



**IN THE MATTER OF** an application submitted by Ciarafour Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c changing from an R5B District to an R6A District property bounded by a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, and Lake Street, Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated February 11, 2019, and subject to the conditions of CEQR Declaration E-525.

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The applicant, Ciarafour Realty LLC, submitted this application on December 7, 2017, for a zoning map amendment to change an R5B/C2-3 zoning district to an R6A/C2-3 zoning district. This application, in conjunction with the related action (N 18016 ZRK), would facilitate the development of a new four-story, approximately 16,390-square-foot, mixed-use building with nine apartments and ground floor commercial space, at 273 Avenue U (Block 7103, Lot 42), in the Gravesend neighborhood of Brooklyn, Community District 11.

## **RELATED ACTIONS**

In addition to the zoning map amendment (C 180164 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 190165 ZRK	Zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) Area.
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## **BACKGROUND**

The applicant is requesting a zoning map amendment to change an R5B/C2-3 district to an R6A/C2-3 district and a zoning text amendment to establish a new MIH area, to facilitate the development of a new four-story, approximately 16,390-square-foot, mixed-use building with nine apartments and ground floor commercial space. The area to be rezoned (the project area) is located at the north-west corner of Avenue U and McDonald Avenue and includes all or part of six tax lots (Block 7103, Lots 40, 42, 138, p/o 36, p/o 38c and p/o 49).

The development site comprises an approximately 5,400-square foot irregular lot located at 273 Avenue U (Block 7103, Lot 42), at the intersection of Avenue U and Lake Street. The lot is currently developed with a one-story commercial building, which is occupied by five commercial tenants, including a restaurant that is owned and operated by the applicant.

The project area also includes five other lots. Lot 40, an approximately 1,000-square-foot lot located at the corner of Avenue U and McDonald Avenue, is developed with a two-story building with ground floor commercial use and a residential unit above. The building is built to a Floor Area Ratio (FAR) of 1.95, greater than the 1.35 FAR permitted in the existing R5B/C2-3 zoning district. The proposed rezoning to an R6A district, which allows up to a 3.0 FAR, will bring this building into compliance.

Lot 138 is an approximately 1,750-square-foot lot that fronts on McDonald Avenue. In 2008, the site was developed with a two-story community facility building with an FAR of 2.0, but is currently occupied by a noncomplying commercial use that will be brought into compliance under the proposed R6A/C2-3 district.

Lot 36 is an approximately 3,375-square-foot lot that also fronts on McDonald Avenue. Only one-third of the lot is in the project area; the remaining two-thirds of the lot is in an M1-1 district mapped north of the project area. The lot is developed with a one-story building occupied by an automotive business that would be unaffected by the proposed rezoning.

Lot 38C is an approximately 5,750-square-foot lot that fronts on Lake Street. In 2009, the lot was developed with a four-story mixed-use building with 12 apartments and ground floor medical offices. The building has an FAR of 1.97.

Lot 49, fronting on Lake Street has only 69 square feet of lot area in the project area. The remainder of the lot is in an R4A district mapped north of the project area. The lot is developed with a single-family residential building with an FAR of 0.33 that would be unaffected by the proposed rezoning.

The surrounding area is predominantly developed with two- to three-story detached and semi-detached houses and community facility uses including houses of worship, schools, and day-care centers. The four-story Gravesend Public School 95 is across the street from the project area. The surrounding neighborhood is zoned R4-1, R4A, R5, R5B, and R6A, which permit low- to medium-density residential uses at 0.75, 0.75, 1.25, 1.35, and 3.0 FAR, respectively.

Avenue U, west of McDonald Avenue is developed with one- and two-story residential buildings with ground floor commercial uses including neighborhood retail, restaurants, grocery stores, beauty salons and laundromats. This area is zoned R5B/C2-3 and R5/C1-3, which permit low density residential buildings with ground floor commercial uses at an FAR of 1.35. Avenue U, east of McDonald Avenue, is developed with three-story walkups and six- to seven-story residential buildings. This area is zoned R6A/C1-4, which permits medium-density residential development with ground floor commercial uses at an FAR of 3.0, or 3.6 within an MIH area.

McDonald Avenue is a major north-south artery developed with low- to medium-rise residential and community facility buildings, and one story commercial and automotive uses. The corridor is mapped with R4, R4A, M1-1, and C8-1 zoning districts. The R4 and R4A districts mapped along McDonald Avenue permit residential developments up to an FAR of 0.75. The M1-1 district permits light industrial and commercial uses at an FAR of 1.0 and community facility uses at an FAR of 2.4. The C8-1 district permits auto-related businesses and commercial uses at an FAR of 1.0 and community facility uses at an FAR of 2.4.

The elevated F train line runs along McDonald Avenue, with a station at Avenue U, and the B3 bus provides service along the Avenue U corridor. In addition, the N and W train station at Avenue U is located five blocks west of the project area.

The existing R5B/C2-3 district permits residential uses at an FAR of 1.35, community facility uses at an FAR of 2.0, and commercial uses at an FAR of 1.0. The maximum building height is 33 feet. The proposed R6A district would permit residential uses at an FAR of 3.6 within a designated MIH Area. The R6A district has a base height requirement of 40 to 65 feet and a

maximum building height of 85 feet or eight-stories. The C2-3 commercial overlay would remain as is and would permit commercial uses at an FAR of 2.0.

The applicant proposes to extend the existing R6A district located immediately east of McDonald Avenue onto the project area. The proposed rezoning from R5B/C2-3 to R6A/C2-3 would facilitate a mixed-use development of nine apartments and ground floor commercial space on the development site. The new mixed-use building would be four-stories, or 47 feet, in height, and would have 11,899 square feet of residential floor area and 5,031 square feet of ground floor commercial space. The bedroom mix in the building would consist of three one-bedroom units and six two-bedroom units.

The applicant also proposes a zoning text amendment (N 180165 ZRK) to Appendix F of the Zoning Resolution (ZR) to establish the project area as an Mandatory Inclusionary Housing (MIH) area under Option 2. The MIH area requirements applies to developments with at least 10 dwelling units or 12,500 square feet of residential floor area. Option 2 requires that 30 percent of residential floor area be set aside for affordable housing units for residents with incomes averaging 80 percent of the Average Median Income (AMI). No more than three income bands can be used to average out to 80 percent, and no income band can exceed 130 percent of the AMI. The proposed development of nine dwelling units would be below the specified thresholds of the MIH area requirements, and would not provide any affordable units.

## **ENVIRONMENTAL REVIEW**

The application (C 180164 ZMK), in conjunction with the application for the related action (N 180165 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 18DCP104K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 11, 2019. The Negative Declaration included (E)

designations to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-525). The requirements of (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

## **UNIFORM LAND USE REVIEW**

This application (C 180164 ZMK) was certified as complete by the Department of City Planning on February 11, 2019, and was duly referred to Brooklyn Community Board 11 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 (N 180165 ZRK) for a zoning text amendment, was referred in accordance with the procedures for non-ULURP actions.

## **Community Board Public Hearing**

Brooklyn Community Board 11 held a public hearing on this application (C 180164 ZMK), and the related application (N180165 ZRK) on April 11, 2019, and on that date, by a vote of 25 in favor, none opposed, and no abstentions, recommended approval of the project with the conditions that,

“The project area has a height cap at 4-stories to conform with the existing structures in the project area” and,

“New commercial usage would not rise beyond the first floor.”

## **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 180164 ZMK) and the related application (N180165 ZRK) on May 1, 2019, and on May 17, 2019, issued a recommendation to approve with the following conditions:

“That prior to considering the application, the City Council obtain commitments in writing from the applicant, Ciarafour Realty LLC, that clarify how it would:

- a. Provide a binding commitment that building height would be restricted to four stories
- b. Restrict remaining commercial space for leasing at below-market lease terms

- c. Commit to Connecting Residents on Safer Streets (CROSS) Brooklyn coordination with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) to implement a curb extension as part of a Builders Pavement Plan or as treated roadbed sidewalk extension, with a developer commitment to enter into a standard DOT maintenance agreement for the intersection of Avenue U and Lake Street with the understanding that DOT implementation would not proceed prior to consultation with Brooklyn Community Board 11 (CB 11) and local elected officials.
- d. If applicable, enter into a standard DOT maintenance agreement for the northeast corner intersection at Avenue U and Lake Street
- e. Explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, enhanced tree pits, rain gardens, and/or solar panels
- f. Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs), consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency."

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

On May 8, 2019 (Calendar No. 3) the City Planning Commission scheduled May 22, 2019 for a public hearing on this application (C 180164 ZMK), in conjunction with the related application (N 180165 ZRK). The hearing was duly held on May 22, 2019 (Calendar No. 8).

Two speakers testified in favor of the project, and none in opposition.

The applicant's representative described the project area, actions requested, and the proposed development on the applicant's site. He noted that, while the maximum height allowed under the proposed R6A zoning district would be eight stories, the most efficient design on this narrow irregular shaped site would be a four-story building with fewer than 10 dwelling units, which would not trigger a parking requirement, since the lot's configuration would not make it possible

to provide on-site parking. He also stated that there is no market for second-floor commercial use in this area.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the proposed zoning map amendment (C 180164 ZMK), in conjunction with the related application for a zoning text amendment (N 180165 ZRK), is appropriate.

These actions would facilitate a development of a new four-story, approximately 16,390-square-foot mixed-use building, with nine apartments and approximately 5,000 square feet of ground floor commercial space at 273 Avenue U in the Gravesend neighborhood of Brooklyn. The Commission believes that, due to the excellent transit options proximate to the project area, the proposed medium-density residential district is appropriate. The proposed rezoning would allow the development of a mixed-use building on an underutilized site next to a train station.

The proposed zoning map amendment would extend an existing R6A district mapped to the east of the project site along Avenue U, which is characterized by ground floor commercial and service uses and multi-family residential buildings. The proposed R6A district will allow new development in context with the existing buildings in the surrounding area, and will bring two noncomplying buildings on Lots 40 and 138 into compliance.

The proposed zoning text amendment (N 180165 ZRK) is appropriate. The action will designate a new MIH area and will be mapped with Option 2. Option 2 requires that 30 percent of residential floor area be set aside for affordable housing units for residents with incomes averaging 80 percent of the AMI. Although the proposed project would not trigger the MIH requirements, this action is consistent with the goal of providing additional permanently affordable homes in the city.

The Commission acknowledges Brooklyn Community Board 11's recommendations concerning the height of the proposed building and the potential for commercial use on its second floor. While the Commission recognizes that the application is for a zoning map amendment, and not

for the review of a specific building or site plan, nevertheless the Commission notes that the narrow and irregular shape of the tax lot would make a taller building difficult to construct and inefficient under the proposed zoning, and that second-floor commercial spaces are not prevalent in this neighborhood and are not proposed in this development.

The Commission also acknowledges the Brooklyn Borough President's additional recommendation that that commercial leases be restricted, but notes that the business terms of future commercial spaces are outside the scope of this application.

The Commission also notes that the Borough President's recommendations that the developer commit to the Connecting Residents on Safer Streets (CROSS) program, implement curb extensions as part of a Builders Pavement Plan, explore additional resiliency and sustainability measures, and retain Brooklyn-based contractors and subcontractors are also outside the scope of this application.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

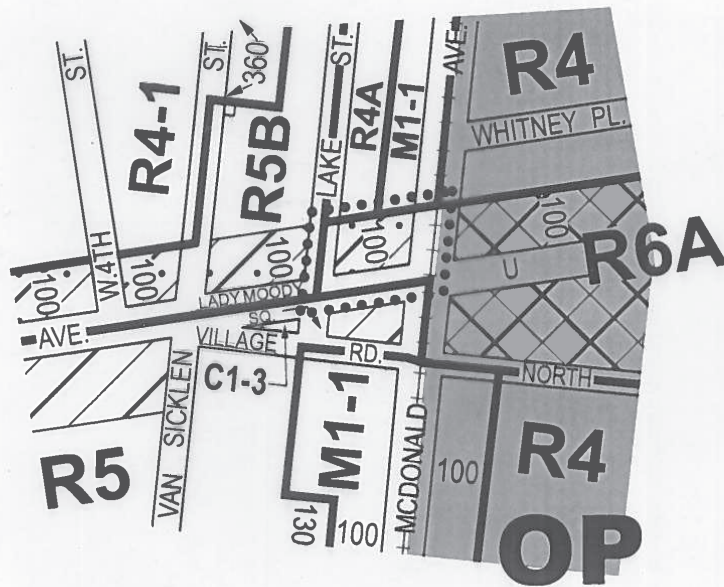
**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28c, changing from an R5B District to an R6A District property bounded by a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, and Lake Street, Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated February 11, 2019, and subject to the conditions of CEQR Declaration E-525.

The above resolution (C 180164 ZMK), duly adopted by the City Planning Commission on June 19, 2019 (Calendar No. 14), 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*

**DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,  
MICHELLE R. de la UZ, RICHARD W. EADDY, HOPE KNIGHT,  
ANNA HAYES LEVIN, RAJ RAMPERSHAD**, *Commissioners*



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

**28c**

BOROUGH OF  
**BROOKLYN**



New York, Certification Date:  
FEBRUARY 11, 2019

S. Lenard, Director  
Technical Review Division



**NOTE:**

- Indicates Zoning District Boundary
- ..... The area enclosed by the dotted line is proposed to be rezoned by changing from an R5B District to an R6A District.



Indicates a C1-3 District



Indicates a C1-4 District



Indicates a C2-3 District



Indicates a Special Ocean Parkway District (OP).

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Application #: **C 180164 ZMK**

Project Name: **273 Avenue U Rezoning**

CEQR Number: **18DCP104K**

Borough(s): **Brooklyn**

Community District Number(s): **11**


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

**SUBMISSION INSTRUCTIONS**

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

*Docket Description:*

**IN THE MATTER OF** an application submitted by Ciarafour Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c changing from an R5B District to an R6 ADistrict property bounded by a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, and Lake Street, as shown on a diagram (for illustrative purposes only) dated February 11, 2019 and subject to the conditions of CEQR Declaration E-525.

<b>Applicant(s):</b> Ciarafour Realty, LLC. 1357 Ocean Parkway Brooklyn NY 11230		<b>Applicant's Representative:</b> Walter C. Maffei Walter C. Maffei Architect, PLLC. 1767 Union Street Brooklyn NY 11213	
<b>Recommendation submitted by:</b> Brooklyn      Community Board 11			
<b>Date of public hearing:</b> April 11, 2019		<b>Location:</b> 1839 Bath Avenue, Brooklyn, NY 11214	
<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> April 11, 2019		<b>Location:</b> 1839 Bath Avenue, Brooklyn, NY 11214	
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions			
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b> # In Favor: 25    # Against: 0    # Abstaining: 0    Total members appointed to the board: <b>49</b>			
<b>Name of CB/BB officer completing this form</b> 		<b>Title</b> Chairman	<b>Date</b> 4/18/2019

Application # C 180164 ZMK  
CEQR Number 18DCP104K  
Project Name 273 Avenue U Rezoning

#### Community Board 11 Recommendation

The application submitted by Ciarfour Realty seeks an amendment to the zoning map, changing from a R5B/C2-3 to an R6A/C2-3 district. The area is bounded by the northerly side of Avenue U from McDonald Avenue to Lake Street, and approximately 100 feet up both Lake Street and McDonald Avenue.

The amendment would facilitate the development of 273 Avenue U, which is a single-story commercial building housing 5 businesses. The proposed action would allow the development of 3 additional floors with 9 dwelling units. All the units will be market rate and no affordable units per the Mandatory Inclusionary Housing designation would be provided.

The Environmental Assessment finds that the proposed actions before the City Planning Commission would have no significant effect on the quality of the environment. However, to ensure there would be no significant adverse air quality or noise impacts an environmental designation would be added to 273 Avenue U. This would require a "closed window condition" to address interior noise levels and the use of natural gas for fuel heating, air conditions.

In the positive, there is a need for housing, the environmental impact statement reveals little impact on traffic, or shadows on the nearby park.

The change will not conform to the Bensonhurst contextual zoning, which was adopted in 2005. However, the proposal would bring the non-conforming buildings into compliance and provide a better visual streetscape.

Therefore, Community Board 11 supports the map amendment with the following provisos:

1. The project area has a height cap at 4 stories to conform with the existing structures in the project area.
2. New commercial usage would not rise beyond the first floor.

Application # C 180164 ZMK  
CEQR Number 18DCP104K  
Project Name 273 Avenue U Rezoning

Community Board 11 Recommendation  
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The board further resolves that the Department of City Planning conduct a comprehensive review of the district to assess the need for additional core services needed by this community.

Over the past few years, Community Board 11 has seen an increase in the amount of as of right development. In addition to the small development projects, there are approved plans for 2286 Cropsey Avenue, which contains 154 residential units, and plans have been filed for 2230 Cropsey Avenue, Block 6471 Lot 13, for a residential development consisting of 243 dwelling units.

At 8800 Bay Parkway plans were filed for the proposed development of a 40-unit residential building.

Had these projects undergone discretionary zoning approval, a full environmental impact statement would have been conducted. In the absence of discretionary actions, in a small 1 ½ block segment our community will have a proposed total of 437 new residential units.

Community Board 11 includes many smaller properties that are under-developed in relation to the development rights provided by the existing zoning and that there has been a trend for such properties to be fully developed.

In calendar year 2018, we have found approximately 32 New Building applications, 75 Alt 1 permits filed, and 6 sub-divisions for condos.

Such development analysis and projections would assist CB 11 in advocating for appropriate level of service and staffing for Police, Sanitation, Transportation and Parks Services. Additionally, reviews of school of the adequacy for school seat capacity and utilization, needs for child care slots, and for senior center services should be reviewed to determine the ability to support added growth.

This community will not be sustainable without addressing the need for additional services.

**Brooklyn Borough President Recommendation****CITY PLANNING COMMISSION**120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271[CalendarOffice@planning.nyc.gov](mailto: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#:** 273 AVENUE U REZONING – 180164 ZMK, 180165 ZRK

An application submitted by Ciarafour Realty LLC for the following land use actions: Pursuant to Sections 197-c and 201 of the New York City Charter requesting a zoning map amendment of the southern portion of a block fronting the north side of Avenue U, between Lake Street and McDonald Avenue, from R5B/C2-3 to R6A/C2-3, for a depth of 100 feet, and a zoning text amendment pursuant to establish the area proposed for change as a Mandatory Inclusionary Housing (MIH) area, to facilitate a mixed use development of nine dwelling units or approximately 11,900 square feet (sq. ft.) of residential floor area and approximately 5,000 sq. ft. of ground floor commercial floor area in the Gravesend section of Brooklyn Community District 11 (CD 11).

BROOKLYN COMMUNITY DISTRICT NO. 11

BOROUGH OF BROOKLYN

**RECOMMENDATION**

☐ APPROVE  
☒ APPROVE WITH  
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE  
☐ DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

May 17, 2019

DATE

**RECOMMENDATION FOR: 273 AVENUE U REZONING – 180164 ZMK, 180165 ZRK**

Ciarafour Realty LLC submitted applications for the following land use actions: Pursuant to Sections 197-c and 201 of the New York City Charter requesting a zoning map amendment of the southern portion of a block fronting the north side of Avenue U, between Lake Street and McDonald Avenue, from R5B/C2-3 to R6A/C2-3, for a depth of 100 feet, and a zoning text amendment pursuant to establish the area proposed for change as a Mandatory Inclusionary Housing (MIH) area, to facilitate a mixed use development of nine dwelling units or approximately 11,900 square feet (sq. ft.) of residential floor area and approximately 5,000 sq. ft. of ground floor commercial floor area in the Gravesend section of Brooklyn Community District 11 (CD 11).

On May 1, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this disposition request. There were no speakers on the item.

In response to Borough President Adams' inquiry regarding what would be assuring the represented proposed height is what would be constructed, the representative stated that the project has been designed to be contextual to the height of its surroundings and that constructing to such height is more within the means of the developer to undertake. The property owner expressed a willingness to provide a guarantee.

In response to Borough President Adams' inquiry as to the consideration given to retaining the existing businesses, the representative stated that it would be complicated to construct the three additional floors with tenants in place and is likely less economical to construct while such spaces would be occupied. Tenant leases provide the owner the right to vacate the commercial space to facilitate construction. The owner is open to having tenants to return post construction.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, New York City Department of Environmental (DEP) rain gardens, and/or solar panels, the representative stated that such building features would be considered to the extent that it makes financial sense given that the development is being viewed as a long-term investment. The developer would look to work with the City with regard to possible rain garden installation.

In response to Borough President Adams' inquiry regarding the inclusion and participation of minority- and women-owned business enterprises (MWBEs) and locally-owned business enterprises (LBEs) in the process of construction on this site, the representative expressed intent to source construction to local contractors and artisans through advertisement of the opportunity to provide bids to the extent that such inclusion would be a capable entity that would meet budgetary constraints.

**Consideration**

CB 11 approved this application on April 11, 2019, subject to the height being capped at four stories and no commercial use above the first floor. In addition, it called for the New York City Department of City Planning (DCP) to conduct a comprehensive review of the district to assess the need for additional core services needed by this community.

The proposed land use actions would affect several lots within 100 feet to the north of Avenue U. It is expected to result in the redevelopment a one-story commercial building occupied by five businesses, including the developer's iconic Joe's of Avenue U restaurant, located at the northeast corner of Avenue U and Lake Street. Its developer, Ciarafour Realty LLC, expressed intent to limit construction to four stories. No parking would be provided as it is not required for unregulated residential units where 10 or fewer are to be provided in this proposed zoning district. No affordable housing is proposed as the development would not trigger such requirement by being both fewer than ten units and 12,500 sq. ft. of residential floor area. The rezoning would bring into zoning floor area compliance adjacent buildings



that are non-compliant with the 2005 Bensonhurst Rezoning of this section of Gravesend. The property at 2266 McDonald Avenue would have the opportunity to bring its extent of commercial use into commercial zoning compliance. Other lots are not likely to result in change, though could accommodate modest enlargements that would likely be compliant with the height limit expressed by CB 11.

The surrounding context for the block end proposed for rezoning, is primarily low-density residential buildings with a concentration of commercial and industrial uses along Avenue U, McDonald Avenue, and Village Road North. A four-story elementary school is nearby.

Borough President Adams supports the development of underutilized land for productive uses in proximity to public transit. The site at the corner of Avenue U and Lake Street is on the same block as the Sixth Avenue Local F train as well as the B3 bus line running directly along Avenue U. The proposed rezoning is intended as an enlargement of the adjacent R6A contextual zoning district on the east side of McDonald Avenue that extends east to Coney Island Avenue but for a gap of a half block on both sides of Ocean Parkway. That district was established as an upzoning of an R4 zoning district in 1993 to promote residential six- to seven-story residential developments, consistent with the intent of the proposed rezoning.

While CB 11 has raised concerns for having second-floor commercial use, Borough President Adams believes that there is a nominal expectation that such use would be established beyond what exists at 2266 McDonald Avenue. Seeing as residential development appears to be of higher value, as the New York City Zoning Resolution (ZR) Section 32-421 does not permit commercial uses to be located above the level of the first floor ceiling when upper floors are occupied by community facility or residential use, it is reasonable that what CB 11 is seeking would be the intended result.

Borough President Adams is generally supportive of the proposed development, though he has concerns regarding the potential for out-of-context development and for the duration of affordability of the remaining commercial floor area. Additionally, he seeks for advancing Vision Zero policies to improve pedestrian safety, incorporating resilient and sustainable energy and stormwater practices, and achieving a high level of local hiring for the project's construction.

### **Memorializing Appropriate Height**

The applicant has expressed intention to construct a four-story building, a height that is acceptable to CB 11 and is respectful to the adjacent low-rise context extended along Avenue U west of McDonald Avenue, and Lake Street within the area that would remain in the R5B zoned area. The designation of a R6A/C2-4 zoning district provides no mechanism to ensure that the represented four-story building would be developed as illustrated. Borough President Adams acknowledges that a four-story building does represent a more efficient floor plan in proportion to living areas in relation to space required for elevator and stairs. However, given the extent of the surrounding area that is developed with low-rise buildings, a taller building would provide for extensive views and often such views realize a return in investment that can be more compelling than building the most efficient floor plan. Given that the development proposal has been generally well-received based on its represented height, it is important that such representation is generally what would be constructed. Borough President Adams believes that such representation should be memorialized by a legally-binding instrument.

Few buildings exceed two to three stories. One four-story building exists within the proposed rezoning area along Lake Street as non-compliant bulk. Along the south side of Avenue U at Village Road [North](#) exists the four-story PS 95 The Gravesend school. Though Avenue U was rezoned for seven stories east of McDonald Avenue, other than an existing mixed use building at the northwest corner of West Street, Avenue U is essentially one- to two-story buildings extending east to East First Street.

Borough President Adams appreciates the willingness of CB 11 to revise its position regarding density and height taken during its 2005 consideration of the Bensonhurst Rezoning as proposed by DCP, which



limited development to 33 feet in height. Since Ciarafour Realty LLC obtain CB 11's support for rezoning based on its representation that height would be restricted to four stories, as a height generally respectful of the built context, it would be appropriate for such representation to be binding.

Therefore, prior to considering the application, the City Council should obtain commitments in writing from the applicant, Ciarafour Realty LLC, that clarify how it would provide a binding commitment that building height would be restricted to four stories.

### **Commercial Space**

As proposed, the existing retail space at 273 Avenue U would likely still contain approximately 5,000 sq. ft. of commercial floor area after modifications to provide for residential development above. It has been represented that the owner would resume restaurant operations in this commercial unit — in essence, subsidized by the additional income from market-rate residential units above. As for the four commercial tenants, economical reconstruction would likely result in their displacement, though the possibility of returning post construction remains a possibility. Borough President Adams believes that in order to provide such tenants optimal opportunity to return to the site, and to provide lasting public benefit for other local businesses at risk for displacement, such space should remain as a below market-rate resource as long as the residential floor area continues to be without income restrictions.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the developer, Ciarafour Realty LLC, clarifying how it would memorialize the extent that it would restrict the remaining commercial space for leasing at below-market lease terms.

### **Advancing Vision Zero Policies at the Intersection of Avenue U and Lake Street**

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

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

Avenue U is a major roads that carries traffic often associated with the commercial characterization of much of this corridor. Avenue U, between its origination at 86<sup>th</sup> Street and extending east of Flatbush Avenue, is a designated New York City local truck route. Given the mixed commercial, community facility, and residential character of this section of the surrounding blocks — inclusive of PS 95 The Gravesend School and its schoolyard, and the nearby Lady Moody Triangle, and as a direct pedestrian route to the Avenue U subway station — it is important to advance improvements that promote pedestrian safety at crossings along Avenue U.

Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to implement a curb extension at the northeast corner of Avenue U and Lake Street. In that regard, Ciarafour Realty LLC should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks).

With regard to the intersection of Avenue U and Lake Street, Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted

sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable Ciarafour Realty LLC to undertake such improvements after consultation with CB 11, as well as local elected officials, as part of its Builders Pavement Plan. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. Borough President Adams would expect Ciarafour Realty LLC.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from Ciarafour Realty LLC that it would advance coordination of such CROSS Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of curb extensions at the northeast corner at Avenue U and Lake Street either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of Ciarafour Realty LLC's commitment to enter into a standard DOT maintenance agreement for that intersection. Furthermore, DOT should confirm that implementation of both improvements would not proceed prior to consultation with CB 11 and local elected officials.

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

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint. Development at 273 Avenue U offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, and solar panels in the development.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to introduce best practices to manage stormwater runoff such as incorporating permeable pavers and/or establishing rain gardens that advance New York City Department of Environmental Protection (DEP) green infrastructure strategy. Borough President Adams believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. In addition, blue/green roofs, permeable pavers, and rain gardens would divert stormwater from the City's water pollution control plants.

According to the "NYC Green Infrastructure 2017 Annual Report," green infrastructure plays a role in addressing water quality challenges and provides numerous economic, environmental, and social benefits. The required Builders Pavement Plan provides an opportunity to incorporate rain gardens with tree plantings along Lake Street as well as enhanced tree pits along Avenue U. Such installation could help advance DEP green water/stormwater strategies, enhancing the operation of the Owl's Head Wastewater Treatment Plant during wet weather. In addition to compensating for the loss of a large permeable surface, the installation of a rain garden would provide a significant streetscape improvement on Lake Street.

Borough President Adams believes it is appropriate for the Ciarafour Realty LLC to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his

office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

Borough President Adams believes that Ciarafour Realty LLC should consult with DEP, DOT, and NYC Parks for consideration regarding the inclusion of a rain garden with integration of street trees and enhanced tree pits as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 11 and local elected officials prior to agreeing to take action.

Therefore, prior to considering the application, the City Council should obtain in writing from the applicant, Ciarafour Realty LLC, commitments that clarify how it would memorialize integrating resiliency and sustainability features. The City Council should further seek demonstration of Ciarafour Realty LLC's commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens and enhanced tree pits, and/or the provision of sidewalk extensions, as part of a Builders Pavement Plan for development site intersections in consultation with CB 11 and local elected officials.

### **Jobs**

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses including those that qualify as LBEs and MWBEs is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

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

### **Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application.

1. That prior to considering the application, the City Council obtain commitments in writing from the applicant, Ciarafour Realty LLC, that clarify how it would:
  - a. Provide a binding commitment that building height would be restricted to four stories
  - b. Restrict the remaining commercial space for leasing at below-market lease terms
  - c. Commit to Connecting Residents on Safer Streets (CROSS) Brooklyn coordination with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) to implement a curb extension as part of a Builders Pavement Plan or as treated roadbed sidewalk extension, with a developer commitment to enter into a

standard DOT maintenance agreement for the intersection of Avenue U and Lake Street with the understanding that DOT implementation would not proceed prior to consultation with Brooklyn Community Board 11 (CB 11) and local elected officials

- d. If applicable, enter into a standard DOT maintenance agreement for the northeast corner intersection at Avenue U and Lake Street
- e. Explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, enhanced tree pits, rain gardens, and/or solar panels
- f. Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs), consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency