



September 1, 2021 / Calendar No. 13

C 210151 ZMK

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

1. changing from an existing R7A District to an R8A District property bounded by a line midway between DeKalb Avenue and Kosciusko Street, a line 100 feet westerly of Nostrand Avenue, Kosciusko Street, and a line 240 feet westerly of Nostrand Avenue; and
2. establishing within a proposed R8A District a C2-4 District bounded by DeKalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between DeKalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated September 1, 2021, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-577.

This application was filed by BRP East Brooklyn LLC on October 19, 2020 to change an R7A zoning district to R8A and R8A/C2-4 zoning districts. This application, in conjunction with the related application for a zoning text amendment (N 210152 ZRK), would facilitate the development of a new 14-story mixed-use building with approximately 487 dwelling units, 144 of which would be permanently affordable, along with ground floor commercial and community facility uses at 270 Nostrand Avenue (Block 1788, Lots 55 and p/o 49) in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

RELATED ACTIONS

In addition to the zoning map amendment (C 210151 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 210152 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant seeks a zoning map amendment to change an R7A district to an R8A and an R8A/C2-4 zoning district, as well as a zoning text amendment to establish an MIH area coterminous with the project area. The project area, coterminous with the development site, is located on the block bounded by DeKalb Avenue to the north, Nostrand Avenue to the east, Kosciuszko Street to the south, and Spencer Court to the west, and consists of two tax lots (Block 1788, Lots 55 and part of 49). The project area contains approximately 47,600 square feet of lot area with 200 feet of frontage on Nostrand Avenue and 238 feet of frontage on both DeKalb Avenue and Kosciuszko Street, all 70-foot-wide streets. Lot 55 was the site of the former CABS nursing home, which was vacated in 2016 and demolished in 2018, and currently remains vacant.

The project area is located on the eastern edge of the Bedford Stuyvesant neighborhood and is surrounded by a variety of land uses and built forms, including high- and mid-rise apartment buildings, low density big box retail, and two- to four-story brownstone townhouses. Multiple tower in the park public housing developments, including the New York City Housing Authority's Marcy, Tompkins, and Sumner Houses, are located five blocks to the northeast.

Residential uses in the surrounding area are comprised of lower scale townhouses and taller apartment and institutional buildings, including a 12-story apartment building south-west of the project area on the same block.

Commercial uses in the surrounding area include Home Depot, one block to the north of the project area. There are also several retail stores and restaurants along Nostrand and DeKalb avenues. Institutional and public facility uses in the surrounding area include Brooklyn Job Corps Academy, a technical school and job training academy operated by the U.S. Department

of Labor located one block to the north, PS 54 located one block to the north, and PS 256 and the Marcy branch of the Brooklyn Public Library, one block east of the project area. Open space uses include Herbert Von King Park, two blocks east of the project area and the Kosciuszko Pool, located one block east of the project area.

The project area is within a Transit Zone and is well served by mass transit. The B44 Select Bus Service has a stop directly in front of the project area on Nostrand Avenue, making stops approximately every half-mile between Sheepshead Bay and Williamsburg Bridge Plaza. One block to the south, the Bedford-Nostrand station of the G subway line connects Court Square in Long Island City, to Church Avenue in Kensington. Other bus lines in the surrounding area include the B38, which runs from Ridgewood, to Downtown Brooklyn, along Dekalb and Lafayette avenues; the B48, which runs from Lefferts Gardens to Greenpoint, along Classon and Franklin avenues; and the B54, which runs from Downtown Brooklyn to Ridgewood via Myrtle Avenue.

In 1984, the Bedford-Stuyvesant I Urban Renewal Plan designated the project area as an “institutional use” reflecting the existing nursing home on the site that had been constructed in 1975 as part of the Central Brooklyn Community Development Plan, an urban renewal plan adopted in 1968. In 2012, the comprehensive rezoning of Bedford-Stuyvesant (C 120294 ZMK) was adopted with the goals of preserving the existing character and context of the neighborhood while allowing for new residential and mixed-use growth along commercial and transit corridors, and incentivizing affordable housing creation. The project area, located on a major thoroughfare, was rezoned from R6 to R7A and mapped as an Inclusionary Housing (IH) designated area, along with the rest of Block 1778. R7A districts allow for residential uses with an FAR of 4.6 for buildings in IH designated areas, a maximum base height of 75 feet, and a maximum building height (excluding bulkhead and other permitted obstructions) of 95 feet. At a height not lower than 40 feet or higher than 75 feet, a setback with a depth of at least 10 feet is required for any street wall fronting on a wide street, and a setback with a depth of at least 15 feet is required for any street wall fronting a narrow street.

Directly to the north of the project area is an M1-5 zoning district. M1-5 zoning districts are high-density industrial districts that allow commercial, and manufacturing uses with a maximum floor area ratio (FAR) of 5.0, with bulk controlled by a sky exposure plane that begins 85 feet above curb level, or at six stories, whichever is less.

The project area is predominantly surrounded by R6B zoning districts, which are generally mapped on mid-blocks in the surrounding area. R6B are mid-density contextual residential zoning districts that allow a maximum residential Floor Area Ratio (FAR) of 2.0 (if paired with an IH district) and maximum community facility FAR of 2.0. Developments in R6B districts must comply with Quality Housing regulations and are permitted to reach a maximum base height of 40 feet, and a maximum building height of 50 feet. An R6A zoning district paired with a C2-4 overlay is located to the east of the project area along Nostrand Avenue. R6A zoning districts allow a residential FAR of 3.0 (3.6 if paired with an IH district), and a community facility FAR of 3.0. Developments in R6A districts must comply with Quality Housing regulations and may rise to a maximum base height of 60 feet (or 65 feet with a Qualifying Ground Floor) and a maximum building height of 70 feet (or 75 feet with a Qualifying Ground Floor). For IH or MIH developments, buildings may reach a maximum building height of 80 feet (or 85 feet with a Qualifying Ground Floor).

The applicant proposes to develop a 14-story mixed-use building with 487 dwelling units, 144 of which would be permanently affordable, as well as approximately 11,000 square feet of commercial use and 1,100 square feet of community facility use on the ground floor. The proposed development would have an FAR of 7.2, totaling approximately 343,000 square feet of floor area. The building would reach a height of 145 feet on Nostrand and DeKalb avenues and 125 feet on Kosciuszko Street. Setbacks of 15 feet would be provided on all three sides of the building at a height of 85 feet. The site would contain 176 accessory parking spaces accessible via a curb cut on Kosciuszko Street.

To facilitate the proposed development, the applicant requests a zoning map amendment to change an R7A zoning district to a R8A district within 240 feet of Nostrand Avenue, and to map

a C2-4 commercial overlay bounded by DeKalb Avenue, Nostrand Avenue, Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue.

R8A is a high-density residential zoning district that allows residential buildings with a maximum FAR of 6.02 (7.2 with MIH) and a 140-foot height limit (145 with a Qualifying Ground Floor). Off-street parking is required in R8A zoning districts for 40 percent of all dwelling units, except for income-restricted housing units within a Transit Zone. C2-4 commercial overlays allow for commercial retail uses on the ground floors of residential buildings with a maximum FAR of 2.0.

In addition to the proposed zoning map amendment, the applicant requests a zoning text amendment to Appendix F to designate the proposed project area as an MIH area, mapped with Option 2 and Option 3. Option 2 requires at least 30 percent of the residential floor area to be reserved for households with an average of 80 percent of the area median income (AMI). No more than three income bands can be used to meet the required average of 80 percent of the AMI, and no income band can exceed 130 percent of the AMI. Option 3, the Workforce Option, requires 30 percent of the residential floor area to be reserved for households with an average of 115 percent of the AMI. No unit can be designated to residents with incomes above 135 percent of the AMI. At least five percent of the residential floor area must be used for households with an average income of 70 percent of the AMI, and an additional five percent of the residential floor area must be used for households with an average income of 90 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 210151 ZMK), in conjunction with the application for the related action (N 210152 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 21DCP043K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on April 5, 2021. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to air quality, and noise (E-606). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

On August 27, 2021, a Revised EAS was issued that describes and analyzes modifications to the proposed actions and concludes that the modifications would not result in any new or different significant adverse environmental impacts. A Revised Negative Declaration was issued on August 27, 2021, that supersedes the Negative Declaration issued on April 5, 2021. The City Planning Commission has determined that the proposed actions will have no significant effect on the environment.

UNIFORM LAND USE REVIEW

This application (C 210151 ZMK) was certified as complete by the Department of City Planning on April 5, 2021 and duly referred to Brooklyn Community Board and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210152 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 3 held a public hearing on this application (C 210151 ZMK) on June 7, 2021 and, on that date, by a vote of 23 in favor, 11 opposed, and one recusal, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 210151 ZMK) and the related action (N 210152 ZRK) on June 14, 2021, and on June 20th, 2021, recommended disapproval of the application.

City Planning Commission Public Hearing

On July 14, 2021 (Calendar No. 1), the Commission scheduled July 28, 2021 for a public hearing on this application (C 210151 ZMK) and the related application for a zoning text amendment (N 210152 ZRK). The hearing was duly held on July 28, 2020 (Calendar No. 42). Five speakers testified in favor of the application and none in opposition.

An applicant representative described the proposed development, including the ground floor retail and community facility, which he stated would be offered to local organizations below market rates. He also noted that the applicant would consider a lesser density than R8A but would need to determine affordability levels and financing. Another representative of the applicant explained the land use rationale and stated his belief that the site was ideal for increased density due to its access to public transportation, location in a former urban renewal area, and surrounding densities. An architect for the project discussed the design of the building, noting that the façade is intended to echo the surrounding historic brownstones. Another representative explained the rationale for workforce level affordability, including which income levels would qualify.

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

In a letter submitted to the Commission on July 19, 2021, in advance of the public hearing, the applicant stated that, in response to concerns regarding affordability levels during the public review period, they would commit to reducing the income levels for the affordable units, decreasing the average from 115% to 100% of the AMI. The applicant also stated that they would increase the number of two-bedroom units in response to Community Board concerns.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 210151 ZMK), as modified herein, in conjunction with the related application for a zoning text amendment (N 210152 ZRK), is appropriate.

The proposed actions will facilitate the development of a 14-story, approximately 343,000-square-foot mixed-use building with approximately 487 dwelling units, of which 144 will be permanently affordable, and approximately 11,000 square feet of commercial and 1,100 square feet of community facility space on the ground floor. The Commission notes that this presents an opportunity for increased density on underutilized land in an area with a distinct need for permanently affordable housing. Moreover, the project area is one block from the Bedford-Nostrand Avenue G subway station, and the B44 Select Bus Service has a stop directly in front of the development site on Nostrand Avenue, making it a prime location for sustainable, transit-oriented development. The Commission is pleased that the applicant intends to activate the ground floor streetscape with non-residential uses along Nostrand and DeKalb avenues, and the commitment to offer retail space for local community organizations at below market rates.

The project area is located in an R7A zoning district where the inclusion of affordable housing is incentivized but not required. The amendment to Appendix F will create a new MIH area coterminous with the project area, permanently requiring affordable housing at 30% of the residential floor area, supporting the creation of sorely needed affordable housing in Bedford-Stuyvesant. The MIH text amendment is also aligned with citywide objectives outlined in *Housing New York* to locate affordable housing near transit.

The Commission recognizes that the proposed R8A district would allow for a greater density and height than what is currently mapped in the surrounding area. The proposed R8A district would allow a building's base height to rise to 105 feet, with a maximum overall height of 145 feet, or 14 stories, which would result in buildings that would be inappropriately tall and dense on three 70-foot-wide streets that border low- and mid- rise residential districts. The adjacent R6A and R6B districts represent the typical zoning and land use patterns in the surrounding area, comprised largely of single or two-family row houses and low- to mid-rise apartment buildings.

Therefore, the Commission believes that the proposed R8A zoning district would result in a building that would overwhelm the adjacent residential districts by restricting access to light and air. Furthermore, the proposed district would not provide sufficient flexibility to locate the proposed bulk farther from lower-density residential districts. Instead, the proposed building

would rise to 12 stories on Kosciuszko Street, adjacent to low-rise residential blocks with buildings ranging from two to six stories.

The Commission concurs with statements submitted by both Community Board 3 and the Borough President that the proposed R8A density is out of character with the surrounding area, and that it would allow for three more stories than an R7D district, the highest density district mapped in Community Board 3.

Therefore, the Commission herein modifies the zoning map amendment application (C 210151 ZMK) to change from the proposed R8A, R8A/C2-4 district to an R7X/C2-4, R7D district.

R7D is a medium-density residential zoning district that allows a maximum FAR of 5.6, a maximum base height of 95 feet, and a maximum building height of 115 feet. Additionally, R7X districts are also medium-density residential zoning districts, and allow for a maximum FAR of 6.0, a maximum base height of 105 feet, and a maximum building height of 145 feet.

The Commission believes that an R7X/C2-4 and R7D district will result in a more appropriate density and a building form that responds to the surrounding area. The blended district allows for the bulk of the building to shift to DeKalb and Nostrand avenues adjacent to the M1-5 district and to step down towards the low-rise residential districts while also allowing for more flexibility in its massing.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which Negative Declaration was issued on August 27, 2021 with respect to this application (CEQR No. 21DCP043K), the City Planning Commission finds that the actions described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and 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. 17a,

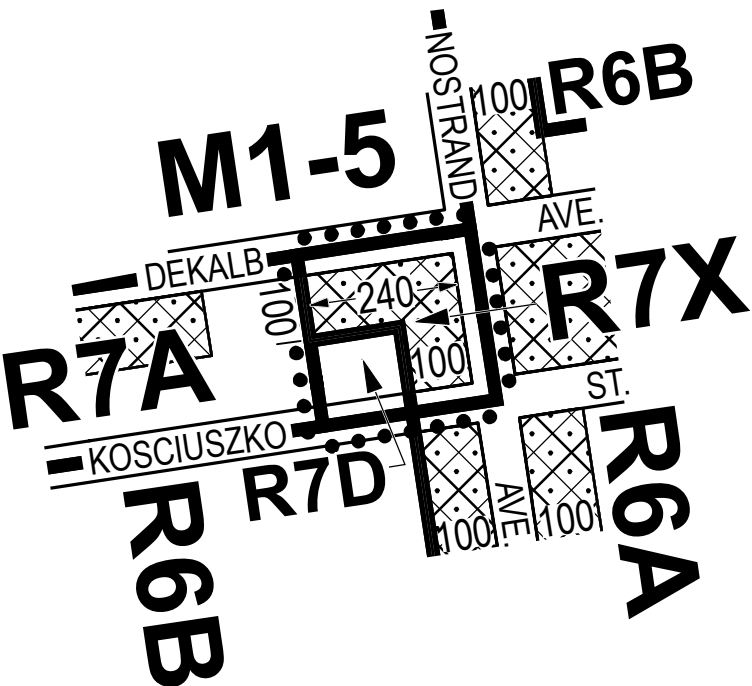
1. changing from an R7A District to an R7D District property bounded by a line midway between DeKalb Avenue and Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;
2. changing from an R7A District to an R7X District property bounded by DeKalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between DeKalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue; and
3. establishing within the proposed R7X District a C2-4 District bounded by DeKalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between DeKalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;

The above resolution (C 210151 ZMK), duly adopted by the City Planning Commission on September 1, 2021 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

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

DAVID BURNEY, ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARÍN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*



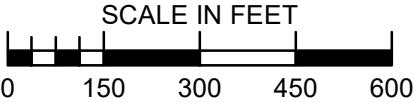
CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

17a
BOROUGH OF
BROOKLYN





S. Lenard, Director
Technical Review Division



New York, Certification Date:
April 5, 2021
Modified by CC:
September 01, 2021



NOTE:

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by changing from an R7A District to R7D and R7X Districts and establishing a C2-4 District within the proposed R7X District.
-  Indicates a C2-4 District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 270 Nostrand Avenue Rezoning			
Applicant:	BRP Companies	Applicant's Primary Contact:	Meredith Marshall
Application #	210151ZMK	Borough:	
CEQR Number:	21DCP043K	Validated Community Districts:	K03

Docket Description:

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

1. changing from an R7A District to an R8A District property bounded by Dekalb Avenue, Nostrand Avenue, Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue; and
2. establishing within the proposed R8A District a C2-4 District bounded by Dekalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Dekalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-606.

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

RECOMMENDATION: Unfavorable			
# In Favor: 4	# Against: 5	# Abstaining: 0	Total members appointed to the board: 9
Date of Vote: 6/7/2021 12:00 AM		Vote Location: Virtual Meeting	

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

Date of Public Hearing: 6/7/2021 4:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Virtual Meeting

CONSIDERATION: The recommendation is to NOT APPROVE the project.

Recommendation submitted by	BK CB3	Date: 6/11/2021 8:02 PM
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The City of New York
Community Board No. 3
Bedford Stuyvesant Restoration Plaza
1360 Fulton Street, 2nd Floor ■ Brooklyn, New York 11216

718/622-6601 Phone ■ 718/857-5774 Fax ■ nyc.gov/bkcb3 Website ■ bk03@cb.nyc.gov E-mail

ERIC ADAMS
BOROUGH PRESIDENT

RICHARD FLATEAU
CHAIRPERSON

HENRY L. BUTLER
DISTRICT MANAGER

RESOLUTION

**Re: ULURP CEQR Application #21DCP043K, 270 Nostrand Avenue
in CD3 Bedford Stuyvesant [Block 1778| Lot 55] for a Zoning Change from R7A to R8A**

The application is to modify Zoning from R7A to R8A at 270 Nostrand Ave (between Dekalb Ave and Kosciuszko St). The project was presented on April 14, 2021 at a scheduled virtual meeting of the Housing and Land Use Committee by BRP East Brooklyn Development LLC and their consultants. In attendance were members of the Committee, representatives of NYC Department of City Planning and the community.

The site is a 47,600 sf. block long parcel on Nostrand Ave between DeKalb Ave and Kosciuszko St, formerly the site of a portion of the adjacent CABS Nursing facility on DeKalb Ave. The applicant seeks a Zoning Change to significantly increase the allowable height and bulk of a new building in this location.

The new development would create 487 apartments of which 144 would be permanently affordable at an average 115% AMI level. The remaining 333 “workforce” apartments would be rent-stabilized (for a limited number of years).

At the Public Hearing on June 7, 2021, the applicant presented revised income and rent bands at an average 100% AMI level for the permanently affordable units.

The proposed bulk of the building-14 stories 145’ high and 444,289 SF- is too large to make a Zoning Change to R8A acceptable in this location. Other immediately surrounding zoning is no greater than R7A, so the Change would allow a structure to be much taller and bulkier than other buildings in the area. The loss of light and air and the “spot zoning” aspect of such a change would set a precedent for the area that was not intended by the CD3 Zoning Plan of 2011. Without providing more affordable units and more family-sized units, the Change to R8A would not provide a sufficient public benefit to the community.

After hearing questions and comments from the CB3 Board members and the community at the Public Hearing on June 7, 2021 the Committee recommendation is to NOT APPROVE the requested Zoning Change to R8A.

Committee Vote After Public Hearing June 7, 2021 :
4 In Favor _5_ Against _0_ Abstain _9_ Present



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

CalendarOffice@planning.nyc.gov

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

270 NOSTRAND AVENUE REZONING – 210151 ZMK, 210152 ZRK

Applications submitted by BRP East Brooklyn Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for land use actions affecting a 48,000 square-foot (sq. ft.) property on the west side of Nostrand Avenue between DeKalb Avenue and Kosciuszko Street in Brooklyn Community District 3 (CD 3). The proposed zoning map amendment would change the project area from R7A to R8A and establish a C2-4 district to a depth of 100 feet from both DeKalb and Nostrand avenues. A parallel zoning text amendment would create a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning boundary. Such actions would facilitate an approximately 342,921 sq. ft., 14-story development with 487 dwelling units, of which 144 would be affordable to households earning an average 115 percent of Area Median Income (AMI), pursuant to the MIH Workforce Option. Ground-floor retail uses enabled by the proposed commercial overlay would be located along the building's DeKalb and Nostrand avenue frontages. The development would also provide 176 parking spaces accessible via Kosciuszko Street.

BROOKLYN COMMUNITY DISTRICT NO. 3

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☐ APPROVE WITH
MODIFICATIONS/CONDITIONS

☒ DISAPPROVE
☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

July 20, 2021

DATE

RECOMMENDATION FOR: 270 NOSTRAND AVENUE REZONING – 210151 ZMK, 210152 ZRK

BRP East Brooklyn Development LLC submitted applications pursuant to Sections 197-c and 201 of the New York City Charter, for land use actions affecting a 48,000 square-foot (sq. ft.) property on the west side of Nostrand Avenue between DeKalb Avenue and Kosciuszko Street in Brooklyn Community District 3 (CD 3). The proposed zoning map amendment would change the project area from R7A to R8A and establish a C2-4 district to a depth of 100 feet from both DeKalb and Nostrand avenues. A parallel zoning text amendment would create a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning boundary. Such actions would facilitate an approximately 342,921 sq. ft., 14-story development with 487 dwelling units, of which 144 would be affordable to households earning an average 115 percent of Area Median Income (AMI), pursuant to the MIH Workforce Option. Ground-floor retail uses enabled by the proposed commercial overlay would be located along the building's DeKalb and Nostrand avenue frontages. The development would also provide 176 parking spaces accessible via Kosciuszko Street.

On June 14, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were no speakers on the item.

In response to Borough President Adams' inquiry as to why the applicant believes that the extent of requested density was not supported by Brooklyn Community Board 3 (CB 3), the representative noted some board members' concern that the project would set a precedent for high-rise development, and that the represented rents were too high for neighborhood residents.

In response to Borough President Adams' inquiry as to why the applicant believes MIH Option 4, with its average allowable rent collection indexed at 115 percent AMI, to be an appropriate public benefit for the requested density, the representative clarified that the development would accommodate middle-income residents who do not qualify for deeply affordable housing, and cannot afford to purchase homes in Bedford-Stuyvesant.

In response to Borough President Adams' inquiry regarding the affordable housing units, specifically, the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the representative cited a mix of 215 studios, 175 one-bedroom units, and 97 two-bedrooms apartments. Qualifying incomes for the MIH units would range from \$58,520 for a single-person seeking a studio, to \$137,195 for four-person household seeking a two-bedroom.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from CD 3 residents, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the representative noted extensive past experience renting apartments through the City's affordable housing lotteries.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue, green, or white roof covering, solar roof or façade panels, New York City Department of Environmental Protection (DEP) curb side rain gardens, and/or wind turbines, the representative stated intent to pursue an energy-efficient building envelope with green roof, rainwater harvesting, and solar power technologies.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the representative noted that the developer is an MWBE firm, and stated intent to

award 30 to 35 percent of the project bids to MWBE subcontractors. The applicant would also train and retain local hires in partnership with local workforce development organizations.

Subsequent to the hearing, Borough President Adams received a letter in support from the chair of the CB 3 economic development committee, citing the applicant's record as an affordable housing developer, and the project's benefits to the community.

Consideration

CB 3 disapproved this application on June 7, 2021.

The proposed actions would affect a 47,634 sq. ft. vacant lot extending 200 feet along Nostrand Avenue, with 238 feet of frontage on both DeKalb Avenue and Kosciuszko Street. The site formerly housed a nursing home, operated by CABS, that was demolished in 2018. The applicant seeks to redevelop the site into a large-scale, mixed-use building with nearly 500 apartments, over 11,000 sq. ft. of non-residential uses, and substantial parking.

The underlying R7A zone borders several lower-density districts: M1-5 across DeKalb Avenue, which includes a Home Depot store, located between Nostrand and Walworth avenues; R6B across Kosciuszko Street, containing low-rise homes and a parochial school, and R6A across Nostrand Avenue, extending partly onto Kosciuszko Street, with a medical facility directly facing the development site. The proposed building would rise to 12 stories on Kosciuszko Street, and 14 on DeKalb and Nostrand avenues, which would provide access to the residential lobby and commercial and community facility spaces. The massing would include 15-foot setbacks above 85 feet on all three sides.

To enable the proposed development, the applicant seeks an R8A district with an MIH area, and a C2-4 commercial overlay. The current R7A zoning was established as part of the 2012 Bed-Stuy North rezoning, which mapped contextual districts over 140 blocks of Bedford-Stuyvesant, while establishing new C2-4 overlays and inclusionary housing areas. The 270 Nostrand Avenue block was rezoned from R6 to R7A and designated a Voluntary Inclusionary Housing (VIH) area. It should be noted that the Bed-Stuy North rezoning did not consider the site's proximity to mass transit. However, the plan extended a new C4-4L district, an R7A residential zoning district equivalent, along portions of Broadway, specifically to guide development adjacent to the elevated train. It also designated an R7D district along Myrtle Avenue, which is a bus route and is often lined on one side by New York City Housing Authority (NYCHA) developments or a New York City Parks Department (NYC Parks) playground.

The surrounding area includes a mix of residential, commercial, and community facility uses. The dominant housing type is two to three story rowhouses, with some elevator apartment buildings. Commercial uses are concentrated along the Nostrand Avenue corridor, which is mapped with C2-4 overlays. There is a significant concentration of large institutional buildings including houses of worship, libraries, schools, and shelters. The major recreational use is the Kosciuszko Pool, operated by NYC Parks. Open space uses in the vicinity include community gardens, playgrounds, and Herbert von King Park.

Brooklyn is one of the fastest growing boroughs in New York City and the greater metropolitan area. Its ongoing renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their own neighborhoods. Borough President Adams is committed to addressing Brooklyn's affordable housing crisis through the creation and preservation of housing units for very low- to middle-income households.

Moreover, in CD 3 and across New York City, there is a pressing need for affordable and stable housing among elderly adults, homeless households, low-income families, and other populations. Increasing the supply of affordable apartments for a range of incomes and household types in mixed-use buildings is a critical strategy for promoting a sustainable neighborhood and city.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed development would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever." However, a rezoning still needs to establish the right balance of private and public purpose, while prioritizing community need for housing that mitigates displacement and poverty.

Based on MIH Option 4, the development rights generated from the proposed rezoning would result in, at minimum, 30 percent of the residential floor area designated as permanently affordable. According to the applicant, approximately 147 of the 487 units at 270 Nostrand Avenue would be affordable pursuant to MIH. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing to remain in perpetuity.

Beyond the MIH obligation, Borough President Adams appreciates other represented public benefits regarding the proposed ground floor commercial space.

Historically, Bedford-Stuyvesant has been a thriving middle-class Black neighborhood where Black entrepreneurs established businesses that served the community. In recent years, that legacy has been diminished, with many establishments now gone and others struggling to remain. As a result, older businesses have been forced to close or move, with little possibility of returning to the neighborhood.

The proposed ground floor at 270 Nostrand Avenue would yield more than 11,600 sq. ft. of community facility and local retail space. Borough President Adams believes that commercial space provided through an overall increase of zoning floor area could serve as an affordable relocation resource for businesses being displaced from the community retail corridors, with priority given to minority- and immigrant-owned enterprises.

It has been Borough President Adams' policy to review discretionary land use actions for opportunities to promote cultural and non-profit uses. These entities play an important role in the neighborhoods they serve but often struggle to secure affordable space to expand and sustain their programs. Many cultural organizations have contacted the Office of the Brooklyn Borough President with these concerns.

Borough President Adams understands that the proposed development could also present an opportunity to provide much-needed affordable space for arts and cultural organizations. Unfortunately, many organizations that provide such programming cannot afford to lease space in the area. Borough President Adams believes that the inclusion of arts and cultural use floor area at 270 Nostrand Avenue would be consistent with public benefit intent achieved through residential development pursuant to the MIH program. Setting aside a portion of the envisioned commercial and/or retail space within the proposed development at affordable rents for such uses would increase the project's benefit to the community.

While these amenities would contribute positively to the neighborhood, many other aspects of the project do not justify supporting this proposal. The proposed R8A/C2-4 MIH zoning permits development of up to 7.2 FAR. According to the application, just under 0.25 FAR would be reserved for commercial and

community facility use. The approximately 6.95 FAR of residential use would set aside 2.085 FAR (up to 30 percent) as rent-regulated housing, with the rest intended as market-rate.

The base R7A FAR for residential development is 3.45, with a bonus 0.92 FAR for provision of affordable housing according to VIH. Assuming the same 11,620 sq. ft. for commercial, the remaining more than 3.2 FAR of base FAR could qualify for an additional 0.23 FAR of market rate housing, totaling more than 3.43 FAR of market rate housing. The income-restricted units would have to be leased at not more than 80 percent AMI at the outset.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. 270 Nostrand Avenue is accessible via New York City Transit (NYCT) subways and buses. The Brooklyn-Queens Crosstown G train Bedford-Nostrand Avenues station is located one block south of the site. The B39 bus travels along DeKalb Avenue, stopping across the street at Home Depot, while the B44 and Select Bus Service (SBS) stop on the corner of Bedford and Lafayette avenues.

Borough President Adams recognizes that the proposed zoning would substantially exceed the medium-density context established at this site in 2012. An R8A district would permit five additional stories beyond the current zoning, even with a bonus for a qualifying non-residential ground floor. It would also be three stories higher than the R7D district mapped along a section of Myrtle Avenue, the highest-density residential zoning in CD 3. Finally, it would be substantially out of character with existing properties on DeKalb Avenue, Kosciuszko Street, and Nostrand Avenue zoning.

Borough President Adams believes that it is appropriate to revisit zoning, whether an area is still regulated according to the 1961 New York City Zoning Resolution (ZR) or more recently amended. However, applications for unprecedented density in contextually zoned areas deserve special scrutiny for public benefit. The question then, is to what extent the proposed development serves the public interest. The R8A MIH and its commercial equivalent has been typically established concurrently with City-owned sites to realize affordable housing development, in proximity to transit and/or along wide streets in Brooklyn. Examples include a section of Atlantic Avenue pursuant to the East New York Community Plan, 1921 Atlantic Avenue, 1860 Eastern Parkway Extension, Flatbush Avenue at Caton Place, and Linden Boulevard, all mapped to promote public purpose development. Other instances include 1640 Flatbush Avenue, located a short distance to a transit terminal, and 737 Fourth Avenue, likely to provide a direct subway connection in the future, which are also sited along wide streets. The Franklin Avenue rezoning in Crown Heights contains sites in proximity to two or more subway lines. Based on the rationale for these prior rezonings, Borough President Adams believes that the proposed R8A density and height is not generally appropriate for this block without compelling additional benefit such as a substantial amount of low-income affordable housing.

The ZR specifies four options for new construction subject to MIH regulations. BRP East Brooklyn Development LLC would incorporate MIH Option 4 (the Workforce Option), which designates 30 percent of residential floor area for affordable housing, with average rent collection capped at 115 percent AMI. As an additional public benefit, the Workforce Option requires five percent floor area set-asides for households at 70 and 90 percent AMI. Prior to the CB 3 public hearing and vote, the applicant offered to reduce the upper AMI tier from 130 to 115 percent, which would result in average rent collection at 103.3 percent AMI, a proposed public benefit of 11 percent. It should be noted that such proposal is not binding.

Borough President Adams supports the MIH program as a way to qualify low-, moderate-, and middle-income residents for new and quality units through the City's affordable housing lottery. 270 Nostrand Avenue would gear apartments to households at multiple income tiers, and such units would remain permanently affordable per MIH regulations. The developer has posited that this project would accommodate middle-income earners such as unionized municipal employees.

As applications such as this proposal move through the ULURP process, it is important to ensure that the required affordable housing meets the most pressing community needs. The MIH obligation provides opportunities to maximize permanently affordable floor area for very-low- and low-income households.

Borough President Adams has heard a great deal of concern about ongoing gentrification and displacement in Bedford-Stuyvesant. The influx of wealthier individuals to the area, together with increased land values, has led to the replacement of longtime, low-income tenants, with new residents able to pay higher rents. For households in non-regulated housing there is little recourse beyond targeted downzoning, which may slow the pace of property turnover and new construction by reducing development rights. It should be noted that even regulated buildings do not provide permanent protection from displacement. According to a 2020 Association for Neighborhood & Housing Development (ANHD) report, approximately 197 subsidized units in Bedford-Stuyvesant are set to expire from housing programs between 2020 and 2025. Without further action, some tenants may lose subsidies that made such housing affordable, and others might still be subject to eviction by lawful demolition.

Data shows that more than 80 percent of New York City households earning 50 percent AMI or less are rent-burdened. The situation is even worse among those who earn up to 30 percent AMI or \$23,310 for a family of three. More than one-fifth of New York City households — over two million people — earn less than \$25,000 a year and almost one-third earn less than \$35,000. As the City's housing crisis deepens, the burden falls most heavily on low-income New Yorkers, including families and seniors.

Within CD 3, a significant number of households living in unregulated housing and regulated apartments pay too much of their household income toward rent. Most recently, ANHD found that 48 percent of Bedford-Stuyvesant residents are rent-burdened, and that CD 3 has a high number of serious housing code violations. Taken together, these facts point to a dual housing affordability and quality crisis in the community district whereby too many households are paying too much of their income for substandard and dangerous accommodations. There is thus a pressing need to increase the supply of safe, affordable housing in CD 3. Moreover, given the risk of displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

According to New York City Department of Housing Preservation and Development (HPD) affordability guidelines, the New York area AMI for a family of three in 2021 is \$107,400. To qualify for affordable housing at 40 percent AMI (MIH Option 3), this household would have to earn \$42,960; at 60 percent AMI (MIH Option 1), their qualifying income would be \$64,440, and at 80 percent AMI (MIH Option 2), the family's income would be capped at \$85,920. In 2019, the median income for CD 3 was \$62,230, 13 percent below the citywide median income, with more than 50 percent of residents earning less than \$60,000. At the same time, households earning \$100,000 to \$250,000 comprised the fastest growing household income group in the district. These numbers indicate that Bedford-Stuyvesant has experienced acute gentrification in the last decade and underscore the importance of targeting affordable housing to residents of limited means.

Given the number of low-income and rent-burdened households in the area, Borough President Adams believes that MIH Option 4 alone would not provide deeply affordable housing to those in greatest need, including Bedford-Stuyvesant residents who would have community preference for the 270 Nostrand Avenue MIH lottery. Borough President Adams understands the applicant's objective to provide housing for moderate- and middle-income residents in CD 3. However, he contends that lower-income households are more likely to seek affordable housing as they tend to be disproportionately rent-burdened. Given the extent of requested development rights, targeting apartments to very low-income families and seniors would maximize the public benefit of the MIH floor area. In prior local rezoning requests, CB 3 has typically recommended MIH Option 1, and occasionally Option 2, though never Option 4.

Borough President Adams believes that the proposed development at 270 Nostrand Avenue needs deeper affordability to warrant consideration for approval. He is concerned that the large number of units targeted to households at 115 percent AMI would not benefit Bedford-Stuyvesant residents in need of affordable housing. Moreover, such rents would be more in line with market-rate apartments in CD 3 and, as such, would not alleviate rent-burden for households at risk of displacement.

Therefore, permitting an increase from 0.92 FAR of VIH at no more than 80 percent AMI, to 1.4 FAR of MIH at 115 percent AMI (with 0.35 at 90 percent AMI and 0.35 at 70 percent AMI), while the developer reaps 1.6 FAR of market rate residential use does not constitute a reasonable trade-off, even with the provision of a commercial ground floor.

Borough President Adams is also concerned about the proposed 270 Nostrand Avenue bedroom mix. BRP East Brooklyn Development LLC has expressed intent to provide 215 studios, 175 one-bedroom units, and 97 two-bedroom apartments. While this program offers more family-sized apartments than the original proposal, it also represents a drastic increase in the number of single-person units.

A recent report has identified that low-income and rent-burdened households, which comprise a substantial share of applicants to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams seeks for new developments to achieve an affordable unit mix that reflects the needs of low-income and rent-burdened families. When considering applications for residential upzonings, he believes that right-sizing the bedroom distribution within the MIH floor area is more important than maximizing the number of affordable units. As such, he finds it appropriate to use discretionary land use actions to constrain what is permitted as-of-right.

The ZR allows for provision of at least 50 percent of MIH units with two or more bedrooms and at least 75 percent with one or more bedrooms. For this building, it is important to mandate that the developer provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii). This would require at least 50 percent of the units to be two- or three-bedrooms and at least 75 percent of the units to contain one or more bedrooms. However, even with this obligation, 270 Nostrand Avenue would not meet Borough President Adams' objective to create housing for very-low- to moderate-income families.

In addition to larger households, Borough President Adams is concerned about older New Yorkers, who comprise a rapidly growing segment of the city's population, with more than 300,000 seniors residing in Brooklyn alone. As noted in the New York City Department of City Planning (DCP) Zoning for Quality and Affordability (ZQA) study, the City's senior population is expected to grow 40 percent by 2040, creating tremendous demand for age-based income-restricted housing. In 2016, there were 60 applicants for every apartment in HPD for senior housing lotteries. A study by LiveOn NY found 200,000 New Yorkers aged 62 and older on the City's affordable housing waitlists, with an average wait of seven years.

Borough President Adams believes that when studio and one-bedroom units are rented at 30, 40, and 50 percent AMI, such apartments might be more affordable to senior households. He generally supports the provision of non-family units targeted to very low AMIs, as an opportunity to create quality housing for older New Yorkers. However, the intended MIH rents at 270 Nostrand Avenue would be too high for seniors of limited financial means. Therefore, despite the large number of proposed studios and one-bedroom units, development would not address the pressing need for age-based affordable housing.

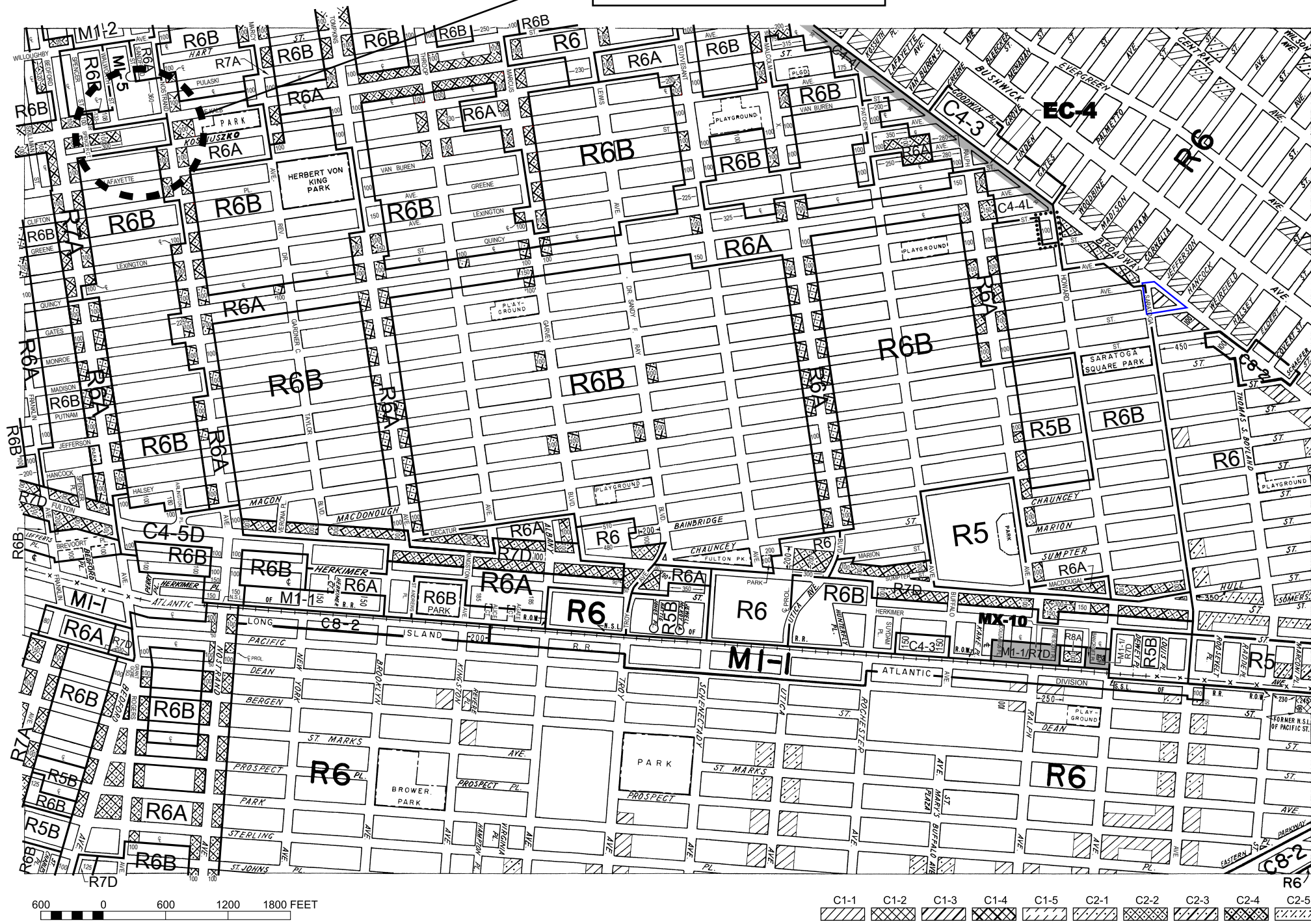
In conclusion, while the applicant's proposal to concentrate bulk along frontage opposite Home Depot, and provide a ground-floor grocery store are commendable, the envisioned project does not offer sufficient public benefit to warrant the requested density at this site, and broader deviation from the well-considered Bed-Stuy North rezoning.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council disapprove this application.

Click blue outline on map to view diagram of **proposed** zoning change

PROPOSED PROJECT AREA



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

06-26-2019 C 180292 ZMK

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

MAP KEY

12d	13b	13d
16c	17a	17c
16d	17b	17d

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ZONING MAP **17a**

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.



NYC Digital Tax Map

Effective Date : 09-20-2018 14:20:38
End Date : Current
Brooklyn Block: 1778



Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

ZONING DISTRICT LINE

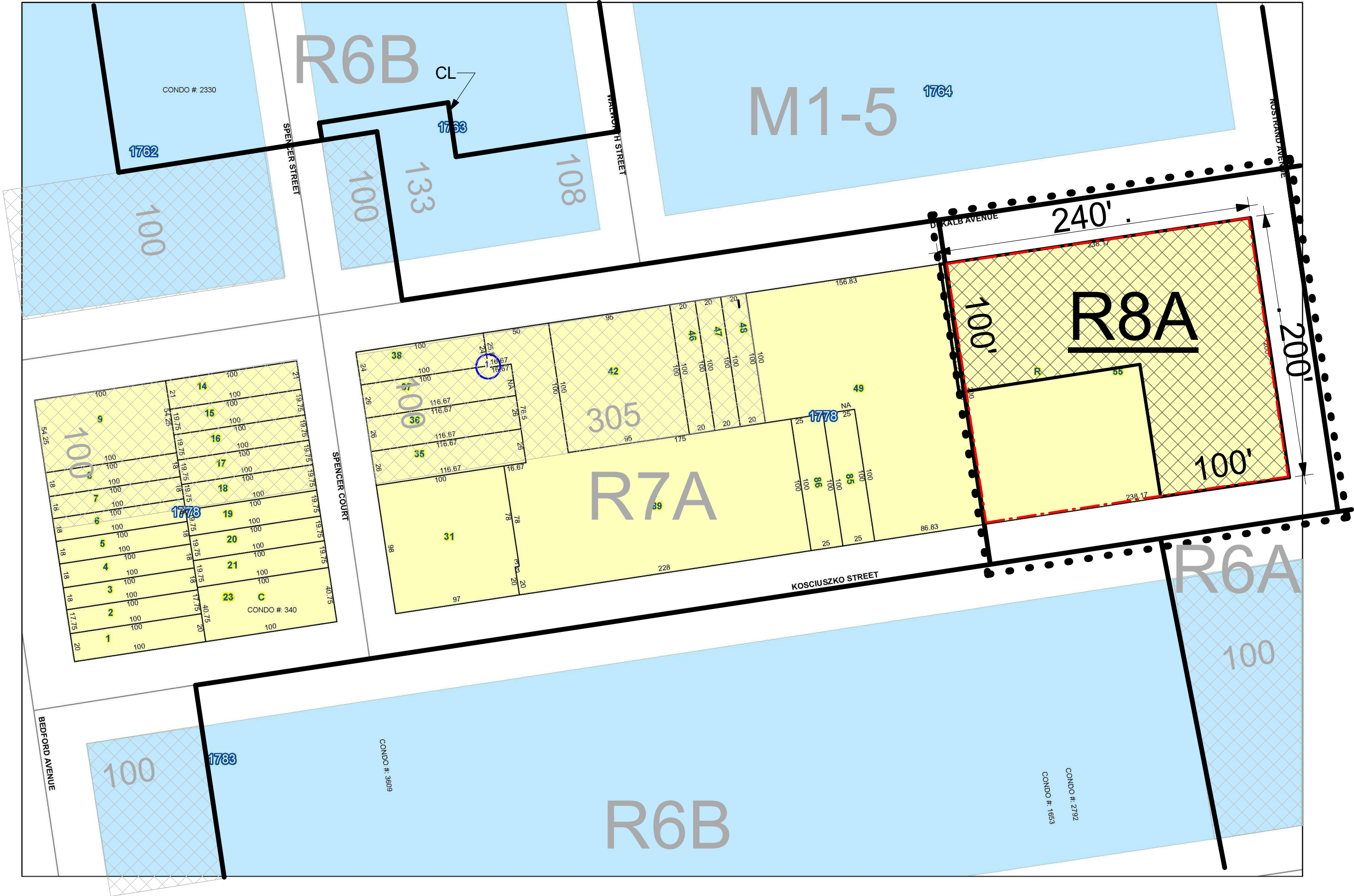
R8A PROPOSED ZONING DISTRICT
R7A EXISTING ZONING DISTRICT

PROPOSED C2-4 DISTRICT

EXISTING C2-4 DISTRICT

AREA OF REZONING

DEVELOPMENT SITE



270 Nostrand Ave Area Map
BRP East Brooklyn Development LLC



Project

- Project Area
- Development Site
- Rezoning Area
- 600 Foot Radius

Zoning

- Zoning District
- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5
- Special Purpose District
- Land Use
- 1-2 Family Residential
- Multifamily Walkup
- Multifamily Elevator
- Mixed Commercial/Residential
- Commercial & Office
- Industrial & Mfg
- Transportation & Utility
- Public Facilities & Institutions
- Open Space & Outdoor Recreation
- Parking
- Vacant/No Data
- Other

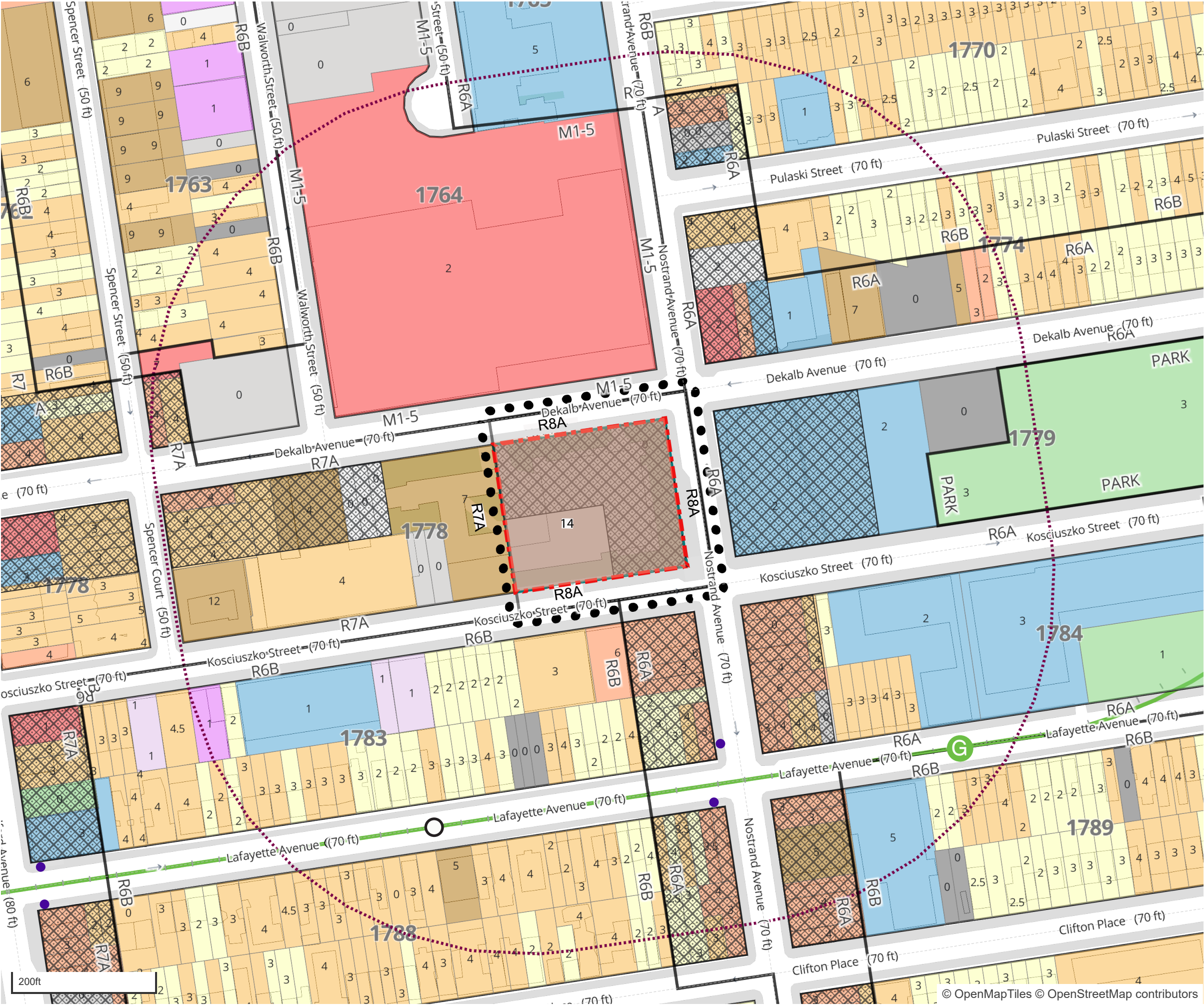
Transportation

- Subway Stop
- Subway Entrance

Map Created: Jul 1, 2020, 5:11pm
Data Sources: layers-api.planninglabs.nyc/v1/sources
planimetrics (26 February 2019); transportation (21 November 2017);
supporting-zoning (May 2020); digital-citymap (May 2020); pluto
MapPLUTO™ 20v4, Bytes of the Big Apple (June 2020); zoning-districts
(May 2020)



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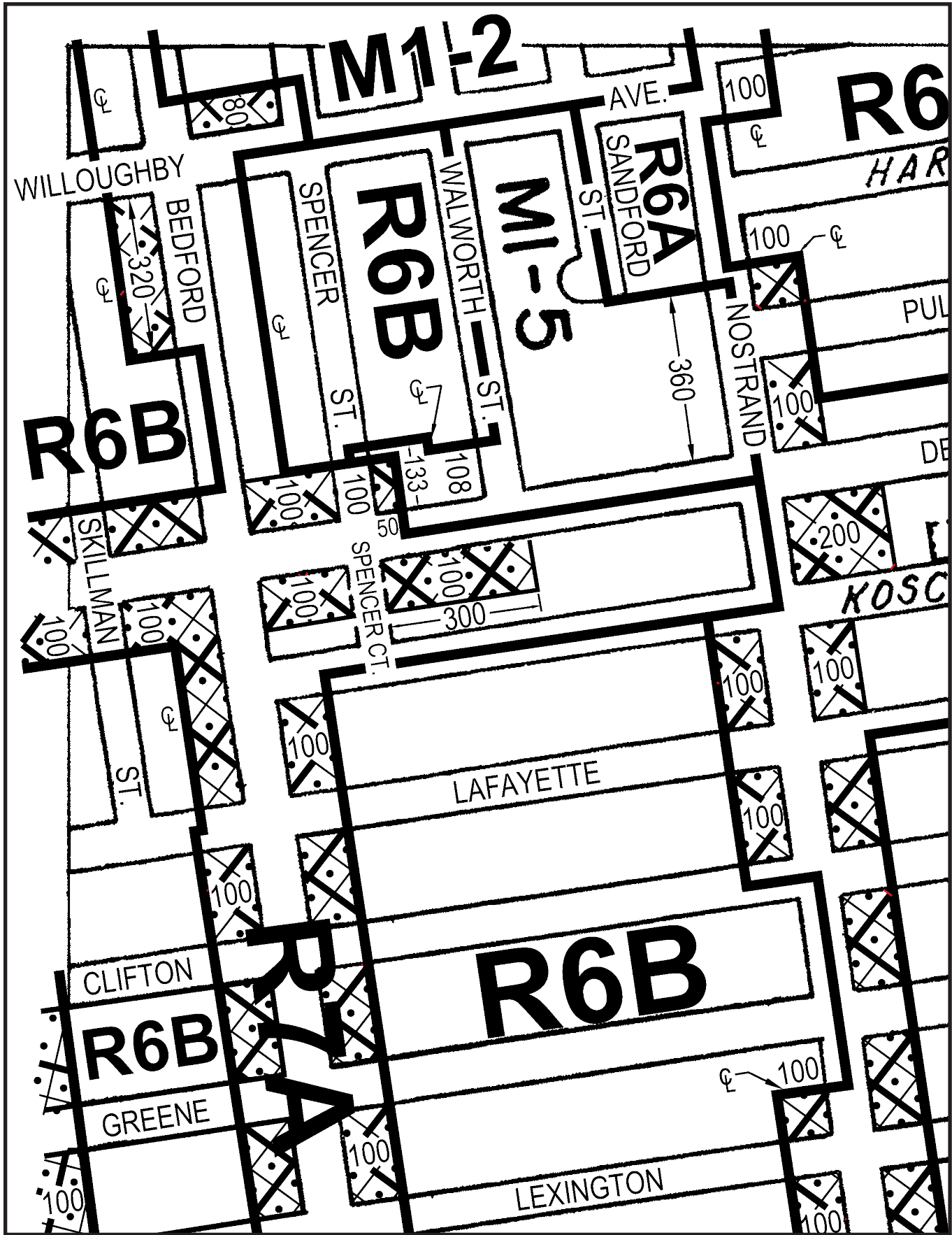
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<https://applicantmaps.planning.nyc.gov/projects/dECy3z2chjLMwL+W6N5b/edit/map/edit>

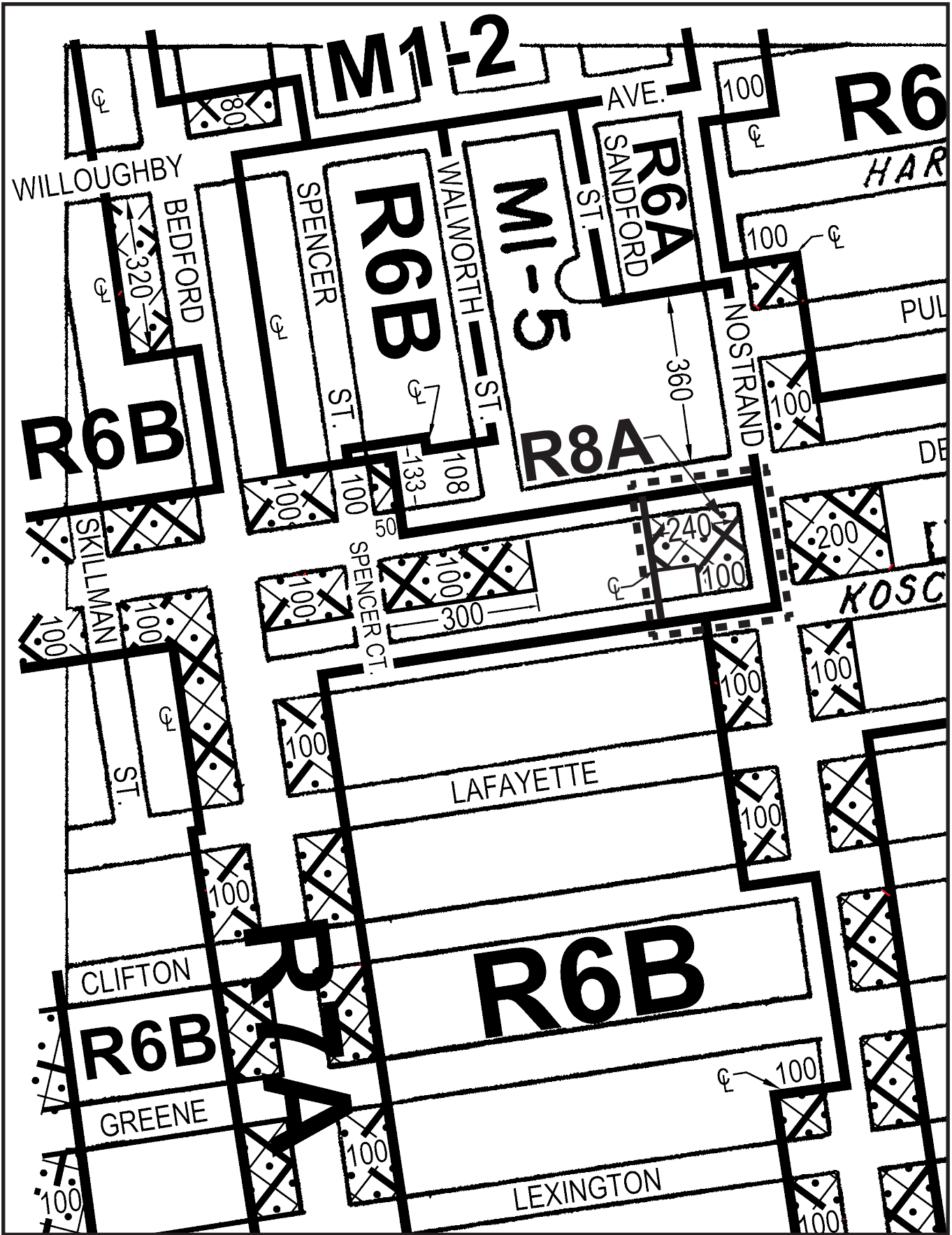
C1-1	C1-2	C1-3	C1-4	C1-5	C2-1	C2-2	C2-3	C2-4	C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

Zoning Change Map



CURRENT ZONING MAP



PROPOSED ZONING MAP - Area being rezoned is outlined with dotted lines

Changing an R7A district to an R8A district and an R8A/C2-4 district

**270 Nostrand Avenue Rezoning
Community District 3, Brooklyn**

**01/11/21
Zoning Map 17a**

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

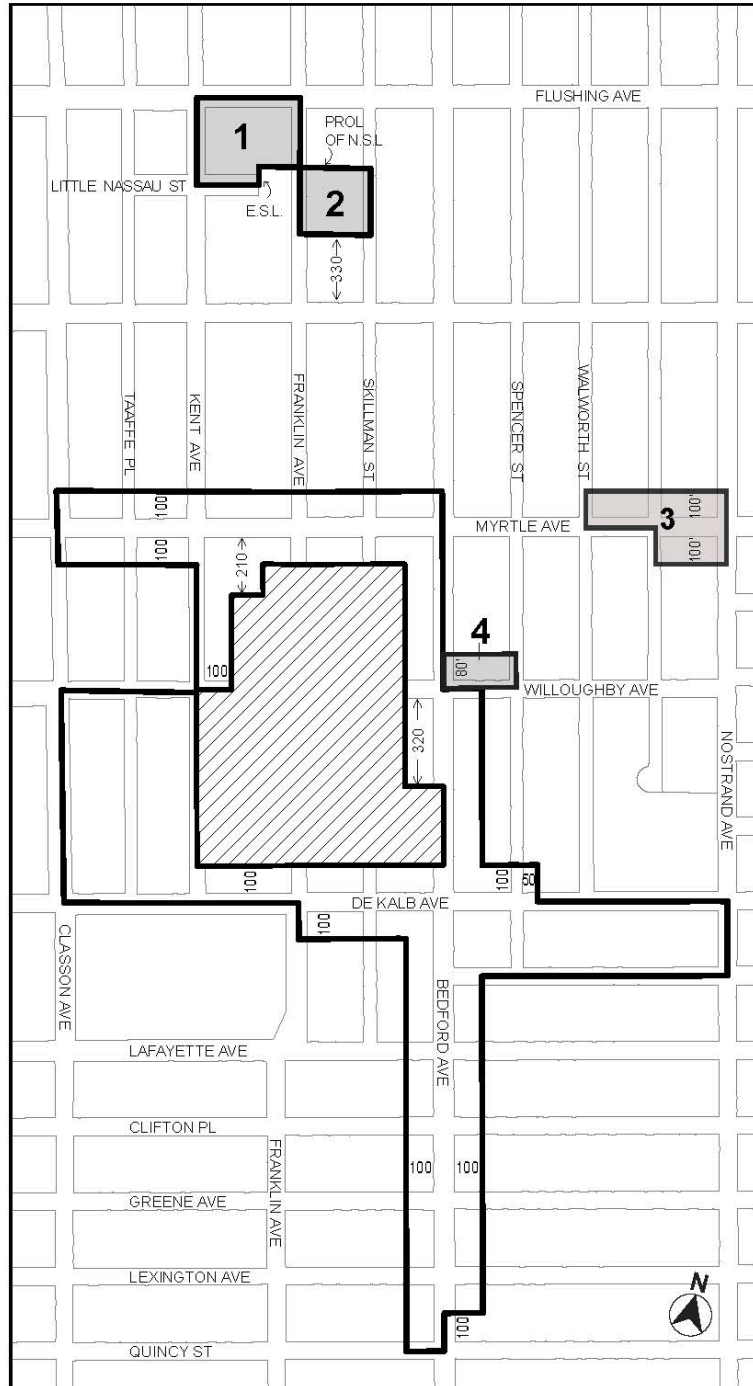
BROOKLYN




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Brooklyn Community District 3

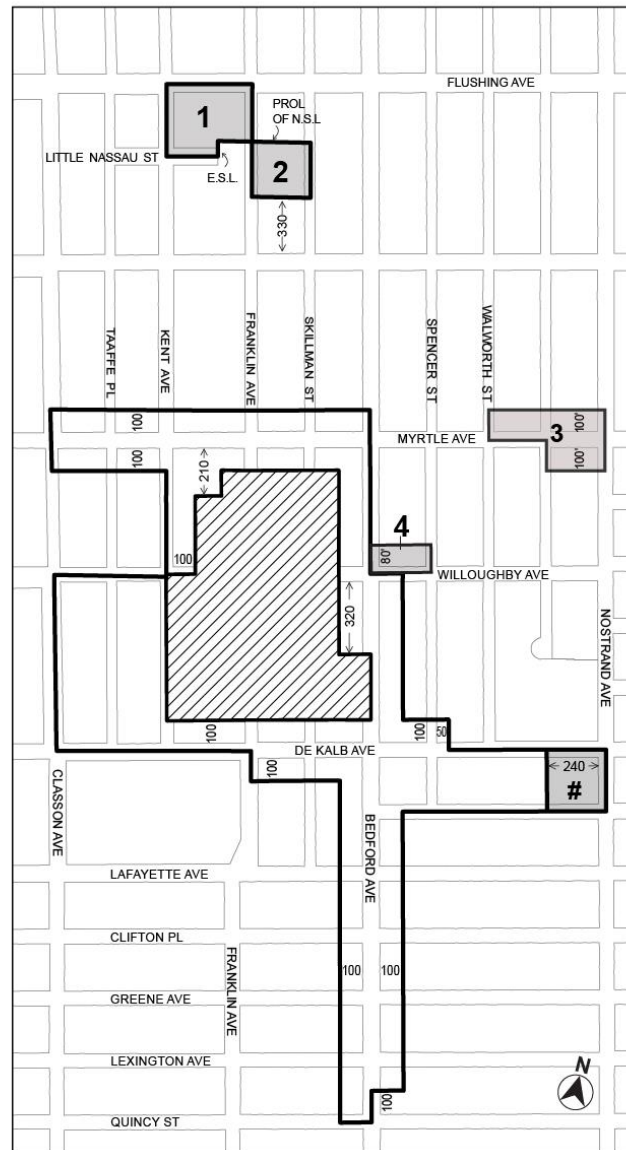
Map 3 [date of adoption]




[EXISTING]



-  *Inclusionary Housing designated area*
-  **Mandatory Inclusionary Housing Program Area** *see Section 23-154(d)(3)*
 - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
 - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
 - Area 3 – 11/30/17 MIH Program Option 1
 - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
-  **Excluded Area**

[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
 - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
 - Area 3 – 11/30/17 MIH Program Option 1
 - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
 - Area # - [date of adoption] MIH Program Option 2 and Workforce Option
-  Excluded Area

Portion of Community District 3, Brooklyn

* * *