

CITY PLANNING COMMISSION

July 20, 1992/Calendar No. 1

C 910478 ZMK

IN THE MATTER OF an application submitted by Alexander Muss and Sons, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 28d and 29b:

- a) changing from a C3 District to an R7-1 District property bounded by Brighton Beach Avenue, Seacoast Terrace, a line 500 feet north of Brightwater Avenue, Brighton 14th Street, Brighton 15th Street, the northerly and westerly boundary line of a park, the northerly boundary line of Coney Island Beach, Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 230 feet east of Coney Island Avenue.
- b) changing from an R6 District to a R7-1 District property bounded by Brighton Beach Avenue, a line 230 feet east of Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue; and
- c) elimination from the existing R6 District a C1-2 District bounded by Brighton Beach Avenue, a line 230 feet east of Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue.

Borough of Brooklyn, Community District 13, as shown on a diagram dated February 24, 1992.

The application for the an amendment of the Zoning Map was filed by Alexander Muss and Sons on April 30, 1991, to facilitate the construction of a Large Scale Residential development (LSRD) consisting of 1600 units of housing, medical office space, an accessory health club facility, a below-grade parking garage with 1701 accessory parking spaces, public and private open spaces, on a 14.97 acre site currently occupied by the Brighton Beach Bath and Racquet Club.

RELATED ACTIONS

In addition to the an amendment of the Zoning Map which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 910479 MMK, for an amendment to the City Map involving elimination of Brightwater Avenue from Coney Island Avenue to Seacoast Terrace, Brighton 11th Street from Brightwater Avenue to Brighton Beach Avenue, and Brighton 12th Street from Brighton 11th Street to Brighton Beach Avenue.
2. C 910480 ZSK, for the grant of special permits pursuant to Section 197-c and 201 of the New York City Charter and Sections, 78-312 (c), (d) and (f) of the Zoning Resolution to authorize variations of rear yard, height & set back and minimum distance between buildings requirements in a Large Scale Residential Development generally bounded by Brighton Beach Avenue, Seacoast Terrace, a park and Coney Island Avenue (Block 8720, part of lot 14). A special permit pursuant to Section 74-53 of the Zoning Resolution to allow an attended accessory group parking facility of 1701 spaces is also being requested.

BACKGROUND

The site proposed to be rezoned is located in the Brighton Beach Section of the Borough of Brooklyn, Community District 13. The C3 district (with a small portion of R6/ C2-1) proposed to be r zoned to R7-1 consists of the site of the current Brighton Beach Bath and Racquet Club, and the adjacent site occupied by th residential development known as Seacoast Towers. The Brighton Bath Club site is bounded by Brighton Beach Avenue to the north, Coney Island Avenue to the west, a public park to the south and

Seacoast Terrace to the east. The rezoning area extends over the southern portion of the adjacent block to the east bounded by Seacoast Terrace, Brightwater Avenue and Brighton 14th Street which is occupied by Seacoast Towers, a pre-1961 residential development with two buildings of 16 and 19 stories. Seacoast Terrace (Brighton 13th Street south of Brighton Beach Avenue) and Brightwater Avenue from Seacoast Terrace to Brighton 14th Street are mapped and improved streets but remain privately owned and are not opened to the public. Both these streets are used for accessory parking for Seacoast Towers.

The site of the existing health club, the Brighton Beach Bath and Racquet Club, which is owned and operated by the applicant is also the subject of a related application (C910480 ZSK) for the grant of special permits for a large scale residential development. The site is currently zoned C3 (with a small portion zoned R6/C1-2), and contains three mapped but un-built streets (prolongations of Brighton 11th Street, Brighton 12th Street, and Brightwater Avenue) which are to be demapped in a related action (C910479 MMK). The demapping of the paper streets would add 3.79 acres to the site and create a single zoning lot of 14.97 acres.

The surrounding area of Brighton Beach is developed with moderate density residential uses, zoned R7-1 to the south of Brighton Beach Avenue and R6 to the north. The R7-1 district is developed at an average density of about 170 units per acre,

predominantly with six-story apartment buildings having a floor area ratio (FAR) of between 4.00 and 5.00, considerably higher than the maximum permitted R7 FAR of 3.44. The R6 district north of Brighton Beach Avenue is developed with a mix of one-and-two story houses and six-story apartment buildings, generally with an FAR less than the maximum permitted 2.43. Brighton Beach Avenue, the primary retail district of Brighton Beach, is zoned R6 with a C1-2 overlay on both sides from Ocean Parkway to Brighton 11th Street and with a C1-3 overlay on the north side from Brighton 11th Street to Brighton 15th Street.

Brighton Beach to the south of the site, with a 50 foot-wide boardwalk and approximately 250 foot-wide beach, is a major regional park heavily used in the summer. The area is accessible by mass transit via the IND Brighton ("D and "Q") Line and from the Belt Parkway via Ocean Parkway and Coney Island Avenue. Bus routes B68, and B1 run along Brighton Beach Avenue and routes x29 and B4 run along Neptune Avenue, two blocks to the north of the site.

A full background discussion and description of this project appears in the report on the related application for special permits for an LSRD (C 910480 ZSK).

ENVIRONMENTAL REVIEW

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related

application for special permits for a Large Scale Residential Development (C 910480 ZSK).

UNIFORM LAND USE REVIEW

This application (C 910478 ZMK), in conjunction with the applications for the related actions (C 910479 MMK and C 910480 ZSK), was certified as complete by the Department of City Planning on February 24, 1992, and was duly referred to Community Board 13 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 13 held a public hearing on this application on March 23, 1992, and on April 8, 1992, by a vote of 33 to 3 with 0 abstentions, adopted a resolution recommending approval of the application.

A summary of the recommendation of Community Board 13 appears in the report on the related application for special permits for Large Scale Residential Development (C 910480 ZSK).

Borough President Recommendation

This application was considered by the Office of the President of the Borough of Brooklyn, who held a public hearing on the project on May 6, 1992 and on May 20, 1992, issued a recommendation

approving the action.

City Planning Commission Public Hearing

On May 20, 1992 (Calendar No.8), the City Planning Commission scheduled June 10, 1992, for a public hearing on this application (C 910478 ZMK). The hearing was duly held on June 10, 1992 (Calendar No. 12), in conjunction with the public hearings on the applications for the related actions (910479 MMK and 910480 ZSK). There were a number of appearances, as described in the report on the related application for the grant of special permits for Large Scale Residential Development (C 910480 ZSK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

A discussion of the WRP Consistency Review appears in the report on the related application for the grant of special permits for Large Scale Residential Development (C 910480 ZSK).

CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 910478 ZMK) in conjunction with the requests for the related grant of special permits (C 910480 ZSK) and change in the City Map (C 910479 MMK) is appropriate. The proposed R7-1 zone would be consistent with the adjacent zones to the east and the west, and eliminate an inappropriately located C3 district. C3 zones permit uses related to boating, fishing, and waterfront recreation.

Typical development includes marinas, boat repair shops, and public or private beaches. This site is separated from the water by about 250 feet of public beach, a fifty foot wide boardwalk and a 50 foot wide public park. The existing use on this site, which is considered a physical culture establishment, is non-conforming in a C3 district. Seacoast Terrace is a conforming, but non-complying use in a C3 district. A rezoning to R7-1 will reduce, but not eliminate the degree of non-compliance with bulk, density and parking regulations.

The area to the east and west of this site is zoned R7-1, while the area to the north is zoned R6. This area is well served by public transport. The IND "D" and "Q" trains have a stop within a block of this site, while the Bus routes B68, and B1 run along Brighton Beach Avenue and routes x29 and B4 run along Neptune Avenue, two blocks to the north of the site. Brighton Beach Avenue is a retail strip providing a vast range of neighborhood retail services.

The Commission believes that this large site, approximately 15 acres, adjacent to a wide public beach, and subway and bus lines can accommodate significant development. The Commission notes that while the area to the north of the Site is developed with a density of approximately 2 FAR, the area to the east and west of the site have developments of between 4 and 5 FAR. This zoning change would be consistent with the Commissions's efforts to

identify under-utilized areas along the waterfront for potential reuse, and to encourage new housing development. Given the size of the site and its prominent waterfront location, its development as a planned large scale development is necessary. Therefore, under the terms of the Restrictive Declaration, which limits the bulk to an FAR of 2.5 with a maximum of 1359 market-rate units, and a minimum of 140 lower-income units, the developer would have to return to the Commission for permission to develop the site in any different way.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for the grant of a special permit (C 910480 ZSK).

RESOLUTION

RESOLVED, that having considered the Final Supplemental Environmental Impact Statement (FSEIS), for which a Notice of Completion was issued on July 10, 1992, with respect to this application (CEQR No. 89-299(A)), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review (SEQR), have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse

environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts revealed in the Final Environmental Impact Statement (FSEIS) will be minimized or avoided to the maximum extent possible by incorporating those mitigative measures identified as practicable.

The report of the City Planning Commission, together with the FSEIS, 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 617.9(c)(3) of the SEQRR regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; 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. 28d and 29b,

- a) changing from a C3 District to an R7-1 District property bounded by Brighton Beach Avenue, Seacoast Terrace, a

line 500 feet north of Brightwater Avenue, Brighton 14th Street, Brighton 15th Street, the northerly and westerly boundary line of a park, the northerly boundary line of Coney Island Beach, Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 230 feet east of Coney Island Avenue.

- b) changing from an R6 District to a R7-1 District property bounded by Brighton Beach Avenue, a line 230 feet east of Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue; and
- c) elimination from the existing R6 District a C1-2 District bounded by Brighton Beach Avenue, a line 230 feet east of Coney Island Avenue, a line 100 feet south of Brighton Beach Avenue and a line 200 feet east of Coney Island Avenue,

Borough of Brooklyn, Community District 13, as shown on a diagram dated February 24, 1992 (C 910478 ZMK), and modified on July 20, 1992, and subject to the conditions of the Restrictive Declaration D-131.

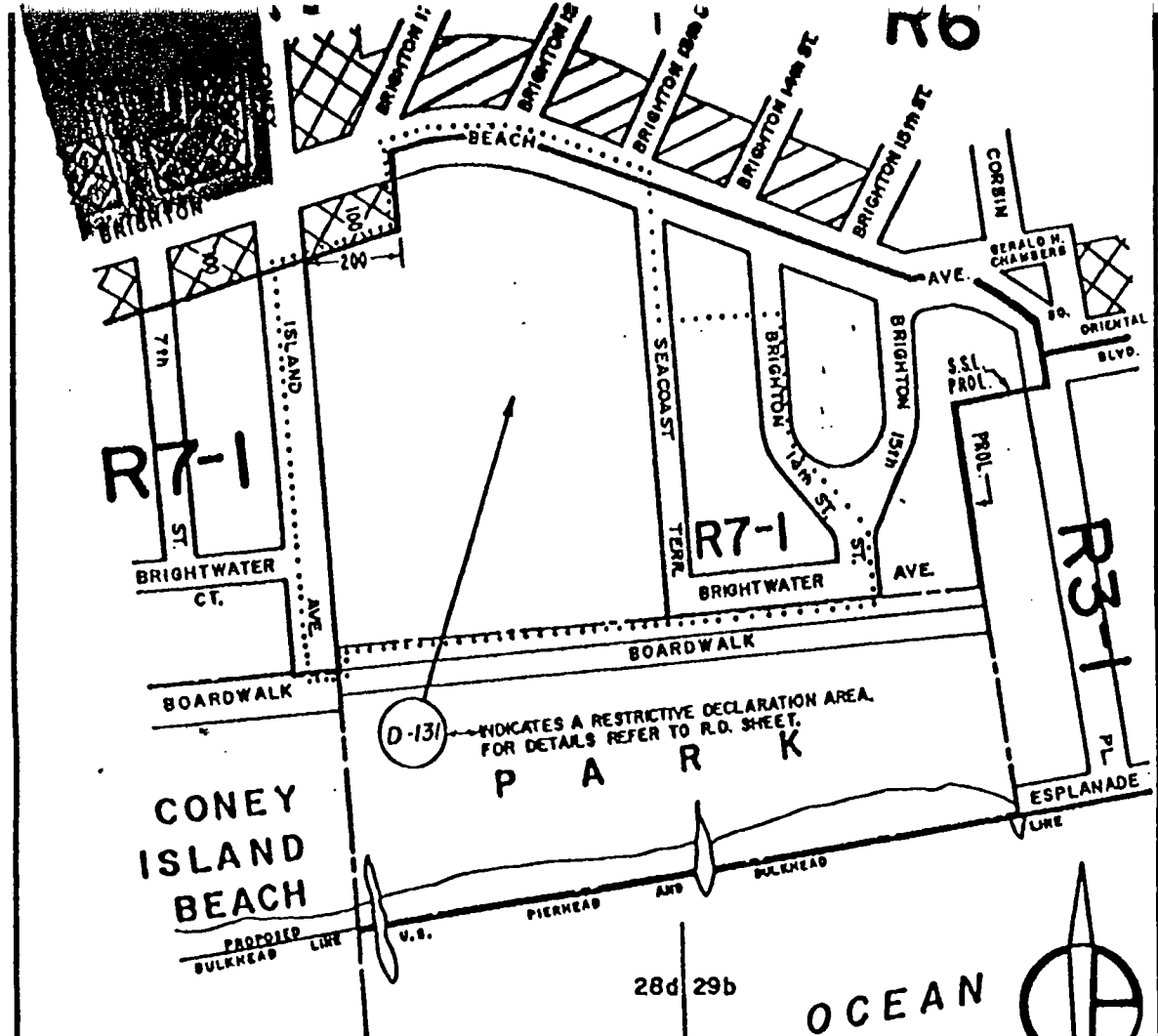
The above resolution (C 910478 ZMK), duly adopted by the City Planning Commission on July 20, 1992 (Calendar No. 1), is filed

with the Office of the Speaker, City Council, and the Office of the President of the Borough of Brooklyn, in accordance with the requirements of Section 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
EUGENIE L. BIRCH, A.I.C.P., AMANDA M. BURDEN, A.I.C.P., ANTHONY
GIACOBBE, MAXINE GRIFFITH, JAMES C. JAO, R.A., JOEL A. MIELE, SR.,
P.E., EDWARD T. ROGOWSKY, JACOB B. WARD, Commissioners

Brenda Levin, Ronald Shiffman, A.I.C.P., Commissioners, voted "NO".

Dissenting Statement attached



R7-1

R7-1

R3-1

D-131 INDICATES A RESTRICTIVE DECLARATION AREA FOR DETAILS REFER TO R.D. SHEET.

CONEY ISLAND BEACH

ATLANTIC OCEAN

CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED ZONING CHANGE ON SECTIONAL MAPS 28d & 29b
BOROUGH OF BROOKLYN

[Signature]
Director for Technical Review,
Land Use Review Division

New York, Certification Date
February 24, 1992
Modified July 20, 1992



- NOTE:**
- Indicates Zoning District boundary.
 - The area enclosed by the fine dotted line is proposed to be changed from C3, R6 and CI-2 Districts to an R7-1 District.
 - Indicates a CI-2 District.
 - Indicates a CI-3 District.
 - Indicates boundary of Park and Zoning District boundary.
 - Indicates a Special Ocean Parkway District.

Drawn By: Joe Russo

Dissenting Comments of
Commissioner Ronald Shiffman, A.I.C.P.

July 20, 1992

Re: Calendar Nos. C910480ZSK
 C910478ZMK
 C910479MMK

In the Matter of an Application submitted by Alexander Muss & Sons, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of Special permits pursuant to the following sections of the Zoning Resolution:

- a) Section 74-53
- b) Section 78-312(c)
- c) Section 78-312(d)
- d) Section 78-312(f)

in large scale residential development generally bounded by Brighton Beach Avenue, Seacoast Terrace, a park and Coney Island Avenue, Borough of Brooklyn, Community District 13.

Consideration

I reluctantly feel compelled to vote against this proposed development. I do believe, because of its location, context and access to mass transit, that the site in question can and should accommodate density levels in excess of that for which it is presently zoned. I believe that Brighton could benefit from the provision of new privately developed housing. I strongly favor the principle of including affordable housing in all large scale development projects - a principle which has been established with the passage of this project. However, I also believe that a properly planned large scale development project must

* mitigate any adverse environmental impacts attributable to it and be sensitive to the sites environmental constraints,

* fit contextually into the neighborhood,

* reflect and accommodate the diverse social and economic populations of the community and the city and not provide only 140 units of affordable housing units segregated toward one end of the development that may only serve elderly families and ignore the housing needs of other low income families.

* provide equal access for both the general public and residents of the affordable housing to Brighton-By-the-Sea's public and private recreational areas and programs and the waterfront, which is comprised of the waterfront park, the beach and the Atlantic Ocean,

* provide, in perpetuity, open space amenities that are accessible and inviting to the public and provide a continuous unbroken public path between the city's street grid, the public open space, the public park, the beach and the ocean waterfront.

* meet and or exceed the standards of the City's Waterfront Revitalization Program rather than merely certify compliance and jeopardize the Commission's credibility by certifying compliance. The proposed development, as modified by the developer within the last 72 hours, still fails to meet any of these tests. Brighton-by-

the-Sea is a large-scale development project located on one of the last large open sites along the Atlantic Ocean, and as a result, must meet a set of findings that exceed that of an ordinary zoning or demapping action.

Brighton-By-The-Sea is also one of the first waterfront projects that this Commission will be considering. What we do here will set a pattern for how waterfront development will take place. How we vote will send a message on how this Commission intends to do business. Are we committed to a rational, deliberative planning process or are we going to allow any developer or attorney, no matter how politically connected, to lure us into a game of poker or chicken disregarding the intent of the City's charter. No member of this commission can dispute the fact that planning should be a deliberative and dialectical process. Yet the developer and his development team, knowing the community's objections and knowing the almost unanimous concerns of the Commission, did not respond until after the last public meeting prior to the meeting when we are mandated by the Charter to vote. This cynical tactic, more appropriate to the game of poker than to an accountable and rational planning process, robbed the Commission and the people of New York of the opportunity to debate the virtues of the revised plan publicly and denied us the insight of our colleagues on the commission and the opportunity to benefit from the comments of the public both pro and con. Rather than using the time allocated by the ULURP process to deliberate and engage in a constructive planning process, the development team wore down the resolve of this commission to the point where we today are approving a plan, incrementally better than when it was first submitted to the commission. The people of Brighton Beach, Brooklyn and the City deserve far better, particularly from this Commission.

I'd like to address and comment on the following points in more detail.

I. Large Scale Residential Findings

The proposed plan fails to meet at least five of the six findings required to grant a permit under the Large Scale Residential Development provisions, since:

1. The project will adversely affect light and air for the neighboring zoning lots. Indeed the applicant's own FSEIS, in the section on unmitigated impacts, states [p 1.20] that "The Modified Project would include buildings that are significantly taller with greater massing and bulk than others in the study area, resulting in a significant impact on neighborhood character...the neighborhood character impacts caused by the Modified Project would remain unmitigated due to the overall physical characteristics of the proposed buildings, including height, bulk, and scale as well as impacts to visual resources which affect the neighborhood's character." The shadow studies included in the FSEIS support the point that light and exposure to the open sky will be severely impacted, on and adjacent to the property.

2. As indicated in item 1, the bulk and massing of the

proposed project's buildings will be significantly and unduly greater than what presently exists in the adjoining community.

3. The project doesn't provide the range of community services including active and or passive recreation areas, day care centers and other community facilities necessary to properly serve the development that is proposed.

4. The design and articulation of the private public open space that does exist does not benefit the community or the city as a whole. The lack of direct access to the public park, board walk and beach and its location in the center of the development is so designed as to privatize the space and to create a socio-political dynamic that overtime will inevitably lead to the privatization of whatever minimal space is made available to the community.

5. The project's urban design and site planning can't be construed to constitute "better planning", particularly in light of the unmitigated impacts that even the applicant cites-- such as Open Space, Bulk, Height, Visual Resources -- and most importantly, its adverse and unmitigated impact on neighborhood character and the lack of any foresight in the provision of community facilities such as day care.

Therefore, I believe that the proposed project, even as modified at this late date, fails to meet the finding required in order to grant a large scale residential development permit.

II. The Waterfront Revitalization Program and Plan

In 1972 the Coastal Zone Management Plan was passed by Congress to improve management of areas immediately surrounding the land/water interface. On October 30, 1982 the Board of Estimate adopted a Waterfront Revitalization Plan. Under the Charter, the City Planning Commission has been designated to serve as the City Coastal Commission, with the power to certify that a project is in compliance with the City's Waterfront Revitalization Program and policies. After carefully reading those policies which are contained in section 4 of the FSEIS, there is absolutely no basis that I can find to believe that the proposed project is in compliance with that Plan. To outline in detail where the proposal deviates from the plan would take more space and time than I am able to devote to writing this dissent. Briefly, I believe that the proposed development violates the spirit and the letter of Policies A, 2, 5, 19, 20 Policy F, G, 21,22, H, 25 since:

- * the proposed project doesn't improve access to the waterfront,

- * the so called improved access to the beach near Seacoast Terrace shifts the public access off the Brighton-By-The-Sea site to an "existing access point" while residents of the project will have a private entrance to the beach through the heart of the site. Furthermore, the only real beneficiaries of the Seacoast Terrace access are residents of Seacoast Terrace which was developed by the developer of Brighton-By-The-Sea. The new access point is therefore of questionable value to anyone but a resident of one of Mr. Muss's development. Moreover, the FSEIS states access will be from dawn to dusk, the resolution before states dawn to 10 pm, but the beach is open from dawn to 1 am. Therefore, even the limited access points

to the beach that are proposed will be restricted for a portion of time that the beach is open.

* there is no connection or continuity between the on-site open space, the park strip, the boardwalk and the beach.

* the proposed development is a commitment to an irreversible non-water related use. The argument, made in the FSEIS that " the Site is separated from the waterfront by a public beach and [the 50 ft] park strip, thus this tends to preclude the use of the Site for a water-dependent use" is just ludicrous. [If I didn't know better I'd think that the FSEIS was written by Vice President Quayle not a land use attorney.]

* given the questions concerning the sewage treatment plant and the need to revise the SPDES permit and or to implement a series of mitigation measures there is a serious question as to the present adequacy of public facilities and services in the area. [see sewage treatment concern below].

*The FSEIS claims that there will be no shadows cast on any open space facilities adjoining the B-B-S project. This is simply not true and, is contradicted by the applicant's own shadow studies indicating that many of the area's streets that are used as open space by teenagers will be cast in shadow, as will the School yard at P.S. 225 and the park known as Babi Yar Triangle.

*Finally, it is unclear to me what the impact of implementing the tide gate repair program will have on the beach and the surrounding waterways. In the report prepared by the joint venture of Pirnie-Baker for the Dept. of Environmental Protection, entitled Final Increased Capacity Report, the authors state that

" Because Coney Island WPCP service area is primarily a combined sewer system, during wet weather conditions all precipitation collected in the service area will be directed to the plant to the extent possible. Flows not received by the plant will be discharged into Paerdegat Basin via flow regulators. ...All effluent flows from the plant will be chlorinated. In addition, it is important to understand that wet weather flows directed through the plant will be discharged into the center of Rockaway inlet, instead of to the head of Paerdegat Basin. Therefore, increasing permitted capacity of this plant will increase the amount of wet weather flow required to be accepted and treated; thus reducing untreated wet weather overflows and loads to a confined water body (Paerdegat Basin); and minimally increasing treated effluent loads to a well mixed open water body (Rockaway inlet). Maximizing flow to the plant will benefit overall water quality, especially for Paerdegat Basin."

This statement taken together with the Commissioner of Health's concern that "overflow heavy rains causes significant amounts of untreated sewage to be discharged into the harbor water, 'with the greatest impact on several beaches', including 'beaches closest to the inner harbor of Coney Island,' and 'recommends that people refrain from swimming for a least two days following periods of heavy rain' 'at area beaches'", raises serious questions in my mind about DEP's proposal. It could be that I don't fully understand what they are proposing - but I don't think I'm the only one. There has been too little time and too little discussion or explanation of how the tide gate repair program will work, particularly, given the combined sewers that exist in the area. I for one would need

further explanation of the intended and unintended implications of what is proposed before I would have the level of comfort to believe that the environment will not be harmed.

Given the factors cited above, I do not believe that the proposed development complies with the City of New York's Waterfront Revitalization Program.

Similarly, the entire FSEIS lacks the proper level of detail and data necessary to make informed environmental and planning judgements. There simply is not enough reliable information. The very data base used is questionable because of the decision to use 1995 as the build year. Because the build year for Brighton-Bt-The-Sea is grossly understated, the FSEIS is critically flawed and does not allow the Commission to take the necessary hard look at the environmental impacts of the project. Neither the Commission nor the public should have to guess at how the build year distorts the analysis in the FSEIS, including traffic and air quality analyses, the economic projections for the project, the community resource impacts, the open space impacts, and the secondary displacement analysis. Given the fact that the plans will not be completed until 1993, the difficulty of securing financing, and the developer's own statements that he intends to build one building at a time, the project certainly cannot be built and occupied by 1995.

In addition to the questionable data estimates used the FSEIS lacks any detailed wind studies, has a number of inconsistencies in some of the drawings, for example, where the parking garage exhaust vents are located and how they relate to the design of the publicly accessible open space and areas such as the boardwalk. The socio-economic analysis is skewed to focus on the needs of the developers target market to the exclusion of other socio-economic and ethnic/racial groups that reside in the community.

III. Affordable Housing as An Integral Part of Brighton-By-The-Sea

I believe that in order to enhance the stability of our communities, and to maintain the diversity that contributes to the health and vitality of our communities and our city, all large scale residential development projects, and residential developments in excess of 100 units, should be required to include a mandated percentage of low and moderate income housing. [Low and moderate income being defined as 80% of the median income or less.] Indeed, in the case of Brighton-By-The-Sea, where the developer is in essence requesting a five-fold increase in floor area and the addition of four acres of developable land; and where the developer will be the beneficiary of a dramatic increase in land value, and where over 1,110 units of affordable housing may be lost because of secondary displacement, the case for inclusion of at least 20% of the units for low- and- moderate income housing is overwhelming.

Furthermore, where the public action taken by the Commission confers such a dramatic and overwhelming increase in value, I

believe it should be the responsibility of the developer to provide the financing for the project without diverting desperately needed and scarce financing and subsidies from other worthy sponsors. Tax exempt and other kinds of enhanced financing such as that which is available through the 80:20 Tax Exempt Bond program should be pursued. The state and city should explore ways of providing credit enhancement so that 80:20 financing can be used without difficulty.

While I believe that the proposed 140 units of low-income housing is a significant step forward I believe it is too little in terms of all the benefits that will accrue to the sponsors of the project and the dearth of benefits that accrue to the public. Indeed, the infrastructure investment required by the city, the diminution in the quality of life in the adjoining community, and the poor quality of the urban design and planning that has accompanied this proposal all reinforce my decision to vote against this project, despite the fact that the principle of inclusionary housing has been established.

I am also concerned by the possibility that the developer will attempt to undermine the hard won principle of inclusionary planning by building housing for senior citizens only, or by spatially segregating them on the site. Given that some of the amenities are accessory uses and that the developer might seek to sell land to a not-for-profit to develop the affordable housing, I am also concerned, despite the restrictive declaration and the hard work of the Chair, that low income residents might comprise a separate and unequal segment of this large scale development. The last set of restrictive declarations have allayed my concern, however, I urge the Chair, HPD and the Commission on Human Rights to monitor the situation carefully.

All of these things taken together have inevitably brought me to the conclusion that the Brighton-By-The-Sea Proposal is not worthy of my support. Despite all the hard won improvements that the Chair was able to report to us this afternoon, the plan remains badly conceived and the result of the kind of planning that I had hoped this city had abandoned.

I vote no.