



CITY PLANNING COMMISSION

November 6, 2013/Calendar No. 5

C 140019 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a mixed-use development including affordable housing and open space, Community District 1, Borough of Brooklyn.

The application for the Urban Development Action Area designation, project approval, and disposition of city-owned property was filed by the Department of Housing Preservation and Development on July 16, 2013.

Approval of three separate matters is required:

1. The designation of property located at 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32), as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area; and
3. The disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development.

Approval of this application would facilitate construction of a seven story residential building and two 6- to 16-story residential buildings with approximately 431 dwelling units and approximately 8,700 square feet of ground floor retail space.

The Department of Housing Preservation and Development states in its application that:

The project area consists of underutilized vacant property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

RELATED ACTIONS

In addition to the proposed UDAAP disposition (C 140019 HAK), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

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| N 140020 ZAK | Authorization by the City Planning Commission pursuant to 62-822(a) of the Zoning Resolution to modify location, area and dimension requirements of Section 62-50 for visual corridors and waterfront public access areas |
| N 140021 ZAK | Authorization by the City Planning Commission pursuant to 62-822(b) to modify the requirements of Section 62-60 , 62-513 and 62-90 for waterfront public access areas, visual corridors and waterfront access plans on Zoning Lot 5a |
| N 140022 ZAK | Authorization by the City Planning Commission pursuant to 62-822(a) of the Zoning Resolution to modify location and dimension requirements of Section 62-50 for visual corridors and waterfront public access areas, and in conjunction therewith the rear yard requirements of Section 62-332 on Zoning Lot 5b-1 |

- N 140023 ZAK Authorization by the City Planning Commission pursuant to 62-822(b) of the Zoning Resolution to modify requirements of Section 62-60, 62-513 and 62-90 for waterfront public access areas, visual corridors and waterfront access plans on Zoning Lot 5b-1.
- N 140024 ZCK Chair Certification pursuant to ZR section 62-811 that a site plan has been submitted showing compliance with the provisions of Section 62-50, 62-60 and 62-90, except as modified by the authorizations (N 140020 ZAK and N 140021 ZAK) on Zoning Lot 5a.
- N 140025 ZCK Chair Certification pursuant to ZR section 62-811 to allow for the phased implementation of all required waterfront public access areas on Zoning Lot 5a
- N 140026 ZCK Chair Certification pursuant to ZR Section 62-811 that a site plan has been submitted showing compliance with the provisions of Section 62-50, 62-60 and 62-90, except as modified by the authorizations (N 140022 ZAK and N 140023 ZAK) on Zoning Lot 5b-1.
- N 140027 ZCK Chair Certification pursuant to ZR Section 62-811 that a site plan has been submitted showing compliance with the provisions of Section 62-50, 62-60 and 62-90 on Zoning Lot 5d.
- N 140028 ZRK Zoning Text Amendment to facilitate the development of affordable housing, open space, and a public school.

BACKGROUND

Several actions including the disposition of city-owned property, an amendment to the zoning resolution, zoning authorizations, and zoning certifications by the Chair of the City Planning Commission are needed to facilitate the proposed project. The New York City Department of

Housing Preservation and Development (HPD) has applied for approval of the disposition of city-owned property, which along with the related actions, would facilitate the development of housing and open space as part of a larger mixed-use development on the East River waterfront in the Greenpoint neighborhood of Brooklyn, Community District 1. These actions would allow the City to fulfill commitments made as part of the 2005 Greenpoint-Williamsburg Rezoning (N 050110(A) ZRK and C 050111(A) ZMK).

This action (C 140019 HAK) would authorize the sale by the City of 73,389 square feet of City-owned land and the proposal presumes that up to 589,481 zoning square feet of City-owned development rights would be transferred as well. The related actions would make certain amendments to the zoning resolution and approve modifications to waterfront public access areas (WPAAs – publicly accessible open spaces required by zoning) to facilitate developments related to the sale of the City-owned property. In all, these actions will facilitate the development of 431 units of affordable housing, approximately 263 units of market rate housing, approximately 3.3 acres of publicly accessible open space in the form of new parkland and WPAAs, \$2.5 million in additional funding for the expansion of the existing Newtown Barge Park and the construction of an approximately 640-seat primary or intermediate public school.

HPD proposes to dispose of city-owned property located at Block 2494, Lot 6 (Lot 6) and a portion of Block 2472, Lot 32, (Lot 32). These lots are located on the East River at the corner of Dupont and Commercial streets, adjacent to Newtown Barge Park. Lot 6 measures 90 feet by 130 feet with an area of 11,714 square feet and is located south of the western terminus of Dupont Street. It is currently developed with a 65-foot tall above-ground sludge storage tank operated by the New York City Department of Environmental Protection (DEP). Sludge is pumped through an underground force main from the Newtown Creek Wastewater Treatment Plant (approximately 1 mile east of the site) to the tank. The sludge is then pumped via another underground main, beneath Lot 32 to a dock on the shoreline of Lot 32, where it is loaded on barges to be taken to the Ward's Island De-watering plant. As part of the Newtown Creek Wastewater Treatment Plant upgrade, DEP is scheduled to demolish the tank and move sludge loading operations to a site on Newtown Creek by Summer 2014, thereby leaving the City-owned property available for development.

Lot 32 is an irregularly shaped waterfront parcel, adjacent to Lot 6, with an area of 121,351 square feet. Lot 32 occupies the area between the East River to the west and Lot 6 and Newtown Barge Park to the east and extends from 100 feet south of the prolongation of Dupont Street, to the northeastern boundary of Newtown Barge Park. Lot 32 is vacant and paved aside from the dock, which takes up the whole of the property's shoreline. Lot 32 is leased to GLA until November 2014 and GLA uses it for open equipment, material, and vehicle storage in conjunction with its adjacent parcels. DEP holds an easement to access the sludge dock and the underground pipe between the dock and the tank. Along the waterfront, immediately north and south of the City-owned property, lie parcels owned by Greenpoint Landing Associates (GLA). GLA is the project sponsor for the affordable housing to be facilitated by these actions.

The GLA parcels consist of an approximately 6.1-acre parcel north of the City-owned property (the Northern GLA parcel), and an approximately 10.9-acre parcel south of the City-owned property (the Southern GLA parcel). The Northern GLA parcel comprises Block 2472, Lot 100, which is bounded by Newtown Barge Park to the west, Newtown Creek to the north, a City-owned site at 65 Commercial Street to the east, and Commercial Street to the south. The Southern GLA Parcel is a multi-block parcel bounded by the East River to the west, Lot 32, Lot 6 and Dupont Street to the north, Franklin and West Streets to the east, and extends to roughly Green Street to the south. The GLA parcels are vacant and paved and are used for open storage of construction equipment and vehicles except for two buildings in the southern portion of the site near Green Street and at the corner of Franklin and Dupont Streets. These buildings are used to support the open uses, to house an elevator repair company, and as a garage.

The City-owned and GLA properties are zoned a mixture of R6 and R8. C2-4 commercial overlays are mapped along West and Commercial Streets, and along Green Street, leading to one of the longest piers on the East River. Under special rules for this area established by the 2005 Greenpoint-Williamsburg Rezoning, the R6 and R8 districts mapped on each site blend to permit residential uses to an FAR of approximately 3.7, bonusable to 4.7 under the Inclusionary Housing program. Community facility uses are permitted to an FAR of approximately 5.65, if no residences are present on the zoning lot, and are limited to residential FARs if residences are

present. Commercial uses are permitted to an FAR of 2.0 within the C2-4 overlays and to a limited extent elsewhere as well. The R6 and R8 boundaries were drawn to permit high-rise towers within the R8 districts towards the water and lower development toward the upland. Within the R8 districts, towers are permitted to rise to 230 and 330 feet, bonusable to 300 and 400 feet under the Inclusionary Housing program. Streetwalls must be between 30 and 70 feet. Within the R6 districts, buildings are limited to 65 feet within 100 feet of Commercial, West, Franklin, or Dupont Streets, and may rise to 150 feet elsewhere, with streetwall heights between 30 and 65 feet.

The project area is located in the northern portion of Greenpoint, in Brooklyn's Community District 1 which is a mixed-use low- to mid-rise neighborhood with industry and vacant land along the water, and residences and retail businesses upland. The waterfront and adjacent blocks were rezoned from manufacturing to residential and mixed-use districts in 2005 but waterfront development has not yet occurred in this area.

The East River is to the west of the project area, and Newtown Creek is to the north, with Hunters Point beyond. To the south and east is a low-rise industrial area. Further on, there is a low- to mid-rise residential community starting at Franklin Street, and between Franklin and West Streets near the Southern GLA Parcel.

Adjacent to the northern GLA parcel to the northeast near Box Street is an MTA facility owned by the City, which houses paratransit vehicle storage and an emergency response unit. This MTA facility is slated to become a public park (Box Street Park) with plans underway to relocate the MTA operations and design a new park on the site. Properties across Commercial Street from the northern GLA parcel include vacant lots used for storage and vacant industrial properties. Adjacent to the southern GLA parcel near Green Street is a 1-story warehouse housing a beer distributor. Across West Street from the southern parcel there is a mix of vacant land, 1- and 2-story industrial buildings and 3- to 4-story mixed use buildings with retail and industrial uses on the ground floor and residences above. Adjacent to the GLA property east of West Street, near Franklin Street is a former warehouse that was converted to residential use sometime in the last few years.

Waterfront parcels to the north and south are zoned a mixture of R6 and R8 with the same special bulk rules that apply to the project area described above. Zoning in the upland areas to the south and east is generally MX-8: M1-2/R6A, M1-2/R6B, or M1-2/R6. These districts permit a mix of residential, light industrial, commercial, and community facility uses. R6B is mapped east of Franklin Street with C2-4 commercial overlays along Franklin Street, which permits residential, and community facility uses and local retail and service uses within the C2-4 overlays. FARs permitted in all these districts range from 2.0 to 3.6 for residential uses depending on the district and on participation in the Inclusionary Housing program. Where permitted, commercial and industrial uses can occupy up to 2.0 and community facility uses can occupy up to 4.8 FAR. Buildings are generally permitted to rise to between 50 and 70 feet in these districts and no side or front yards are required, permitting development that would create an attached mid-rise context for the subject sites.

Retail amenities are available south of the project area on Franklin and Manhattan avenues. The closest subway stations are the Greenpoint Avenue stop on the G line, seven blocks to the southeast, and the Vernon Boulevard/Jackson Avenue stop on the 7 line, a 15-minute walk across the Pulaski Bridge in Long Island City Queens. In addition, the B24, B32, B43, and B62 buses all run within a 10-minute walk of the site.

2005 Greenpoint-Williamsburg Rezoning and Points of Agreement Commitments

On May 11, 2005, the City Council approved the Department of City Planning's Greenpoint-Williamsburg Rezoning (C 050111A ZMK and N 050110A ZRK), which rezoned 184 blocks in the Williamsburg and Greenpoint neighborhoods from primarily manufacturing and older mixed-use districts to residential and updated mixed-use districts. The rezoning was advanced in response to calls for a comprehensive waterfront rezoning in the Greenpoint and Williamsburg 197-a plans, published in 2002 and to land use trends in the area which included a reduction in manufacturing activity and a great increase in demand for housing. The main goal of the rezoning was to open up the underutilized and inaccessible waterfront to new residential development and public access. A two-mile stretch of the waterfront, from North 3rd Street in Williamsburg to near Manhattan Avenue in Greenpoint was rezoned from M3-1 to R6 and R8

districts along with special bulk regulations and a waterfront access plan that directed the provision of required waterfront public access areas (WPAAs) provided by private developments. In addition, an innovative inclusionary housing program was created to generate affordable housing in conjunction with market-rate housing development within the rezoning area.

During the public review for this rezoning, concerns were expressed about the amounts of affordable housing and open space provided for in the rezoning plan. Prior to final approval at the City Council, the Administration made a series of commitments to the City Council, known as the Points of Agreement (POA), which responded to these concerns. As part of the POA, the City committed to using the City-owned property (Lot 32 and Lot 6 – the disposition of which is the subject of this report) to develop 431 units of affordable housing (hereafter referred to as the “POA units”) and to expand the adjacent Newtown Barge Park by 1.4 acres.

In 2005, when the Points of Agreement were drafted, it was understood that the most efficient way to achieve these two goals with the City-owned property was to develop the property in conjunction with the Greenpoint Landing development, which was already expected to proceed as-of-right on the adjacent GLA parcels. Much of the City-owned property is irregularly shaped and only the southern portion can be built on because the northern portion comprises an elongated parcel situated between the shoreline and an existing park that does not have proper street access or dimensions conducive to an efficient building layout. Independent development of that southern portion to provide 431 units of affordable housing would require building a narrow high-rise waterfront development, which is very expensive to construct, with 80% of the dwelling units designated as affordable. Financing such a development was considered to be very difficult. However, the buildable portion of the City-owned property is adjacent to the larger Southern GLA parcel to the south and east. Combining these properties would produce more efficient construction by creating a standard 200-foot wide development parcel west of West Street between the prolongations of Eagle and Dupont Streets, and by creating a more viable building footprint on Lot 6 given the planned extension of West Street north to connect with Commercial Street.

This action (C 140019 HAK) with the related actions, would facilitate the fulfillment of the POA commitments by allowing the sale of the southern portion of the City-owned property to the adjacent property owner (currently GLA) on the condition that the purchaser build 431 units of affordable housing and make a capital contribution to the expansion of Newtown Barge Park, which would occupy the remainder of the city-owned property not sold to the adjacent property owner.

The proposed disposition of City-owned property along with the related sale of the city-owned air rights would add approximately 694 dwelling units to the Greenpoint Landing project, of which 431 would be affordable and 263 would be market rate. This would be in addition to the approximately 4,800 apartments, 950 of which would be affordable, that are part of the as-of-right Greenpoint Landing development taking place independent of the sale on the northern and southern GLA parcels. The additional development facilitated by the sale would increase the total size of the Greenpoint Landing project to approximately 18.7 acres, and 5,500 dwelling units, of which approximately 1,400 would be affordable including both inclusionary units and the POA units built as a condition of the UDAAP disposition.

The School Site

GLA has also proposed to provide a 20,000 square-foot portion of the Southern GLA parcel to the New York City School Construction Authority (SCA) for the construction of a 640-seat public primary and intermediate school, the need for which was identified in the 2005 Greenpoint-Williamsburg Rezoning Environmental Impact Statement. The site measures 200 feet by 100 feet, and is located at the southwest corner of Franklin and Dupont streets. The SCA intends to acquire the site pending approval of such acquisition, which would be reviewed by the City Council concurrently with this application (C 140019 HAK) and related actions.

Department of Environmental Protection Emergency Docking Facility

DEP will demolish the sludge tank and cease sludge loading operations within the project area by 2014, however, DEP plans to maintain its infrastructure in order to enable use of the existing dock on Lot 32 for sludge loading in emergency situations. Should circumstances such as severe storms, disabled vessels, or other conditions prevent DEP's barges from accessing their new

dock on Newtown Creek, an alternate method of transporting sludge from the Newtown Creek plant is necessary because regular plant operations can continue for only a few days without the removal of sludge. Therefore, DEP proposes to maintain the existing underground infrastructure to enable transport of sludge from the Newtown Creek Water Pollution Control Plant to the sludge dock on Lot 32. DEP would also maintain mooring infrastructure, including an underground pipe connection and the existing platform dock and cleats, to allow boats to dock and accept sludge. These operations would take place on the northern portion of Lot 32, which is to become an extension of Newtown Barge Park under DPR jurisdiction. DEP has stated that this docking facility would be used only on an emergency basis and will not be used frequently or for periods longer than absolutely necessary. When not in use, the DEP infrastructure will be underground (the force mains and pipe connection) or compatible with the full passive or active enjoyment of the expanded Newtown Barge Park (the docking platform and mooring cleats).

Disposition of City-owned Property (C 140019 HAK)

This action would authorize the sale of the southern portion of Lot 32 and the entirety of Lot 6 to GLA. As a condition of the sale, GLA would build the 431 POA units (as previously defined on page 8) on land GLA already owns and donate \$2.5 million toward the expansion of Newtown Barge Park. GLA would then build as-of-right residential development on the land it acquires from the City. The portion of Lot 32 to be sold includes the land within and south of the prolongation of Dupont Street. Together with Lot 6, a total of approximately 73,389 square feet of land will be sold. The remainder of the City-owned property (approximately 59,676 square feet) would be retained by the City to expand the adjacent Newtown Barge Park, but the development rights from this land would also be sold to GLA. A total of approximately 589,481 zoning square feet of development rights would be sold, which includes the floor area generated by all of Lot 32 and Lot 6. Approximately 365,000 square feet of these development rights would be used to build the POA units and the remainder (approximately 224,000 square feet) would be used to build approximately 263 units of market-rate housing on land GLA acquires from the City or already owns.

The POA units would be located in three buildings each built in separate phases. These buildings are proposed to combine brick, steel and multi-paned fenestration to evoke the

industrial loft character prevalent throughout the nearby blocks. The first building to be built would be located on the Southern GLA parcel at the northeast corner of West and Eagle Streets. This 7-story building would contain 98 units of housing within 87,380 square feet of residential floor area. Retail space totaling 1,140 square feet would occupy the corner frontage, and the residential entrance would be on Eagle Street. The apartments would include 50% 2-bedroom units, 25% 1-bedroom units, and 25% studio units. GLA expects to start construction on this building in 2014.

The second and third buildings with POA units would be built on the eastern block of the Northern GLA parcel, fronting on Commercial Street, an upland connection, and the proposed Box Street Park (Box Street Park is proposed to be built on the property east of the Northern GLA parcel). The buildings would be contiguous and of similar scale and size, but built in separate phases. Together, they would surround a central courtyard with 5- to 6-story portions along Commercial Street to the south and 16-story portions further north in the mid-block. They would contain a total of 333 units of affordable housing in 304,742 square feet of residential floor area, evenly divided between the two phases. Approximately 7,560 square feet of ground floor retail space would front on Commercial Street and residential amenity space would activate the frontage on Box Street Park. The building lobbies would open onto the central courtyard and the upland connection, which would be accessed via either Commercial Street or the upland connection.

The city-owned property sold to GLA would be developed by GLA with as-of-right residential development pursuant to the regulations put in place by the 2005 Greenpoint-Williamsburg Rezoning. While the buildings proposed to occupy that site have not yet been designed, GLA anticipates developing the southern portion of Lot 32 with a 30-story tower fronting on West Street and a 3-story base extending westward toward the water. The westward prolongation of Dupont Street and the water's edge would be developed as WPAA's and would be publicly accessible pursuant to plans filed with the related actions. West Street, which is currently mapped but not built between Eagle and Dupont streets, would be built out to connect to Commercial and Dupont streets to the north. Across the new West Street, GLA currently intends to build a 40-story tower partly on Lot 6 and partly on an adjacent piece of the Southern GLA

parcel.

This disposition action assumed that certain Project Components Related to the Environment (PCREs) would be incorporated into the development, as follows. Publicly provided child care vouchers associated with the POA Units will be funded by GLA and payment made to the New York City Administration for Children's Services. Second, construction techniques set forth in the Environmental Assessment Statement for the project will be implemented for the development of the POA units and the school. Third, GLA will provide funding to the Metropolitan Transportation Authority, New York City Transit (MTA NYC Transit) for a high entry/exit turnstile at the India Street entrance to the Greenpoint Avenue Station on the G Subway line to ease congestion that may occur in the future with the proposed project. In order to ensure that these PCREs are implemented, at each applicable closing for the sale of City-owned property to GLA, HPD will require that GLA record against the sites of the POA units and the school, a restrictive declaration setting forth the applicable aforementioned obligations, and will ensure that the applicable aforementioned obligations are recorded against the City-owned property to be disposed via restrictive declaration or deed restriction.

This action also contemplated that development directly related to the disposition would comply with design guidelines to help ensure that these buildings encourage a lively streetscape designed at a human scale. Buildings subject to the design guidelines would include the three buildings containing POA units and the development on the City-owned property to be sold to GLA. The design guidelines would relate to the street level and base of these buildings, which are most directly experienced by pedestrians on adjacent streets and open spaces. Plans for these buildings would undergo review by the Chair of the City Planning Commission for compliance with the guidelines prior to receiving building permits. A copy of the design guidelines is attached to this report as Attachment A. As-of-right development on land GLA already owns would not be subject to the guidelines.

Proposed Primary/Intermediate School

As discussed above, GLA proposes to provide 20,000 square feet of land to the SCA for the purpose of building a 640-seat primary or intermediate school. Pending approval, the site would

be acquired by the SCA via ground lease. The property has 200 feet of frontage on Dupont Street, across from Greenpoint Playground, and 100 feet of frontage on Franklin Street. SCA has included funds for design of such a school in its 2014 budget. While the school has not yet been designed, SCA envisions a full lot coverage 6-story 100-foot tall 100,000-square-foot facility with classrooms, lunch and kitchen facilities, science labs, a library, indoor and rooftop recreation facilities, and administrative space.

Expansion of Newtown Barge Park

The New York City Economic Development Corporation is proceeding with design and construction of the Newtown Barge Park expansion to fulfill the open space commitment related to the City-owned property made as part of the POA. Once complete, the new park space would be transferred to the Department of Parks and Recreation to operate and maintain. Construction is expected to begin in 2014 or 2015. Expansion of Newtown Barge Park will be facilitated by the \$2.5 million provided for the expansion as a condition of the disposition of the City-owned property. The park expansion would take place on the portion of Lot 32 north of the prolongation of Dupont Street, which will remain in city ownership and would add 1.4 acres, more than doubling the park to approximately 2.5 acres. It would extend the present park footprint westward to the water and open the park to views of the East River and Manhattan that local residents have long wanted. The design process for this park will include substantial community involvement and will take into account the proposed designs for the adjacent WPAA's at Greenpoint Landing and nearby 77 Commercial Street.

Proposed Waterfront Public Access Areas

GLA proposes 82,979 square feet of WPAA located on the Northern GLA parcel and on the portion of the City-owned property to be sold to GLA. GLA is requesting several waivers from waterfront access requirements via the related zoning authorizations (N 140020 ZAK through N 140023 ZAK). On the Northern GLA Parcel, the WPAA would comprise 54,626 square feet, which is 7,693 square feet in excess of that required by zoning. The WPAA is a 45-50 foot wide shore public walkway along the water's edge connected to Commercial Street by two publicly accessible private drives. Two larger spaces are provided at the intersection of the shore public walkway and the private drives to provide focal points for recreation and specialized amenities.

The shore public walkway contains two paths, a Waterfront Walk along the water's edge at the level of the shoreline, which is proposed at an elevation of approximately 8-10 feet above sea level, and a landward Garden Walk that is raised above the FEMA 100-year flood plain at an elevation of approximately 11.5 feet. The paths would be separated by terraced planting beds and seating is provided at regular intervals. This dual path system increases flood resiliency by maintaining a path that would remain accessible during flood events. The terraces that are used to raise the Garden Walk also help negotiate the grade change between the shoreline and the adjacent buildings, the first floors of which are raised to an elevation of 16 feet.

At the terminus of the western private drive, GLA proposes an approximately 3,000-square-foot picnic area comprised of planting beds and open area with several picnic tables and benches. At the terminus of the eastern private drive, GLA proposes an approximately 5,500-square-foot open lawn area for passive recreation. An approximately 1,800-square foot enclosed dog run for smaller dogs will also be provided.

On the portion of Lot 32 that would be sold to GLA, GLA proposes 28,353 square feet of waterfront public access, which is almost double the approximately 16,000 square feet required by zoning. GLA proposes to build out the entirety of the extension of Dupont Street as an approximately 60-foot wide upland connection, which well exceeds the required upland connection width of 30 feet. A 15-ft wide path leading from the terminus of Dupont Street to the water would occupy the center of the upland connection. On the northern side of the path, GLA proposes a row of trees and benches to help frame the enlargement of Newtown Barge Park to be built just to the north. On the Southern side of the path, GLA proposes terraced planting beds that would help negotiate the grade between the path and the first floor of the building to be developed on the City-owned property to the south, which would be raised partially in response to flood risks. Along the water's edge of this property, GLA proposes a shore public walkway with a terraced dual path system similar to that described for the Northern GLA parcel above. This would be designed to connect to future WPAA's on the Southern GLA parcel to be developed in the future. GLA proposes to install large artifacts from the site at the end of the prolongation of Dupont Street, including an approximately 15-foot tall steel buoy to create a

point of interest and recall the sites industrial and maritime history.

Proposed Actions

The City Planning Commission actions necessary to facilitate this project include the following.

1. C 140019 HAK: UDAAP disposition of City-owned land HPD is the applicant for this action.
2. N 140028 ZRK: Zoning Text Amendments to facilitate the disposition and associated development and the provision of land to the SCA. DCP is the applicant for this action.
3. N 140202 ZAK through N 140023 ZAK: Four zoning authorizations pursuant to ZR Section 62-822 to modify the requirements of ZR Sections 62-332, 62-50, 62-60, and 62-931 for WPAAAs. GLA is the applicant for these actions.

GLA has also requested four Chair certifications (N 140024 ZCK through N 140027 ZCK) pursuant to 62-811 to certify compliance with waterfront public access requirements of 62-50 through 62-90, inclusive, subject to waivers granted under the related zoning authorizations in item 3 above.

UDAAP Disposition and Project Approval (C 140019 HAK):

HPD is seeking an Urban Development Action Area Designation, project approval, and disposition of city-owned land to redevelop City-owned land and facilitate the development of 431 units of affordable housing. This action would permit the sale of 73,389 square feet of land to GLA comprising all of Lot 6 and the southern portion of Lot 32. In addition, development rights generated by the northern portion of Lot 32, north of the prolongation of Dupont Street, would be sold to GLA. A total of approximately 589,481 zoning square feet of development rights would be sold to GLA.

As described in the Proposed Development section above, the construction of the 431 POA units of affordable housing would be a condition of this sale, along with the donation of \$2.5 million, which would be dedicated to the expansion of Newtown Barge Park. GLA would build the POA units in the three buildings located on the Southern and Northern GLA parcels and would

develop the City-owned land they purchase with as-of-right development. The disposition of the City-owned land and development rights would be phased, whereby a portion of the land and development rights would be conveyed to GLA upon construction of each of the POA buildings. In this way, GLA would not be able to fully utilize all the City-owned land and development rights until they had built all of the promised affordable housing.

Zoning Text Amendments (N 140028 ZRK)

DCP is seeking an amendment of the Zoning Resolution to meet three goals as outlined below.

- *Preserve Floor Area Generated by Future Parkland to Facilitate Affordable Housing*

The zoning text amendment would modify Zoning Resolution Sections 11-13 and 62-351(c) to allow the northern portion of Lot 32, which is to be retained by the City for future parkland use, but from which development rights would be sold, to continue to generate development rights after it becomes parkland. Pursuant to ZR Section 11-13, public parks are not subject to zoning and therefore do not generate development rights. If the land became parkland as planned, the development rights would cease to exist and therefore could not be sold. This text amendment would facilitate the construction of affordable housing. This provision would apply only to the northern portion of Lot 32, which would be delineated in Waterfront Access Plan BK-1 (WAP BK-1) as a distinct waterfront access plan parcel.

- *Facilitate Provision of School Site and Construction of School*

The zoning text amendment would also facilitate GLA's provision of the school site to SCA by amending Zoning Resolution Section 62-351(d) to exempt from the definition of floor area, up to 120,000 square feet of floor space contained within a school built by SCA. This would prevent the floor area within the school from counting against GLA's zoning lot and would allow it to build the housing that would have been built on the school site to be built elsewhere within GLA's development. It would not allow GLA to build more floor area than it would otherwise be able to, had it not provided the land to SCA.

Second, the text amendment would facilitate SCA's construction of the school by amending ZR

Section 62-354 to create a new zoning envelope for school uses on the property. The school site is currently zoned R6 within WAP BK-1, which limits heights to 65 feet, and has lot coverage and yard requirements. SCA's anticipated needs for the site require a 6-story, 100-foot-tall full lot coverage building. The proposed action would permit such an envelope solely for a public school building constructed by SCA.

These provisions would apply only to the portion of the Southern GLA parcel east of West Street, which includes the school site and nearby property. This land would be delineated in WAP BK-1 as a distinct waterfront access plan parcel.

- *Adjust Waterfront Access Plan BK-1 to Facilitate Other Actions and Ministerial Approvals*

The zoning text amendment would facilitate the zoning authorizations and certifications proposed to facilitate this project (N 140020 ZAK through N 140023 ZAK and N 140024 ZCK through N 140027 ZCK) by amending ZR Section 62-931 to reconfigure parcels within Waterfront Access Plan (WAP) BK-1. WAP BK-1 divides the Greenpoint and Williamsburg waterfront into 27 parcels. Any development on a parcel requires approval of a design for WPAA's for the entire parcel. The parcels were delineated prior to the proposal to develop the City-owned property jointly with the Greenpoint Landing development. This text amendment would reconfigure these parcels to better reflect the proposed ownership and development patterns and allow development of the city-owned property by GLA and the expansion of Newtown Barge Park to proceed independently. It would also delineate geographic areas within the Zoning Resolution to which the proposed parks floor area and school provisions described above can be applied.

WAP parcel 5c, which currently comprises the Southern GLA parcel, would be split into a new parcel 5c, which would include the portion of the Southern GLA parcel west of West Street, and a new Parcel 5d, which would comprise the portion of the Southern GLA parcel east of West Street, which includes the site of the first POA building and the school site. This would allow construction of the POA building and school without approval of WPAA's on the rest of the Southern GLA parcel, which have not yet been designed. The school provisions described above

would apply to this parcel.

WAP Parcel 5b, which currently comprises the City-owned property (Lot 32 and Lot 6) would be split into a new Parcel 5b, which would include the land being sold to GLA and a new Parcel 5e, which would include the land retained by the City and to which the Parks floor area provisions would apply.

Zoning Authorizations (N 140020 ZAK, N 140021 ZAK, N 140022 ZAK, N 140023 ZAK)

GLA is applying for zoning authorizations pursuant to ZR Section 62-822 to modify waterfront public access requirements on two zoning lots.

Zoning Lot 5a (N 140020 ZAK and N 140021 ZAK)

Proposed Zoning Lot 5a, as numbered in the application, comprises the Northern GLA parcel. As described above in the Proposed Development section, GLA proposes 54,626 square feet of WPAA, which is 7,693 square feet in excess of that required by zoning. GLA requests waivers to modify certain requirements for this WPAA as listed below.

1. Level of waterfront yard:

Waterfront yards, which comprise a 40-foot wide strip of land along the shoreline, are required by ZR Section 62-332 to be at the current grade, which is between 5 and 7 feet above sea level on Zoning Lot 5a. GLA proposes to raise the grade to elevations as high as 13 feet in select locations. The applicant states that this would improve the flood resiliency of the design and negotiate the grade change between the shoreline and the first floor of the proposed buildings within the development.

2. Level of visual corridor:

Visual corridors are required by ZR section 62-512 to be below a line drawn between the elevation of Commercial Street, which is at approximately 10 feet above sea level and the elevation of the shoreline, which is at approximately 7 feet. GLA proposes to raise the elevation of the visual corridor in the mid-block of its site to elevations as high as 16 feet

to meet the first floor of their proposed buildings. The visual corridor would rise gently from the level of Commercial Street, to elevation 16 near the vehicular turnaround and then descend back down to the elevation of the shoreline. GLA states that the elevated level of the visual corridor facilitates an efficient and pleasant relationship between the upland connection and the first floor of the adjacent buildings.

3. Supplemental Public Access Area (SPAA) Configuration:

Sections 62-571 and 62-62 require that SPAAs be configured to maintain maximum width to depth ratios of 3:1 or a minimum width of 10 feet and to have a circulation path. GLA proposes to provide SPAAs with width-to-depth ratios greater than 3:1 and which at times are less than 10 feet wide and have no circulation path. This configuration of SPAAs allows for a widening of the shore public walkway to better accommodate the two paths of the dual-path system, which provides an additional path within the shore public walkway as well as additional space to help separate public and private areas of the site. In addition, Section 62-931 requires the SPAA located at the intersection of the shore public walkway and the required upland connection to be at least 5,000 square feet to ensure a sizable amenity at this location. GLA proposes to provide only 2,138 square feet of SPAA here. However, GLA's design includes a 5,500-square-foot lawn feature and an 1,800-square-foot dog run at this location, which are partially in the upland connection and therefore do not contribute their full area to the SPAA itself.

4. Planting and Buffer:

Shore public walkways and supplemental public access areas are required by ZR Section 62-64 to have at least 50% of their area planted. The proposed design has only 48% of the area of the shore public walkway and supplemental public access areas planted. The reduction in planting facilitates the use of the dual path system, which requires more area be dedicated to paved circulation than a typical design. In addition, a 10-ft wide planting buffer is required by section 62-62 along the boundary between public and private open space. GLA proposes to reduce this buffer to a minimum of 4'6" in select locations to accommodate seating elements and the geometry of the site.

5. Height of Walls:

Section 62-651 limits the height of walls to 21 inches. GLA proposes to provide walls up to 6.5 feet tall at the boundary between the WPAA and the proposed private open space. The applicant states that these walls are necessary to negotiate the change in grade from the WPAA to the elevated level of the first floor of the proposed buildings. These walls will be screened with tall evergreen plantings.

6. Changes in Grade Adjacent to Planting Areas:

Section 62-655 limits the grade differential that can be created between planting beds and adjacent areas. GLA proposes to exceed these limits to create the 18-inch terraces that are part of the dual path system. Seating would be incorporated into the terrace walls to make them into an amenity and bring users closer to the plantings.

7. WAP BK-1 Fixtures:

Section 62-931 requires a specific guardrail and bench for WPAA's in WAP BK-1. GLA proposes to use a different guardrail and bench. The proposed guardrail resembles the required guardrail but is straighter, to take up less lateral space. The proposed benches are integrated into the terrace walls. Both of these substitutions are intended by the applicant to conserve space within the 45- to 50-foot shore public walkway to better accommodate the two paths and vegetated terraces of the dual path system.

8. Height of Curbs with Fences:

Section 62-651 limits the height of curbs on which fences can be mounted to 6 inches. GLA proposes curb around the sunken dog run that is flush with the adjacent public space but which is 12-inches as measured from the lowered level of the interior of the dog park. This allows the fence to appear lower to people outside the dog park, while still rising to a height necessary to keep dogs within the dog park.

9. Paving of Type II Upland Connection:

Zoning requires that Type II upland connections (those with vehicular drives) that have turnarounds at the end extend the paving used for vehicular areas at a width no greater

than the roadway that leads to the turnaround. GLA proposes to use the paving for vehicular areas throughout the turnarounds to better delineate pedestrian from vehicular spaces given the unique asymmetrical design of the turnaround.

Zoning Lot 5b-1 (N 140022 ZAK and N 140023 ZAK)

Zoning Lot 5b-1, as numbered in the application, comprises the portion of Lot 32 that is to be sold to GLA. As described above in the Proposed Development section, GLA proposes 28,353 square feet of WPAA, which is 16,707 square feet in excess of that required by zoning. GLA requests waivers to modify certain requirements for this WPAA as listed below.

1. Level of waterfront yard:

Waterfront yards, which comprise a 40-foot wide strip of land along the shoreline, are required by ZR Section 62-332 to be at the current grade, which is between 5 and 6 feet above sea level on Zoning Lot 5b. GLA proposes to raise the grade as high as 11.5 feet above sea level. This would facilitate implementation of the dual-path system as described above in the Proposed Development section.

2. Level of visual corridor:

Visual corridors on this site are required by ZR section 62-512 to be below a line drawn between the elevation of Dupont Street, which is approximately 10 feet, and the elevation of the shoreline, which is between 5 and 6 feet. GLA proposes to raise the elevation of the visual corridor in the mid-block of their site to an elevation as high as 13 feet to meet the first floor of their proposed buildings, which are at elevation 16. The visual corridor would rise gently from the level of Dupont Street Street, to elevation 13 near the northern entrance to the proposed building and then descend back down to the elevation of the shoreline. While visual connectivity to the waterfront from the upland neighborhood would be compromised, the elevated level of the visual corridor facilitates an efficient and pleasant relationship between the upland connection and the first floor of the adjacent buildings. It should be noted that visual connectivity from the neighborhood to the water would be provided immediately north of the visual corridor at Newtown Barge Park when expanded.

3. Supplemental Public Access Area (SPAA) Configuration:

Sections 62-571 and 62-62 require that SPAA be configured to maintain minimum width to depth ratios of 3:1 and require a circulation path within the SPAA. GLA proposes to provide an SPAA with a width-to-depth ratio greater than 3:1 and no circulation path. This configuration of SPAA allows for a widening of the shore public walkway to better accommodate the two paths of the dual-path system, which provides two paths within the shore public walkway, as well as additional space to help separate public and private areas of the site.

4. Planting:

Shore public walkways and supplemental public access areas are required by ZR Section 62-64 to have at least 50% of their area planted. The proposed design has only 33% of the area of the shore public walkway and supplemental public access areas planted. The reduction in planting facilitates the use of the dual path system, which requires more area be dedicated to paved circulation than a typical design. In addition, a 10-ft wide planting buffer is required by ZR Section 62-62 along the boundary between public and private open space. GLA proposes to reduce this buffer to a minimum of 7'7" in select locations to accommodate seating elements.

5. Height of Walls:

Section 62-651 limits the height of walls to 21 inches. GLA proposes to provide walls up to 6.5 feet tall at the boundary between the WPAA and the proposed private open space. The applicant states that these walls are necessary to negotiate the change in grade from the WPAA to the elevated level of the first floor of the proposed buildings. These walls will be screened with tall evergreen plantings.

6. Changes in Grade Adjacent to Planting Areas:

Section 62-655 limits the grade differential that can be created between planting beds and adjacent areas. GLA proposes to exceed these limits to create the 18-inch terraces that

are part of the dual path system. Seating would be incorporated into the terrace walls to make them into an amenity and bring users closer to the plantings.

7. WAP BK-1 Fixtures:

Section 62-931 requires a specific guardrail and bench for WPAAAs in WAP BK-1. GLA proposes to use a different guardrail and bench. The proposed guardrail resembles the required guardrail but is straighter, to take up less lateral space. The proposed benches are integrated into the terrace walls. Both of these substitutions are intended by the applicant to conserve space within the 45- to 50-foot shore public walkway to better accommodate the two paths and vegetated terraces of the dual path system.

ENVIRONMENTAL REVIEW

This application (C 140019 HAK) was reviewed in conjunction with the related actions 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 14DCP004K. The lead is the City Planning Commission.

In addition to the proposed project described above, several improvements that would eliminate the potential for significant adverse impacts are proposed by GLA, also referred to as project components related to the environment (PCREs). The first PCRE concerns the provision of child care for children from eligible households. In accordance with the terms of a Restrictive Declaration to be recorded against the portion of GLA's property upon which POA units will be developed, at the time of the applicable closing on the sale of City-owned property to GLA, GLA would provide funding for publicly-funded child care to the Administration for Children's Services (ACS) to an extent determined according to the terms included in Attachment B of this report. Such funding will provide up to 19 additional child care vouchers that would be made available in the project area before the occupancy of buildings on the property that would result in a specified number of residents with incomes at or below 80% of the Area Median Income

(AMI).. . The second PCRE, also in accordance with the terms of legal documents to be recorded against the portion of GLA's property upon which POA units and the school will be developed, and the property to be sold by the City, requires that construction adhere to certain standards set forth in the Environmental Assessment Statement. These standards include construction noise barriers, implementation of diesel particulate matter emissions and utilization of best available technologies and Tier 3 or newer equipment during construction. The last improvement is an additional high entry/exit turnstile that would be added to the fare array located at the India Street entrance to the northbound platform of the Greenpoint Avenue subway station to increase fare array capacity at that location. This would be installed by the Metropolitan Transportation Authority, New York City Transit (MTA NYC Transit) and paid for by GLA as a condition of project implementation. This obligation would be included as a condition of sale of the City property, and would be fulfilled when MTA NYC Transit advises that the level of construction of the project is such that implementation is required.

To avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise, an (E) designation (E-317), has been incorporated to the proposed project as described below. This new (E) designation supersedes an (E) designation (E-138) previously assigned to the affected area pursuant to the prior Greenpoint-Williamsburg rezoning (CEQR No. 04DCP003K). Because the school site is subject to acquisition by the SCA, a Memorandum of Understanding will be entered into with SCA to implement any necessary environmental controls.

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

Projected Development Site 1 (Block 2472, Lot p/o 32)
Projected Development Site 2 (Block 2494, Lots p/o 1, 6)
Projected Development Site 3 (Block 2494, Lot p/o 1)
Projected Development Site 4a (Block 2472, p/o Lot 100)

Task 1

The applicant must submit to the NYC Office of Environmental Remediation (OER), for review and approval, a Phase I Environmental Site Assessment , any other previous environmental studies, and a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination) and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. Such remediation as determined necessary by OER must be completed and then proper documentation provided that the work has been satisfactorily completed.

A construction-related health and safety plan (CHASP) and Community Air Monitoring Program (CAMP) would be submitted to OER together with the RAP and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater.

For Projected Development Site 5, the proposed school site, a Memorandum of Understanding will be entered into by the SCA providing for the hazardous materials requirements noted above.

With the abovementioned institutional controls in place, no significant adverse impacts related to Hazardous materials would result from the proposed actions.

The (E) designation text related to air quality is as follows:

Projected Development Site 1 (Block 2472, Lot p/o 32)

Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) must be located at least 303 feet above grade and must be fitted with low NO_x burners with a maximum emission concentration of 30 ppm, to avoid any potential significant air quality impacts.

Projected Development Site 2 (Block 2494, Lots p/o 1, 6)

Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) must be located at least 403 feet above grade to avoid any potential significant air quality impacts.

Projected Development Site 3 (Block 2494, Lot p/o 1)

Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that heating and hot water equipment exhaust stack(s) are located at least 85 feet above grade, and at least 10 feet from the edges of the building facing Dupont Street and Franklin Street lot lines, to avoid any potential significant air quality impacts.

Projected Development Site 4 (Block 2472, Lot p/o 100)

Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that heating and hot water equipment exhaust stack(s) are located at Building 4b, at least 303 feet above grade, and at least 10 feet from the edge of the building façades facing the Manhattan Avenue lot line and the lot line shared with the 37 Commercial Street building, to avoid any potential significant air quality impacts.

Environmental requirements for Projected Development Site 5 would be incorporated into the above-mentioned MOU; the air quality requirements for Projected Development Site 5 are presented below.

Projected Development Site 5 (Block 2494, Lot p/o 1)

Any new development on the above-referenced property must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas, and that heating and hot water equipment exhaust stack(s) are located at least 110 feet above grade, and at least 10 feet from the edges of the building facing West Street and Eagle Street lot lines, to avoid any potential significant air quality impacts.

With the abovementioned institutional controls in place, no significant adverse impacts related to air quality would result from the proposed actions.

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

Projected Development Site 1 (Block 2472, Lot p/o 32)

Projected Development Site 2 (Block 2494, Lots p/o 1, 6)

Projected Development Site 3 (Block 2494, Lot p/o 1)

Projected Development Site 4 (Block 2472, Lot p/o 100)

In order to ensure an acceptable interior noise environment, future residential/ commercial uses must provide a closed window condition with a

minimum of 31 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to central air conditioning or air conditioning sleeves containing air conditioners.

Environmental requirements for Projected Development Site 5 would be incorporated into the above-mentioned MOU; the noise requirements for Projected Development Site 5 are presented below.

Projected Development Site 5 (Block 2494, Lot p/o 1)

In order to ensure an acceptable interior noise environment, future residential/ commercial uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to central air conditioning or air conditioning sleeves containing air conditioners.

With the abovementioned institutional controls in place, no significant adverse impacts related to noise would result from the proposed actions.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on July 19th, 2013. A revised Negative Declaration, based on a revised Environmental Assessment Statement, was issued on November 6th, 2013.

WATERFRONT REVITALIZATION PROGRAM

This application and its related actions (C 140019 HAK, N 140028 ZRK, and N 140020 ZAK through N 140023 ZAK), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*) and determined that it was consistent with the policies of the WRP. The designated WRP number for this application and its related actions is 12-137.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

UNIFORM LAND USE REVIEW

This application (C 140019 HAK) was certified as complete by the Department of City Planning on July 22, 2013, and along with the related actions was duly referred to Brooklyn Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b), along with the related non-ULURP actions, applications which were referred for information and review.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on August 13, 2013, and on September 9, 2013, by a vote of 32 in favor and 4 against with 1 abstention, adopted a resolution recommending disapproval of the application with conditions. The Community Board's conditions were as follows.

1. Floor Area from the School's site and Air Rights from the Park site: this use is contingent on every as-of-right building being subject to the filing of an Inclusionary Housing Plan and is subject to approval by the Commissioner of HPD (affordability is to be in perpetuity).
2. We also insist that the costs for amenities (including parking garage) are to be discounted for the residents of the affordable units.
3. Affordable units are to be integrated below the 7th floor in the tower or market rate parts of the proposed development.
4. Affordable Housing – The developer must provide a wider range of unit sizes and eligibility by adjusting the proposed sizes of the apartments and lowering the AMI percentages as follows:
 - Carve out affordable units – approximately 100 of the affordable housing units be specifically earmarked for senior citizens/disabled, 30% AMI and lower, utilizing senior housing funding from HUD Section 2020/Section 8 programs (this funding source prefers smaller units for seniors, i.e. more studios, allowing for more housing units to be constructed). This is from HPD property being transferred to Greenpoint Landing. Since 202 units are all studios, it may be feasible to increase the number of affordable housing units in the same floor

area that the City was devoting for the 431 units of affordable housing allowance.

- The balance of the units are to be developed as follows
 - 30% studio apartments
 - 35% 1-bedroom apartments
 - 30% 2-bedroom apartments
 - 5% 3-bedroom apartments

With the following income breakdowns:

- 60% of the units for 40% AMI
- 50% of the units for 50% AMI
- 20% of the units for 60% AMI

5. Reservation of units for Community Preference – At a minimum, 50% of community preference for the lottery should result in CB#1 residents, including displaced former residents since the 2005 rezoning was adopted, and be prioritized to obtain the lowest AMI (40% - 60% AMI).
6. The Developer must avail itself to other programs and funding sources that would make the proposed units more affordable with a lower AMI (programs such as HDC's LAMP, as well as NYS HCR's 80/20, bonds and tax credits). Other funding sources could be discretionary funding from the Council Member and Brooklyn Borough President. The developer should apply for funding before deadlines expire to achieve the community's desired AMI. The developer should avail itself of NYS HCR's announced pre-registration workshops in NYC on September 10, 2013 and meet deadlines for funding of applications (October 10 2013).
7. The proceeds from the sale of lot 32 are not to go into the City's general Fund but are to go back to the community.
8. If the cost of the park's development increases, the developer's portion will increase in proportion to the amount originally contributed.
9. The proposed school (640 seats/ Re-K - 8th Grade) at the Dupont Street site will not be a charter school and will remain a district school (SD14). We yield to District 14 to work with the Department of Education for the programming and analysis of the community's needs. Within one year of commencing on the design of the school, in order to plan for the appropriate size of the elementary school and intermediate school components, they are to address projected needs based on the most up to date information.

Borough President Recommendation

This application (C 140019 HAK) was considered by the Brooklyn Borough President who issued a recommendation on October 7, 2013, approving the application with the following conditions:

1. That the Land Disposition Agreement between the City and Greenpoint Landing Associates (GLA) require GLA and its successors to commit to:
 - a. The filing of the Inclusionary Housing Plan, and approval by the Commissioner of the Department of Housing and Preservation and Development for every as-of-right building associated with Greenpoint Landing, as a condition of utilizing the air rights and the floor area bonuses connected to the school site and park site;
 - b. Developing the Point of Agreement units per the following:
 - i. That such units be permanently affordable;
 - ii. Approximately 100 units of the affordable housing being specifically earmarked for senior citizens/ the disabled, not exceeding 30 percent AMI by utilizing housing funding from HUD Section 202/Section 8 programs or other comparable sources of financing;
 - iii. Using the same floor area envisioned for the 431 Points of Agreement (POA) units, increasing the number of units based on the smaller size of the elderly units; and,
 - iv. But for the first 98 POA units, that subsequent phases of the remaining POA and Inclusionary Housing affordable units, including tiers of incomes including those less than 60 percent AMI with rent not exceeding 120 percent of AMI and that eligibility not exceed 130 percent of AMI and to accommodate larger households by providing at least five percent as three-bedroom apartments.
 - c. Memorializing the fifty percent preference for community residence in the lottery, including displaced former tenants.
 - d. That \$2.5 million from the proceeds of the sale of lot 32 be placed in a trust and Agency Fund to cover the capital costs of the Newtown Barge Playground expansion and not remain in the City's General Fund;
 - e. That should the Newtown Barge Playground expansion development cost escalate in order to maintain a level of park improvement worthy of the residents of Greenpoint, the developer's share of increase would be at a rate of 35% of the overall increase;
 - f. That WAP plans be advanced for review by the Department of City Planning for the remaining GPL properties;
 - g. Designating a community liaison officer just prior to commencing site work and maintaining such officer until the final Certificate of Occupancy is issued and such officer share not less than weekly updates during this period;
 - h. That in order to assure space is available for the Administration of Children's Service to secure for daycare slots, according to the terms of a Restrictive Declaration to be recorded against the property of GLA, where GLA would provide funding for publicly funded day care, GLA be required to first offer retail space to ACS prior to marketing the space for retail use and that ACS have 90 days to respond with intent to lease such space;

- i. Establishing and maintaining free shuttle bus service to the Vernon Avenue IRT 7-train station as a condition of obtaining a Temporary or Permanent Certificate of Occupancy that meets or exceeds 500 cumulative units and that additional shuttles be added to the service based on TCOs or COs that meet or exceed each additional 1,000 units and that occupants of affordable households be charged not more than fifty percent of a fee to use this service;
- j. The discounting for residents of affordable units, the costs of amenities such as the IRT 7-train shuttle service (free), on-site parking and other building amenities;

Be it Further Resolved that the Department of Education should commit to the following:

1. Expanding access to quality schools by opening a new 640 seat district school at the proposed Dupont Street site;
2. Re-evaluating just prior to commencing design, as a means to best address needs, the proportion of elementary versus intermediate school students, in consultation with District 14 Community Education Council, to determine possible school structure (i.e. pre-K to 5 or Pre-K to 8); and
3. Periodically re-assessing the needs of the community for additional high quality district school capacity to meet the public school needs for housing elementary and intermediate school students, in consultation with District 14 Community Education Council, to determine when to designate an additional site and then to secure funding for site acquisition and construction.

That the Metropolitan Transit Authority should:

1. Identify strategies for improving G train services, to achieve operational frequency consistent with the actual schedule of service and implement such strategies promptly;
2. Undertake semi-annual full-line impact reviews to determine the projected need for increased frequency and/or lengthening each train;
3. Add additional cars to the G train to expand each train's capacity to eight to ten cars from its current four cars per train;
4. Monitor B32 service in six month increments and increase service accordingly;
5. Upon issuance of TCOs or COs of at least 1,000 units at GPL, study the B32 route adjustments to relocate service along Freeman and Green streets to Dupont and Eagle streets between Franklin and Manhattan Avenue, and increase frequency as warranted;
6. Upon issuance of TCOs or COs of at least 1,000 units at GPL, study the B24 and B43 for route adjustments to extend B24 service along Franklin Street to Commercial Street or B43 service along commercial Street to West Street as a new terminus and increase frequency as warranted.

That the Department of Transportation, by not later than the completion of the anticipated public school opening at Dupont and Franklin Streets, should:

1. Install high-visibility crosswalks and school crossing signs at intersections at both West and Franklin Streets with Dupont and Eagle Streets;
2. Construct pedestrian traffic-calming bulb-outs at the intersections at both West and Franklin with Dupont, Eagle, Freeman and Green Streets.

City Planning Commission Public Hearing

On September 23, 2013 (Supplemental Calendar No. 1), the City Planning Commission scheduled October 9, 2013 for a public hearing on this application (C 140019 HAK). The hearing was duly held on October 9, 2013 (Calendar No. 9). There were 17 speakers in favor and 9 speakers opposed.

Speakers in favor included representatives of the applicants, including the Department of Housing Preservation and Development (HPD) and Greenpoint Landing Associates (GLA) as well as other City agencies involved in projects facilitated by the actions such as the Mayor's Office for Economic Development (Mayor's Office), the Department of Parks and Recreation (DPR), and the School Construction Authority (SCA). These representatives described the project and responded to issues that had been brought up earlier in the public review process for these actions.

A representative of the Mayor's Office described the history of the project and its relationship to the 2005 Greenpoint Williamsburg Rezoning and the POA. She stated that the City committed to producing 431 units of affordable housing and about 2 acres of open space with the City-owned property that is the subject of this action and that the proposed actions would achieve these goals.

With regard to the 431 POA units of affordable housing, the HPD representative pointed out that the site that is the subject of these actions is the single largest contributor of any City-owned site to the affordable housing goals of the POA and that the floor area from the portion of the City-owned parcel to be developed as parkland from the City was always intended to be used as part of this project. He stated that the proposed income targets for the first phase were substantially consistent with the income bands laid out in the POA but that HPD is willing to work with GLA to deepen affordability as much as available funding will allow in response to the concerns

expressed by Community Board 1 and the Borough President. He also stated that approximately 138 of the POA units would be used to satisfy inclusionary requirements for the City-owned floor area to be sold and that up to half of the POA units (216) are proposed to be permanently affordable. The HPD representative also indicated that requirements to build the POA units would be enforceable through the Land Disposition Agreement upon successors in interest to GLA should GLA sell their parcels or the City-owned property. In addition, a representative of GLA explained that GLA is actively seeking funding under the LAMP program to build additional affordable housing to satisfy Inclusionary Housing requirements for their as-of-right project and that this project would include approximately 93 units of housing affordable at targeted to households making 60% of area median income (AMI) or below.

The representative of DPR stated that the Greenpoint neighborhood has little public open space and that these actions would help DPR provide additional open space in the area that would be open to all New Yorkers. He also stated that EDC has begun design and construction of the Newtown Barge Park expansion and that there would be significant public input in the design process. It was also stated that the current funding available for this work is comparable to other waterfront parks. The proposed waterfront public access areas (WPAAAs) were also described by representatives of GLA. It was stated that these areas would be transferred to the Department of Parks and Recreation, who would operate and maintain the spaces supported by funding provided on a yearly basis from GLA or their successors.

The representative of SCA described the proposed school, stating that it would be a public school. He stated that the proposed site is appropriately located with respect to community needs and that SCA generally prefers independent sites as opposed to those associated with private development because it allows SCA to advance school construction independent of other parties. He stated that the Department of Education would determine the grades served by the school based on data from the 2 years preceding such decision. He also described SCA's environmental assessment of the proposed site and stated that this work did not reveal any environmental concerns that could not be addressed. With regard to the zoning text amendment to facilitate the school, representatives of GLA stated that the text amendment would not create additional floor area for housing beyond what would be available if the school were not built. In addition, it was

stated that the floor area that would be used on the school site were it not provided to SCA would be used throughout the GLA parcel and that no height and setback waivers would be necessary to accommodate that floor area.

A representative of GLA described the environmental assessment work GLA has conducted for their sites and the institutional controls in place to ensure adequate remediation and protection of human health and the environment. He stated that GLA has investigated its properties, the City has investigated the City-owned parcel, and the SCA has investigated the proposed school site and that no environmental hazards were detected that are not commonly present in urban areas. He also stated that the nearby area of Newtown Creek does not pose a health risk to users of these sites. Additionally, he described the City's (E) designations placed on the site, and the requirements for environmental assessment and cleanup and for construction health and safety plans to minimize travel of contaminants off the site during construction work, which are enforced by the Mayor's Office of Environmental Remediation.

Other speakers in favor included local residents and representatives of advocacy groups including the Brooklyn Chamber of Commerce, the New York State Association for Affordable Housing, the New York Building Congress, Local 32BJ, and the Real Estate Board of New York. They stated that the project sponsor, GLA has a reputation for responsible development, and that the project will contribute to positive changes happening in this part of Brooklyn. They also praised the affordable housing component of the project and stated that it would contribute economic, social, and health-related benefits.

Speakers in opposition included local residents, representatives of local organizations and a staff member for the State Assemblymember representing the 50th District. These speakers stated that the POA units should be targeted to lower-income households than is currently proposed, that the POA units should be permanently affordable and that some of them should be dedicated to senior citizens, of which there are a growing number in the area who are in need of affordable housing options. In addition, they requested that the City ensure there be an enforceable requirement to provide these units in a timely manner.

Other speakers reiterated the need for additional funding for local parks, stating that GLA's contribution to the expansion of Newtown Barge Park should be increased from \$2.5 million to \$10 million. In addition, they requested that the proposed public school be sited in one of the as-of-right residential buildings to allow the school site to be developed as additional parkland. They also mentioned that the surrounding area needs facilities for dogs and a large dog run should be included in open space plans in this area.

Some speakers also talked about the need for transparency in the valuation and sale of the City-owned land and development rights and asked that the proceeds be dedicated to use on projects and programs within the area of the project site.

Several speakers stated that there are environmental hazards in the area of the proposed project and that expected development would expose current and future residents to these hazards. They stated that Newtown Creek, as a Superfund Site, contains hazards and that the GLA parcels and City-owned properties are contaminated with hazardous substances as well and that these substances may migrate to nearby properties during remediation and construction activities.

Several of the speakers in opposition spoke about the as-of-right development permitted by the 2005 Greenpoint-Williamsburg Rezoning. They stated that this development is not consistent with the current neighborhood character and the rezoning should be amended to reduce the bulk and density of permitted development along the Greenpoint waterfront. They stated further that local transportation and other infrastructure is not adequate to serve the future residents of development currently permitted. They called for development proposed by GLA to be LEED (Leadership in Energy and Environmental Design)-Certified by the US Green Building Council, and that it take into account potential effects on the flood resilience of nearby properties. Some speakers proposed that significant portions of Newtown Creek be made into a riparian reserve. Several speakers also stated that open space and affordable housing planned as part of the 2005 Greenpoint-Williamsburg rezoning has not yet been built.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the applications for a UDAAP designation, project approval and disposition (C 140019 HAK), a zoning text amendment (N 140028 ZRK) and zoning authorizations (N 120020 ZAK through N 120023 ZAK), are appropriate.

The Commission recognizes the significance of the 2005 Greenpoint-Williamsburg rezoning to the Greenpoint and Williamsburg communities. The Commission notes that it is succeeding in many of its original goals, including the revitalization of an underutilized and inaccessible waterfront, with development of new residential buildings and waterfront public access areas from North 3rd Street to North 8th Street in Williamsburg, the construction of almost 8 acres of public open space along the Greenpoint and Williamsburg waterfronts, and the starting or completion of construction for over 1,000 units of affordable housing through the Inclusionary Housing program and on City-owned sites.

The Commission understands that the Administration made a series of commitments to the City Council in 2005 (The Points of Agreement or POA) to use a wide array of mechanisms to address the community's concerns related to the rezoning, including the dedication of a number of City-owned properties in Community District 1 for affordable housing and open space development, and that budget challenges have delayed the fulfillment of several of these commitments. The Commission notes the commitments that related specifically to the actions that are the subject of this report include the use of City-owned property comprised of Block 2472, Lot 32 and Block 2494, Lot 6 for the development of 431 units of affordable housing and the development of approximately 2 acres of open space.

The Commission is pleased to note that the actions that are the subject of this report would facilitate the fulfillment of these commitments by producing 431 units of affordable housing, approximately 1.4 acres of new parkland, and approximately 0.65 acres of waterfront public access areas (WPAAs – publicly accessible open spaces required by zoning) on the City-owned properties as well as an additional 1.3 acres of WPAAs on adjacent land. The Commission considers these benefits to be of utmost importance to ensuring that the 2005 Greenpoint-

Williamsburg rezoning succeeds in creating needed open space and housing for the Greenpoint and Williamsburg communities.

With regard to testimony received at the City Planning Commission public hearing related to the density, bulk and character of development that is currently permitted as-of-right on privately owned land on the Greenpoint waterfront pursuant to the 2005 Greenpoint-Williamsburg rezoning, the Commission notes that the proposed actions do not affect the underlying zoning regulations in effect in this area. The proposed actions are not needed for as-of-right development of privately owned sites to proceed and the Commission expects such development to proceed with or without these actions. In addition, the Commission notes that the proposed actions do not permit more development associated with the City-owned property than was contemplated in 2005 and that a substantial majority of the development facilitated by these actions consists of affordable housing and public open space promised by the Administration at that time.

UDAAP Designation, Project Approval, and Disposition – C 140019 HAK

The Commission believes that the proposed UDAAP designation, project approval, and disposition is appropriate.

These actions would allow the City to address commitments made in 2005 to meet the great need in this community for affordable housing and open space by facilitating the development of approximately 431 units of affordable housing and 8,700 square feet of ground floor retail space in three buildings built on land currently owned by the project sponsor as well as the development of 1.4 acres of new parkland and 0.65 acres of WPAA's on the City-owned property.

The POA units would be located in buildings built on land currently owned by the project sponsor that would range from 6 to 16 stories with a total of approximately 365,000 square feet of floor area. In addition, the Commission believes that the disposition would allow the combination of the developable portion of the City-owned property with adjacent land to achieve a much more efficient development. This would facilitate the proposed WPAA for this portion

of the City-owned property, which has almost double the area required by zoning. The Commission believes that the arrangement of this WPAA complements the proposed new park enlargement to the north, offering a grand entrance to the southern side of the enlarged park.

The Commission believes that the POA buildings would be designed in a manner that would relate well to the existing context and to anticipated development in the area. In addition, urban design guidelines that are a condition of this approval would ensure that the POA buildings and any development on the City-owned property to be sold would relate well to nearby streets and public open spaces and would foster a vibrant and comfortable pedestrian realm for residents of the developments and the neighborhood as a whole.

In regard to the recommendations of Community Board 1 and the Brooklyn Borough President related to the proposed affordable housing program, the Commission notes that the proposed income targets meet the goals laid out in the 2005 POA and that the project sponsor and HPD have stated their intention to seek deeper affordability for the second and third phases, which comprise over three quarters of the POA units. In addition, the Commission understands that the disposition will have institutional controls that run with the land and would require the project sponsor to construct the POA units. In addition, the disposition is to be phased so that City-owned land and development rights are transferred to the project sponsor only upon construction of the POA units.

With regards to the testimony received at the Commission's public hearing related to the process by which the City-owned land and development rights are appraised and sold, the Commission notes that HPD has stated they would sell the land pursuant to all applicable rules and regulations, which require City-owned assets to be sold at a price based on an professional appraisal and that the disposition would be subject to a subsequent public hearing held by the Mayor's Office of Contract Services pursuant to such rules.

In response to recommendations of Community Board 1 and the Borough President and testimony received at the Commission's public hearing related to funding for the proposed new parkland, the Commission notes that funding for City capital projects is not within the

Commission's purview. However, the Commission also notes that representatives of DPR have stated that the park projects are planned to be designed to the currently proposed budgets.

With regard to the testimony received at the Commission's public hearing related to potential environmental hazards on the City-owned property or other related land, at the public hearing the project sponsor stated that the project sponsor, the City and the SCA have all conducted extensive environmental investigations on these sites that have found no indication of significant soil or groundwater contamination. In addition, the Commission notes that (E) designations were placed on these sites as part of the actions that are the subject of this report. These (E) designations, which are common on industrial properties that are rezoned to permit residential use, would require, under the oversight of the Mayor's Office of Environmental Remediation, the full investigation and documentation of the environmental condition of these properties and the remediation of any discovered contamination prior to development. In addition, these (E) designations would require a Construction Health and Safety Plan that would ensure any remediation of construction activities are conducted in a manner that is protective of human health and the environment. Further, the Commission notes that the project sponsor has agreed to provide a contact for community residents to report any concerns or observations they have during construction or remediation activities.

Zoning Text Amendment – N 140028 ZRK

The Commission believes that the proposed amendment to the Zoning Resolution of the City of New York, is appropriate. The text amendment would allow a portion of the City-owned property to provide additional housing, including affordable housing, while also providing additional open space. The Commission believes that this provision would facilitate the advancement of elements of a comprehensive land use plan for the entire Greenpoint and Williamsburg waterfront from 2005 to provide much needed open space and housing resources to the Greenpoint community. The Commission further believes that this amendment would not permit more development than was contemplated in the 2005 plan.

The text amendment would also facilitate the acquisition by SCA of a 20,000-square-foot site for a new public school by allowing housing that would have been developed on that land to be developed elsewhere. The Commission notes that the Final Environmental Impact Statement for the 2005 Greenpoint-Williamsburg Rezoning identified the need for a school in this area, and that SCA has also recognized the future need for additional school facilities here. In addition, the Commission understands that the proposed amendment would permit the relocation of existing residential development potential within land owned by the project sponsor within existing as-of-right zoning envelopes and does not permit more residential development than would be permitted if the school site were not provided to SCA.

Additionally, the text amendment would permit construction of a facility on that site that meets the educational needs projected by SCA and the Department of Education. The Commission believes the proposed envelope, which would cover the entire lot and rise to a height of up to 100 feet, to be appropriate within the context of the school site and would allow SCA and DOE to meet the educational needs of the area on available land. The proposed building would preserve a strong streetwall on the Franklin Street and Dupont Street frontages and the height of the building will help provide a transition from the high-rise development permitted on the adjacent site to the west, to the low- to mid-rise neighborhood to the east and south.

Lastly, the text amendment would allow parcels in Waterfront Access Plan BK-1 to better reflect proposed ownership and development patterns, thereby facilitating the advancement of the various open space, housing and other development proposals to take place in the area independently and easing the issuance of ministerial approvals necessary for those proposals to be built.

The Commission believes these amendments to the zoning resolution are appropriate measures to permit development that is consistent with the comprehensive plan embodied in the 2005 Greenpoint-Williamsburg Rezoning. In addition, the Commission notes that these text amendments do not increase the residential development potential of the land within the project area or permit more residential development than was contemplated in the 2005 Greenpoint-Williamsburg rezoning.

Zoning Authorizations – N 140020 ZAK, N 140021 ZAK, N 140022 ZAK, N 140023 ZAK

The Commission believes that the proposed zoning authorizations are appropriate and that the findings required in Section 62-822 of the zoning resolution have been met. These authorizations would facilitate the construction of 1.9 acres of WPAA's, bringing much needed open space to the Greenpoint community. These WPAA's would be designed to create inviting and exciting public spaces with a variety of amenities including a dog run, a picnic area, a large lawn and the display of local industrial artifacts.

In addition, the Commission believes that the requested modifications to required grades within the WPAA's would permit the development to be made more flood resilient by raising its first floor to an elevation well above the flood plain while maintaining a direct and pleasant relationship between the first floor and adjacent public spaces. Modifications to planting and fixture requirements would allow room for an additional circulation path on the shore public walkway that would be raised above the flood plain, increasing the resilience of the WPAA itself. In addition, the Commission believes modification requirements for the configuration of the WPAA allows major amenities to be better integrated into the strategic intersection of circulation routes within the shore public walkway and the required upland connection on Zoning Lot 5a.

RESOLUTION

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32), as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such area;

THEREFORE, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the matters pursuant to the Urban Development Action Area Act:

- a) the designation of property located at 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472 p/o Lot 32), as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and

RESOLVED, that the City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this action is consistent with WRP policies; and be it further

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32), to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 140019 HAK) subject to the following conditions:

1. That HPD require, as a condition of sale of City-owned land that is the subject of this action, that development of the 431 units of affordable housing herein referred to as the “Points of Agreement units” or “POA units,” or the appropriate phase of the POA units, and any and all development taking place directly on the City-owned land to be disposed of pursuant to this approval (Block 2494, Lot 6 and Block 2472, p/o Lot 32) comply with urban design guidelines attached hereto as Attachment A .

2. That HPD require, as a condition of sale of the City-owned land that is the subject of this action, or the appropriate phase of such sale, that restrictive declarations, acceptable to Counsel to the City Planning Commission, be recorded by the developer against the sites of any buildings containing POA units, or a portion of the POA units associated with the a phase of the sale, ensuring, that upon construction of a certain number of the POA units, child care funding is provided by the developer to ACS for publicly provided child care vouchers. The terms for provision of child care funding required pursuant to the restrictive declarations are set forth in Attachment C hereto and will ensure that the development reflects the child care PCRE described in the Environmental Assessment Statement (14DCP004K) for this and the related actions.

3. That HPD require, as a condition of sale of the City-owned land that is the subject of this action that restrictive declarations, acceptable to Counsel to the City Planning Commission, be recorded by the developer against the sites of the buildings containing POA units (or the appropriate phase of the POA units) and the school, and that HPD impose deed restrictions or restrictive declarations on the City-owned properties to be conveyed, ensuring that proper construction techniques are employed for the construction of the school, the buildings containing the POA units, and any development taking place on the City-owned site to be disposed. Such construction techniques are set forth in Attachment C hereto and will ensure that the development reflects the construction PCRE described in the Environmental Assessment Statement (14DCP004K) for this and the related actions.

4. That HPD require, as a condition of sale of the City-owned land that is the subject of this action, or the appropriate phase of such sale, the provision of funding for transit improvements to ensure that the development reflects the transit PCRE described in the Environmental Assessment Statement (14DCP004K) for this and the related actions.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the disposition approval hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said disposition approval. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the authorization.

The above resolution (C 140019 HAK), duly adopted by the City Planning Commission on November 6, 2013 (Calendar No. 5), 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.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman,
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,
MARIA M. DEL TORO, JOSEPH DOUECK, RICHARD W. EADDY,
ANNA HAYES LEVIN, OLRANDO MARIN Commissioners

ATTACHMENT A
Greenpoint Landing

Urban Design Guidelines

Urban Design Guidelines for Greenpoint Landing

In order to ensure a high quality pedestrian experience and an active streetscape along the frontages of the buildings facilitated by the sale of City-owned land and development rights on Parcel 5b, development of those buildings are hereby made subject to the following design guidelines.

1) Applicability:

These guidelines shall apply only to structures built on Parcel 5b as delineated in WAP BK-1 (Section 62-931 of the zoning resolution) and to any structures built to comply with requirements for the construction of 431 units of affordable housing as a condition of the sale of land and development rights on Parcel 5b. These guidelines are to be applied to all frontages of those buildings on public spaces including streets, public parks, and waterfront public access areas as shown on the attached plan (the Subject Frontages).

- a. The term “street level” is used herein to refer to the first floor of the affected buildings.
- b. The term building base shall refer to the lower floors of the buildings; below 70 feet or below a setback of 15 feet or more, whichever is lower.
- c. Portions of the subject buildings that rise above the base would be governed solely by the regulations that exist in the Zoning Resolution, including tower top controls.

2) Street Level Controls:

- a. **CREATING FREQUENT GROUND FLOOR RESIDENTIAL ENTRIES & OPENINGS:**
Where retail is not provided, multiple residential entries and windows directly on the street are preferred. This helps to create a ‘New York Streetscape’ and provide a sense of security and neighborliness along the street. Where multiple entries are not possible, apartment windows or residential accessory use windows (gym, lobby, laundry, etc.) should face the streets to keep the building bases more animated.
- b. **INSPIRING A CONTINUOUS BASE EXPRESSION AND ENCOURAGING INCREASED ARCHITECTURAL DETAIL:** The Lower Base should contain continuous variety. It should be designed to tie together the various and disparate building features (i.e., entries, façade segments of upper base) and transition between different building massings along each block front. The lower base should be made up of coordinated building materials that are selected purposely due to their visual proximity to the pedestrian. Increasing architectural detail in this zone helps to create visual interest and pedestrian scaled buildings.
- c. **MITIGATING IMPACTS OF FLOOD ELEVATIONS:**
Where ground floor commercial use must be elevated for flood control and sidewalk levels are unable to be raised to match, great care should be taken to maintain a human scale in the detailing. Level changes are ideally accommodated on the interior of the store, and blank walls should be treated from the finished sidewalk level up to base flood elevation with planting, seating, artwork, flood proof glazing etc to maintain an activated street. Planting used in this regard must be lush and evergreen or otherwise provide full screening of the blank walls to at a pedestrian eye level year round.

- d. Where there are retail uses, transparent materials shall occupy no less than 50 percent of the ground floor street level wall between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher.

3) Building Base Controls:

- a. **MODULATING SCALE OF BLOCK MASSING:** Achieving multiple distinctive massings along the Upper Base of each block will ensure a more varied streetscape. This is a critical objective when a single building might take up an entire city block. Distinctive massings are achieved by introducing divisions along each block frontage, attainable by a number of measures such as a visible shift in plane, change in material, façade design, and so forth. This produces façade segments that help the block frontage appear as multiple buildings. An appropriately scaled vertical rhythm is thus established, breaking down the scale of a building/ block that could otherwise appear as a ‘superblock’.
- b. **ENHANCING FACADE SEGMENT EXPRESSION:** The divisions along each block front as described above result in a number of façade ‘segments’. Each segment should contain a variety of scales, materials, patterns, and window types/arrangements to ensure it differs from the segment adjacent to it. This differentiation in the upper base creates visual interest to further break down the scale of the building, but also allows for a variety of patterns, depths and rhythms to be expressed along the block. To achieve this smaller scale of articulation, each façade ‘segment’ should contain multiple ‘sub-segments’.
- c. **DEFINING THE TOP OF THE UPPER BASE:** The top floor that brings the building to the maximum base and mid-rise height should have architectural definition such that it creates a prominent or distinct building edge against the sky. The massing and architectural treatment of this profile edge should also reinforce the smaller scale segments of each building and block.
- d. The wall of POA Building 3 facing the MTA Parcel should achieve the above goals, however, since the opportunity for transparency is limited due to the lot line condition, measures such as landscaping, art work, and changes in materials should be introduced to provide visual interest along that façade.

ATTACHMENT B
Greenpoint Landing

Funding for the Provision of Child Care

PCRE Relating to Community Facilities

According to the analysis proved by the Environmental Impact Statement, child care funding is included as a project element in the event that Greenpoint Landing Associates or any successor in interest (GLA) new affordable housing units with incomes at or below 80% of the area median income (AMI) on any development site as a condition of the disposition of City property (the “**Child Care Eligible Affordable Housing Units**”). In order to ensure this project element is implemented, the Department of Housing Preservation and Development (HPD) is required to incorporate the following terms into restrictive declarations. HPD is further required to ensure that these restrictive declarations are recorded on any site where affordable housing units will be constructed as a condition of the sale, or as a condition of a phase of the sale, of City property. HPD will require that GLA record these documents on the appropriate sites as a condition of closing of the sale of City property (or the closing of a phase of such sale).

(a) GLA shall give the Administration of Child Services (ACS) at least one hundred and twenty days notice before requesting a Temporary Certificate of Occupancy (TCO) or Permanent Certificate of Occupancy (PCO) for any new building that would result in, when combined with all other Child Care Eligible Affordable Housing Units on the development site, the occupancy of more than 348 new Child Care Eligible Affordable Housing Units total on the development site (each such building, a “**Child Care Eligible Building**”). Such notice shall be in writing, and shall specify:

(i) the date upon which GLA expects to request a TCO or PCO for the Child Care Eligible Building,

(ii) the number of Child Care Eligible Affordable Housing Units built thus far on the development site,

(iii) the number of Child Care Eligible Affordable Housing Units to be located in the Child Care Eligible Building, and

(iv) the number of Child Care Eligible Affordable Housing Units on the development site over 126 that would result from the occupancy of the Child Care Eligible Building (the “**PCRE Affordable Units**”);

(b) GLA shall provide funding at a rate specified in Figure 1 below to provide for the appropriate number of child care slots for the amount of PCRE Affordable Units (the “**Child Care Funding Obligation**”). The amount of the Child Care Funding Obligation shall be calculated according to the appropriate Six Year Cost Per Slot for the first year of occupancy. GLA shall provide one slot for every 10 PCRE Affordable Units, rounded up to the nearest whole number of slots. Notwithstanding any of the forgoing, in no event shall the GLA be required to provide more than 19 slots for all Child Care Eligible Buildings on the development site.

Figure 1: Cost of Child Care Funding Obligation Per Slot

NYC Children's Services

NYC Planning Department Child Care Mitigation Grid

This scenario uses information at the time of Mitigation funding.

Variables:																			
Mitigation Slots		1																	
Infant SMR		\$17,226																	
Toddler SMR		\$13,311																	
Pre-school SMR		\$11,327																	
Inflation Factor		1.43%																	
		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Infant Cost	19%	\$3,273	\$3,320	\$3,367	\$3,415	\$3,464	\$3,513	\$3,563	\$3,614	\$3,665	\$3,718	\$3,771	\$3,824	\$3,879	\$3,934	\$3,990	\$4,047	\$4,105	\$4,163
Toddler Co	28%	\$3,727	\$3,780	\$3,834	\$3,889	\$3,944	\$4,000	\$4,057	\$4,115	\$4,174	\$4,233	\$4,294	\$4,355	\$4,417	\$4,480	\$4,544	\$4,609	\$4,674	\$4,741
Pre-School	53%	\$6,003	\$6,089	\$6,175	\$6,263	\$6,353	\$6,443	\$6,535	\$6,628	\$6,723	\$6,819	\$6,916	\$7,014	\$7,114	\$7,216	\$7,319	\$7,423	\$7,529	\$7,636
One Year Cost Per Slot	100%	\$13,003	\$13,188	\$13,376	\$13,567	\$13,760	\$13,957	\$14,156	\$14,357	\$14,562	\$14,770	\$14,980	\$15,194	\$15,410	\$15,630	\$15,853	\$16,079	\$16,308	\$16,540
Six Year Cost Per Slot		\$80,852	\$82,004	\$83,173	\$84,359	\$85,561	\$86,781	\$88,018	\$89,273	\$90,546	\$91,836	\$93,146	\$94,473	\$95,820					

Notes/Assumptions:

Inflation factor is CPI 5-year average for New York-Northern New Jersey-Long Island, NY-NJ-CT-PA; Series ID: CUURA101SA0, CUUSA101SA0

Mitigation slots are based on the proportionate number of affordable units that would be developed per phase (i.e., 98 of 430 in Phase I)

Slots are average total voucher slots by age for most recent full City Fiscal Year at time of calculation.

State Market Rate (SMR) is most recent GDC weekly rate for NYC from the NYS OCFS website multiplied by 52.2 weeks.

CPI is applied to current SMR to bring up to Year 1 (2020) as build year.

For each Child Care Eligible Building, GLA shall provide to ACS a payment, in a form acceptable to the City, equal to the Child Care Funding Obligation for such building (the “**Child Care Payment**”). Within 10 days of the receipt of the Child Care Payment for a Child Care Eligible Building, the City shall certify that the Child Care Payment has been made for such building. GLA shall not apply for nor accept a TCO or PCO for a Child Care Eligible Building until the City has certified to the Department of Buildings that the Child Care Payment for such building has been made.

If the terms contained herein inadvertently fail to reflect the analysis or project elements related to child care set forth in the EAS, such elements or analysis shall be deemed to be incorporated in these terms by reference. If there is any inconsistency between a project element as set forth in the EAS and as incorporated in these terms, the more restrictive provision shall apply.

In the event that, based upon the review of subsequent analysis of child care utilization and demand, the Department of City Planning determines that the Child Care Funding Obligation should not apply or could be modified, The terms herein may be modified to be consistent with the Department of City Planning determination, provided that GLA records a notice of such change against the property in the City Register’s Office.

**ATTACHMENT C
Greenpoint Landing**

Construction Standards

PCREs Related to Construction

According to the analysis proved by the Environmental Impact Statement, construction standards are included as a project element in the event that Greenpoint Landing Associates or any successor in interest (GLA) acquires land from the City pursuant to this disposition approval. In order to ensure this project element is implemented, the Department of Housing Preservation and Development (HPD) is required to incorporate the following terms into restrictive declarations, and ensure that these restrictive declarations are recorded on the sites detailed below. HPD will require that GLA record these documents on the appropriate sites as a condition of closing of the sale of City property (or the closing of a phase of such sale).

Should GLA purchase City-owned property pursuant to the disposition approval, the following construction measures shall be implement during any construction on the following sites:

1. The site provided to the City by GLA for construction of a school as a condition on the sale of City-owned property,
2. Any development on property formerly owned by the City as a condition on the sale of City-owned property, and
3. Development of and affordable housing required as a condition on the sale of the City-owned property;

These sites are referred to as the “**Construction PCRE Development Sites**” in this Attachment.

Construction Air Emission Control Measures.

Prior to commencing construction on the Construction PCRE Development Sites, GLA shall (x) develop a plan for implementation of and (y) thereafter implement, a plan for the prevention of construction air emissions from construction-related activities during the development of the Construction PCRE Development Sites, which shall contain the following measures in all substantial respects:

Diesel Equipment Reduction. Construction will minimize the use of diesel engines and maximize use of electric engines where practical;

Clean Fuel. Ultra-low sulfur diesel (ULSD) shall be used exclusively for all diesel engines throughout the Construction PCRE Development Sites;

Best Available Tailpipe Reduction Technologies. Nonroad diesel engines with a power rating of 50 horsepower (hp) or greater and controlled truck fleets (i.e., truck fleets under long-term contract with the project) including but not limited to concrete mixing and pumping trucks, shall utilize the best available tailpipe (BAT) technology for reducing DPM emissions. Diesel particle filters (DPFs) have been identified as being the tailpipe technology currently proven to have the highest reduction capability. Construction contracts shall specify that all diesel non-road engines rated at 50 hp or greater would utilize DPFs, either installed on the engine by the original equipment manufacturer (OEM) or a retrofit DPF verified by the EPA or the California Air Resources Board verification programs, and may include active DPFs, if necessary, or other technology proven to achieve equivalent emissions reduction;

Utilization of Tier 3 or Newer Equipment. All non-road construction equipment in the proposed project with a power rating of 50 hp or greater shall meet at least the USEPA's Tier 3 emissions standard;

Source Location. In order to reduce the resulting concentration increments, large emissions sources and activities such as concrete trucks and pumps shall be located away from Site 2 to the extent practicable and feasible.

Dust Control. In order to prevent the emission of dust from construction related activities the following measures shall be implemented:

Construction vehicles on site will be limited to a speed of 5 miles per hour

Tracking pads will be established at construction exits to prevent dirt from being tracked into roadways;

Truck routes within the sites shall be either watered as needed or, in cases where such routes would remain in the same place for an extended duration, the routes shall be stabilized, covered with gravel, or temporarily paved to avoid the re-suspension of dust;

All trucks hauling loose material shall be equipped with tight fitting tailgates and their loads securely covered prior to leaving the sites

Water sprays shall be used for all excavation, demolition, and transfer of spoils to ensure that materials are dampened as necessary to avoid the suspension of dust into the air;

Loose materials shall be watered, stabilized with a biodegradable suppressing agent, or covered; and

All necessary measures shall be implemented to ensure that the New York City Air Pollution Control Code regulating construction-related dust emissions is followed;

All construction sites shall be surrounded by perimeter fencing that would help contain fugitive dust emissions; and

Idle Restriction. On-site vehicle idle time will be restricted to three minutes for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine;

GLA shall include contractual requirements with its contractors (and require the contractors to include enforceable contractual requirements with their subcontractors) to implement in all material respects the provisions of this Attachment, with respect to applicable work at the Construction PCRE Development Sites. GLA shall provide a contact for community residents to report any concerns or observations they have during construction or remediation activities.

Construction Noise Reduction Measures

Prior to commencing construction on the Construction PCRE Development Sites, GLA shall (x) develop a plan for implementation of, and (y) thereafter implement, a plan for the reduction of construction noise from construction-related activities during the development of the Construction PCRE Development Sites shall contain the following measures:

Equipment that meets the sound level standards specified in Subchapter 5 of the New York City Noise Control Code will be utilized from the start of construction;

As early in the construction period as logistics will allow, diesel- or gas-powered equipment will be replaced with electrical-powered equipment such as welders, water pumps, bench saws, and table saws (i.e., early electrification) to the extent feasible and practical;

Where feasible and practical, construction sites will be configured to minimize back-up alarm noise;

All trucks shall not be allowed to idle more than three minutes at the construction site based upon New York City Local Law;

Contractors and subcontractors shall be required to properly maintain their equipment and mufflers;

Where logistics allow to the extent feasible and practical, noisy equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, will be located away from and shielded from sensitive receptor locations. Once building foundations are completed, delivery trucks would operate behind construction fences, where possible;

Noise barriers constructed from plywood or other materials shall be utilized to provide shielding (e.g., the construction sites would have a minimum 12-foot barrier and, where logistics allow, truck deliveries shall take place behind these barriers once building foundations are completed);

Path noise control measures (i.e., portable noise barriers, panels, enclosures, and acoustical tents, where feasible) shall be used for certain dominant noise equipment to the extent feasible and practical, i.e., asphalt pavers, drill rigs, excavators with ram hoe, hoists, impact wrenches, jackhammers, power trowels, powder actuated devices, rivet busters, rock drills, concrete saws, and sledge hammers.

GLA shall include enforceable contractual requirements with its contractors (and require the contractors to include enforceable contractual requirements with their subcontractors) to implement in all material respects the provisions of this Attachment with respect to applicable work at the Construction PCRE Development Sites. GLA shall provide a contact for community residents to report any concerns or observations they have during construction or remediation activities.

If the terms contained herein inadvertently fail to reflect the analysis or project elements related to construction set forth in the EAS, such elements or analysis shall be deemed to be incorporated in these terms by reference. If there is any inconsistency between a project element as set forth in the EAS and as incorporated in these terms, the more restrictive provision shall apply.

In the event that, based upon the review of subsequent analysis of construction on the Construction PCRE Development Sites, the Department of City Planning determines that the construction standards should not apply or could be modified, The terms herein may be modified to be consistent with the Department of City Planning determination, provided that GLA records a notice of such change against the property in the City Register's Office.



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **140019 HAK**Project Name: **Greenpoint Landing**

CEQR Number: 14DCP004K

Borough(s): Brooklyn

Community District Number(s): 1

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

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (8-digit application number), e.g., "CB Recommendation #C10000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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:

13 JUL 31 3:5

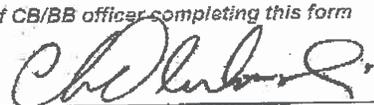
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:

- the designation of property located at 16 DuPont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32) as an Urban Development Action Area; and
- an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of 431 units of affordable housing and 1.4 acres of new parkland, for the Borough of Brooklyn, Community Board 1.

Applicant(s): Department of Housing Preservation & Development 100 Gold Street New York, NY 10038		Applicant's Representative: Jack Hammer Department of Housing Preservation & Development 100 Gold Street New York, NY 10038
Recommendation submitted by: Brooklyn Community Board No. 1		
Date of public hearing: Aug. 13, 2013	Location: Automotive High School 50 Bedford Ave., Bklyn, NY 1122	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
Date of Vote: Sept. 9, 2013	Location: SWINGING 60's SENIOR CITIZEN CENTER 211 AINSLIE ST. BROOKLYN, NY 11211	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary. SEE ATTACHED REPORT		
Voting # In Favor: 32 # Against: 4 # Abstaining: 1 Total members appointed to the board: 50		
Name of CB/BB officer completing this form  CHRISTOPHER H. OLECHOWSKI	Title CHAIRMAN	Date SEPT. 10, 2013



COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, N.Y. 11211-2429

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: bk01@cb.nyc.gov

Website: www.nyc.gov/brooklyncb1

HON. MARTY MARROWITZ
BROOKLYN BOROUGH PRESIDENT



RABBI JOSEPH WEBER
FIRST VICE-CHAIRMAN

DEL TEAGUE
SECOND VICE-CHAIRPERSON

STEPHEN J. WEDBERG
THIRD VICE-CHAIRPERSON

DEALICE FULLER
FINANCIAL SECRETARY

ISRAEL ROSARIO
RECORDING SECRETARY

PHILIP A. CAPONEGRO
MEMBER-AT-LARGE

CHRISTOPHER H. OLECHOWSKI
CHAIRMAN

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 35th CD

HON. DIANA REYNA
COUNCILMEMBER, 34th CD

August 28, 2013

COMMITTEE REPORT

TO: Chairman Christopher H. Olechowski and
CB #1 Board Members

FROM: Del Teague, Committee Chair
Land Use, ULURP and Landmarks (subcom.) Committee

RE: CB #1 Land Use, ULURP and Landmarks (subcom.) Committee
Recommendations For 77 Commercial Street and
Greenpoint Landing Proposals

On December 6, 2004 Brooklyn Community Board No. 1 opposed The NYC Department of City Planning's 2005 Rezoning proposal when it conducted its review. The board noted in its report that "...these areas of our community were in need of rezoning, but that the Department of City Planning's rezoning proposal did not meet the Community's needs."

The Board recognized that the rezoning plan did not adequately address the vital issues of economic development, affordable housing, parks, open space, building height and bulk.

In addition, The Points of Agreement adopted by both the City Council and the Mayor's Office were conceived without Community Board #1's input. These points were never consummated. Promises made on May 1, 2005 regarding affordable housing were never delivered and parks were never built!

We are now being asked to review the two remaining large tracts of property that complete the assemblage of our waterfront.

We must again say "Disapprove" (with modifications/conditions) to the Administration's attempt to plan for our community and not with our community.

~~L 77 COMMERCIAL STREET - City Planning (Application # C 140047 ZSK) - 77 Commercial Street: In the matter of an application submitted by Waterview at Greenpoint LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developments on land and platforms) and Section 62-354 (Special height and setback regulations) in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, Borough of Brooklyn, Community District 1.~~

II. GREENPOINT LANDING - City Planning (Application # 140019 HAK) - Greenpoint Landing: In the matter of an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
 - 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;
- to facilitate development of 431 units of affordable housing and 1.4 acres of new parkland, for the Borough of Brooklyn, Community Board 1.

RESOLUTION: DISAPPROVE WITH MODIFICATIONS/CONDITIONS

The committee recommends disapproval unless the following conditions are met:

- 1.) Floor Area from the School's site and Air Rights from Park site: this use is contingent on every as-of-right building being subject to the filing of an Inclusionary Housing Plan and is subject to approval by the Commissioner of HPD (affordability is to be in perpetuity).
- 2.) We also insist that the costs for amenities (including parking) are to be discounted for residents of the affordable units.
- 3.) Affordable units are to be integrated below the 7th floor in the tower or market rate parts of the proposed development.
- 4.) Affordable Housing - The developer must provide a wider range of unit sizes and eligibility by adjusting the proposed sizes of the apartments and lowering the AMI percentages as follows:
 - Carve out of affordable units - approximately 100 of the affordable housing units be specifically earmarked for senior citizens/disabled, 30% AMI and lower, utilizing senior housing funding from HUD Section 202/Section 8 programs (this funding source prefers smaller units for seniors, i.e. more studios, allowing for more housing units to be constructed). This is from HPD property being transferred to Greenpoint Landing. Since 202 units are all studios, it may be feasible to increase the number of affordable housing units in the same floor area that the City was devoting for the 431 units of affordable housing allowance.
 - The balance of the units are to be developed as follows:

30%	studio apartments
35%	1 - bedroom apartments
30%	2 - bedroom apartments
5%	3 - bedroom apartments

with the following income breakdowns:

60%	of the units for 40% AMI
20%	of the units for 50% AMI
20%	of the units for 60% AMI

- 5.) Reservation of units for Community Preference - At the minimum, 50% of community preference for the lottery should result in CB #1 residents, including displaced former residents since the 2005 rezoning was adopted, and be prioritized to obtain the lowest AMI (40%-60% AMI).
- 6.) The Developer must avail itself to other programs and funding sources that would make the proposed units more affordable with a lower AMI (programs such as HDC's LAMP, as well as NYS HCR's 80/20, bonds and tax credits). Other funding sources could be discretionary funding from the Council Member and Brooklyn Borough President. The developer should apply for funding before deadlines expire to achieve the community's desired AMI. The developer should avail itself to NYS HCR's announced pre-registration workshops in NYC on September 10, 2013 and meet deadlines for funding of applications (October 10, 2013).
- 7.) The proceeds from the sale of lot 32 are not to go into the City's General Fund, but are to go back to the community.
- 8.) If the cost of the park's development increases, the developer's portion will increase in proportion to the amount originally contributed.
- 9.) The proposed school (640 seats/Pre K - 8th Grade) at the Dupont Street site will not be a charter school and will remain a district school (SD14). We yield to District 14 to work with the Department of Education for the programming and analysis of the community's needs. Within one year of commencing on the design of the school, in order to plan for the appropriate size of the elementary school and intermediate school components, they are to address projected needs based on most up to date information.



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

22 Reade Street, New York, NY 10007

FAX # (212) 720-3356

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 # 140019 HAK; 140020 – 140023 HAK; 140024 – 140027 ZCK; 140028 ZRK:

Greenpoint Landing

In the matter of applications submitted by the Department of Housing Preservation and Development and Greenpoint Landing Associates LLC pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter for: a) the designation of property located at 16 DuPont Street and 219 West Street as an Urban Development Action Area and an Urban Development Action Area for such area; b) zoning text amendments to modify height and setback, lot coverage and yard controls for a 640 seat public school and exempt such floor school space from definition of floor area; and, c) for the disposition of such property to a developer to facilitate development of 431 units of affordable housing, 276 units of market rate housing, and 1.4 acres of new parkland.

COMMUNITY DISTRICT NO.

1

BOROUGH OF BROOKLYN

RECOMMENDATION

140019 HAK; 140020 – 140023 HAK; 140024 – 140027 ZCK; 140028 ZRK

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

Report to follow

BOROUGH PRESIDENT

October 4, 2013

DATE

RECOMMENDATION FOR GREENPOINT LANDING

**140019 HAK; 140020 – 140023 HAK; 140024 – 140027 ZCK;
140028 ZRK**

These applications by the Department of Housing Preservation and Development (HPD) and Greenpoint Landing Associates LLC (GLA) requests land use approvals for the disposition of city-owned land and conveyance of development rights attributable to the remainder of Lot 32; Zoning Text Amendments to establish the permitted building envelope for the proposed public school use, and to allow floor space used by the schools within a upland Greenpoint Landing Associates property to be exempt from the definition of floor area; to allow park use on new Parcel 5e to generate floor area notwithstanding its intended future use as publicly accessible open space; UDAAP designation; a Restrictive Declaration Amendment; Zoning Certifications for Waterfront Access; Zoning Authorizations and HPD or HDC financing in order to facilitate the redevelopment of an underutilized, partially-vacant waterfront property in the Greenpoint community. In a related action, the School Construction Authority (SCA) is pursuing site selection and acquisition of real property for a proposed PS/IS school.

GLA seeks to develop a mixed-use project on the Greenpoint waterfront that would facilitate 431 units of affordable housing, 276 units of market-rate housing and would generate funding for a 1.4 acre expansion of Newtown Barge Playground and a new school.

PUBLIC HEARING

The Borough President held his public hearing on these applications on September 17, 2013. Staff of the Borough President expressed concern on his behalf dealing with the lack of available affordable senior housing throughout the borough. Borough President staff also shared his concerns with regards to reaching varying levels of affordability, and that such units be permanently affordable. Given infrastructure constraints, the Borough President's staff was seeking more information regarding what other possible mitigations might be implemented for the benefit of the community.

Twelve speakers provided testimony with the majority testifying against the proposed project. Representatives from Neighbors Allied for Good Growth, the Greenpoint Waterfront Association for Parks and Planning, Dog Alliance within Greenpoint as well as concerned residents raised issues that included the lack of open space, land toxicity and inappropriateness of existing infrastructure within the area to support a project of this scale. Testimony regarding site toxicity included detailed health issues that perhaps are linked to the toxins within the neighborhood. There is concern that it would be dangerous to dig up the land due to the potential to release toxins in the air, thus furthering health risks. Those citing the lack of infrastructure to support such an influx of residents voiced concerns pertaining to the strain of public transportation, streets in disrepair, traffic and areas already experiencing flooding.

CONSIDERATION

CB1 voted to disapprove these applications unless a number of changes are made to the proposal. These include: 1) conditioning approvals on the developer's commitment to build pursuant to affordable housing zoning provisions for all buildings; 2) discounting costs of amenities for residents of affordable units; 3) integrating affordable units within market rate buildings; 4) earmarking 100 of the affordable housing units for senior citizens or the disabled, with the remainder of the affordable apartments achieved at: 60% at 40% Area Median Income (AMI), 20% at 50% AMI and 20% at 60% AMI, with five percent being 3-bedroom apartments; 5) ensuring the affordable housing lottery's fifty

percent community preference will include displaced former CD 1 residents; 6) dedicating the proceeds of the sale of lot 32 for public open space; 7) the developer's financial contribution to park development costs in excess of the current earmarking of funds; 8) the proposed school be a public school (not a charter).

The proposed land use actions will allow for the redevelopment of an underutilized, partially vacant waterfront property. The property currently contains open vehicle and equipment storage and a sludge tank, which will be replaced with a mixed-use, primarily residential development, including four apartment buildings, affordable housing, a new school building and new publicly accessible open space, a 59,676 square foot (sf) city parcel into an expansion of the adjoining Newtown Barge Playground. With this addition, the existing park would be expanded from approximately 0.98 acres to approximately 2.27 acres. In addition, there would be a waterfront access network of over an approximately half-mile stretch of Greenpoint's waterfront, as well as ground floor retail. The project also includes the extension of a block of West Street between DuPont and Eagle streets, which is currently mapped but not built. It would operate northbound, one-way, similar to the existing block to the south.

Incremental development would include the following: 707 dwelling units (DUs) comprised of approximately 431 affordable housing DUs and approximately 276 market rate DUs; approximately 4,900 sf of local retail space; approximately 120,000 sf of community facility space housing a 640-seat public elementary/intermediate school; approximately 28,353 sf of public open space and approximately 253 accessory parking spaces.

It is expected that GLA will proceed in a similar time frame with as-of-right development on other sites it owns in the Greenpoint Landing development area, resulting in two new buildings with an anticipated 1,087 DUs, including 898 market rate DUs and 189 affordable housing DUs, 3,300 sf of retail space, 461 accessory parking spaces, and 35,336 sf of publicly accessible open space.

GLA seeks to receive city-owned property and development rights, attributable to city-owned land, so as to incorporate the land and development rights into the overall project. The disposition includes the sale in fee of 73,389 sf and the transfer of development rights attributable to an additional 59,676 sf city-owned parcel. The development rights would afford GLA nearly 590,000 sf of floor area. As a condition of conveyance, GLA would be obligated to build 431 units of affordable housing with a portion of these development rights, per a commitment made by the City under "Points of Agreement" (the "POA") entered into at the time of the adoption of the Greenpoint-Williamsburg Rezoning in 2005.

Subject to the City providing sufficient subsidies, GLA would build 431 affordable units: 10% at <40% AMI (43 units); 40% at <60% AMI (169 units); 25% at <80% AMI (108 units); 25% at <120% AMI (108 units). GLA would develop the POA units on two sites, fronting Commerce and Eagle streets on the land currently owned by GLA. The City and GLA have identified the site at the corner of Eagle and West Streets as the location of the first phase of these units, with closing for those units anticipated to occur in December 2013. Remaining development rights, estimated at approximately 235,000 sf, would be used by GLA for any use allowed by the Zoning Resolution. GLA intends to use the approximate 235,000 sf of the 589,481 sf of area generated for the development of approximately 276 market rate housing units, which would be built in compliance with the maximum permitted building envelopes. The City parcel would be disposed of in three closings starting with 98 units at Eagle Street, and in connection with each closing GLA would agree to build affordable housing containing POA units in each parcel.

The proposed Newtown Barge Playground Expansion area would not be pursuant to establishing parkland on the City Map. This approximately 60,000 sf city-owned property would be under the jurisdiction of the Department of Parks and Recreation and it would function as an expansion of the existing Newtown Barge Playground, which is mapped parkland. The city is retaining Parcel 5b as a public park. The zoning text amendment would ensure that the development rights generated by this currently vacant property would remain available to create new housing, including a substantial number of affordable housing units. The vacant property would be converted into an approximately 1.3 acre park expansion in an area where there is limited public open space.

The proposed school would serve, in a facility of approximately 120,000 sf, pre-K through eighth grade with 640 seats. GLA would lease the land to the SCA for a nominal amount to enable the SCA to build a new school on the site. GLA would retain the development rights generated by this land.

A zoning text amendment to ZR §62-351 would allow property with park use to generate floor area notwithstanding its intended future use as a publicly accessible open space. The amendment would apply to the portion of the parcel that would be retained by the City but would have its development rights transferred to GLA.

The zoning text amendment to ZR §62-931, along with the creation of a new Waterfront Access Plan (WAP) Parcel 5d fronting DuPont Street, would allow Block 2494, Lot 1 to be developed as an affordable housing project and public school prior to certification of the WAP for Parcel 5c, a property not expected to be developed for several years, and thus not having plans prepared for the required certification to demonstrate compliance with the WAP. Block 2494, Lot 1 is located east of West Street and does not front on the waterfront. The text amendment would specify that waterfront public access area requirements generated by the new Parcel 5d would continue to be required at such time as parcel 5c is developed. Enabling the remaining smaller WAP Parcel 5b fronting Eagle Street to be developed by the GLA without designing the waterfront access areas on new Parcel 5e would allow GLA to develop "POA" affordable housing units before GLA is required to undergo review of its waterfront access area plans for sites that will not be developed for several years.

A zoning text amendment would modify height and setback, lot coverage and yard controls for a public school in new WAP Parcel 5d. It would also allow for floor space used by the school, up to a maximum of 120,000 sf, to be exempt from the definition of floor area. The existing bulk regulations on the site limit maximum building height to 65 feet or 6 stories, whichever is less. This amendment would permit school uses to have a maximum height of 100 feet without a setback. Applicable yard and lot coverage requirements would also be modified to permit a building that entirely covers Parcel 5d. These changes would establish a permitted building envelope that matches the SCA required volume for a school. The text amendment would also create needed school space without "penalizing" GLA with a loss of floor area (for residential development). The amendment would enable SCA honor commitments made in the 2005 Final Environmental Impact Statement (FEIS) to increase schools' seats. These seats intend to mitigate adverse impacts associated with the City's 2005 rezoning.

The proposed school, although taller than allowed under current zoning, would provide a transition between the taller buildings being constructed along the waterfront and the lower and mid-rise buildings on inland blocks in Greenpoint. Without this amendment, SCA indicates that it would not be able to accommodate the school's programmatic needs and provide the intended 640-seat capacity. It would be developed by SCA as an elementary/intermediate school.

The Restrictive Declaration would be amended to allow for the use of City development rights by GLA between existing Parcels 5a, 5b and 5c.

The City is also making additional subsidies available to GLA for two additional affordable housing projects under the city LAMP program. The LAMP projects would not be comprised of POA units; this would occur independent of the Proposed Project.

Guidelines would apply to the building bases and at the street level of the buildings subject to these controls, including transparency and articulation requirements to achieve a more varied streetscape with multiple residential entries, retail or windows on the ground floor and a variety of façade segments along the upper bases. The proposed urban design guidelines are intended to ensure a high quality pedestrian experience and an active streetscape along the proposed building frontages along streets, public parks and waterfront public access areas.

The Borough President believes the proposed actions are consistent with the public policies in the area.

The Borough President supports the proposed land use actions as they are consistent with the public policies recently established for the area and the 2005 rezoning initiative. It includes the redevelopment of vacant city-owned land, the provision of affordable housing, public open space and a new public school in an area experiencing substantial new residential growth. The new development would be at a density and building scale compatible with other new development occurring along the waterfront pursuant to the City's 2005 rezoning.

The Borough President believes that the proposed action is beneficial in that it would facilitate the development of a substantial number of affordable housing units through the development rights associated with the adjacent City parcel, while also allowing for the improvement of the remainder of the City parcel as an expansion of Newtown Barge Playground. Other benefits would include the construction of a new school building in a section of Greenpoint with a growing residential population, and the production of a more cohesive development plan that better links the northern and southern portions of Greenpoint Landing.

The proposed action would also enhance and upgrade a currently inaccessible waterfront area to provide waterfront access. The proposal includes more than an acre of publicly accessible open space which would include a waterfront esplanade and upland connections to public streets and sidewalks, providing recreation space integrated with nearby parks.

The West Street extension would improve neighborhood connectivity and better link the study area with the surrounding blocks to the south.

The open space provided would enhance the residential uses developed in the area. The public open space would provide high quality facilities on the waterfront with views to the water and Manhattan and Queens skylines, with upland connections and visual corridors linking to the upland street network.

While the Borough President is generally supportive of the proposal, he shares CB1's concerns regarding affordable housing and he harbors additional concerns including: the earmarking of funds specific to open space, site remediation, capacity for child care for lower income households,

affordability of property amenities, adequacy of school capacity, access to public transit, and concern for pedestrian safety.

Affordable Housing

The Borough President is committed to providing opportunities for Brooklyn's working families to have access to affordable housing. This commitment is followed through in each discretionary land use action that seeks his approval, as he advocates for "Affordable Forever" measures wherever possible. When applicable, it is the Borough President's policy for new residential developments, subject to ULURP, to provide a minimum of 20 percent affordable units. He believes development in this section of Greenpoint should be affordable to area families.

The Borough President believes that the increasing demand for senior citizen housing should be addressed where appropriate. Many seniors continue to live in substandard accommodations and/or are forced to spend an excessive amount of their income on their housing. The increasing demand for decent affordable senior citizen housing is not being met by the rate of production and needs to be addressed through the construction of quality accommodations.

Greenpoint is a neighborhood in transition, with prevailing housing trends including: rising rents, an increase in housing units, increasing median household incomes and decreasing population. Median household income increased by 37.76 percent (between 1999 and 2006-2010), as did median gross rent (from \$832 to \$1,202). Residents living below the poverty level experienced a decrease by 41.7 percent (between 1999 and 2006-2010). Between 2000 and 2010, the study area's population decreased by approximately 8.6%. 784 affordable housing units were also added to the Greenpoint area housing market between 2000 and 2010 (13 percent increase). Taking into account increasing vacancy rates, between 2000 and 2010, 335 housing units were added to the market. Prevailing trends suggest further displacement of lower-income Greenpoint residents as well as displacement increasing among moderate and middle income projects.

In order for the community to benefit from the maximum number of affordable housing units, the development of Greenpoint Landing would need to be pursuant for the filing of an Inclusionary Housing Plan (IHP) as part of the filing with the Department of Buildings to authorize construction. The majority of GPL is not affiliated with the applications before the Borough President. However he believes that all the potential affordable units from GPL should be achieved. The Zoning bonus provides for twenty percent of the floor area bonus to be for market-rate development. In addition, the towers can increase in height by several more floors, which result in more lucrative rental or sales prices for the as-of-right floor area that would be shifted to higher floors. Finally, the zoning allows the affordable units to be facilitated by government financing. The provision of the affordable housing results in qualifying for the real estate tax benefit. Collectively, these are strong incentive to entice developers to provide affordable housing but it is not a guarantee. The Borough President believes it is appropriate for GLA to commit to participation in the IHP for all of its as-of-right development as part of GPL as a condition of the approvals under consideration. In a letter dated October 4, 2013 (attached), GLA expressed its intent to develop all the buildings according to an IHP.

The Borough President believes that all POA units should be permanently affordable. When new affordable units are created, it is always a concern of the Borough President regarding the number of years they can be kept affordable. In areas where new developments can be realized on city-owned sites, it should be a policy of the City to minimize the loss of affordable housing. Measures need to be put in place in order to ensure that these residences can remain as affordable options for the city's

residents. In the letter dated October 4, 2013, GLA agrees that 216 units would be permanently affordable.

The POA units should include a binding commitment for senior housing. Despite the approximately 800 units of affordable housing built in Community District 1, these units have not been earmarked for seniors. In addition, the hundreds of anticipated affordable units that would be developed according to the Inclusionary Zoning floor area bonus are also not expected to be earmarked for seniors. Outside of City-owned sites, there are virtually no opportunities to provide for seniors.

The Borough President believes that such affordable housing for seniors can be accomplished according to the Federal Section 202 program, Section 8 and/or any other government sources. Senior units can be accommodated with creative approaches beyond merely the 202 program. In the letter dated October 4, 2013, GLA agrees to work with the Department of Housing Preservation and Development (HPD) and the City's Housing Development Corporation for the remaining phases of the POA development.

Due to affordable housing units for seniors tending to be studios, with some extra space devoted to common facilities, it is likely that 100 such units would require less floor area than 100 units of family housing. Therefore, the Borough President believes that the Points of Agreement calling for 431 units should be updated to be reflective of the floor area that this was to represent, but given the call for elderly units, that it would be expected that more units would be achieved as part of the POA. In the letter dated October 4, 2013, GLA expressed its intent to develop all the allotted floor area from the city-owned site as affordable housing.

The Borough President is concerned that, as rents continue to rise the displacement trend is affecting more than low-income residents in Greenpoint. The predominant rental-stock in the neighborhood is not rent stabilized, therefore, as homes sell, it is likely that any rental units in these homes would be a great risk for rental increases that lead to displacement. In addition, when leases expire in such homes, it is also possible that landlords might increase rent beyond the means of tenants. Given the trend for rent in Greenpoint, it is likely that many of these households that could be at-risk for displacement would be over-income for the maximum 60 percent AMI requested by CB 1.

As for the nearly 800 units of affordable housing recently added to the community, the vast majority have been the result of developers utilizing the City's Inclusionary Housing Program which limits AMI to not exceed 80 percent. Given available financing and the implications of qualifying for the 421-a Real Estate Tax relief, the units typically going forward would be available to households ranging from a handful of units at less than 40 percent AMI to not exceeding 80 percent. The Borough President believes that it is important to also accommodate households earning more than 80 percent AMI. He believes having rental tiers at 60 percent, 80 percent, 100 percent and 120 percent, with eligibility up to 130 percent AMI provides an opportunity for certain Greenpoint residents to remain in the community. These POA sites are perhaps one of the few opportunities to accommodate households exceeding 80 percent AMI. There would be hundreds of additional Inclusionary Zoning linked affordable units that would be expected to rent for those earning up to 80 percent AMI. Depending on program availability, such as LAMP and federal tax-income credits, the Borough President expects a reasonable percentage would be for households not exceeding 60 percent AMI. Therefore, the Borough President believes these POA units must at least provide some opportunity for those earning more than 80 percent AMI to address moderate and middle income households. In the letter dated October 4, 2013, GLA agreed with the Borough President's recommendation.

The Borough President supports CB1's recommendation to have at least five percent of the non-senior units contain three-bedrooms. He believes by having such units, more families would be able to potentially benefit from the affordable housing being made available and thus have an opportunity to remain in the neighborhood. It would be appropriate to have a provision for three-bedroom units incorporated in the Land Disposition Agreement. In a letter dated October 4, 2013, GLA expressed a willingness to provide such units within the floor area being designated for affordable housing.

As part of the Borough President's consideration for his recommendation issued for the 2005 rezoning of the Williamsburg and Greenpoint waterfront, he expressed his belief that it was time for a radical shift in City policy that would result in adequate considerations for those who would become displaced to be able to return to their community through newly produced affordable housing. He recommended that local preference be also affordable to those that were displaced from the neighborhood. Fortunately, the Department of Housing Preservation and Development has made this official policy for Community District 1. In order to assure that this policy remains in place for the entire GPL development, the Borough President believes it would be appropriate to cement this policy in the Land Disposition Agreement (LDA) or some equivalent mechanism. In the letter dated October 4, 2013, GLA expressed its support for this policy for both its POA units and all the other GPL units subject to HPD.

The Borough President believes that the City Council should seek a commitment from the Administration prior to approval of the requested land use actions for: all POA units to be permanently affordable, with 100 set aside for seniors and with a corresponding increase in the number of POA units, with rent for units to not exceed 120% AMI with eligibility not exceeding 130% AMI, and that five percent of such housing be three-bedroom units; and the fifty percent community preference should continue to include those displaced from the community. Such commitments should be incorporated in the LDA with the developer or some comparable mechanism.

Funding Open Space

The Borough President is concerned that the \$2.5 million from the sale of Lot 32, which is slated to pay for the expansion of Newtown Barge Playground, may instead be funneled into the City's General Fund. The Borough President believes that the \$2.5 million from the sale of Lot 32 should be placed in a Trust and Agency Fund to cover the capital cost. In the letter dated October 4, 2013, GLA expressed intent to enter into a funding agreement to secure its payment and agrees that proceeds be assured.

The Borough President is also concerned that there are no assurances of additional funding for the expansion of Newtown Barge Playground should unforeseen construction costs arise. Since parkland development along the waterfront is difficult to budget to unforeseen site conditions, the Borough President is concerned that the \$7 million budgeted for the Newtown Creek Barge Playground Expansion might prove insufficient to construct a park worthy of the Greenpoint community, which has long awaited this additional open space. Moreover, the Borough President also believes that if an ideal design should need additional funding, the developer should commit to covering 35% of the budget increases.

In addition, the Greenpoint-Williamsburg Waterfront Access Plan, which calls for a continuous shore public walkway running from the end of Manhattan Avenue in Greenpoint to the end of N. 3rd Street in Williamsburg, would remain unfulfilled along the project's southern section – from Eagle Street to Green Street – for the near term, as construction of privately held sections is dependent on as-of-right zoning obligations. Even with the complete build out of Parcel 5A, Parcel 5B and Parcel 5E (Newtown Barge Playground expansion), the waterfront shore public walkway would be discontinuous for nearly

a quarter mile along the East River as the EAS discloses that it would be neither practical nor desirable to provide waterfront open space on the Parcel 5c waterfront properties before the buildings on those sites were constructed.

While logistic issues may deter GLA from developing its entire waterfront walkway obligation at this time, the Borough President urges GLA to proceed with WAP submissions for certification review by the Department of City Planning (DCP) in advance of building designs and develop a plan to achieve continuous waterfront access as promptly as feasible.

The Borough President believes that it would be appropriate for the City Council to obtain the following commitments from the Administration: establishment of a Trust and Agency Fund to hold funds for the expansion of Newtown Barge Playground; allocation of additional funds if the parks design warrants it; and the expediting of designs for GLA's remaining waterfront sites.

Site Remediation

In response to concerns regarding cleaning up the contamination of these sites, it should be noted that the 2005 *Greenpoint-Williamsburg Rezoning* includes designations for hazardous materials, according to E-138, for Lots 32 and 100 on Block 2472 and Lots 1 and 6 on Block 2494. These would remain in effect as a condition of obtaining a building permit. They require that a remediation plan be developed and implemented to the satisfaction of the Office of Environmental Remediation (OER). A new E-317 would be established. The school site would be addressed in a Memorandum of Understanding that would be recorded.

The Department of Buildings will not issue a building permit until the environmental requirements for the (E) designation are satisfied. For hazardous materials (E) designations, the environmental requirements are that a testing and sampling protocol be conducted and a remediation plan be developed and implemented where appropriate, to the satisfaction of the Mayor's Office of Environmental Remediation (OER). The measures required include Health and Safety Plans (HASPs) during site investigation work and remediation/construction and plans for the safe disposal of soil and construction debris.

Any petroleum storage tanks encountered would be registered, properly assessed, and removed along with any contaminated soil, in accordance with all applicable regulatory requirements, including New York State Department of Environmental Conservation (NYSDEC) requirements, for spill reporting and cleanup. However, recent community experience with Brownfield cleanups have apparently resulted in incidents of fugitive dust emissions, trafficking of dust, including unwashed trucks idling, and the resulting burning of diesel fuels. Excessive noise and vibration were reported where pile driving took place.

It is expected that all appropriate fugitive dust control measures—including watering of exposed areas and dust covers for trucks—would be employed during construction. Further, to minimize fugitive dust emissions, vehicles on-site would be limited to a speed of 5 mph, and water would be used to wet working surfaces. Storage piles would be covered. Exposed areas would be stabilized after disturbances to minimize dust. Tracking pads would be established at construction exits to prevent dirt from being tracked onto roadways. Dust associated with demolition activities would be controlled with misting systems. Developers have at times implemented a diesel particulate matter (DPM) emissions reduction program as another technique to minimize particulate concerns.

According to State Department of Environmental Conservation, the developer's environmental consultant is responsible for monitoring contamination related tasks and certifying that proper steps are taken according to an approved work plan. The Department of Buildings regulates pile driving.

The Borough President believes that the developer should promote a good neighbor policy by establishing a community liaison to be accessible to area residents and share frequent construction updates commencing from site clearance to TCO. He calls on the City Council to seek such a commitment.

Child Care

The Borough President is concerned that there might not be affordable child care accommodations in proximity to the anticipated more than 1,000 affordable housing units. Mitigation measures identified in the 2005 *Greenpoint-Williamsburg Rezoning FEIS* and subsequent Technical Memorandum included adding capacity to existing facilities or providing a new child care facility within or near the rezoning area. It was concluded that the Administration for Children's Services (ACS) would monitor development in the rezoning area and respond accordingly to provide the capacity when needed.

The "Points of Agreement" (POA) that the City entered into at the time of the rezoning also states "the Administration agrees to monitor the amount of development in the rezoning area on an annual basis. The Administration agreed to submit to the Council Members for the area by letter an annual report updating needs analysis and planning mitigations, where applicable, from relevant agencies for schools, day care, hospitals, fire protection, police service, and bus and subway service.

It is expected that 20 slots for publically-funded child care would be created, though there would still be a shortfall of 338 seats.

GLA has suggested two ways to mitigate significant adverse impacts of their proposal. The first concerns the provision of child care for children from eligible households in the developed area. In accordance with the terms of a Restrictive Declaration to be recorded against GLA's property, GLA would provide funding for publicly-funded child care to the extent determined to be required by the ACS. ACS would determine required funding following an assessment conducted as part of the building permit for construction application (which specifies the number of affordable housing units available to residents at or below 80 percent of the area media income (AMI)).

The Borough President believes that the City, and ACS in particular, should identify needs for publicly-funded child care and planned mitigation to address the impacts disclosed for the City-initiated rezoning.

The Borough President believes that it would be appropriate to obligate the developers to first offer retail space to ACS prior to marketing for retail users. ACS should respond to developers within 90 days whether it is interested in leasing such space. In the letter dated October 4, 2013, GLA agreed to maintain a contact for the community and local leaders during construction. He calls on the City Council to seek such a commitment be adequately memorialized.

Affordable On-Site Amenities

According to a September 9, 2013 letter submitted by GLA to CB 1, it was noted that all residents of GPL would be eligible to take a private shuttle service to Long Island City for connection to the 7 train when that amenity is instituted. No other reference was made regarding this shuttle service in terms of frequency of this route. The Borough President believes that the GLA should develop an intent of

what triggers the establishment of this service and what triggers implementation of additional services to increase frequency of such shuttle service. He believes initiation of such service and increasing service frequency should be tied to the issuance of Certificate of Occupancy (or TCO) exceeding a collective threshold of number of units. In the letter dated October 4, 2013, GLA expressed that it would start shuttle service when approximately 500 units are occupied. This should be memorialized in the LDA or an equivalent mechanism.

The September letter to B1 and the October 4 letter noted that if there would be a fee for such service, those residing in the affordable units would pay a discounted fare. The Borough President believes that such a fee for any resident is an added burden, as a fare would still be required to ride public transit service. He believes GLA should offer this service, without charging a fare, for all residents.

The Borough President is concerned that households owning cars and occupying the affordable units would not be able to park easily in the neighborhood without on-site affordable garage accommodations.

Though the EAS anticipates a surplus of approximately 104 spaces during the overnight peak period for residential demand, the Borough President believes that as additional development occurs, this supply would dwindle. Given the limited number of overnight spaces projected to be available in the northern section of Greenpoint, it would improve the quality-of-life for the households in the affordable units to be able to obtain on-site parking at less than market-rate cost. Therefore, the overall GPL should make accommodations for those in the affordable units to have an affordable opportunity to secure parking. The September 9, 2013 and October 4, 2013 letters also noted that parking rates for the affordable units would be discounted, though no rate was indicated. The Borough President believes such a charge should not exceed fifty percent of market rate rental charges. This should be cemented in the LDA or some equivalent mechanism.

The Borough President applauds GLA for its September 9, 2013 letter to CB 1 which notes that for the first POA development that there will be a community room and bike room provided at no cost to the residents. He would expect equivalent amenities provided without cost for the remaining POA units. In addition, whatever in-building amenities provided to market rate units that are developed, pursuant to the filing of an Inclusionary Housing Plan, should be provided to the affordable units at a fee not exceeding fifty percent of the market rate fee. In the October 4, 2013 letter, GLA expressed intent to make possible amenities available in the same manner for all its tenants. Such commitment should be cemented in the LDA or some equivalent mechanism.

The City Council should seek commitments that memorialize: the initiation of shuttle services and expanded frequency of such service; that such service be free; the parking rental cost be reduced for residents of the affordable housing; the POA units residents have free common amenities such as community room and bike room; and, that residents of affordable units developed according to the Inclusionary Housing Plan, be receiving discounted charges for in-building amenities.

Schools

The Borough President supports the construction of a 640 seat district school at the DuPont Street site. In order to assure that the school best serves the needs of the Greenpoint community through expanding access to quality schools, the Department of Education should designate such school as a district school. While the school is now being contemplated as a K-8 school with a specific number of seats for elementary and for intermediate school students, planning should continue to evolve until the school is ready to be designed. Therefore, just prior to commencing design, there should be

consultation with the District 14 Community Education Council to determine the appropriate school structure.

The Borough President believes that the proposed 640 seat ES/IS should not be considered the solution, in itself, to address anticipated need for school seats.

Using numbers derived from the SCA's Projected New Housing Starts for Sub-district 3 of CSD 14, approximately 1,380 new elementary school students and 220 new intermediate school students are expected to be added to the area by 2020. Also, with the new charter schools to be co-located in JHS 50 John D. Wells and JHS 126 John Ericsson, according to their "Building Utilization Plans" the capacity of the district schools would be significantly reduced. This development is predicted to introduce more than 200 public elementary school students and 85 intermediate school students to the area, resulting in an anticipated shortfall of approximately 330 public ES students and 330 public IS students in the neighborhood. In addition, several other large waterfront development sites, including those owned by GLA, would be developed after 2020, so opportunities to house the resulting additional public school students must be pursued.

Measures to address elementary and intermediate school enrollment and capacity shortfalls could include: relocating administrative functions to other sites, thereby freeing up space for classrooms; making space within the area available to DOE; restructuring or reprogramming existing school space within the district; or providing for new capacity by constructing a new school or an addition to an existing school.

The Borough President believes that greater measures should be taken to address school capacity shortfalls. If an added new school were to be the remedy, the following are possible sites: the anticipated, to-be-surplus scrap transport yard at the foot of Manhattan Avenue; the former Leviton Electric factory complex along Greenpoint Avenue, vacant land along Kent Street east of McGuinness Boulevard, and the recently rezoned site at McGuinness Blvd and Greenpoint Avenue that does not appear to be proceeding as a development site due to possible bankruptcy issues.

In order to determine whether the proportion of seats now slated for elementary school and intermediate school is appropriate, relative need for elementary/intermediate seats should be assessed prior to drafting construction plans.

The City Council should seek a commitment from the Administration to expand access to quality schools by opening a new 640 seat district school at the proposed DuPont Street site. In addition, such commitment should include re-evaluating just prior to commencing design, the possibility of having elementary versus intermediate school students, to determine possible school structure. Finally, the City Council should seek periodic assessments to determine when to designate additional space to accommodate more public school students.

Transportation

The Borough President believes that additional measures must be taken to assure the adequacy of transit accommodations.

Without GPL and other projects yet to be developed according to the 2005 rezoning, population growth is expected to be around 12,500 residents. Thus, thousands of new residents are expected to be moving to the neighborhood as developers build on sites opened up by the 2005 rezoning by 2020.

With what would be expected to be developed by GLA and other possible developments proceeding there would be approximately 26,000 residents by 2020.

Greenpoint is served by the G subway line, connecting to Kensington in Brooklyn and points in Queens; the B24, B43, B62, and B32 bus routes connecting Greenpoint with other Brooklyn neighborhoods and Long Island City, Queens; and the East River Ferry, which provides service to Midtown and downtown Manhattan, Long Island City, and other neighborhoods along the Harlem River.

The Environmental Action Statement (EAS) projected that new residential, local retail and school uses, as a product of this project, would generate an estimated 425 and 429 additional subway trips in the AM and PM peak hours. The majority of these new peak hour subway trips are expected to use the Greenpoint Avenue (G) subway station, while approximately ten percent are assumed to walk to and from the Vernon Boulevard-Jackson Avenue (7) subway station. It is assumed that approximately one-third of project-generated subway demand en route to and from the north would utilize buses for access to the subway services in Long Island City. It is unclear how the developer's intended shuttle service might affect these assumptions.

The project is anticipated to add approximately 325 new trips at Greenpoint Avenue (G) subway station in the AM peak hour and 345 in PM peak hour. The Brooklyn-Queens crosstown G subway line is expected to experience fewer than five incremental trips per car in each direction in each peak hour.

The proposed action includes an additional high-entry/high-exit turnstile added to the fare array at the India Street entrance to the northbound platform of the Greenpoint Avenue subway station to increase fare array capacity. This would be installed by MTA NYC Transit and paid for by GLA as a condition of project implementation. This obligation would be made part of the transactional documents between GLA and the City and would be enacted when MTA NYC Transit advises that the level of construction of the project is such that implementation is required.

This route is projected by the EAS to exceed guideline capacity within a few. There are already incidents where riders have to let one or two trains go by before passengers can successfully board train cars due to unscheduled gaps in service. The MTA should identify strategies to achieve operation frequency consistent with the actual schedule of service.

Based on the projected population increase, the MTA should undertake semi-annual full-line impact reviews to determine the projected need for increased frequency and/or adding cars to the trains. According to transportation advocates, the MTA has available rolling stock to add additional trains to the G service. Earmarking such cars to the G line would result in added costs associated with powering the added cars and servicing the cars for maintenance. By not having longer trains or more frequent train service, passengers are utilizing less than half the platform when waiting for the next train. Platform use is concentrated on one end of the platform; thus, riders might find themselves sprinting to be able to board the train before it pulls out of the station as from certain turnstiles, while riders need to travel several hundred feet to get to a place on the platform where the train actually stops. This is the case with the north end of the Greenpoint Avenue station. In essence, having four-car trains adds nearly two extra minutes to walk to the section of the platform where the train cars can be boarded. When combining this circumstance with erratic service, which leads to crowding at sections of the platform, service is too often less than acceptable. In order to remedy this condition, the MTA should begin to obtain funding, adding either an additional train per hour or lengthening the existing trains by at least two cars in the near future, with the goal of lengthening to eight to ten cars as a means of

addressing platform crowding due to passengers merely using less than half the existing platform in order to be adjacent to the train cars when in the station to receive more passengers.

Three bus routes will operate in proximity to development (the B32, B43 and B62) during weekday AM and PM peak hours. The project is not expected to result in significant adverse impacts to local bus routes in either of these periods. The B25 provides service between Greenpoint and Williamsburg via Sunnyside, Queens. The B43 provides services between Greenpoint and Prospect-Lefferts Gardens operating primarily on Manhattan Avenue with six buses per hour in the AM peak hour and five buses per hour in the PM peak hour; it provides a transfer to the Greenpoint Avenue (G) subway station. The B62 provides service between Queens Plaza and Downtown Brooklyn, operating on Manhattan Avenue, Freeman Street and Green Street with six to nine buses per hour in the AM peak hour and six to seven buses per hour in the PM peak hour. It provides transfers with the Queens Plaza (E,M, R) and Queensboro Plaza (N, Q, 7) subway stations.

NYC Transit recently initiated B32 service between Williamsburg and Long Island City via Greenpoint. In Greenpoint it operates on Franklin, Freeman, and Green Streets with two buses per hour from 7AM to 9PM and provides transfers to the Court Square (E,M,G,7) and Marcy Avenue (J,M,Z) subway stations.

All bus trips involving transfers to the Greenpoint Avenue (G) station would utilize the B43. Though given the few stops and short walk to the G train, which often requires transferring to another train route, it is quite possible that this route would not be heavily utilized by residents of Greenpoint Landing. Bus trips involving transfers to subway stations in Long Island City would utilize the B32 or the B62.

In addition, the developer intends to operate a private shuttle to the 7 train. This shuttle service would serve as an additional option to those who may not want to take a bus or walk the three stop distance to the G train. Another alternative to alleviate passenger load on the Greenpoint and Freeman lines would be to reroute the B32 to DuPont (south) and Eagle (north) to get passenger closer to the 7 line.

The Borough President believes that in order to bring bus service that connects to the 7 line closer to the higher density area anticipated to be along Newtown Creek, the B32 might better be re-routed to DuPont Street (south) and Eagle Street (north). The MTA should monitor B32 service to determine when enough population has been added to the Greenpoint Landing development and with 77 Commercial Street to justify such a route modification. In addition, the MTA should increase the frequency of bus service as warranted by demand for ridership. He believes that in order to improve bus service to the Greenpoint Avenue G train station, the MTA should also monitor in intervals, not to exceed six month, service of the B24 to determine when extending the route north along Franklin Street to Commercial Street and extending B43 service along Commercial Street to West Street would be warranted and also with regards to adding more B24 and B43 service, based on ridership demand associated with the occupancy of the GPL development.

Pedestrian Safety

The new 640-seat PS/IS with an entrance expected to be located on DuPont Street will likely generate pedestrian trips traversing intersections along both West and Franklin streets at DuPont Street and Eagles Street. The Borough President believes it is important to promote pedestrian safety. High visibility crosswalks and school crossing signs should be installed at these and other nearby intersections. In addition, he believes that there should be pedestrian bulb-outs at the intersection of Franklin and West Streets, with DuPont and Eagle and Freeman, and Green streets to accommodate B32 riders (unless route is relocated pursuant to the Borough President's request of the MTA).

The Borough President calls on the Department of Transportation to undertake the required analysis in consultation with CB1 and local elected officials. Based on such an analysis, the City should undertake justified improvements to ensure pedestrian safety.

Recommendations

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council **approve** the disposition of city-owned property and text amendment proposal subject to the following **conditions**:

1. That the Land Disposition Agreement between the City and Greenpoint Landing Associates (GLA) require GLA and its successors to commit to:
 - a. the filing of the Inclusionary Housing Plan, and approval by the Commissioner of the Department of Housing Preservation and Development for every as-of-right building associated with Greenpoint Landing, as a condition of utilizing the air rights and floor area bonuses connected to the school site and park site;
 - b. Developing the Point of Agreement units per the following:
 - i. That such units be permanently affordable;
 - ii. Approximately 100 units of the affordable housing being specifically earmarked for senior citizens/the disabled, not exceeding 30 percent AMI by utilizing senior housing funding from HUD Section 202/Section 8 programs or other comparable sources of financing;
 - iii. Using the same floor area envision for the 431 Points of Agreement (POA) units, increasing the number of units based on the smaller size of the elderly units; and,
 - iv. And but for the first 98 POA units, that subsequent phases of the remaining POA and Inclusionary Housing affordable units, including tiers of incomes including those less than 60 percent AMI with rent not exceeding 120 percent of AMI and that eligibility not exceed 130 percent of AMI and to accommodate larger households by providing at least five percent as three-bedroom apartments.
 - c. Memorializing the fifty percent preference for community residence in the lottery, including displaced former residents;
 - d. That \$2.5 million from the proceeds of the sale of lot 32 be placed in a Trust and Agency Fund to cover the capital costs of the Newtown Barge Playground expansion and not remain in the City's General Fund;
 - e. That should Newtown Barge Playground expansion development cost escalate in order to maintain a level of park improvement worthy of the residents of Greenpoint, the developer's share of increase would be at a rate of 35 percent of the overall increase;
 - f. That WAP plans be advanced for review by the Department of City Planning for the remaining GPL properties;
 - g. Designating a community liaison officer just prior to commencing site work and maintaining such officer until the final Certificate of Occupancy is issued and such officer share not less than weekly updates during this period;
 - h. That in order to assure space is available for the Administration for Children's Service to secure for daycare slots, according to the terms of a Restrictive Declaration to be recorded against the property of GLA, where GLA would provide funding for publicly-funded day care, GLA be required to first offer retail space to ACS prior to marketing

the space for retail use and that ACS would have 90 days to respond with intent to lease such space;

- i. Establishing and maintaining free shuttle bus service to the Vernon Avenue IRT 7-train station as a condition of obtaining a Temporary or Permanent Certificate of Occupancy that meets or exceeds 500 cumulative units and that additional shuttles be added to the service based on TCOs or COs that meet or exceed each additional 1,000 units and that occupants of affordable households be charged not more than fifty percent of any fee to use this service;
- j. The discounting for residents of affordable units, the costs of amenities such as the IRT 7 train shuttle service (free), on-site parking and other in building amenities;

Be it Further Resolved that the Department of Education commits to the following:

1. Expanding access to quality schools by opening a new 640 seat district school at the proposed DuPont Street site;
2. Re-evaluating just prior to commencing design, as a means to best address needs, the proportion of elementary versus intermediate school students, in consultation with District 14 Community Education Council, to determine possible school structure (i.e. Pre-K to 5 or Pre-K to 8); and;
3. Periodically re-assessing the needs of the community for additional high quality district school capacity to meet the public school needs for housing elementary and intermediate school students, in consultation with District 14 Community Education Council, to determine when to designate an additional site and then to secure funding for site acquisition and construction.

That the Metropolitan Transit Authority should:

1. Identify strategies for improving G train service, to achieve operational frequency consistent with the actual schedule of service and implement such strategies promptly;
2. Undertake semi-annual full-line impact reviews to determine the projected need for increased frequency and/or lengthening each train;
3. Add additional cars to the G train to expand each train's capacity to eight to ten cars from its current four cars per train;
4. Monitor B32 service in six month increments and increase service accordingly;
5. Upon the issuance of TCOs or COs of at least 1,000 units at GPL, study the B32 route adjustments to relocate service along Freeman and Green streets to DuPont and Eagle streets between Franklin Street and Manhattan Avenue, and increase frequency as warranted;
6. Upon the issuance of TCOs or COs of at least 1,000 units at GPL, study the B24 and B43 for route adjustments to extend B24 service along Franklin Street to Commercial Street or B43 service along Commercial Street to West Street as a new terminus and increase frequency as warranted.

That the Department of Transportation, by not later than the completion of the anticipated public school opening at DuPont and Franklin Streets, should:

1. Install high-visibility crosswalks and school crossing signs at intersections at both West and Franklin Streets with DuPont and Eagle Streets;
2. Construct pedestrian traffic-calming bulb-outs at the intersections at both West and Franklin streets with DuPont, Eagle, Freeman and Green Streets.

Greenpoint Landing Associates LLC

October 4, 2013

Honorable Marty Markowitz
President, Borough of Brooklyn
209 Joralemon Street
Brooklyn NY 11201

Re: Greenpoint Landing – Disposition of City Property and Related Actions –
ULURP Items # N140028ZRK, N140024ZCK, N140025ZCK,
N140026ZCK, N140027ZCK, N140020ZAK, N140021ZAK,
N140022ZAK, N140023ZAK, 140019HAK

Dear Borough President Markowitz:

Thanks to you and your staff for your thoughtful consideration of the application of Greenpoint Landing Associates (“GLA”) and its co-applicants the New York City Department of Housing Preservation and Development (“HPD”) and the New York City Department of City Planning (“DCP”) for the disposition of City Property in connection with the creation of new affordable housing, new open space and a new public school for the Greenpoint community. As you know, the proposed actions will allow for (i) the creation of 431 units of affordable housing above the 20% that will be built as of right within the Greenpoint Landing project; (ii) the development of a new 640-seat pre-K through 8th grade District 14 public school, which includes Greenpoint; (iii) the certification of almost 2-acres of publicly accessible waterfront open space, including more than 28,000 square feet on the property that would be disposed of as part of this action; and (iv) an additional \$2.5 million contribution to the build out and expansion of Newtown Barge Park, a City property adjacent to the Greenpoint Landing project. The 431 units of affordable housing that would be authorized by the actions before you (the “POA Units”) will help the City fulfill a commitment made in 2005 to utilize development rights associated with the City Property to create 431 units of affordable housing for a range of low and moderate income households.

We appreciate this opportunity to respond to certain comments made and questions raised by you and your staff in the course of your review.

- **Inclusionary Housing Plan.** You have asked about our intentions regarding the inclusion of buildings within the Greenpoint Landing project in an Inclusionary Housing Plan. It is our intention to develop the Greenpoint Landing Project to the maximum FAR allowed by the Zoning Resolution and to obtain the 421-a tax benefits. To do this, all of the buildings within the Greenpoint Landing project would be part of an inclusionary housing plan, including any buildings that would be built as part of the applications before the Community Board.
- **Three-Bedroom Units.** You have recommended that 5% of the total units should be set aside for 3-bedroom Units. While the first building containing POA Units will include a mixture of studios, one-bedroom, and two-bedroom units as previously discussed, we are prepared to discuss with HPD the feasibility of including up to 5% 3-bedroom units in the second and third POA unit buildings, subject to program availability and financing. All units would conform to HPD and HDC program requirements. As you know, a three bedroom unit would take up more space than smaller units, and as a result, the overall number of POA Units could decrease somewhat.
- **Affordable Housing.** A number of recommendations relate to the POA Units that are envisioned to be created as a result of the proposal.
 1. **Permanent Affordability.** As we indicated in our response to the Community Board, as part of an inclusionary housing plan, 20% of all housing in the Greenpoint Landing project will be permanently affordable, including all of the affordable housing being built as part of the as-of right Greenpoint Landing housing (approximately 950 units), and 138 of the 431 POA Units that could be built as part of the current actions. In response to your request, GLA will agree that all of the POA Units targeted to 40% and 60% AMI would be permanently affordable. This would mean that 216 of the 431 POA Units would be permanently affordable.
 2. **Provision for Senior Housing.** With respect to the recommendation that 100 of the POA Units be set aside for senior housing, we have agreed to work with HPD and HDC to consider State and Federal housing programs for the remaining POA phases that may have funding available through an open competitive process. It should be noted that HPD has advised us that the HUD Section 202 Program has seen its yearly allocation of units to the New York Metropolitan area significantly reduced in recent years and that HUD is no longer issuing an annual Notice of Funding Availability (NOFA). That being said, we will discuss this program and other City and State housing programs for family and/or elderly housing with the City, pending funding availability.

3. **No Reduction in Affordable Floor Area.** We estimate that the POA Unit buildings would contain approximately 365,000 square feet of floor area based on the existing mix of the 431 POA affordable units, all of which would be attributable to the City Property. We would agree that this amount of floor area could not be used for market rate development and would only be used for affordable housing.
 4. **Rents should not exceed 120% of AMI and eligibility should never exceed 130% of AMI.** We agree with this recommendation.
 5. **Preserve 50% preference for Brooklyn Community District 1 Residents, including Recently Displaced Residents.** Providing a 50% Community District preference is currently HPD's policy, and it is one we support. HPD has also confirmed that it remains HPD policy to extend the Community District preference to former residents who lived in the Community District on or after October 4, 2004. We expect this policy to apply to all of the POA Units and any other affordable housing in the Greenpoint Landing project subject to HPD regulations and support the application of the policy to these units.
- **Park.** The Borough President's recommendation includes a request that the \$2.5 Million contribution being made by GLA be paid in accordance with a schedule and be placed in a targeted trust and agency fund. We agree that the proceeds and payments be assured, and accordingly, GLA and the City will enter into a funding agreement to secure the payments. GLA will be making its contribution in accordance with a schedule so that the GLA contribution is being paid as the City funds are expended. This will help ensure that the Park is fully funded. As you know, the Newtown Barge Park is a City project and will be undertaken by the City without construction oversight by GLA and accordingly we cannot be responsible for cost overruns.
 - **Child-Care.** The project does not include a day care facility. As you know, one of the elements of the project is a 640-seat pre-Kindergarten to 8th grade District 14 public school. The site for this community facility is being donated to the School Construction Authority by Greenpoint Landing pursuant to a long term lease.
 - **Shuttle Bus Service.** As you have recommended, we expect to start shuttle bus service at Greenpoint Landing when approximately 500 units have been built and are occupied. Additional shuttle bus service will be added as the project is developed based on need and demand. We have not analyzed the economics of the shuttle bus service, but we agree that the service will be provided at a discount to the affordable tenants.
 - **Parking.** The tenants of the POA Units built pursuant to the ULURP actions will also receive a discount on parking rates for the parking allocated to and utilized by the affordable units. This parking will be built in accordance with the requirements of the Zoning Resolution.

- **Building Amenities.** For the first POA building being built, there will be a community room and bike room provided at no cost to the tenants.

The primary amenity associated with the overall project is the network of open space that will be built and open to the public. The maintenance of the waterfront open space being provided as part of the project, including the shore public walkway and amenities such as the Lawn, Picnic Area, Dog Run and future pier, will be funded by the market rate development within Greenpoint Landing. The market rate units will be required to pay into a fund to maintain the waterfront esplanade, and the affordable units would not be required to pay these maintenance fees.

Each building within the Greenpoint Landing project is expected to be self-contained, with the amenities within each building available to all of the tenants of that building, including the tenants of any affordable units. We expect that these amenities will be available in the same manner for all tenants, which is customary.

- **Construction Contact.** GLA agrees that it will maintain a contact for the community and local leaders during construction and who will be available to answer questions and address concerns that might arise.

We hope that this letter responds to your recommendations. Thanks to you and your staff for all your attention and consideration and we look forward to our continued work together as this project moves forward.

Sincerely,



Alfred Bradshaw
Greenpoint Landing Associates LLC

cc:

Honorable Amanda M. Burden
Honorable Stephen Levin, Councilman District 33
Brooklyn Community Board #1
Purnima Kapur, NYC Department of City Planning
Steven Lenard, NYC Department of City Planning
Jack Hammer, NYC Department of Housing Preservation and Development
Melanie Meyers, Esq., Fried Frank Harris Shriver and Jacobson LLP