 5, Council Member Espinal and other local elected officials as well as local CBDOs and local arts, artisans, and artisanal entities.
24. That in order to preserve existing industrial conforming uses, appropriately restrict non-industrial uses, and promote appropriate urban agriculture use- inclusive of hydroponic and aquaponics technologies- in the East New York IBZ's M1-4 and M3-2 zoning districts, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted, as a corrective action to amend Zoning Resolution Sections 22-14 Use Group 4B. Open Uses, 42-10 Uses Permitted As-Of-Right, ZR 43-122 Maximum floor area ratio for community facilities and ZR 75-01 (b) Greenhouse Certification, to undertake a collaborative process with CBs 5 and 16, local elected officials, CBDO and advocates such as the Association for Neighborhood Housing Developers, East New York Farms and other urban farming entities.
25. That in order to provide technical and financial resources to relocate appropriate ENY Plan area industrial businesses to the IBZ, prior to the public hearing of the City Council, EDC and DSBS should provide written commitments of each other's intent.
26. That in order to require developers, on public property and/or with substantial public financing, to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as

to coordinate the monitoring of such participation and reporting of such performance, HPD shall compel the Administrative Code and Local Law standards regarding MWBE and LBE participation as follows:

- a. Through a Land Disposition Agreement for Dinsmore-Chestnut site;
- b. Regulatory Agreement with Phipps Houses pertaining to its redeveloping the former Chloe Foods site; and,
- c. Regulatory Agreements between the various developers seeking substantial government financing and HPD

Prior to the public hearing of the City Council, HPD shall provide written commitments of its intent to increase opportunities for MWBEs to participate in the development process; connect local residents to career training, and to provide for quarterly updates to CBs 5 and 16, and local elected officials, to demonstrate its monitoring and performance.

27. That in order to ensure ongoing employment opportunities in newly constructed buildings on the Dinsmore-Chestnut Urban Renewal site and for sites where HPD would be providing substantial financing, such as the former Chloe Foods site, prior to the public hearing of the City Council, HPD shall provide written commitments of its intent to ensure that small businesses and community facilities are integrated into the lower floors of such buildings pursuant to zoning.
28. That in order to ensure the development of the Workforce 1 Career Center and commitment of ongoing funding to area CBDOs for job training and East New York Farms for agricultural activities, prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to facilitate, including the possibility of acquiring and retrofitting, the LIRR sub-station and of job-training funding.
29. That in order to consider the possibility of establishing an institute of higher learning, possibly in collaboration with an Innovation Lab, prior to the public hearing of the City Council, CUNY shall provide a written commitment of its intent to investigate.
30. That in order to be consistent with the intent to facilitate an office hub at Broadway Junction, the City Planning Commission or City Council shall eliminate the proposed C4-5D zoning district north of Atlantic Avenue and east of Havens Place, retaining the M1-2 district.
31. That in order to facilitate an office hub at Broadway Junction, in consultation with CBs 5 and 16 and local elected officials, as a follow-up action, prior to the public hearing of the City Council, the City shall provide a written commitment of its intent to have DCP, in conjunction with EDC, develop a series of land use actions including rezoning the existing M1-1 and M1-2 blocks, street map changes, commercial use restrictions, and acquisition actions, as needed.
32. That in order to facilitate the expansion of the number of public school seats, prior to the City Council hearing:

- a. SCA shall provide a written commitment of its intent and timeline to initiate the site selection process and for there to be a Capital Budget commitment for the 1,000 seat school;
  - b. Furthermore, SCA and DOE shall provide a written commitment of its intent to evaluate the seven schools in proximity to the ENY Plan and determine the appropriateness of constructing enlargements and their projected capacity, should enlargements be feasible, including elimination of the 630 school seats in the East New York Family Academy, Public Schools 7, 159, 202, 214 and 290, and 159 and IS 302 TCUs;
  - c. DCP shall provide a written commitment of intent to undertake a study of these sites for the appropriateness of developing a zoning text amendment to establish a community facility floor area applicable only to public schools, and undertaken in consultation with CBs 5 and 16 and their local elected officials; and,
  - d. DOE and SCA shall provide a written commitment of intent to compile contact information with all the property owners of the sites ultimately deemed appropriate for additional community facility floor area. Also, to provide quarterly update to CBs 5 and 16 and local elected officials on the status of these properties being developed, as well as intent to include in DOE's Capital Plan
33. That in order to facilitate the long-term status of the Cypress Hills Fulton Street Neighborhood Senior Citizen's Center, prior to the public hearing of the City Council, DFTA and DCAS shall provide a written commitment regarding status to extend the lease.
34. That in order to ensure that there is adequate availability of child care slots, prior to the public hearing of the City Council, ACS shall provide a written commitment to monitor child care needs annually and report its findings to CBs 5 and 16 and their local elected officials, including whether funding should be provided as part of a joint community center/public school/day care center at the Dinsmore-Chestnut site.
35. That in order to facilitate the development of a community center, prior to the public hearing of the City Council, the Administration shall provide a written commitment:
- a. Regarding the status of its Capital Budget commitment for within the Dinsmore-Chestnut Urban Renewal site; and,
  - b. To investigate acquisition of the LIRR former sub-station building.
36. That in order to facilitate the parkland improvement and to increase the supply of open space in the neighborhood, prior to the public hearing of the City Council, DPR shall provide a written commitment as follows:
- a. Status of DPR's intent to lead a community design process and re-envision a large asphalt ball field in City Line Park;
  - b. Status of intent to repair and revitalization of the basketball and handball courts in Sperandeo Brothers playground;

- c. Status of intent to install new, modern play equipment in Lower Highland Park;
- d. Consideration of funding:
  - i. Remaining upgrades at Lyon’s Playground and Callahan-Kelly Playground, including installing bathrooms; and,
  - ii. Synthetic turf field installation for Grace Playground
- e. Status of engaging;
  - i. With DOE for the expansion of the Schoolyards to Playgrounds program to PS 72 and PS 345; and,
  - ii. With DOT, for the establishment of a pedestrian plaza at Fulton Street and Norwood Avenue, and a public space at Pitkin Avenue and Euclid Avenue
- f. To undertake the integration of more adult fitness equipment throughout the neighborhood;
- g. Embark on a graffiti removal initiative at Highland Park; and,
- h. Investigate the possibility of obtaining jurisdiction of one or more Conduit malls for conversion to active park use

The Administration shall make a Capital Budget commitment of at least an additional \$20 million for park improvements.

- 37. In order to facilitate street improvements, street safety, and advance bike use, prior to the public hearing of the City Council, DOT shall provide a written commitment as follows:
  - a. Regarding its status of funding, designing and implementing the reconstruction of Atlantic Avenue;
  - b. Intent to assess conditions for connecting the IBZ to the adjacent neighborhoods,
  - c. To undertake an evaluation of Atlantic Avenue for safety improvements, which should extend westward through CDs 2, 3, 8 and 16;
  - d. To complete the redesign and redevelopment of the street network in front of the Broadway Junction subway complex;
  - e. Describe the role it might play to improve access to the East New York LIRR station such as wayfinding, signage and crossing the Atlantic Avenue service road; and,
  - f. Intent to expand bicycle infrastructure.
  
- 38. That in order to facilitate using the building’s roof for any combination of solar, blue, green, and/or white roof improvements, and to advance DEP green-water/storm-water strategies, prior to the City Council hearing, HPD should commit in writing to encourage developers to incorporate such measures.

39. That in order to address street flooding, prior to the City Council hearing, DEP should commit in writing to investigate known locations for flooding in the IBZ area, by undertaking assessments of sewers and catch basins where flooding is frequent, and fund as warranted the rebuilding of sewers and catch-basins per above referenced assessment study and incorporate bioswales.
40. That in order to address implementation, the Administration shall commit to the establishment of a post-approval follow-up body consisting of the appropriate agencies, CBs 5 and 16, local elected officials, CBDOs and representative community organizations, as recognized by the affected City Council members of regular meetings occurring no less than quarterly, monitoring the tracking of all commitments, timing of deliverables, budget funding, and operational logistics, etc.
41. That in order to allow people to connect directly with the appropriate government agencies, adequate resources shall be provided for City Agencies to open remote sites for legal technical assistance, and intake services, mirrored after the current Neighborhood Preservation HelpDesk initiative.
42. The Borough President believes that prior to the City Council hearing, the Administration should commit, in writing, to establishing an interagency body with regularly occurring meetings with local elected officials, CB 5 and 16 and community representatives, and to promote remote agency accessibility.

And further:

1. That the City Council and the Mayor adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings
2. That in order to explore the possibility of precluding commercial displacement by establishing incentives and/or credits and low-cost financing products for landlords who seek to maintain longtime small businesses, the Independent Budget Office analyze business real estate tax exemptions and/or forgiveness on City collections, subject to lien sales, such as water and sewer charges, for landlords willing to index lease renewals to specified limit percentages
3. That NYCT should undertake the following initiatives: restore service on the B12 bus route; add more buses to increase north-south service for routes that cross Atlantic Avenue; analysis for opportunities to expand Bus Rapid Transit; implement free Metrocard transfers between the Livonia Avenue L train station and Junius Street 3 train station; identify opportunities to re-open any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstile (HEET) fare control elements, including the reopening of presently closed Broadway Junction station access on Broadway and L train access on the south side of Atlantic Avenue; increasing frequency for both the J/Z and A/C train service, and implement Freedom Ticket, with service available at LIRR's East New York station along the Atlantic Branch

4. That the Administration shall commit to the City Council to have the Department of City Planning certify, between one and three years, applications to amend the zoning map and text in order for the City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President, which are technically beyond the scope of review for these applications.

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

On December 16, 2015 (Calendar No. 3), the City Planning Commission scheduled January 6, 2016 for a public hearing on this application (C 160035 ZMK). The hearing was duly held on January 6, 2016 (Calendar No. 18), in conjunction with the public hearing on the related applications (N 160036 ZRK, C 160037 HUK, C 160042 HDK, and N 160050 ZRK).

There were 32 speakers who spoke in favor and 34 opposed to the application. The speakers in favor included a representative of Representative Nydia Velazquez, Commissioners and staff of City agencies, affordable housing developers including Phipps Houses and Ridgewood Bushwick Senior Citizens Council, representatives of the Brooklyn Chamber of Commerce, AARP, Hotel Trades Council, and SEIU 32BJ, and East New York community members.

A staff member from the office of Representative Nydia Velazquez commended the City for proposing a Mandatory Inclusionary Housing program as part of this rezoning, having witnessed rezonings in Greenpoint-Williamsburg and other parts of their district where such a program was not in place to create much-needed affordable housing. She also stated that the Congresswoman believes the plan should include strong anti-displacement provisions for both residents and local businesses.

The Commissioner and staff of HPD described the housing plan that has been developed for East New York, as well as ongoing initiatives to preserve existing affordable housing, protect tenants, and ensure housing quality. The Commissioner of HPD noted that without these actions, residents in East New York are increasingly vulnerable to displacement, as zoning currently limits the amount of affordable housing that can be created as demand is increasing. New developments financed by HPD would be required to consist entirely of affordable housing units. HPD's knowledge of the housing market in East New York today indicates that any multi-family construction in the area to be rezoned



would require subsidy from the City, and therefore in the near term all housing developed under the proposed zoning would use HPD subsidies and be affordable. The Commissioner also noted that recent changes to the Housing Connect system by which households apply and qualify for affordable housing have made it more accessible.

Staff from HPD testified about the agency's extensive efforts to preserve affordability of existing housing. HPD targets outreach to owners of properties with expiring regulatory agreements to preserve these units as affordable and keep rents stable for tenants. They also seek to bring new units into regulatory agreements through existing and new preservation programs such as the Green Housing Preservation Program, which targets smaller multi-family properties and provides no- and low-interest loans for energy efficiency and water conservation improvements to reduce operating costs. The City is launching a Community-Based Retrofit Accelerator to target this program to property owners in East New York. HPD has conducted extensive outreach to tenants to ensure that they are aware of resources through initiatives such as a mobile van stationed in East New York and Tenant Resource Fairs.

The Commissioner of the Human Resources Administration testified that agency seeks to protect tenants from harassment and unnecessary eviction by providing free legal representation to low-income tenants at risk of displacement. The agency also provides emergency rental assistance to households on the verge of losing their homes. These services directly help the families who receive them and also stabilize neighborhoods and reduce shelter costs for the City.

The Commissioner and staff of SBS testified that their agency has conducted extensive outreach through workshops and meetings with key stakeholders to understand the needs of local businesses and job-seekers in East New York. They are working with local organizations including Cypress Hills Local Development Corporation, Local Development Corporation of East New York and Highland Park Community Development Corporation to conduct a Commercial Districts Needs Assessment of Atlantic Avenue, Fulton Street, Liberty Avenue, and Pitkin Avenue. The results of this assessment will allow SBS and local partners to identify strategic interventions to help neighborhood businesses adapt to change. SBS is supporting small businesses through programs

such as an East New York-based FastTrac Venture course to help businesses access capital and identify growth opportunities, and commercial lease workshops. He announced that SBS will locate a Workforce1 Career Center in East New York to allow residents to access to job training and placement services locally. The recently expanded HireNYC program will leverage City purchases and investments to create job opportunities by requiring businesses receiving City contracts to post open positions with the Workforce1 system and consider qualified candidates.

The President of the NYC Economic Development Corporation testified that they are committed to helping strengthen the East New York Industrial Business Zone. They recently revamped the four East Brooklyn IBZ gateway signs with new design and lighting, and will be investing in a City-owned industrial building to make it a better functioning industrial facility for existing and future tenants. As part of a planning study underway, they conducted a survey of local businesses to help develop strategies to make the IBZ even stronger. The study will provide recommendations to ensure that the IBZ is better connected to local residents and the local workforce.

The Commissioner of the Department of Parks and Recreation testified that as part of the Community Plan, DPR will be making improvements to City Line Park and opening up school playgrounds to the public through the Schoolyards to Playground program.

The Brooklyn Borough Commissioner of DOT described the Atlantic Avenue reconstruction project, a Great Streets initiative which will bring safety improvements to a 1.2 mile stretch of Atlantic Avenue in East New York. DOT is also finishing streetscape improvements around the Broadway Junction transit station and recently installed bike lanes on Pitkin Avenue in response to community requests.

Representatives from the MTA and New York City Transit stated that the East New York area enjoys excellent transit access, and that the proposed rezoning would leverage this asset by allowing higher density mixed-use development near transit. They also highlighted the anticipated need for improvements to the Broadway Junction station complex, which is expected to see an increased number of customers transferring within the station following the rezoning.

A representative of the Department of Environmental Protection described the recent expansion of the Home Water Assistance Program, which provides a \$116 credit annually to homeowners who qualify for the federal Home Energy and Assistance Program. The program will be expanded to include low-income senior and disabled homeowners to receive property tax exemptions from the Department of Finance. This will apply to 1,580 property owners in East New York.

A representative of the Fire Department stated that the department is prepared to provide adequate resources to handle increased needs associated with growth in the neighborhood. Additionally, new construction would consist of compartmentalized units that would meet the new fire code and provide increased protection in the case of a fire.

A representative of the Department of Cultural Affairs described the Building Community Capacity program their department is launching in East New York, which will strengthen the organizational capacity of community based cultural groups and expand audiences for local arts. The program also seeks to activate under-utilized spaces with exhibitions, performances, and other cultural activity.

The Commission heard testimony from a number of affordable housing developers, many of whom have completed projects in East New York, including Dunn Development, Hudson Companies and Ridgewood Bushwick Senior Citizens Council, in support of the efforts to create new affordable housing in East New York. These speakers mentioned the strong need for affordable housing across a range of incomes. They also said that current construction was not financially feasible without subsidy from HPD. Representatives of Phipps Houses, a non-profit affordable housing developer which recently purchased a four-acre site in East New York, stated that they intend to develop the site with at least 1,000 units of housing affordable to households at 60 percent of AMI and below, as well as retail. The proposed rezoning would allow housing to be built on the site, which is not currently permitted.

A representative of the Brooklyn Chamber of Commerce spoke in favor of the Proposed Actions and the Community Plan, stating that they would help revitalize East New York with new commercial

space, support for small businesses and local jobs. A local resident and business owner stated that he hopes to enjoy more diverse retail options in the neighborhood on corridors such as Pitkin Avenue as a result of this Plan. He believes that added residential density will support new businesses and retail uses. He also would like to see new construction create economic opportunity through local hiring, contracting, and sourcing. The speaker recommended that the City institute a more comprehensive M/WBE program with a simplified application for certification, and that priority be given to such firms in rezoning areas.

A representative of the AARP endorsed the proposed plan, stating that it would support not only the creation of affordable housing for seniors and other groups, but would also foster a more livable, age-friendly community with improved sidewalks, roads and jobs.

Representatives of the Hotel Trades Council and SEIU 32BJ spoke in favor of the Community Plan. These speakers stated that the Plan would create much-needed affordable housing for working families. The representative from 32BJ urged the City to ensure that the plan creates good quality jobs including service jobs at new apartments that pay workers a prevailing wage.

Representatives of faith-based organizations spoke in favor of the plan, saying that this plan would remove blight and substandard living conditions and provide affordable housing for low-income families to live with dignity. One such speaker stated that rather than gentrify neighborhoods and allow residents to be priced out, the plan should create jobs and economic opportunity for residents.

The speakers in opposition to the applications included Deputy Borough President Diana Reyna, a representative of Comptroller Scott Stringer, members of the Coalition for Community Advancement (the “Coalition”) – Cypress Hills Local Development Corporation (CHLDC), the Local Development Corporation of East New York, Highland Park CDC, United Community Centers and Arts East New York – as well as the Pratt Center, Urban Justice Center, Association for Neighborhood and Housing Development (ANHD), New York Communities for Change, Community Action for Safe Apartments (CASA), South Brooklyn Legal Services, and Local 79.

Deputy Borough President Diana Reyna expressed concern that the Plan could induce displacement of current residents, and called on the City to dedicate resources to combat displacement and develop housing on City-owned sites as well as sites owned by faith-based organizations at deeper affordability levels. She also expressed the Borough President's position that the plan should require local hiring, support the development of businesses including grocery stores, and strengthen industrial businesses and jobs in the IBZ.

A representative of Comptroller Scott Stringer testified that their office believes that the rezoning would put many low-income renter households in the area at risk of displacement. They called on the City to provide more deeply affordable housing as part of the plan. They also proposed that the City rezone the area on a site by site basis rather than comprehensively.

The speakers in opposition testified as to the importance of providing affordable housing and protecting tenants in East New York. Many speakers expressed concern that they or others in the community would be displaced as a result of increased housing costs following the rezoning. A representative of the Urban Justice Center Community Development Project and other speakers called upon the City to protect tenants from harassment and consequent displacement by instituting an Anti-Harassment district which would require a Certification of No Harassment before a building could be altered or demolished. Speakers, including representatives of CASA, New York Communities for Change, CHLDC, ANHD, and South Brooklyn Legal Services also urged the City to commit to creating a greater number of affordable housing units for low-income households closer to the average median income of local residents, both through subsidy programs and as a requirement of the Mandatory Inclusionary Housing Program.

Representatives of Urban Justice Center, CHLDC and others also urged the City to adopt protections for low-income homeowners and their tenants (in what are typically unregulated units) through a Good Neighbor tax credit or other measures. Representatives of CHLDC and other speakers described a pattern of speculative purchases, scams and predatory home sales disrupting the housing market in East New York and recommended that the City institute a flip tax and take other steps to protect homeowners.

Local community members asked that the City exclude Arlington Village, a large site currently occupied with low-rise apartment buildings, from the rezoning area, and ensure that housing on this site remains affordable.

Speakers representing the Coalition mentioned the need for increased services as the residential population grows and urged the City to invest in more schools as well as increased police, fire and emergency services. A representative of the Pratt Center recommended that the City create a Special District to require that certain sites provide community facilities when they are developed and collect a payment in lieu of taxes to fund such facilities.

Speakers, including members of Local 79, called on the City to require local hiring and contracting as part of new development, to create union jobs, and to attract retail operators who pay a living wage. A representative of Highland Park CDC and other speakers also urged that the plan support small business with set-asides of new commercial space at lower rates for local businesses, and a tax credit for building owners who rent commercial spaces to local businesses. A representative of the Local Development Corporation of East New York expressed concern that the proposed MX zoning districts would displace industrial businesses and called for the retention of existing manufacturing zoning districts.

A representative of Arts East New York called on the City to include measures to create affordable space for artists. A representative of Preserving East New York testified to the importance of including protections for historic resources in the Plan, such as the building at 127 Pennsylvania Avenue and a former Police Precinct House at 484 Liberty Avenue.

Representatives of the Coalition and other speakers called on the City to create an oversight body to monitor implementation of the Plan and ensure accountability for City commitments.

There were no other speakers and the hearing was closed.

## CONSIDERATION

The Commission believes that this application for an amendment of the Zoning Map (C 160035 ZMK), as modified herein, in conjunction with the related applications for an amendment to the Zoning Resolution (N 160050 ZRK), as modified herein, an amendment to the Dinsmore Chestnut Urban Renewal Plan (C 160037 HUK) and disposition pursuant to this urban renewal plan (C 160042 HDK), are appropriate. The Commission notes that although it has opted not to consider the application for an amendment to the Zoning Resolution to create a Mandatory Inclusionary Housing program (N 1600036 ZRK) at this time, as the citywide text amendment (N 160051 ZRY) was voted on and approved by the City Planning Commission on February 3, 2016, the Commission anticipates that MIH, which is an essential element of the East New York plan, will be made applicable either through the approval of the citywide MIH text amendment by the City Council, or, alternatively, that the Commission will consider a subsequent approval of the pending application for an amendment to the Zoning Resolution to create an MIH program (N 1600036 ZRK).

The Commission believes that the East New York Community Plan is a template for community engagement and coordinated neighborhood planning. It establishes not only zoning changes to preserve, protect and develop affordable housing, but also includes commitments for needed services and infrastructure investments for the residents of East New York. The East New York Community Plan is a ground-up plan developed through extensive community input and in collaboration with multiple City agencies. It provides practical strategies, investments and tools to address the community's needs and priorities for affordable housing, economic development, community resources and infrastructure.

The Commission notes that the basis for the goals of the East New York Community Plan is DCP's long-standing work with community residents, stakeholders and elected officials as part of *Sustainable Communities East New York*, as well as other previous planning efforts, which showed that East New York is a strong, diverse community rich in culture and history, with solid community organizations that have strengthened the neighborhood's housing and businesses over the past decades, with traditional shopping corridors and transit that provide excellent access to other centers

around the city and the region, and with elected officials committed to the area's continued success. East New York is also a neighborhood of challenges and opportunities. Its outdated, restrictive zoning has resulted in swaths of underutilized land along its major corridors, severely curtailed the construction of sorely-needed affordable housing or restricted it to market-rate housing only; a growing population – both from within and from outside the community – has increased the need for protection against resident displacement, preservation of existing affordable housing and the creation of more housing, especially affordable housing; schools are increasingly crowded and open space is in need of improvements; and above city-average local unemployment point to the need to strengthen economic development.

The Commission applauds the City's directive to conduct unprecedented, exhaustive community outreach and participation in the development of the neighborhood plans as part of *Housing New York*. In East New York, the community outreach and planning effort began over four years ago with *Sustainable Communities East New York*, during the course of which, in over 40 public meetings large and small, community residents, stakeholders and elected officials helped develop a vision and planning framework for the future growth of the neighborhood. Subsequent to the commencement of the City's *Housing New York* plan in 2014, DCP coordinated a series of listening, visioning and plan development meetings with community residents and stakeholders and City agencies to update and add to the previous planning framework developed as part of SCENY. A first draft plan, the results of this work, was presented in January, 2015, and further refined in subsequent meetings with community residents.

To address New York City's crisis in housing affordability *Housing New York*, the City's plan to preserve and build over 200,000 units of affordable housing, directs City agencies to work with communities all across New York City to identify areas where changes to land use and zoning, coupled with corresponding improvements to infrastructure and services, can promote substantial opportunities for new housing that complement and enhance neighborhoods.

The proposed zoning changes in East New York would allow new residential development and higher density development along traditional retail and transit corridors with a requirement that a



portion of new housing be permanently affordable for the life of the building, and would be supported by significant targeted subsidies by HPD to ensure that new housing built would go far beyond the requirements of MIH for affordability to meet the incomes of local residents. HPD, the Human Resources Administration and other City agencies are also ensuring that existing low-cost housing is preserved and tenants protected. The Plan would add economic development opportunities to East New York by requiring non-residential uses at the ground floor of major corridors, to create quality space for existing and new businesses and community facilities. Furthermore, local business owners and entrepreneurs would receive training to help start or expand a business and meet local retail needs of a growing neighborhood through programs offered by SBS. SBS will be siting a new Workforce1 Career Center in the area to better connect residents with job opportunities and career training. EDC is completing a study of the East New York Industrial Business Zone to improve its economic performance and ability to provide job opportunities in close proximity to residents of East New York and Ocean Hill.

The Commission recognizes that this Plan provides for new community resources needed to ensure a livable, safe and attractive neighborhood. The City has committed to fund and to build a new school to meet existing and future need for school seats and included that project in its current capital program. A major reconstruction of Atlantic Avenue will improve safety and install pedestrian amenities to support the transformation of this corridor into an active pedestrian-friendly street with more housing and local retail services to better connect Cypress Hills to the north with the East New York Core to the south. Improvements to Highland and City Line parks will provide new, improved recreational opportunities near schools and housing. Together, these actions and investments committed and proposed as part of the East New York Community Plan will facilitate a more equitable, livable neighborhood.

The Commission acknowledges the Coalition for Community Advancement: Progress for East New York/Cypress Hills's concern for its community in its testimony at the Public Hearing and in the preparation of its thoughtful alternative Community Plan. This alternative Community Plan shares many of the goals of the City's East New York Community Plan in its call for more affordable housing, anti-harassment and anti-displacement efforts to protect tenants, support for homeowners,

economic and workforce development, and investments in transportation and community facilities. The Commission commends the Coalition and its members for their efforts to strengthen East New York and Cypress Hills as neighborhoods of opportunity and is pleased to note that many of their recommendations and concerns have been incorporated into the East New York Community Plan.

Frequent engagement between City agencies including DCP, HPD, SBS and EDC with the Coalition and their constituent organizations were instrumental in shaping and refining the proposed East New York Community Plan. Input and recommendations from the Coalition determined the goals and strategies of the East New York Housing Plan developed by HPD, including expanded protections and incentives for owners of 1-4 family homes, outreach to tenants, and a commitment to target HPD subsidies to achieve extremely low affordability levels for new housing. SBS worked closely with Coalition member organizations to hold listening sessions with local business owners and community members to better understand needs for local economic development and responded to what was heard by committing to locate a Workforce1 Career Center to the area, provide business courses tailored to the neighborhood, and to continue working with Coalition member organizations to conduct a Commercial District Needs Assessment on key corridors to support retail growth. However, the Coalition's alternative Community Plan also includes proposals that are not being adopted and which are discussed in more detail, along with recommendations received by Community Boards 5 and 16, and the Borough President, in the consideration by topic area below.

## HOUSING

The Commission recognizes the intense concerns that exist surrounding housing affordability in East New York. Like residents of neighborhoods throughout New York City, residents of East New York face rising demand for housing, and are worried about the potential effects of new housing creation on their ability to remain in their neighborhoods. These housing pressures are real, and without action are likely to intensify. As demand for housing grows in the area, the absence of new housing will tend to drive housing prices upward, putting existing residents at greater risk for displacement.

It is precisely these concerns that have led to the creation of the East New York Community Plan, which includes not only zoning and land use actions, but a detailed strategy to help existing residents

remain in their homes, and to preserve and increase the supply of affordable housing.

The Commission is cognizant that in East New York about two-thirds of renter households are rent-burdened, spending more than 30% of their income on housing costs and that the median household income is \$35,120, compared to \$46,695 for Brooklyn as a whole. Housing production in East New York has been limited by low-density zoning and zoning that does not permit new residential uses in much of the neighborhood. As the population of this community has grown – 11% between 2000-2010, compared with 2% for all of Brooklyn over the same time period – the development of housing, particularly affordable housing, has not been able to keep pace with the increased demand and has resulted in rising rents and real estate values. Therefore, creating the capacity to build new affordable housing is crucial to meet the need for more housing and relieve pressure on the housing market. At the same time, there is a need for protections for existing tenants and measures to preserve existing low-cost housing. HPD has developed a housing plan tailored to the unique needs of East New York which includes strategies for creating more housing, protecting tenants and preserving affordable housing.

The Commission has heard the concerns raised by the Community Boards, the Borough President and speakers at its Public Hearing regarding residential displacement currently taking place and the fear that this will accelerate as a result of these actions. The Commission is aware that residential displacement pressure already exists in East New York and that, as a result of the high percentage of small homes with renter-occupied units not subject to rent restrictions, low-income renters in East New York are especially vulnerable to displacement, irrespective of the Proposed Actions. Across Brooklyn, rents have increased rapidly, particularly in areas well-served by transit. These trends are being seen in East New York, where a pattern of steadily increasing housing costs was documented in the FEIS. In East New York, the proposed actions would serve to help alleviate this trend by developing new affordable housing with protected rent levels reserved for low and moderate income tenants, and by deploying other City resources to protect tenants and preserve existing affordable housing.

The Commission acknowledges the recommendation of the Coalition for Community Advancement, Community Board 16 and heard at the Public Hearing that an anti-harassment district be established in East New York to require a certificate of no-harassment before a building is demolished or renovated as a means to discourage illegal harassment and displacement of tenants. Such a zoning provision, however, by imposing a time-consuming and burdensome set of requirements in an area where new buildings are anticipated to be 100-percent affordable in the near term, would do more to hamper the creation of new affordable housing than to protect tenants against harassment. In addition, the proposed MIH program, which would require that any new development or enlargement in rezoned areas must also incorporate permanently affordable housing, would deter speculative displacement pressures.

The Commission agrees that deterring harassment and displacement of tenants is an urgent issue and is pleased that the City has developed a multi-pronged approach to preventing and fighting tenant harassment and displacement. A centerpiece of this approach, described by the Commissioner of the Human Resources Administration at the Public Hearing, is a \$36 million legal fund recently established to provide free legal representation to tenants experiencing harassment or eviction. A Tenant Support Unit has been created to conduct extensive door-to-door outreach to tenants in areas undergoing rezonings to ensure that residents are aware of their rights, and make referrals to legal service providers as appropriate. HPD is also conducting proactive outreach to tenants through measures such as a mobile van and tenant resource fairs. As well, code enforcement efforts have deployed a significant number of housing code inspectors the area to ensure housing quality. An Anti-Harassment Task Force has been established as a partnership between the City and State with the authority to take legal action against landlords who violate the law. HPD is partnering with the State's Tenant Protection Unit (TPU) to undertake heightened compliance efforts in East New York to ensure rent stabilized tenants are not being charged unlawful rents. TPU is currently conducting audits of rent stabilized apartment registrations in East New York. These anti-displacement efforts have been designed to equip tenants with the resources to fight harassment when it occurs, rather than remedy the situation in the future. Together, the MIH program, HPD's commitment to subsidize deep affordability in any private housing development seeking subsidy, coupled with the City's anti-

displacement strategies, policies and laws would not only obviate the need for an anti-harassment zoning district but widely exceed its provisions.

The Commission is pleased that HPD is working to maintain and expand the supply of protected affordable housing through numerous preservation strategies. The Commission heard testimony from representatives of HPD stating that the agency is conducting proactive outreach to buildings with expiring regulatory agreements to ensure that they renew these agreements which keep rents stable for tenants. To bring additional units into rent-regulation, HPD is rolling out a new Green Housing Preservation program which will provide no- and low-interest loans to finance energy efficiency and water conservation improvements and moderate rehabilitation to ensure physical and financial health and to preserve safe affordable housing for low- and moderate-income households. A Community-Based Accelerator will conduct outreach to 5-50 unit buildings in East New York to raise awareness of this program and get buildings into the pipeline.

Recognizing that many homes in East New York are owner-occupied one- to four-family homes, the Commission acknowledges the recommendation of Community Board 5, and at the Public Hearing, including by members of the Coalition for Community Advancement, that measures be taken to protect homeowners such as establishing a tax credit for long-time homeowners who rent to low-income tenants, to provide tax relief for homeowners and protection for their tenants as units in such homes are typically not rent-regulated. The Commission notes that property tax rates are set by the state, thus lowering property taxes for long-term homeowners is not within the purview of the City. However, the Commission agrees that ensuring the financial stability of homeowners is an important way to provide indirect protection to their tenants and notes that the City is addressing other ways to lower costs for homeowners, including an expansion the Home Water Assistance Program, which makes water and sewer bills more affordable by providing a \$116 credit annually to an additional 1,580 low-income senior and disabled homeowners in East New York who receive Department of Finance property tax exemptions. Additionally, HPD has expanded and streamlined its small home repair programs, which provide low-interest loans for repairs of owner-occupied homes and is increasing awareness of these programs through Landlord Resource Fairs and partnerships with elected officials and community-based organizations. Furthermore, HPD will work with community-

based organizations to pilot an anti-scam, anti-foreclosure outreach and education program for homeowners in the rezoning area to ensure that no homeowner sells without wanting to do so. These programs promote stability for homeowners as well as their tenants.

The Commission heard overwhelming testimony that more affordable housing is sorely needed in East New York. The Commission received testimony to this effect from local residents as well as Catholic Charities, AARP, New York Communities for Change, and other groups. The Proposed Actions include the creation of a Mandatory Inclusionary Housing area, within which new developments would be required to provide 25 percent of new housing at income levels averaging 60 percent of AMI. However, the Commission notes that HPD's commitments to subsidize housing for low-income households will go far beyond these zoning requirements to meet the community's needs and priorities for deep and broad affordability.

HPD has committed that during the term of the Housing New York plan (through 2024), any project in East New York that receives City subsidy will be 100% affordable at a range of incomes, from less than \$23,350 (30% of AMI) up to \$69,930 (90% of AMI) for a three-person household. Projects on private sites will be required to serve the following incomes in specific proportions, as follows:

- 10% of units will serve families earning up to 30% of AMI
- 15% of units will serve families earning up to 40% of AMI
- 15% of units will serve families earning up to 50% of AMI
- 40-60% of units will serve families earning up to 60% of AMI
- Up to 20% of units may be set aside for families earning up to 90% of AMI

The percentage of units at these income bands may vary from project to project to provide flexibility for deeper affordability. HPD will also consider proposals that set aside 30% of all units for formerly homeless households. The Commission believes that these income ranges will allow new affordable housing to serve diverse household types tailored to the needs of the community.

The Commission commends that HPD has committed to finance 1,200 units of much-needed affordable housing in the first two years after approval of the East New York Community Plan at very low income levels. This 1,200 unit commitment includes development on the site owned by

Phipps Houses and the City-owned urban renewal site at Dinsmore-Chestnut where HPD would develop housing affordable to low- and very low-income households, and smaller City-owned sites being developed under infill programs for affordable rental and homeownership units. The Commission notes that the Pitkin-Berriman project, approved by the Commission in 2013 and being developed by the CHLDC, will also create affordable housing to meet the needs of local residents at the income levels listed above. However, with the City-owned Dinsmore-Chestnut site, HPD has been able to commit to even more units at the lowest income bands to be able to deliver even deeper affordability levels in the initial 1,200 units to be constructed.

Besides the site at Dinsmore Chestnut, which is the subject of the proposed Urban Renewal Plan amendment and disposition, the City does not own other large sites within the rezoning area. Therefore, the development of affordable housing to meet the Plan's objectives will depend on partnerships with private property owners and developers. The Commission heard testimony from developers of affordable housing stating that the current housing market in East New York does not support market-rate development and that subsidies from HPD and other entities are needed to finance any new development. Any development supported by HPD financing must be 100% affordable. Therefore, HPD expects that subsidy programs combined with Mandatory Inclusionary Housing requirements will ensure that that almost all new development in the earlier years, and at least half of all units built as a result of the proposed rezoning, would be affordable.

The Commission heard testimony from representatives of Phipps Houses, the non-profit organization which owns the site located at 3301 Atlantic Avenue, a 190,000 square foot, full city block formerly occupied by the Chloe food facility, stating that they plan to redevelop the site with approximately 1,000 units of affordable housing. These units would be affordable to low- and extremely low-income households per HPD's ELLA financing program, which promotes the creation of units affordable to households at and below 60% of AMI as described above. As a non-profit whose mission is to develop and manage affordable housing, Phipps intends for this housing to be permanently affordable. They also stated their intent to include ground floor retail and community facility services, particularly along the Fulton Street and Atlantic Avenue frontages. The existing zoning on this site, M1-1, would not permit new residential development; the proposed M1-4/R8A

zoning district would permit the redevelopment of the site with affordable housing.

The Commission acknowledges the recommendation from the Brooklyn Borough President that the City explore additional City-owned sites that could be used for affordable housing development around the rezoning area. HPD will continue to coordinate with other agencies, including DOT, DOE and NYCHA, to evaluate properties in their portfolios that may be appropriate for housing development. DCP and HPD are currently working with two faith-based organizations on affordable housing developments in proximity to the East New York rezoning area.

The Commission recognizes the Borough President's recommendation that the affordability of units be permanently protected via disposition or funding agreements, and notes that all units created through the proposed Mandatory Inclusionary Housing program are required to be permanently affordable. Phipps Houses has stated that they intend to keep the all the units they develop permanently affordable. HPD's regulatory agreements typically span 30 to 50 years depending on the project. However, the agency structures its loans in a manner that incentivizes owners to extend the term of affordability by refinancing with HPD or face costly balloon payments at the end of the regulatory period. On publicly owned sites, there is additional opportunity to incentivize the provision of affordable housing with even longer periods of affordability.

## ECONOMIC DEVELOPMENT

The Commission heard testimony calling for strong measures to create jobs, assist small businesses, support industrial businesses and strengthen the Industrial Business Zone. The Commission believes that in addition to developing new housing, enhancing the economic vitality of East New York is an essential component of this Plan. The benefits of neighborhood growth should be widespread and should promote access to good jobs and economic opportunities for residents. The Commission is pleased that this Community Plan includes strategies to ensure job creation, provide services for small businesses, and support industrial business growth.

The Commission recognizes the recommendation from Community Board 5 that the City establish a job placement and training center. The Commission notes that SBS will locate a Workforce 1 Career



Center in the East New York / Brownsville area. Representatives from the Department of Small Business Services testified that this center would work to establish partnerships with local employers and tailor services to the needs of the community.

The Commission acknowledges recommendations from Community Boards 5 and 16, as well as testimony heard, that this plan should create local jobs. The Commission is pleased that HireNYC has been expanded to require that any project receiving \$2 million or more in subsidy from HPD, as well as any City contract for goods and services valued at \$1 million or more, post open positions with the City's Workforce1 system and consider qualified candidates referred through this system. Additionally, HireNYC is required for any projects receiving benefits from the Industrial Development Agency or BuildNYC that are expected to produce 5 or more jobs in the first year of business operation and 10 or more permanent jobs over the first 3 years of business operation. This expands the number of job opportunities available to residents through the Workforce1 system.

The Commission heard testimony that residents would like to enjoy more diverse retail options and services in East New York, that local businesses should be incorporated into new developments, and that training should be provided to help residents start or grow their business. The Commission supports the Department of Small Business Services' commitment to work in partnership with local CBOs to conduct a Commercial District Needs Assessment. The Commission heard testimony from representatives from SBS stating that this needs assessment will help identify retail needs and potential commercial revitalization projects. SBS will run a FastTrac Growth Venture course this spring to provide local entrepreneurs with the skills to grow or launch their business, as well as offer commercial lease clinics. Additionally, the Commission believes that the proposed Enhanced Commercial Districts on major corridors, which require non-residential ground floor uses in any new development, would create a large supply of retail space thus reducing pressure on commercial rents and creating an environment that fosters mixed-use developments incorporating local businesses at the ground floor.

The Commission acknowledges the recommendation from Community Board 5 that investments be made in the East New York Industrial Business Zone to support industrial business and job growth in

this district. The Commission notes that the NYC Economic Development Corporation has conducted a study to identify opportunities to strengthen this IBZ. EDC has stated that they will prioritize investments in a city-owned industrial building located in the IBZ. This renovation will allow the building to better accommodate the needs of existing and future industrial business tenants. Additionally, they are looking to invest in critical infrastructure to attract new businesses and support existing ones, including making reliable, high-speed broadband internet available throughout the IBZ and improving connectivity to transit and the surrounding neighborhoods.

With respect to the Borough President's recommendation that HPD increase opportunities for Minority- and Women-owned Business Enterprises (M/WBEs) to participate in the development process, the Commission notes that HPD is committed to promoting the participation of M/WBEs in the development and management of affordable housing subsidized under City-sponsored programs. Through the Building Opportunity Initiative, HPD seeks to build capacity, improve access to capital, and enhance the ability of M/WBE developers to compete more effectively for HPD support by providing targeted new construction and preservation opportunities.

In response to the Borough President's recommendation that sites currently occupied by a grocery store redevelop with a FRESH store or else be limited to a low FAR when redeveloping, the Commission notes that zoning cannot require specific uses and that such a measure would be overly restrictive to property owners. Sites in the rezoning area qualify for FRESH incentives for the development of full-service grocery stores.

## COMMUNITY RESOURCES

The Commission heard testimony regarding the need for more schools, open space, and emergency services as the neighborhood grows. The Commission agrees that schools, open space, access to transit, safe streets, and community services are essential components of an inclusive neighborhood and believes that this coordinated Community Plan includes commitments to ensure that all residents have places to learn, play, gather, and enjoy their neighborhood. Many of these investments are secured through the Neighborhood Development Fund, a dedicated fund established by the City to provide dedicated resources for investments in community infrastructure in neighborhoods where

significant amounts of housing are expected to be developed. These investments will guarantee that as the population grows, needed services are provided and overall livability is enhanced.

The Commission is pleased to know that funding for the new 1,000 seat PS/IS school proposed to be built on the Dinsmore Chestnut site has been included in the Department of Education's (DOE) Amendment to their FY2015-2019 Five-Year Capital Plan, with the opening slated for the beginning of the 2020 school year. This school will provide the increased capacity needed to accommodate anticipated growth in Sub-district 1 of Community School District 19. In response to the Borough President's recommendation that permanent school seats be created to facilitate the elimination of existing Transportable Classroom Units (TCUs) at local schools, the Commission notes that the DOE's Five-Year Capital Plan allocates funding for the removal of all Transportable Classroom Units citywide and further, that a capital project is underway for the removal of the TCUs at IS 302, which will increase the amount of usable open space at the jointly-operated Sperandeo Brothers Playground.

The Commission heard testimony from the Commissioner of the Department of Parks and Recreation that the City has committed to improve local parks including City Line Park, Highland Park, and Sperandeo Brothers Playground. As well, new open space will be created by opening public school playgrounds to the public during non-school hours through the Schoolyard to Playground program. Handball and basketball courts at Sperandeo Brothers Playground in need of repair will soon be resurfaced. The Highland Park playground will be renovated with new play equipment, seating and landscaping. At City Line Park, a one-acre portion of the park with deteriorating asphalt surfacing that is underutilized today will be renovated as a new green play area, with resources provided through the Neighborhood Development Fund. A community workshop will be held to identify priorities for the City Line Park redesign this spring. These parks investments will enhance usability and provide new recreational opportunities. Additionally, playgrounds at PS 345 Patrolman Robert Bolden and PS 677 East New York Elementary School of Excellence will be opened to the public during non-school hours, increasing the amount of publicly accessible open space, and closing a significant "walk gap" with respect to access to open space for residents in portions of the neighborhood.

The Commission acknowledges the recommendations from Community Board 16 that Callahan Kelly Playground be well maintained as usage increases and the recommendation from the Borough President that adult fitness equipment be incorporated into the renovation of neighborhood parks. DPR has stated that the full scope of the City Line Park improvement project will be determined after a community meeting to identify priorities this spring, at which time such suggestions from the community could be incorporated into the project design. The Commission received testimony regarding the importance of community gardens and recognizes that East New York is home to many vibrant community gardens. Many of these gardens are located on Glenmore Avenue and other side streets where low-density contextual residential zoning districts have been proposed, and further, most garden sites are owned by the Parks Department and thus protected from development.

The Commission heard testimony from the Brooklyn Borough Commissioner of the Department of Transportation that the City has committed to an ambitious project to transform the stretch of Atlantic Avenue that passes through East New York into a safer, more pedestrian-friendly street as part of the Vision Zero Great Streets initiative. Atlantic Avenue is a busy corridor that is difficult and dangerous to cross, and thus often acts as a barrier between neighborhoods to the north and south. A high number of crashes with injuries and fatalities have occurred here, making this a high priority for safety improvements. This project will construct a raised, planted median in the center of the street, which will extend into most crosswalks to provide a pedestrian refuge when crossing this 120 foot wide street. The project will also create new left turn lanes and change parking regulations to improve the flow of traffic. Sidewalks will be reconstructed and curbs will be extended at many intersections to shorten the crossing distance for pedestrians. The project will also include the planting of street trees and installation of benches, bike racks and wayfinding features. The Commission is pleased that this significant project is supported by the Neighborhood Development Fund. This crucial investment would support the anticipated land use changes on Atlantic Avenue and allow the street to better support an increased residential population and higher level of commercial activity. These improvements will make the corridor more inviting for pedestrians and local businesses, and better connect the surrounding neighborhoods.

Additionally, an improvement project at the Broadway Junction transit station is soon to be complete which will create dedicated lanes for buses and for passenger drop-off/pick-up, build a new median, and add a newsstand, bus shelter and landscaping. These improvements will significantly improve the experience of riders and improve safety at this busy transit hub in the Ocean Hill neighborhood.

The Commission heard testimony from a representative of New York City Transit reporting that improvements are needed at the Broadway Junction station, largely used as a transfer point, in order to improve circulation and make the station accessible as ridership grows as a result of residential and commercial growth in the neighborhood. NYCT is exploring opening new entrances, and adding stairs and ADA elevators to the station. The Commission notes that the City has requested, as part of its contribution to the MTA Capital Plan, that funds be dedicated towards a renovation of this station. Additionally, the Commission is pleased that NYCT will undertake a capital project at the Livonia and Junius stations on the “L” and “3” lines respectively, located approximately five blocks to the south of the rezoning area, to allow an in-network transfer and make both stations fully ADA accessible.

The Commission acknowledges the recommendations from Community Board 16 that DOT explore safety improvements on Atlantic Avenue and other streets in Ocean Hill. The Commission acknowledges the recommendation from the Borough President that DOT expand the bike lane network in East New York and notes that the bike lanes on Van Siclen Avenue will be extended into Spring Creek this year.

The Commission acknowledges the recommendations from Community Board 5 that the City repurpose the building at 127 Pennsylvania Avenue as a recreational center, acquire the Long Island Railroad substation on Snediker Avenue to redevelop as a cultural center, and establish a CUNY campus in the rezoning area. While these requests are outside the scope of these actions, the Commission recognizes the need for new community centers in the neighborhood and is aware that the City is considering ways to incorporate community facilities into the reuse and redevelopment of City-owned properties, including 127 Pennsylvania Avenue and the City-owned site at Dinsmore Chestnut.

In response to the Borough President's recommendation that the Department of Environmental Protection (DEP) investigate street flooding in the IBZ and fund the construction of sewers, catch-basins, and bioswales, the Commission notes that DEP has constructed 27 bioswales in the IBZ and has 116 more under construction. As part of the Community Plan, DEP will be constructing additional bioswales throughout the residential neighborhoods of East New York to filter stormwater and beautify the streets.

The Commission acknowledges concerns raised by community members including the Coalition for Community Advancement that critical services such as police, fire, and health care be expanded to provide adequate coverage as the neighborhood grows. The Commission notes that as part of the Community Plan, HHC will be expanding the capacity of local clinics and seeks to build a new clinic in East New York in order to make health care services accessible to more residents. The Commission heard testimony from a representative of the FDNY stating that the agency is prepared to increase service as needed to meet the needs of an increased population. The speaker also noted that new development would be required to meet the current building and fire codes, which provide higher levels of protection in the case of a fire, thus increasing overall community safety. The Commission acknowledges correspondence from the NYPD included in the FEIS affirming their intention to monitor local needs and increase staffing and resources as needed, as well as their ongoing commitment to reduce crime and improve quality of life in East New York. Finally, the Commission notes that the NYPD has recently begun neighborhood-based policing in the 75<sup>th</sup> Precinct, which serves East New York. NYPD's Neighborhood Policing Plan, being rolled out by precinct, seeks to restore the patrol officer to the role of problem solver and community guardian. Under this model, officers will be assigned to geographic areas of the neighborhood, allowing cops to better know the community and community members to better know the cops. Officers will have the latitude to answer calls, solve problems, work with the neighborhood, and stay engaged with local residents and issues.

The Commission heard testimony recommending that a special district be established to require that community facilities be developed along with new housing. The Commission agrees that community

resources such as day cares, schools and other facilities are essential parts of a healthy, thriving neighborhood. The Community Plan identifies specific investments in community resources including a new school, improvements to local parks, and a major streetscape improvement project on Atlantic Avenue. Many of these investments have been funded by the Neighborhood Development Fund, providing a guarantee that resources are available for implementation. The Commission also notes that the proposed Enhanced Commercial Districts will require non-residential ground floor uses as part of any new development along major corridors including Fulton Street, Atlantic Avenue, and Pitkin Avenue, thus facilitating adequate availability of space for day cares and other uses.

The Commission heard testimony regarding the need to support arts and cultural activities in the neighborhood, and for affordable studio space for artists. The Commission is pleased to learn that the Department of Cultural Affairs will launch their new Building Cultural Capacity program in East New York, which will connect arts and cultural program providers and provide them with the skills and training to make these activities accessible to a broader audience.

The Commission also heard testimony from local group Preservation East New York (PENY) on the need to preserve potential landmarks in and around the rezoning area. The Commission recognizes the importance of preserving the character of the residential areas of East New York and Cypress Hills and supports the proposed low-density contextual districts that will ensure this character is retained. The Commission is pleased that the Landmarks Preservation Commission has received a Request for Elevation (RFE) for potential historic resources in the rezoning area from PENY and is in the process of reviewing the RFE.

#### **Amendment to the Zoning Map (C 160035 ZMK)**

The Commission believes this amendment to the zoning map is appropriate. Much of the zoning in the neighborhood has not changed since 1961 and does not support current community goals. The proposed zoning changes would promote mixed-use medium density development with affordable housing along key corridors and adjacent to transit where new residential development is not permitted or restricted to low densities today, thus expanding the capacity for new housing

development. This increase in allowable residential density along corridors would be balanced with the mapping of contextual districts along side streets and mid-blocks to ensure that new infill development matches the existing low-density context and enhances neighborhood character. Mixed-use districts would be mapped in certain areas where industrial uses are found today, creating a framework for these uses to continue and expand along with residential, commercial, and community facility uses.

#### *Medium-density residential districts*

Medium-density residential districts would be mapped along key corridors with commercial overlays to allow mixed-use development with affordable housing as well as local retail and community facility uses. An R8A/C2-4 district would generally be mapped on Atlantic Avenue; R7A/C2-4 districts would generally be mapped on Pitkin and Pennsylvania Avenues, and R6A/C2-4 districts would generally be mapped on Fulton Street and Liberty Avenue. In all of these residential districts, the Mandatory Inclusionary Housing program would apply, requiring that a portion of new housing be permanently affordable.

Atlantic Avenue is a 120-foot wide corridor, which today is lined with largely auto-oriented commercial uses. The current M1-1, C8-1 and C8-2 zoning districts do not allow new residential uses. The proposed mixed-use zoning would allow new development along this corridor to provide significant amounts of affordable housing as well as local retail services. Pitkin Avenue is a transit corridor with the A/C subway line running below grade, and is an appropriate location for medium-density residential development with ground floor retail. The recent Pitkin Berriman rezoning mapped an R7A/C2-4 district on one blockfront on Pitkin Avenue to facilitate an affordable housing development. The Proposed Actions would map these zoning districts along much of the corridor to allow new mixed-use development. This corridor was once a vibrant retail district, as it is still in neighboring Brownsville. New residential uses will bring demand for a greater variety of retail uses and increase activity on this corridor. Fulton Street is a thriving mixed-use shopping strip with the J/Z subway line running above grade. Allowing medium-density mixed-use development will strengthen this corridor with new housing and businesses. Liberty Avenue today is a fragmented corridor with a wide variety of uses, mapped intermittently with commercial overlays. Allowing



medium-density residential development and a more cohesive commercial overlay will promote a vibrant neighborhood corridor.

The Commission recognizes Community Board 16's and the Borough President's request that proposed R7D districts along Eastern Parkway Extension be changed to R6A to match the existing context and notes that Eastern Parkway Extension is a 110-foot wide street, and that these blocks are in close proximity to Broadway Junction, a major transit hub, making this an appropriate location for new medium-density housing and commercial development. The Commission also acknowledges the Borough President's recommendation to restrict building heights in R7A districts to nine stories and R7D districts to eleven stories and notes that the proposed heights in R7A and R7D districts of ten stories and twelve stories, respectively, would allow for well-designed ground floor space for commercial and community facility uses without sacrificing the quality and quantity of residential units. The additional height would also allow buildings to be better articulated with features like an outer court which is practically infeasible under the existing rules or a lower overall height scenario.

#### *Commercial districts*

Commercial districts (C4-4L, C4-5D and C4-4D) which allow higher density and a greater variety of commercial uses than commercial overlays, as well as residential and community facility uses, have been proposed in key neighborhood nodes, including the intersection of Atlantic and Pennsylvania Avenues, Pennsylvania and Pitkin Avenues, Pennsylvania Avenue and Fulton Street, Pitkin and Euclid Avenues, Atlantic and Fountain Avenues, and around Broadway Junction. These districts replace C8-1 and C8-2 auto-oriented districts, R5 districts and M1-1 districts. The Commission believes that these districts, which would allow uses such as larger scale commercial destinations serving a broader customer base, are appropriate for these highly trafficked areas near transit.

The Commission notes that Community Board 5 requested that a new self-storage facility be prohibited from being developed at the corner of Pitkin and Pennsylvania Avenues and notes that the proposed zoning district for this site, C4-5D, would not permit such a use. The Commission also acknowledges the Borough President's recommendation that commercial uses in these districts be limited to 80,000 square feet or less to preclude the development of "big-box" retail and notes that

this restriction would be in opposition to the purpose of these districts. The Commission further notes that no sites in the proposed C4 districts could easily accommodate a retail development of 80,000 square feet or more. The Commission also acknowledges the Borough President's recommendation that in order to support the long-term goal of locating large-scale office uses at Broadway Junction, the existing M1-2 be retained in a portion of the area proposed as C4-5D. The Commission notes that the C4-5D district would allow 4.2 FAR of office, commercial or community facility uses, as well as 5.6 FAR for residential uses. The Commission believes that this zoning district, which would promote a wide variety of uses adjacent to a major transit hub, is appropriate in this location.

#### *Contextual residential districts*

Contextual R5B and R6B residential districts would be mapped in much of the rezoning area where R5 districts are found today, covering mid-blocks and side streets between corridors. R5B districts allow up to 1.35 residential FAR and R6B districts allow up to 2.0 residential FAR (2.2. with Inclusionary Housing). Both have height limits and require a contextual building envelope, ensuring that new infill development complements the predominant neighborhood character.

The Commission acknowledges the Borough President's concerns regarding development pressure in these contextual residential districts, and his recommendation that City Planning further study the proposed R5B and R6B districts and existing R4 and R5 districts. The proposed R5B and R6B districts increase FAR and height compliance of existing buildings and would require new development to better match the current neighborhood context. The proposed zoning change would create very few soft sites beyond what would be considered soft under the existing zoning. The planning framework for the residential core in the proposed rezoning is to preserve the existing character while allowing homeowners to undertake modest enlargements. The proposed R5B reflects the character of the neighborhood and would allow new development or enlargements to match the existing context. Where appropriate, the rezoning proposal includes changing areas of existing R5 zoning to an R6B district. The proposed R6B districts are located north of Liberty Avenue, which is more mixed use in character and consists of underutilized lots that could be redeveloped with lower-density residential buildings, and parts of Ocean Hill where this density is more closely matched by

existing rowhouses. The R6B districts, which are located between Atlantic Avenue and Liberty Avenue, balance the goal of providing opportunities for new development on underutilized properties while seeking to protect the low-rise, townhome and multi-family walkup character. A downzoning of the residential core would prohibit homeowners from making minor alterations and additions to their houses.

### *Mixed Use districts*

Mixed use districts allowing light industrial and other uses would be mapped in select areas where such a mix of uses are found today. On Liberty Avenue, an M1-4/R6A district would reflect the existing mixed-use character of the corridor, which includes industrial, residential, commercial and community facility uses, and would allow each of these uses to continue and expand. On Fulton Street in Ocean Hill, an M1-4/R7D district would protect existing industrial businesses while allowing more diverse uses adjacent to a major transit hub. On Atlantic Avenue, a proposed M1-4/R8A district conforms to existing industrial businesses and other key sites, including the former Chloe Foods site now owned by Phipps Houses as well as the City-owned site at Dinsmore Chestnut. The proposed MX districts would change the manufacturing districts from existing M1-1 and M1-2 districts to M1-4 districts, thus increasing the permitted FAR for industrial uses from 1.0 to 2.0 and eliminating associated off-street parking requirements.

The Commission heard testimony that the loss of manufacturing zoning districts would imperil the viability of local industrial businesses and jobs, and notes that there have been few new industrial uses in these M districts in recent years. New development in these districts has been limited and typically consisted of fast food and self-storage. Many existing M districts, particularly in Ocean Hill, include a high number of preexisting residential uses which do not conform to the current zoning. The proposed MX districts would support industrial uses in areas where a viable concentration is found today, while providing a framework to reduce conflicts between these uses and residential uses found nearby. The Commission acknowledges the Borough President's recommendation that zoning be modified to strengthen industrial uses in the IBZ by prohibiting certain non-industrial uses and notes that no zoning changes are proposed for the IBZ as part of the Proposed Actions.

The Commission heard testimony regarding the inclusion of Arlington Village in the rezoning area. Arlington Village is today zoned as R5, a low-density residential district that permits up to 1.25 residential FAR. The 310,000 square foot, privately-owned site is currently occupied by 210 apartments in two-story buildings. Under the current zoning, about 180 additional housing units could be developed as of right, with no requirement for affordable housing. The proposed zoning would map the site with medium-density contextual residential districts (R8A/C2-4 at a depth of 100 feet on Atlantic Avenue, R6A/C2-4 at a depth of 100 feet on Liberty Avenue, with the remainder of the blocks R6B). This change in zoning would apply the Mandatory Inclusionary Housing program to this site, requiring that any new residential development or enlargement include at least 25% affordable housing. As the housing units are rent-stabilized, any redevelopment of this site would require that the owner present a plan to the New York State Homes and Community Renewal for relocation of tenants. The Commission believes that these proposed zoning districts, which would allow additional housing to be built and establish a requirement that permanently affordable housing be included, are appropriate.

The Commission acknowledges the Coalition for Community Advancement's land use proposal, part of their alternative Community Plan, which would retain existing M1 and C8 districts rather than rezone to districts that allow new residential uses, and exclude Arlington Village from the rezoning area. The FEIS for these applications considers this Alternative and found that such a zoning proposal would significantly reduce the amount of housing that could be produced as a result of the actions. This land use proposal would not achieve the objectives of creating substantial amounts of affordable housing, promoting pedestrian-friendly streets with active uses, and introducing new community resources.

The Commission received correspondence from Con Edison regarding their property at 2940 Atlantic Avenue (Block 3968, Lots 3 and 5), within the rezoning area. This property is currently within a C8-2 district. This site serves as a Workout Center serving greater Brooklyn and parts of Queens. This center is critical to Con Edison's ability to respond to system emergencies and perform maintenance and repair work on the infrastructure system. The proposed zoning for this site is

R8A/C2-4 which would allow residential, commercial and community facility uses. Public utility uses would be severely restricted under the proposed zoning. The site would also be included in the proposed Mandatory Inclusionary Housing Area and a proposed Enhanced Commercial District. While the current operations would be permitted to continue as a pre-existing nonconforming use, the proposed zoning would limit the ability of the operations to expand if needed. Con Edison does not have plans to expand operations on this site at this time, however, they believe that flexibility to expand uses at this site would support Con Edison's ability to ensure adequate utility services to meet future growth in the region. Therefore, to continue to allow utility uses as-of-right on this site, the Commission is modifying the application for an amendment to the Zoning Map (C 160035 ZMK) to retain the existing C8-2 zoning district over the property currently occupied by Con Edison (Block 3968, Lots 3 and 5) and exclude this site from the Enhanced Commercial District and the Mandatory Inclusionary Housing Area. The Commission notes that Con Edison has stated that they will take steps to improve the appearance of their site by removing barbed wire and improving fencing and landscaping.

The Commission received correspondence from a business owner with plans to develop an ice distribution facility on property at Glenmore and Shepherd Avenues (Block 3989, Lots 34 and 36). These sites fall within a M1-1 district today and are used for vehicle storage. The R6A zoning district proposed for this site does not allow industrial uses as of right, therefore, the existing use would be able to continue, however new industrial development would not be permitted. The Commission is modifying the application for an amendment to the Zoning Map (C 160035 ZMK) to establish a M1-1/R6A district on the northern blockfront of Glenmore Avenue between Shepherd Avenue and Berriman Street at a depth of 85 feet to allow a mix of industrial, residential and commercial uses, on these properties. This modification includes this area in the proposed Special Mixed Use District 16.

#### **Amendment to the Zoning Resolution (N 160050 ZRK)**

The Commission believes that this amendment to the Zoning Resolution, as modified herein, is appropriate. The amendment would designate a Mandatory Inclusionary Housing Area to require permanent affordable housing as part of new development, establish Special Enhanced Commercial Districts to support street level activity along key corridors, and establish a Special Mixed-Use

District to allow industrial and other uses in key areas.

### *Mandatory Inclusionary Housing*

The Commission underscores that Mandatory Inclusionary Housing is a critical component of the East New York Community Plan. The proposed amendment to the Zoning Resolution (N 160050 ZRK) would establish an MIH area in East New York – the first in the city – making applicable the MIH program established in the citywide zoning text amendment recently approved by the Commission.

This zoning text amendment would create an MIH area which would apply to all proposed medium-density districts (R6B equivalent and higher). This would apply to the zoning districts proposed on Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue, Fulton Street, Liberty Avenue, around Broadway Junction, and residential districts on select mid-blocks, with a modification to exclude the ConEdison site as previously described. Option 1 is proposed in East New York, which would require that a minimum of 25% of the residential floor area be designated as affordable to households at an average of 60% of AMI. The Commission believes that while the affordable housing created in East New York through this plan will go far beyond this requirement both in quantity and affordability, the MIH program is a crucial tool in ensuring a long-term, stable reservoir of affordable housing in the neighborhood.

The Commission acknowledges the Borough President's recommendations that a Voluntary Inclusionary Housing program be established in the R8A districts proposed on Atlantic Avenue which would require developments to provide 30% of floor area as affordable housing in order to use the full 7.2 residential FAR; otherwise, the residential area would be limited to R7A density (4.6 FAR). The Commission notes that the zoning districts proposed are based on a land use rationale, and believes that the densities proposed for Atlantic Avenue are appropriate for a wide corridor in close proximity to transit. The MIH program is designed to be responsive to neighborhood needs with a set of income mix options that the Commission and City Council can work together to apply within each rezoned area. The Commission believes that Option 1 is an appropriate choice for East New York where deep affordability levels are desired to serve the needs of local households.

### *Special Enhanced Commercial Districts*

This amendment to the Zoning Resolution (N 160050 ZRK) would also create Enhanced Commercial Districts to support active commercial corridors, and improve pedestrian experience while ensuring plentiful space for new and expanded businesses and community facilities. These districts would be mapped on Atlantic Avenue, Pitkin Avenue, and Fulton Street (with a modification to exclude the ConEdison site as previously described) and would require non-residential ground floor uses, require minimum levels of transparency at the ground floor, and limit curb cuts to enliven these corridors. On Fulton Street, this district would also require sidewalk widening to reduce the impact of the elevated train by allowing more light and air to reach the street. The Commission heard testimony regarding the need to support local business development and job creation, as well as provide adequate community services such as day care, as the neighborhood's population grows. The Commission believes the Enhanced Commercial Districts are a valuable tool to achieve these objectives, by creating space for businesses and community facilities at the ground-floor of new buildings, and supporting active streets that are inviting to pedestrians.

In response to concerns raised by the Borough President related to potential business displacement on Fulton Street due to the increased development rights under the proposed zoning, the Commission notes that the proposed Enhanced Commercial District will create substantial new space for businesses and community facilities by requiring non-residential uses at the ground floor of new developments. Increased availability of ground-floor space could reduce pressure on commercial rents. The Commission believes that the proposed R6A/C2-4 and C4-4L districts would allow appropriate densities for residential and commercial uses on this transit corridor. Additionally, the Commission acknowledges the Borough President's concern regarding the noise, vibration, light, and air impact of the elevated train on new development on this corridor and notes that the Enhanced Commercial District on Fulton Street will require new buildings to set back 5 feet from the street line, creating wider sidewalks and ensuring greater distance between new building and the elevated train structure, thus lessening the impact of the train. Furthermore, (E) designations on projected and potential development sites will require window attenuation to avoid noise impacts from the train.

### *Special Mixed Use District*

This amendment to the Zoning Resolution (N 160050 ZRK) would create Special Mixed Use District 16 in the areas that are proposed to be rezoned to M1-4 or M1-1 combined with a residential district, to allow industrial as well as residential, commercial, and community facility uses in these designated areas. This district includes an eight-block stretch of Liberty Avenue where a cluster of industrial businesses as well as residential uses are found today, parts of Atlantic Avenue, parts of Fulton Street in Ocean Hill, and as modified by the Commission, one blockfront on Glenmore Avenue.

The Commission acknowledges the recommendation from Community Board 16 that protections for manufacturing uses at the ground level be included in the proposal, and notes that this designation would allow existing industrial businesses to continue and expand, as well as allowing new industrial uses to locate here. The Commission also recognizes the Borough President's recommendation to modify the zoning text pertaining to Special Mixed Use Districts in order to promote Liberty Avenue as a corridor for artisans and artisanal establishments. The Commission notes that the Special Mixed Use District regulations currently allow a great degree of flexibility as to the size, type and location of industrial uses in such districts. The proposed Special Mixed Use District on Liberty Avenue would change the manufacturing district from M1-1 to M1-4, thus increasing the permitted FAR for industrial uses from 1.0 to 2.0 and eliminating associated off-street parking requirements.

### **Amendment to the Dinsmore Chestnut Urban Renewal Plan (C 160037 HUK) and Disposition pursuant to the Urban Renewal Plan (C160042 HDK)**

The Commission believes that the proposed amendment to the Dinsmore Chestnut Urban Renewal Plan is appropriate. The amendment would revise the Plan to allow uses pursuant to the proposed M1-4/R8A zoning district, which would permit residential, commercial, community facility and light industrial uses. The Commission also believes that the disposition of this site is appropriate. This 80,000 square foot, vacant site is the only significant City-owned site in the rezoning area, and therefore the redevelopment of this site has the potential to further many of the objectives of the Community Plan. The Commission is pleased that the City has committed to build a new 1,000 seat PS/IS school on a portion of this site to meet existing and future need as the neighborhood grows.



The Commission supports the plan to create an at-grade playground that would be open to the public during non-school hours, a collaborative effort between DPR and DOE to address the need for additional open space in the neighborhood. The Commission also supports the commitment made by HPD to finance affordable housing on this site that reaches deeper affordability levels than can be achieved on privately-owned sites. Half of all units on this site will serve households earning between 30-50% of AMI. HPD has also stated that they will seek to promote ground floor retail and/or community facilities in the redevelopment of this site.

The Commission heard testimony regarding the need for adequate school seats, more open space, new retail and community facilities, and housing affordable to very low-income households, and appreciates the collaborative effort amongst agencies to leverage this City-owned site to support each of these objectives.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 12, 2016, with respect to this application (CEQR No. 15DCP102K), and the Technical Memorandum (Technical Memorandum 001), dated February 24, 2016, 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 available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action.

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 the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No's. 17c and 17d:

1. eliminating from within an existing R5 District a C1-2 District bounded by Conduit Boulevard, Glenmore Avenue, and Pine Street and it's northerly prolongation;
2. eliminating from within an existing R5 District a C1-3 District bounded by:
  - a. Arlington Avenue, Essex Street, a line 150 feet southeasterly of Fulton Street, and Linwood Street;
  - b. a line 150 feet northerly of Liberty Avenue, Milford Street, Liberty Avenue, and Atkins Avenue;
  - c. a line 150 feet northerly of Pitkin Avenue, Vermont Street, a line 100 feet northerly of Pitkin Avenue, and New Jersey Avenue;
  - d. a line 150 feet northerly of Pitkin Avenue, Hendrix Street, a line 150 feet southerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, and Van Siclen Avenue;
  - e. a line 150 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, Berriman Street, a line 150 feet northerly of Pitkin Avenue, Logan Street, a line 150 feet southerly of Pitkin Avenue, and Linwood Street; and
  - f. a line 150 feet northerly of Pitkin Avenue, Doscher Street, a line 150 feet southerly of Pitkin Avenue, and Crystal Street;
3. eliminating from within an existing R6 District a C1-3 District bounded by:
  - a. a line 100 feet northerly of Pitkin Avenue, Vermont Street, Pitkin Avenue, and New Jersey Avenue; and
  - b. a line 100 feet northerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 150 feet southerly of Pitkin Avenue, Miller Avenue, Pitkin

Avenue, and Van Siclen Avenue;

4. eliminating from within an existing R5 District a C2-2 District bounded by:
  - a. a line 100 feet northerly of Atlantic Avenue, Van Siclen Avenue, Atlantic Avenue, and Bradford Street; and
  - b. a line midway between Wells Street and Liberty Avenue and its easterly prolongation, Conduit Boulevard, Pine Street and its northerly prolongation, a line 150 feet northerly of Pitkin Avenue, Crescent Street, Pitkin Avenue, Euclid Avenue, a line 150 feet southerly of Pitkin Avenue, Doscher Street, a line 140 feet northerly of Pitkin Avenue, a line midway between Euclid Avenue and Doscher Street, Liberty Avenue, and a line 100 feet southwesterly of Conduit Boulevard;
5. eliminating from within an existing R4 District a C2-3 District bounded by:
  - a. a line 150 feet northwesterly of Fulton Street, Elton Street, a line 100 feet northwesterly of Fulton Street, and Wyona Street; and
  - b. a line 150 feet northerly of Arlington Avenue, a line 150 feet northwesterly of Fulton Street, a line midway between Euclid Avenue- Father John Krieg Place and Chestnut Street;
6. eliminating from within an existing R5 District a C2-3 District bounded by:
  - a. a line 100 feet northwesterly of Fulton Street, Linwood Street, a line 150 feet southeasterly of Fulton Street, and Wyona Street;
  - b. Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, a line midway between Euclid Avenue- Father John Krieg Place and Chestnut Street, a line 150 feet northwesterly of Fulton Street, Euclid Avenue- Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, Logan Street, a line 150 feet southeasterly of Fulton Street, and Essex Street;
  - c. Liberty Avenue, Ashford Street, a line 100 feet northerly of Liberty Avenue, Cleveland Street, a line 150 feet northerly of Liberty Avenue, a westerly boundary line of a playground (Sperandio Bros. Playground), Liberty Avenue, Linwood Street, a line 150 feet northerly of Liberty Avenue, Shepherd Avenue, a line 150 feet southerly of Liberty Avenue, and Warwick Street;
  - d. Liberty Avenue, Milford Street, a line 150 feet northerly of Liberty Avenue, Crystal Street, a line 150 feet southerly of Liberty Avenue, and Montauk Avenue;

- e. Glenmore Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue-Industrial Park, and a line midway between Pennsylvania Avenue- Granville Payne Avenue and Sheffield Avenue;
  - f. a line 150 feet northerly of Pitkin Avenue, Wyona Street, a line 100 feet northerly of Pitkin Avenue, and Vermont Street;
  - g. a line 150 feet northerly of Pitkin Avenue, Linwood Street, a line 150 feet southerly of Pitkin Avenue, and Schenck Avenue; and
  - h. a line 150 feet northerly of Pitkin Avenue, Crystal Street, a line 150 feet southerly of Pitkin Avenue, and Logan Street;
7. eliminating from within an existing R6 District a C2-3 District bounded by a line 100 feet northerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, Miller Avenue, a line 150 feet southerly of Pitkin Avenue, the easterly boundary line of a park and it's northerly prolongation, Pitkin Avenue, and Vermont Street;
8. changing from a C8-1 District to an R5 District property bounded by:
- a. the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), Pine Street, a line 100 feet northwesterly of Atlantic Avenue, Autumn Avenue, Atlantic Avenue, and the southeasterly prolongation of a line 100 feet westerly of Pine Street;
  - b. a line 125 feet northerly of Glen Street, a line 100 feet southeasterly of Atlantic Avenue, and Crescent Street; and
  - c. Atlantic Avenue, Lincoln Avenue, a line 100 feet southeasterly of Atlantic Avenue and Autumn Avenue;
9. changing from a C8-2 District to an R5 District property bounded by:
- a. Atlantic Avenue, an easterly boundary line of a playground (Sperandio Bros. Playground) and its northerly prolongation, a line 100 feet southeasterly of Atlantic Avenue, and Cleveland Street;
  - b. a line 210 feet northwesterly of Atlantic Avenue, a line 100 feet westerly of Pine Street, and a line perpendicular to the easterly street line of Euclid Avenue distant 210 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Euclid Avenue and the northwesterly street line of Atlantic Avenue; and
  - c. a line 100 feet northwesterly of Atlantic Avenue, Pine Street, the northwesterly

boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), and a line 100 feet westerly of Pine Street;

10. changing from an R5 District to an R5B District property bounded by
  - a. a line 100 feet southeasterly of Fulton Street, Logan Street, a line 300 feet northwesterly of Atlantic Avenue, Norwood Avenue, a line perpendicular to the westerly street line of Norwood Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, a line 100 feet easterly of Hale Avenue, a line 100 feet northwesterly of Atlantic Avenue, Shepherd Avenue, a line 200 feet northwesterly of Atlantic Avenue, Essex Street, a line perpendicular to the westerly street line of Essex Street distant 110 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Essex Street and the northwesterly street line of Atlantic Avenue, Linwood Street, a line 100 feet northwesterly of Atlantic Avenue, Elton Street, a line 150 feet northwesterly of Atlantic Avenue, Jerome Street, a line 100 feet northwesterly of Atlantic Avenue, Hendrix Street, a line 275 feet southerly of Fulton Street, Van Siclen Avenue, a line 100 feet northerly of Atlantic Avenue, Vermont Street, a line 150 feet northerly of Atlantic Avenue, and New Jersey Avenue;
  - b. a line 100 feet southerly of Liberty Avenue, Wyona Street, a line 200 feet southerly of Liberty Street, a line midway between Wyona Street and Bradford Street, a line 150 feet southerly of Liberty Avenue, Bradford Street, a line 100 feet southerly of Liberty Avenue, a line midway between Shepherd Avenue and Essex Street, a line 100 feet northerly of Pitkin Avenue, Van Siclen Avenue, a line 200 feet northerly of Pitkin Avenue, Bradford Street, a line 100 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 200 feet northerly of Pitkin Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue- Granville Payne Avenue;
  - c. a line 238 feet southeasterly of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line 335 feet southeasterly of Atlantic Avenue, Milford Street, a line 100 feet southeasterly of Atlantic Avenue, Logan Street, a line 300 feet southeasterly of Atlantic Avenue, Fountain Avenue, a line 100 feet northerly of Liberty Avenue, and Montauk Avenue;
  - d. Wells Street, and its southeasterly centerline prolongation, a line 100 feet northerly of Liberty Avenue, and Crystal Street;
  - e. a line 100 feet southerly of Glenmore Avenue, Atkins Avenue, Glenmore Avenue, Montauk Avenue, a line 100 feet southerly of Liberty Avenue, Euclid Avenue, a line 100 feet northerly of Pitkin Avenue, and Berriman Street; and
  - f. Glenmore Avenue, a line 120 feet easterly of Euclid Avenue, a line 100 feet northerly

of Glenmore Avenue, Pine Street, Glenmore Avenue, Crescent Street, a line 100 feet northerly of Pitkin Avenue, and a line midway between Euclid Avenue and Pine Street;

11. changing from a C8-1 District to an R5B District property bounded by a line 70 feet northerly of Glen Street, a line 100 feet westerly of Crescent Street, a line perpendicular to the westerly street line of Crescent Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Crescent Street and the southeasterly street line of Atlantic Avenue, Crescent Street, Glen Street, and Euclid Avenue;
12. changing from a C8-2 District to an R5B District property bounded by a line 150 feet northerly of Atlantic Avenue, Vermont Street, a line 100 feet northerly of Atlantic Avenue, and a line midway between Vermont Street and New Jersey Avenue;
13. changing from an M1-1 District to an R5B District property bounded by:
  - a. a line 150 feet northwesterly of Atlantic Avenue, Elton Street, a line 100 feet northwesterly of Atlantic Avenue, and Jerome Street;
  - b. a line 200 feet northwesterly of Atlantic Avenue, Shepherd Avenue, a line 100 feet northwesterly of Atlantic Avenue, and Essex Street;
  - c. a line 300 feet northwesterly of Atlantic Avenue, Logan Street, a line perpendicular to the westerly street line of Logan Street distant 265 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Logan Street and the northwesterly street line of Atlantic Avenue, a line midway between Logan Street and Norwood Avenue, a line perpendicular to the easterly street line of Norwood Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, and Norwood Avenue;
  - d. a line 100 feet southeasterly of Fulton Street, a line 100 feet easterly of Logan Street, Dinsmore Place, and Logan Street;
  - e. a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, Milford Street, a line 335 feet southeasterly of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line 238 feet southeasterly of Atlantic Avenue, and Montauk Avenue;

- f. a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Fountain Avenue, a line 300 feet southeasterly of Atlantic Avenue, and Logan Street; and
  - g. Liberty Avenue, Atkins Avenue, a line 180 feet southerly of Liberty Avenue, Montauk Avenue, Glenmore Avenue, and Berriman Street;
- 14. changing from an M1-2 District to an R5B District property bounded by a line 80 feet southerly of Herkimer Street, a line midway between Jardine Place and Havens Place, a line 80 feet northerly of Atlantic Avenue, a line midway between Jardine Place and Sackman Street, Atlantic Avenue, Sackman Street, a line midway between Herkimer Street and Atlantic Avenue, and a line midway between Sackman Street and Sherlock Place;
- 15. changing from an R5 District to an R6A District property bounded by:
  - a. a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, and Bradford Street; and
  - b. a line 100 feet northerly of Liberty Avenue, Cleveland Street Liberty Avenue, Linwood Street, a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, Montauk Avenue, Liberty Avenue, Shepherd Avenue, Glenmore Avenue, Atkins Avenue, a line 100 feet southerly of Glenmore Avenue, Berriman Street, a line 100 feet northerly of Pitkin Avenue, a line midway between Shepherd Avenue and Essex Street, a line 100 feet southerly of Liberty Avenue, and Barbey Street;
- 16. changing from an M1-1 District to an R6A District property bounded by:
  - a. Somers Street, a line 280 feet easterly of Sackman Street, a line midway between Somers Street and Truxton Street, a line 225 feet easterly of Sackman Street, and Sackman Street;
  - b. Liberty Avenue, Berriman Street, a line 85 feet northerly of Glenmore Avenue, and Shepherd Avenue;
  - c. Liberty Avenue, Montauk Avenue, a line 180 feet southerly of Liberty Avenue, and Atkins Avenue; and

- d. a line 100 feet southeasterly of Fulton Street, a line 100 feet easterly of Richmond Street, a line 125 feet northerly of Dinsmore Place, Richmond Street, and Dinsmore Place;
17. changing from an R5 District to an R6B District property bounded by:
- a. a line 100 feet southeasterly of Atlantic Avenue, Ashford Street, a line 100 feet northerly of Liberty Avenue, and Barbey Street; and
  - b. a line 100 feet southeasterly of Atlantic Avenue, Essex Street, a line 300 feet southeasterly of Atlantic Avenue, Berriman Street, a line 100 feet southeasterly of Atlantic Avenue, Montauk Avenue, a line 100 feet northerly of Liberty Avenue, and Linwood Street;
18. changing from a C8-2 District to an R6B District property bounded by:
- a. a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, Vermont Street, a line 100 feet northerly of Liberty Avenue, and New Jersey Avenue;
  - b. a line 150 feet northerly of Liberty Avenue, a line midway between Ashford Street and Cleveland Street, a line 100 feet northerly of Liberty Avenue, and Ashford Street; and
  - c. a line 100 feet southerly of Atlantic Avenue, Schenck Avenue, a line 100 feet northerly of Liberty Avenue, and Wyona Street;
19. changing from an M1-1 District to an R6B District property bounded by:
- a. a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Jerome Street and the southeasterly street line of Atlantic Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Barbey Street; and
  - b. a line 100 feet southeasterly of Atlantic Avenue, Shepherd Avenue, a line perpendicular to the easterly street line of Shepherd Avenue distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Shepherd Avenue and the southeasterly street line of Atlantic Avenue, a line midway between Shepherd Avenue and Berriman Street, a line perpendicular to the westerly street line of Berriman Street distant 165 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Berriman Street and the southeasterly street line of Atlantic Avenue, Berriman Street, a line



300 feet southeasterly of Atlantic Avenue, and Essex Street;

20. changing from an M1-2 District to an R6B District property bounded by a line midway between Fulton Street and Herkimer Street, a line 300 feet easterly of Sackman Street, Herkimer Street, Havens Place, a line 150 feet southerly of Herkimer Street, a line midway between Havens Place and Jardine Place, a line 80 feet southerly of Herkimer Street, a line midway between Sackman Street and Sherlock Place, Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
21. changing from an R5 District to an R7A District property bounded by:
  - a. Liberty Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet southerly of Glenmore Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue-Industrial Park, and a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;
  - b. a line 100 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, a line midway between Berriman Street and Shepherd Avenue, a line 100 feet southerly of Pitkin Avenue, Schenck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, and a line midway between Hendrix Street and Van Siclen Avenue;
  - c. a line 100 feet northerly of Pitkin Avenue, Doscher Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, and Berriman Street;
  - d. Conduit Boulevard, Crescent Street, Glenmore Avenue, Pine Street, a line 100 feet northerly of Glenmore Avenue, a line 120 feet easterly of Euclid Avenue, Glenmore Avenue, a line midway between Pine Street and Euclid Avenue, a line 100 feet northerly of Pitkin Avenue, and Euclid Avenue;
  - e. a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, and Pine Street;
  - f. a line 100 feet southeasterly of Atlantic Avenue, a line 100 feet westerly of Autumn Avenue, and a line 125 feet northerly of Glen Street; and
  - g. a line 100 feet southeasterly of Atlantic Avenue, Autumn Avenue, and a line perpendicular to the westerly street line of Autumn Avenue distant 115 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Autumn Avenue and the southeasterly street line of Atlantic Avenue;
22. changing from an R6 District to an R7A District property bounded by a line 100 feet northerly of Pitkin Avenue, Bradford Street, a line 200 feet northerly of Pitkin Avenue, Van

Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, and New Jersey Avenue;

23. changing from a C8-1 District to an R7A District property bounded by:
- a. the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), the southerly prolongation of a line 100 feet westerly of Pine Street, Atlantic Avenue, Autumn Avenue, a line 100 feet southeasterly of Atlantic Avenue, a line 125 feet northerly of Glen Street, Crescent Street, a line perpendicular to the westerly street line of Crescent Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Crescent Street and the southeasterly street line of Atlantic Avenue, a line 100 feet westerly of Crescent Street, a line 70 feet northerly of Glen Street, and Euclid Avenue; and
  - b. a line 100 feet northwesterly of Atlantic Avenue, Lincoln Avenue, Atlantic Avenue, and Autumn Avenue;
24. changing from a C8-2 District to an R7A District property bounded by:
- a. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, Liberty Avenue, and a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;
  - b. a line 100 feet southerly of Glenmore Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 250 feet northerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue;
  - c. a line 100 feet southerly of Pitkin Avenue, a line midway between former New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, Belmont Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
  - d. a line perpendicular to the easterly street line of Euclid Avenue distant 210 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Euclid Avenue and the northwesterly street line of Atlantic Avenue, a line 100 feet westerly of Pine Street, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), and Euclid Avenue;
25. changing from an M1-1 District to an R7A District property bounded by:

- a. a line 100 feet northerly of Bergen Street, a line 100 feet northwesterly of East New York Avenue, Dean Street, East New York Avenue, and Mother Gaston Boulevard; and
  - b. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Pitkin Avenue-Industrial Park, and Sheffield Avenue;
26. changing from an M1-2 District to an R7A District property bounded by Pacific Street, East New York Avenue, Dean Street, and Sackman Street;
27. changing from an M1-4 District to an R7A District property bounded by East New York Avenue, Christopher Avenue, Liberty Avenue, and Mother Gaston Boulevard;
28. changing from an M1-1 District to an R7D District property bounded by Somers Street, Sackman Street, Fulton Street, and Mother Gaston Boulevard;
29. changing from an R5 District to an R8A District property bounded by:
- a. a line 100 feet northerly of Atlantic Avenue, Van Siclén Avenue, a line 275 feet southerly of Fulton Street, Hendrix Street, Atlantic Avenue, and Bradford Street;
  - b. a line perpendicular to the westerly street line of Essex Street distant 110 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Essex Street and the northwesterly street line of Atlantic Avenue, a line 100 feet northwesterly of Atlantic Avenue, and Linwood Street; and
  - c. Atlantic Avenue, Montauk Avenue, a line 100 feet southerly of Atlantic Avenue, and Berriman Street;
30. changing from a C8-2 District to an R8A District property bounded by:
- a. Atlantic Avenue, Hendrix Street, a line 100 feet northwesterly of Atlantic Avenue, Jerome Street, Atlantic Avenue, Ashford Street, a line 100 feet southeasterly of Atlantic Avenue, Jerome Street. a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Jerome Street and the southeasterly street line of Atlantic Avenue, Barbey Street, Atlantic Avenue, Schenck Avenue, a line 100 feet southerly of Atlantic Avenue, and Bradford Street;

- b a line 100 feet northwesterly of Atlantic Avenue, Essex Street, Atlantic Avenue, Essex Street, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, and Elton Street; and
  - c a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet easterly of Hale Street, Atlantic Avenue, and Shepherd Avenue;
31. changing from an M1-1 District to an R8A District property bounded by:
- a a line 100 feet northwesterly of Atlantic Avenue, Elton Street, Atlantic Avenue, and Jerome Street; and
  - b Atlantic Avenue, Essex Street, a line 100 feet northwesterly of Atlantic Avenue, Shepherd Avenue, Atlantic Avenue, Berriman Street, a line perpendicular to the westerly street line of Berriman Street distant 165 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Berriman Street and the southeasterly street line of Atlantic Avenue, a line midway between Berriman Street and Shepherd Avenue, a line perpendicular to the easterly street line of Shepherd Avenue distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Shepherd Avenue and the southeasterly street line of Atlantic Avenue, Shepherd Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Essex Street;
32. changing from an R5 District to a C4-4D District property bounded by:
- a a line 200 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 100 feet northerly of Pitkin Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue;
  - b a line perpendicular to the westerly street line of Norwood Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, Norwood Avenue, a line 100 feet northwesterly of Atlantic Avenue, and a line 100 feet easterly of Hale Avenue; and
  - c a line 100 feet northerly of Pitkin Avenue, Pine Street, a line 100 feet southerly of Pitkin Avenue, and Doscher Street;
33. changing from a C8-2 District to a C4-4D District property bounded by:
- a a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, Pennsylvania

Avenue-Granville Payne Avenue, a line perpendicular to the easterly street line of Pennsylvania Avenue-Granville Payne Avenue distant 155 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between Vermont Street and New Jersey Avenue, a line 100 feet northerly of Atlantic Avenue, Bradford Street, a line 100 feet southerly of Atlantic Avenue, Wyona Street, Atlantic Avenue, Vermont Street, a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Atlantic Avenue, and Sheffield Avenue;

- b. a line 250 feet northerly of Pitkin Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet norther of Pitkin Avenue, New Jersey Avenue, Pitkin Avenue, the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
  - c. a line 100 feet northwesterly of Atlantic Avenue, Norwood Avenue, Atlantic Avenue, and a line 100 feet easterly of Hale Avenue;
34. changing from an M1-1 District to a C4-4D District property bounded by:
- a. Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, and Sheffield Avenue; and
  - b. Atlantic Avenue, Norwood Avenue, a line perpendicular to the easterly street line of Norwood Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, a line midway between Logan Street and Norwood Avenue, a line perpendicular to the westerly street line of Logan Street distant 265 feet northerly (as measured along the street line) from the point of

intersection of the westerly street line of Logan Street and the northwesterly street line of Atlantic Avenue, Logan Street, Atlantic Avenue, Fountain Avenue, a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Logan Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, and Montauk Avenue;

35. changing from an R5 District to a C4-4L District property bounded by a line 100 feet northerly of Fulton Street, Bradford Street, a line 100 feet southerly of Fulton Street, and Wyona Street;
36. changing from a C8-2 District to a C4-4L District property bounded by Jamaica Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Fulton Street, Wyona Street, New Jersey Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the easterly street line of Pennsylvania Avenue-Granville Payne Avenue distant 155 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, and Sheffield Avenue;
37. changing from an M1-1 District to a C4-4L District property bounded by Eastern Parkway Extension, Broadway, Van Sinderen Avenue, Fulton Street, Sackman Street, Truxton Street, a line 225 feet easterly of Sackman Street, a line midway between Somers Street and Truxton Street, a line 280 feet easterly of Sackman Street, and Somers Street;
38. changing from an M1-2 District to a C4-5D District property bounded by Fulton Street, Van Sinderen Avenue, East New York Avenue, Pacific Avenue, Sackman Street, Atlantic Avenue, a line midway between Jardine Place and Sackman Street, a line 80 feet northerly of Atlantic Avenue, a line midway between Havens Place and Jardine Place, a line 150 feet southerly of Herkimer Street, Havens Place, Herkimer Street, and a line 300 feet easterly of Sackman Street;
39. changing from an M1-1 District to an M1-1/R6A District property bounded by a line 85 feet

- northerly of Glenmore Avenue, Berriman Street, Glenmore Avenue, and Shepherd Avenue;
40. changing from an R5 District to an M1-4/R6A District property bounded by:
    - a. Liberty Avenue, New Jersey Avenue, a line 100 feet southerly of Liberty Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue; and
    - b. a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, and Wyona Street;
  41. changing from a C8-2 District to an M1-4/R6A District property bounded by:
    - a. a line 100 feet northerly of Liberty Avenue, Vermont Street, Liberty Avenue, and a line 50 feet westerly of New Jersey Avenue; and
    - b. a line 100 feet southerly of Atlantic Avenue, Wyona Street, a line 100 feet northerly of Liberty Avenue, and Vermont Street;
  42. changing from an M1-1 District to an M1-4/R6A District property bounded by Liberty Avenue, Vermont Street, a line 100 feet northerly of Liberty Avenue, Schinck Avenue, a line 230 feet northerly of Liberty Avenue, Barbey Street, a line 100 feet southerly of Liberty Street, and New Jersey Avenue;
  43. changing from an M1-1 District to an M1-4/R7A District property bounded by a line 100 feet southeasterly of Fulton Street, Chestnut Street, Dinsmore Place, Richmond Street, a line 125 feet northerly of Dinsmore Place, and a line 100 feet easterly of Richmond Street;
  44. changing from an M1-2 District to an M1-4/R7D District property bounded by Fulton Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
  45. changing from a C8-2 District to an M1-4/R8A District property bounded by Atlantic Avenue, Wyona Street, a line 100 feet southerly of Atlantic Avenue, and Vermont Street;
  46. changing from an M1-1 District to an M1-4/R8A District property bounded by:
    - a. Atlantic Avenue, Barbey Street, a line 230 feet northerly of Liberty Avenue, and Schenck Avenue; and
    - b. Dinsmore Place, Chestnut Street, Fulton Street, Euclid Avenue, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), the northerly centerline prolongation of Fountain Avenue, Atlantic Avenue, and Logan

Street;

47. establishing within a proposed R5 District a C2-4 District bounded by:
  - a. Atlantic Avenue, an easterly boundary line of a playground (Sperandio Bros. Playground) and its northerly prolongation, a line 100 feet southeasterly of Atlantic Avenue, and Cleveland Street;
  - b. a line 50 feet northwesterly of Atlantic Avenue, Autumn Avenue, Atlantic Avenue, and a line 100 feet southwesterly of Pine Street; and
  - c. Atlantic Avenue, Lincoln Street, a line 50 feet southeasterly of Atlantic Avenue and Autumn Avenue;
48. establishing within a proposed R5B District a C2-4 District bounded by:
  - a. Glenmore Avenue, Pine Street, a line 100 feet southerly of Glenmore Avenue, and a line midway between Pine Street and Euclid Avenue; and
  - b. Liberty Avenue, Atkins Avenue, a line 100 feet southerly of Liberty Avenue, and Berriman Street;
49. establishing within a proposed R6A District a C2-4 District bounded by:
  - a. a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, and Bradford Street; and
  - b. a line 100 feet northerly of Liberty Avenue, Jerome Street, Liberty Avenue, Warwick Street, a line 100 feet northerly of Liberty Avenue, Cleveland Street, Liberty Avenue, Linwood Street, a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, Atkins Avenue, Liberty Avenue, Berriman Street, a line 100 feet southerly of Liberty Avenue, and Barbey Street;
50. establishing within a proposed R7A District a C2-4 District bounded by:
  - a. a line 100 feet northerly of Bergen Street, a line 100 feet northwesterly of East New York Avenue, Dean Street Sackman Street, a line 100 feet northerly of Dean Street, a line 100 feet northwesterly of East New York Avenue, Pacific Street, East New York Avenue, Christopher Avenue, a line 100 feet southeasterly of East New York Avenue, Mother Gaston Boulevard, East New York Avenue, Bergen Street, and



Mother Gaston Boulevard;

- b. a line 100 feet northerly of Liberty Avenue, Christopher Avenue, Liberty Avenue, and Mother Gaston Boulevard;
- c. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Liberty Avenue, a line 100 feet easterly of Pennsylvania Avenue-Granville Payne Avenue, a line 250 feet northerly of Pitkin Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue, and a line 100 feet westerly of Pennsylvania Avenue-Granville Payne Avenue;
- d. a line 100 feet southerly of Pitkin Avenue, a line midway between former New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, Belmont Avenue, and Pennsylvania Avenue-Granville Payne Avenue;
- e. a line 100 feet northerly of Pitkin Avenue, Bradford Street, Pitkin Avenue, Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, a line midway between Shepherd Avenue and Berriman Street, a line 100 feet southerly of Pitkin Avenue, Scheck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, and New Jersey Avenue;
- f. a line 100 feet northerly of Pitkin Avenue, Doscher Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, and Berriman Street;
- g. Conduit Boulevard, Pine Street, a line 100 feet of Glenmore Avenue, and Euclid Avenue;
- h. Glenmore Avenue, a line midway between Euclid Avenue and Pine Street, a line 100 feet northerly of Pitkin Avenue, and Euclid Avenue;
- i. a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, and Pine Street;
- j. a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet southwestly of Pine Street, Atlantic Avenue, Autumn Avenue, a line perpendicular to the westerly street line of Autumn Avenue distant 115 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Autumn Avenue and the southeasterly street line of Atlantic Avenue, a line 100 feet westerly of Autumn Avenue, a line 125 feet northerly of Glen Street, Crescent Street, a line 100 feet

southeasterly of Atlantic Avenue, a line 70 feet northerly of Glen Street, and Euclid Avenue; and

- k. a line 100 feet northwesterly of Atlantic Avenue, Lincoln Street, Atlantic Avenue, and Autumn Avenue;
51. establishing within a proposed R7D District a C2-4 District Somers Street, a line 100 feet easterly of Mother Gaston Boulevard, Eastern Parkway Extension, Fulton Street, and Mother Gaston Boulevard;
52. establishing within a proposed R8A District a C2-4 District bounded by a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet easterly of Hale Avenue, Atlantic Avenue, Montauk Avenue, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, Ashford Street, a line 100 feet southeasterly of Atlantic Avenue, Jerome Street, a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly Street line of Jerome Street and the southeasterly street line of Atlantic Avenue, Barbey Street, Atlantic Avenue, Schenck Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Bradford Street;
53. establishing a Special Mixed Use District (MX-16) bounded by:
- a. Fulton Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
  - b. Atlantic Avenue, Wyona Street, a line 100 feet northerly of Liberty Avenue, Schenck Avenue, Atlantic Avenue, Barbey Street, a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, a line 200 feet southerly of Liberty Avenue, Wyona Street, a line 100 feet southerly of Liberty Avenue, a line 100 feet easterly of Pennsylvania Avenue- Granville Payne Avenue, Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, and Vermont Street;
  - c. Dinsmore Place, Richmond Street, a line 125 feet northerly of Dinsmore Place, a line 100 feet easterly of Richmond Street, a line 100 feet southeasterly of Fulton Street, Chestnut Street, Fulton Street, Euclid Avenue, Atlantic Avenue, and Logan Street; and
  - d. a line 85 feet northerly of Glenmore Avenue, Berriman Street, Glenmore Avenue, and Shepherd Avenue;
54. establishing a Special Enhanced Commercial District (EC-5) bounded by:

- a. Fulton Street, Van Sinderen Avenue, Herkimer Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
  
- b. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, a line 100 feet southerly of Fulton Street, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between Vermont Street and New Jersey Avenue, a line 100 feet northerly of Atlantic Avenue, a line 100 feet northwesterly of Atlantic Avenue, Euclid Avenue, Atlantic Avenue, Fountain Avenue, a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Logan Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, Montauk Avenue, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, Ashford Street, a line 100 feet southeasterly of Atlantic Avenue, Vermont Street, a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, and Sheffield Avenue; and
  
- c. a line 250 feet northerly of Pitkin Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 200 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 100 feet northerly of Pitkin Avenue, Bradford Street, Pitkin Avenue, a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, a line midway between Berriman Street and Shepherd Avenue, a line 100 feet southerly

of Pitkin Avenue, Schenck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and

55. establishing a Special Enhanced Commercial District (EC-6) bounded by a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Place, Euclid Avenue, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Fulton Street, and Sheffield Avenue;

Borough of Brooklyn, Community Districts 5 & 16, as shown on a diagram (for illustrative purposes only) dated September 21, 2015, modified by the City Planning Commission on February 24, 2016.

The above resolution (C 160035 ZMK), duly adopted by the City Planning Commission on February 24, 2016 (Calendar No. 3), 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.

**CARL WEISBROD**, *Chairman*

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

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,  
JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,  
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,**  
*Commissioners*

**MICHELLE R. DE LA UZ**, *Commissioner*, *Voting No*

# Exhibit A- (E) Designations

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*In accordance with East New York Rezoning Proposal FEIS*

## Hazardous Materials (E) Designations

As disclosed in East New York Rezoning Proposal FEIS, the (E) designation requirements related to hazardous materials would apply to all privately-held projected and potential development sites. For the City-owned parcel located within projected development site 66 (Block 4142, Lot 32), review of a Phase II testing protocol and development of any necessary remediation plan will be required through the Land Disposition Agreement (LDA) between HPD and a future selected developer with oversight provided by HPD and NYCDEP. The privately-owned parcel within projected development site 66 (Block 4142, Lot 32) would receive an (E) designation. The applicable blocks and lots by development site are provided below.

### Projected Development Sites

Projected Site Number	Block	Lot
01	1437	46
		58
02	1544	21
		42
03	3660	1
		2
		29
04	3661	1
05	3662	48
		49
06	3669	13
		17
		20
07	3669	22
		26
08	3670	9
		31
		33
09	3670	13
		14
		15
		29
10	3670	30
		16
		17
11	3673	18
		14
12	3675	15
		16
		10
13	3687	11
		11
14	3688	18
		33
15	3688	11
		13
16	3691	11
17	3691	24

Projected Site Number	Block	Lot
18	3703	1
		4
		37
		38
		39
19	3703	40
		15
		16
		17
20	3933	18
21	3939	55
22	3942	26
		27
		1
		16
23	3946	19
		21
		14
24	3947	17
		18
		1
25	3952	5
26	3954	9
		42
		45
		55
		45
		46
		47
		48
27	3955	49
		52
		53
		49
28	3957	53
29	3958	20
30	3959	18

Projected Site Number	Block	Lot
31	3961	1
		3
		5
		7
32	3961	15
		16
		113
33	3961	31
		32
		33
34	3962	30
		31
		32
35	3963	14
		15
		16
36	3964	2
		3
37	3964	4
		8
		23
38	3964	24
		25
		26
		27
39	3966	12
		13
		14
		15
40	1544	16
		17
41	3971	19
		21
		56
42	3972	57
		57
43	3973	22
		24
44	3973	50
		52
45	3973	53
		55
46	3974	1
	3975	1
47	3977	17
		18
		19
		20
		21
48	3978	14
		15
49	3982	11
		13
50	3983	13
		15
51	3984	15

Projected Site Number	Block	Lot
52	3985	15
		16
		17
		18
53	3986	11
		13
		14
54	3989	9
		10
		12
		14
55	3991	16
		8
56	3992	15
		17
		18
57	3994	20
		28
58	3996	34
		35
		36
		37
59	3998	39
		30
		32
60	4003	33
		37
61	4005	35
		16
62	4006	17
		19
		11
63	4010	13
		19
64	4017	17
		19
65	4139	15
		19
66	4142	25
		29
67	4143	1
		32*
68	4149	1
		50
69	4153	34
		40
70	4153	76
		78
		79
71	4153	82
		28
72	4154	35
		45
73	4154	99
		100
74	4194	17

\*City owned parcel

Projected Site Number	Block	Lot
75	4195	6
76	4195	21
		30
77	4214	12
		20
75	4195	6
		17
79	4232	18
		17
80	3989	1
		34
		36
81	4210	1
		35
		34
		43

**Potential Development Sites**

Potential Site Number	Block	Lot
A1	1437	21
		23
A2	1450	1
		2
		3
		50
		51
		53
A3	1437	1
A4	1540	70
		72
		82
A5	1544	14
		15
		16
A6	1543	1
A7	1553	13
		18
A8	1554	1
A9	1574	23
		32
A10	3671	41
		42
		43
A11	3672	43
		46
A12	3673	20
		21
A13	3673	36
		37
		38
		39
A14	3674	38
		39
		40
A15	3675	1
A16	3675	25
A17	3686	9

Potential Site Number	Block	Lot
A18	3687	5
		6
		7
A19	3973	46
A20	3688	9
A21	3689	25
		26
A22	3689	12
		19
		20
		21
		22
		23
A23	3690	24
		11
		12
		13
		14
A24	3703	15
		7
A25	3703	8
		9
A26	3707	35
		36
A27	3707	7
		15
A28	3720	16
A29	3722	21
		28
		16
		18
A30	3742	20
		16
		18
A31	3935	43
		44
		142
A31	3950	17
		18
		19
		20



Potential Site Number	Block	Lot
A32	3951	42
A33	3952	20
		21
		22
A34	3953	45
A35	3955	20
		21
		22
		23
A36	3956	23
		24
A37	3961	26
		27
A38	3961	29
		30
A39	3963	3
A40	3965	3
		4
A41	3965	6
		7
A42	3965	32
		33
A43	3967	19
		20
		21
		22
		24
25		
A44	3971	39
		40
		41
A45	3971	44
		45
A46	3971	53
		54
A47	3972	20
		22
A48	3976	31
		35
A49	3980	14
		15
		17
		19
A50	3982	17
		18
A51	3989	20
		24
		25
A52	3995	29
		31
		32
		129
A53	4004	19
		20
A54	4018	15
		16
		17
		18
		19
118		
A55	4024	18

Potential Site Number	Block	Lot
A56	4126	1
A58	4154	92
		93
		94
		95
A59	3689	1
A60	4162	2
		10
A61	4211	43
		45
A62	3962	9
A63	3958	49
A64	4137	44
A65	3705	16
A66	3670	25
		27
A67	3672	48
		49
		50
		51
A68	3686	15
		16
		17
A69	3686	19
		21
A70	3687	112
A71	3689	11
A72	3691	14
		15
		16
		18
A73	3721	1
A74	3936	42
A75	3949	1
A76	3959	52
A77	3959	54
A78	3960	21
A79	3960	58
A80	3962	1
		2
A81	3963	8
A82	3963	18
A83	3963	26
A84	3964	1
		33
		34
		35
A85	3965	1
A86	3965	11
		13
A87	3967	15
		10
A88	3971	11
		24
A89	3971	25
		26
		57
A90	3973	58
		11
A91	3979	12
		13

Potential Site Number	Block	Lot
A92	3987	17
A93	4005	19
		20
		21
		22
A94	4017	25
		66
A95	4128	39
A96	4137	43
		56
A97	4137	63
		27
A98	4140	28
		1
A99	4141	4
		27
A100	4141	30
		33
A101	4141	35
		39
		1
A102	4156	45
		50
		18
A103	4162	22
		29
		22
A104	4167	24
		25
		1
A105	4214	6
		28
A106	3988	34
		35

The (E) designation text related to hazardous materials is as follows:

**Task 1**

**The applicant submits to OER, for review and approval, a Phase 1 of the site along with a soil and groundwater 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 sample sites should be selected to adequately characterize the site, the specific source 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**

**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.**

**If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.**

**An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.**

**All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.**

## **Air Quality (E) Designations**

As disclosed in East New York Rezoning Proposal FEIS, (E) designations are proposed to avoid impacts on projected or potential development sites with respect to air quality (heating systems). To the extent permitted under ZR Section 11-15, the requirements of the (E) designation may be modified, or determined to be unnecessary, based on new information or technology, additional facts or updated standards that are relevant at the time the site is ultimately developed.

For the City owned parcel located within Projected Development Site 66 (Block 4142, Lot 32), the implementation of the restrictions would be required through the Land Disposition Agreement (LDA) between HPD and future developer with oversight provided through HPD and the NYCDEP. This agreement would require that any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 160 feet above grade, to avoid any potential significant air quality impacts.

The descriptions and requirements of the proposed (E) designations for these sites with respect to HVAC systems are presented in Tables 1 and 2 below.

**Table 1**  
**(E) Designations for Projected Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
1	1437	46, 58	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
2	1544	21, 42	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
3	3660	1, 2, 29	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
4	3661	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
6	3669	13, 17, 20	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
7	3669	22, 26	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
8	3670	9, 31, 33	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 105 feet above grade and located at least 20 feet away from the lot line facing Atlantic Avenue, to avoid any potential significant air quality impacts.
9	3670	13, 14, 15, 29, 30	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 100 feet above grade, to avoid any potential significant air quality impacts.
10	3670	16, 17, 18	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 100 feet above grade, to avoid any potential significant air quality impacts.
13	3687	12	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 35 feet away from the lot line facing Atlantic Avenue and at least 30 feet away from the lot line facing Pennsylvania Avenue, to avoid any potential significant air quality impacts.
14	3688	11, 18	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
15	3688	33	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
16	3691	11, 13	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
17	3691	24	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
18	3703	1, 4, 37, 38, 39, 40	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
24	3947	1, 5, 9	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
26	3954	45, 55	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.

**Table 1**  
**(E) Designations for Projected Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
27	3955	45, 46, 47, 48, 49, 52, 53	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
31	3961	1, 3, 5, 7	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet away from the lot line facing Atlantic Avenue and at least 20 feet from the lot line facing Miller Avenue, to avoid any potential significant air quality impacts.
32	3961	15, 16, 113	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
33	3961	31, 32, 33	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 90 feet above grade, to avoid any potential significant air quality impacts.
34	3962	30, 31, 32	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet away from the lot line facing Van Siclen Avenue, to avoid any potential significant air quality impacts.
35	3963	14, 15, 16	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
36	3964	2, 3	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 90 feet above grade, to avoid any potential significant air quality impacts.
37	3964	4, 8, 23	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 90 feet above grade and located no more than 41 feet away from the lot line facing Liberty Avenue, to avoid any potential significant air quality impacts.
38	3964	24, 25, 26, 27	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
39	3966	12, 13, 14, 15, 16	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
40	1554	16	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 130 feet above grade, to avoid any potential significant air quality impacts.
41	3971	17, 19, 21	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 60 feet away from the lot line facing Essex Street, to avoid any potential significant air quality impacts.
43	3973	22, 24	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.

**Table 1**  
**(E) Designations for Projected Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
44	3973	50, 52	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 60 feet above grade, to avoid any potential significant air quality impacts.
45	3973	53, 55	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 60 feet above grade, to avoid any potential significant air quality impacts.
46	3974/3975	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 155 feet above grade and located at least 35 feet away from the lot line facing Berriman Street, and at least 45 feet away from lot line facing Atkins Avenue, and at least 50 feet away from lot line facing Montauk Avenue, to avoid any potential significant air quality impacts.
47	3977	17, 18, 19, 20, 21	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
54	3989	9, 10, 12, 14, 16	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
55	3991	8	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
58	3996	34, 35, 36, 37, 39	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
61	4005	16, 17	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
64	4017	15, 19	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 50 feet away from the lot line facing Elton Street, to avoid any potential significant air quality impacts.
65	4139	25, 29	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
66 <sup>1</sup>	4142	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 160 feet above grade.
67	4143	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 125 feet away from the lot line facing Chestnut Street, to avoid any potential significant air quality impacts.
69	4153	34, 40	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
72	4154	28, 35, 45	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet away from the lot line facing Logan Street, to avoid any potential significant air quality impacts.

**Table 1**  
**(E) Designations for Projected Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
73	4154	99, 100	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet away from the lot line facing Fountain Avenue, to avoid any potential significant air quality impacts.
75	4195	6	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
76	4195	21, 30	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
80	3989	1, 34, 36	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
81	4210	1, 35, 34, 43	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.

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<sup>1</sup> For the City owned parcel located within Projected Development Site 66 (Block 4142, Lot 32), the implementation of the restrictions would be required through the Land Disposition Agreement between HPD and future developer with oversight provided through HPD and NYCDEP. This agreement would require that any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 160 feet above grade, to avoid any potential significant air quality impacts.



**Table 2**  
**(E) Designations for Potential Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
A1	1437	21, 23	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A2	1450	1, 2, 3, 50, 51, 53	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A3	1437	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A7	1553	13, 18	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A8	1554	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A9	1574	23, 32	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A11	3672	43, 46	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A19	3973	46	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 60 feet above grade, to avoid any potential significant air quality impacts.
A21	3689	25, 26	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A22	3689	12, 19, 20, 21, 22, 23, 24	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A24	3703	7, 8, 9	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A25	3703	35, 36	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A26	3707	7, 15, 16	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A28	3722	28	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 84 feet away from the lot line facing New Jersey Avenue, to avoid any potential significant air quality impacts.
A32	3951	42	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A34	3953	45	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A37	3961	26, 27	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 90 feet above grade, to avoid any potential significant air quality impacts.
A38	3961	29, 30	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 90 feet above grade, to avoid any potential significant air quality impacts.

**Table 2  
(E) Designations for Potential Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
A40	3965	3, 4	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 60 feet above grade, to avoid any potential significant air quality impacts.
A41	3965	6, 7	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet away from the lot line facing Liberty Avenue, to avoid any potential significant air quality impacts.
A42	3965	32, 33	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 90 feet above grade, to avoid any potential significant air quality impacts.
A43	3967	19, 20, 21, 22, 24, 25	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A47	3972	20, 22	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A48	3976	31, 35	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A51	3989	20, 24, 25	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A52	3995	29, 31, 32, 129	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A58	4154	92, 93, 94, 95	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet away from the lot line facing Logan Street, to avoid any potential significant air quality impacts.
A59	3689	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A62	3962	9	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at the highest rooftop of the site, to avoid any potential significant air quality impacts.
A63	3958	49	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A64	4137	44	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A65	3705	16	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A66	3670	25, 27	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 100 feet above grade, to avoid any potential significant air quality impacts.

**Table 2  
(E) Designations for Potential Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
A67	3672	48, 49, 50, 51	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 20 feet away from the lot line facing Wyona Street, to avoid any potential significant air quality impacts.
A68	3686	15, 16, 17	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A69	3686	19, 21	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A70	3687	112	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A71	3689	11	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A72	3691	14, 15, 16, 18	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A74	3936	42	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A76	3959	52	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A77	3959	54	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A79	3960	58	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A80	3962	1, 2	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A81	3963	8	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 60 feet away from the lot line facing Schenck Avenue, to avoid any potential significant air quality impacts.
A82	3963	18	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 10 feet away from the lot line facing Atlantic Avenue, to avoid any potential significant air quality impacts.
A84	3964	1, 33, 34, 35	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.

**Table 2**  
**(E) Designations for Potential Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
A85	3965	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 90 feet above grade, to avoid any potential significant air quality impacts.
A86	3965	11	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A87	3967	13, 15	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A89	3971	24, 25, 26	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A90	3973	57, 58	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A93	4005	19, 20, 21	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A94	4017	22, 25	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 110 feet above grade, to avoid any potential significant air quality impacts.
A96	4137	39, 43	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A97	4137	56, 63	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 150 feet above grade, to avoid any potential significant air quality impacts.
A99	4141	1, 4	Any new residential and/or commercial development must use HVAC system fitted with low NOx (30ppm) burners firing only natural gas, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 115 feet above grade and located at least 40 feet away from the lot line facing Dinsmore Place, to avoid any potential significant air quality impacts.
A100	4141	27, 30	Any new residential and/or commercial development must use HVAC system fitted with low NOx (30ppm) burners firing only natural gas, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 40 feet away from the lot line facing Chestnut Street, to avoid any potential significant air quality impacts.
A101	4141	33, 35, 39	Any new residential and/or commercial development must use HVAC system fitted with low NOx (30ppm) burners firing natural gas, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 115 feet above grade and located at least 40 feet away from the lot line facing Dinsmore Place and at least 25 feet from the lot line facing Chestnut Street, to avoid any potential significant air quality impacts.
A102	4156	1, 45, 50	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.

**Table 2**  
**(E) Designations for Potential Development Sites (HVAC Restrictions)**

Development Site	Block	Lots	Proposed (E) Designation
A105	4214	1, 6	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.
A106	3988	28, 34, 35	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for HVAC systems.

## **Noise (E) Designations**

As disclosed in East New York Rezoning Proposal FEIS, the noise analysis determined that for all affected privately-held projected and potential development sites, environmental requirements would be necessary to ensure noise levels within the proposed development sites would comply with all applicable requirements. Therefore, building attenuation as well as the requirement for an alternate means of ventilation would be required for all affected privately-held projected and potential development sites. To the extent permitted under ZR Section 11-15, the requirements of the (E) designation may be modified, or determined to be unnecessary, based on new information or technology, additional facts or updated standards that are relevant at the time the site is ultimately developed.

For the City-owned parcel located within projected development site 66 (Block 4142, Lot 32), the requirement for attenuation as well as the requirement for an alternate means of ventilation will be required through a Land Disposition Agreement (LDA) between HPD and the future developer.

The requirements of the (E) designations resulting from the noise analyses would be as presented in the table below.

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
01	a	1437	46	3, 4	35
	b	1437	58		
02	a	1544	21	1	39
	b	1544	42		
03	a	3660	1	5	35
	b	3660	2		
	c	3660	29		
04	a	3661	1	5	35
05	a	3662	48	6, 7	37
	b	3662	49		
06	a	3669	13	5	35
	b	3669	17		
	c	3669	20		
07	a	3669	22	15	33
	b	3669	26		
08	a	3670	9	15	33
	b	3670	31		
	c	3670	33		
09	a	3670	13	15	33
	b	3670	14		
	c	3670	15		
	d	3670	29		
	e	3670	30		
10	a	3670	16	5	35
	b	3670	17		
	c	3670	18		
11	a	3673	14	6, 7	37
	b	3673	15		
	c	3673	16		
12	a	3675	10	4	33
	a	3675	11		
13	a	3687	12	14	37
14	a	3688	11	14	37
	b	3688	18		
15	a	3688	33	19	28
16	a	3691	11	13	33
	b	3691	13		
17	a	3691	24	19	28
18	a	3703	1	20	NA
	b	3703	4		
	c	3703	37		
	d	3703	38		
	e	3703	39		
	f	3703	40		

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
19	a	3703	15	19	28
	b	3703	16		
	c	3703	17		
	d	3703	18		
20	a	3933	55	6, 7	37
21	a	3939	26	8	35
	b	3939	27		
22	a	3942	1	8	35
	b	3942	16		
	c	3942	19		
	d	3942	21		
23	a	3946	14	6, 7	37
	b	3946	17		
	c	3946	18		
24	a	3947	1	13	33
	b	3947	5		
	c	3947	9		
25	a	3952	42	13	33
26	a	3954	45	13	33
	b	3954	55		
27	a	3955	45	13	33
	b	3955	46		
	c	3955	47		
	d	3955	48		
	e	3955	49		
	f	3955	52		
	g	3955	53		
28	a	3957	49	12	33
	b	3957	53		
29	a	3958	20	8	35
30	a	3959	18	8	35
31	a	3961	1	16	31
	b	3961	3		
	c	3961	5		
	d	3961	7		
32	a	3961	15	13	33
	b	3961	16		
	c	3961	113		
33	a	3961	31	19	28
	b	3961	32		
	c	3961	33		
34	a	3962	30	19	28
	b	3962	31		
	c	3962	32		



Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
35	a	3963	14	13	33
	b	3963	15		
	c	3963	16		
36	a	3964	2	16	31
	b	3964	3		
37	a	3964	4	13	33
	b	3964	8		
	c	3964	23		
38	a	3964	24	16	31
	b	3964	25		
	c	3964	26		
	d	3964	27		
39	a	3966	12	13	33
	b	3966	13		
	c	3966	14		
	d	3966	15		
	e	3966	16		
40	a	1554	16	1	39
	b	1554	16		
	c	1554	16		
41	a	3971	17	13	33
	b	3971	19		
	c	3971	21		
42	a	3972	56	18	28
	b	3972	57		
43	a	3973	22	17	NA
	b	3973	24		
44	a	3973	50	17	NA
	b	3973	52		
45	a	3973	53	17	NA
	b	3973	55		
46	a	3974	1	12	33
	b	3975	1		
47	a	3977	17	19	28
	b	3977	18		
	c	3977	19		
	d	3977	20		
	e	3977	21		
48	a	3978	14	19	28
	b	3978	15		

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
49	a	3982	11	19	28
	b	3982	13		
50	a	3983	13	19	28
	b	3983	15		
51	a	3984	15	18	28
52	a	3985	15	18	28
	b	3985	16		
	c	3985	17		
	d	3985	18		
53	a	3986	11	18	28
	b	3986	13		
	c	3986	14		
54	a	3989	9	18	28
	b	3989	10		
	c	3989	12		
	d	3989	14		
	e	3989	16		
55	a	3991	8	18	28
56	a	3992	15	18	28
	b	3992	17		
	c	3992	18		
	d	3992	20		
57	a	3994	28	24	28
58	a	3996	34	24	28
	b	3996	35		
	c	3996	36		
	d	3996	37		
	e	3996	39		
59	a	3998	30	24	28
	b	3998	32		
	c	3998	33		
	d	3998	37		
60	a	4003	35	24	28
61	a	4005	16	21	NA
	b	4005	17		
62	a	4006	11	21	NA
	b	4006	13		
	c	4006	19		
63	a	4010	17	24	28
	b	4010	19		
64	a	4017	15	24	28
	b	4017	19		
65	a	4139	25	10, Playground Analysis	33
	b	4139	29		

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
66 <sup>1</sup>	a	4142	1	10, Playground Analysis	35
67	a	4143	1	9, 10, Playground Analysis	40
68	a	4149	50	11	33
69	a	4153	34	12	33
	b	4153	40		
70	a	4153	76	18	28
	b	4153	78		
	c	4153	79		
71	a	4153	82	18	28
72	a	4154	28	12	33
	b	4154	35		
	c	4154	45		
73	a	4154	99	18	28
	b	4154	100		
74	a	4194	17	22	37
75	a	4195	6	22	37
76	a	4195	21	22	37
	b	4195	30		
77	a	4214	12	23	28
	b	4214	20		
78	a	4228	13	23	28
	b	4228	17		
79	a	4232	18	23	28
	b	4232	17		
80	a	3989	1	21	NA
	b	3989	34		
	c	3989	36		
81	a	4210	1	23	28
	b	4210	35		
	c	4210	34		
	d	4210	43		

<sup>1</sup> For the City-owned parcel located with projected development site 66 (Block 4142, Lot 32), the requirement for façade attenuation as well as the requirement for an alternate means of ventilation will be required through the LDA between HPD and the future developer.

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
A1	a	1437	21	3, 4	35
	b	1437	23		
A2	a	1450	1	4	33
	b	1450	2		
	c	1450	3		
	d	1450	50		
	e	1450	51		
	f	1450	53		
A3	a	1437	1	3	35
A4	a	1540	70	1	39
	b	1540	72		
	c	1540	82		
A5	a	1544	14	1	39
	b	1544	15		
	b	1544	16		
A6	a	1543	1	2	31
A7	a	1553	13	2	31
	b	1553	18		
A8	a	1554	1	2	31
A9	a	1574	23	3	35
	b	1574	32		
A10	a	3671	41	14	37
	b	3671	42		
	c	3671	43		
A11	a	3672	43	14	37
	b	3672	46		
A12	a	3673	20	6	37
	a	3673	21		
A13	a	3673	36	13	33
	b	3673	37		
	c	3673	38		
	d	3673	39		
A14	a	3674	38	13	33
	b	3674	39		
	c	3674	40		
A15	a	3675	1	19	28
A16	a	3675	25	19	28
A17	a	3686	9	16	31
A18	a	3687	5	16	31
	b	3687	6		
	c	3687	7		
A19	a	3973	46	17	NA

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
A20	a	3688	9	16	31
A21	a	3689	25	14	37
	b	3689	26		
A22	a	3689	12	14	37
	b	3689	19		
	c	3689	20		
	d	3689	21		
	e	3689	22		
	f	3689	23		
	g	3689	24		
A23	a	3690	11	13	33
	b	3690	12		
	c	3690	13		
	d	3690	14		
	e	3690	15		
A24	a	3703	7	20	NA
	b	3703	8		
	c	3703	9		
A25	a	3703	35	20	NA
	b	3703	36		
A26	a	3707	7	19	28
	b	3707	15		
	c	3707	16		
A27	a	3720	21	20	NA
A28	a	3722	28	24	28
A29	a	3742	16	24	28
	b	3742	18		
	c	3742	20		
A30	a	3935	43	6, 7	37
	b	3935	44		
	c	3935	142		
A31	a	3950	17	6, 7	37
	b	3950	18		
	c	3950	19		
	d	3950	20		
A32	a	3951	42	13	33
A33	a	3952	20	6, 7	37
	b	3952	21		
	c	3952	22		
A34	a	3953	45	13	33

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
A35	a	3955	20	8	35
	b	3955	21		
	c	3955	22		
	d	3955	23		
A36	a	3956	23	12	33
	b	3956	24		
A37	a	3961	26	19	28
	b	3961	27		
A38	a	3961	29	19	28
	b	3961	30		
A39	a	3963	3	16	31
A40	a	3965	3	16	31
	b	3965	4		
A41	a	3965	6	16	31
	b	3965	7		
A42	a	3965	32	19	28
	b	3965	33		
A43	a	3967	19	13	33
	b	3967	20		
	c	3967	21		
	d	3967	22		
	e	3967	24		
	f	3967	25		
A44	a	3971	39	17	NA
	b	3971	40		
	c	3971	41		
A45	a	3971	44	17	NA
	b	3971	45		
A46	a	3971	53	19	28
	b	3971	54		
A47	a	3972	20	12	33
	b	3972	22		
A48	a	3976	31	12	33
	b	3976	35		
A49	a	3980	14	19	28
	b	3980	15		
	c	3980	17		
	d	3980	19		
A50	a	3982	17	19	28
	b	3982	18		
A51	a	3989	20	17	NA
	b	3989	24		
	c	3989	25		

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
A52	a	3995	29	24	28
	b	3995	31		
	c	3995	32		
	d	3995	129		
A53	a	4004	19	21	NA
	b	4004	20		
A54	a	4018	15	24	28
	b	4018	16		
	c	4018	17		
	d	4018	18		
	e	4018	19		
	f	4018	118		
A55	a	4024	18	23	28
A56	a	4126	1	9	40
A58	a	4154	92	18	28
	b	4154	93		
	c	4154	94		
	d	4154	95		
A59	a	3689	1	19	28
A60	a	4162	2	11	33
	b	4162	10		
A61	a	4211	43	23	28
	b	4211	45		
A62	a	3962	9	13	33
A63	a	3958	49	12	33
A64	a	4137	44	12	33
A65	a	3705	16	19	28
A66	a	3670	25	5	35
	b	3670	27		
A67	a	3672	48	14	37
	b	3672	49		
	c	3672	50		
	d	3672	51		
A68	a	3686	15	14	37
	b	3686	16		
	c	3686	17		
A69	a	3686	19	14	37
	b	3686	21		
A70	a	3687	112	14	37
A71	a	3689	11	16	31

Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
A72	a	3691	14	13	33
	b	3691	15		
	c	3691	16		
	d	3691	18		
A73	a	3721	1	24	28
A74	a	3936	42	6, 7	37
A75	a	3949	1	13	33
A76	a	3959	52	12	33
A77	a	3959	54	12	33
A78	a	3960	21	8	35
A79	a	3960	58	12	33
A80	a	3962	1	16	31
	b	3962	2		
A81	a	3963	8	13	33
A82	a	3963	18	16	31
A83	a	3963	26	19	28
A84	a	3964	1	19	28
	b	3964	33		
	c	3964	34		
	d	3964	35		
A85	a	3965	1	19	28
A86	a	3965	11	13	33
A87	a	3967	13	13	33
	b	3967	15		
A88	a	3971	10	17	NA
	b	3971	11		
A89	a	3971	24	12	33
	b	3971	25		
	c	3971	26		
A90	a	3973	57	18	28
	b	3973	58		
A91	a	3979	11	19	28
	b	3979	12		
	c	3979	13		
A92	a	3987	17	18	28
A93	a	4005	19	21	NA
	b	4005	20		
	c	4005	21		
A94	a	4017	22	24	28
	b	4017	25		
A95	a	4128	66	9	40



Site	Building	Block	Lot	Governing Noise Receptor	CEQR Required Attenuation In dB(A)
A96	a	4137	39	10	31
	b	4137	43		
A97	a	4137	56	12	33
	b	4137	63		
A98	a	4140	27	10, Playground Analysis	33
	b	4140	28		
A99	a	4141	1	10, Playground Analysis	33
	b	4141	4		
A100	a	4141	27	10, Playground Analysis	31
	b	4141	30		
A101	a	4141	33	10, Playground Analysis	33
	b	4141	35		
	c	4141	39		
A102	a	4156	1	18	28
	b	4156	45		
	c	4156	50		
A103	a	4162	18	11	33
	b	4162	22		
	c	4162	29		
A104	a	4167	22	11	33
	b	4167	24		
	c	4167	25		
A105	a	4214	1	23	28
	b	4214	6		
A106	a	3988	28	21	NA
	b	3988	34		
	c	3988	35		

# Exhibit B

## Environmental Impacts and Mitigation

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*In accordance with East New York Rezoning Proposal FEIS*

## Significant Adverse Impacts and Proposed Mitigation Measures

The Proposed Actions as analyzed in the FEIS identified significant adverse impacts with respect to community facilities, open space, shadows, historic and cultural resources, transportation, air quality, noise, and construction. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

### Community Facilities - Public Schools

In the future with the Proposed Actions, the elementary and intermediate school enrollment of Sub-district 2 of Community School District (CSD) 19 is projected to exceed the projected capacity based on the conceptual construction schedule for the RWCDs in year 2024. CSD 19, Sub-district 2 elementary schools would increase from a No-Action utilization rate of 98.3 percent to 109.5 percent in the With-Action condition (an 11.2 percentage point increase). In terms of intermediate schools, CSD 19, Sub-district 2 intermediate schools would increase from a No-Action utilization rate of 103.2 percent to 114.6 percent in the With-Action condition (an 11.4 percentage point increase). As CSD 19, Sub-district 2 elementary and intermediate schools would operate over capacity in the future with the Proposed Actions with an increase of five percentage points or more in their collective utilization rates between the No-Action and With-Action conditions, significant adverse impacts to this sub-district would result.

Under the reasonable worst-case development scenario (RWCDs), 2,925 incremental DU would be developed within CSD 19, Sub-district 2 (compared to the No-Action condition). While the Proposed Actions would also result in 170 and 352 incremental DU in Sub-districts 1 and 2 of CSD 23 and 3,045 incremental DU in CSD 19, Sub-district 1, no significant adverse public school impacts would occur in these sub-districts in the 2030 With-Action condition. To avoid the identified significant adverse elementary school impact in Sub-district 2 of CSD 19, the number of incremental dwelling units that could be developed in the sub-district would have to be reduced to 1,308, generating 379 elementary school students, as compared to No-Action conditions. This would represent a decrease of 1,617 DU (55.3 percent) in CSD 19, Sub-district 2. An increase of 379 elementary school students within Sub-district 2 of CSD 19, would increase the No-Action utilization rates in the sub-district by less than five percentage points and would be below the *CEQR Technical Manual* threshold and, thus, not a significant adverse impact.

To avoid the identified significant adverse intermediate school impacts in Sub-district 2 of CSD 19, the number of incremental dwelling units that could be developed in the sub-district would have to be reduced to 1,279, generating 153 intermediate school students, as compared to No-Action conditions. This would represent a decrease of 1,646 DU (56.3 percent) in CSD 19, Sub-district 2. The 153 intermediate school students within CSD 19, Sub-district 2 would increase the No-Action utilization rate in the sub-districts by less than five percentage points and would similarly be below the *CEQR Technical Manual* threshold that would be considered a significant adverse impact.

Table B-1, below, indicates the number of incremental dwelling units within CSD 19, Sub-district 2 that would result in a significant adverse impact requiring mitigation, as well as the number of additional elementary and intermediate school seats that would need to be provided in order to mitigate the identified significant adverse impacts. In accordance with *CEQR Technical Manual* impact criteria, the number of seats needed to mitigate the significant adverse impacts would either: (1) reduce the incremental increase in the sub-district's elementary or intermediate school

capacity to less than five percentage points over the No-Action condition; or (2) reduce the With-Action utilization rate to less than 100 percent.

**TABLE B-1: CSD 19, Sub-district 2 Elementary and Intermediate School Impact Thresholds and Mitigation School Seats**

Sub-District	Impact Threshold <sup>1</sup>	Mitigation Seats Needed to Fully Mitigate the Significant Adverse Impact
CSD 19, Sub-district 2	1,309 DU (380 students)	454
	1,280 DU (154 students)	183

**Notes:**

<sup>1</sup> Represents increment over No-Action condition.

As indicated in the table, based on the RWCDs for the Proposed Actions, an additional 454 elementary school seats and 183 intermediate school seats would be needed in order to reduce the incremental utilization increase in CSD 19, Sub-district 2 elementary and intermediate school utilization rates to less than the five percentage point *CEQR Technical Manual* impact threshold.

Measures utilized by the DOE to address increased school enrollments include:

- Restructuring or reprogramming existing school space under the Department of Education’s control in order to make available more capacity in existing school buildings located within CSD 19, Sub-district 2;
- Relocating administrative functions to another site, thereby freeing up space for classrooms; and/or
- Creating additional capacity in the area by constructing a new school(s), building additional capacity at existing schools, or leasing additional school space constructed as part of projected development within CSD 19, Sub- district 2.

To mitigate the identified elementary and intermediate school impacts resulting from the Proposed Actions, enrollment in CSD 19, Sub-district 2 will be monitored. If a need for additional capacity is identified, DOE will evaluate the appropriate timing and mix of measures, identified above, to address increased school enrollment. In coordination with the New York City School Construction Authority (SCA), if additional school construction is warranted, and if funding is available, it will be identified in the Five-Year Capital Plan that covers the period in which the capacity need would occur (refer to the DOE’s letter to the City Planning Commission Chairman dated February 5, 2016, provided in Appendix C, “Agency Correspondence”).

In general, the Proposed Actions would allow for the development of community facility space, including new school facilities, within the project area. It should also be noted that any new school facility would be subject to its own site selection process and separate environmental review.

The Proposed Actions would not result in a significant adverse impact on CSD 19, Sub- district 1 elementary schools in the 2030 With-Action condition, as 682 elementary school seats would be introduced on projected development site 66 under the RWCDs. However, as the With-Action school is not expected to be completed until the 2020-2021 academic year, the elementary school utilization rate that would occur in 2020 (Q2) would constitute a significant adverse impact, but because the impact would last only until the school’s anticipated 2020(Q3) completion, the impact is considered to be temporary, and no mitigation is warranted.

**Community Facilities - Child Care Services**

Under the RWCDS, the Proposed Actions would result in a significant adverse impact on publicly funded child care facilities. The RWCDS for the Proposed Actions are expected to introduce approximately 3,538 low- to moderate- income DU by 2030, which would generate approximately 630 children under the age of six eligible for publicly funded child care programs based on the *CEQR Technical Manual* child care multipliers. With the addition of these children, the combined utilization rate of child care facilities within the two-mile child care study area would increase to 103.4 percent, a 10.6 percentage point increase over the No-Action condition. As discussed in FEIS, this significant adverse impact to publicly funded group child care facilities in the study area could occur in year 2020 based on the conceptual construction schedule.

To avoid the identified significant adverse child care center impact, the number of affordable DU that could be developed on the projected development sites would have to be reduced to 2,401, a 32 percent (1,137 DU) reduction in the number of affordable units anticipated under the RWCDS. The 2,401 affordable DU would generate 427 children under age six eligible for publicly funded child care and study area child care facilities would operate at capacity with no child care slot shortfall.

Table B-2, below, indicates the minimum number of affordable DUs that would result in a significant adverse child care center impact (2,402 affordable DU), as well as the number of additional child care slots that would need to be provided in order to mitigate the identified significant adverse impacts. In accordance with *CEQR Technical Manual* impact criteria, the number of slots needed to mitigate the significant adverse child care center impact would reduce the With-Action utilization rate to 100 percent. As indicated in the table, based on the RWCDS for the Proposed Actions, an additional 203 child care slots would be needed. With 203 additional child care slots, study area child care facilities would operate at capacity, with no child care slot shortfall.

**TABLE B-2: Child Care Center Impact Threshold and Mitigation Child Care Seats**

Impact Threshold <sup>1</sup>	Mitigation Child Care Slots Needed to Fully Mitigate the Significant Adverse Impact
2,402 DU (428 child-care eligible children)	203

**Notes:**

<sup>1</sup> Represents increment over No-Action condition.

Since the publication of the DEIS, possible mitigation measures for this significant adverse impact on publicly funded child care centers were further explored in consultation with the ACS.

As noted in both the DEIS and this FEIS, in the discussion of the indirect effects on publicly funded child care centers, several factors could limit the number of children in need of publicly funded child care slots in ACS-contracted child care facilities. Private day care facilities and day care centers outside of the study area are not accounted for in this analysis. Some of the increased child care demand would likely be offset by parents who choose to take their children to day care centers outside of the study area (e.g., closer to parent’s workplace). Additionally, the City’s new universal Pre-Kindergarten program has greatly expanded the number of free Pre-K seats available for 4-5 year olds, which seats are not accounted for in this analysis. Families might choose to enroll their children in Pre-K rather than in day care, reducing the demand for child care seats.

As residential development occurs, new capacity will be needed to meet the increased demand for child care slots. Enhanced Commercial Districts are being established along major corridors in East New York, and the NYC Department of Housing Preservation and Development (HPD) is expected

to subsidize the development of a significant number of new mixed-use buildings in these districts. These districts require non-residential ground floor uses in any new development, thus expanding the amount of available commercial and community facility space in the neighborhood. These spaces could be occupied by retail or community facility uses such as day cares. HPD will work with the Department of Small Business Services (SBS) and other agencies to understand local needs for day care and other community facilities and make appropriate referrals to developers receiving City subsidy. To support local capacity to meet the need for additional day care slots while providing economic opportunity for area residents, SBS will sponsor programs in East New York tailored to the needs of day care operators to help them establish and grow their businesses.

Finally, ACS will monitor the demand and need for additional publicly funded day care services in the area and identify the appropriate measures to meet demand for additional slots.

While the above measures would offset or serve to at least partially mitigate the identified impact, in the event that the projected demand for child care slots cannot be met, an unavoidable significant adverse impact would result.

### **Open Space**

Given the anticipated decrease in the total, active, and passive open space ratios in the residential study area and the fact that open space ratios in the study area would remain below the City guideline ratios, the Proposed Actions would result in a significant adverse indirect impact to the total, passive, and active open space resources in the residential study area. This significant adverse impact to open space in the residential study area could occur in year 2022 based on the conceptual construction schedule.

The Proposed Actions are expected to introduce 19,296 residents to the ½-mile residential study area under the RWCDs. To avoid the identified significant adverse residential study area open space impact, the number of residents that could be introduced on the projected development sites would have to be reduced to less than 10,748 (or less than approximately 3,614 residential units). This would represent an approximately 44.3 percent reduction in the number of residential units anticipated under the RWCDs. Alternately, in order to avoid a significant adverse open space impact, the Proposed Actions would have to provide approximately 4.93 acres of additional open space (including a minimum of 2.29 acres of passive open space and a minimum of 2.52 acres of active open space) to the study area.

The *CEQR Technical Manual* lists potential mitigation measures for open space impacts. These measures include, but are not limited to, creating new open space within the study area; funding for improvements, renovation, or maintenance at existing local parks; or improving existing open spaces to increase their utility or capacity to meet identified open space needs in the area, such as through the provision of additional active open space facilities. Except for the creation of new open space, the other measures noted herein would only partially mitigate a significant adverse open space impact. These potential mitigation measures were explored in coordination with the lead agency, DCP, and DPR and between the DEIS and FEIS.

In order to mitigate the significant adverse impact on open space in the residential study area, several improvements to study area open space resources would be implemented. In addition, the schoolyards at two area schools – P.S. 677 East New York Elementary School of Excellence (housed in the former PS 72 building), and PS 345 Patrolman Robert Bolden – would be made open to the public under the City's Schoolyards to Playground program. Finally, the new school to be built in the rezoning area in connection with the Proposed Actions (projected to occur on Site 66) would include a publicly accessible playground. The goal of these mitigation measures, which are described in more detail below, is to increase the amount of publicly accessible open space in the

rezoning area and to add and/or enhance park components that would address the need for increased fitness and recreation opportunities for current and future residents.

Improvements to open space resources in the study area could allow local parks to better serve the existing and future population. As identified in the Open Space analysis, planned improvements to City Line Park, Sperandeo Brothers Playground and Highland Park will enhance the usability of these resources. The handball and basketball courts and Sperandeo Brothers playground will be repaired. Highland Park Lower Playground, which is within the 1/4 mile study area, will be improved with a reconstruction of the western half of lower playground area, which could include seating areas, efficient circulation, welcoming entrances, improved landscaping/increased planted areas and improvement of safety for children and playground patrons. At City Line Park, an existing deteriorated asphalt surfaced athletic field will be converted into an active recreational area. While the full project scope will be determined at future meetings open to the public, this project could include the addition of a synthetic turf field, a perimeter rubberized surface track, adult fitness equipment, seating areas and expanded landscape plantings. In addition, the design shall provide for an improved pedestrian connection from the project area to the existing comfort station located on Fountain Avenue. These planned improvements will expand the recreational opportunities at existing parks. The scope of potential improvements to other residential study area open resources would be contingent upon available funds and the deficiencies or needs of the specific open space and could serve to further mitigate the identified passive and active open space impact.

In addition, as noted above, the existing schoolyard playgrounds at P.S. 345 Patrolman Robert Bolden, located at 111 Berriman Street, directly south of projected development site 46—Arlington Village, and P.S. 677 East New York Elementary School of Excellence (formerly P.S. 72), located at 605 Shepherd Avenue less than a quarter-mile south of the project area, will be opened to the public during non-school weekday and weekend hours through the Schoolyard to Playground program operated by DOE and DPR. In total, this measure would add an additional 1.5 acres of publicly accessible open space to the primary study area. The goal of this mitigation measure is to increase the amount of publicly accessible open space in the rezoning area and to close a significant ‘walk gap’ in the rezoning area, by increasing the percentage of existing and future residents within walking distance to a park.

The Proposed Actions include the construction of a new school on projected development site 66, the City-owned Dinsmore-Chestnut site. This school site would include at-grade open space accessible to the public. This would provide new open space to the community, in close proximity to an area where significant residential development is projected, on site 66 as well as adjacent site 67. This would add an additional 25 acres of publicly accessible open space to the rezoning area.

The measures described above, which would substantially increase the usability of and enhance open space resources for the additional population introduced by the Proposed Actions, would partially mitigate the significant adverse impact to active and passive open space resources in the residential study area. As a consequence, the Proposed Actions’ significant adverse open space impact would not be completely eliminated and, as a result, an unavoidable significant adverse open space impact would occur.

## **Shadows**

The Proposed Actions would result in a significant shadows impact (and shadow-related historic resource impact) on the NYCL-eligible and S/NR- eligible Holy Trinity Russian Orthodox Church. Under RWCDs With-Action conditions, incremental shadows on sunlight-sensitive features of the Holy Trinity Russian Orthodox Church would occur on all four representative analysis days, with durations ranging from 36 minutes to two hours and 50 minutes; on the March 21, May 6, and June 21 analysis days, shadow coverage would be limited to the lower levels of

the church's western and southern façades. On these days, incremental shadows would cover a maximum of two stained glass windows at any one time. On the December 21 analysis day, incremental shadows would reach sunlight-sensitive features on both the clerestory and lower level of the church's western and southern façades. On December 21, incremental shadows would cover parts of anywhere from one to eight stained glass windows. As project-generated incremental shadows would reach a maximum of eight of the church's twenty-two stained glass windows at any one time, incremental shadows would not result in the complete elimination of direct sunlight on all sunlight-sensitive features of this historic resource. However, as these incremental shadows may have the potential to affect the public's enjoyment of this feature, albeit for a brief duration of approximately 36 minutes on March 21, 45 minutes on May 6, 49 total minutes on June 21, and two hours and 50 minutes on December 21, this is being considered a significant adverse shadow impact. It should be noted that the sites that would cast incremental shadows on this historic resources are potential, rather than a projected, development sites. As described in the FEIS, potential development sites are considered less likely to be developed than projected development sites. Consequently, the likelihood of this impact occurring is less than if it were to result from development on a projected development site.

DCP, in consultation with the LPC explored between the DEIS and FEIS whether measures to mitigate the identified shadow impact were feasible. It has been determined that there are no feasible or practicable mitigation measures that can be implemented to mitigate this impact, and the Proposed Actions' significant adverse shadows impact on the Holy Trinity Russian Orthodox Church therefore remains unmitigated.

### **Historic and Cultural Resources**

The Proposed Actions could result in significant adverse historic resources impacts to one resource that is eligible for S/NR-listing and NYCL-designation. Projected development site 37, which is expected to be developed under RWCDS With-Action conditions, contains the S/NR- and NYCL-eligible Empire State Dairy Building. As the maximum permitted With-Action FAR on site 37 could be constructed without the demolition or enlargement of the Empire State Dairy Building, the structure is not projected to be demolished, either partially or entirely, or substantially altered under the RWCDS. However, the Proposed Actions do not include any measures that would prevent the demolition or alteration of the Empire State Dairy Building.

In the event that the structure was designated as a landmark by the LPC, the significant adverse impact would be fully mitigated. However, as the designation process is subject to LPC approval, and not CPC approval, it cannot be assumed or predicted with any certainty. The possibility of potential designation of this resource was explored, in consultation with the LPC, between the DEIS and FEIS. Specifically, LPC has been in contact with the property owner(s) of the S/NR- and NYCL-eligible Empire State Dairy Building with the intent of potentially designating the property as a NYCL. However, as this process is ongoing, designation of the building by LPC is not certain at this time. Absent LPC's designation of the Empire State Dairy Building, the implementation of measures such as photographically documenting the eligible structure in accordance with the standards of the Historic American Buildings Survey (HABS) could partially mitigate the identified significant adverse direct impact to this historic architectural resource. However, a mechanism to require such measures is not available. Accordingly, this impact would not be completely eliminated, and, if the Empire State Dairy Building is not designated as a landmark, an unavoidable significant adverse impact on this historic resource would occur.



## **Transportation - Traffic**

The Proposed Actions would result in significant adverse traffic impacts at 47 study area intersections during one or more analyzed peak hours; specifically 59 lane groups at 41 intersections during the weekday AM peak hour, 40 lane groups at 25 intersections during the midday peak hour, 67 lane groups at 39 intersections during the PM peak hour, and 38 lane groups at 26 intersections during the Saturday midday peak hour.

As demonstrated below, most of these impacts could be mitigated through the implementation of traffic engineering improvements, including:

- Installation of a new traffic signal at the intersection of Fulton and Chestnut Streets;
- Modification of traffic signal phasing and/or timing;
- Elimination of on-street parking within 100 feet of intersections to add a limited travel lane, known as “daylighting”;
- Channelization and lane designation changes to make more efficient use of available street widths;
- Conversion of Dinsmore Place from two-way to one-way operation; and
- Street widening to provide an additional travel lane at an intersection approach.

The types of mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. Table B-3 summarizes the recommended mitigation measures for each of the intersections with significant adverse traffic impacts during the weekday AM, midday and PM and Saturday midday peak hours. Implementation of the recommended traffic engineering improvements is subject to review and approval by DOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

The With-Action RWCDS includes the development of a 1,000-seat PS/IS school on projected development site 66 bounded by Atlantic Avenue on the south, Dinsmore Place on the north, Chestnut Street on the east, and Logan Street on the west. It is anticipated that pickup and drop-off activity by both autos and school buses would primarily occur along the south side of Dinsmore Place between Richmond and Chestnut Streets, and that new pedestrian trips by students, parents, and staff would be most concentrated along sidewalks and crosswalks at intersections along Dinsmore Place and Fulton Street at Logan, Richmond, and Chestnut Streets. As noted above, conversion of Dinsmore Place from two-way to one-way eastbound operation is recommended as part of the Proposed Actions’ traffic mitigation plan. Signalization of the Logan Street/Dinsmore Place intersection is also proposed as a pedestrian safety improvement and is reflected in the analysis of Action-With-Mitigation conditions. New crosswalks would be installed on the Logan Street approaches to Dinsmore Place in conjunction with this signal installation. For analysis purposes a signal timing was developed for the proposed traffic signal based on the timings at upstream and downstream intersections, required pedestrian crossing times, and the need to accommodate future peak period traffic volumes.

Tables B-4 through B-7 show the v/c ratios, delays, and levels of service (LOS) for impacted lane groups at each intersection with implementation of these mitigation measures and compares them to No-Action and With-Action conditions for the weekday AM, midday and PM and Saturday midday peak hours, respectively. According to *CEQR Technical Manual* criteria, an impact is considered fully mitigated when the resulting LOS degradation under the Action-with-Mitigation condition compared to the No-Action condition is no longer deemed significant following the

impact criteria. Tables B-4 through B-7 show that significant adverse impacts would be fully mitigated at all but 18 lane groups at 11 intersections during the weekday AM peak hour, 13 lane groups at four intersections during the midday peak hour, 21 lane groups at 11 intersections during the PM peak hour, and ten lane groups at five intersections during the Saturday midday peak hour. In total, impacts to one or more approach movements would remain unmitigated in one or more peak hours at 16 intersections. Consequentially, these impacts would constitute unavoidable significant adverse traffic impacts as a result of the Proposed Action.

### ***Effects of Pedestrian Mitigation on Traffic Conditions***

Proposed pedestrian mitigation measures (discussed later in this document) are not expected to affect traffic conditions at any analyzed intersection in any peak hour.

### ***Proposed Schedule for Traffic Mitigation Measures***

Subject to the approval of DOT, the mitigation measures summarized in Table B-3 would be implemented to mitigate the significant adverse traffic impacts resulting from full build-out of the Proposed Actions in 2030. As the development of the Proposed Actions would be expected to occur over an approximately 15-year period, it is possible that some of the significant adverse traffic impacts could occur prior to full build-out in 2030. Based on the anticipated construction schedule shown in FEIS, incremental vehicle trips associated with traffic generated by projected development sites could potentially result in significant adverse traffic impacts beginning in the 2nd quarter of 2018 with the completion of the first phase of projected development site 67. This level of development would result in a net increase of 206 dwelling units, 16,072 gsf of office space, and 36,480 gsf of community facility (medical office) space along with a net reduction of 66,584 gsf of retail space, and would generate more than the CEQR Technical Manual analysis threshold of 50 peak hour vehicle trip ends in all peak periods. At this earlier point in time, implementation of some or all of the mitigation measures developed for full build-out of the Proposed Actions in 2030 would be considered at impacted intersections in proximity to projected development site 67, including the conversion of Dinsmore Place from two-way to one-way eastbound operation between Logan and Chestnut Streets, and additional measures at four intersections along the Logan Street corridor at Atlantic and Liberty Avenues, Dinsmore Place, and Fulton Street, as well as the intersections of Fulton Street with Chestnut Street and with Euclid Avenue.

**TABLE B-3: Proposed Traffic Mitigation Measures**

Intersection	Signal Phase	No-Action Signal Timing (Seconds) (1)				Proposed Signal Timing (Seconds) (1)				Recommended Mitigation
		AM	MD	PM	SAT MD	AM	MD	PM	SAT MD	
Arlington Avenue & Jamaica Avenue	EB/WB NB/SB	-	-	-	-	-	-	-	-	Unmitigatable
Atlantic Avenue & Rockaway Avenue	EB-L/WB-L EB/WB NB NB/SB	15 56 13 36	12 33 11 34	15 56 13 36	15 56 13 36	15 58 13 34	12 33 11 34	15 57 13 35	15 56 13 36	- Install "No Standing Anytime" regulation along east curb of NB and west curb of SB approach for 100 feet. - Restripe NB and SB approaches from one 22-foot-wide shared left-through-right lane to one 11-foot-wide left-turn only lane and one 11-foot-wide shared through-right lane. - Transfer 2s of green time from NB/SB to EB/WB in AM and 1s in PM.
Atlantic Avenue & Eastern Parkway	EB/WB PED NB/SB PED	61 7 45 7	38 7 38 7	61 7 45 7	38 7 45 7	61 7 38 7	39 7 45 7	61 7 37 7	39 7 45 7	- Install "No Standing Anytime" regulation along west curb of SB approach for 100 feet to allow for three effective moving lanes. - Transfer 1s of green time from NB/SB to EB/WB in midday and Saturday midday.
Atlantic Avenue & Georgia Avenue	EB/WB NB/SB	81 39	81 39	81 39	55 35	79 41	79 41	79 41	55 35	- Transfer 2s of green time from EB/WB to NB/SB in AM, midday, and PM.
Atlantic Avenue & Pennsylvania Avenue	EB/WB EB NB-L/SB-L NB/SB	52 15 15 38	46 12 13 49	41 15 15 49	31 12 12 35	52 15 12 38	46 12 13 49	41 15 13 49	31 12 15 35	Unmitigatable
Atlantic Avenue & Miller Avenue	WB EB/WB SB	- 81 39	- 81 39	- 81 39	- 59 31	12 68 40	14 67 39	11 47 42	12 47 31	- Introduce new WB leading signal phase. - Transfer 1s of green time from EB/WB to SB in AM and 2s in PM.
Atlantic Avenue & Schenck Avenue	EB/WB PED NB	79 7 34	79 7 34	79 7 34	54 7 29	79 7 34	79 7 34	79 7 34	54 7 29	- Install "7AM-7PM Except Sunday" regulation along west curb of NB approach for 100 feet to allow for two effective moving lanes.
Atlantic Avenue & Warwick Street	EB/WB WB PED SB	64 15 7 34	68 13 7 32	68 13 7 32	42 13 7 28	62 17 7 34	65 16 7 32	68 14 7 31	42 13 7 28	- Install "No Standing 7AM-10AM, 4PM-7PM Mon-Fri" regulation along west curb of SB approach for 100 feet to allow for two effective moving lanes. - Transfer 2s of green time from EB/WB to WB in AM and 3s in midday. - Transfer 1s of green time from SB to WB in PM.
Atlantic Avenue & Elton Street	EB EB/WB Ped	- 81 39	- 81 39	- 81 39	- 55 35	13 68 39	13 68 39	13 68 39	11 44 35	- Introduce new EB leading signal phase.
Atlantic Avenue & Highland Place	EB EB/WB PED SB	- 79 7 34	- 74 7 39	- 79 7 34	- 53 7 30	13 66 7 34	13 61 7 39	13 67 7 33	11 45 7 27	- Introduce new EB leading signal phase. - Stripe NB receiving-end and SB approach from an unstriped 2-way 30-foot-wide road with parking along SB approach to one 10-foot-wide SB left-turn only lane, one 10-foot-wide SB left-right turn lane, and one 10-foot-wide NB receiving lane. - Set back SB approach stop bar 45 feet from crosswalk. - Install "No Standing Anytime" regulation along west curb of SB approach and east curb of NB receiving-end for 195 feet.
Atlantic Avenue & Logan Street	EB/WB NB/SB	66 54	67 53	66 54	41 49	66 54	63 57	62 58	42 48	- Narrow west sidewalk along Logan Street by three feet (from 18 feet to 15 feet) for approximately 160 feet from the intersection with Atlantic Avenue. - Restripe SB approach and NB receiving-end from one 15-foot-wide shared SB left-through-right lane and one 15-foot-wide NB receiving lane to one 11-foot-wide SB shared through-right lane, one 11-foot-wide SB left-turn only lane, and one 11-foot-wide NB receiving lane for approximately 150 feet. - Set back SB approach stop bar 45 feet from crosswalk. - Install "No Standing Anytime" regulation along west curb of SB approach and east curb of NB receiving-end for approximately 160 feet. - Install "No Standing 4PM-7PM Mon-Fri" regulation along south curb of EB approach for 250 feet. - Transfer 4s of green time from EB/WB to NB/SB in midday and PM. - Transfer 1s of green time from NB/SB to EB/WB in Saturday midday.
Atlantic Avenue & Euclid Avenue	EB/WB PED NB/SB	79 7 34	79 7 34	79 7 34	47 7 36	76 7 37	76 7 37	75 7 38	47 7 36	- Install "No Standing 4PM-7PM Mon-Fri" regulation along east curb of SB approach for 250 feet. - Transfer 3s of green time from EB/WB to NB/SB in AM and midday; 4s in PM.
Atlantic Avenue & Crescent Street	WB EB/WB NB/SB	13 68 39	13 58 49	13 68 39	13 46 31	13 68 39	13 58 49	16 64 40	13 46 31	- Transfer 3s of green time from EB/WB to WB in PM. - Transfer 1s of green time from EB/WB to NB/SB in PM.
Atlantic Avenue & Rockaway Boulevard	WB EB/WB NB/SB	14 62 44	11 38 41	12 67 41	11 38 41	14 62 44	11 39 40	13 66 41	11 39 40	- Install "No Standing 4PM-7PM Mon-Fri" regulation along south curb of EB approach for 250 feet. - Transfer 1s of green time from NB/SB to EB/WB in midday and Saturday midday. - Transfer 1s of green time from EB/WB to WB in PM.

This table has been revised for the FEIS.

**TABLE B-3: Proposed Traffic Mitigation Measures (continued)**

Intersection	Signal Phase	No-Action Signal Timing (Seconds) (1)				Proposed Signal Timing (Seconds) (1)				Recommended Mitigation
		AM	MD	PM	SAT MD	AM	MD	PM	SAT MD	
Broadway & Rockaway Avenue/Cooper Street	EB/WB NB/SB	72 48	54 36	72 48	54 36	72 48	54 36	72 48	55 35	- Install "No Standing 7AM-10AM, 4PM-7PM Mon-Fri" regulation along north curb of WB approach for 100 feet to allow for two effective moving lanes. - Transfer 1s of green time from NB/SB to EB/WB in Saturday midday.
Broadway & Eastern Parkway/Hull Street	EB/WB NB/SB NB-Hull Street	39 63 18	30 45 15	39 63 18	30 45 15	39 63 18	33 42 15	39 42 18	33 42 15	- Transfer 3s of green time from NB/SB to EB/WB in Midday and Saturday midday.
Bushwick Avenue & Eastern Parkway	EB/WB WB-L/NB-R EB/SB-R	75 34 11	57 22 11	75 34 11	57 22 11	75 34 11	57 22 11	74 35 11	57 22 11	- Restripe WB approach from one 10-foot-wide left-turn only lane and 11-foot-wide shared left-through-right lane to one 10-foot-wide left-turn only lane and one 12-foot-wide shared left-through-right lane. - Transfer 1s of green time from EB/WB to WB-L/NB-R in PM.
Dinsmore Place & Logan Street	WB PED NB/SB	- - -	- - -	- - -	- - -	- 35 55	- 35 55	- 35 55	- 35 55	- Install new traffic signal and crosswalks with timing plan shown as a pedestrian safety improvement. - Convert Dinsmore Place between Logan Street and Chestnut Street from a two-way (EB/WB) street with parking along north curb (WB-approaches) to a one-way EB street with parking along south curb. - Install "No Standing Anytime" regulations on north curb of entire length of Dinsmore Place between Logan Street and Chestnut Street. - Install "No Parking 7AM-4PM School Days, Department of Education" regulation on south curb of Dinsmore Place between Richmond Street and Chestnut Street.
Fulton Street & Van Sinderen Avenue	EB/WB NB/SB SB-only (Bus Lane)	60 40 20	40 30 20	60 40 20	40 30 20	60 40 20	40 30 20	58 42 20	40 30 20	- Transfer 2s of green time from EB/WB to NB/SB in PM.
Fulton Street & Pennsylvania Avenue	EB NB/SB SB	50 52 18	42 60 18	50 52 18	27 50 13	47 55 18	40 62 18	50 52 18	27 50 13	- Transfer 3s of green time from EB to NB/SB in AM and 2s in midday.
Fulton Street & Miller Avenue	EB SB	54 36	54 36	54 36	54 36	53 37	54 36	54 36	54 36	- Transfer 1s of green time from EB to SB in AM.
Fulton Street & Elton Street	EB NB	- -	- -	- -	- -	- -	- -	- -	- -	- Install "No Standing 7AM-7PM Except Sunday" regulation along east curb of NB approach for 150 feet to allow for two effective moving lanes.
Fulton Street & Highland Place	EB NB/SB	36 24	36 24	36 24	36 24	36 24	36 24	36 24	37 23	- Transfer 1s of green time from NB/SB to EB in Saturday midday.
Fulton Street & Logan Street	EB/WB NB/SB	33 27	33 27	33 27	33 27	35 25	34 26	36 24	35 25	- Install "No Standing Anytime" regulation on west curb of SB receiving-end for 150 feet. - Install "No Standing Anytime" regulation on east curb of NB approach for 140 feet. - Install "No Standing 7AM-7PM Except Sunday" regulation on north curb of WB approach for 100 feet. - Restripe SB receiving-end and NB approach from one 15-foot-wide SB receiving lane and one 15-foot-wide NB shared left-through-right lane to one 10-foot-wide SB receiving lane, one 10-foot-wide NB left-turn only lane with 100 feet of storage, and one 10-foot-wide NB shared through-right lane. - Set back NB approach stop bar 40 feet from crosswalk. - Transfer 2s of green time from NB/SB to EB/WB in AM and Saturday midday; 1s in midday and 3s in PM.
Fulton Street & Chestnut Street	EB/WB NB	- -	- -	- -	- -	29 31	35 25	32 28	35 25	- Install new traffic signal and crosswalks with timing plan shown.
Fulton Street & Euclid Avenue	EB/WB SB	36 24	36 24	36 24	36 24	34 26	36 24	34 26	36 24	- Transfer 2s of green time from EB/WB to SB in AM and PM.
Glenmore Avenue & Pennsylvania Avenue	EB/WB NB/SB	39 81	39 81	39 81	30 60	39 81	39 81	39 81	60 60	- Install "No Standing 7AM-10AM Mon-Fri" regulation on south curb of WB approach for 60 feet to allow for two effective moving lanes.
Glenmore Avenue & Miller Avenue	WB SB	- -	- -	- -	- -	- -	- -	- -	- -	Unmitigatable
Bushwick/Jamaica Aves & Pennsylvania Avenue/Jackie Robinson Parkway	EB-Bushwick/NB EB-Jamaica WB NB/SB	34 30 17 39	36 28 21 35	36 31 17 36	28 22 15 25	34 30 17 39	36 28 21 35	36 31 17 36	28 22 15 25	Unmitigatable
Jamaica Avenue & Highland Place/Force Tube Avenue	EB/WB NB/SB	30 30	30 30	30 30	30 30	30 30	31 29	27 33	31 29	- Install "No Standing 7AM-10AM, 4PM-7PM Mon-Fri" regulation on south curb of EB approach for 100 feet. - Transfer 1s of green time from NB/SB to EB/WB in midday and Saturday midday. - Transfer 3s of green time from EB/WB to NB/SB in PM.
Jamaica Avenue & Euclid Avenue/Cypress Hill Street	EB/WB SB/WB-R	37 23	37 23	37 23	37 23	37 23	37 23	37 23	37 23	- Install "No Standing Anytime" regulation on south curb of EB approach for length of block.

This table has been revised for the FEIS.

**TABLE B-3: Proposed Traffic Mitigation Measures (continued)**

Intersection	Signal Phase	No-Action Signal Timing (Seconds) (1)				Proposed Signal Timing (Seconds) (1)				Recommended Mitigation
		AM	MD	PM	SAT MD	AM	MD	PM	SAT MD	
Liberty Avenue & Pennsylvania Avenue	EB/WB NB-L/SB-L NB/SB	39 11 70	39 11 70	39 11 70	30 11 49	39 11 70	41 11 68	41 11 68	34 11 45	- Install "No Standing 7AM-7PM Mon-Fri" regulation along north curb of WB approach for 100 feet. - Transfer 2s of green time from NB/SB to EB/WB in midday and PM; 4s in Saturday midday.
Liberty Avenue & Miller Avenue	EB/WB SB	78 42	78 42	78 42	59 31	75 45	77 43	76 44	58 32	- Install "No Standing 7AM-10AM, 4PM-7PM Mon-Fri" regulation along east curb of SB approach for 150 feet to allow for two effective moving lanes. - Transfer 3s of green time from EB/WB to SB in AM; 1s in midday and Saturday midday; and 2s in PM.
Liberty Avenue & Schenck Avenue	EB/WB NB	84 36	84 36	84 36	84 36	83 37	84 36	84 36	84 36	- Install "No Standing 7AM-10AM Mon-Fri" regulation along north curb of WB approach for 100 feet. - Transfer 1s of green time from EB/WB to NB in AM.
Liberty Avenue & Warwick Street	EB/WB SB	78 42	78 42	78 42	59 31	75 45	78 42	76 44	58 32	- Install "No Standing 7AM-10AM Mon-Fri" regulation along north curb of WB approach for 100 feet. - Transfer 3s of green time from EB/WB to SB in AM; 2s in PM; and 1s in Saturday midday.
Liberty Avenue & Shepherd Avenue	EB/WB SB	79 41	79 41	79 41	59 31	79 41	79 41	76 44	59 31	- Install "No Standing 7AM-10AM Mon-Fri" regulation along north curb of WB approach for 100 feet. - Transfer 3s of green time from EB/WB to SB in PM.
Liberty Avenue & Montauk Avenue	EB/WB NB/SB	78 42	78 42	78 42	59 31	77 43	78 42	77 43	58 32	- Install "No Standing 7AM-7PM Except Sunday" regulation along west curb of SB approach for 100 feet. - Transfer 1s of green time from EB/WB to NB/SB in AM, PM and Saturday midday.
Liberty Avenue & Milford Street	EB/WB SB	77 43	77 43	77 43	58 32	77 43	77 43	80 40	58 32	- Install "No Standing 7-10AM, 4-7PM Mon-Fri" regulation along north curb of WB approach for 100 feet. - Transfer 3s of green time from SB to EB/WB in PM.
Liberty Avenue & Logan Street	EB/WB NB/SB	84 36	84 36	84 36	54 36	83 37	84 36	82 38	55 35	- Install "No Standing 7-10AM, 4-7PM Mon-Fri" regulation along south curb of EB approach for 200 feet. - Install "No Standing Anytime" regulation along west curb of SB approach for 250 feet.. - Set back SB approach and EB approach stop bars 40 feet from crosswalks. - Restripe SB approach and NB receiving-end from one 11-foot-wide SB left-right turn lane with parking and one 11-foot-wide NB receiving lane to one 10-foot-wide SB right-turn only lane with 210 feet of storage, one 10 foot-wide SB left-turn only lane, and one 10 foot-wide NB receiving lane. - Transfer 1s of green time from EB/WB to NB/SB in AM; 2s in PM. - Transfer 1s of green time from NB/SB to EB/WB in Saturday midday.
Liberty Avenue & South Conduit Boulevard	EB/WB SB	57 63	42 78	42 78	36 54	59 61	44 76	46 74	38 52	- Transfer 2s of green time from SB to EB/WB in AM, midday and Saturday midday; and 4s in PM.
Liberty Avenue & North Conduit Boulevard	EB/WB NB	42 78	42 78	42 78	36 54	42 78	45 75	45 75	38 52	- Transfer 3s of green time from NB to EB/WB in midday and PM and 2s in Saturday midday.
Pitkin Avenue & Mother Gaston Boulevard	EB/WB NB/SB	66 54	66 54	66 54	66 54	68 52	66 54	66 54	66 54	- Transfer 2s of green time from NB/SB to EB/WB in AM.
Pitkin Avenue & Pennsylvania Avenue	EB/WB NB/SB	39 81	39 81	39 81	30 60	41 79	41 79	42 78	33 57	- Install "No Standing Anytime" regulation along west curb of SB approach for 150 feet. - Install "No Standing Anytime" regulation along west curb of SB receiving-end for 150 feet. - Install "No Standing Anytime" regulation along south curb of EB approach for 35 feet. - Restripe SB approach from two 11-foot-wide shared left-through-right-lanes with parking to one 10-foot-wide left-turn only lane with 50 feet of storage, one 10-foot-wide through lane and one 11-foot-wide shared through-right lane. - Restripe SB receiving-end and NB approach from two 11-foot-wide receiving lanes with parking and two 11-foot-wide NB approach shared left-through-right lanes with parking to two (one 11-foot-wide and 10-foot-wide) SB receiving lanes, one 10 foot-wide NB left-turn only lane with 50 feet of storage, one 11-foot-wide through lane and one 11-foot-wide shared through-right lane with parking. - Set back EB approach stop bar 35 feet from crosswalk. - Transfer 2s of green time from NB/SB to EB/WB in AM and midday; 3s in PM and Saturday midday.
Pitkin Avenue & Elton Street	EB/WB NB	-	-	-	-	-	-	-	-	- Install "No Standing Anytime" regulation for 100 feet along east and west curbs of NB approach to allow for two effective moving lanes.
Pitkin Avenue & South Conduit Boulevard	EB/WB SB	50 70	50 70	50 70	33 57	51 69	50 70	50 70	34 56	- Transfer 1s of green time from SB to EB/WB in AM and Saturday midday.
Sutter Avenue & Pennsylvania Avenue	EB/WB NB/SB	39 81	39 81	39 81	30 60	40 80	39 81	39 81	30 60	- Transfer 1s of green time from NB/SB to EB/WB in AM.
Sutter Avenue & Fountain Avenue	EB/WB NB/SB	73 47	55 35	73 47	73 47	72 48	55 35	71 49	72 48	- Transfer 1s of green time from EB/WB to NB/SB in AM; and 2s in PM

**Notes :**

(1) Signal timings shown indicate green plus yellow (including all red) for each phase.

This table has been revised for the FEIS.

**TABLE B-4: Action-With-Mitigation Conditions at Impacted Lane Groups – Weekday AM Peak Hour**

	Weekday AM Peak Hour No-Action					Weekday AM Peak Hour With-Action					Weekday AM Peak Hour Mitigation				
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS
<b>Signalized Intersection</b>															
Atlantic Avenue & Rockaway Avenue	WB	L	0.87	52.1	D	WB	L	0.89	57.2	E	WB	L	0.86	50.1	D
	WB	TR	1.08	81.6	F	WB	TR	1.14	103.9	F	WB	TR	1.10	85.1	F
Atlantic Avenue & Eastern Parkway	WB-Main	T	1.03	64.2	E	WB-Main	T	1.11	91.0	F	WB-Main	T	1.11	91.0	F
Atlantic Avenue & Georgia Avenue	NB	LTR	1.14	130.6	F	NB	LTR	1.19	150.4	F	NB	LTR	1.12	122.2	F
Atlantic Avenue & Pennsylvania Avenue	WB	TR	1.02	62.7	E	WB	TR	1.15	109.1	F	WB	TR	1.15	109.1	F
	NB	TR	1.37	217.9	F	NB	TR	1.44	248.6	F	NB	TR	1.44	248.6	F
	SB	L	0.94	147.1	F	SB	L	1.07	215.9	F	SB	L	1.07	215.9	F
	SB	TR	1.15	123.0	F	SB	TR	1.16	129.8	F	SB	TR	1.16	129.8	F
Atlantic Avenue & Miller Avenue	SB	LTR	1.22	161.0	F	SB	LTR	1.32	203.1	F	SB	LTR	1.21	154.9	F
Atlantic Avenue & Schenck Avenue											NB	L	0.91	75.0	E
	NB	LTR	1.51	286.6	F	NB	LTR	1.74	390.2	F	NB	TR	1.40	248.8	F
											NB	LTR	1.62	162.8	F
Atlantic Avenue & Warwick Street	WB	L	0.81	58.4	E	WB	L	0.87	68.7	E	WB	L	0.82	60.9	E
											SB	L	1.35	222.9	F
	SB	LTR	1.39	237.2	F	SB	LTR	1.45	265.7	F	SB	TR	0.14	36.6	D
											SB	LTR	205.8	F	
Atlantic Avenue & Elton Street	EB	L	0.56	30.5	C	EB	L	0.79	63.5	E	EB	L	0.45	23.7	C
Atlantic Avenue & Highland Place	EB	L	0.67	43.7	D	EB	L	0.92	96.3	F	EB	L	0.47	26.2	C
											SB	L	0.74	54.3	D
	SB	LR	1.02	93.8	F	SB	LR	1.05	103.0	F	SB	R	0.74	59.5	E
											SB	LR	56.3	E	
Atlantic Avenue & Logan Street											SB	L	1.42	254.4	F
	SB	LTR	0.91	61.8	E	SB	LTR	2.06	526.5	F	SB	TR	0.62	33.5	C
											SB	LTR	138.4	F	
Atlantic Avenue & Euclid Avenue	NB	LR	0.40	41.5	D	NB	LR	0.56	47.1	D	NB	LR	0.49	42.1	D
Broadway & Rockaway Avenue											WB	LT	0.87	34.7	C
	WB	LTR	0.85	34.1	C	WB	LTR	1.00	57.8	E	WB	R	0.08	12.5	B
											WB	LTR	33.5	C	
Broadway & Eastern Parkway	EB	TR	0.91	70.7	E	EB	TR	0.98	85.2	F	EB	TR	0.98	85.2	F
	WB	LT	1.13	126.1	F	WB	LT	1.58	318.2	F	WB	LT	1.58	318.2	F
Bushwick Avenue & Eastern Parkway	WB	TR	1.09	80.3	F	WB	TR	1.12	92.2	F	WB	TR	1.08	77.8	E
Fulton Street & Pennsylvania Avenue	NB	TR	1.11	99.2	F	NB	TR	1.18	127.6	F	NB	TR	1.11	96.8	F
Fulton Street & Miller Avenue	SB	LT	0.92	51.1	D	SB	LT	0.96	58.9	E	SB	LT	0.93	51.9	D
Fulton Street & Logan Street	WB	LTR	0.80	26.5	C	WB	LTR	1.25	149.5	F	WB	LTR	1.20	121.3	F
											NB	L	0.58	25.6	C
	NB	LTR	0.96	46.6	D	NB	LTR	1.19	122.8	F	NB	TR	0.97	51.6	D
											NB	LTR	45.8	D	
Fulton Street & Euclid Avenue	SB	LTR	0.93	46.3	D	SB	LTR	1.03	69.5	E	SB	LTR	0.93	43.1	D
Glenmore Avenue & Pennsylvania Avenue											WB	L	0.74	51.1	D
	WB	LR	1.14	133.8	F	WB	LR	1.36	221.3	F	WB	R	1.09	126.9	F
											WB	LR	87.8	F	
Bushwick /Jamaica Avenue & Penn. /Jackie Robinson Pkwy	EB-Jamaica	TR	1.11	112.4	F	EB-Jamaica	TR	1.14	121.6	F	EB-Jamaica	TR	1.14	121.6	F
	WB	L	1.11	152.8	F	WB	L	1.36	246.1	F	WB	L	1.36	246.1	F
	WB	T	1.11	150.9	F	WB	T	1.35	241.5	F	WB	T	1.35	241.5	F
	NB	L	1.16	142.9	F	NB	L	1.22	166.2	F	NB	L	1.22	166.2	F
Jamaica Avenue & Highland Pl/Force Tube Ave.	EB	LTR	1.12	98.2	F	EB	LTR	1.20	128.2	F	EB	LTR	0.93	40.6	D
Jamaica Avenue & Euclid Av/Cypress Hill Street	EB	LTR	1.18	111.9	F	EB	LTR	1.53	262.5	F	EB	LTR	1.18	109.6	F
Liberty Avenue & Pennsylvania Avenue	WB	LTR	0.91	70.5	E	WB	LTR	1.05	103.5	F	WB	LTR	0.86	60.4	E
Liberty Avenue & Miller Avenue											SB	L	0.22	30.1	C
	SB	LTR	0.93	66.7	E	SB	LTR	1.20	151.8	F	SB	TR	0.99	77.1	E
											SB	LTR	69.9	E	
Liberty Avenue & Schenck Avenue	WB	TR	0.89	29.9	C	WB	TR	1.02	55.8	E	WB	TR	0.85	25.0	C
	NB	LTR	0.68	49.1	D	NB	LTR	0.79	55.9	E	NB	LTR	0.76	53.0	D
Liberty Avenue & Warwick Street	WB	LT	0.85	29.1	C	WB	LT	1.04	65.2	E	WB	LT	0.89	34.0	C
	SB	LTR	1.38	227.7	F	SB	LTR	1.47	269.1	F	SB	LTR	1.36	216.5	F
Liberty Avenue & Shepherd Avenue	WB	LT	0.84	28.1	C	WB	LT	0.98	49.4	D	WB	LT	0.81	24.4	C
Liberty Avenue & Montauk Avenue	SB	LR	0.45	37.8	D	SB	LR	0.68	48.3	D	SB	LR	0.52	38.5	D

This table has been revised for the FEIS.

**TABLE B-4: Action-With-Mitigation Conditions at Impacted Lane Groups – Weekday AM Peak Hour (continued)**

	Weekday AM Peak Hour No-Action					Weekday AM Peak Hour With-Action					Weekday AM Peak Hour Mitigation					
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	
Liberty Avenue & Milford Street	WB	LT	0.82	27.5	C	WB	LT	1.03	65.0	E	WB	LT	0.85	29.2	C	
Liberty Avenue & Logan Street	EB	LT	0.42	11.7	B	EB	LT	0.99	60.2	E	EB	LT	0.73	21.3	C	
	NB	LTR	0.77	54.1	D	NB	LTR	0.83	59.2	E	NB	LTR	0.80	55.8	E	
	SB	LR	0.52	45.4	D	SB	LR	1.24	185.1	F	SB	LR	0.66	48.6	D	
Liberty Avenue & South Conduit Boulevard	WB	L	1.09	111.3	F	WB	L	1.16	137.0	F	WB	L	1.09	110.6	F	
Pitkin Avenue & Mother Gaston Boulevard	EB	LTR	0.89	46.0	D	EB	LTR	0.95	57.8	E	EB	LTR	0.91	48.0	D	
Pitkin Avenue & Pennsylvania Avenue	WB	LTR	0.95	55.7	E	WB	LTR	1.10	96.0	F	WB	LTR	1.06	80.2	F	
	EB	TR	1.63	339.6	F	EB	TR	1.73	384.6	F	EB	TR	1.60	324.0	F	
	WB	LTR	1.35	216.1	F	WB	LTR	2.39	679.2	F	WB	LTR	2.16	576.1	F	
Pitkin Avenue & South Conduit Boulevard	SB	L	0.73	39.8	D	SB	L	0.73	39.8	D	SB	L	0.73	39.8	D	
	SB	TR	0.66	16.8	B	SB	TR	0.66	16.8	B	SB	TR	0.66	16.8	B	
	SB	LTR	1.05	63.7	E	SB	LTR	1.17	106.6	F	SB	LTR	1.17	106.6	F	
Pitkin Avenue & South Conduit Boulevard	WB	L	0.91	76.2	E	WB	L	0.94	82.2	F	WB	L	0.90	73.0	E	
Sutter Avenue & Pennsylvania Avenue	WB	LTR	1.14	133.8	F	WB	LTR	1.16	140.2	F	WB	LTR	1.12	125.5	F	
Sutter Avenue & Fountain Avenue	NB	L	0.53	40.3	D	NB	L	0.63	47.7	D	NB	L	0.60	44.8	D	
<b>Unsignalized Intersection</b>																
Dinsmore Place & Logan Street (Two-Way Stop Controlled)	WB	LR	0.19	22.7	C	WB	LR	9.50	4440.0	F	(Signalized)					*
Fulton Street & Elton Street (Two-Way Stop Controlled)											NB	T	1.23	191.6	F	
											NB	R	0.19	17.0	C	
											NB	TR	1.10	135.6	F	
Fulton Street & Chestnut Street (Two-Way Stop Controlled)											NB	TR	1.50	294.2	F	
											NB	LTR	2.30	628.3	F	
											NB	LTR	1.15	102.6	F	
Glenmore Avenue & Miller Avenue (All-Way Stop Controlled)	WB	LT	---	52.6	F	WB	LT	---	96.2	F	WB	LT	---	96.2	F	
Pitkin Avenue & Elton Street (Two-Way Stop Controlled)											NB	L	0.06	24.2	C	
											NB	TR	0.36	29.9	D	
											NB	LTR	0.41	31.8	D	
EB-eastbound, WB-westbound, NB-northbound, SB-southbound L-left turn, T-through, R-right turn, DefL-defacto left turn Shading denotes lane groups with unmitigated impacts. * Lane group would not be impacted in the future condition with the conversion of Dinsmore Place and installation of a new traffic signal. ** Impact could be mitigated by a new traffic signal; however, signalization is not proposed as future conditions would not satisfy required warrants.																

This table has been revised for the FEIS.

**TABLE B-5: Action-With-Mitigation Conditions at Impacted Lane Groups – Weekday Midday Peak Hour**

	Weekday Midday Peak Hour					Weekday Midday Peak Hour					Weekday Midday Peak Hour					
	No-Action					With-Action					Mitigation					
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	
<b>Signalized Intersection</b>																
Atlantic Avenue & Rockaway Avenue	EB	TR	0.92	41.7	D	EB	TR	0.96	46.9	D	EB	TR	0.96	46.9	D	
	WB	TR	1.04	67.2	E	WB	TR	1.08	79.2	E	WB	TR	1.08	79.2	E	
Atlantic Avenue & Eastern Parkway	WB-Main	T	1.11	89.8	F	WB-Main	T	1.15	106.5	F	WB-Main	T	1.11	91.6	F	
Atlantic Avenue & Georgia Avenue	NB	LTR	1.06	105.3	F	NB	T	1.10	118.1	F	NB	LTR	1.04	95.7	F	
Atlantic Avenue & Pennsylvania Avenue	EB	L	1.01	113.6	F	EB	L	1.11	188.7	F	EB	L	1.23	188.7	F	
	EB	LTR	1.02	62.9	E	EB	LTR	1.00	154.6	E	EB	TR	1.25	154.6	F	
	WB	TR	0.92	49.2	D	WB	TR	1.00	62.4	E	WB	TR	1.00	62.4	E	
	NB	TR	1.33	197.0	F	NB	TR	1.44	245.3	F	NB	TR	1.44	245.3	F	
	SB	L	1.23	187.5	F	SB	L	1.53	290.4	F	SB	L	1.53	290.4	F	
	SB	TR	0.82	41.5	D	SB	TR	0.98	63.2	E	SB	TR	0.98	63.2	E	
Atlantic Avenue & Schenck Avenue											NB	L	0.73	54.8	D	
	NB	LTR	1.10	122.6	F	NB	LTR	1.18	152.7	F	NB	TR	0.80	66.5	E	
											NB	LTR		59.9	E	
Atlantic Avenue & Warwick Street	WB	L	0.80	57.5	D	WB	L	0.88	72.3	E	WB	L	0.79	59.4	E	
Atlantic Avenue & Highland Place	EB	L	0.73	46.8	D	EB	L	0.93	85.6	F	EB	L	0.62	30.7	C	
Atlantic Avenue & Logan Street	NB	TR	0.58	31.1	C	NB	TR	0.90	52.7	D	NB	TR	0.83	41.4	D	
											SB	L	1.18	155.7	F	
	SB	LTR	1.01	87.6	F	SB	LTR	2.05	522.2	F	SB	TR	0.59	30.1	C	
											SB	LTR		87.7	F	
Atlantic Avenue & Euclid Avenue	NB	LR	0.41	42.1	D	NB	LR	0.64	52.3	D	NB	LR	0.57	45.9	D	
	SB	L	0.47	43.2	D	SB	L	0.60	48.3	D	SB	L	0.55	43.7	D	
Atlantic Avenue & Rockaway Boulevard	EB	TR	1.10	85.1	F	EB	TR	1.13	97.5	F	EB	TR	1.10	85.0	F	
Broadway & Eastern Parkway	EB	TR	0.91	62.4	E	EB	TR	0.99	79.6	E	EB	TR	0.88	54.5	D	
	WB	LT	0.69	38.4	D	WB	LT	0.84	50.7	D	WB	LT	0.72	37.6	D	
Fulton Street & Pennsylvania Avenue	NB	TR	1.01	58.7	E	NB	TR	1.05	72.4	E	NB	TR	1.01	59.7	E	
Fulton Street & Logan Street	WB	LTR	0.56	16.2	B	WB	LTR	1.06	78.1	E	WB	LTR	0.92	39.4	D	
Bushwick /Jamaica Avenue & Penn. /Jackie Robinson Pkwy	EB-Bushwick	R	0.85	55.2	E	EB-Bushwick	R	0.89	59.5	E	EB-Bushwick	R	0.89	59.5	E	
	WB	L	1.13	153.2	F	WB	L	1.20	176.6	F	WB	L	1.20	176.6	F	
	WB	T	1.14	154.3	F	WB	T	1.20	177.3	F	WB	T	1.20	177.3	F	
	NB	L	1.08	117.2	F	NB	L	1.13	132.3	F	NB	L	1.13	132.3	F	
Jamaica Avenue & Highland Pl/Force Tube Ave.	EB	LTR	1.12	101.4	F	EB	LTR	1.15	109.2	F	EB	LTR	1.09	68.8	E	
Jamaica Avenue & Euclid Av/Cypress Hill Street	EB	LTR	1.00	51.2	D	EB	LTR	1.13	92.3	F	EB	LTR	0.87	26.1	C	
Liberty Avenue & Pennsylvania Avenue	EB	LTR	0.75	55.8	E	EB	LTR	0.86	68.4	E	EB	LTR	0.79	57.3	E	
	WB	LTR	0.96	82.5	F	WB	LTR	1.22	167.0	F	WB	LTR	0.94	71.0	E	
Liberty Avenue & Miller Avenue	SB	LTR	0.76	48.5	D	SB	LTR	0.83	54.2	D	SB	LTR	0.81	51.4	D	
Liberty Avenue & Montauk Avenue	SB	LR	0.25	32.9	C	SB	LR	0.59	45.6	D	SB	LR	0.46	38.7	D	
Liberty Avenue & Logan Street											SB	L	0.29	40.5	D	
											SB	R	0.51	42.9	D	
	SB	LR	0.40	41.5	D	SB	LR	0.93	84.4	F	SB	LR		42.4	D	
Liberty Avenue & South Conduit Boulevard	WB	L	1.21	173.8	F	WB	L	1.33	223.4	F	WB	L	1.19	165.6	F	
Liberty Avenue & North Conduit Boulevard	WB	TR	1.04	94.4	F	WB	TR	1.12	119.2	F	WB	TR	1.03	88.7	F	
Pitkin Avenue & Pennsylvania Avenue	EB	LTR	1.13	132.1	F	EB	LTR	1.21	161.3	F	EB	LTR	1.12	125.8	F	
	WB	LTR	0.78	54.1	D	WB	LTR	1.01	94.7	F	WB	LTR	0.93	71.7	E	
											SB	L	0.73	37.5	D	
											SB	TR	0.59	15.4	B	
	SB	LTR	1.05	62.8	E	SB	LTR	1.10	81.2	F	SB	LTR		18.1	B	
<b>Unsignalized Intersection</b>																
Dinsmore Place & Logan Street (Two-Way Stop Controlled)	WB	LR	0.15	19.5	C	WB	LR	0.71	171.7	F	(Signalized)	---	---	---	---	*
Fulton Street & Chestnut Street (Two-Way Stop Controlled)	NB	LTR	0.56	27.9	D	NB	LTR	1.58	322.7	F	(Signalized)	NB	LTR	0.87	39.2	D

EB-eastbound, WB-westbound, NB-northbound, SB-southbound  
L-left turn, T-through, R-right turn, DefL-defacto left turn  
Shading denotes lane groups with unmitigated impacts.

\* Lane group would not be impacted in the future condition with the conversion of Dinsmore Place and installation of a new traffic signal.

This table has been revised for the FEIS.



**TABLE B-6: Action-With-Mitigation Conditions at Impacted Lane Groups – Weekday PM Peak Hour**

	Weekday PM Peak Hour No-Action						Weekday PM Peak Hour With-Action						Weekday PM Peak Hour Mitigation						
	Approach	Group	Lane	V/C	Delay	LOS	Approach	Group	Lane	V/C	Delay	LOS	Approach	Group	Lane	V/C	Delay	LOS	
			Ratio	(sec/veh)	Ratio				(sec/veh)	Ratio	(sec/veh)				Ratio	(sec/veh)			
<b>Signalized Intersection</b>																			
Atlantic Avenue & Rockaway Avenue	EB	TR	0.94	43.3	D	EB	TR	0.99	51.9	D	EB	TR	0.97	47.2	D				
Atlantic Avenue & Eastern Parkway	NB	R	1.09	111.9	F	NB	R	1.20	150.4	F	NB	R	1.20	150.4	F				
Atlantic Avenue & Georgia Avenue	NB	LTR	1.12	124.5	F	NB	LTR	1.17	143.4	F	NB	LTR	1.11	116.8	F				
Atlantic Avenue & Pennsylvania Avenue	EB	L	1.26	194.5	F	EB	L	1.35	231.9	F	EB	L	1.35	231.9	F				
	EB	LT	1.24	148.3	F	EB	LT	1.34	193.4	F	EB	LT	1.34	193.4	F				
	WB	TR	1.12	108.1	F	WB	TR	1.23	152.9	F	WB	TR	1.23	152.9	F				
	NB	TR	0.97	61.1	E	NB	TR	1.10	99.0	F	NB	TR	1.10	99.0	F				
	SB	L	0.94	84.5	F	SB	L	1.26	175.4	F	SB	L	1.26	175.4	F				
Atlantic Avenue & Miller Avenue	WB	Defl	1.76	412.7	F	WB	Defl	3.18	1046.0	F	WB	Defl	1.37	239.9	F				
	SB	LTR	1.34	212.3	F	SB	LTR	1.44	252.4	F	SB	LTR	1.32	199.5	F				
Atlantic Avenue & Schenck Avenue											NB	L	0.79	59.5	E				
											NB	TR	1.29	203.1	F				
											NB	LTR		135.4	F				
Atlantic Avenue & Warwick Street	EB	TR	0.94	36.1	D	EB	TR	1.05	61.3	E	EB	TR	1.05	61.3	E				
	WB	L	0.99	105.7	F	WB	L	1.02	114.9	F	WB	L	0.96	99.1	F				
											SB	LT	1.48	278.6	F				
Atlantic Avenue & Elton Street	SB	LTR	1.46	268.5	F	SB	LTR	1.54	302.8	F	SB	LTR	1.48	278.6	F				
											SB	R	0.19	39.8	D				
											SB	LTR		254.0	F				
Atlantic Avenue & Highland Place	EB	L	0.66	36.5	D	EB	L	0.93	85.5	F	EB	L	0.59	27.6	C				
	EB	T	0.76	17.4	B	EB	T	1.07	61.3	E	EB	T	0.82	19.7	B				
Atlantic Avenue & Logan Street	EB	L	0.76	53.0	D	EB	L	0.93	92.9	F	EB	L	0.53	27.1	C				
	EB	T	0.93	29.3	C	EB	T	1.04	54.0	D	EB	T	1.00	41.4	D				
											SB	L	1.02	96.4	F				
											SB	LR	1.02	108.7	F				
											SB	LR		101.2	F				
Atlantic Avenue & Euclid Avenue	NB	TR	0.53	29.8	C	NB	TR	0.91	51.5	D	NB	TR	0.84	40.7	D				
											SB	L	1.52	295.1	F				
											SB	TR	0.53	26.9	C				
Atlantic Avenue & Crescent Street	SB	LTR	0.99	79.5	E	SB	LTR	2.36	658.5	F	SB	LTR		159.5	F				
	NB	LR	0.44	42.8	D	NB	LR	0.69	54.7	D	NB	LR	0.60	45.8	D				
	SB	L	0.83	61.7	E	SB	L	1.01	95.5	F	SB	L	0.79	53.1	D				
Atlantic Avenue & Rockaway Boulevard	SB	R	0.40	42.0	D	SB	R	0.66	54.3	D	SB	R	0.57	45.6	D				
	WB	Defl	0.90	45.0	D	WB	Defl	0.98	96.4	F	WB	Defl	0.90	47.5	D				
	SB	LTR	1.15	146.5	F	SB	LTR	1.20	164.0	F	SB	LTR	1.14	143.2	F				
Broadway & Eastern Parkway	WB	L	1.14	137.9	F	WB	L	1.19	159.4	F	WB	L	1.14	139.9	F				
											WB	LT	0.67	22.5	C				
											WB	R	0.28	14.9	B				
Bushwick Avenue & Eastern Parkway	WB	LTR	0.92	40.7	D	WB	LTR	0.97	49.6	D	WB	LTR		20.7	C				
	EB	L	0.36	40.5	D	EB	L	0.46	47.1	D	EB	L	0.46	47.1	D				
	EB	TR	1.12	128.1	F	EB	TR	1.35	219.5	F	EB	TR	1.35	219.5	F				
Fulton Street & Van Sinderen Avenue	WB	LT	0.98	87.4	F	WB	LT	1.61	334.6	F	WB	LT	1.61	334.6	F				
	WB	L	1.14	120.4	F	WB	L	1.16	127.9	F	WB	L	1.14	120.1	F				
Fulton Street & Pennsylvania Avenue	SB	LTR	0.62	42.4	D	SB	LTR	0.79	50.8	D	SB	LTR	0.75	46.1	D				
	NB	TR	1.08	87.9	F	NB	TR	1.17	120.7	F	NB	TR	1.17	120.7	F				
Fulton Street & Miller Avenue	SB	L	0.97	92.6	F	SB	L	1.21	170.2	F	SB	L	1.21	170.2	F				
	EB	TR	0.94	40.1	D	EB	TR	1.14	99.2	F	EB	TR	1.14	99.2	F				
Fulton Street & Logan Street	WB	LTR	0.69	20.5	C	WB	LTR	1.50	256.8	F	WB	LTR	1.28	155.4	F				

This table has been revised for the FEIS.

**TABLE B-6: Action-With-Mitigation Conditions at Impacted Lane Groups – Weekday PM Peak Hour (continued)**

	Weekday PM Peak Hour No-Action					Weekday PM Peak Hour With-Action					Weekday PM Peak Hour Mitigation				
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS
Fulton Street & Euclid Avenue	SB	LTR	0.81	31.8	C	SB	LTR	1.04	72.2	E	SB	LTR	0.94	44.4	D
Bushwick /Jamaica Avenue & Penn. /Jackie Robinson Pkwy	EB-Bushwick	R	1.08	103.6	F	EB-Bushwick	R	1.15	130.1	F	EB-Bushwick	R	1.15	130.1	F
	WB	L	1.21	187.5	F	WB	L	1.34	238.5	F	WB	L	1.34	238.5	F
	WB	T	1.23	194.1	F	WB	T	1.35	238.9	F	WB	T	1.35	238.9	F
	NB	L	0.89	69.1	E	NB	L	0.95	79.6	E	NB	L	0.95	79.6	E
Jamaica Avenue & Highland Pl/Force Tube Ave.	EB	LTR	0.94	44.8	D	EB	LTR	0.99	56.4	E	EB	LTR	0.93	43.7	D
	SB	TR	1.13	99.6	F	SB	TR	1.25	145.9	F	SB	TR	1.11	90.2	F
Jamaica Avenue & Euclid Av/Cypress Hill Street	EB	LTR	1.20	118.8	F	EB	LTR	1.46	229.7	F	EB	LTR	1.13	87.7	F
Liberty Avenue & Pennsylvania Avenue	EB	LTR	0.97	82.3	F	EB	LTR	1.04	101.4	F	EB	LTR	0.97	79.6	E
	WB	LTR	1.04	104.5	F	WB	LTR	1.34	217.2	F	WB	LTR	1.02	90.0	F
Liberty Avenue & Miller Avenue											SB	L	0.17	29.8	C
											SB	TR	1.05	96.0	F
											SB	LTR		86.8	F
Liberty Avenue & Warwick Street	SB	LTR	1.25	173.3	F	SB	LTR	1.33	204.3	F	SB	LTR	1.26	173.2	F
Liberty Avenue & Shepherd Avenue	SB	LTR	0.49	38.6	D	SB	LTR	0.77	51.7	D	SB	LTR	0.70	44.6	D
Liberty Avenue & Montauk Avenue	SB	LR	0.37	35.8	D	SB	LR	0.81	64.3	E	SB	LR	0.62	43.8	D
Liberty Avenue & Millford Street	WB	LT	0.70	23.2	C	WB	LT	1.23	144.5	F	WB	LT	0.93	42.9	D
Liberty Avenue & Logan Street	EB	LT	0.54	13.3	B	EB	LT	1.15	104.8	F	EB	LT	0.86	28.0	C
	NB	LTR	0.82	58.0	E	NB	LTR	0.92	71.0	E	NB	LTR	0.86	60.7	E
											SB	L	0.59	54.2	D
											SB	R	0.54	42.5	D
										SB	LR		45.9	D	
Liberty Avenue & South Conduit Boulevard	WB	L	0.75	54.5	D	WB	L	0.82	62.6	E	WB	L	0.72	48.0	D
	WB	T	1.12	125.7	F	WB	T	1.25	174.9	F	WB	T	1.13	124.8	F
Liberty Avenue & North Conduit Boulevard	WB	TR	1.36	220.0	F	WB	TR	1.45	259.6	F	WB	TR	1.35	211.2	F
Pitkin Avenue & Pennsylvania Avenue	EB	LTR	1.40	242.2	F	EB	LTR	1.48	274.4	F	EB	LTR	1.31	199.0	F
	WB	LTR	1.09	115.3	F	WB	LTR	1.54	300.4	F	WB	LTR	1.34	210.4	F
											NB	L	0.49	22.1	C
											NB	TR	0.71	18.8	B
											NB	LTR		19.0	B
											SB	L	0.76	46.2	D
											SB	TR	0.68	17.7	B
											SB	LTR		20.2	C
Sutter Avenue & Fountain Avenue	NB	L	0.85	67.7	E	NB	L	0.95	90.2	F	NB	L	0.87	70.4	E
<b>Unsignalized Intersection</b>															
Dinsmore Place & Logan Street (Two-Way Stop Controlled)	WB	LR	0.27	23.3	C	WB	LR	4.35	1812.0	F	--- --- --- --- --- *				
Fulton Street & Elton Street (Two-Way Stop Controlled)											NB	T	0.95	125.4	F
											NB	R	0.23	18.6	C
											NB	TR		86.0	F **
Fulton Street & Chestnut Street (Two-Way Stop Controlled)	NB	LTR	1.05	123.3	F	NB	LTR	2.99	956.7	F	(Signalized)				
Pitkin Avenue & Elton Street (Two-Way Stop Controlled)											NB	L	0.14	27.3	D
											NB	TR	0.51	38.7	E
											NB	LTR		36.4	E **

EB-eastbound, WB-westbound, NB-northbound, SB-southbound  
L-left turn, T-through, R-right turn, DefL-defacto left turn  
Shading denotes lane groups with unmitigated impacts.  
\* Lane group would not be impacted in the future condition with the conversion of Dinsmore Place and installation of a new traffic signal.  
\*\* Impact could be mitigated by a new traffic signal; however, signalization is not proposed as future conditions would not satisfy required warrants.

This table has been revised for the FEIS.

**TABLE B-7: Action-With-Mitigation Conditions at Impacted Lane Groups – Saturday Midday Peak Hour**

	Saturday Midday Peak Hour No-Action					Saturday Midday Peak Hour With-Action					Saturday Midday Peak Hour Mitigation					
	Lane		V/C	Delay	LOS	Lane		V/C	Delay	LOS	Lane		V/C	Delay	LOS	
	Approach	Group	Ratio	(sec/veh)		Approach	Group	Ratio	(sec/veh)		Approach	Group	Ratio	(sec/veh)		
<b>Signalized Intersection</b>																
Atlantic Avenue & Eastern Parkway	EB	TR	0.95	41.4	D	EB	TR	0.98	46.7	D	EB	TR	0.95	40.7	D	
	WB-Main	T	1.22	137.3	F	WB-Main	T	1.26	154.9	F	WB-Main	T	1.23	137.9	F	
Atlantic Avenue & Pennsylvania Avenue	EB	L	0.87	63.0	E	EB	TR	0.93	73.5	E	EB	TR	0.93	73.5	E	
	WB	TR	1.07	79.6	E	WB	TR	1.18	120.2	F	WB	TR	1.18	120.2	F	
	NB	TR	1.22	139.9	F	NB	TR	1.31	179.7	F	NB	TR	1.31	179.7	F	
	SB	L	1.11	116.8	F	SB	LTR	1.23	161.4	F	SB	L	1.23	161.4	F	
Atlantic Avenue & Schenck Avenue											NB	L	0.83	50.3	D	
											NB	TR	0.68	42.7	D	
											NB	LTR		47.4	D	
Atlantic Avenue & Highland Place	EB	L	1.39	250.5	F	EB	L	1.59	336.3	F	EB	L	0.67	32.4	C	
											SB	L	0.76	44.4	D	
											SB	LR	0.78	52.5	D	
											SB	LR		47.5	D	
Atlantic Avenue & Logan Street	WB	TR	0.99	45.7	D	WB	TR	1.03	55.9	E	WB	TR	1.00	47.5	D	
											SB	L	1.20	145.8	F	
											SB	TR	0.48	18.9	B	
											SB	LTR		83.8	F	
Atlantic Avenue & Rockaway Boulevard	EB	TR	1.00	56.5	E	EB	TR	1.03	63.8	E	EB	TR	1.00	54.7	D	
Broadway & Rockaway Avenue	WB	LTR	0.91	36.7	D	WB	LTR	0.97	46.9	D	WB	LTR	0.95	42.0	D	
Broadway & Eastern Parkway	EB	TR	0.95	68.4	E	EB	TR	1.06	97.2	F	EB	TR	0.95	63.4	E	
	WB	LT	0.59	35.0	C	WB	LT	0.82	51.0	D	WB	LT	0.64	34.1	C	
Fulton Street & Highland Place	EB	TR	0.96	37.6	D	EB	TR	1.02	52.2	D	EB	TR	0.99	42.9	D	
Fulton Street & Logan Street	WB	LTR	0.65	18.9	B	WB	LTR	1.13	103.0	F	WB	LTR	0.93	39.1	D	
Bushwick /Jamaica Avenue & Penn. /Jackie Robinson Pkwy	WB	L	1.09	133.2	F	WB	L	1.19	166.9	F	WB	L	1.19	166.9	F	
	WB	T	1.13	146.6	F	WB	T	1.23	174.7	F	WB	T	1.23	174.7	F	
	NB	L	0.94	66.7	E	NB	L	0.98	76.1	E	NB	L	0.98	76.1	E	
Jamaica Avenue & Highland Pl/Force Tube Ave.	EB	LTR	1.14	101.6	F	EB	LTR	1.18	116.6	F	EB	LTR	1.12	92.6	F	
Jamaica Avenue & Euclid Av/Cypress Hill Street	EB	LTR	1.10	81.6	F	EB	LTR	1.29	157.8	F	EB	LTR	1.00	46.8	D	
Liberty Avenue & Pennsylvania Avenue	WB	LT	0.94	66.7	E	WB	LTR	1.12	116.8	F	WB	LTR	0.95	62.4	E	
Liberty Avenue & Miller Avenue	SB	LTR	0.73	38.9	D	SB	LTR	0.85	47.7	D	SB	LTR	0.82	43.6	D	
Liberty Avenue & Warwick Street	SB	LTR	0.97	69.8	E	SB	LTR	1.01	80.4	F	SB	LTR	0.98	69.9	E	
Liberty Avenue & Montauk Avenue	SB	LR	0.44	31.0	C	SB	LR	0.96	86.1	F	SB	LR	0.71	43.3	D	
Liberty Avenue & Logan Street	EB	LT	0.46	14.7	B	EB	LT	0.95	48.6	D	EB	LT	0.92	42.5	D	
Liberty Avenue & South Conduit Boulevard	WB	L	1.19	152.7	F	WB	L	1.31	199.8	F	WB	L	1.15	134.7	F	
	WB	T	0.87	48.9	D	WB	T	0.93	58.8	E	WB	T	0.87	47.8	D	
Liberty Avenue & North Conduit Boulevard	WB	TR	1.30	182.2	F	WB	TR	1.37	211.6	F	WB	TR	1.29	174.9	F	
Pitkin Avenue & Pennsylvania Avenue	EB	LTR	0.80	47.2	D	EB	LTR	0.86	54.0	D	EB	LTR	0.74	39.0	D	
	WB	LTR	1.15	126.4	F	WB	LTR	1.45	249.5	F	WB	LTR	1.23	156.3	F	
											NB	L	0.61	26.9	C	
											NB	TR	0.89	25.9	C	
											NB	LTR		26.0	C	
Pitkin Avenue & South Conduit Boulevard	WB	L	1.20	163.4	F	WB	L	1.26	187.9	F	WB	L	1.15	146.6	F	
<b>Unsignalized Intersection</b>																
Arlington Avenue & Jamaica Avenue (Two-Way Stop Controlled)	NB	LR	0.65	25.6	D	NB	LR	0.77	33.8	D	NB	LR	0.77	33.8	D *	
Dinsmore Place & Logan Street (Two-Way Stop Controlled)	WB	LR	0.16	22.8	C	WB	LR	0.96	253.9	F	(Signalized)					**
Fulton Street & Elton Street (Two-Way Stop Controlled)											NB	T	0.45	34.3	D	
											NB	R	0.19	14.9	B	
											NB	TR		25.2	D *	
Fulton Street & Chestnut Street (Two-Way Stop Controlled)	NB	LTR	0.58	35.9	E	NB	LTR	1.88	467.2	F	(Signalized)	NB	LTR	0.55	18.3	C
EB-eastbound, WB-westbound, NB-northbound, SB-southbound L-left turn, T-through, R-right turn, DefL-defacto left turn Shading denotes lane groups with unmitigated impacts. * Impact could be mitigated by a new traffic signal; however, signalization is not proposed as future conditions would not satisfy required warrants. ** Lane group would not be impacted in the future condition with the conversion of Dinsmore Place and installation of a new traffic signal.																

This table has been revised for the FEIS.

## Transportation - Transit Bus

The Proposed Actions would add approximately 18 trips through the maximum load point on the westbound Q8 service in the PM peak hour, resulting in a capacity shortfall of 17 spaces. Therefore, westbound Q8 service would be significantly adversely impacted in the PM peak hour based on *CEQR Technical Manual* criteria. As shown in Table B-8, these significant adverse impacts to Q8 bus service could be fully mitigated by the addition of one standard bus in the westbound direction in the PM peak hour. The general policy of NYCT is to provide additional bus service where demand warrants, taking into account financial and operational constraints.

**TABLE B-8: Action-With-Mitigation Local Bus Analysis**

Peak Hour	Route	Direction	Maximum Load Point	Peak Hour Buses <sup>1</sup>	No- Action Available Capacity <sup>2</sup>	Project Increment	Available Capacity w/ Proposed Actions <sup>2</sup>	Additional Peak Hour Buses Needed to Accommodate Project-Generated Demand	Available Capacity With Mitigation <sup>2</sup>
PM	Q8	WB	101 <sup>st</sup> Ave & Cresskill Pl	9	1	18	-17*	1	37

**Notes:**

<sup>1</sup> Assumes service levels adjusted to address capacity shortfalls in the No-Action condition.

<sup>2</sup> Available capacity based on MTA loading guidelines of 54 passengers per standard bus.

\* Denotes a significant adverse impact.

## Transportation - Pedestrians

The results of the analyses of pedestrian conditions show that demand from the Proposed Action would significantly adversely impact a total of two sidewalks, one crosswalk and one corner area in one or more peak hours under the With- Action condition (refer to Table B-9, below).

**TABLE B-9: Summary of Significant Pedestrian Impacts**

Corridor/Intersection	Impacted Element	Peak Hour		
		Weekday AM	Weekday Midday	Weekday PM
Atlantic Ave, Logan St to Chestnut St	North Sidewalk		X	
Van Siclen Ave, Pitkin Ave to Glenmore Ave	East Sidewalk			X
Atlantic Ave/Euclid Ave	West Crosswalk		X	
Liberty Ave/Berriman St	Northeast Corner	X		

A significant adverse pedestrian impact is considered mitigated if measures implemented return the anticipated conditions to an acceptable level, following the same impact criteria used in determining impacts. Standard mitigation for projected significant adverse pedestrian impacts can include providing additional signal green time or new signal phases; widening crosswalks; relocating or removing street furniture; providing curb extensions, neck-downs or lane reductions to reduce pedestrian crossing distance; and sidewalk widening. Discussed below are recommended mitigation measures to address the Proposed Actions' significant adverse pedestrian impacts. The mitigation measures generally consist of sidewalk and crosswalk widening and minor signal timing changes. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified.

### *Sidewalks*

Of the 79 sidewalks analyzed, two are expected to be significantly adversely impacted—the north sidewalk on Atlantic Avenue between Logan and Chestnut streets in the weekday midday peak hour and the east sidewalk on Van Siclen Avenue between Pitkin and Glenmore Avenues in the PM. Table B - 10 shows the recommended mitigation measures to address these impacts and their effectiveness. As shown in Table B-10 and discussed below, with implementation of the proposed mitigation measures, both of these sidewalks would operate at an acceptable LOS C in the impacted peak hours, and all significant adverse sidewalk impacts would be fully mitigated.

#### *NORTH SIDEWALK ON ATLANTIC AVENUE BETWEEN LOGAN AND CHESTNUT STREETS*

The existing sidewalk along the north side of Atlantic Avenue between Logan and Chestnut streets is a relatively narrow five feet in width (three feet of effective width) between an existing fence and a planted strip along the curb. Widening this sidewalk by 0.5-foot would fully mitigate this significant impact. It is anticipated that this sidewalk widening would occur in conjunction with the development of adjacent projected development site 66 without the need to alter the existing curb line.

#### *EAST SIDEWALK ON VAN SICLEN AVENUE BETWEEN PITKIN AND GLENMORE AVENUES*

The PM peak hour impact to the east sidewalk on Van Siclen Avenue between Pitkin and Glenmore avenues would occur at the most constrained point on the sidewalk where a tree pit is located at curbside opposite from an enclosure around a basement entrance for an adjacent building. Removal of this tree pit would fully mitigate the Proposed Actions' significant adverse impact to this sidewalk in the PM peak hour.

### *Crosswalks*

One of the 67 analyzed crosswalks would be significantly adversely impacted by the Proposed Actions in the weekday midday peak hour—the west crosswalk on Atlantic Avenue at Euclid Avenue. As part of the proposed traffic mitigation plan, three seconds of green time would be shifted from the eastbound/westbound traffic signal phase to the northbound/southbound phase at this intersection. As shown in Table B-11, this signal timing change would also fully mitigate the significant adverse crosswalk impact at this intersection.

**TABLE B-10: Action-With-Mitigation Sidewalk Conditions**

Location	Side	No-Action			With-Action			Action-With-Mitigation			
		Effective Width (ft)	Average Space (ft <sup>2</sup> /ped)	LOS	Effective Width (ft)	Average Space (ft <sup>2</sup> /ped)	LOS	Effective Width (ft)	Average Space (ft <sup>2</sup> /ped)	LOS	Mitigation Measures
<b>Weekday Midday Peak Hour</b>											
(S50) Atlantic Av Logan St to Chestnut St	North	3.0	205.2	B	3.0	37.3	D*	3.5	44.0	C	Mitigated through 0.5-foot sidewalk widening in conjunction with development of adjacent site 66 (with no change to existing curb line).
<b>Weekday PM Peak Hour</b>											
(S69) Van Siclen Av Pitkin Av to Glenmore Av	East	3.5	38.8	D	3.5	34.5	D*	4.2	42.5	C	Mitigated by removing a tree pit at an existing constraint point.
<b>Notes:</b>											
* denotes a significant adverse impact based on <i>CEQR Technical Manual</i> criteria.											

**TABLE B-11: Action-With-Mitigation Crosswalk Conditions**

Intersection	Crosswalk	No-Action			With-Action			Action-With-Mitigation			
		Width (ft)	Average Space (ft <sup>2</sup> /ped)	LOS	Width (ft)	Average Space (ft <sup>2</sup> /ped)	LOS	Width (ft)	Average Space (ft <sup>2</sup> /ped)	LOS	Mitigation Measures
<b>Weekday Midday Peak Hour</b>											
(X42) Atlantic Av @ Euclid Av	West	12	82.6	A	12	21.5	D*	15	25.9	C	Mitigated through the transfer of 3 seconds of signal green time from EB/WB phase to NB/SB phase as proposed for traffic mitigation.
<b>Notes:</b>											
* denotes a significant adverse impact based on <i>CEQR Technical Manual</i> criteria.											

**Corner Areas**

One of the 58 analyzed corner areas would be significantly adversely impacted by the Proposed Actions—the northeast corner at Liberty Avenue at Berriman Street in the weekday AM peak hour. The sidewalks adjacent to this corner area are each 7.5-feet in width between the curb and lawn areas surrounding the existing buildings on the block. Widening either one of these sidewalks by 0.5 feet (i.e., from 7.5 feet to eight feet in width) would fully mitigate this significant corner area impact. (It is anticipated that any sidewalk widening would occur in conjunction with the development of adjacent projected development site 46 without the need to alter the existing curb lines.) As shown in Table B-12, with implementation of this mitigation, the northeast corner area at Liberty Avenue/Berriman Street would operate at an acceptable LOS C in the AM peak hour under Action-with-Mitigation conditions, and the Proposed Actions’ significant adverse impact would be fully mitigated.

**TABLE B-12: Action-With-Mitigation Corner Conditions**

Intersection	Corner	No-Action		With-Action		Action-With-Mitigation		
		Average Space (ft <sup>2</sup> /ped)	LOS	Average Space (ft <sup>2</sup> /ped)	LOS	Average Space (ft <sup>2</sup> /ped)	LOS	Mitigation Measures
<b>Weekday AM Peak Hour</b>								
(C47) Liberty Av @ Berriman St	NE	67.5	A	22.9	D*	27.3	C	Widen one adjacent sidewalk by 0.5 feet (from 7.5' to 8')
<b>Notes:</b>								
* denotes a significant adverse impact based on <i>CEQR Technical Manual</i> criteria.								

**Effects of Traffic Mitigation on Pedestrian Conditions**

Proposed traffic mitigation measures (discussed previously) would potentially affect pedestrian conditions at a total of 37 analyzed crosswalks and 28 analyzed corner areas at ten intersections in one or more peak hours. All of the affected crosswalks and corner areas would continue to operate at LOS C or better in all peak hours, and there would be no new significant adverse impacts to any of these sidewalks or crosswalks in any analyzed peak hour as a result of the proposed traffic mitigation.

**Proposed Schedule for Pedestrian Mitigation Measures**

Subject to DOT approval, the mitigation measures described above would be implemented to mitigate the significant adverse pedestrian impacts resulting from full build-out of the Proposed Actions in 2030. As the development of the Proposed Actions would be expected to occur over an approximately 15-year period, it is possible that some of the significant adverse impacts to sidewalks, crosswalks and corner areas could occur prior to full build-out in 2030.

Based on the anticipated construction schedule shown in the FEIS, incremental pedestrian trips generated by projected development could potentially result in significant adverse pedestrian impacts beginning in the 3rd quarter of 2018 with the completion of the first two phases of site 67. This level of development would result in a net increase of 475 dwelling units, 44,816 gsf of office space, 10,000 gsf of restaurant space, and 92,720 gsf of community facility (community center and medical office) space, along with a 26,592 gsf reduction in retail space, and would potentially generate more than the *CEQR Technical Manual* analysis threshold of 200 peak hour pedestrian trips in one or more peak periods on nearby sidewalks or crosswalks that have been identified as significantly adversely impacted. These impacted pedestrian elements would include the north sidewalk on Atlantic Avenue between Logan and Chestnut Streets, and the west crosswalk on

Atlantic Avenue at Euclid Avenue. At this earlier point in time, implementation of the mitigation measures developed for full build-out of the Proposed Actions in 2030 would be considered to address the potential significant adverse pedestrian impacts at these locations.

## **Transportation - Parking**

### ***Effects of Traffic Mitigation on Parking Conditions***

The Proposed Actions are not expected to result in significant adverse on-street parking impacts during the weekday midday peak period for commercial and retail parking demand, nor during the overnight period for residential demand. As discussed above, the proposed traffic mitigation plan would, however, incorporate a number of modifications to curbside parking regulations. Additional restrictions would be implemented at approximately 12 locations within ¼-mile of the overall rezoning area, and five locations within a ¼-mile subarea around sites 46, 66 and 67. Within the overall parking study area, mitigation-related parking restrictions would result in the displacement of approximately 72 on-street parking spaces during the weekday midday period and 55 spaces overnight. Accounting for these displaced spaces, a total of approximately 2,618 and 6,681 on-street parking spaces would remain available during the weekday midday and overnight periods, respectively, within ¼-mile of the rezoning area. The proposed traffic mitigation measures would therefore not result in new significant adverse impacts to on-street parking conditions within ¼-mile of the rezoning area.

Within the ¼-mile subarea around projected development sites 46, 66 and 67, curbside parking restrictions associated with traffic mitigation measures would result in the displacement of approximately 29 on-street parking spaces during the weekday midday period and 20 spaces overnight. The displacement of 29 parking spaces in the weekday midday would increase the on-street parking shortfall during this period from 68 spaces in the With-Action condition to 97 spaces in the Action-with-Mitigation condition. During the overnight period, there would be a surplus of approximately 1,197 on-street parking spaces in the Action-with-Mitigation condition compared to a surplus of 1,217 spaces in the With-Action condition. Although approximately 29 more vehicles destined for locations in proximity to sites 46, 66 and 67 would potentially have to travel a greater distance to find available parking in the weekday midday, the 97-space shortfall in on-street parking under Action-with-Mitigation conditions would not be considered a significant adverse impact based on *CEQR Technical Manual* criteria. The proposed traffic mitigation measures would therefore not result in new significant adverse impacts to on-street parking conditions within the ¼-mile parking sub-area around projected development sites 46, 66 and 67.

## **Air Quality**

The FEIS presents the maximum predicted carbon monoxide (CO) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations related to traffic generated by the Proposed Actions, and concludes that the Proposed Actions would not result in significant adverse air quality impacts, with the exception of the intersection of Atlantic Avenue and Logan Street, which is predicted to exceed the annual *de minimis* criterion of 0.1 µg/m<sup>3</sup>. Therefore, air quality mitigation is required at this location.

Traffic mitigation measures were developed to reduce congestion and increase speeds along Logan Street in the affected area. Table B-13 presents the results of the mobile source analysis with the proposed traffic mitigation measures in place.



**TABLE B-13: Maximum Predicted Annual Average PM<sub>2.5</sub> Concentrations with Traffic Mitigation**

Receptor Site	Location	Annual Concentration (µg/m <sup>3</sup> )	
		Increment	Increment (with Mitigation)
2	Atlantic Avenue & Logan Street	0.16	0.01
<b>Note:</b> PM <sub>2.5</sub> <i>de minimis</i> criteria—annual (neighborhood scale), 0.1 µg/m <sup>3</sup>			

As shown in the table, the results of this modeling analysis (performed in accordance with methodologies described in the FEIS) indicate that annual incremental concentrations of PM<sub>2.5</sub> would be significantly lower than the With-Action condition, and would not exceed the *de minimis* criteria for PM<sub>2.5</sub>. No unmitigated significant adverse air quality impacts would remain upon incorporation of the mitigation measures.

**Noise**

The FEIS concludes that the Proposed Actions would result in a significant adverse noise impact on Richmond Street between Fulton Street and Dinsmore Place, with predicted noise level increases of 4.9 dBA at this location.

Traffic mitigation measures were developed to reduce congestion and increase speeds along Logan Street. The traffic mitigation measures would tend to result in lower levels of traffic noise, and consequently, using the methodology described in the FEIS, a mobile source noise analysis was conducted for receptor site 10 with the proposed traffic mitigation measures in place to determine whether the predicted significant adverse impact at this location would be removed or lessened in magnitude with the traffic mitigation measures. At all other receptor sites where significant adverse noise impacts were not predicted to occur in the With-Action condition, noise levels in the With-Action with Traffic Mitigation condition would be expected to experience noise levels equal to or less than those predicted and additional analyses were not conducted.

***With-Action with Traffic Mitigation Noise Levels***

The With-Action with Traffic Mitigation noise levels for receptor site 10 are shown below in Table B-14.

**TABLE B-14: 2030 With-Action Condition with Traffic Mitigation Noise Levels (in dBA)**

Receptor	Location	Time	No-Action L <sub>eq(1)</sub>	With-Action with Traffic Mitigation L <sub>eq(1)</sub>	With-Action Playground L <sub>eq(1)</sub>	With-Action with Traffic Mitigation Total L <sub>eq(1)</sub>	L <sub>eq(1)</sub> Change	Total With-Action with Traffic Mitigation L <sub>10(1)</sub>
10	Richmond Street between Fulton Street and Dinsmore Place	AM	66.0	69.4	60.3	69.9	3.9	73.6
		MD	70.8	70.5	60.3	70.9	0.1	72.0
		PM	64.5	63.9	60.3	65.5	1.0	69.6
<b>Note:</b> Noise levels at receptor site 10 were calculated using TNM.								

Noise levels increases due to traffic mitigation measures are expected to result in smaller noise level increases to the Proposed Actions during all analyzed time periods. The maximum increase in L<sub>eq(1)</sub> noise levels for the With-Action with Traffic Mitigation condition compared to the No-Action condition for receptor site 10 would be 3.9 dBA during the AM peak hour, which constitutes

a significant adverse impact, although with a smaller magnitude than that predicted to occur in the With-Action condition. According to field observations, all of the residences at this location appear to have double-glazed windows, and most of the residences appear to have through-wall air conditioners or window air conditioners (i.e., an alternate means of ventilation). With respect to upgrades at the residential units with double-glazed windows and an alternate means of ventilation, there are no further practical or feasible mitigation measures that would fully or partially mitigate the significant adverse noise impact at these locations. Window air conditioners potentially could be installed at residential units with double-glazed windows and no alternate means of ventilation to provide an alternate means of ventilation, which would partially mitigate the significant adverse noise impact at these locations. With respect to upgrades at the residential units, there are no further practical or feasible mitigation measures that would fully mitigate the significant adverse noise impact at these locations.

### **Construction - Historic and Cultural Resources**

Development under the Proposed Actions—specifically, on projected development sites 7, 13, 35, 38, 39, 49, and 74 and potential development sites A3, A7, A8, A14, A18, A25, A40, A41, A50, A65, A70, A82, A86, A87, A95, and A102—could result in inadvertent construction-related damage to 12 NYCL- and/or S/NR-eligible historic resources, as they are located within 90 feet of one or more of the aforementioned projected and potential development sites. These 12 eligible resources include Prince Hall Temple (S/NR- and NYCL-eligible), the Magistrates Court (S/NR- and NYCL-eligible), the Empire State Dairy Building (S/NR- and NYCL-eligible), St. Michael's Roman Catholic Church (S/NR- and NYCL-eligible), Firehouse Engine 236 (S/NR-eligible), Our Lady of Loreto Roman Catholic Church (S/NR- and NYCL-eligible), 1431 Herkimer Street (S/NR- and NYCL-eligible), Grace Baptist Church (S/NR- and NYCL-eligible), New Lots Town Hall (S/NR-eligible), William H. Maxwell School (S/NR-eligible), the Ninth Tabernacle (S/NR-eligible), and the Church of the Blessed Sacrament (S/NR- and NYCL-eligible).

Development under the Proposed Actions could result in construction-related impacts to these 12 non-designated resources. The New York City Building Code, under section C26-112.4, provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. For designated NYCL and S/NR-listed historic buildings located within 90 feet of a proposed construction site, additional protective measures under the DOB's TPPN #10/88 supplement the procedures of C26-112.4 by requiring a monitoring program to reduce the likelihood of construction damage and detect at an early stage the beginnings of damage so that construction procedures can be changed. For the 12 non-designated resources that are within 90 feet of one or more of the projected and/or potential development sites, development under the Proposed Actions could potentially result in construction-related impacts to the resources, and the protective measures under TPPN #10/88 would only apply if the resources become designated.

In order to make TPPN #10/88 or similar measures applicable to historic resources in the absence of site-specific approval, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. DCP, as lead agency, explored the viability of this and other mitigation measure between the DEIS and FEIS and determined that there were no feasible and practical mitigation measures to fully mitigate the identified significant adverse construction-related impact on historic resources.

### **Construction - Noise**

The FEIS concludes that the Proposed Actions would have the potential to result in significant adverse construction noise impacts at several locations throughout the rezoning area.

For projected development site 46 and projected development sites 66 and 67, construction noise was analyzed for a representative two year time period, including both peak and off-peak construction periods. The noise analysis results show that predicted noise levels would exceed the noise impact threshold criteria during two or more years on one or more floors at 31 of the 241 analyzed receptor locations due to construction of projected development sites 66 and 67 and projected development site 46. Affected locations include residential, institutional and open space areas adjacent to the projected development sites.

For all smaller individual projected development sites, construction noise was analyzed, including both peak and off-peak construction periods for each year of the conceptual construction schedule. The noise analysis results show that the predicted noise levels could exceed the *CEQR Technical Manual* impact criteria at several receptors throughout the rezoning area.

There are no practical or feasible mitigation measures that would fully mitigate the significant adverse construction noise impacts at these locations.



<b>NYC PLANNING</b> DEPARTMENT OF CITY PLANNING CITY OF NEW YORK		<b>Community/Borough Board Recommendation</b> Pursuant to the Uniform Land Use Review Procedure
Application # <b>C 160035 ZMK</b> CEQR Number: 15DCP102K	Project Name: <b>East New York Rezoning</b> Borough(s): <b>Brooklyn</b> Community District Number(s): <b>1 &amp; 16</b>	
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 BF) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 120 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 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

<b>Applicant(s):</b> NYC Department of City Planning Brooklyn Borough Office 16 Court Street, 7th Floor Brooklyn, N.Y. 11241		<b>Applicant's Representative:</b> Winston Von Engel, Director Brooklyn Borough Office NYC Department of City Planning 6 Court Street, 7th Floor Brooklyn, N.Y. 11241	
<b>Recommendation submitted by:</b> Brooklyn Community Board 5			
<b>Date of public hearing:</b> 11/18/15		<b>Location:</b> 370 Fountain Ave	
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
<b>Date of Vote:</b> 11/18/15		<b>Location:</b> 370 Fountain Ave	
<b>RECOMMENDATION</b>			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input checked="" type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
<b>Voting</b>			
# In Favor: 0		# Against: 17	
# Abstaining: 6		Total members appointed to the board: 17	
<b>Name of CB/BB officer completing this form</b> Nicola Campbell		<b>Title</b> Dir: Mgr.	
		<b>Date</b> 11/30/15	



# BROOKLYN COMMUNITY BOARD 5

## THE CITY OF NEW YORK

ERIC ADAMS, BOROUGH PRESIDENT  
 ANDRE T. MITCHELL, BOARD CHAIRMAN | WALTER CAMPBELL, DISTRICT MANAGER

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"ONE COMMUNITY, ONE VOICE"

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November 30, 2015

**Application # C 160035 ZMK.** The application was **disapproved** on November 18, 2015 at Community Board # 5 regular meeting with the following twelve (12) Modifications/Conditions:  
 Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Application # N160036ZRK. Disapproved with Modifications/Conditions:  
 Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Application # N160050ZRK. Disapproved with Modifications/Conditions:  
 Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Application # N160037HUK. Disapproved with Modifications/Conditions:  
 Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

Application # N160042HDK. Disapproved with Modifications/Conditions:  
 Vote: # In Favor: 0 # Against: 17 # Abstaining: 6

### Modifications/Conditions:

1. The community does not want a storage facility on the corner of Pitkin and Pennsylvania Avenue also known as block 3721, lot 1.
2. The community would like to reclaim the Old Traffic Court building known as 127 Pennsylvania Avenue, corner of Liberty Avenue also known as block 3687, lot 1. The Community Board office is located in the building and the community would like to see this building restored to a recreation facility for community use. Approximately three million dollar is needed to repair the build. This would increase productivity and moral for community board members and staff to effectively address the economic development needs of the community. Additionally, community residents would benefit from this investment.
3. The community would like for the city to acquire the Long Island Railroad sub-station building located at Atlantic Avenue (service road) and Snediker Avenue. This building is location on block 3680. This building will be used as a Cultural Center for the residents of East New York and Brownsville.

4. We would like a CUNY campus in the rezone area. This would allow for long-term economic sustainability for all of East New York and neighboring communities.
5. We would like an Innovation Lab – a job-placement and training center run in conjunction with New York City College of Technology and local business organizations that would train young people to do basic computer coding; and helps locals start small cooperative businesses; and help find jobs for adults.
6. We would like approximately \$20 million dollars or more investment from NYC Economic Development Corporation (EDC) in East New York for Business Incubators in the IBZ and Innovation Labs throughout Community Board #5 (Note: 2014 EDC invested \$316,396 in East New York). This much needed investment would address the high unemployment in CB#5.
7. We need a 30 year Tax-Credit for long-term East New York homeowners and businesses to ease the property tax burden due to rezone changes.
8. The City should finance the creation of lower cost rental space for local small businesses.
9. We need multi-year, robust support for strengthening local business focusing training and business planning, including topics such as purchasing properties, meeting increased and differing demands for services and preparing your business for changes, etc.
10. We want to make sure that the merchants in the community request is in placed which is: assistance in the preservation/repair of mixed use properties and down-payment assistance made available to support local businesses in buying mixed-use buildings.
11. We need a City commitment to save East New York manufacturing and provide relocation fund for industrial businesses that need to relocate.
12. We need a City commitment to create good living wage jobs for East New York residents in construction and manufacturing and other growth sectors.

**Mandatory Inclusionary Housing and Zoning for Quality and Affordability Disapproved.**

**Mandatory Inclusionary Housing: N160051ZRY**

# In Favor: 6 # Against: 16 # Abstaining: 1

**Zoning for Quality and Affordability: N160049RFX**

# In Favor: 8 # Against: 15 # Abstaining: 1

Application #: **C 160035 ZMK**

Project Name: **East New York Rezoning**

CEQR Number: 15DCP102K

Borough(s): Brooklyn

Community District Number(s): 5 & 16

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

**SUBMISSION INSTRUCTIONS**

1. 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, Room 2E, 22 Reade Street, New York, NY 10007
  - **FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
2. 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**

<b>Applicant(s):</b> NYC Department of City Planning Brooklyn Borough Office 16 Court Street, 7th Floor Brooklyn, N.Y. 11241		<b>Applicant's Representative:</b> Winston Von Engel, Director Brooklyn Borough Office NYC Department of City Planning 16 Court Street, 7th Floor Brooklyn, N.Y. 11241
<b>Recommendation submitted by:</b> Brooklyn          Community Board 16		
<b>Date of public hearing:</b> October 19, 2015	<b>Location:</b> 444 Thomas S. Boyland St. Brooklyn, NY 11212	
<b>Was a quorum present?</b> 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>
<b>Date of Vote:</b> November 24, 2015	<b>Location:</b> 444 Thomas S. Boyland St. Brooklyn, NY 11212	
<b>RECOMMENDATION</b>		
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove		<input checked="" type="checkbox"/> Disapprove With Modifications/Conditions
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>		
<b>Voting</b>		
# In Favor: 1	# Against: 23	# Abstaining: 4          Total members appointed to the board: 44
<b>Name of CB/BB officer completing this form</b> Bettie Kollock-Wallace	<b>Title</b> Chairperson	<b>Date</b> 11-30-15



## **Community Board #16 Recommendation on Application #C160035ZMK**

Brooklyn Community Board #16 is concerned that the rezoning text does not address ability for current businesses and community organizations to maintain affordability and withstand the changing housing market due to new market-rate construction. *The Community Board seeks to develop a plan for retail and community organizations, including discounted rentals, technical assistance, and tax breaks for owners of mixed-use buildings who maintain long-time businesses and community organizations.*

Brooklyn Community Board #16 is concerned that residential developments as a result of new mixed-use zoning will threaten existing manufacturing businesses. These existing businesses are a vital part of the community and should be protected from rising rental costs and threat of being converted to residential development. *The Community Board seeks to allow the mixed manufacturing and R7D zoning, but with measures that will protect existing manufacturing, especially at the ground level.*

Brooklyn Community Board #16 is concerned that the opportunity to develop market rate housing will threaten existing low-income residents out of their homes. *The Community Board seeks to implement an Anti-Harassment program (based on the Special Clinton District in Hell's Kitchen) that would require a permit from HPD prior to altering, demolishing, or changing any sound development.*

Brooklyn Community Board #16 is concerned that the building technology and process of new development construction will exclude many community members while benefitting people from outside the community. *The Community Board seeks to establish a working relationship between the City and local contractors and workers to employ local workers for the rezoning. The plan should link mandatory local hiring requirements to government subsidy programs, including housing and economic development subsidies.*

Brooklyn Community Board #16 is concerned that the focus of transportation safety issues is focused only Atlantic Avenue. While Atlantic Avenue is in need of safety improvements, a recent (Nov. 3, 2015) fatality of a woman crossing the street at Fulton Street and Sackman Street demonstrates that other streets of Ocean Hill must be considered under the rezoning. *The Community Board seeks that DCP work with NYC DOT to evaluate Atlantic Avenue and other streets of Ocean Hill for safety improvements.*

Brooklyn Community Board #16 is concerned that the increase in population due to new residential developments will place a burden on the existing community facilities and resources. Currently, the only available open space resource is Callahan-Kelly Playground located at Fulton Street and Eastern Parkway. *The Community Board seeks to incorporate more consideration for community facilities, such as youth and senior centers, into the rezoning area. In particular, the park should be well-maintained as usage is likely to increase.*

Brooklyn Community Board #16 is concerned that many smaller, low-density side streets are proposed to be rezoned in higher densities. This goes against contextual planning and will lead to higher densities where it is not appropriate. R7D, in particular, is very out of context on Eastern Parkway, where buildings are low-rise. Higher densities would be more appropriate on a large thoroughfare such as Atlantic Avenue. *The Community Board seeks to change the zoning text from areas designated as R7D zoning to R6A zoning. This change allows for new development while keeping in context with the neighborhood.*

**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 #: EAST NEW YORK REZONING – 160035 ZMK/ 160036 ZRK/ 160037 HUK/ 160042 HDK/ 160050 ZRK**

In the matter of the applications submitted by the Department of City Planning, pursuant to Section 197-c and 201 of the New York City Charter, for the amendments of the Zoning Map and Zoning Resolution that will introduce mid-density residential and commercial uses along the corridors of Fulton Street, Atlantic Avenue, Liberty Avenue and Pitkin Avenue, as well as contextual residential districts along the side streets, within portions of Cypress Hills, East New York, Ocean Hill and Brownsville sections of Brooklyn, in Community Districts 5 and 16. Amendment to the Zoning Resolution would establish Mandatory Inclusionary Housing Regulations and designated districts, create mandatory ground-floor retail districts, and create a special mixed-use manufacturing/residential district. Proposed actions also include amendment of the Dinsmore-Chestnut Urban Renewal Plan and disposition of the urban renewal site accordingly. The proposed actions would facilitate the East New York Community Plan.

COMMUNITY DISTRICTS NO. 5 and 16

BOROUGH OF BROOKLYN

**RECOMMENDATION**

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS

- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BOROUGH PRESIDENT

December 30, 2015

DATE

**RECOMMENDATION FOR EAST NEW YORK REZONING – 160035 ZMK/ 160036 ZRK/  
160037 HUK/ 160042 HDK/ 160050 ZRK**

The Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a series of land use actions to implement the East New York Community Plan (ENY Plan) and to create opportunities for housing. This includes affordable housing, community facilities, economic development and other services of an approximately 191-block area of the East New York, Cypress Hills and Ocean Hill neighborhoods of Brooklyn, in Community Districts 5 and 16. Ocean Hill is generally bounded by Eastern Parkway Extension to the west, Van Sinderen Avenue to the east, Broadway to the north and East New York Avenue to the south. The proposed actions are anticipated to facilitate new residential, commercial, community facility and manufacturing development to result in the creation of 6,970 dwelling units, more than 900,000 square feet of commercial space, more than 27,000 square feet of manufacturing space, approximately 97,500 square feet of hotel space, more than 73,000 square feet of warehouse/storage space, and a decrease of approximately 137,000 square feet of auto-related space.

The ENY Plan aims to create more affordable housing and more diverse commercial uses, promote economic development and opportunity for residents, foster safer streets and generate new community resources. The proposed actions reflect DCP's ongoing engagement with Community Boards 5 and 16 (CB 5 and 16), local elected officials, community residents and stakeholders to achieve the following land use objectives:

- Create opportunities for new residential development with significant amounts of permanently affordable housing and preserve existing affordability to ensure that the neighborhood continues to serve diverse housing needs;
- Encourage mixed-use development on key corridors;
- Enhance and revitalize major thoroughfares through new economic development; and
- Protect neighborhood character of residential core and ensure predictable future development

On November 23, 2015, the Borough President held a public hearing on this text amendment and rezoning proposal. There were 28 speakers on this item, 23 in opposition and five neutral. Organizations represented by these speakers included: Metropolitan Council on Housing, Preserving East New York, Coalition for Community Advancement, Local Labor Union 79, Friends of Bushwick Inlet Park, Walmart-Free NYC, Local Development Corporation of East New York (LDCENY), Cypress Hills Local Development Corporation (CHLDC), Linden Plaza Tenant Council, Coalition of Cypress Hills, Coalition for Community Advancement, Future of Tomorrow, New York Community for Change, Pratt Center for Community Development, National Mobilization Against Sweatshops, and Faith in New York.

Speakers in opposition to this proposal voiced numerous concerns regarding:

- The affordability levels of the proposed affordable housing mostly exclude the current residents of the area;
- Steeply rising home values since the introduction of the proposed community plan, which result in increased tenant harassment by landlords interested in capitalizing on the plan;
- DCP underestimating the potential risks of displacement and not providing sufficient anti-displacement policies;
- The proposal not accounting for the existing homeless population and the existing strain on shelter capacity;

- The rezoning increase in housing density in manufacturing areas, which may not be appropriate for a residential environment;
- The proposal not including preference for veterans or existing residents and simply introducing new people to the area;
- The fear that the proposed housing will not be affordable for seniors in the area;
- This area's already high unemployment rates and low wages, and the inevitable exacerbation of the problem as the population is projected to significantly increase;
- The need for more union jobs to allow area residents to be able to work toward careers and improve their quality of life;
- The need for protection of the manufacturing sector and Draft Environmental Impact Statement (DEIS) underestimating the adverse rezoning impacts on industrial businesses;
- The fear of commercial displacement and need for protection/preservation of small and local retail businesses;
- The proposal not accounting for increased burden on already strained infrastructure, including transportation, utilities, emergency services and community resources such as schools, community centers and open space;
- The proposal including existing temporary school seats as permanent school seats, which does not fully represent the strain on the school capacity;
- The need to preserve the buildings and existing character of the area;
- Fears that the adverse impacts that resulted from the Williamsburg rezoning will repeat in this area as well;
- The proposal not accounting for pedestrian safety, amidst the proposed traffic increases, along already dangerous intersections

Speakers not taking a specific side on this proposal voiced numerous comments regarding:

- Existing housing, poverty and wage crisis in the area, and the potential for affordable housing creation
- The creation of jobs for the struggling local economy
- The provision of a new school for the community

### **Consideration**

CB 5 voted to disapprove the application with conditions, seeking the following:

- Opportunities for recreational facilities, a cultural center, CUNY Campus and Innovation Lab;
- Funding for a business incubator;
- Residential and business real estate tax credits;
- Affordable local business space;
- Funds to renovate local businesses and relocate industrial businesses; and
- Commitment to good construction and manufacturing sector jobs

CB 16 voted to disapprove the application with conditions, seeking the following:

- Help for existing businesses and community organizations by developing a plan;
- Protection of existing manufacturing, especially at the ground level;
- Implementation of an anti-harassment program;
- Establishment of good local jobs;
- Further evaluation of Atlantic Avenue for safety improvements;
- More and better maintained community facilities and parks; and

- Change the proposed zoning map change from R7D zoning proposal to R6A zoning in order to keep with the existing context of the neighborhood

More than 6,000 new dwelling units are projected to be developed as a result of the proposed land use actions, over half of which the City is projecting to be regulated, affordable units. In order to facilitate and accommodate such growth, comprehensive initiatives were announced proposing strategies to vigorously protect existing rent-regulated housing, significantly invest in new affordable housing; launch new local economic development initiatives; build a new 1,000-seat school; improve and invest in the streetscape along Atlantic Avenue and other key corridors and improve existing parks and open spaces.

The proposed actions include amendments to the text of the "Zoning Resolution" to establish and apply a new mandatory Inclusionary Housing Program to portions of the proposed rezoning area where zoning changes are promoting new housing. DCP proposed to establish a Mandatory Inclusionary Housing program (MIH), which would require a share of the new housing to be permanently affordable. This text amendment mirrors the proposed city-wide text amendment and guarantees that affordable housing would be required in East New York in the event that the citywide MIH zoning text is not approved or is approved after the East New York rezoning is implemented. MIH would apply within the following districts: M1-4/R6A, M1-4/R7D, M1-4/R8A, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-4L and C4-5D districts within the rezoning area. Additionally, the proposed actions include the establishment of an Enhanced Commercial District and a Special Mixed Use District (MX) within the rezoning area.

An Enhanced Commercial District would be established along Atlantic Avenue, Pitkin Avenue, Fulton Street and Pennsylvania Avenue. In order to foster a safe and engaging pedestrian experience along these corridors, regulations would be established requiring non-residential ground floor use, transparency on the ground floor, limited curb cuts and required building setbacks to create wider sidewalks on Fulton Street.

The MX district is a special zoning district that is mapped in several locations throughout the City. It combines a light industrial (M1) district with a residential district, and permits a mix of selected light industrial, commercial, residential and community facility uses under the applicable regulations. The MX district permits mixed-use buildings, and includes an expanded definition of "home occupations," permitting a broader variety of live-work accommodations that is allowed in standard zoning districts.

The intent of the ENY Plan's proposed rezoning actions is to:

- 1) Promote mixed-use development along key corridors and near transit: Retail or community facility uses will be required at the ground floor along key corridors to create and activate streetscape and strengthen the retail environment;
- 2) Preserve the residential character of side streets: Side streets are characterized by two- to three-story row houses, single-family homes, and small apartment buildings. This existing character will be preserved with contextual residential districts. Long-standing residential uses west of Broadway Junction which do not conform to the existing manufacturing zoning designation, will be brought into conformance with new residential zoning districts; and,
- 3) Allow more diverse uses in industrial area: Industrial as well as residential and commercial uses will be allowed in areas that are currently home to a mix of uses, such as Liberty Avenue and parts of Ocean Hill.

The land use actions in tandem with comprehensive initiatives of the ENY Plan furthers the work of the Sustainable Communities East New York (SCENY) study, a federally-funded collaborative planning effort led by DCP, together with community residents, stakeholders, elected officials and local organizations from 2011-2013. This study examined opportunities for transit-oriented development, capitalizing on East New York's robust transportation assets, including a regional rail station, numerous city transit stations, particularly Broadway Junction, and several bus lines. The SCENY study recommended allowing moderate-density, mixed-use development with affordable housing along key corridors; preserving the low density character of residential side streets; cultivating a regional destination with larger-scale uses around Broadway Junction; promoting job and business growth in the Industrial Business Zone, and implementing streetscape improvements to make the area safer for pedestrians. Using an extensive community engagement process, the Mayor plans to build and preserve affordable housing throughout the City in coordination with strategic infrastructure investments in order to foster a more equitable and livable New York City.

Independent of the ENY Plan land use actions, DCP's Zoning for Quality and Affordability (ZQA) is undergoing public review for consideration of a series of text amendments to eliminate what it considers to be unnecessary obstacles to the creation of housing, especially affordable housing. As part of the ZQA text amendment, there are provisions that would allow a limited amount of additional building height in medium- to high-density districts for all new developments to accommodate greater floor-to-ceiling heights at the ground floor; to better accommodate quality space for commercial, community facility; and first floor residential uses, elevated from the level of the sidewalk. Other changes are intended to relieve certain setback requirements and coverage limitations to accommodate permitted floor area and allow greater flexibility for building envelop design. The proposed changes would allow additional height for buildings utilizing the higher floor area allowed in Mandatory Inclusionary Housing (MIH)-designated areas.

The amendment would eliminate off-street parking requirements for low-income housing or inclusionary housing within areas that fall within a "Transit Zone" encompassing areas well served by transit and with low car ownership and auto commutation rates. The entire ENY Plan area falls within the Transit Zone. Existing buildings with underutilized parking would be eligible to reduce or eliminate parking requirements by a Board of Standard and Appeals (BSA) special permit. Parking requirements for market-rate units within a mixed-income development could be reduced by authorization from the City Planning Commission, if necessary to facilitate the mixed-income development. No parking would be required for senior housing. Existing low-income senior housing developments would be able to reduce or eliminate their parking.

DCP held numerous workshops and events starting in the fall of 2014 through the spring of 2015 in partnership with other City agencies, including the Department of Transportation (DOT), School Construction Authority (SCA), Department of Education (DOE), Department of Parks and Recreation (DPR), Department of Small Business Services (DSBS), Economic Development Corporation (EDC), and HPD to identify current and future needs of the neighborhood. The engagement process solicited community goals and objectives. The community identified an extensive list of outcomes desired for the neighborhood, which are as follows:

- The development of housing, including significant amounts of new affordable housing, and housing accessible to area families at current community income levels;
- Protect low-income tenants in rent-regulated apartments;

- Safer and more active streets, and an improved streetscape, especially on Atlantic Avenue;
- Creation of more job opportunities, preservation of jobs, commercial and retail options, and new commercial services;
- Providing for open space improvements in an area to create better and more accessible parks and playgrounds; and
- New community centers offering recreation and youth programs

Based on the community identified objectives, DCP, in collaboration with other City agencies, developed a plan to achieve these goals through new zoning and other land use actions, expanded programs and services, and capital investments in the ENY Plan. The ENY Plan identifies strategies in four categories: housing, economic development, community resources and land use.

The construction of new housing has resumed with an improving economy and increased demand due to a rising City population. As a result of the City's housing programs, together with the private market home construction, the population of the East New York project area has rebounded from its low-point in 1980 of approximately 40,000 residents to 48,000 today, but still remains below its 1960 peak of 66,000 residents.

Current zoning in the neighborhood does not permit the full implementation of the ENY Plan. New residential development in key areas and along major corridors is not permitted. The existing zoning restricts new development to low densities that limit the production of substantial amounts of housing, particularly affordable housing, which limits the potential of the major corridors to become vibrant pedestrian destinations.

The intent of the proposed land use actions is to facilitate vibrant, inclusive residential neighborhoods with a wide variety of local and regional commercial options, job opportunities and attractive streets that are safe and inviting for residents, workers and visitors. Opportunities for new housing, including affordable housing along key corridors (particularly along Atlantic Avenue), would provide more housing choices for current and future residents. A growing residential population would restore population lost during the neighborhood's decline in decades past and expand the customer base for existing and new businesses such as grocery stores, pharmacies, and other neighborhood services.

It is the Borough President's policy to support land use actions that are not only compatible with surrounding land uses but also that provide beneficial amenities to the surrounding neighborhood, while providing much needed affordable housing opportunities. It is also the Borough President's policy to support land use actions that provide for development in proximity to public transit infrastructure, which provides for increased population density. The proposed ENY Plan has the potential to enhance the City's community revitalization efforts as well as create a large number of new affordable housing. The proposed ENY Plan would provide local community facility uses and commercial uses along accessible transit corridors, utilizing a number of underdeveloped lots that would otherwise not advance the community. The proposed development would also promote the health, safety, and welfare of the neighborhood by facilitating sound growth and development in an area with a strong demand for affordable housing, and with direct access to public transportation.

The low-density zoning found along key corridors in the area today discourages mixed-use development by restricting the total allowed development. Changes to the zoning to increase residential density and allow medium- to higher-density development in key corridors of Atlantic Avenue, Fulton Street, Pitkin Avenue, Pennsylvania Avenue and Liberty Avenue,

would promote mixed-use development with housing, commercial uses and community facilities. Increased residential density will reinforce demand in the neighborhood for a greater variety of local retail services such as grocery stores, pharmacies, banks, and restaurants, while supporting the growth of existing and new businesses, as well as creating local job opportunities.

The proposed rezoning would allow for both mixed-use residential and/or commercial development at higher densities in more areas of the neighborhood. Medium density development along key corridors served by transit is intended to significantly expand the supply of housing. The mapping of MIH-designated areas would promote the development of permanently affordable housing and facilitate mixed-income communities by requiring affordable housing units to be included in any new residential development, which is not required by zoning today.

The Atlantic Avenue corridor presents the greatest opportunity for substantial new development of affordable housing, retail, and other services. The width of the street, the access to transit and the presence of a large number of sites with potential for redevelopment provide this corridor with the capacity to support significant growth. The proposed zoning changes to allow residential uses would facilitate the construction of new housing and mixed-use development along the corridor, expanding the neighborhood's supply of affordable housing. Allowing higher residential density and a variety of job-generating uses on these sites would help bring a critical mass of residents to support a greater diversity of retail offerings and activate streetscapes and public spaces. Atlantic Avenue could transform into an urban boulevard offering a diversity of housing options, shopping, entertainment, jobs and services to the surrounding neighborhood as well as drawing visitors from the broader region.

Pitkin Avenue and Fulton Street are transit corridors with many vacant or underutilized lots and low-rise buildings. Changing the low-density zoning along Fulton Street, Pitkin Avenue, Liberty Avenue, and Pennsylvania Avenue to medium-density provides a means to realize the potential to see modest growth on the underutilized sites. Increasing the zoning floor area in combination with permitting residential use according to mandatory inclusionary zoning and enhanced retail zoning designations would enable the development of new mixed-use buildings with ground-floor retail, containing affordable housing, to be built along these corridors. Such growth would be supported by the corridor's existing transit network. For Liberty Avenue, allowing new residential development and local retail could significantly strengthen this corridor as a secondary neighborhood corridor.

The establishment of an Enhanced Commercial District within the rezoning area along the corridors of Atlantic Avenue, Pitkin Avenue and Fulton Street would foster a safe and engaging pedestrian experience. This would also provide flexibility along the transit corridors by establishing regulations governing ground floor use, transparency on the ground floor and limiting curb cuts, among other potential regulations. Requirements for non-residential uses on the ground floors of new buildings along these retail corridors would ensure that street life was active and create safety for all while providing for both retail as well as community facility space.

This proposal would also map commercial overlays to a depth of 100 feet to reflect the typical depth of existing lots along corridors to prevent commercial uses from encroaching on residential side streets. Existing commercial overlays mapped at a depth of 150 feet would be removed on Fulton Street, Pitkin Avenue, and Liberty Avenue.



The investments, strategies and policies developed by City agencies during the creation of the ENY Plan acknowledge much of the challenges and opportunities presented by the proposed rezoning changes. The City's proposed strategic investments in infrastructure — including a new 1,000 seat school, improved parks, major streetscape and safety improvements to Atlantic Avenue, a new Workforce 1 Center and improvements in the Industrial Business District, if fully realized — would serve and improve the quality-of-life of existing residents and workers, as well as newly-added residents and workers.

The proposed ENY Plan includes actions for text amendments to the Zoning Resolution to establish a MIH program and apply the program to portions of the proposed rezoning area where zoning changes are promoting new housing. The regulations would require a share of as-of-right new residential development to include a permanently affordable component. This regulation would likely ensure that new development would facilitate mixed-income communities even in the event of future changes in the housing market that would make market-rate housing development for higher-income households feasible. Initially, new multifamily development would likely resemble recent multifamily development in the broader area, which has utilized public subsidy and been affordable to low-income households.

The ENY Plan estimates that about half of the projected dwelling units (assumed developed by 2030 in areas designated as MIH areas) would be affordable to lower income households, with the remaining housing affordable to moderate- or middle-income households, or higher-income households. A portion of this affordable housing will be set aside for community residents, and subsidized to meet local income bands by HPD policies. Residents added by the new housing would result in added customers for local businesses and may cause new businesses to open in the area, strengthening existing retail corridors and improving local retail options for current residents.

The Borough President is generally supportive of the intent of the proposed ENY Plan, though he understands and shares the concerns voiced by the neighborhood regarding: permanence of affordability above and beyond MIH requirements, risk of displacement, affordability levels, the MIH program, limited number of government sites, appropriate building height, supermarkets, big-box retail stores, development along elevated train lines, the need for sound economic development strategies, securing adequate community amenities and infrastructure, and accountability.

### **Permanent Affordability**

Creating and maintaining affordable housing continues to be a challenge in New York City. The trend of losing such affordable housing to deregulated status continues to further escalate the challenge in maintaining an adequate supply of affordable housing. Today, more and more housing units are at risk for becoming deregulated, as they approach the end of their affordability agreements and looser regulations kick in, allowing landlords more leeway to raise the rents. In many cases, even before those restrictions are up, landlords are looking to buy these portfolios with the intention of getting the current low-income tenants out before the end of the affordability agreement.

The proposed rezoning creates new rental pressures on existing residents as thousands of new higher income residents are introduced into the area. This places the 49,266 existing low-income residents in East New York and the surrounding communities, currently living in 21,788 market-rate non-NYCHA units not subject to rent stabilization, at an increased risk for displacement. The risk for displacement is further increased as many units in East New York are within non-regulated small homes with nominal upzoning to R6B, neutral contextual

zoning to R5B. This is also true for areas immediately north and south of the rezoning, which remain designated as R4 and R5 because many properties are developed to approximately half or less of the allowable floor area. Such underdeveloped lots put those buildings at-risk for acquisition by developers for new infill development, when justified by the housing market. Even the handful of rent-stabilized buildings contain those significantly underdeveloped according to the zoning, which potentially places them at-risk for redevelopment, resulting in displacement. Therefore, it is important that all affordable housing units that are achieved through the ENY Plan be permanent.

While DCP has proposed permanently affordable housing in this area through the establishment of the MIH program, the initiative requires 25 percent of an overall new residential development in excess of 25 units to be affordable. Where a developer is willing to provide all of the units initially as affordable housing, there are no regulations in place to mandate permanent affordability for the remaining 75 percent of the units.

It is the Borough President's policy that affordable housing units remain "affordable forever" wherever feasible. The Borough President is concerned that too many affordable units are created with a limited regulatory term with regard to the number of years these units remain affordable. In his 2014 housing report, the Borough President called upon HPD to implement affordable-forever strategies so that future generations can benefit from the sound policy decisions of the current administration. The Borough President is concerned that the standard regulatory agreement used by HPD is typically between 30 and 50 years, and then loses affordability after the financing period is over. His concern is that as tenants move out after the expiration of such regulatory agreement, the units would revert to market-rate prices and no longer be an affordable housing resource. In areas where new developments can be realized on City-owned sites, it should be a policy of the City to minimize the loss of affordable housing by requiring such units to remain permanently affordable.

The Dinsmore-Chestnut Urban Renewal disposition site and the scattered NIHOP sites provide opportunities to advance the Borough President's "affordable forever" policies. In addition, the significant proposed rezoning from M1-1 to M1-4/R8A and apparent significant financial investment that would be required by the City towards the redevelopment of the former Chloe Foods sites, intended to be developed by Phipps Houses, warrants a commitment to have that development be permanently affordable.

Specific measures, when implemented, can ensure that units remain as affordable housing options for the City's residents. The Borough President believes that as the City proceeds to dispose of its land to developers, the land disposition agreement (LDA) would be an appropriate mechanism to ensure that affordable housing remains in perpetuity. This concern can be partially mitigated by the disposition of land for affordable housing opportunities to non-profit affordable housing development entities as a sound method to promote permanent affordability. A non-profit's core missions are to be an affordable housing provider and a strong advocate for affordable housing — not driven by financial considerations. The disposition of land to non-profits can usually provide a soft guarantee that the affordable units remain affordable for the duration a non-profit is in operation.

According to the DEIS, the proposed former Chloe Foods development site would generate approximately 1,054 affordable housing units. Although the non-profit Phipps Houses is involved, there is no way to guarantee permanent affordability and the ownership's intention at the end of a typical financial terms regulatory period.

For the Dinsmore-Chestnut site floor area developed as housing and for the HPD scattered site NIHOP RFP, the Borough President believes that disposition should be pursuant to a LDA

or Regulatory Agreement that requires all housing to remain permanently affordable. For the former Chloe Foods site, he believes that 100 percent permanent affordability should be achieved through either a mechanism recorded against the property or through the terms of the funding agreement.

The Borough President believes that it is imperative for the City Council to obtain such commitments in writing from HPD regarding the Dinsmore-Chestnut and NIHOP sites, to be memorialized in the LDA or Regulatory Agreement and from HPD and/or Phipps Houses memorialized in either the funding agreement or recorded against the property, prior to granting its approval to the requested modification to the Dinsmore-Chestnut Urban Renewal Plan, property dispositions, and the proposed rezoning affecting these properties.

### **Preservation and Anti-Displacement Measures**

As one of the fastest growing communities in the New York metropolitan area, Brooklyn has experienced a renaissance that has ushered in a series of unforeseen changes, even from 10 years ago. Unfortunately, Brooklyn's success has led to displacement of longtime residents, who can no longer afford to live in their own neighborhoods. East New York has been a safe haven for many of those displaced in recent years as well as the long-term residents who have called this community their home for many years. Without rent stabilization protection, residents of, and in proximity to, the ENY Plan area are not likely to be immune from the pressures of the real estate market, as more people are drawn to the area. As a result, many residents are struggling to remain within the community as they exhaust their life savings just to keep up with day-to-day living.

While market forces that place renters at risk for displacement will always be present, the ENY Plan could inadvertently increase the risk for displacement beyond the estimated 158 residents, projected by DCP. Approximately 80 percent of the residents in East New York and the surrounding communities will be unable to afford the market rate housing units proposed under the rezoning, and 55 percent of the residents will be unable to afford the affordable units. The DEIS projects that 3,447 affordable housing units will be produced in the neighborhood but only half of these units would be set aside for community preference. Additionally, if a more conservative estimate is considered, where as few as 1,896 affordable housing units would be produced, the local preference would be even lower, with only 948 units set aside. Ultimately, a large majority of those displaced would not be able to afford the relatively small number of new units that are proposed to be built.

The more expensive residences that would be achieved through the higher 30 percent Area Medium Incomes (AMI) equivalent rents permitted through government financing or MIH requirements or through rents pursuant to the extent of the housing marketplace, are often perceived as making the surrounding area more attractive to those with more disposable income than those within the existing community. Such occupancy of the higher-cost rentals are viewed as factors in encouraging landlords to raise rents of unregulated units to rates supported by the market. The resulting displacement of a building's tenants and loss of the neighborhood's affordable housing stock are both of equal importance for affordable housing advocates.

Based on criteria developed to prepare the DEIS, a total of 187 development sites were identified within the rezoning study area; 81 projected sites, which are more likely to be developed within 15 years (2030), and 106 potential sites, which are less likely to be developed due to lot shape, size and activity. The DEIS disclosed that tenants in the ENY Plan identified potential direct displacement of 158 people, residing in 53 units on 19 of the 80 projected development sites to accommodate development pursuant to the proposed rezoning.

### Strategies to Promote Preservation and Anti-Displacement

In response to concerns raised by the community and local elected officials regarding the increased risks for loss of affordable housing, and increased displacement, including those accounted for in the DEIS, the ENY Plan outlines strategies that are meant to preserve these units and protect existing residents.

In terms of preserving the existing affordable housing stock, HPD and other city agencies are dedicating resources to aggressively fight displacement by focusing on and expanding a series of financing and tax incentive programs in East New York to maintain affordability, and will strive to preserve all identified government-assisted housing whose affordability requirements are expiring. In addition, HPD recently launched a new Green Housing Preservation Program, which provides financing for private owners of small to mid-sized buildings to undertake energy efficiency and water conservation improvements, as well as moderate rehabilitation, to improve building conditions, reduce greenhouse gas emissions, and preserve affordability. HPD will streamline and expand small home repair loan programs for low to moderate income homeowners of one- to four-unit buildings, which comprise a significant portion of the building stock in East New York.

HPD will also target code enforcement to ensure housing quality. HPD's Division of Code Enforcement will inspect, issue violations if warranted, and refer properties with violations to the appropriate Housing Quality Enforcement Program.

In terms of protecting tenants from displacement, HPD strives for participation in neighborhood planning areas as it provides HPD with an opportunity to be more nuanced in developing new or increasing the deployment of existing resources to address the specific needs of a neighborhood based on building types, demographics, available data, and expressed community concerns. Each neighborhood is unique, and while there are anti-displacement strategies that can be applied across various neighborhoods, despite sentiment from various tenant advocates, there are experts that generally agree that the application and certification required in existing anti-harassment zones are not addressing core reasons for displacement. As such, HPD is convening legal and housing advocates and community development practitioners to assist in strengthening existing and/or developing additional anti-displacement tools.

The Administration has been assertive in its commitment to deploy anti-displacement resources, which will continue to evolve and be refined as better practices are identified in response to community concerns and the real estate market. A recent \$36 million commitment from the City in the ENY Plan is intended to provide free legal representation in housing court to all tenants in rezoned neighborhoods facing harassment, 47 percent of the overall citywide commitment to such purposes.

The City recently announced the creation of a Tenant Harassment Prevention Task Force to investigate and bring enforcement actions — including criminal charges — against landlords who harass tenants in East New York and other neighborhoods. The task force will address complaints that landlords are using a variety of tactics, including disruptive and dangerous renovation and construction projects, to force tenants into vacating rent-regulated apartments. The State's Housing and Community Renewal's Tenant Protection Unit, Attorney General, and the Department of Buildings (DOB) are currently conducting joint inspections citywide, following up on enforcement actions to combat such tenant harassment, which has already resulted in prosecutions. Additionally, this fall, the Mayor has signed three new measures into law (Intros. 757-A, 682-A and 700-A) to protect tenants from harassment and outlaw aggressive 'buy-out' practices used to force tenants out of rent-regulated apartments.

HPD also provides funding to local community-based development organizations for anti-eviction work and housing quality through its neighborhood preservation contracts to help meet the goals of stopping tenant displacement, improving housing quality, and generally encouraging property owners to enter into regulatory agreements with HPD.

While these initiatives can play an important role to avoid displacement, there needs to be accountability holding these initiatives in place and ensuring that they are sustained, at least until a substantial number of the probable and potential development sites identified in the DEIS are developed.

#### Risk for Displacement

Despite the intended initiatives, there remains much concern regarding the potential for displacement. There are several rent-stabilized buildings, which might be at risk for redevelopment given the extent of available development rights. Though such units have not been analyzed in the DEIS, the 2004 rezoning of Fourth Avenue in Park Slope is an example of such risk. Subsequent to the adoption of the Park Slope rezoning, certain buildings with occupied, rent-stabilized units were demolished. This included one particular redevelopment site where five adjoining buildings, between Butler and Douglas streets, were demolished and its tenants were displaced.

There are also concerns with regard to accommodating the current residents of Arlington Village, as 25 percent of apartments are still inhabited, of a total of 361 existing apartments, and this particular site is projected to yield 829 new units per City Planning's proposed zoning. The proposed zoning map change and MIH text does not provide any certainty that the residents of Arlington Village would remain and maintain their reasonable rental payments. Though the new owner has expressed such intent, there is nothing binding that guarantees such an outcome. The Borough President is very concerned about the long-term well-being of these tenants who have lived through a significant period of disinvestment under prior ownership.

There may be other reasons why the tenants might be displaced, which have nothing to do with upzoning. Even standard rent increases approved by the Rent Guidelines Board (RGB) could be enough of a burden to eventually lead to an inability to maintain the payment of rent. Furthermore, Major Capital Improvements (MCI) lead to much more substantial increases, which can result in displacement simply by the inability to afford such a jump in rent. Finally, there is always the risk of the residential building being sold to a developer for gut rehabilitation, where units are vacated in accordance with the DHCR Operation Bulletin.

There is concern over the small homes in the mid blocks, which are potentially at risk of displacement as the rezoning will create soft sites resulting from under built existing lots. For these mid blocks, the R5B rezoning would be a slight upzoning, only by about 10 percent, increasing from 1.25 FAR to 1.35 FAR, and the R6B rezoning would be an upzoning, by about 70 percent, from 1.25 FAR to 2.0 FAR.

The proposed contextual R5B and R6B zoning district designations are intended to seek to reinforce, preserve and enhance the existing character and context of the residential core. This would by require new development in the primarily residential central blocks to better match the form of existing buildings, by ensuring that new infill development complements the existing residential character by promoting consistent building height and size. Unfortunately, even with such nominal upzoning to R6B, neutral contextual zoning to R5B and areas immediately north and south of the rezoning remaining designated as R4 and R5, many properties are developed to approximately half or less of the allowable floor area. This

makes those buildings at risk for acquisition by developers for new infill development when justified by the housing market. But for the larger sites in the proposed R6B designated areas that tend to be part of more significant rezonings along Atlantic or Liberty avenues, the DEIS does not analyze potential displacement that would result from the upzoning to R6B and the sites that would not be gaining additional floor area or are outside the boundaries of the rezoning.

The Brooklyn Borough President's Office conducted an analysis of potential soft sites utilizing the existing built floor area ratio, as compared to the proposed allowable floor area ratio. The analysis concluded that by not downzoning, the ENY Plan proposal leaves a lot of the neighborhood vulnerable to displacement, as shown below.

Brooklyn Borough President's Office Analysis of Potential Soft Sites



One means to reduce the number of potential redevelopment sites is to reduce the amount of permitted zoning floor area. This would be accomplished through a zoning map change designation, which results in less floor area than the proposed R5B and R6B, and the adjacent R4 and R5 designated areas.

From this analysis of the potential soft sites, nine are likely rent stabilized buildings, which might provide some additional deterrents to displacement. The rest of the soft sites are at an even greater risk of displacement given the more limited regulatory role with private leases. However, the risk on rent stabilized sites is two-fold, if the building is not a soft site then the next level, besides landlord harassment, is preferential rent retraction and implementation of the much higher legal rent; in some cases this could mean up to 40 percent more than the last lease.

While the Administration has not embraced designating additional anti-harassment areas due to a belief that the application and certification required in existing anti-harassment zones are not addressing core reasons for displacement, plenty of tenant advocates have called for introduction of an anti-harassment area to Cypress Hills and East New York. Such areas can be established through a zoning text change, such as those established in the Special Clinton District and in Williamsburg and Greenpoint.

Implementation of such areas requires HPD to conduct investigations whenever the DOB receives a demolition request. Many affordable housing advocates believe that the potential

recourse resulting from an investigation that determines if harassment occurred (setting aside affordable housing in the resulting redevelopment) would minimize the number of situations in which the property owner would continue to pursue displacement, resulting from building demolition. Tenant advocates believe that the typical tenants benefitting from this process are those most vulnerable/unable to combat landlord harassment by themselves. These include: seniors, recent immigrants, the disabled, those with low literacy skills, and those with low incomes. This measure requires the City to be proactive.

In 2008, the City Council enacted the Tenant Protection Act (Local Law 7 of 2008) as a means of establishing a self-help course of action in housing court for a tenant to sue their landlord for harassment. As compared to the Anti-Harassment Area, the TPA shifts the emphasis from the City to the tenant to be proactive. If, after a hearing, the court finds that harassment has occurred, a judge can issue an order instructing the landlord to cease the harassment. The question is whether the fines ranging from \$1,000 to \$5,000 or the possibility of compounded fines for subsequent findings of harassment, are substantial enough — as compared to anti-harassment area penalties — to preemptively discourage the harassment of tenants broadly. Advocates believe that in order to make the best use of TPA for combating harassment, it likely requires that a tenant be knowledgeable enough and have the resources to initiate a pro se court (self-representation without Counsel) action and prove a pattern of harassment. Additionally, because such actions are tenant initiated, landlords who “successfully” displace their tenants through harassment escape sanction. Advocates believe that TPA was never conceived as a “cure-all” for the harassment of tenants and was certainly not meant to substitute for establishing more anti-harassment areas. The Borough President agrees with this position in seeking the establishment of more anti-harassment areas.

The Borough President believes that it is appropriate to implement measures that retain the City’s regulated affordable housing stock. As the Administration is not embracing the idea of establishing more anti-harassment areas, is important that the City Council, on behalf of tenants, take appropriate actions to best protect tenants.

As the rezoning area and surrounding communities have been reported to have 49,266 existing low-income residents currently living in 21,788 non-rent regulated apartments, measures that have the potential to protect tenants, warrant further consideration. The Borough President believes that the City Council should review anti-harassment measures of Sections 23-90 and 93-90 of the Zoning Resolution and the TPA to determine the best means of protecting the tenants of the sections of Ocean Hill- Brownsville, Cypress Hills and East New York in the area to be rezoned from harassment that may arise as a byproduct of the threat of displacement, which may result from the adoption of this zoning map amendment. The City Council should then take appropriate action to protect tenants in these neighborhoods, including possible amendments to Local Law 7 and/or implementation of additional anti-harassment districts.

The Borough President believes that tenant protection measures can be a deterrent to displacement. However, given the displacement that happened along Fourth Avenue in Park Slope, he believes it is still possible that developers may decide that it would be more profitable to demolish one or more buildings and then construct the maximum allowable residential development.

The Borough President is aware that merely zoning from R4, R5 to R6A, R7A, R7D, R8A and their commercial zoning district equivalents does not result in immediate redevelopment. He recognizes that it can take several years to establish and engage in anti-displacement

measures to minimize displacement and provide adequate relocation resources for those displaced or at-risk for displacement.

#### Status, Accountability and Enhancement of Initiatives

The Borough President believes that there needs to be known status and accountability for such stated preservation measures and anti-displacement initiatives by the Administration, in order to achieve adequate success in the immediate years, as more affluent households are introduced into the neighborhood.

In terms of HPD's Green Housing Preservation Program (GHPP) and its efforts to expand small home repair loan programs by streamlining the application process as a means to preserve affordability, the Borough President believes that such rehabilitation loans should be funded at a borrowing rate of one percent to landlords willing to index lease renewal to RGB increases. HPD should provide a database of all eligible properties for the GHPP and small home repair program with a list of such properties within a half-mile radius of the proposed rezoning area, indicating owner's contact information, and status of outreach efforts to the owner and tenants. HPD should commit to providing an adequate number of brochures or other marketing materials and sustainable rounds of funding to neighborhood community-based development organizations (CBDO) such as CHLDC, LDCENY, Mutual Housing Association of New York, and Northeast Brooklyn Housing Development Corporation as well as area faith-based partners to assist in the canvassing of small property owners.

The Borough President believes that HPD should include in its menu of tax incentives such products that would be eligible for residential real estate tax credits, including tax exemptions and/or forgiveness on City collections subject to lien sales, such as water and sewer charges, real estate taxes, etc., for landlords willing to index rental unit lease renewals to RGB increases.

While HPD strives to preserve all identified government assisted housing whose affordability requirements are expiring, the Borough President believes that several steps should be implemented prior to the Council's hearing on the ENY Plan. These include providing the City Council with a list of such properties within a half-mile radius of the proposed rezoning area; indicating the year such affordability requirements would be expiring; owner's contact information, and status of outreach efforts to both the owner and tenants.

Regarding HPD's efforts pertaining to targeting of code enforcement through inspections, issuance of violations if warranted, and referral properties with violations to the appropriate Housing Quality Enforcement Program (HQEP), the Borough President believes that HPD must supplement 311 call centers to better canvas the reporting of possible violations. Tenants should be actively solicited to share what they perceive to be code violations. Efforts should include having HPD staff regularly dispatched to known places in the community where they would be available to collect such information worthy of inspection. HPD should also regularly participate in fairs sponsored by local elected officials, CBDOs and/or faith-based partners, to collect such information. In addition, HPD should use such potential code violation data collections to prioritize inspections and implementation of its HQEP, with ongoing quarterly report documenting such efforts.

HPD has expressed intent to enhance its efforts to protect tenants from displacement through convening legal and housing advocates, and community development practitioners. They would assist in strengthening existing and/or developing additional anti-displacement tools. As intent is not results driven, HPD should provide a status of progress with the convening of the advocates and practitioners.



Even if merely one landlord displays immoral and illegal behavior, it would be too many. The law should be a weapon for Brooklynites battling such landlords. Tenants who understand their rights are much less vulnerable to harassment and displacement. In order to increase knowledge to as many tenants as practical, the Borough President has held a series of tenant harassment hearings and anti-displacement legal clinics, which aim to educate tenants on their legal rights and provide free legal advice to those facing displacement threats. While empowering individual households is a component of a tenant support system, it is imperative that HPD provides ongoing funding to local CBDO for anti-eviction work, eviction prevention services and housing quality enhancements through its Neighborhood Preservation Contracts to help meet the goals of stopping tenant displacement. In addition, adequate resources need to be directed to HPD's Tenant Harassment Prevention Task Force to enable it to adequately investigate and bring enforcement actions — including criminal charges — against landlords who harass tenants within the ENY Plan study area and surrounding neighborhoods.

Even with all these comprehensive approaches, unfortunately legal resources will, at times, be necessary to respond to harassment and eviction proceedings. The \$36 million commitment from the City, to provide free legal representation in housing court to all tenants in rezoned neighborhoods facing harassment, is an important initiative. However, legal representation should also be extended to tenants of neighborhoods surrounding the rezoning, as the anticipated neighborhood enhancements improve the overall area's quality of life.

The Borough President believes that prior to the City Council's subcommittee on Zoning and Franchises hearing regarding the ENY Plan, it is imperative for the City Council to obtain commitments in writing from HPD regarding: the status of its expansion of a series of financing and tax incentive programs, lists and outreach regarding government-assisted housing with expiring affordability requirements; code violation data collections; the convening of the advocates and practitioners for best practice to enhance efforts to protect tenants from displacement — including possible establishment of additional anti-harassment areas; resources to enable such legal clinics to occur with regularity; ongoing funding to local CBDOs for anti-eviction work, eviction prevention services and housing quality enhancements; resources need to be directed to HPD's Tenant Harassment Prevention Task Force, and, free legal representation in housing court. Furthermore, the Borough President joins the Brooklyn Borough Board in supporting the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings. He urges the City Council and the Mayor to adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings.

In addition, HPD should commit to the City Council that it would provide quarterly updates of such status reports that would be required to be submitted to Community Boards 5 and 16 and affected Local elected officials.

#### Marketing Known Affordable Housing Sites to CD 5 and 16 Residents and Ongoing Marketing Efforts

Due to the ongoing housing market trends, there is potential for direct as well as indirect displacement, for residents of both CDs 5 and 16, as a result of the anticipated development, pending the approval of the ENY Plan. For community residents to truly benefit from the City's ambitious housing plan, appropriate steps should be undertaken to make sure that CD 5 and 16 residents are able to qualify for housing opportunities as they arise. The Borough President believes that developments such as HPD's sites along Livonia Avenue, NYCHA's Van Dyke Houses, and the State's Brooklyn Development Center campus

have the potential to lend themselves as initial relocation resources. However, without adequate awareness and housing lottery readiness, such opportunities would be underutilized.

HPD sites are in various stages of being developed for affordable housing along Livonia Avenue, west of Pennsylvania Avenue. These developments are projected to yield 278 units as part of Livonia Commons and 288 units as part of the second phase. NYCHA's Van Dyke Houses campus has an affordable housing development of approximately 100 units underway by CAMBA. The State's Brooklyn Development Center campus at 888 Fountain Avenue has been conditionally designated to Fountain Seaview Limited Partnership according to a proposed General Project Plan. This project is anticipated to facilitate the construction of approximately 1,000 affordable housing units, 200 of which would be replacement units designated for people with intellectual and development disabilities, contemplated for construction in 2017, with all units completed by 2028. Excluding the 200 replacement units, along with the Phipps Houses redevelopment of the former Chloe Foods site and the City's Dinsmore-Chestnut site, the above mentioned developments should be strongly considered as a relocation resource for those CD 5 and 16 residents at risk for displacement. These developments should also be considered as a relocation resource for the thousands of households living in unregulated apartments.

It should be the City's mandate to assist neighborhood residents to be as qualified and educated as possible to reap the benefits of the City's affordable housing programs. Appropriate steps to market known and subsequent affordable housing units to residents of CDs 5 and 16 must be complemented by ongoing housing literacy initiatives as a critical component of the City's plans. There are many benefits to partnering with the HPD on these efforts including creating shared literature for distribution; hosting education forums, and partnering with CBDO, faith-based organizations and local elected officials.

HPD should work with and provide resources to CBDO and faith-based organizations to help with housing lottery readiness and lottery awareness. Prior to the City Council hearing, HPD should provide in writing to the City Council its intent to help provide the educational and outreach resources in place.

#### Arlington Village

Currently, Arlington Village is at 25 percent occupancy, with a total of 361 existing apartments. The proposed ENY Plan projects that this site will yield an additional 829 units in accordance with the rezoning. While the new owner expressed intent to maintain the existing residents at the reasonable rents, there are no legal mechanisms in place to guarantee such promises. Therefore, the Borough President remains concerned that the proposed upzoning of this property could result in a higher risk for displacement of these long-term residents.

The new owner has expressed interest of subsequently seeking a modification to the proposed zoning as a means to provide for more affordable housing. This is something that should be considered in consultation with the community, CB 5 and local elected officials. There might be opportunities to respectfully increase density by widening the depth of the proposed Atlantic Avenue, similar to what is being proposed for the west side of Berrimann Street. Consideration should be given to providing additional density only on the section of the north-south street that does not abut neighboring properties, as is the case with Aitkens Street. However, such consideration should not be entertained without providing certainty for the existing tenants to remain in place.

In order to provide certainty for these tenants, the Borough President believes that prior to the City Council hearing, the redeveloper needs to provide proof of a binding mechanism to the Council, as a means of ensuring that the residents would be seamlessly accommodated in the redevelopment of Arlington Village, at comparable rents. Otherwise, the Borough President believes that the City Council should exclude this portion of the study area from the upzoning, leaving this property as an R5 zoning district designation.

#### Addressing Displacement through Downzoning

According to the soft site analysis by the Borough President's Office, there are a substantial number of properties that would become soft sites or development sites in the proposed R6B and R5B zoning districts. The R4 and R5 districts surrounding the proposed rezoning area also contain a significant number of soft sites. These soft sites increase the risk for ongoing displacement as existing homes are demolished and properties are redeveloped one by one. Even properties where it might not make sense to demolish the building might contain enough excess development rights to result in developer-driven enlargements that would likely also be preceded by displacement. While the anti-displacement strategies have the potential to provide a pathway to achieve voluntary participation, by offering RGB leases in the one- to four-family buildings, a stronger pathway appears to be in reducing development opportunities through downzoning and/or zoning districts that require detached or semi-detached housing types.

The Borough President believes that it would be appropriate for DCP to undertake a rezoning study of the proposed R5B and R6B districts as well as the surrounding R4 and R5 districts as a means to better match the allowable zoning with both the predominant building type and built floor area. Such study should be undertaken in consultation with CB 5 and 16 and its local elected officials.

Prior to the City Council hearing, the Borough President believes that the Administration should commit DCP to undertake such a rezoning study as a follow-up corrective action, with a proposal produced within six month of adoption of the ENY Plan and an application certified within 18 months.

#### Addressing Displacement by Providing Additional Affordable Housing Development Opportunities

It is one of the Borough President's policies to support effective ways to create more affordable housing. He is committed to seeking out all opportunities to facilitate affordable housing. As part of the ENY Plan, HPD intends to prioritize the development of more than 1,200 units of affordable housing within the next two years, including the vacant City-owned Dinsmore-Chestnut site at Atlantic Avenue. Extending beyond those 1,200 units becomes challenging given the amount of City-owned land that has diminished, and today there is very little City-owned vacant land remaining in the area. This is addressed in the ENY Plan through a proposed amendment to the Dinsmore-Chestnut Urban Renewal Plan to conform land use restrictions to zoning, to refresh the urban renewal plan's general provisions, and to allow disposition of the urban renewal site. However, given the significant number of vulnerable unregulated units, there remains a critical need for increasing the supply of very-low and low-income affordable opportunities as a future resource for at-risk and displaced households.

Given that HPD's portfolio continues to decline in development sites, the Borough President released his housing report, Housing Brooklyn: A Road Map to Real Affordability for Brooklynites, in November of 2014. The report identifies possible affordable housing development sites that can assist in facilitating the much-needed development of affordable

housing in Brooklyn. Two such sites disclosed in the report are near enough to the ENY Plan area to serve as relocation resources for those households at risk for displacement or already displaced. These include the Grant Avenue Field municipal parking facility and the site recently considered to house the Brownsville Community Justice Center.

The Grant Avenue Field City-owned municipal lot represents an opportunity for future development as a potential affordable housing site while also preserving off-street parking for high-need areas. HPD should initiate a process to develop the site. Additionally, the RFP should phase development of the lot to allow at least the land on one side of the street to be available for use during construction. Developed in the right way, in consultation with CB 5, this site could be a welcome addition to the community.

First identified in the Borough President's August 2014 ULURP recommendation, the Brownsville Community Justice Center site could also contribute to the Mayor's Housing New York Plan as a permanent affordable housing development. The open space at the northwestern portion of this property, along Amboy Street, provides 133,060 square feet of available floor area. Though, the extent of determining appropriate height should be developed in consultation with CB 16.

NYCHA's NextGen Plan identifies unused development right opportunities that are available for consideration within their own campuses. The possibility of tapping these rights presents a great opportunity for developing affordable housing. The CAMBA development at Van Dyke Houses is a good start and the recent RFP for an additional site at Van Dyke Houses will make an important contribution in addressing the critical need for affordable housing. Additional consideration would be needed to determine what spaces within the campuses would need to be transformed to accommodate new housing. Such development will offer another opportunity for residents at-risk, or already displaced, to remain or return to the Ocean Hill-Brownsville and East New York communities. There remains potential to develop an underutilized parking lot, shared by Linden and Boulevard Houses, to complement the recent addition of affordable senior citizen housing. The collective challenge is to figure out the feasibility and location for additional buildings. This is challenging because using remaining available floor area involves rethinking parking lots, the location of play areas and green spaces, or building above, such as is underway at Ingersoll and Whitman Houses. The Borough President looks forward to working with NYCHA and other City agencies, in collaboration with CBs 5 and 16, and local elected officials to unlock the possibilities at the neighborhood's NYCHA campuses.

The amount of NYCHA air rights available can make a significant dent to the extent that they are appropriate to utilize. On the high end, Van Dyke Houses might have around 1,150,000 square feet of available development rights. Howard Houses might have 800,000 square feet of such rights. Cypress Hills Houses might have approximately 500,000 square feet. Howard Avenue. Park Place appears to have a little more than 400,000 square feet and Howard Avenue might have around 250,000 square feet. Then there is Brownsville and Low Houses with roughly 175,000 square feet, while Hughes Apartments, Fiorentino Plaza, and Woodson Houses all may have around 120,000 square feet. Ocean Hill Apartments appear to have 75,000 square feet. Even Brown Houses might have 90,000 square feet, while Ralph Avenue Rehab appears to have approximately 70,000 square feet. On the low end, Long Island Baptist and Belmont-Sutter might have approximately 17,000 square feet of available rights. To the extent that it would be appropriate to place any of these rights present an important opportunity to retain households in these communities.

In recognizing that City-owned land is a diminishing resource, the Borough President established his Faith-Based Property Development Initiative, in partnership with Brooklyn's

faith-based institutions, such as Kingdom Faith Developers. Many of these institutions have a social vision that involves advancing the development of affordable and supportive housing. While they may have excess development rights, often they lack the financial and technical capacity to advance these development rights. The Office of the Brooklyn Borough President has been engaging faith-based institutions and initiating zoning and development consultations. The Borough President has provided Capital Budget funding to advance the construction of affordable housing in partnership with the faith-based organizations. He has joined faith-based organizations in engaging public agencies toward advancing technical expertise and looks forward to continuing such efforts as a means of realizing as much affordable housing as is practical through excess development rights.

In addition to specific City-owned or controlled sites, the City should work with faith-based organizations to identify potential development possibilities. Through faith-based development, there is community involvement in the advancement of affordable housing. This should be performed in recognition that the City would be teaming up with organizations that provide services to the communities directly affected by the affordable housing shortage. Partnering with faith-based community groups can help the City maximize its return on investing in affordable housing. In return, we can help them overcome technical and financial hurdles so they can increase their impact within communities most at need.

In addition to City-owned properties, the faith-based community has property development rights in and around the ENY Plan area that can serve as a resource to advance the supply of affordable housing, enabling at-risks and displaced households to remain in place. These sites are eligible to be developed as qualifying MIH generating sites where it might make sense to build the affordable housing off site. In addition, financial capacity and technical support from government would advance the development of certain faith-based sites, furthering the agenda of achieving affordability to very-low income households.

One additional potential affordable housing site was identified by the Borough President during his land use review (ULURP) for the proposed Rescue 2 fire station site selection. There are three adjacent City-owned lots with likely excess air rights. These include the one-story annex to PS 178, along Park Place, which could become a mixed use school/affordable housing development site. Its available development rights could be augmented by the adjacent section of the city lot under the jurisdiction of HPD, which is earmarked for development as a neighborhood open space as part of the Housing Authority's (NYCHA) redevelopment of its former Prospect Plaza development. There appears to be additional excess air rights associated with the Rescue 2 fire station that could be included with a development on the annex site.

The annex lot is approximately 25,000 square feet. The HPD lot has nearly 44,000 square feet inclusive of the fire station. The combined site's R6 zoning provides for community facility floor area for mixed use buildings according to Zoning Resolution 24-162. Residential floor area could attain the height factor maximum calculation of 2.43 residential floor area ratio minus the 15,621 square feet for the fire house. At some future date it might appear to be in the City's interest to consider the PS 178 annex as a development site for both school and housing purposes. There appears to be ample opportunity to incorporate the annex at its present or even expanded size should neighborhood growth necessitate additional school seats. There might be an opportunity in the neighborhood of up to 150,000 square feet of residential development.

The Borough President is concerned with regard to the risk for displacement and the limited opportunity to depend on the private sector through MIH-designated area development to achieve housing affordable to those most in need. He believes this should be addressed

through providing as many opportunities to create additional affordable housing resources for very-low income households at-risk for displacement or to allow those displaced to return to these communities. The Borough President believes that through both creative use of government property and through the City's financial capacity and technical support. He believes the City should be transferring jurisdiction of existing Grant Avenue Field municipal lot to HPD with the understanding that affordable housing development would incorporate the public parking as part of site redevelopment. Also, the section of the open area along Amboy Street of the site considered for the Brownsville Juvenile Justice Center should be transferred to HPD to allow for it to issue an RFP for the lot's unused residential floor area. HPD should be collaborating with NYCHA to explore the appropriate extent of opportunities to use the remaining development rights within the neighborhood's NYCHA campus, and only proceed with sites after consultation with the community, CBs 5 and 16, and local elected officials. Financial capacity and technical support from government should be advancing the development of neighborhood faith-based sites with available development rights. Finally, the City should take steps necessary to develop a mixed use school/affordable housing building at the PS 178 annex, as part of a larger zoning lot that provides the opportunity to maximize the available unused residential floor area with consideration for such development vision, including building bulk, income diversity and the necessary number of classrooms should be in consultation with CB 16, District 23 Community Education Council, District 23 superintendent, the principal of PS 178 and local elected officials.

Prior to the City Council hearing, the City should provide a written framework to the City Council of its intent to undergo such steps.

### **Community Preference**

Community preference is very important to ensuring that residents of a community are able to continue living in their community and not get pushed out due to increasing housing costs.

The residential neighborhoods of Ocean Hill-Brownsville, Cypress Hills and East New York, including areas within the ENY Plan rezoning and surrounding areas, contain a substantial amount of small buildings that are not subject to rent protection laws. While these communities have had stable residential populations in recent history, generally as more people consider relocating to a neighborhood, rents typically climb in the many unregulated apartments, ultimately displacing many long-time residents. There is a concern that such upward trend in market rents would be amplified by the anticipated developments resulting from the ENY Plan.

A percentage of the expected housing to be developed in CDs 5 and 16 would be affordable through a combination of City-owned sites, non-profit controlled property and MIH requirements. However, the provision of affordable housing alone does not sufficiently protect residents from neighborhood displacement. In recognition of those who might be displaced indirectly as a result of the effects on the current housing market, impacted by the anticipated redevelopment in the area, the City should replicate its policy of extending local community preference to displaced CD 5 and 16 residents, as it did for displaced residents of CD 1.

Therefore, prior to the public hearing of the City Council, HPD should provide a written commitment to codify that the 50 percent preference for community residents would be inclusive of former CD 5 and 16 residents displaced since the certification date of the ENY Plan.

### **Affordability Requirements**

New Yorkers at the 50 percent AMI level and below are by far the population most in need of affordable housing. The latest data shows 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 are not only rent-burdened, as a segment of the 55 percent of City renter households that are rent-burdened, but pay more than half of their income toward rent. More than a fifth of New York City households — over two million people — earn less than \$25,000 a year and almost a third make less than \$35,000. As the City's housing crisis gets worse, the burden falls most heavily on these low-income households, many of them senior citizens.

There is concern that the affordable housing likely to be provided would not contain a sufficient number of units affordable to the majority of residents living in or near the rezoning area. Without changes to the anticipated distribution and income tiers, there will not be an adequate supply of truly affordable units to address households at risk for displacement, including those living doubled up, those seeking to move on from shelters and those looking to form new households. In responding to those concerns, HPD expressed intent that on public sites, it will require developers to provide its deepest affordability levels. Unfortunately, beyond Dinsmore-Chestnut and NIHOP sites, there are no known public sites in HPD's portfolio in proximity to the ENY Plan that have not already been advanced with other affordability consideration based on financing. The Dinsmore-Chestnut site availability for affordable housing could possibly be balanced by accommodating the announced 1,000-seat school as well as the community's desire to have a recreation center realized.

In addition, on private sites, HPD expressed intent to require developers using HPD subsidy to create housing at deep affordability levels. The one anticipated site is the former Chloe Foods site waiting to be redeveloped by Phipps Houses. The DEIS assumes the Dinsmore-Chestnut site and the former Chloe Foods site as one site and projects the development of 1,054 housing units overall. Therefore it is difficult to project the exact number of deeply subsidized units that would be produced by each site. Arlington Village provides another potential for deeper affordability requirements, as the property owner has already expressed interest in redeveloping the property with the intent to retain existing residents and provide housing affordable to a number of local households. Subsequently, should the property be considered for further rezoning, there might be additional opportunities to leverage affordable housing, targeting the residents living in unregulated housing units who are most at risk for displacement.

Finally, the ENY Plan will utilize the Option One of MIH, which states that 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Area Median Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI. However, the Borough President believes that at least 15 percent of the residential floor area should be provided to households with incomes at or below 40 percent of AMI. While, there is no way of guarantying which other pending developers would seek HPD subsidies, this concept would at least provide a means to achieve units affordable to a segment of the area's households. Therefore, the Borough President believes that the Zoning Resolution section of the proposed zoning text amendment should include specific language, mandating not less than a 15 percent requirement for the MIH units to have rents set affordable to households earning not more than 40 percent of AMI.

Because so many households living in the ENY Plan study area and surrounding communities are of low- and very-low income, these households are often rent-burdened. A strict rent to income requirement of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged neighborhood households from the affordable housing lotteries. Unfortunately, as a result, these households do not meet the housing lottery's minimum household earnings because too often these rent-burdened households are already paying the same rent, or in excess, of the rent stated for the affordable apartment. 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 paying more than 30 percent of their income towards housing. The Borough President believes that it is time to finally break the mold in which families already paying too much rent for substandard housing are disqualified. The Zoning Resolution should be amended to allow for exceptions to the 30 percent of income threshold so that households who are burdened, though paying the same or more rent than what the housing lottery offers, would be eligible to live in newly-produced quality affordable housing accommodations.

Therefore, the Borough President seeks for the proposed MIH section of Zoning Resolution pertaining to ENY Plan MIH-designated areas to be adopted with a requirement that no less than 15 percent of the affordable housing be targeted to rents affordable to households not exceeding 40 percent AMI. As a means to expand the number of eligible households the City should ensure, through government regulated housing lotteries, rent-burdened households should receive the maximum opportunity to secure regulated, affordable housing units. The Borough President seeks to qualify rent-burdened households for eligibility for selection through the housing lottery process. This should be achieved by amending the Zoning Resolution to adjust the AMI qualifications, which should include such households that would maintain or reduce their rent burden, through action taken by the City Planning Commission or City Council.

### **Deep Affordability/More 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 blocks proposed for R8A, as compared to those proposed for R6A or R7A. Property owners rezoned from R5 would not similarly benefit financially from the proposed ENY Plan public action that is intended to leverage affordable housing as a public benefit. Thus, the rezoning would make development sites in the R8A nearly twice as enriched with market rate floor area than its R6A counterpart and more than 50 percent as compared to properties zoned R7A, without any added public benefit.

The Borough President believes that significant upzonings should be yielding more and affordable housing, including at deeper levels of affordability, that rezonings that do not provide as much 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 affordable housing bonus as a means to achieve the maximum permitted floor area. The Borough President believes that maximizing the number of affordable units while lowering the levels of household affordability can be achieved by blending what is required according to the proposed MIH with a voluntary special bulk permit.

Specifically, under this scenario, for the R8A outside the MX boundaries, the Borough President believes that if developers do not choose to exceed the MIH requirements, such sites should be developed according to R7A MIH regulations 4.6 FAR. For developers seeking to use the additional 2.6 FAR and height available in the R8A designated areas, such



additional floor area would have a requirement that 30 percent of its floor area be affordable based on rents averaging 50 percent of AMI.

By linking a substantial amount of market rate floor area (1.82 FAR) to the bonus, it provides a much greater incentive for a developer to use the zoning bonus and thus provide the publicly desired affordable housing.

Therefore, the City Planning Commission or City Council should modify the proposed R8A between to Bradford Street and Montauk Avenue to R7A and prior to the public hearing of the City Council, DCP should provide a written commitment to establish a zoning text amendment to permit a voluntary affordable housing bonus to permit R8A bulk and FAR, provided that of the additional 2.6 FAR, 30 percent is affordable to no less than 50 percent AMI average rent.

### **Location of MIH Affordable Housing Units – Preserve Existing Apartments to Preclude Displacement**

Unlike the Voluntary Inclusionary Housing program, the MIH proposed zoning text does not permit qualifying units to be provided off site in existing apartments. Without a mechanism for preservation of affordable units, the proposed MIH program misses out on an opportunity to prevent displacement of area residents. Residents of the several rent-stabilized buildings in the study area would remain vulnerable to displacement if developers deem there is sufficient unused floor area to justify purchasing and demolishing the apartment building. An example of such vulnerability was observed in Park Slope, on the Fourth Avenue redevelopment site, where five adjoining buildings between Butler and Douglas streets were demolished and a large number of tenants were displaced. However, there is still a risk for displacement even in cases insufficient available development rights to compel a complete demolition, because the building could be sold for gut rehabilitation and the units vacated in accordance with the DHCR Operation Bulletin. Furthermore, the landlord has the right to undertake a MCI to achieve much more substantial increases that can result in displacement simply because tenants may not be able to afford the rent increase. There are also residents who have been displaced through illegal harassment.

Regardless of the displacement circumstances, MIH lottery units do not guarantee lottery selection or for such households to have the proper income to be eligible for such units. The Borough Board seeks to expand eligibility to a preservation option so that more tools are available to keep residents permanently in their apartments, according to rent-regulated protection. Therefore, the Borough President believes that it is most important to have MIH modified to qualify the permanent preservation of existing units in the community as an additional tool to preclude displacement. He seeks for the Zoning Resolution to be amended accordingly by modification through the City Planning Commission or City Council.

### **Establishing Appropriate Limits for the Board of Standards and Appeals to Modify MIH requirements**

In cases of hardship, in which MIH requirements would make development financially infeasible, developers would be enabled to apply to the Board of Standards and Appeals (BSA) for a special permit to reduce or modify the requirements.

The preamble of what BSA might modify merely defines income levels without any accommodation for rent-burdened household equivalents. Furthermore, there are no set parameters as to what extent BSA may modify the MIH income levels for qualifying households. According to the proposed zoning text, for BSA to determine that finding (a) has been made, BSA is not required to consider whether there has been any demonstration that the City has not been provided adequate opportunity to enhance its subsidies. Further,

the finding does not adequately define reasonable return in the context of what would be the rate of return prior to the property being rezoned according to MIH.

For buildings in excess of 25 units, in which payment in lieu is not permitted to meet the requirements of MIH, the Borough President believes that BSA should be seeking out a demonstration that the City is not prepared to provide enhanced subsidies. Furthermore, he seeks that the zoning text is amended to clarify that the qualifying households would include rent-burdened AMI equivalents and preclude the conversion of AMI restricted housing to market rate housing. The Borough President believes that it is reasonable to limit the scope of the extent that BSA might modify the 60 percent average rental basis of the MIH's affordable housing. The zoning text should limit the authority of BSA so that it could not lift the rental basis average to not exceed 90 percent AMI, with maximum eligibility maintained at no more than 130 percent AMI and its rent-burdened equivalent. This would effectively limit the available market rate floor area, and its commercial equivalent, to the equivalent 75 percent of the maximum MIH as-of-right permitted Floor Area Ratio (FAR). Should BSA determine that no affordable housing would be provided in order to make a development financially feasible, BSA should be mandated as a condition of precluding any provision of mandatory affordable housing, to reduce the allowable height in recognition of the reduction of provided floor area. The Borough President supports the Brooklyn Borough Board's Resolution regarding MIH that would restrict a market rate only housing development's height per the Brooklyn Borough Board Zoning for Quality and Affordability Height Recommendation per proposed Zoning Resolution section 23-662(b), which reduces permitted height for Voluntary Inclusionary Designated Area developments not utilizing the affordable housing zoning bonus. Finally, when determining what should be a reasonable rate of return, BSA should take into consideration what was the reasonable return of the property prior to the effective date of the public scoping notice for the preparation of the EIS adjusted by the Consumer Price Index.

The Borough President seeks for the Zoning Resolution to be amended accordingly, to establish appropriate limits and consideration by BSA through the City Planning Commission or City Council.

#### **Payment in Lieu of Option Extended to Smaller Developments**

The MIH program provides developers with projects over 10 units or 12,500 zoning square feet to 25 units or 25,000 square feet with an option to make a payment to an affordable housing fund in lieu of directly providing affordable housing to low- or moderate-income households. Developments, enlargements or conversions that do not exceed either 10 units or 12,500 square feet of residential floor area would be exempt from the requirements of the program.

There are many small lots, approximately 2,000, square feet that would eventually become desirable for redevelopment when upzoned through the ENY Plan, which would otherwise not be redeveloped; for example, upzoning from R5, with 1.25 FAR, to districts with allowable FARs of 3.6, 4.6 and 5.6. Where 2,500 square feet could be developed without the rezoning, such sites could be developed with between 7,200 to 11,200 square feet, enough of an increase that the Borough President believes should not be exempted from the proposed affordable housing obligation. Given the 25 percent MIH affordability standard for average income of 60 percent AMI, the Borough President believes that it would be appropriate to extend applicability of the payment in lieu of option to the developments with at least four dwelling units. The Zoning Resolution should be amended accordingly by the City Planning Commission or City Council.

### **Bedroom Mix – Promoting Family-Sized Units**

A recent report identified that the rent-burden households which typically represent those households applying to the City's affordable housing lotteries, are more likely to require family-sized unit types. Therefore, the Borough President shares the concerns of the community regarding the mix of the proposed affordable housing units not reflecting the needs of CD 5 and 16's low- to middle-income communities, not seeking senior housing units.

The Borough President believes that using the affordable housing floor area for right-sizing the bedroom distribution is more important than maximizing the number of affordable housing units. As drafted, there is not sufficient leverage/flexibility to provide for a greater number of bedrooms for the affordable units as part of mixed-income buildings. The Borough President is concerned that new development might not reflect unique needs of the communities within the ENY Plan area.

The Borough President also believes that the Zoning Resolution should reflect such right-sizing affordable housing bedroom distribution. The Dinsmore-Chestnut Urban Renewal site and the former Chloe Foods site also present opportunities to achieve family-sized units for non-elderly, or supportive housing units.

The Borough President seeks to have the proposed zoning amended in order to require a minimum threshold for non-independent residences for seniors and non-supportive housing to accommodate family-sized apartments. The amendment would stipulate that the bedroom mix of affordable housing units have at least 50 percent of the affordable housing units contain two or more bedrooms and at least 75 percent of the affordable housing units contain one or more bedrooms. Additionally, such requirements should be memorialized in the LDA or regulatory agreement between a designated developer and HPD for the Dinsmore-Chestnut Urban Renewal site disposition as well as in the funding agreement with HPD for the former Chloe Foods site.

Therefore, prior to the public hearing of the City Council, HPD should provide a written commitment to codify this minimum threshold for the bedroom mix for the Dinsmore-Chestnut and former Chloe Foods property.

### **More Appropriate Building Height and Density**

CB 16's recommendation called for changing the proposed zoning map from R7D (bounded by Fulton and Somers streets and Mother Gaston Boulevard and Sackman Street) zoning proposal to R6A zoning in order to keep with existing context of the neighborhood in CD 16. The area is surrounded on three sides by blocks zoned R6 and on the fourth side by a proposed R6A zoning district. R6A, and its R6 Quality Housing contextual equivalent, permit a maximum height of 70 feet. R7D permits up to 100 feet, though if the proposed Quality and Affordable Zoning is adopted, permitted height would increase to 125 feet, if certain provisions are met. Given that the DEIS only identifies one potential site (assumed to be developed after 2030) in this area, the Borough President believes it is appropriate to eliminate a few potential affordable housing units in order to respect CB 16's recommendation and maintain the surrounding context.

The proposed ENY Plan is intended to be implemented pursuant to the proposed MIH and ZQA zoning regulations. Therefore, the Borough President supports providing additional height to guarantee that developments would be able to accommodate the permitted floor area. Additional height would assure feasibility to promote development and to maximize affordable housing floor area. Though, he is concerned that the proposed maximum height and number of stories are, in most instances, more than what might be deemed appropriate

increased height to accommodate allowable FAR permitted for the MIH-designated area. The proposed heights of certain districts result in such districts being less-welcomed by the host communities. This is especially true when the upzoning is integrated as part of a neighborhood-wide contextual rezoning that includes contextual, preservation-minded rezoning, as in the case of the ENY Plan.

The Borough President believes that it is appropriate to reduce the proposed maximum height for R7A and R7D districts and their commercial equivalents to be consistent with the Zoning for Quality and Affordability recommendations, adopted December 1, 2015 by the Brooklyn Borough Board.

The Borough President also believes that it is not necessary to propose uniform height and density along the R7A and R8A corridors along Atlantic and Pitkin avenues as each block has different proximity to paid transit stations and north-south bus routes. Though, specific consideration of any changes should be made in consultation with the affected council member and the community.

Therefore, the Borough President seeks for the proposed R7D zoning district within CD 16 to be changed to R6A. For the ENY Plan, he seeks for the proposed Maximum Height of Building with qualifying ground floors, where second floor is at least 13 feet above the sidewalk, in the R7A MIH, to be reduced to 95 feet (and to 90 feet when the second floor is elevated to less than 13 feet) and to 115 feet (110 feet where the second floor is less than 13 feet) in R7D MIH. In both instances, the number of stories should be restricted to nine and 11.

### **Supermarket**

It is one of the Borough President's policies to review all appropriate land use applications to determine whether a supermarket site would realize a significant increase in floor area based on the proposed land use actions. The Borough President is concerned with the limited access to affordable fresh food stores in many neighborhoods. In order for all of Brooklyn to flourish, it is imperative that the Borough's residents have an adequate supply of supermarkets and grocery stores in their neighborhoods to access fresh and affordable foods. Access to healthy food options, whether creating more options and/or maintaining access to healthy food options, has been a top priority for the Borough President.

The ENY Plan area and surrounding communities are significantly underserved by quality, fresh food options and are designated as food deserts. In response, the Zoning Resolution recently established FRESH program incentives and City financing made available through its FRESH initiative. These incentives are meant to encourage the development of grocery stores that sell fresh food by enabling the operation of more healthy food options within these neighborhoods. The program allows up to 20,000 square feet of floor area to be essentially exempt from zoning requirements and reduces or eliminates parking requirements according to the specific zoning district. This, along with financial incentives, might induce a redevelopment to contain a supermarket. However, the FRESH zoning does not guarantee a replacement supermarket as there is no mandate to retain an existing supermarket, should such property be pursued for valuable development rights. Therefore, rezonings that place food stores at added risk of being shut down warrant close scrutiny.

The ENY Plan's DEIS indicates that there are two supermarkets on lots that are significantly underdeveloped when compared to the proposed zoning and thus have potential to be redeveloped. These include the 13,250 square feet C-Town on Fulton Street between Barbey and Jerome streets, which would be rezoned from R5 to R6A/C2-4, more than doubling its residential potential and 18,000 square feet C-Town on Pitkin Avenue between New Jersey

Avenue and Vermont Street, would be rezoned from R5 to R7A. Lack of a sufficient guarantee for retaining these FRESH spaces would result in loss of the much needed supermarkets. Should these sites redevelop and not include a food store, despite zoning and financial incentives, it would be an unfortunate circumstance for a community already lacking access to fresh food.

The Borough President believes that redevelopment of a site with an existing supermarket should not be rewarded with significant upzoning unless it includes a comparably sized supermarket. Such measures have the potential to improve the likeliness that a replacement supermarket would be incorporated within the new development. He believes that the Fulton Street site should be limited to R5B and the Pitkin Avenue site be limited to R6A MIH, unless such developments incorporate new supermarkets of comparable floor area according to the FRESH initiative.

Therefore, prior to the public hearing of the City Council, DCP should provide a written commitment to modify the zoning text of both the floor area ratio and FRESH section as warranted as a corrective action.

### **Prohibiting Big-Box Stores**

The Borough President supports the expansion of quality retail stores for Brooklyn residents. The Borough President notes residents' concerns that certain chain retailers have had questionable employment practices, including minimizing work weeks to avoid qualifying employees for various benefits and inconsistent work shifts provided on short notice. Certain larger chain stores are also known for low-wages.

The proposed zoning district designations of C4-4L (along Broadway between the Eastern Parkway Extension and Van Sinderin Avenue), C4-4D (Atlantic Avenue between Sheffield Avenue and Bradford Street and between Montauk and Fountain avenues, and Pitkin Avenue between Pennsylvania and New Jersey avenues) and C4-5D (south side of Atlantic Avenue between Sackman Street and Van Sinderin Avenue), within the ENY Plan, permit retail stores of all types without a restriction on size.

In order to preclude large stores from operating as-of-right in these locations, the Borough President believes in limiting the maximum square footage to 80,000 square feet per establishment. Larger stores should be pursuant to a zoning use special permit.

Therefore, prior to the public hearing of the City Council, DCP should provide a written commitment to modify the zoning text for retail uses as warranted as a corrective action.

### **Minimizing Noise, Vibration, Light and Air Impacts of Developing Adjacent to Elevated Train Structures**

The proposed rezoning intends to allow buildings to minimize the impact of the elevated train on Fulton Street and Broadway by providing additional flexibility for street wall on upper floors and by mandating a setback at the street level. This would be achieved through an innovative zoning envelope established along a section of Broadway, as part of the Bed-Stuy North rezoning. This C4-4L commercial zoning district is a variation of the C4-4A, which allows multiple floors of commercial use and residential use on upper floors. While C4-4A carries a height limit capped at 80 feet, the C4-4L, within 125 feet of Broadway, permits heights of up to 100 feet. Such height allows for a redistribution of floor area should a development be set back further from the elevated rapid transit structure. Openness would be provided by essentially extending the sidewalk area five feet into the building site with a required street level setback. Such setback provides useful clearance between the retail facades and subway structures, like pillars and stairs, to promote pedestrian navigation along

this important shopping street. An optimal setback of 15 additional feet, while not required, provides an opportunity for more light and air to reach pedestrians as well as an added buffer of distance from the noise, vibration and other environmental factors from passing subway cars.

The five-foot setback at grade extends to at least a height of 30 feet, though not more than 65 feet, at which point the building is permitted to setback an additional 15 feet. Should a developer choose to setback at 30 feet, then there would be the added public benefit of light and air to a street that is often in the shadow of the elevated train structure. In addition, residential occupants on floors between 40 and 65 feet would be further buffered from noise and vibrations associated with the trains. While no sites were assumed to redevelop along Broadway, the DEIS assumes 22 sites could possibly redevelop along Fulton Street. This is in addition to multiple properties — as part of the 26 clusters of underdeveloped sites identified by the Brooklyn Borough President's Office — that have the potential to be redeveloped subsequent to adoption of the proposed rezoning.

Developers might utilize the added volume without the 15 foot setback by including more floor to ceiling height, increasing the cost of construction and the developer's expectation of how much more an apartment might sell for. Excessive ceiling height could lead to subsequent illegal construction of mezzanine space. The Borough President believes that developers do not need to be rewarded with the extra height when not providing the added benefits of quality-of-life for residents, of apartments along the elevated train, and pedestrians, walking along Broadway and Fulton Street.

The concept of providing the developer with extra height should be more about compensating the developer for a decision to set the building back the additional 15 feet above the height of 30 feet. As proposed, the developer can keep the full volume below 65 feet in height and yet still add the extra height of 20 feet. Again, this allows a developer to market cubic feet as an enticement to charge more for the units without providing a benefit of light and air at the pedestrian realm, or additional environmental buffering for residents between the heights of 30 and 65 feet.

The Borough President has concerns with leaving the street wall setback height to developer discretion, especially where there are so many potential sites that might be redeveloped along Fulton Street, over time. There are several examples of new residential construction fronting Broadway that are built to the lot line (Picture 1 & 2). The images show that even if a setback of five more feet is provided per the proposed rezoning, the buildings are still too close to the train station.



Picture 1



Picture 2

The Borough President believes that government has an obligation to promote both the interest of the public, in terms of light and air, and to best protect its citizens in their homes from environmental factors such as noise and vibrations. The elevated Broadway structure is not a uniform set of conditions. The range of structural variations includes station houses (Picture 3), where the structure is without the voids of transparencies when track ties reduce the sense of light to the street level. Instead, the structure becomes very solid due to mezzanines, partially enclosed stairs, and local station platforms, which significantly reduce the standards clearance between the buildings and the structure.



The provision of an alternate means of mechanical ventilation allows people to achieve interior climate comfort when windows are closed but such windows would need to be rated to achieve an interior wall construction assembly that reduces external noise to acceptable levels. While the Borough President appreciates the fact that development along Broadway and Fulton Street would be required to provide alternate means of mechanical ventilation, he believes that the setback should not be discretionary where such exterior wall contains the sole window for habitable space.

The window attenuation will not address vibration to the same extent that it can mitigate noise. Bringing ample light and air to pedestrians, especially where there are subway stations with mezzanines and solid areas where platforms exist, is more important than providing discretion to developers of what height the setback should occur. Placing building facades in proximity to the subway structure — especially when the structure is a partially-enclosed platform, stairwell or mezzanine — should not be promoted. Habitable rooms with primary window openings should not be located within five feet of a street line bordering an elevated train structure. Construction near Gerry Street demonstrates the visual benefit on mandating a setback above 30 feet (Picture 4).

The Borough President believes that buildings containing residents, characterized by a single loaded corridor with residential apartments oriented toward the rear of the lot, is an acceptable solution to not mandate a setback of 15 feet as long as proportioned windows aligning the street faced. Though, habitable rooms at street corners, where a living room or bedroom has at least one window face the side street, should not require a setback. Common spaces such as elevators, stairwells, hallways, management offices, common laundry, and meeting rooms would be appropriate to locate without additional setback. Therefore, for residential sections of developments where the street wall contains the only window wall frontage for habitable rooms, he seeks for such wall to be required to be

setback 15 additional feet at no more than 30 feet in height and the minimum street wall be at least one story.

Therefore, prior to the public hearing of the City Council, DCP should provide a written commitment to modify the zoning text for revising the street wall provisions along elevated trains, along Broadway and Fulton, as warranted as a corrective action.

### **Averting Commercial Displacement**

Fulton Street is an important shopping and dining destination for the surrounding Cypress Hills community. The DEIS assumes 22 sites could possibly redevelop along Fulton Street, with half disclosed as being more likely to be developed by 2030. The Brooklyn Borough President's Office identified multiple properties, as part of the 26 additional clusters of underdeveloped sites that have the potential to be redeveloped subsequent to adoption of the proposed rezoning. Such potential redevelopment could directly displace many existing businesses. Additional businesses might be displaced due to ongoing market forces that have nothing to do with upzoning, where more substantial increases can result in displacement simply by the inability to afford such a jump in rent. Such sentiment might become more widespread as more affluent households are introduced to the area as a result of the rezoning. There is also the risk of commercial buildings or mixed-use buildings being sold to a developer for gut rehabilitation, ultimately with resulting displacement.

The Borough President believes that DSBS should explore the possibility of establishing incentives and/or credits and low-cost financing products for landlords who seek to maintain longtime small businesses. DSBS should include in its consideration business real estate tax exemptions and/or forgiveness on City collections, subject to lien sales, such as water and sewer charges, for landlords willing to index lease renewals to specified limit percentages.

DSBS is intent on delivering programs that help residents grow businesses by launching an East New York focused FastTrac Growth Venture Course. DSBS intends to provide education, assistance, tools to help businesses with leases, and to make the retail market more transparent. Additional targeted support would be provided through WNYC to help women operate and grow their business. The Small Business First program would help businesses in the neighborhood navigate government regulations. By extending expertise regarding technical and legal assistance to help improve the fiscal operations of small businesses, such as improving compliance with regulations to avoid fines, businesses would improve their profit margins and thus sustain rent increases.

There is additional risk of business displacement due to excessive available development rights. One means to reduce this risk is to decrease the extent of the upzoning by retaining R5 along certain stretches of Fulton Street. Another means to reduce risk is to propose alternative designations, such as R5B and/or R6B in lieu of R6A, east of Bradford Street, and R5B, R6B or R6A in lieu of C4-4L, west of Bradford Street. Supported by a study, such efforts and specific block eligibility should be determined through coordination by CBs 5 and 16 and local elected officials.

Therefore, prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to explore various possibilities of incentives and financing initiatives and of delivering its programs. Furthermore, in consultation with DCP, CPC or City Council should modify the proposed zoning text map to any combination of a more neutral and/or more modest upzoning along Fulton Street.



### **Strengthening Retail Corridors**

The ENY Plan would likely result in a transformation of existing commercial corridors through the introduction of new buildings, intertwined with existing buildings, and a shift from the current automotive focus and haphazard state of these streets. This presents an opportunity to strengthen the commercial corridors while promoting diverse retail uses to compliment both the longtime area residents and those new to the neighborhood. Additional density would provide consumer spending to support for new and existing businesses. The proposed Special Enhanced Commercial Districts would provide for new buildings with active ground floors, ensuring that new development would not diminish retail continuity and in certain locations actually fill the gaps along these pedestrian-oriented retail corridors. There is a proven means to enhance these retail streets through supporting the creation of Business Improvement Districts and/or merchants associations to further support retail growth along these corridors.

DSBS has expressed intent to work with local partners in East New York to conduct a commercial district needs assessment that sets the stage for developing a community retail plan. Study findings would inform a request for proposals and the selection of service providers for a broad menu of commercial revitalization services, which could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, and supplemental sanitation. The Borough President believes this is an appropriate strategy that should be implemented with ongoing interfacing as these retail streets transition in order to enhance outcomes.

Therefore, prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to work with local partners in East New York to conduct a commercial district needs assessment to develop a menu of commercial revitalization services, which could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, and supplemental sanitation.

### **Promoting Locally-Based Entrepreneurs and Start-Up Business Opportunities**

There is a concern that as commercial rents rise, chains would be out-competing locally-based entrepreneurs and making it that much more challenging to start up a business.

As noted above, DSBS programs that help residents grow businesses are often applicable to start ups. In addition, EDC is seeking to improve opportunities at the East Brooklyn Industrial Business Zone (IBZ). Coordination of improvements to City-owned buildings and incentives from the Industrial Development Agency (IDA), EDC is working to set the stage for new businesses to open their doors in this section of the neighborhood. EDC also intends to perform a study of possible opportunities to make the IBZ a thriving center for jobs.

While initiatives provided by DSBS and EDC are an important component of the solution, the Borough President believes that City property and City funding provide that opportunity to set aside retail space and space within the IBZ for discounted commercial rents that would be earmarked as affordable local business space. He believes that the Dinsmore-Chestnut Urban Renewal site and the former Chloe Food site provide such opportunities. Other private sites seeking significant government funding should also be compelled to set aside affordable commercial space. Having such space master-leased to locally-based non-profits such as the LDCENY and/or CHLDC would ensure long-term affordability.

Therefore, prior to the public hearing of the City Council, EDC should provide written commitments of its intent to pursue improvements to City-owned buildings, coordinate incentives from the IDA, and status of its study of the IBZ. Additionally, HPD should provide written commitments regarding setting aside affordable local business space as part of the

Dinsmore-Chestnut Urban Renewal site, the former Chloe Food site and other private sites seeking significant government funding.

### **Preserving, Promoting and Strengthening Industrial Use – Use Group Restrictions**

While the ENY Plan promotes the reduction of much lot area available to uses that require C8 and M zoning district designations, there are likely various circumstances that contributed to the extent of utilization of some of the properties and blocks governed by these designations, resulting in the underutilization of many properties.

The proposed MX zoning districts allow existing light industrial businesses to be retained as well as expanded to the maximum permitted commercial floor area. At the same time, these districts encourage the redevelopment of vacant and/or underutilized land and lofts with residential uses, permitted to include commercial and industrial use as part of the redevelopment. However, such districts do not specifically require manufacturing uses and previous MX designations have generally resulted in residential development that in some projects included commercial uses, as permitted by a commercial district. An exception has been the resulting night clubs, permitted under the MX designation, but not always conducive to the buildings containing residential uses.

According to the DEIS, the MX district in CD 16 is projected for development after 2030. Although, even if the warehouse buildings were to remain in the interim, they are at risk of being converted to retail use, should the market support such investment. Another proposed MX section is along Atlantic Avenue, from Logan Street to Euclid Avenue, projected by the DEIS for development after 2030. However, this section contains the Dinsmore-Chestnut Urban Renewal site, likely to be developed as a school and other non-commercial uses, and the former Chloe Foods site, pending development of a significant number of affordable housing. Therefore, having zoning that permits use groups 16, 17 and 18 might have no impact in terms of promoting or retaining industrial use.

As for Liberty Avenue, extending from the mid-block east of Pennsylvania Avenue to Barbey Street, the M proposed MX district is already interspersed with low-rise residential uses. Though, this section also contains scrap yard uses that would certainly not enhance mixed commercial and residential development should this corridor successfully redevelop. According to the Coalition for Community Advancement's community plan, there appears to be approximately 10 businesses that require a manufacturing designation to be in conformance with use regulations. The DEIS indicates that approximately 600 feet of this 3,400 square feet of frontage might redevelop by 2030, with 1,100 feet of frontage believed possible to one day redevelop. Analysis by the Borough President's Office assume, that an additional 900 linear feet of frontage is likely to, one day, be redeveloped according to the proposed rezoning.

While conventional consideration might not warrant a continuation of manufacturing use groups, considering several other streets are being earmarked for retail expansion and enhancement, there does not seem to be a need to limit sections of Liberty Avenue to just another retail corridor. In addition, industrial use would likely retain a presence at various block fronts along sections of this corridor. Therefore, the Borough President believes that there is an opportunity to build on the efforts of local groups, such as Arts East New York and the creative entrepreneur start-up spirit of Brooklyn, to transform this section of Liberty Avenue to an artisanal haven, including food and beverage production.

The Borough President believes that this can be aided through zoning changes that mirror the Special Enhanced Commercial Districts (SECD) in terms of requiring non-residential uses on the first floor, and standards on fenestration and roll down window grilles. In addition,

there should be use restrictions that might restrict size, location and specific uses altogether. A location restriction for certain retail uses might specify a maximum street frontage, and/or have a size limitation to the extent that such use might be located on the ground floor, and/or have a specified limit to how much space a use might have within, for example, 30 feet or 50 feet of the street wall. A possible example might be that a large pharmacy should be primarily located on the second floor, with the exception of their lobby, or beyond 30 feet from the street line.

Warehouse and storage uses are examples of uses that would not complement such an artisanal cluster of uses and should not be permitted. Consideration should be given to size limitations for commercial establishments depending on their specific location within the building or their orientation within the first floor. An exception should be made for co-working locations, such as studio spaces, which are consistent with artisanal uses, including producers of crafts, jewelry and other artisanal products, in which each producer has their own booth and/or display area.

Protection of existing manufacturing within the East Brooklyn IBZ could become more challenging with the adoption of the ENY Plan, as it enables upzoned properties to be developed as residential. The DEIS projects more than 6,312 new dwelling units added by 2030, which could add nearly 18,800 additional residents, many with disposable income. In addition, the ongoing residential displacement that could possibly accelerate, as the neighborhood becomes more desirable, would add even more consumer spending power.

Though there would be more retail floor area brought to the neighborhood, as mandated by SECD, there is nothing in the Zoning Resolution that precludes property owners from securing change of warehousing and manufacturing uses to retail use. The sole protection is that certain destination retail uses, known to be typically larger than 10,000 square feet in the 1970s, are not permitted to exceed 10,000 square feet per establishment, though, certain destination uses that did not exist in the 1970s, such as hardware stores, remain as-of-right. Seven blocks (between Atlantic and Pitkin avenues and Sheffield and Alabama avenues, plus the middle block extending west to Williams Avenue) of the IBZ are in an M3-2 zoning district. These blocks are protected from hotels and health facilities, requiring approval under Article 28 of the Public Health Law, ambulatory diagnostic treatment health care facilities, and houses of worship, with potential to price out the existing warehouse, construction, transportation and manufacturing related uses that exist in this IBZ. However, the vast majority of the IBZ is located in an M1-4 district where medical facilities, hotels, banquet halls and houses of worship are as-of-right. Additionally, the permitted FAR for medical facilities and houses of worship is 6.5 as compared to the 2.0 FAR for the industrial uses. The added population from residential growth, permitted through adoption of the ENY Plan's rezoning, could significantly encourage the marketplace to provide medical facilities and houses of worship in this IBZ as an affordable means to be near the residents.

The Borough President believes that there is an opportunity to place use restrictions that support the IBZ. Such use restrictions might be given consideration in terms of intensity of jobs. There may also be opportunities to increase floor area for certain permitted uses, such as office floors occupied by those firms that are likely to pay enough rent to cross-subsidize lower value production uses, especially if such uses were master-leased to a CBDO. Given the extent of the permitted floor area for health-based uses and houses of worship, there could be consideration to restrict the applicability to use any community facility floor area unless a minimum amount of commercial floor area is part of the development.

The City should also promote urban agriculture given the extent of flat roofs that would not impede access to sunlight for greenhouses. The Zoning Resolution identifies agricultural use

as an open use community facility, use group 4B, and includes uses such as greenhouses, nurseries and truck gardens. Currently, state-of-the-art urban farming practice includes, but is not limited to, hydroponic farming and aquaponics. To be consistent with modern practices, especially given the extensive community facility FAR of 6.5 in the M1-4, there should be consideration to redefine agricultural uses to also be determined as enclosed uses. For the M3-2 district, there should be consideration to modify rooftop greenhouses as a permitted obstruction pursuant to section ZR 75-01 (b) to expand the use beyond the cultivation of plants, to also include aquaponics cultivation. The East New York IBZ's M3-2 district should also permit additional floor area for community facility use limited to urban farming use.

In addition to zoning text enhancements, the City should earmark low-cost financing to assist property owners with upgrading buildings within the East New York IBZ and to assist in retention of appropriate uses, otherwise facing displacement by development achieved through the City Council adopting the ENY Plan. According to the Coalition for Community Advancement's community plan, within the ENY Plan area, there appears to be approximately 100 businesses that would require a manufacturing designation to be in conformance with use regulations. To the extent appropriate, the Borough President believes that consideration should be given to assisting these uses with relocation to the East New York IBZ. He believes that EDC and DSBS should inventory and evaluate such uses in consultation with CBDO, including those that assist businesses and property owners in the IBZ, to determine where relocation might be appropriate.

In order to craft text for the Liberty Avenue section of the proposed MX district, the Borough President believes that DCP should commit to undertaking a collaborative process with CB 5, Council Member Espinal and other local elected officials as well as local CBDOs and local arts, artisans and artisanal entities.

In order to craft text for the East New York IBZ's M1-4 and M3-2 zoning districts, the Borough President believes that DCP should commit to undertaking a collaborative process with CBs 5 and 16, local elected officials, CBDO and advocates such as the Association for Neighborhood Housing Developers, East New York Farms, and other urban agriculture entities, including hydroponic and aquaponics technologies.

Given that residential development is not likely to be transforming the ENY Plan's intended residential corridors for the next several years, beyond the former Chloe Foods site, the Borough President believes that having the City Council adopt a well-thought out zoning text amendment proposal within three years should preclude the East New York IBZ from being undermined by surrounding residential development.

Prior to the public hearing of the City Council, EDC and DSBS should provide written commitments of each's intent to provide technical and financial resources to relocate appropriate ENY Plan area industrial businesses to the IBZ.

### **Jobs**

The Borough President is concerned that too many residents of Brooklyn are unemployed or underemployed. It is his policy to promote economic development as a means of creating more employment opportunities. Double-digit unemployment is a pervasive reality in many of Brooklyn's neighborhoods, and more than half of our community districts have suffered poverty rates of 25 percent or higher, according to averaged data from 2008 to 2012. Prioritizing local hiring is integral to addressing this employment crisis. In addition, promoting Brooklyn-based businesses — including those that qualify as Minority- and Women- Owned Business Enterprises (MWBE) and LBE — is a key component of the Borough President's

economic development agenda. It is also important to provide community residents with resources to not only find good paying quality jobs within their neighborhood, but to also provide the necessary training that will help to improve their overall quality of life.

New construction provides opportunities for the future developers to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation). The Borough President believes in cementing additional avenues to advocate for bringing jobs and careers to borough residents. The proposed ENY Plan has the inevitable potential to result in a large number of new construction projects. Such opportunities are essential to providing community residents with employment and the ability to remain in place as the neighborhood grows. The Borough President believes that such requirements should be incorporated where at least the City has direct role as a means to ensure that local residents will be able to benefit from the added job capacity in the area. Such roles would occur in the implementation of Capital Budget initiatives such as the reconstruction of Atlantic Avenue, the construction of schools, refurbishment of parks, and the disposition of the Dinsmore-Chestnut Urban Renewal site as well as the significant financing role with the potential redevelopment of the former Chloe Foods site.

The Borough President acknowledges that it is HPD's intent to promote local economic opportunity according to development of sites, fostered through the adoption of the ENY Plan, through affordable housing development. When HPD subsidizes new development in the affected area, it intends to work to ensure that small businesses and community facilities are integrated into the lower floors of the building to ensure ongoing employment. HPD expressed intent to work toward increasing opportunities for MWBEs to participate in the development process and connecting local residents to career training.

The Borough President encourages responsible development and good practices by contractors and subcontractors. He believes that workers should be able to work in a non-threatening environment while promoting his agenda for achieving employment for Brooklynites through such discretionary land use actions.

At 19 percent, East New York's unemployment rate is three times higher than the City overall. The proposed ENY Plan acknowledges the struggle of the community in terms of employment, and outlines efforts in which to provide resources to help the community. According to the ENY Plan, DSBS proposes to open a Workforce 1 Career Center in the neighborhood to connect residents to career opportunities. The intent would be to connect qualified candidates to employment opportunities in New York City, using a unique combination of recruitment expertise, industry knowledge, and skill-building workshops to strengthen candidates' employment prospects, while providing local employers with a pipeline for talent. The agency also intends to work toward informing residents of its Community Partners program to increase the capacity of the City's public workforce development system and establish new industry partnerships in the retail, hospitality, manufacturing, and construction sectors.

The Borough President believes that it is imperative for the Workforce 1 Career Center to be located in a central location, easily accessible by public transit. Therefore, he believes that the Long Island Rail Road (LIRR) former sub-station building would be an ideal location for these purposes. The LIRR sub-station building is located within the IBZ, at Atlantic Avenue (service road) and Snediker Avenue. The building is accessible by multiple modes of transportation and is large enough to be able to adaptively reuse its entire space for a variety of much-needed community benefits. The City should explore acquisition of this

building and the economic feasibility of providing it as a public use, so that the Workforce 1 Center could possibly occupy a section of the building.

In addition to a physical presence by having an operational Workforce 1 Career Center in the community, the Borough President believes that there should be ongoing funding to CBDO for job training, including an initiative with East New York Farms for agricultural activities consistent with the Borough President's urban agriculture agenda.

The Borough President believes that CB 5's interest for introducing a college campus warrants consideration by CUNY, as institutions of higher learning are increasingly viewed as important engines of growth for their local communities. They not only provide direct economic impacts, as money is primarily spent within their local areas and staff is sourced locally, these institutions also help to raise the skills of an area's workforce. By educating potential workers, the institution of higher learning increases the supply of human capital for the community as well as the region. Perhaps less obviously, these schools can also raise a region's demand for human capital by helping local businesses create jobs for skilled workers. The higher-education sector also tends to contribute stability to a region since it's less susceptible to downturns than other sectors.

Additionally, creation of an Innovation Lab, run in conjunction with New York City College of Technology and local business organizations, can help to provide pre-screening services, job placement and training for the local residents. An Innovation Lab would provide training for basic computer coding, technology and vocational training programs targeted to business growth needs, entrepreneurship and cooperative training programs helping with starting small cooperative businesses, and continuing education programs. Providing such services can help to address the high unemployment rates in the area. Such initiative provides businesses with a trained local workforce as well as the local students with opportunities to build their experience and move on to the next level in their careers. The Borough President encourages CUNY to consider supporting such endeavors in coordination with the Borough President's Office and the area's local elected officials.

The Borough President believes that the Administrative Code and Local Law standards regarding MWBE and LBE participation should be memorialized in the Land Disposition Agreement (Dinsmore-Chestnut site) or Regulatory Agreement (such as with Phipps Houses in redeveloping the former Chloe Foods site) between the various developers and HPD. Prior to the public hearing of the City Council, HPD should provide written commitments of its intent to ensure that small businesses and community facilities are integrated into the lower floors of the building and guarantee ongoing employment. HPD expressed intent to work to increase opportunities for MWBEs to participate in the development process and connect local residents to career training. HPD should provide for quarterly updates to CBs 5 and 16, and local elected officials to demonstrate its monitoring and performance.

Prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to facilitate the opening of the Workforce 1 Career Center, and including the possibility of acquiring and retrofitting the LIRR sub-station, and commitment to ongoing funding to area CBDOS for job training and East New York Farms for agricultural activities. CUNY should provide a written commitment of its intent to investigate the possibility of establishing an institute of higher learning, possibly in collaboration with an Innovation Lab.

### **Broadway Junction**

Although the ENY Plan does not propose rezoning the blocks immediately around the Broadway Junction transit hub, the Borough President believes that this area presents a wonderful opportunity to promote City-tenanted office development. Such efforts are

guaranteed to amount to a tremendous stimulus for economic and retail development. With the office vacancy rate in Downtown Brooklyn reaching a new low of 3.4 percent, there is a major need for office space to harness the demand in that section of Brooklyn. One approach for the City to accommodate demand for office space opportunities in Downtown Brooklyn is by relocating City agencies to the Broadway Junction, as tenants in privately-developed office buildings. This would not only resolve the office space demands in Downtown Brooklyn but would essentially improve public access to civic services within the East New York, Ocean Hill, and Brownsville communities. Additionally, relocating such offices to Broadway Junction has the potential to stimulate the private sector to provide supportive retail, destination retail, and restaurants for office workforce and visitors, providing additional benefits to area residents.

City agency relocation could be achieved through any combination of either vacating agencies from municipal buildings and/or identifying Downtown Brooklyn landlords who believe it is more lucrative to mutually terminate leases with the City. By relocating offices to Broadway Junction, the City would potentially improve public access to civic services and stimulate the private sector by providing supportive retail, including destination retail and restaurants for office workforce and visitors, which would also serve area residents.

The Borough President is concerned that part of the ENY Plan's proposed rezoning is in conflict with his development vision for Broadway Junction. The conflict concerns one whole block and half of a block as part of a proposed C4-5D zoning district. If left unchanged, the C4-5D would permit conflicting residential development, which has a R7D residential equivalent FAR of 5.6 and a commercial floor area of 4.2 FAR. He believes that it is not appropriate and will potentially undermine the Broadway Junction office development potential by otherwise having zoning adopted that permits contrary residential development. Neither blocks are indicated in the DEIS as projecting development so it does not appear to be contrary to the Mayor's goal of facilitating affordable housing through the ENY Plan to remove these areas from the rezoning proposal.

Therefore, the Borough President believes that the boundaries of the ENY Plan should be consistent with DCP's Sustainable East New York report's maximum development assemblages. This would be done by retaining the existing M1-2 zoning until a subsequent rezoning is undertaken as part of land use actions to implement the Borough President's vision for Broadway Junction as an office hub. He calls on the City Planning Commission or City Council to eliminate the proposed C4-5D zoning district north of Atlantic Avenue and east of Havens Place, retaining the M1-2 district.

As a follow-up action, he believes that DCP, in conjunction with EDC, should develop a series of land use actions to implement an upzoning of the existing 2.0 FAR blocks along with street map changes, commercial use restrictions and acquisition actions, if needed, toward facilitation of such office hub in consultation with CBs 5 and 16 and local elected officials.

### **Community Facilities**

Currently, East New York has multiple underlying issues with the existing community facilities and resources available to its residents. Schools within the rezoning area are overcrowded and provide insufficient space for learning, in many cases utilizing "temporary" trailer classrooms. Not only is there no community center within the rezoning area that offers comprehensive services for children, young adults, parents and the elderly, a few existing community centers are also often under uncertainty of lease duration. Additionally, according to the DEIS, the area does not meet the NYC neighborhood open space standards, resulting in a lack of accessible green/open space.

### School Seats Deficiencies

The Brooklyn Borough President's Office reviewed data for the existing school capacity as well as future capacity needs for East New York. Although the DEIS does not identify significantly adverse impacts on school capacity, numerous testimony received from the community, as well as review by the Borough President's Office, reveal that there is an immediate need to address existing Transportable Classroom Units (TCUs) and future school services.

Currently, several schools in the area accommodate students utilizing TCUs, which are a temporary solution only meant to be utilized for a period no longer than 10 years; however, these units are not counted in the DCP's impact analysis. Therefore, many of the schools have a "Target Capacity," that does not include TCUs and is significantly lower than the "Actual Enrollment," which includes these temporary units. There are seven schools that are listed as having students enrolled in TCUs, totaling 1,032 enrolled students: East New York Family Academy, IS 302, PS 7, PS 159, PS 202, PS 214, and PS 290. Replacing these temporary school seats, currently housed in TCUs, with permanent spaces and addressing electrical and technology deficiencies is warranted.

Acknowledging the area's need for additional school capacity, the City has committed to building a new school by 2020-2021, which would accommodate 1,000 students, 682 students in PK-fifth grades and 318 students in sixth to eighth grades, in District 19. HPD has proposed an amendment to the Dinsmore-Chestnut Urban Renewal Plan to conform land use restrictions to zoning, to refresh the urban renewal plan's general provisions, and to allow disposition of the urban renewal sites and accommodate the new school. A site selection by SCA is reportedly forthcoming.

The schools that identify as having available capacity total approximately 810 elementary school seats and 1,560 intermediate school seats. It should be noted that high school seats are not taken into account because they are not geographically restricted and are therefore counted for the entire borough, resulting in 12,453 available school seats. According to the DEIS, the proposed ENY Plan would introduce a net increment of 3,471 total students — 1,830 elementary, 757 intermediate and 884 high school. Excluding the high school seats, the net increment is 2,587 students.

Taking into consideration the existing available 810 elementary seats, plus the proposed 682 seats, and subtracting the 1,830 elementary students projected by the DEIS, there might still be a shortfall of 338 elementary school seats. Additionally, the estimated shortfall for elementary school seats does not take into consideration approximately 560 existing elementary school seats within TCUs. Taking into consideration the existing available 1,560 intermediate seats, plus the proposed 318 seats and subtracting the 757 intermediate students projected by the DEIS, there is a surplus of 318 intermediate school seats. However, such considerations do not include an estimated 370 existing intermediate school seats within TCUs. While further investigation would be required to determine the exact number of TCUs per grade level, it is clear that there is great potential for a shortfall in school seats for both elementary and intermediate school seats, to result from significant additional population within the area.

While the Borough President applauds the City's efforts to alleviate projected school capacity needs, an additional 1,000 school seats might not sufficiently provide for a growing population, at the scale at which it is proposed in the ENY Plan.

The Borough President believes that appropriate planning for school capacity must include the phasing out of the TCUs. Taking into consideration the number of students occupying



TCUs and the new students projected by the DEIS, it would be a more responsible strategy to plan for the future. As Brooklyn is not known for the availability of vacant and significantly undeveloped land, creative solutions must be considered.

In that regard, the Borough President's Office identified existing school sites to determine the extent of unused development rights. The review identified two underbuilt school sites within the proposed ENY Plan area and five underbuilt school sites just outside the rezoning area, which may be within the school catchment areas or near enough to warrant consideration. In order to utilize such development rights, building enlargements might be feasible within the footprint of existing TCUs. Consideration should be given to determining the appropriateness of reducing open area on the school grounds, including whether to reduce the amount of school yard to achieve a functional addition. The Borough President believes that SCA and DOE should evaluate these seven schools to determine the appropriateness of constructing enlargements and their projected capacity, should the enlargements be feasible.

In addition to public sites, there should be consideration of inducing the development of school capacity within new developments. The City may pursue sites through the SCA's acquisition process, though doing so merely recaptures development opportunities promoted by the ENY Plan to address the City's critical need for expanding the supply of affordable housing. In non-MIH-designated areas, there would be an additional 0.5 FAR available for R8A-designated lots (Atlantic Avenue between Bradford Street and Montauk Avenue). On a typical Atlantic Avenue frontage, this would have represented an opportunity to provide 10,000 square feet of community use floor area, clearly not sufficient to house a school. The exceptions are where the depth of the R8A mapping is to a depth beyond the standard 100 feet. This occurs on the north side of Atlantic Avenue between Van Siclen Avenue and Hendrix Street, where approximately 20,000 square feet of community facility floor area is available, and on the south side between both Schenck Avenue and Barbey Street, where approximately 15,000 square feet might be available, and Shepherd Avenue and Berriman Street, where approximately 17,000 square feet might be available. The Van Siclen-Hendrix (DEIS Site 24), Schenck-Barbey (Site 37) and Sheppard-Berriman (Site 43) sites have all been identified in the DEIS as probably being developed by 2030. While Arlington Village has its R8A depth at 100 feet, because the new owner may be contemplating further zoning action and is directly to the east of a section where the R8A is mapped to a depth of 165 feet, it may present an opportunity to leverage available community facility floor area if a zoning text change were to make such floor area available.

The Borough President believes that it is appropriate to introduce community facility floor area to facilitate school capacity in the vicinity of anticipated development according to the ENY Plan. A zoning text amendment was adopted in 2013 that would modify height and setback, lot coverage and yard controls for a public school for a parcel at Dupont and Franklin streets in Greenpoint. It allows for floor space used by the school, up to a maximum of 120,000 square feet, to be exempt from the definition of floor area. Applicable yard and lot coverage requirements were modified to permit a building that entirely covers the lot. This this precedent provides an example of a state-of-the-art zoning approach to creating floor area for public schools.

In addition to the Atlantic Avenue sites, other large sites are worthy of consideration. There are properties along the north side of Liberty Avenue between Vermont and Wyona streets (DEIS Site A59), and the south side, between Wyona and Bradford streets (Site A26), both zoned M1-4/R6A, which were not assumed to be developed until after 2030. The property on the north side of Liberty Avenue between Schenck Avenue and Barbey Street, zoned R6A, was not envisioned by the DEIS for development. In a standard M1-4 district community facility use would permit 6.5 FAR, though a school would need to meet the findings of the

BSA in order to be permitted. Along Pitkin Avenue there are properties, which were not assumed to be developed until after 2030, on the north side between Pennsylvania and New Jersey avenues (Site A73), with a proposed zoning of C4-4D, and between New Jersey Avenue and Vermont Street (Site A28, though it contains a supermarket, which should be deemed as an equal public priority and, therefore, does not make sense to incentivize for school purposes), along with the following sites with a proposed zoning of R7A, including Fountain Avenue and Crystal Street (Site 81), which was assumed to be developed by 2030. In addition, a larger site exists on the south side between Jerome and Warwick streets; while not depicted in the DEIS, might be attractive for development according to analysis by the BBPO. Within the CD 16 section of the ENY Plan there are sites (DEIS Site 2) along Broadway between Somers and Truxton streets, proposed for C4-4L zoning and site 1 along the north side of Pacific Street between East New York Avenue and Sackman Street, proposed for C4-5D zoning.

The Borough President believes that DCP should study the aforementioned sites to determine the appropriateness of developing a zoning text amendment that might pattern the text applicable in Greenpoint, where such public school floor area was exempt from zoning floor area. This is already the case in CDs 5 and 16 for a FRESH food store up to 20,000 square feet. Another option would possibly be to establish a community facility floor area only applicable to public schools when such developments also satisfy the MIH requirements. Such study and draft of a possible zoning text amendment should be undertaken in consultation with CBs 5 and 16 and its local elected officials. In addition, DOE and SCA should maintain contact information with all the property owners of the sites ultimately deemed appropriate for additional community facility floor area. The agencies should maintain contact with such entities to access interest in redeveloping such sites on a quarterly basis. The DOE/SCA should provide quarterly update to CBs 5 and 16 and local elected officials on the status as well as intent to provide financial resources in DOE's Capital Plan for school construction as a means to act promptly when property owners are contemplating redevelopment.

The Borough President believes that prior to the City Council hearing, SCA should provide a written commitment of its intent and timeline to initiate the site selection process and for there to be a Capital Budget commitment for the 1,000-seat school. Furthermore, SCA and DOE should provide a written commitment of its intent to evaluate the seven schools in proximity to the ENY Plan to determine the appropriateness of constructing enlargements, and the projected capacity — should enlargements be feasible — should include elimination of the TCUs. DCP should provide a written commitment of intent to undertake a study of these sites for the appropriateness of developing a zoning text amendment to establish a community facility floor area only applicable to public schools undertaken in consultation with CBs 5 and 16 and its local elected officials. In addition, DOE and SCA should provide a written commitment of intent to compile contact information with all the property owners of the sites ultimately deemed appropriate for additional community facility floor area. The agencies should provide quarterly update to CBs 5 and 16 and local elected officials on the status of these properties being developed, as well as intent to include in DOE's Capital Plan.

#### Community Centers, Child Care Centers and Senior Centers

In order to have healthy communities, residents should be provided with adequate community amenities. The community has expressed concern regarding the status of the lease of the Cypress Hills Fulton Street Neighborhood Senior Citizen's Center. Without this facility there might be a community impact. As for child care, there are 69 publicly-funded child care centers within a two-mile radius (three directly within the study area) with a total capacity of 5,942 slots, operating at 88.8 percent utilization with 588 available slots. By 2030 the DEIS anticipates another 614 children, under the age of six, eligible for publicly funded

child care, which in consideration with background growth might result in a shortfall of 187 slots. Proposed mitigation listed in the DEIS suggests that there are other alternatives for those in need of child care including: using ACS vouchers for private child care; homes licensed to provide child care; parents enrolling children outside the study area, since no restrictions exist to enrolling within a specific geographic area, and the possibility that overall demand would spur development of more child care centers. As for community centers, area residents believe there is a pressing need to provide a dedicated community center for this section of Brooklyn.

The nearest of such programs, in the form of Beacon schools, are located at the Van Siclen Community Middle School, run by CAMBA, and at PS 271. While both schools are out of the ENY Plan's DEIS study area, they still offer a degree of accessibility via public transit or walking. Van Siclen Community Middle School is located just south of the study area, at Van Siclen Avenue and Linden Boulevard, approximately 10 minutes walking distance to the nearest site within the study area. This school is accessible by an 11- to 15-minute bus ride along the B20 or B83 bus routes, to the nearest stop affected by the proposed rezoning, at Pennsylvania Pitkin avenues. PS 271 is located just west of the study area, at Herkimer Street and Saratoga Avenue, approximately a 10-minute walk to the nearest site proposed to be rezoned. This school is accessible by a five-minute bus ride along the B25 Fulton Street bus route, where it reaches the proposed rezoning area at Fulton Street and Eastern Parkway. This school is also accessible by the C train, located several minutes walking distance, where several C train stations provide access from sections of the rezoning area to PS 271. Such commutes are not ideal for lower grade youths and there is a limit to the number of additional users that these nearby Beacons can readily accommodate from a growing population resulting from additional development. Therefore, this community should be supported in its quest for its own community center.

Major challenges to establishing a community center include securing a site and identifying funding for construction and operation of the center. Obtaining a site owned by the City reduces the amount of Capital Budget funds required to construct such a facility. The Dinsmore-Chestnut Urban Renewal site provides such an opportunity. This site's proposed M1-4/R8A floor area likely offers ample zoning floor area to provide a school to accommodate 1,000 school seats, while also realizing a community center. In addition, school spaces such as cafeterias, auditoriums, and gymnasiums could be shared with a community center and, likewise, community centers with swimming pools could benefit schools. Though, including a community center at this location would reduce the amount of zoning floor area to achieve affordable housing on this site.

While not in City-ownership, the LIRR former sub-station building might also have the potential to provide such opportunity for the section that would not be required to accommodate a Workforce 1 Career Center. Located at Atlantic Avenue (service road) and Snediker Avenue, the building is accessible by multiple modes of transportation and appears to be large enough to be able to adaptively reuse its entire space for a variety of much needed community benefits.

The Borough President believes the Dinsmore-Chestnut site and the LIRR former sub-station building would be great opportunities for community, cultural, and/or recreational centers. He believes that the Administration should approach the LIRR to discuss the possibility of acquisition by the City.

The Borough President believes that prior to the public hearing of the City Council, DFTA and DCAS should provide a written commitment regarding status to extend the lease of the Cypress Hills Fulton Street Neighborhood Senior Citizen's Center. He believes that ACS should

provide a written commitment to monitor child care needs annually and report its findings to CBs 5 and 16 and its local elected officials, including whether funding should be provided as part of a joint community center/public school/day care center at the Dinsmore-Chestnut site. Finally, in coordination with local elected officials and CBs 5 and 16, the Administration should provide a written commitment to facilitate the development of a community center within the Dinsmore-Chestnut Urban Renewal site and to investigate acquisition of the LIRR former sub-station building, including the status of Capital Budget commitment.

#### Open Space Deficiencies

According to its DEIS, the ENY Plan area has a lack of accessible, green, open space. There is one large park at the northernmost section of the neighborhood, Highland Park, and two playgrounds within the actual study area. The open space is in dire need of regular maintenance.

According to CEQR standards, a neighborhood should provide one and one half acres of open space per 1,000 residents. The proposed actions would significantly decrease total open space per 1,000 residents from .688 to .563 acres, which yields a -8.31 percent change. Such a decrease would exceed the five percent threshold, especially considering that, for already burdened areas such as East New York and Ocean Hill-Brownsville, even a one percent change is considered an adverse impact. In recognition of such open space deficiencies, the DEIS disclosed mitigation measures in the form of: expanding and improving existing parks; creating new open space; encouraging large lots to create open space; establishing pedestrian plazas; making school playgrounds in the community accessible after hours. Funding, identification, and governance to undertake implementation would need to be addressed.

DPR is envisioning new recreation opportunities at City Line Park. It intends to lead a community design process to re-envision a large asphalt ball field in City Line Park as a new, green resource for the community. With funding from Councilman Espinal, DPR intends to improve existing parks, including repairing and revitalizing the basketball and handball courts in Sperandeo Brothers Playground, and installing new, modern play equipment in Lower Highland Park.

While identifying new parkland is challenging in a built up neighborhood such as East New York, the Borough President believes that upzoning creates more air rights for open space utilization. He also believes that it is possible to increase utilization of the open space where there is potential for converting grass/dirt playing fields to second generation artificial turf such as FieldTurf, and adding light to extend the number of hours of operation. In addition, there may be opportunities to maximize the hours of school yards and explore closing of certain streets in combination with traffic islands to create meaningful plazas. Oversized traffic islands of the Conduit's mall should also be given consideration for active recreation, though limited to teenager and adult programming in recognition of traffic volume.

In addition to what has been identified as DPR intent, the Borough President has been informed that there might be opportunities for park upgrades. Such opportunities include: funding to finish upgrades at Lion's Pride Playground and Callahan-Kelly Playground, including installing bathrooms so it can accommodate school groups and summer camps; installing synthetic turf field for Grace Playground; expanding of the Schoolyard to Playground program to PS 72 and PS 345; establishing a pedestrian plaza at Fulton Street and Norwood Avenue, and establishing a public space at Pitkin and Euclid avenues. Smaller initiatives should include the integration of more adult fitness equipment throughout the neighborhood. In addition, embarking on a graffiti removal initiative at Highland Park would convey a level of respect to the community that upkeep matters to DPR. Finally, DPR should

investigate the possibility of obtaining jurisdiction of one or more Conduit malls for conversion to active park use.

In order to demonstrate adequate commitments, the Borough President believes that prior to the public hearing of the City Council, DPR should provide a written commitment regarding status of: its intent to lead a community design process to re-envision a large asphalt ball field in City Line Park; its intent to repair and revitalize the basketball and handball courts in Sperandeo Brothers Playground, and installation of a new, modern play equipment in Lower Highland Park; its intent to consider funding remaining upgrades at Lion's Pride Playground and Callahan-Kelly Playground, including installing bathrooms, and synthetic turf field for Grace Playground; its intent to collaborate with, DOE for the expansion of the Schoolyard to Playground program at PS 72 and PS 345; and its intent to collaborate with DOT, for the establishment of a pedestrian plaza at Fulton Street and Norwood Avenue, and a public space at Pitkin and Euclid avenues; its intent to integrate more adult fitness equipment throughout the neighborhood; its intent to establish a graffiti removal initiative at Highland Park, and, its intent to investigate the possibility of obtaining jurisdiction of one or more Conduit malls for conversion to active park use.

Based on the above, the Administration should make a Capital Budget commitment of at least an additional \$20 million for park improvements to further advance addressing deficiencies in the adequacy of neighborhood open space.

### **Streets and Transit**

While the ENY Plan calls for strategic infrastructure investments, such as possible streetscape and safety improvements along Atlantic Avenue and other key corridors, and provision of increased transit service and connectivity, the Plan would seemingly produce more adverse impacts than proposed mitigation efforts.

#### **Streets**

The City has expressed a commitment to make Atlantic Avenue a great street. DOT intends to redevelop this central spine of the neighborhood with safer crosswalks, a newly-landscaped median, more than 100 new street trees, and new sidewalks complete with public benches and bike racks at regular intervals. This project is intended to advance Vision Zero for pedestrian safety while also helping to set the stage for new development along the Atlantic Avenue corridor. The resurfacing, repaving, and rebuilding of streets with more stop control and crosswalk pedestrian crossings, along with other forms of traffic calming such as neck-downs, would be a tremendous asset to the community.

Similar consideration, per a DOT assessment of conditions, should be considered for connecting the IBZ to the adjacent neighborhoods. Further evaluation of Atlantic Avenue for safety improvements should extend westward through CDs 2, 3, 8 and 16.

The ENY Plan also seeks to improve connectivity throughout the neighborhood, particularly around transit. DOT intends to complete the redesign and redevelopment of the street network in front of the Broadway Junction subway complex, where Broadway and Jamaica Avenue intersect, making the area safer while also adding new amenities for pedestrians and bus passengers. New bike lanes have already been added to Pitkin Avenue, extending the existing bike network in Brownsville into East New York.

Such improvement strategies need to extend to the East New York LIRR station. Gaining access to the platform requires traversing an area that is dark, dirty, unsafe, and, therefore, underutilized. Immediate renovations and upgrades, including wayfinding and signage, are

needed as part of an initiative to entice the community to take advantage of this important transportation resource.

### Transit

The Borough President is aware of the significant deficiencies in the existing area's public transit service and that the community has growing concerns regarding any additional strains on the already lacking service. Seventy percent of East New York residents rely on public transportation to get to their jobs and, in most cases, their commute times exceed 60 minutes. The B12 bus route was discontinued along Liberty Avenue in 2010 and has resulted in inadequate service along this corridor. Overall north/south connectivity is very challenging in this area and results in traffic jams, unsafe pedestrian conditions and noise and air pollution. The J/Z trains break down more often than average, and C trains break down more than any other in the MTA system.

In addition to the existing strains on public transit, the DEIS identified significantly adverse transit impacts that would result from the proposed rezoning and subsequent growth in ridership. According to the DEIS, approximately 983 to 1,445 new bus trips will be generated, resulting in the Q8 bus route having a shortfall of 17 seats during evening peak hours

Service on the B12 bus route should be restored in order to adequately service existing, as well as new residents and businesses along Liberty Avenue, as it is one of the commercial corridors proposed for increased density and mixed uses. In order to increase connectivity in the area, north-south transit bus routes that cross Atlantic Avenue should have more buses added to those routes to reduce wait times. Bus routes should also be analyzed for opportunities to expand Bus Rapid Transit.

Expanding bicycle infrastructure through designated routes, signage, appropriate pavement markings, and parking infrastructure can also mitigate traffic congestion and improve street safety. There should be consideration of expanding the Citi-Bike program as a means of providing more transit options.

As for rapid transit, NYC Transit's (NYCT) proposed 2015-2019 Capital Plan includes a very limited pool of funds for improvements at selected stations, to support the City's economic development and affordable housing strategies. Adequacy and availability of funds for such purposes will depend on the cost of necessary improvements such as at Broadway Junction, and the competing priorities at other eligible stations. It is not clear to what extent of identified need that funding would become available to address all projected impacts, especially considering that none of the subway stations within the rezoning area are ADA-accessible, which will require additional costs.

On a positive note, a recent capital budget proposed by the NYCT has the potential to help enhance public transit in the already growing area by connecting Livonia Avenue and Junius Street on the L and 3 lines in Brownsville. Currently, riders, most likely already struggling to make ends meet, have to walk along a desolate stretch and pay a second fare. The proposed budget will realize this long-awaited connection, and make the station ADA-accessible, improve accessibility and extend transit service for many residents. Until such efforts are realized, the Borough President continues to advocate for the MTA to at least implement free MetroCard transfers between the Livonia Avenue L train and Junius Street 3 train.

There may be other lower-cost improvements at the subway stations that would greatly improve service delivery. In particular, NYCT should identify opportunities to re-open any

inactive entrances/exits, and examine whether there are opportunities to upgrade capacity through the installation of HEET fare control elements.

While connecting Livonia Avenue and Junius Street stations, the possibility of more access points connecting to station platforms would be system enhancements. The MTA has reported concern that, in consideration of development pursuant to ENY Plan rezoning, the convergence of the three separate subway lines at Broadway Junction was not adequately considered. NYCT projects that the Broadway Junction station complex would result in an additional 450 transfers of customers within the station complex, following the rezoning due to the new population that would be entering and exiting at other stations within the rezoning area near new development. An NYCT study evaluated the impacts on the already congested stairways and passageways and concluded that, as a result of the rezoning, there would be significant adverse impacts on the Manhattan-bound A/C platform stairs, the Queens-bound A/C platform stairs, and the Manhattan-bound J/Z platform stairs.

As for train service, the DEIS disclosed that the southbound J/Z train would exceed the guidelines during morning peak hours, which could be addressed by increasing service and frequency, though this is dependent on NYCT resources. The Borough President believes that NYCT should prioritize increasing frequency for both the J/Z and A/C train service and improve quality and accessibility in order to provide adequate service for the community.

One possible solution to both the station transfer crowding and the capacity deficiencies appears to be implementation of New York City Transit Riders Council's *Freedom Ticket* proposal for transit riders. In Brooklyn, the *Freedom Ticket* presents an opportunity to support neighborhood growth and development of the ENY Plan and the Borough President's vision for Broadway Junction. It takes only 10 minutes on the LIRR to travel from the East New York station to Atlantic Terminal; however a peak hour ticket is \$8.25, a great sum for those living in some of the poorest census tracts in New York State. It takes more than twice as long to travel via the subway from Broadway Junction to Atlantic Terminal. MTA data shows that nearly 3,500 seats were available during peak-hour service from Jamaica to Atlantic Terminal. Implementing this service could have benefits for A line riders who would want to transfer to subway service at the Atlantic Avenue Barclay's Center station for 2, 3, 4, 5, B, D, N, Q and R service. Today, such riders must take either local C service to Franklin Avenue to get to the 2, 3, 4 or 5 at Eastern Parkway, or the B and Q at Prospect Park. For D, N and R service, it requires staying on the A line until Jay Street-MetroTech for the R line, with B and N service requiring an additional transfer at Pacific Street. For J and Z riders, having service from LIRR's East New York station directly to Jamaica would not only be faster in route, but would divert A and C riders from the congested connection to J and Z service.

In order to demonstrate adequate commitments, the Borough President believes that prior to the public hearing of the City Council, DOT should provide a written commitment regarding: its status of funding, designing and implementing the reconstruction of Atlantic Avenue; an intent to assess conditions for connecting the IBZ to the adjacent neighborhoods; to undertake an evaluation of Atlantic Avenue for safety improvements to extend westward through CDs 2, 3, 8 and 16; to complete the redesign and redevelopment of the street network in front of the Broadway Junction subway complex; describe the role it might play to improve access to the East New York LIRR station such as wayfinding, signage and crossing Atlantic Avenue service road, and to expand bicycle infrastructure.

In terms of transit improvements, the Borough President believes that NYCT should: restore service on the B12 bus route; add more buses to increase north-south service for routes that cross Atlantic Avenue; analyze opportunities to expand Bus Rapid Transit; implement free MetroCard transfers between the Livonia Avenue L train and Junius Street 3 train stations;

identify opportunities to re-open any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of HEET fare control elements, including to reopen presently-closed Broadway Junction station access on Broadway and the L-train access on the south side of Atlantic Avenue; increase frequency for both the J/Z and A/C train service, and, to implement *Freedom Ticket* with service applicable at LIRR's East New York station along the Atlantic Branch.

### **Advancing Sustainable and Resilient Energy and Storm Water Management Policies**

It is the Borough President's sustainable energy policy to promote opportunities to utilize solar panels, blue/green/white roofs and Passive House design principles. He encourages developers to coordinate with the Mayor's Office of Sustainability, NYSERDA and/or NYPA at each project site. The Borough President also encourages developers to incorporate permeable pavers and/or establish bioswales that would help to advance the Department of Environmental Protection's (DEP) green-water storm-water strategies. Such modification would reduce the development's carbon footprint and reduce energy costs.

In addition, blue/green roofs, permeable pavers, and bioswales would defer storm-water from entering the City's water pollution control plants. According to the NYC Green Infrastructure 2014 Annual Report, green infrastructure plays a role in addressing water quality challenges as well as provides numerous environmental, social, and economic co-benefits. DEP is developing its Jamaica Bay Tributary and Long Term Control Plan (LTCP), which is affected by the ENY Plan's resulting development's waste- and storm-water. East New York and Ocean Hill-Brownsville are within the 26<sup>th</sup> Ward Water Pollution Control Plant (WPCP). Therefore, by incorporating bioswales, permeable pavers, and green/blue roof strategies, future developments within the area would be consistent with the LTCP.

Currently, the study area suffers flooding of subway stations, roads, and basements during rainstorms due to combined sewer overflow (CSO). CSO already contributes 63 million gallons of untreated sewage and stormwater to the Fresh and Hendrix creeks. Because the City's combined sewer system relies primarily on gravity to convey flow, low-lying areas become more vulnerable to flooding. East New York is located upland of already sewer-stressed communities such as Canarsie, East Flatbush, and Flatlands. Therefore, an increase in the area's population without adequate storm-water storage capacity improvements throughout the drainage area would result in an increase of sanitary system wastes. Such increases would not be adequately captured by the WTCP during extending periods off intense rainfall. As a result, there would be an increase in contamination of nearby water bodies connected to the outflow of the 26<sup>th</sup> Ward drainage area.

The study area is a part of the Brooklyn/Queens Demand Management Zone, an area whose infrastructure has been identified by Con Edison as inadequate to support current energy demand. ConEd has determined that the area will require a new substation within the next two years. Considering the significant amount of additional demand that will be generated by the growing population, as a result of the rezoning, there is an immediate need for large scale energy retrofits and upgrades of existing residential stock. Additionally, there is a need to mandate stringent requirements for energy efficient, green, and healthy construction in new developments.

Harnessing sunshine to save on electricity is a powerful thing for families living paycheck to paycheck, but for many, solar and other renewable energy options historically haven't been on the table, due to cost or lack of access. New York recently announced 'shared renewables' policy moves the city closer to changing that, allowing families or businesses that cannot put solar on their roof to band together and reap the benefits of renewable



energy. Those who stand to benefit most from lower-cost solar energy are families struggling to make ends meet. Burdened with some of the highest electricity rates in the US, growing numbers of New Yorkers are forced to choose between paying their utility bills, putting food on their tables, or taking care of health care needs. Nearly 277,000 households in New York City saw their electricity service cut off last year due to nonpayment.

With innovating financing options, it is now possible for some homeowners install rooftop solar panels and save on electricity bills from day one. Yet, most disadvantaged families in New York City are renters who do not control their roofs. Even for low-income homeowners out there, solar financing options typically require a good credit history, disqualifying many. The newly-approved shared renewables program is changing that by prioritizing applications for projects where one-fifth of the members are low-income households. Brooklyn is moving quickly to bring this policy into reality, starting with the Renewable and Sustainable Energy Taskforce (ReSET). For example, in Sunset Park, two local non-profit Organizations — UPROSE and Solar One — are coming together to help local low-income families save on energy bills with pollution-free sunshine.

The Borough President believes that in order to really transform the energy system, the borough needs projects like this in every neighborhood. He calls on the local organizations, such as CBDOs, including those with relationships with the many property owners in the IBZ featuring buildings with flat roofs, to step up and organize these projects, in partnership with the solar experts to make sure these projects serve disadvantaged families. However, it is up to the policymakers to follow through on their promise to create mechanisms that make shared solar work for low-income households, including those who are unable to pay upfront costs or meet traditional credit requirements.

The Borough President believes that HPD should attempt to leverage its financing to have developers give consideration to using the building's roof for any combination of solar, blue, green and/or white roof improvements. Incorporating roof-top renewable energy features, to harness direct sunlight, would be an advantageous usage of this project's roof surfaces, considering the relatively low height of surrounding structures, in order to generate sustainable energy.

HPD should encourage developers to utilize the subsidies provided to engage the appropriate government agencies, such as the Mayor's Office of Sustainability, NYSERDA and/or NYPA, possibly with the guidance and assistance of the LDCENY, to offset costs associated with solar installation.

HPD should also encourage such developers to advance DEP green-water storm-water strategies by engaging the appropriate government agencies, such as the Mayor's Office of Sustainability and DEP, to give consideration to government programs and grants that might further the sustainability and resiliency of a development. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction from City property taxes of \$4.50 per square foot of green roof, a savings of up to \$100,000. DEP's Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process.

The Borough President believes that prior to the City Council hearing, HPD should commit in writing to encourage developers to consider using the building's roof for any combination of solar, blue, green and/or white roof improvements and to advance DEP's green-water stormwater strategies.

DEP should also investigate known locations for flooding in the IBZ area, by undertaking assessments of sewers and catch basins where flooding is frequent. It should fund, as warranted, the rebuilding of sewers and catch-basins per above referenced assessment study and incorporate bioswales.

### **Follow-Up Corrective Land Use Actions**

The Borough President is aware that some of his requests are beyond the scope of the extent that the City Planning Commission or City Council is permitted to modify the applications, as certified for public review. He expects that additional land use actions will be required in order to ensure his recommendations regarding: subsequent preservation-based rezonings; deeper affordability bonus; supermarkets; restriction of size of retail establishments; environmental factors pertaining to the elevated train structure; Liberty Avenue MX and the East New York IBZ use restrictions; text change to promote urban agriculture; Broadway Junction rezoning, and public school community facility floor area text. In order to accomplish the best possible plan for Cypress Hills, East New York and Ocean Hill-Brownsville, the Borough President urges the Administration to commit to the City Council that the Department of City Planning would certify, at various points within the next three years, applications to amend the zoning map and text in order for the City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President, which are technically beyond the scope of review for application numbers 160035 ZMK and 160036 ZRK.

### **Tracking of the Commitments by Appropriate Government Agencies, Through Accountability and Measured Deliverables,**

The land use process provides no mechanism to ensure incorporation of stated commitments beyond the adoption of zoning text, zoning map changes, urban renewal plan amendments, and site disposition. It is also unclear where the ENY Plan lives after gaining approval of land use actions.

Though the Borough Presidents seeks, in many of his concerns, to have the City Council receive written commitment from the Administration and various City agencies, his intent is to ensure follow up expressed through Capital Budget commitments and actual construction for physical improvements to demonstrate certain deliverables. Other items regarding availability of agency staff, policy initiatives, and expense budget allocations, can be more challenging to assure follow-through. In order to establish the best environment to achieve the complete implementation of efforts to fully realize the ENY Plan, the Borough President believes that an accountability infrastructure should be established to track all commitments and measurable deliverables. Setting such community partnerships in motion provides the best guarantee that the succeeding administrations would follow through with commitments made to the City Council on behalf of the community.

In addition, agency efforts to comply with many of the Borough President's concerns regarding interactions with constituents should be handled to the extent practical within the community.

Currently, a model in place is that facilitated by the Bed-Stuy Campaign Against Hunger, in which various agencies have been bringing laptops to the facility to bring services to constituents and enter information from constituents directly into a City database. HPD, in collaboration with the Community Preservation Corporation and the Enterprise Community Partners, Inc.'s Neighborhood Preservation HelpDesk is another such model. This initiative assists owners of small rental buildings in becoming informed with regard to funding for repairs and upgrades, resources to save on operating and energy costs, and tax exemption programs. The HelpDesk is a user-friendly, one-stop shop model to bring information about various

resources directly to those who need it most, within their own neighborhoods. In order to allow people to connect directly with the appropriate government agencies and receive guidance (housing or job placement for example), there should be adequate resources provided for City agencies to mirror this model to open remote sites for legal and technical assistance, and intake services. Locations for remote sites should be sufficiently promoted through CBDO, CBs 5 and 16, local elected officials, faith-based entities, and other community based organizations.

The Borough President believes that the Administration should commit to the establishment of a post-approval follow-up body consisting of the appropriate agencies, CBs 5 and 16, local elected officials, CBDOs and representative community organizations as recognized by the affected City Council members. Such meetings should not be fewer than quarterly, or more frequently than required. He offers Brooklyn Borough Hall as a regular meeting space for this body. Furthermore, the Administration should be promoting remote sites for agency staff to provide various services to neighborhood residents and businesses.

The Borough President believes that prior to the City Council hearing, the Administration should commit in writing to establish an interagency body with regularly occurring meetings with local elected officials, CB 5 and 16 and community representatives, and to promote remote agency accessibility.

### **Recommendation**

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council disapprove of the land use action requested according to the following conditions:

1. That there be permanent affordability commitments for 100 percent of the housing units within the Dinsmore-Chestnut and NIHOP sites and the former Chloe Foods site, memorialized in the property records, through mechanisms such as a LDA, Regulatory Agreement, funding agreement or other equivalent measures, prior to granting its approval to the requested modification to the Dinsmore-Chestnut Urban Renewal Plan, property dispositions and the proposed rezoning affecting these properties.
2. That prior to the City Council's subcommittee on Zoning and Franchises hearing regarding the ENY Plan, it is imperative for the City Council to obtain such commitments in writing from HPD regarding:
  - a. The status of its expansion of a series of financing and tax incentive programs, and include in its menu of tax incentives and workouts such products that would be eligible for residential real estate tax credits including tax exemptions and/or forgiveness on City collections subject to lien sales, such as water and sewer charges, real estate taxes, etc., for landlords willing to index rental unit lease renewals to RGB increases;
  - b. Lists and outreach regarding government assisted housing, the affordability requirements of which are expiring;
  - c. Code violation data collections;
  - d. The convening of the advocates and practitioners for best practice to enhance efforts to protect tenants from displacement – including possibly establishment of additional anti-harassment areas;
  - e. Resources to enable such legal clinics to occur with regularity;

- f. Ongoing funding to local CBDO for anti-eviction work, eviction prevention services, and housing quality enhancements;
- g. Resources need to be directed to HPD's Tenant Harassment Prevention Task Force;
- h. Free legal representation in housing court, and,
- i. Resources to provide educational and outreach resources to CBDOS and faith-based organizations to help with housing lottery readiness and lottery awareness regarding the 278 units as part of Livonia Commons first phase, 288 units as part of the second phase; the NYCHA Van Dyke Houses campus development of approximately 100 units underway by CAMBA and approximately 1,000 units according to the proposed General Project Plan regarding the State's Brooklyn Development Center campus at 888 Fountain Avenue, as well as subsequent MIH developments

In addition, HPD should commit to the City Council that it would provide quarterly updates of such status reports that would be required to be submitted to Community Boards 5 and 16 and affected local elected officials.

3. That for Arlington Village, prior to the City Council hearing, the redeveloper provides proof of a binding mechanism to the Council as a means of ensuring that the residents would be seamlessly accommodated in the redevelopment at comparable rents. Otherwise, the City Council shall exclude the combination upzonings of R8A along Atlantic Avenue, R6A along Liberty Avenue and R6B along the mid-blocks from the rezoning, leaving these blocks as an R5 zoning district designation.
4. That prior to the City Council hearing, the Administration commits for the DCP to undertake a rezoning study, in consultation with CBs 5 and 16 and its local elected officials, of the proposed R5B and R6B districts as well as surrounding R4 and R5 districts. This is a means to better match the allowable zoning with both the predominant building type and built floor area with proposed boundaries presented within six months of the date of ENY Plan adoption and a rezoning application certified within 18 months.
5. That prior to the public hearing of the City Council, HPD shall provide a written commitment to codify that the 50 percent preference for community residents would be inclusive of former CD 5 and 16 residents displaced since the certification date of the ENY Plan.
6. That 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 through the leasing of MIH lottery units, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
  - a. ZR 23-154 (d)(3) (i)(ii) and (iii) of the Inclusionary Housing provisions;
  - b. ZR 23-91 General definitions – income bands, income index, low income household, low income limit, middle income floor area, middle income household, moderate income floor area, moderate income household, moderate income limit, qualifying household, to be modified to clarify that

that the AMI income index and income bands, have an equivalent for allowing those rent-burdened households that would be able to pay the same or have a reduction in their rent to lease such mandatory unit also be deemed a qualifying household for eligibility;

- c. ZR 23-912 Definitions applying to rental affordable housing – maximum monthly rent to reflect the equivalency of income bands as a measure to accommodate rent-burdened households; and,
  - d. ZR 23-961 (a)(1) and (c)(2) Additional requirements for rental affordable housing – Tenant selections and Income, to reflect the rent-burdened low, moderate and middle income households as qualifying households, and that the administering income shall verify the household's rent history in lieu of income for rent-burdened households affordability requirements
7. That in order to establish a requirement setting at least 15 percent of the MIH units at rents affordable to households earning not more than 40 percent of Area Medium Income, and its rent-burdened equivalent of ENY Plan MIH lottery units, the City Planning Commission or City Council shall require Section 23-154 (d)(3)(i)(ii) of the Zoning Resolution to note such obligation.
  8. That in order to provide affordability to more households at a lower AMI, the City Planning Commission or City Council shall modify the proposed R8A along Atlantic Avenue, between Bradford Street and Montauk Avenue, to R7A and prior to the public hearing of the City Council, DCP shall provide a written commitment to establish a zoning text amendment to permit a voluntary affordable housing bonus permitting R8A bulk and FAR, provided that of the additional 2.6 FAR, 30 percent is affordable to not less than 50 percent AMI average rent.
  9. That in order to make applicable the Voluntary Inclusionary Housing program's preservation option to MIH so that more tools are available to keep residents permanently in their apartments, according to rent-regulated protection, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
    - a. ZR 23-91 General definitions – Preservation affordable;
    - b. ZR 23-94 (a) Methods of Providing Affordable Housing, to allow preservation affordable housing to be applicable to satisfy the requirements in Mandatory Inclusionary Housing areas;
    - c. ZR 23-961 (d)(3)(1) Additional Requirements for rental affordable housing – affordable housing plans and MIH applications to include preservation affordable housing
  10. That for buildings in excess of 25 units seeking modifications of MIH program requirements through the Board of Standards and Appeals, the City Planning Commission or City Council shall require the amending of the following sections of the Zoning Resolution:
    - a. That there be a demonstration that the City is not prepared to provide enhanced subsidies;
    - b. That qualifying households be further defined to include a rent-burdened AMI equivalent;

- c. That BSA be precluded from converting the 60 percent AMI average income rental basis-restricted housing to not exceed 90 percent AMI, with maximum eligibility remaining at no more than 130 percent AMI and its rent-burdened equivalent;
  - d. That market rate floor area, and its commercial equivalent, be limited to 75 percent of the as-of-right permitted Floor Area Ratio (FAR);
  - e. That as a condition of precluding any provision of MIH mandatory affordable housing, the BSA would be mandated to reduce the allowable height in recognition of the reduction of provided floor area based on providing market rate only floor area, per Brooklyn Borough Board Zoning for Quality and Affordability Height Recommendation per proposed Zoning Resolution section 23-662b;
  - f. That a reasonable return shall consider what was a reasonable return of the property prior to the effective date of the public scoping notice for the preparation of the EIS, adjusted by the Consumer Price Index.
11. That to modify the payment in lieu of the option from 11 units to four units, the City Planning Commission or City Council shall require the amending of Section 23-154 (d)(4)(i) of the Zoning Resolution.
12. That a minimum threshold of family-sized units be not less than 50 percent of the affordable housing units containing two or more bedrooms and 75 percent of the affordable housing units containing one or more bedrooms, for non-independent residences for seniors and non-supportive housing, as a means to accommodate family-sized apartments, that:
- a. The City Planning Commission or City Council shall require the amending of Section ZR 23-96 Requirements for Generating Sites or MIH Sites (c)(1) of the Zoning Resolution; and,
  - b. HPD shall provide a written commitment prior to the public hearing of the City Council to codify this minimum threshold for the bedroom distribution that:
    - i. The Dinsmore-Chestnut Urban Renewal site disposition shall meet at least that standard of bedroom distribution through memorializing this in the LDA or regulatory agreement between a designated developer and HPD; and,
    - ii. The former Chloe Foods site to be developed by Phipps Houses shall meet at least that standard of bedroom distribution, memorialized in its funding agreement with HPD
13. That to achieve additional opportunities to provide affordable housing for those at risk for displacement, already displaced, and of very-low income, prior to the City Council hearing, the City should provide a written framework, to the City Council, of its intent to undergo such steps as follows:
- a. Transfer jurisdiction of the existing Grant Avenue Field municipal lot to HPD with the understanding that affordable housing development would incorporate the public parking as part of site redevelopment;

- b. Transfer jurisdiction to HPD to allow for it to issue an RFP for the lot's unused residential floor area, the section of the open area along Amboy Street of the site considered for the Brownsville Juvenile Justice Center;
  - c. For HPD to collaborate with NYCHA to explore the appropriate extent of opportunities to use the remaining development rights within the neighborhood's NYCHA campus, and only proceed with sites after consultation with the community, CBs 5 and 16, and local elected officials;
  - d. Provide financial capacity and technical support from appropriate government agencies to advance the development of neighborhood faith-based sites with available development rights; and,
  - e. To take steps necessary to develop a mixed use school/affordable housing building at the PS 178 annex, as part of a larger zoning lot that provides the opportunity to maximize the available unused residential floor area with consideration for such development vision, including building bulk, income diversity and the necessary number of classrooms, which should be in consultation with CB 16, the District 23 Community Education Council, the District 23 Superintendent, the principal of PS 178, and local elected officials
14. That the City Planning Commission or City Council modifies the proposed zoning map and text amendments as follows:
- a. That the proposed R7D zoning district within CD 16 be changed to R6A; and
  - b. That for the Zoning Resolution section pertaining to Maximum Height of Building with qualifying ground floor, the proposed maximum height of building means the second floor would be at least 13 feet above the sidewalk; 95 feet in MIH R7A and 115 feet in R7D, with heights reduced to 90 feet and 110 feet when the second floor is placed less than 13 feet above the sidewalk. In both instances, the number of stories should be restricted to nine and 11 for these districts
15. That in order to better guarantee that redevelopment of supermarket sites would include a FRESH Food Store, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text of both the floor area ratio and FRESH section warranted as a corrective action to amend Zoning Resolution Section 35-23 (a). The amendment would state that on the effective date of this rezoning, existing supermarkets located on sites with maximum development standards of R6A and R7A, or its commercial equivalents, shall require development be pursuant to ZR 63-00, Special Regulations Applying to FRESH Food Stores. The replacement supermarket would be required to contain no less than the existing food market zoning floor area on the effective date of the rezoning, and as further modified by recommendations for Section 35-24 Table A. Otherwise, any subsequent redevelopment shall be developed as follows:
- a. Where designated as R6A MIH, pursuant to R5B; and
  - b. Where designated as R7A MIH, pursuant to R6A

16. That in order to restrict the size of as-of-right retail establishments to not more than 80,000 square feet in C4-4L, C4-4D and C4-5D zoning districts, established pursuant to the ENY Plan, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted as a corrective action to amend Zoning Resolution Section 32-10 Uses Permitted As of Right.
17. That in order to minimize noise, vibration, and light and air impacts of developing adjacent to elevated train structures, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text for revising the street wall provisions along elevated trains along Broadway and Fulton. This is pursuant to Zoning Resolution Section 35-24 (c) (4) Special Street Wall Location and Height and Setback Regulations in Certain Districts, regarding setback locations as it pertains to the C4-4L zoning district and R6A district along Fulton Street, as follows:
  - a. That the minimum required street wall be one story;
  - b. That setback above 30 feet shall not be required where such window fenestrations are not the primary window opening for habitable spaces such as living rooms and bedrooms;
  - c. That setback of 20 feet from the street line above 30 feet shall not be discretionary for sections of window walls where fenestrations are the primary windows for habitable space; and
  - d. Residential developments set back starting at or below 30 feet shall obtain two additional floors allowable through rezoning
18. That in order to explore the possibility of precluding commercial displacement by establishing incentives and/or credits, and low-cost financing products for landlords who seek to maintain longtime small businesses, DSBS shall provide a written commitment prior to the City Council hearing of its intent to give consideration to business real estate tax exemptions and/or forgiveness on City collections subject to lien sales such as water and sewer charges, for landlords willing to index lease renewals to specified limit percentages.
19. That in order to ensure the DSBS's technical expertise and legal assistance is provided in a timely and ongoing manner, and is aimed to improving the fiscal operation to preclude commercial displacement of businesses due to higher rents, DSBS shall provide a written commitment prior to City Council hearing of its intent on delivering programs, which will help residents grow businesses:
  - a. Launching an East New York-focused FastTrac Growth Venture Course;
  - b. Providing education, assistance, and tools to help businesses with leases;
  - c. Initiating efforts to make the retail market more transparent;
  - d. Targeting support provided through WNYC to help women operate, and grow a business; and,
  - e. Targeting its "Small Business First" program to help businesses in the neighborhood navigate government regulations



20. That in order to minimize the risk of business displacement due to excessive available development rights- attributed to the proposed rezoning along certain stretches of Fulton Street- in consultation with DCP, CPC or City Council shall modify the proposed zoning text map to any combination of a more neutral and/or more modest upzoning along Fulton Street, as warranted, as follows:
  - a. In lieu of R6A, to R5B and/or R6B, to the east of Bradford Street, and,
  - b. In lieu of the C4-4L west of Bradford Street to R5B, R6B or R6A.
21. That in order to strengthen retail corridors, prior to the public hearing of the City Council, DSBS shall provide a written commitment of its intent to work with local partners in East New York to conduct a commercial district needs assessment and develop a menu of commercial revitalization services. These could include: merchant organizing, retail business attraction and retention strategies, streetscape and public space planning, and supplemental sanitation.
22. That in order to promote locally-based business start-ups through affordable local business space, prior to the public hearing of the City Council, written commitments shall be provided as follows:
  - a. By EDC of its intent to pursue improvements to City-owned buildings, coordinate incentives from the IDA, and a status of its study of the IBZ; and,
  - b. By HPD as part of the Dinsmore-Chestnut Urban Renewal site disposition through a LDA, the former Chloe Food site, and other commercially zoned private sites seeking significant government funding, through funding agreements.
23. That in order to promote the Liberty Avenue section of the proposed MX district as a corridor for artisans and artisanal establishments, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted, as a corrective action to amend Zoning Resolution Sections 123-20, Special Use Regulations and 123-30 Supplementary Use Regulations, to undertake a collaborative process with CB 5, Council Member Espinal and other local elected officials as well as local CBDOs and local arts, artisans, and artisanal entities.
24. That in order to preserve existing industrial-conforming uses, appropriately restrict non-industrial uses, and promote appropriate urban agriculture use — inclusive of hydroponic and aquaponics technologies — in the East New York IBZ's M1-4 and M3-2 zoning districts, DCP shall provide a written commitment prior to the City Council hearing of its intent to modify the zoning text as warranted, as a corrective action to amend Zoning Resolution Sections 22-14 Use Group 4B. Open Uses, 42-10 Uses Permitted As-Of-Right, ZR 43-122 Maximum floor area ratio for community facilities and ZR 75-01 (b) Greenhouse Certification, to undertake a collaborative process with CBs 5 and 16, local elected officials, CBDO and advocates such as the Association for Neighborhood Housing Developers, East New York Farms and other urban farming entities.
25. That in order to provide technical and financial resources to relocate appropriate ENY Plan area industrial businesses to the IBZ, prior to the public hearing of the City Council, EDC and DSBS should provide written commitments of each other's intent.

26. That in order to require developers, on public property and/or with substantial public financing, to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to coordinate the monitoring of such participation and reporting of such performance, HPD shall compel the Administrative Code and Local Law standards regarding MWBE and LBE participation as follows:

- a. Through a Land Disposition Agreement for Dinsmore-Chestnut site;
- b. Regulatory Agreement with Phipps Houses pertaining to its redeveloping the former Chloe Foods site; and
- c. Regulatory Agreements between the various developers seeking substantial government financing and HPD

Prior to the public hearing of the City Council, HPD shall provide written commitments of its intent to increase opportunities for MWBEs to participate in the development process; connect local residents to career training, and to provide for quarterly updates to CBs 5 and 16, and local elected officials, to demonstrate its monitoring and performance.

27. That in order to ensure ongoing employment opportunities in newly constructed buildings on the Dinsmore-Chestnut Urban Renewal site and for sites where HPD would be providing substantial financing, such as the former Chloe Foods site, prior to the public hearing of the City Council, HPD shall provide written commitments of its intent to ensure that small businesses and community facilities are integrated into the lower floors of such buildings pursuant to zoning.

28. That in order to ensure the development of the Workforce 1 Career Center and commitment of ongoing funding to area CBDs for job training and East New York Farms for agricultural activities, prior to the public hearing of the City Council, DSBS should provide a written commitment of its intent to facilitate, including the possibility of acquiring and retrofitting the LIRR sub-station and of job training funding.

29. That in order to consider the possibility of establishing an institute of higher learning, possibly in collaboration with an Innovation Lab, prior to the public hearing of the City Council, CUNY shall provide a written commitment of its intent to investigate.

30. That in order to be consistent with the intent to facilitate an office hub at Broadway Junction, the City Planning Commission or City Council shall eliminate the proposed C4-5D zoning district north of Atlantic Avenue and east of Havens Place, retaining the M1-2 district.

31. That in order to facilitate an office hub at Broadway Junction, in consultation with CBs 5 and 16 and local elected officials, as a follow-up action, prior to the public hearing of the City Council, the City shall provide a written commitment of its intent to have DCP, in conjunction with EDC, develop a series of land use actions including rezoning the existing M1-1 and M1-2 blocks, street map changes, commercial use restrictions, and acquisition actions, as needed.

32. That in order to facilitate the expansion of the number of public school seats, prior to the City Council hearing:

- a. SCA shall provide a written commitment of its intent and timeline to initiate the site selection process and for there to be a Capital Budget commitment for the 1,000 seat school;
  - b. Furthermore, SCA and DOE shall provide a written commitment of its intent to evaluate the seven schools in proximity to the ENY Plan and determine the appropriateness of constructing enlargements and their projected capacity, should enlargements be feasible, including elimination of the 630 school seats in the East New York Family Academy, Public Schools 7, 159, 202, 214 and 290, and 159, and IS 302 TCUs;
  - c. DCP shall provide a written commitment of intent to undertake a study of these sites for the appropriateness of developing a zoning text amendment to establish a community facility floor area applicable only to public schools, and undertaken in consultation with CBs 5 and 16 and their local elected officials; and
  - d. DOE and SCA shall provide a written commitment of intent to compile contact information with all the property owners of the sites ultimately deemed appropriate for additional community facility floor area. Also, to provide quarterly update to CBs 5 and 16 and local elected officials on the status of these properties being developed, as well as intent to include in DOE's Capital Plan
33. That in order to facilitate the long-term status of the Cypress Hills Fulton Street Neighborhood Senior Citizen's Center, prior to the public hearing of the City Council, DFTA and DCAS shall provide a written commitment regarding status to extend the lease.
34. That in order to ensure that there is adequate availability of child care slots, prior to the public hearing of the City Council, ACS shall provide a written commitment to monitor child care needs annually and report its findings to CBs 5 and 16 and their local elected officials, including whether funding should be provided as part of a joint community center/public school/day care center at the Dinsmore-Chestnut site.
35. That in order to facilitate the development of a community center, prior to the public hearing of the City Council, the Administration shall provide a written commitment:
- a. Regarding the status of its Capital Budget commitment for within the Dinsmore-Chestnut Urban Renewal site; and
  - b. To investigate acquisition of the LIRR former sub-station building
36. That in order to facilitate the parkland improvement and to increase the supply of open space in the neighborhood, prior to the public hearing of the City Council, DPR shall provide a written commitment as follows:
- a. Status of DPR's intent to lead a community design process and re-envision a large asphalt ball field in City Line Park;
  - b. Status of intent to repair and revitalization of the basketball and handball courts in Sperandeo Brothers playground;
  - c. Status of intent to install new, modern play equipment in Lower Highland Park;
  - d. Consideration of funding:
    - i. Remaining upgrades at Lion's Pride Playground and Callahan-Kelly Playground, including installing bathrooms; and
    - ii. Synthetic turf field installation for Grace Playground

- e. Status of engaging;
  - i. With DOE for the expansion of the Schoolyards to Playgrounds program to PS 72 and PS 345; and
  - ii. With DOT, for the establishment of a pedestrian plaza at Fulton Street and Norwood Avenue, and a public space at Pitkin Avenue and Euclid Avenue
- f. To undertake the integration of more adult fitness equipment throughout the neighborhood;
- g. Embark on a graffiti removal initiative at Highland Park; and
- h. Investigate the possibility of obtaining jurisdiction of one or more Conduit malls for conversion to active park use

The Administration shall make a Capital Budget commitment of at least an additional \$20 million for park improvements.

37. In order to facilitate street improvements, street safety, and advance bike use, prior to the public hearing of the City Council, DOT shall provide a written commitment as follows:

- a. Regarding its status of funding, designing and implementing the reconstruction of Atlantic Avenue;
- b. Intent to assess conditions for connecting the IBZ to the adjacent neighborhoods;
- c. To undertake an evaluation of Atlantic Avenue for safety improvements, which should extend westward through CDs 2, 3, 8 and 16;
- d. To complete the redesign and redevelopment of the street network in front of the Broadway Junction subway complex;
- e. Describe the role it might play to improve access to the East New York LIRR station such as wayfinding, signage and crossing the Atlantic Avenue service road; and
- f. Intent to expand bicycle infrastructure

38. That in order to facilitate using the building's roof for any combination of solar, blue, green, and/or white roof improvements, and to advance DEP green-water/storm-water strategies, prior to the City Council hearing, HPD should commit in writing to encourage developers to incorporate such measures.

39. That in order to address street flooding, prior to the City Council hearing, DEP should commit in writing to investigate known locations for flooding in the IBZ area, by undertaking assessments of sewers and catch basins where flooding is frequent, and fund as warranted the rebuilding of sewers and catch-basins per above referenced assessment study and incorporate bioswales.

40. That in order to address implementation, the Administration shall commit to the establishment of a post-approval follow-up body consisting of the appropriate agencies, CBs 5 and 16, local elected officials, CBDOs and representative community organizations, as recognized by the affected City Council members of regular meetings occurring no less than quarterly, monitoring the tracking of all commitments, timing of deliverables, budget funding, and operational logistics, etc.

41. That in order to allow people to connect directly with the appropriate government agencies, adequate resources shall be provided for City agencies to open remote sites

for legal and technical assistance, and intake services, mirrored after the current Neighborhood Preservation HelpDesk initiative.

42. The Borough President believes that prior to the City Council hearing, the Administration should commit, in writing, to establishing an interagency body with regularly occurring meetings with local elected officials, CB 5 and 16 and community representatives, and to promote remote agency accessibility.

Be it further resolved:

1. That the City Council and the Mayor adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings
2. That in order to explore the possibility of precluding commercial displacement by establishing incentives and/or credits and low-cost financing products for landlords who seek to maintain longtime small businesses, the Independent Budget Office analyze business real estate tax exemptions and/or forgiveness on City collections, subject to lien sales, such as water and sewer charges, for landlords willing to index lease renewals to specified limit percentages
3. That NYCT should undertake the following initiatives: restore service on the B12 bus route; add more buses to increase north-south service for routes that cross Atlantic Avenue; analysis for opportunities to expand Bus Rapid Transit; implement free Metrocard transfers between the Livonia Avenue L train station and Junius Street 3 train station; identify opportunities to re-open any inactive entrances/exits and whether there are opportunities to upgrade capacity through the installation of High Entrance/Exit Turnstile (HEET) fare control elements, including the reopening of presently closed Broadway Junction station access on Broadway and L train access on the south side of Atlantic Avenue; increasing frequency for both the J/Z and A/C train service, and implement *Freedom Ticket*, with service available at LIRR's East New York station along the Atlantic Branch
4. That the Administration shall commit to the City Council to have the Department of City Planning certify, between one and three years, applications to amend the zoning map and text in order for the City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President, which are technically beyond the scope of review for application numbers 120294 ZMK and 120295 ZRK