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**IN THE MATTER OF** an application submitted by Institute for Community Living pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-4 District property bounded by Schermerhorn Street, Nevins Street, a line midway between Schermerhorn Street and State Street, and a line 100 feet northwesterly of Nevins Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated April 3, 2017, and subject to the conditions of CEQR Declaration E-421.

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This application for a zoning map amendment was filed by the Institute for Community Living (ICL) on July 26, 2016. The applicant is proposing to change a C6-1 zoning district at the southwest corner of Schermerhorn Street and Nevins Street (Block 172, Lot 37, part of Lots 43, 44, 45) to a C6-4 zoning district. This application, in conjunction with the related action (N 170143 ZRK), would facilitate the enlargement of an existing building to a 10-story, 95,012-square-foot building with approximately 128 units of affordable and supportive housing in the Downtown Brooklyn neighborhood of Community District 2, Brooklyn.

#### **RELATED ACTION**

In addition to the zoning map amendment (C 170029 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**N 170030 ZRK**          Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

#### **BACKGROUND**

ICL is proposing a zoning map amendment to change a C6-1 district to a C6-4 district to facilitate the enlargement of an existing eight-story, 54,625-square-foot building to a 10-story, 95,012-square-foot affordable and supportive housing development to be located at 50 Nevins Street (Block 172, Lot 37). The project area is bounded by 80-foot-wide Schermerhorn Street to the north, 50-foot-wide Nevins Street to the east and 60-foot-wide State Street to the south. The project area consists of one tax lot (Lot 37) and three small slivers of Lots 43, 44, and 45.

The project area is currently improved with community facility uses. Lots 43, 44 and 45 are applicant-controlled lots that contain overbuilt, attached four-story row houses used for supportive housing (Use Group 3) fronting on State Street. A 10-foot-deep portion at the rear of these lots (Block 172, Lots 43, 44 and 45) is included in the rezoning area and comprises approximately 600 square feet. The remainder of Lots 43, 44, and 45 are not within the proposed rezoning area.

The development site (Block 172, Lot 37) is an “L”-shaped corner lot located at the intersection of Nevins Street and Schermerhorn Street, which encompasses an existing eight-story, 54,625-square-foot supportive housing facility (Use Group 3) fronting on Nevins Street and a 10-space, 3,846-square-foot surface parking lot on Schermerhorn Street. The existing building is currently built to an FAR of 4.54 and has a total height of 105 feet, including mechanicals.

This existing building was constructed in 1913 for the Young Woman’s Christian Association (YWCA), also known as the Harriet Judson Residence. ICL took over the operations of the existing building in 1986 as a partner in a New York State Office of Mental Health (OMH) change of provider initiative and established the “Stepping Stone Treatment Residence,” a 150-bed residence for single adults with severe mental illness.

The surrounding area is within the Special Downtown Brooklyn District (SDBD) and includes C6-4 and C6-1 commercial districts and an R6B residential district. The project area is currently split between a C6-1 zoning district and an R6B zoning district, and is entirely within the SDBD. The C6-1 portion is mapped on the northern half of Block 172, along Schermerhorn Street, while the R6B portion is mapped on the southern half of Block 172, along State Street. The C6-1 portion of the project area is also within the Schermerhorn Street Height Limitation Area B, which has a maximum height limit of 140 feet. The C6-4 district is mapped to the north of the project area, across Schermerhorn Street.

C6-1 districts within the SDBD allow for a mix of commercial and community facility uses at a maximum floor area ratio (FAR) of up to 6.0 and 6.5, respectively, and have an R7 residential district equivalent, which can achieve up to 3.44 FAR for residential uses (5.01 FAR for

affordable independent residences for seniors). The bulk regulations for these districts are governed by either the SDBD's "standard" or "tower" regulations. Buildings developed under the "standard" regulations in C6-1 districts may have a minimum base height of 60 feet, and a maximum base height of 125 feet along a narrow street and 150 feet along a wide street, with a maximum height limit of 185 feet along a narrow street and 210 feet along a wide street. Under the "tower" regulations, above a base of 85 feet, residential buildings have to set back 15 feet along a narrow street and 10 feet along a wide street, with a maximum height limit of 495 feet; however a height limitation area would supercede the C6-1 height regulations. Accessory parking requirements are also governed by the SDBD, which has a 20 percent requirement for dwelling units, with no minimum parking requirements for affordable units.

R6B districts within the SDBD allow for community facilities and residential uses with a maximum FAR of 2.2 in inclusionary housing areas. The bulk regulations for these districts include a minimum base height of 30 feet, a maximum base height of 40 feet, and a maximum total height of 50 feet (55 feet for MIH projects).

C6-4 districts within the SDBD allow for a mix of commercial, community facility, and residential uses. Commercial and community facility uses have a maximum FAR of 10, bonusable to 12.0 with a public plaza, arcade, or subway stair improvement bonus; residential use has a maximum FAR of 12 with affordable housing obligations under the Mandatory Inclusionary Housing (MIH) program. The bulk regulations for C6-4 districts are governed by the same SDBD "standard" or "tower" regulations described above but in C6-4 districts, under "standard" regulations the height limit is increased to 250 feet and under "tower" regulations there is no height limit; however height limitation areas would supersede the underlying zoning districts' height regulations.

The applicant is proposing to rezone only the C6-1 portion of the project area to C6-4 to facilitate an enlargement of the existing building, which would create a new, 10-story, approximately 95,012-square-foot supportive and affordable housing building including 3,801 square feet of ground floor retail, for a total FAR of 7.44.

Under ICL’s enlargement proposal, the building would contain a total of approximately 128 units and include a renovation of the existing facility, shifting from single room occupancy (SRO) units to conventional apartments. Approximately 61 percent of the units (77) would be reserved for supportive housing, and 39 percent of the units (51) would be reserved for affordable housing at an average of 55 percent area median income (AMI). The unit mix would include 104 studios, 18 two-bedroom units, and 6 three-bedroom units. Residents would receive on-site social services provided by trained staff, and security would be available 24 hours a day, seven days a week. Facility programming would include shared spaces for communal activities, social service and staff offices, an art gallery, laundry facilities, and storage. Supportive housing facilities are defined as philanthropic or non-profit institutions with sleeping accommodations, which is a community facility use (Use Group 3).

The rezoning would facilitate a vertical enlargement over the existing facility and a horizontal enlargement expanding onto the existing surface parking lot. The existing building would be fully renovated to accommodate the complete integration of the enlargement. The enlargement would rise 120 feet above grade without setback and would comply with C6-4 bulk regulations and the “Schermerhorn Height Limitation Area B” maximum height limit of 140 feet. There is no required parking for the affordable or supportive units. The exterior portion of the existing bulk within the R6B district would not change.

In addition to the proposed zoning map amendment, the applicant proposes a zoning text amendment to revise Appendix F. The proposed amendment would add the project area to Map 6 of Brooklyn Community District 2 inclusionary housing areas, and would designate the project area as an MIH area with Options 1 and 2.

The options proposed are described as follows:

- Option 1: 25 percent of residential floor area must be for affordable housing units for residents with household incomes averaging 60 percent AMI, with a minimum of 10 percent of housing to be affordable for households at 40 percent AMI.
- Option 2: 30 percent of residential floor area must be for affordable housing units for residents with household incomes averaging 80 percent AMI.

The applicants would meet these requirements as they are proposing supportive housing for 61 percent of the floor area with household incomes averaging 50 AMI, and affordable housing for 39 percent of the floor area with household incomes averaging 55 percent AMI.

The surrounding area is within the SDBD and includes a range of high density mixed use, residential and community facility uses. The area to the north is part of Downtown Brooklyn, the City's third largest Central Business District, while the area to the south is within the Boerum Hill neighborhood. The Fulton Mall retail corridor is two blocks to the north, the Brooklyn Cultural District is two blocks to the east, Atlantic Avenue is one block to the south, and the residential portion of State Street is to the west. The Boerum Hill Historic District (LP-0767), designated in 1973, starts two blocks south of the site.

The immediate context around the area includes a mix of residential buildings, hotels, and mixed use developments. Directly adjacent to the west of the development site is a new 15-story, 246-key hotel. Across the street to the north is a new 13-story, 202-key hotel and a three-story house of worship. Located diagonally northeast across the street from the development site is a new 21-story residential condominium project with ground floor retail, and directly east across the street in a three-story building are the New York City Human Resources Administration's Field Office and the Jane Barker Brooklyn Child Advocacy Center. Further east half a block is a new 54-story mixed-use tower and Sixteen Sycamores Playground, a mapped park. The area to the south is primarily residential, containing three- to five-story row houses and brownstones.

The project area is well-served by transit, including access to subway lines at the Nevins Street 2, 3, 4, 5 station two blocks north, the Hoyt Street 2, 3 station three blocks west, and Atlantic Avenue/ Barclays Center B, Q, 2, 3, 4, 5 and the Long Island Rail Road (LIRR) commuter rail three blocks southeast. The B 25, 26, 38, 52, 63, 65, 41, 45, 67, and 103 bus routes run along Fulton Street, Livingston Street and Atlantic Avenue.

## **ENVIRONMENTAL REVIEW**

This application (C 170029 ZMK), in conjunction with the application for the related action (N 170030 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act

(SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 17DCP117K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on April 3, 2017. The Negative Declaration included (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-421), as described below:

The (E) designation related to hazardous materials would apply to the following sites:

- **Block 172, Lot 37 (Projected Development Site 1)**

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

#### **Task 1-Sampling Protocol**

**The applicant submits to OER, for review and approval, a Phase I of the site along with 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 samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

#### **Task 2-Remediation Determination and Protocol**

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

**A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.**

With the assignment of the above-referenced (E) designation for hazardous materials, the Proposed Actions would not result in significant adverse impacts.

The (E) designation related to air quality would apply to the following properties:

- **Block 172, Lot 37 (Projected Development Site 1)**

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

**Any new residential/community facility development on Block 172 Lot 37 must use natural gas for HV AC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier, at least 123 feet high, and at least 600 feet from Bond Street to avoid any potential significant adverse air quality impacts.**

With the assignment of the above-referenced (E) designation for air quality, the Proposed Actions would not result in significant adverse impacts.

The (E) designation related to noise would apply to the following properties:

- **Block 172, Lot 37 (Projected Development Site 1)**

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

**In order To ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all facades to maintain an interior noise level of 45 dBA. 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.**

With the assignment of the above-referenced (E) designation for noise, the Proposed Actions would not result in significant adverse impacts.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

The above determination is based on an environmental assessment that finds that:

The existing building on the Project Site, the former Harriet Judson YWCA Residence, is eligible for listing in the State and National Registers (S/NR) of Historic Places. The anticipated construction financing being provided by the Department of Housing Preservation and Development (HPD) to facilitate the proposed project would include City capital funding as well as federal assistance originating from the U.S. Department of Housing and Urban Development (HUD). Therefore, consultation with the New York State Historic Preservation Office (SHPO) is required and has been initiated. HPD would serve as Responsible Entity pursuant to HUD environmental review regulations (24 CFR Part 58) and would conduct a separate Environmental Assessment (EA) subject to HUD approval prior to the release of any federal funds. The EA would consider impacts to historic resources as required under Section 106 of the National Historic Preservation Act (Section 106). Consultation with SHPO pursuant to Section 106 would continue; ending with the execution of a Memorandum of Agreement (MOA) at a later date between the applicant, HPD, and SHPO. Through the MOA, the applicant would agree to design/implement the proposed project in accordance with certain stipulations set forth in the MOA to preclude any adverse effects to historic resources. These stipulations would be developed in consultation with SHPO and may include, but are not limited to:

1. photographic documentation of building conditions prior to the proposed disturbance;
2. salvage of certain building components or decorative elements to be incorporated into a historical interpretive display on-site within the new building, and
3. continued consultation with SHPO as the new building is designed.

Compliance with the MOA would also be enforced through the applicable funding agreements between the applicant and HPD. Continuing consultation with SHPO under Section 106 and the implementation of the requirements set forth in the MOA as part of the proposed project would ensure that no significant adverse impacts to historic resources would result from the proposed actions.

### **UNIFORM LAND USE REVIEW**

This application (C 170029 ZMK) was certified as complete by the Department of City Planning (DCP) on April 3, 2017, and was duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the application for the related action (N 170030 ZRK), which was duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President on April 3, 2017, in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Brooklyn Community Board 2 held a public hearing on this application (C 170029 ZMK) on April 19, 2017. On May 10, 2017, by a vote of 33 in favor, one opposed, and with one abstention, the Community Board adopted a recommendation in favor of the application with no conditions.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 170029 ZMK) on May 3, 2017, and on June 14, 2017 issued a recommendation to approve the application with the following condition:

1. “That the Institute for Community Living (ICL) provide a written commitment to the City Council:

- a. To the extent that it would actively solicit cultural organizations as potential building occupants and investigate means to achieve the inclusion of cultural space within the ground floor retail space in the building
- b. To the extent that it would continue to explore additional resiliency and sustainability measures such as incorporating bioswales, permeable plaza pavers, solar panels, and wind turbines
- c. To retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code, and LBE and Minority- and Women-Owned Business Enterprises (MWBE) establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency.”

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

On June 7, 2017 (Calendar No. 4), the CPC scheduled June 21, 2017 for a public hearing on this application (C 170029 ZMK), in conjunction with the related application (N 170030 ZRK). The hearing was duly held on June 21, 2017 (Calendar No. 30). There were four speakers in favor of the application and none in opposition.

The applicant's representative described the project and the actions requested. The applicant's affordable housing consultant discussed ICL's desire to identify potential cultural organizations to occupy the ground floor retail space. ICL's Chief Operating Officer discussed the relocation plan for the existing tenants of The Stepping Stone Residence, noting that all of the current residents will be relocated over the course of 13 months into appropriate housing with the right to return. The project architect described design details and other aspects of the building.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 170029 ZMK), in conjunction with the related application for a zoning text amendment (N 170030 ZRK), is appropriate.

The requested actions would facilitate the enlargement and renovation of an existing eight-story building into a 10-story, mixed-use building with approximately 128 units of affordable and supportive housing with ground floor retail in the Downtown Brooklyn neighborhood of Community District 2, Brooklyn.

The proposed enlargement would provide modern, sustainable supportive housing on applicant-controlled land, currently used as a surface parking lot, and upgrade ICL's existing facility from outmoded SRO's to conventional apartments. The proposed development will be 61 percent supportive housing and 39 percent affordable housing with units fully-integrated on each floor. This percentage would also bring the building into compliance with the federal Olmstead Act, which prohibits unnecessary segregation of persons of disabilities.

The proposed development site is at the intersection of Schermerhorn Street and Nevins Street in Downtown Brooklyn, proximate to mass transit and high density cultural, community facility, residential, and commercial uses. At this intersection, ICL's proposed building and its program are in context with developments in the surrounding area. The proposed 10-story enlargement would rise to a height of 120 feet, only 15-feet higher than the existing building, and is well below the Schermerhorn Street Height Limitation Area B of 140 feet. This proposed development's height is also consistent with building typologies along the Schermerhorn Street corridor, which rise up from 21-stories (210 feet) up to 54-stories (610 feet) on this important thoroughfare. The proposed zoning district, coupled with the height limitation area, gives the Commission confidence that any enlargement or new development within the rezoning area would result in a contextual development and continue to act as a "step-down" transition in height and density from the Downtown Brooklyn Central Business District to the north, to the lower-scale, predominately-residential Boerum Hill neighborhood to the south.

Extending the C6-4 district south, to just the northern portion of the project area along Schermerhorn Street, would increase the allowable adjusted floor area ratio (Adjusted FAR) on

the development site from 5.21 adjusted FAR to 7.5 adjusted FAR for community facilities. This change would create approximately 31,000 square feet of additional floor area that would facilitate the expansion on the underutilized parking lot, provide additional bulk to accommodate the enlargement and bring the building within compliance. While the rezoning would set a precedent for the C6-4 district along the southern side of Schermerhorn Street, the Commission recognizes any future rezonings would require discretionary approval and, due to the height limitation area, would maintain a contextual built form.

The Commission acknowledges that the proposed enlargement directly abuts a series of row-houses located to the southwest along State Street; however these sites are applicant-controlled, overbuilt by approximately 1.5 FAR above the permissible 2.0 FAR and are also used as supportive housing by ICL. While the proposed rezoning area would include a narrow 10-foot-deep sliver of their rear-yards, these separate zoning lots would generate a marginal amount of incremental floor area that would bring these pre-existing developments slightly closer to zoning compliance.

The Commission is supportive of the proposed zoning text amendment to create an MIH area (Options 1 and 2) coterminous with the proposed project area, as it is consistent with the policy of requiring affordable housing as part of a rezoning that significantly increases residential capacity on the site, as a whole. The Commission notes that the applicant has committed to developing a 100 percent affordable development with 61 percent supportive housing (77 units at an average of 50 percent AMI) and 39 percent affordable housing (51 units at an average of 55 percent AMI). Because the proposed development is classified as a philanthropic or non-profit institution with sleeping accommodations (Use Group 3), it would not be subject to MIH requirements. Nevertheless, this text amendment ensures any future residential development on this site would be required to provide permanently affordable housing pursuant to MIH.

The Commission recognizes ICL's long track record as a mission-driven not-for-profit operator of supportive and affordable housing development. ICL provides counseling, rehabilitation, housing and other supportive services to almost 10,000 adults and children diagnosed with serious mental illness, substance abuse, or intellectual or developmental disabilities in New York City and parts of Pennsylvania. The proposed development would help achieve ICL's mission to

provide a fully-integrated, modern, and sustainable supportive housing project in a neighborhood with high land costs and a scarcity of sites.

Furthermore, the Commission appreciates ICL's thorough relocation plan that would guarantee that all of the 150 current residents will be relocated to safe and appropriate housing opportunities. ICL has received a Certificate of No Harassment from HPD and is working closely with its current residents and the New York City Human Resources Administration (HRA) to identify and relocate individuals into housing including: OMH Community Residences, private apartments with mobile supportive services and congregate supportive housing. After construction is complete, some current Stepping Stone residents will "graduate" into the new Treatment Apartment Program (TAP) opportunities within the proposal, while other Stepping Stone residents, who are not prepared for the independence of a TAP apartment, would be placed in other supportive housing within ICL's housing portfolio.

The Commission acknowledges recommendations made by the Brooklyn Borough President related to the provision of community facility space, introduction of additional sustainability measures, and local-hiring requirements. The Commission notes that the proposed actions are limited to a zoning map amendment and a text amendment for MIH, and that these additional recommendations are outside the purview of these applications.

## **RESOLUTION**

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

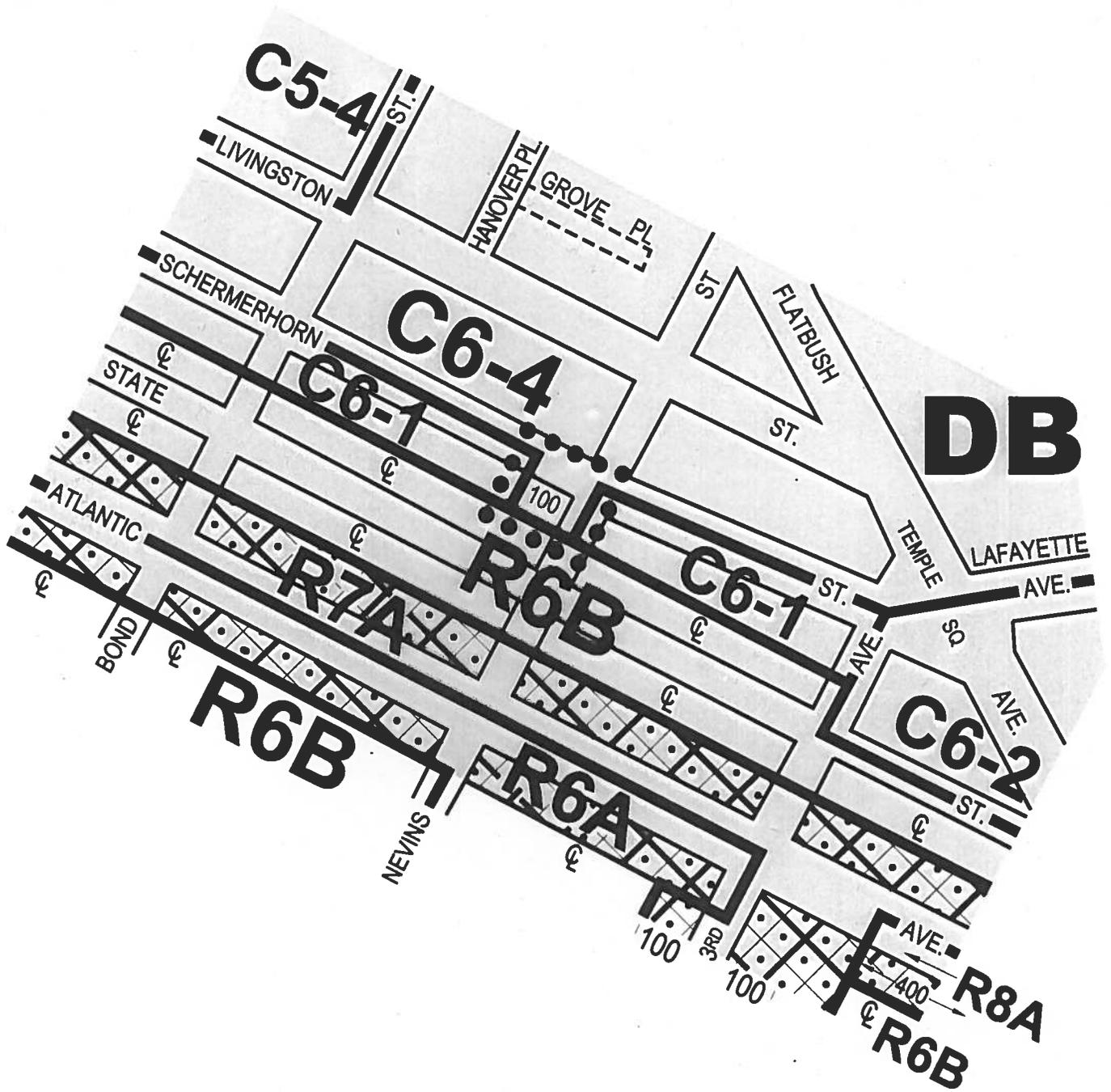
**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-4 District property bounded by Schermerhorn Street, Nevins Street, a line midway between Schermerhorn Street and State Street, and a line 100 feet northwesterly of Nevins Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated April 3, 2017, and subject to the conditions of CEQR Declaration E-421.

The above resolution (C 170029 ZMK), duly adopted by the City Planning Commission on July 26, 2017 (Calendar No. 18), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

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

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



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

**16c**

BOROUGH OF  
**BROOKLYN**

S. Lenard, Director  
Technical Review Division

New York, Certification Date  
APRIL 03, 2017

SCALE IN FEET



**NOTE:**

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing a C6-1 District to a C6-4 District.
-  Indicates a C2-4 District.
-  Indicates a Special Downtown Brooklyn District.

Application #: **C 170029 ZMK**

Project Name: **50 Nevins Street Rezoning**

CEQR Number: 17DCP117K

Borough(s): Brooklyn

Community District Number(s): 2

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

**SUBMISSION INSTRUCTIONS**

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

*Docket Description:*

**IN THE MATTER OF** an application submitted by Institute for Community Living pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-4 District property bounded by Schermerhorn Street, Nevins Street, a line midway between Schermerhorn Street and State Street, and a line 100 feet northwesterly of Nevins Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated April 3, 2017, and subject to the conditions of CEQR Declaration E-421.

<b>Applicant(s):</b> Institute for Community Living 125 Broad Street, 3rd Floor New York, NY 11001		<b>Applicant's Representative:</b> Caroline G. Harris GoldmanHarris LLC 475 Park Avenue South, Suite 2803 New York, NY 10016	
<b>Recommendation submitted by:</b> Brooklyn      Community Board 2			
<b>Date of public hearing:</b> April 19, 2017		<b>Location:</b> Room LC400, NYU Tandon School, 5 Metrotech Center	
<b>Was a quorum present?</b> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
<b>Date of Vote:</b> May 10, 2017		<b>Location:</b> Brown Mem'l Baptist Church, 52 Gates Avenue	
<b>RECOMMENDATION</b>			
<input checked="" type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b>			
# In Favor:    33		# Against:    1	
# Abstaining:    1		Total members appointed to the board:    45	
<b>Name of CB/BB officer completing this form</b>		<b>Title</b>	<b>Date</b>
Shirley A. McRae		Chairperson	5/15/2017

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
calendaroffice@planning.nyc.gov



**INSTRUCTIONS**

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

**APPLICATION**

50 NEVINS STREET – 170029 ZMK AND 170030 ZRK

In the matter of the application submitted by the Institute for Community Living (ICL), pursuant to Section 197-c and 201 of the New York City Charter, seeking zoning map and zoning text amendments at the southwest corner of the intersection of Nevins Street and Schermerhorn Street, in the Downtown Brooklyn section of Brooklyn Community District 2 (CD 2). The zoning map amendment would rezone the existing C6-1 district to a C6-4 district and the zoning text amendment would designate the property an MIH area. Such actions would facilitate the enlargement and reconstruction of an existing eight-story building by integrating a 10-story horizontal expansion, utilizing the abutting underutilized parking lot and a three-story addition to the northern portion of the existing building. The resulting building will include 120 affordable and supportive housing units, New York State Office of Mental Health (OMH) regulations, and 4,107 square feet of ground floor retail space.

BROOKLYN COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

June 14, 2017

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: 50 NEVINS STREET – 170029 ZMK AND 170030 ZRK**

The application submitted by the Institute for Community Living (ICL), pursuant to Section 197-c and 201 of the New York City Charter, is seeking zoning map and zoning text amendments at the southwest corner of the intersection of Nevins Street and Schermerhorn Street, in the Downtown Brooklyn section of Brooklyn Community District 2 (CD 2). The zoning map amendment would rezone the existing C6-1 district to a C6-4 district and the zoning text amendment would designate the property an MIH area. Such actions would facilitate the enlargement and reconstruction of an existing eight-story building by integrating a 10-story horizontal expansion, utilizing the abutting underutilized parking lot and a three-story addition to the northern portion of the existing building. The resulting building will include 120 affordable and supportive housing units, under New York State Office of Mental Health (OMH) regulations, and 4,107 square feet of ground floor retail space.

On May 3, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on this item. There were no speakers for or against this item.

In response to Borough President Adams' inquiry to clarify details with regard to the affordable and supportive housing units, the ICL representative stated that 60 percent of the units will be supportive housing units, supported by OMH. ICL proposes 60 studios, 10 two-bedrooms, and four three-bedrooms, at 60 percent of area median income (AMI), which is approximately \$33,400 for an individual. Such units would also receive either project-based Section 8 vouchers or similar New York City rental subsidies, such as the Empire Supportive Housing Initiative (ESHI). ICL currently provides more than 1,500 community-based supportive housing units throughout the city and has a good relationship with OMH and the New York City Department of Health and Mental Hygiene (DOHMH). Additionally, the services offered to the supportive housing units would be provided for the building at large.

In response to Borough President Adams' inquiry to clarify the types of services that would be provided on-site, the representative stated that under OMH regulations, each supportive housing resident is assigned to an on-site case manager, in addition to certain services specific to the population occupying the building. Therefore, the types of services to be provided are flexible, and depend on the types of residents.

In response to Borough President Adams' concern that local cultural organizations are having trouble securing affordable space in the area and that there is an opportunity for the ground floor retail space to accommodate such use within the development, the representative stated that while ICL is a nonprofit, mission-driven organization, there is also a need to balance that with the financial models established through HPD, as well as construction costs and other factors. However, ICL has already reached out to other local nonprofits and cultural organizations in order to determine any possible synergies for the use of this space. ICL is open to working with Borough President Adams on finding any potential subsidy programs to help provide a lower, more affordable rent for such an organization. Additionally, its community room would be available on a time-to-time basis, depending on availability.

In response to Borough President Adams' policy of promoting the use of renewable and sustainable energy resources as well as promoting practices to retain stormwater runoff, the representative stated that the development will include green roofs. The representative added that whether such measures can be incorporated initially depends on financial feasibility. The building will comply with Enterprise Green Communities checklist as required by HPD. While solar panel installation is costly, the development will be solar ready, which will allow solar panel use

in the future as finances allow. Additionally, the development will include a highly efficient cooling and heating system.

In response to Borough President Adams' policy of maximizing job opportunities for Brooklynites and procuring supplies locally through the inclusion of Local Business Enterprises (LBE) and Minority- and Women-Owned Business Enterprises (MWBE), the representative stated that ICL will abide by the set requirements for the inclusion of such enterprises. ICL currently has numerous contracts with other funders that have similar requirements and utilizes a sophisticated system to internally monitor, manage, bid, and include LBE and MWBE participation. Additionally, ICL uses the approved New York State Vendor List, works primarily with construction companies who are knowledgeable with such regulations, and primarily hires local Brooklyn employees within their facilities.

Subsequent to the hearing, ICL provided a letter on June 9, 2017 with additional information regarding green building features and cultural use of the proposed retail space. The developer is committed to meeting the mandatory and elective requirements of the Enterprise Green Community checklist, including the provision of a high albedo roof, a solar-ready design, and water conservation plumbing fixtures. Additionally, there may be possibility of incorporating green roof areas, but a determination will be made based on solar access and associated costs. While a use for the proposed retail space has not yet been identified, ICL is open to considering a cultural use that would complement the "BAM cultural district," now commonly referred to as the Brooklyn Cultural District. However, per lender requirements, such space would have to be leased at or close to market value at the time of rent-up.

#### **Consideration**

CB 2 approved this application without conditions.

The proposed actions would facilitate ICL's intention to enlarge and reconstruct the existing building located on an "L" shaped corner lot on the corner of Nevins and Schermerhorn streets. In 1986, ICL had taken possession of the building that was originally constructed in 1913 for the Young Women's Christian Association of the City of New York (YWCA) to establish its "Stepping Stone Treatment Residence" for single adults with serious mental illness. Currently, residents live in single rooms that are about 120 square feet, as originally designed for the YWCA, with shared bathrooms and hallway per floor. A congregate dining program that includes three meals per day is offered on the eighth floor. On-site supportive services, located on the ground cellar floor, are provided to residents.

The property was rezoned to a split-lot C6-1/R6B in 2001 that resulted in the current degree of zoning non-compliance within the R6B district portion of the site. With construction and operational funding from OMH and New York State Housing Finance Agency (HFA), and construction funding from HPD, as well as federal assistance originating from the United States Department of Housing and Urban Development (HUD), adopting the requested rezoning would facilitate building renovation and an enlargement that would convert the existing 150-unit Single Room Occupancy (SRO) facility to a modernized and upgraded building. It would contain a 120-unit supportive housing facility consisting of self-contained studio, two-bedroom, and three-bedroom apartments, 60 percent of which will be serving disabled individuals and 40 percent of which will be serving low-income single adults as well as families. Along Schermerhorn Street would be 4,100 square feet of ground floor retail space.

The federal funding component triggers a requirement for consultation with the New York State Historic Preservation Office (SHPO), which has been initiated as the existing building is eligible to be listed in the State and National Registers of Historic Places.

The new floor area would be accommodated within the proposed C6-4 portion of the lot fronting Schermerhorn Street, consisting of a three-story vertical enlargement above the existing building footprint and a fully integrated, 10-story, horizontal enlargement constructed on the parking lot portion of the project site. The remaining portion of the existing building, within the R6B district, would not be enlarged.

The rear 10 feet of ICL's three adjacent, residentially-occupied lots would also be included in the C6-4 zoning district.

Borough President Adams is generally supportive of the proposed rezoning. He believes that the resulting enlargement of the existing building would enable ICL to implement an upgrade to its existing facility from SRO units to conventional apartments consistent with its vital mission to provide modern sustainable supportive housing, in this case, blended with apartments that will be affordable to low-income households.

The proposed land use actions would facilitate a building with approximately 120 units of affordable and supportive housing for persons with disabilities and for low-income households. The proposed project reflects Mayor de Blasio's "Housing New York: A Five-Borough, Ten-Year Plan," through the development of affordable and supportive housing for the city's most vulnerable residents.

Borough President Adams supports Mayor de Blasio's goal to achieve 200,000 affordable housing units over the next decade. Brooklyn is one of the fastest growing communities in the New York metropolitan area and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of long-time residents who can no longer afford to live in their own neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites.

Borough President Adams believes that there is a need for permanent supportive housing options for those with disabilities to maintain independent living, pursuant to the execution of a lease. Supportive housing is a cost-effective way of addressing such diverse needs, while also integrating residents into the life of the neighborhood. Borough President Adams believes that there is a need to move away from homeless shelters and transitional housing as the solution for households that need supportive services to remain in an apartment.

Producing permanent housing is less expensive and provides a more stable housing stock to serve the population requiring supportive services. Borough President Adams supports the public policy of integrating supportive housing units into a community by interspersing such units in the same building with housing units for low-income families, with a blend of 40 percent of occupants being families earning up to 60 percent AMI. This proposal is consistent with recent City policy changes that have evolved to blend such supportive housing developments with 40 percent of the apartments designated for low-income households. Tenants are assigned to such apartments through the City's affordable housing lottery, inclusive of a 50 percent local preference for occupants earning up to 60 percent AMI. As a service provider, ICL has demonstrated its ability to capably operate such permanent housing accommodations.

Borough President Adams believes that the proposed development would be consistent with the character of the surrounding area by leaving the State Street side as is while focusing the enlargement along Schermerhorn Street. As Schermerhorn Street is a wide street that transitions from Boerum Hill to Downtown Brooklyn, there are multiple community facility use buildings, at-

grade parking lots that would be expected to be redeveloped, and several new high-rise commercial and residential developments, including the HUB at Schermerhorn Street and the NU hotel at Smith Street.

Borough President Adams believes that, where appropriate, development in transit-rich areas should be encouraged. This site is near multiple bus and subway lines. The Hoyt-Schermerhorn station served by the A Eighth Avenue Express, C Eighth Avenue Local, and G Crosstown Local subway line is nearest to the site. A nearby station at Flatbush Avenue and Nevins Street is served by the 2 and 3 Seventh Avenue Express, as well as 4 and 5 Lexington Avenue Express subway lines. Additionally, access to the B Sixth Avenue Express, F Sixth Avenue Local, N Broadway Express, Q Broadway Express, and R Broadway Local lines is available within a few blocks of the development site.

While Borough President Adams supports the ICL proposal, he seeks for there to be an investigation of the possibility of including occupancy by a cultural institution and further advancing resilient energy and sustainable and stormwater management policies, in order to achieve a commitment toward the inclusion of LBEs and MWBEs.

#### **Advancing Cultural Space in the Special Downtown Brooklyn District**

On June 17, 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlights the benefits of arts and dance on maintaining physical fitness and enjoying creative self-expression, as well as their contributions to the vibrant culture of Brooklyn.

Data shows that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — 59 percent of adults as of 2013 are considered obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Moreover, dance has been a significant part of the impact that the arts have had on economic development in Brooklyn; a 2015 report from the Center for an Urban Future found a 20 percent increase in attendance since 2006 at events organized by local cultural institutions, benefitting the borough's business community. Borough President Adams' findings also detail many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color, based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Many cultural and dance organizations have contacted Borough President Adams seeking assistance securing affordable space to grow and sustain the programming provided. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural and dance activities. Given proximity to the many bus and subway lines that serve Downtown Brooklyn, as well as the BAM Cultural District, the proposed development at 50 Nevins Street is well-suited for inclusion of cultural and/or dance activities. Unfortunately, such uses cannot afford to compete with the rent that office and retail uses would likely pay to lease at this location. Therefore, Borough President Adams believes it is appropriate for ICL to investigate the possibilities of accommodating a local cultural organization in the ground floor retail space of the proposed development.

Borough President Adams believes ICL should actively solicit cultural and dance organizations as a potential building occupant, and that the applicant should provide, to the City Council, in

writing, to the extent that it would actively solicit cultural organizations as potential building occupants and investigate means to achieve the inclusion of cultural space within the ground floor retail space of the building.

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

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize solar panels, wind turbines, and/or blue/green/white roofs, as well as Passive House construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, New York State Energy Research and Development Authority (NYSERDA), and/or New York Power Authority (NYPA) at each project site. The development of an automatic Computational Fluid Dynamics (CFD) software assists in computing wind strengths and patterns in urban environments as a mean to justify the feasibility of installing small wind turbines. Such modifications would increase energy efficiency and reduce the development's carbon footprint. Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish bioswales that advance the New York City Department of Environmental Protection (DEP) green-water/stormwater strategies. Bioswales, blue/green roofs, and permeable pavers would deflect stormwater from entering the City's water pollution control plants. According to the "New York City Green Infrastructure 2014 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous environmental, social, and economic co-benefits.

It was represented that the design of the first phase site has progressed beyond a point to where it would be too late to pursue a Passive House design, though suggested that Passive House construction would be given consideration for the second site. The roof top would be white across all roof surfaces. The developer intends to reach out to the environmental consultant to determine if inclusion of a wind turbine would make sense.

Borough President Adams recognizes the applicant's efforts in providing a green roof and making the building solar-ready. He also understands that Passive House design is not the best option for a building enlargement. However, he believes that it is appropriate for the applicant to further evaluate the feasibility of pursuing additional resilient and sustainable rooftop features such as solar paneling or a wind turbine. Incorporating rooftop renewable energy features would be a valuable use of this project's roof surfaces in order to generate sustainable energy. As an additional resiliency and sustainability measure, Borough President Adams encourages ICL to pursue the construction of bioswales as part of the proposed Builders Pavement Plan in coordination with DEP. These strategies would help to advance DEP green-water/stormwater strategies.

Prior to the granting of its approval, the City Council should obtain the developer's commitments in writing to the extent that it would be pursuing additional resiliency and sustainability measures.

**Jobs**

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that will create more employment opportunities. According to averaged data from 2008 to 2012, double-digit unemployment remains a pervasive reality in many of Brooklyn's neighborhoods, with more than half of our community districts experiencing poverty rates of 25 percent or higher. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses and including those that qualify as LBE and MWBE is central to Borough President Adams' economic development agenda. This site provides opportunities for the applicant to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBEs,

as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation).

With the intended development, Borough President Adams believes that such Administrative Code and Local Law standards should be followed by ICL. Additionally, ICL should coordinate the monitoring of such participation with an appropriate monitoring agency. Prior to the granting of its approval, the City Council should obtain ICL's commitments in writing regarding participation by LBEs and MWBEs.

**Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c of the New York City Charter, recommends that the City Planning Commission (CPC) and the City Council approve this application with the following conditions:

1. That the Institute for Community Living (ICL) provide a written commitment to the City Council:
  - a. To the extent that it would actively solicit cultural organizations as potential building occupants and investigate means to achieve the inclusion of cultural space within the ground floor retail space in the building
  - b. To the extent that it would continue to explore additional resiliency and sustainability measures such as incorporating bioswales, permeable plaza pavers, solar panels, and wind turbines
  - c. To retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code, and LBE and Minority- and Women-Owned Business Enterprises (MWBE) establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency



**David J. Woodlock, MS, President/CEO**

**Chris Copeland, LCSW, Chief Operating Officer**

**Nikant Ohri, CPA, Chief Financial Officer**

*People Get Better With Us®*

The Honorable Eric L. Adams  
Brooklyn Borough President  
Brooklyn Borough Hall  
209 Joralemon Street  
Brooklyn, New York 11201

Dear Borough President Adams,

At the Brooklyn Borough President's public hearing on May 3<sup>rd</sup>, 2017 regarding the rezoning ULURP for 50 Nevins Street, several questions were raised that ICL would like to respond to. They included a request for an explanation of green building features that the project is considering, and whether ICL would consider non-profit cultural uses for the planned retail space on Schermerhorn Street.

#### Green Building Features

The project will meet the mandatory and elective requirements of the Enterprise Green Community checklist (which is a requirement for all HPD projects) including items such as:

- High albedo roof (either through paver selection or a cool roof coating) to decrease solar heat gain in the summer. We may also be able to incorporate green roof areas, but that will be driven by solar access and cost.
- A "solar ready" design that makes integration of photovoltaic panels in the future easier (or include the PV panels if the budget allows).
- Water conservation plumbing fixtures.

In addition to compliance with the requirements of the Enterprise Green Community checklist, there are aspects of the existing building that merit consideration of more sophisticated and site-specific sustainable strategies.

Though not landmarked, the existing building's exterior wall is an example of a classic, Pre-war, brick and cast stone building. The building's exterior would be significantly altered if standard thru wall air conditioners or PTAC's were used. As an alternative approach, we are considering a heating cooling system that utilizes variable refrigerant flow technology (or VRF) that conditions spaces by transferring heat to and from roof top condensers. In addition to being highly efficient, this strategy eliminates the need to create holes in the facade for air intake and exhaust. This system has the additional benefit of improving interior acoustics as well as reducing air infiltration rates.

#### Potential Cultural Use for Retail Space

The project will have a retail space with about 3,000 square feet, and possibly additional cellar level space, subject to geotechnical testing. ICL has not yet identified a use for this space and is entirely open to considering a cultural use that would complement the BAM cultural district. While ICL has not yet firmed up the rental cost for the space, the lenders would require that it be leased at or close to market value at the time of rent-up. ICL would welcome the recommendations of the Brooklyn Borough President's Office for potential uses.



We will be reaching out to follow up on this letter but please let us know if there is any additional information we can provide about this program or any of the projects ICL has underway to deepen our engagement with Brooklyn communities and provide the supports individuals and families need to get better and thrive.

Thank you for your attention.

Sincerely,



David J. Woodlock  
President and Chief Executive Officer



Carmen Collado, LCSW-R  
Chief Networking and Relationship Officer, ICL



Nicole Robinson Etienne  
Associate Vice President, Government and Community Relations, ICL

cc: Richard Berkley, Director, Land Use, Brooklyn Borough Presidents Office