



## CITY PLANNING COMMISSION

---

January 17, 2018/Calendar No. 17

C 170240 ZMK

---

**IN THE MATTER OF** an application submitted by SP North of North Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d:

1. eliminating from within an existing R5 District a C1-2 District bounded by:
  - a. Neptune Avenue, West 28<sup>th</sup> Street, a line 150 feet southerly of Neptune Avenue, and West 29<sup>th</sup> Street; and
  - b. a line 150 feet northerly of Mermaid Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street;
2. changing from an R5 District to an R6 District property bounded by a line 350 feet northerly of Mermaid Avenue, West 28<sup>th</sup> Street, a line 100 feet northerly of Mermaid Avenue, West 29<sup>th</sup> Street, a line 250 feet northerly of Mermaid Avenue, and a line midway between West 28<sup>th</sup> Street and West 29<sup>th</sup> Street;
3. changing from an R5 District to an R6A District property bounded by a line 100 feet southerly of Neptune Avenue, West 28<sup>th</sup> Street, a line 350 feet northerly of Mermaid Avenue, and a line midway between West 28<sup>th</sup> Street and West 29<sup>th</sup> Street;
4. changing from an R5 District to an R7A District property bounded by:
  - a. Neptune Avenue, West 28<sup>th</sup> Street, a line 100 feet southerly of Neptune Avenue, and West 29<sup>th</sup> Street; and
  - b. a line 100 feet northerly of Mermaid Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street; and
5. establishing within the proposed R7A Districts a C2-4 District bounded by:
  - a. Neptune Avenue, West 28<sup>th</sup> Street, a line 100 feet southerly of Neptune Avenue, and West 29<sup>th</sup> Street; and
  - b. a line 100 feet northerly of Mermaid Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street;

Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated September 5, 2017 and subject to the conditions of CEQR Declaration E-447.

---

This application for a zoning map amendment was filed by SP North of North Limited Partnership on January 24, 2017 and revised on July 18, 2017. The applicant is requesting a zoning map amendment to change a portion of the block generally bounded by Neptune Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street (Block 7011, Lots 1, 11, 43-47, 49, 51-54, 96, 97, and p/o 95) from R5 and R5/C1-2 zoning districts to R5, R6, R6A and R7A/C2-4 zoning districts. This application, in conjunction with the related action (N 170241 ZRK), would facilitate the subdivision of an existing zoning lot (Block 7011, Lot 11) into two zoning lots to facilitate the construction of a new 100 percent affordable housing development.

### **RELATED ACTION**

In addition to the zoning map amendment (C 170240 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 170241 ZRK            Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

### **BACKGROUND**

The area to be rezoned (the “project area”) comprises Block 7011, Lots 1, 11, 43-47, 49, 51-54, 96, 97, and a portion of Lot 95 and is located on a single block generally bounded by Neptune Avenue to the north, West 28<sup>th</sup> Street to the east, Mermaid Avenue to the south, and West 29<sup>th</sup> Street to the west. The project area is zoned R5 with C1-2 commercial overlays mapped to a depth of 150 feet along the Mermaid and Neptune Avenue frontages. R5 zoning districts permit residential uses to a maximum floor area ratio (FAR) of 1.25 and community facility uses to a maximum FAR of 2.0. R5 districts allow buildings to rise to a maximum height of 30 to 40 feet and generally have high off-street parking requirements. C1-2 commercial overlays permit a commercial FAR of 1.0 when mapped across R5 districts, and allow limited local neighborhood retail and services with a generally high off-street parking requirement. The project area was within the Coney Island I Urban Renewal Area that expired on July 25, 2008.

The blocks to the east and west of the project area are zoned R5 and are characterized by two-story, single-family attached homes. To the immediate north is the 26-acre Kaiser Park, with baseball fields, basketball courts, a running track, handball courts, a fishing pier, a barbeque area and bathrooms. The block to the south is mapped with an R6/C1-2 district and is developed with commercial frontage on Mermaid Avenue and two affordable high rise housing complexes: the 16-story Ocean Gate and the 24-story Sea Park East and West. Further to the south and east is the Brooklyn Cyclones MCU Park, and further east is the Coney Island amusement area. The Coney Island waterfront and beach and the Riegelmann Boardwalk are located two blocks to the south, providing extensive recreational and amusement activities. As is most of the peninsula, the project area is located within the AE Flood Hazard Zone on the New York City Preliminary Flood Insurance Rate Maps (FIRM), which is considered high flood risk area subject to inundation by the one-percent annual-chance flood event.

The two major thoroughfares bordering the project area are Neptune Avenue (120 feet wide) and Mermaid Avenue (80 feet wide). One block south of Mermaid Avenue is Surf Avenue, which provides access to the Coney Island amusement area. All three of these avenues are oriented in an east-west direction. Access to Coney Island and the project area from the north is provided by four streets: Cropsey Avenue, Stillwell Avenue, West 8<sup>th</sup> Street and Ocean Parkway.

Mass transit access to Coney Island includes multiple subway lines and bus routes. Subway service is provided on four different lines: the B, F, N and D. The nearest station, the Coney Island-Stillwell Avenue Station, 13 blocks from the project site, is also the terminal station for each of the four subway lines. The B74 bus line, which serves the project area, travels along Mermaid Avenue and connects to the Stillwell Avenue subway station. From the subway station a number of bus lines emanate, providing access to the rest of Brooklyn. These lines include the B68, the B1, and the B64, from which over a dozen other lines can be reached, and the X28 and X38 express lines to Manhattan.

Existing development within the project area includes a one-story house of worship with 35 open accessory parking spaces on a 20,000-square-foot lot (Block 7011, Lot 1) that fronts onto

Neptune Avenue. Ten lots (Block 7011, Lots 43-47, 49, and 51-54) front onto Mermaid Avenue and are developed with a mix of one- to four-story mixed residential and commercial buildings. The other properties fronting on West 29<sup>th</sup> Street (Block 7011, p/o Lot 95, and Lots 96 and 97) are developed with two-story single family residences.

The development site (Block 7011, Lot 11) is an 89,357-square-foot zoning lot, with frontages on both West 28<sup>th</sup> and 29<sup>th</sup> streets and a small frontage on Neptune Avenue. It is currently developed with a 15-story apartment building originally constructed in 1972 through the Mitchell-Lama Program. The existing building is roughly “L” shaped, with its longer axis oriented toward West 28<sup>th</sup> Street. To the south and west of the building are open sitting spaces and playground areas. To the north of the building, along West 28<sup>th</sup> Street, is a parking area with 43 parking spaces for tenants, accessed by a 20-foot curb cut on West 28<sup>th</sup> Street. A paved athletic playground with one full-sized and two half-sized basketball courts, and handball courts is adjacent to the parking area. The northern end of the proposed development site, which fronts on Neptune Avenue, is currently vacant.

The Empire State Development Corporation (ESDC) took title to the site in 1989 through a deed in lieu of foreclosure. The property had fallen into disrepair, and ESDC issued a Request for Proposals (RFP) to preserve the affordable units. The applicant was selected through the RFP process and entered into a 50-year Regulatory Agreement in 2006 with the New York State Department of Housing and Community Renewal for the substantial rehabilitation of the existing 122 rental dwelling units. Of those units, 116 are leased to families with household incomes at or below 60 percent of area median income (AMI), with the balance of six leased as market rate units.

To support the preservation of these existing affordable units, the applicant proposes to subdivide the 89,357-square-foot Lot 11 into two zoning lots. The southern portion, occupied by the existing 15-story building and the open sitting/playground area to its west, would become a separate zoning lot of 49,952 square feet (Lot A). The proposed development site, which occupies the northern portion of the lot, including the existing parking area, the athletic courts,

and the parking area fronting on Neptune Avenue, would constitute a second zoning lot of 39,405 square feet (Lot B).

The applicant proposes to build two new contiguous eight-story buildings on the development site. The new development would include a total of 153 dwelling units and 145,602 square feet of floor area, for a total FAR of 3.7. A total of 68 parking spaces would be provided on the ground floor and in the rear yards of each building, consistent with flood zone regulations, and would be accessed by two 23-foot curb cuts per building.

To accommodate the new development, the existing open space would be reconfigured and updated and new recreational areas would be developed. In addition, at intervals of 25 feet, there would be new street plantings along the portions of the development site fronting on West 28<sup>th</sup> and 29<sup>th</sup> Streets and Neptune and Mermaid avenues.

The project area is required to comply with U.S. Federal Emergency Management Agency (FEMA) standards and Appendix G of the NYC Building Code because of its location in the Coastal Zone, and is located within the AE Flood Hazard Zone on the New York City Preliminary FIRM, with a Base Flood Elevation of 11 feet. An AE-designated zone is an area of high flood risk subject to inundation by the one-percent annual-chance flood event. Because of the project area's location in the flood zone, the NYC Building Code requires that buildings be designed to minimize the effect of flooding. The buildings would have a Design Flood Elevation (DFE) of 12 feet, which includes one foot of "freeboard" as required by Department of Buildings. Below this elevation only crawl spaces, parking, storage and building access would be allowed. Additionally, the boiler equipment and standby generator would be located on the roof, and electric and gas systems would be elevated above the first floor.

The eight-story buildings would rise to a height of a 79 feet 4 inches after a required 15-foot setback, and the six-story portion to 60 feet 8 inches above the DFE. The portion of the development fronting Neptune Avenue would rise to seven stories.

To facilitate this development, the applicant is proposing a zoning map amendment to change R5 and R5/C1-2 zoning districts to R5, R6, R6A and R7A/C2-4 districts. The rezoning would facilitate the subdivision of the zoning lot, allowing the existing 15-story building to remain in compliance, while generating development rights for the proposed new affordable buildings. On the wide streets, Neptune Avenue and Mermaid Avenue, existing overbuilt buildings in the project area would be brought into compliance, and the proposed zoning districts would permit enlargement or new mixed-use development with ground floor retail and affordable housing on these two major corridors.

An R7A/C2-4 district would be established on the portions of the project area fronting on both Mermaid and Neptune avenues, between West 28<sup>th</sup> and West 29<sup>th</sup> streets. R7A districts are contextual districts that mandate the use of the Quality Housing bulk regulations and have a maximum residential FAR of 4.6 pursuant to MIH regulations. R7A districts have a maximum base height of 75 feet and a maximum building height of 95 feet, or nine stories, with a qualifying ground floor. C2-4 districts permit local retail and service establishments at a maximum commercial FAR of 2.0.

An R6A district would be mapped over the middle portion of the project area fronting on West 28<sup>th</sup> Street, including most of the development site. R6A districts are contextual districts that have a maximum residential FAR of 3.6 pursuant to MIH regulations, a maximum base height of 65 feet, and a maximum building height of 85 feet with a qualifying ground floor.

An R6 district would be mapped just north of the R7A/C2-4 district on Mermaid Avenue. An R6 district is a “Height Factor” district in which the maximum FAR depends on the building’s height and the amount of required open space. Permitted FAR can range from 0.78 to 2.43. The R6 district would be mapped across the portion of the project area that includes the existing 15-story building and its surrounding open space. Permitted uses in R6 districts include both residential and community facility. Mapping an R6 district here (together with FAR generated from a portion of the proposed R7A) would bring the existing building into zoning compliance.

The applicant also proposes to eliminate the existing C1-2 commercial overlays mapped along Neptune and Mermaid avenues, currently mapped to a depth of 150 feet, and establishing a C2-4 overlay to a depth of 100 feet. The reduction in depth and the elimination of the overlay south of Neptune Avenue along West 29<sup>th</sup> Street would affect Lots 96, 97, and p/o Lot 95, recognizing their existing residential character and preventing midblock commercial development. Similarly, the reduction of the overlay on Mermaid Avenue reflects the existing built condition and the depth of existing commercial uses. In addition, mapping a C2 district would permit a broader range of both local retail and service uses, increasing the potential range of commercial uses and shopping options on these wide streets and important commercial corridors.

The applicant also proposes a zoning text amendment to designate an MIH area within the project area (with the exception of the portion mapped with an R5 district) that applies the requirements of Option 1 and Option 2.

The options proposed are described as follows:

- Option 1: 25 percent of residential floor area must be reserved for housing units affordable to residents with household incomes averaging 60 percent of AMI. Within that 25 percent, at least 10 percent of the square footage must be used for units affordable for households at 40 percent of AMI, with no income band above 130 percent of AMI.
- Option 2: 30 percent of residential floor area must be devoted to housing units affordable to residents with household incomes at an average of 80 percent of AMI. No more than three income bands can be used to average out to the 80 percent, and no income band can exceed 130 percent of AMI.

The applicant intends to use Option 1, which would require that approximately 38 units are permanently affordable. The applicant intends, however, to develop the project to provide 100 percent affordability. The project as a whole, including approximately 115 non-MIH dwelling units, would meet the income levels required by HPD's Extremely Low and Low Income Affordability (ELLA) Program (70 percent of the units affordable to households with incomes

below 60 percent of AMI and 30 percent of the units affordable to households with incomes below 100 percent of AMI). HPD's ELLA "Term Sheet" requires that subsidized MIH projects provide an additional 15 percent permanent affordability, raising the number of permanently affordable units to approximately 61 units.

## **ENVIRONMENTAL REVIEW**

This application (C 170240 ZMK), in conjunction with the application for the related action (N 170241 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 17DCP098K.

After a study of the potential environmental impact of the Proposed Actions, a Negative Declaration was issued on September 5, 2017.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation (E-447) has been incorporated into the Proposed Actions, as described below.

**The (E) designation requirements related to air quality would apply to the following sites:**

**Projected Development Sites:**

**Block 7011, Lot 11 (Projected Development Site 1)**

**Block 7011, Lot 1 (Projected Development Site 2)**

**Block 7011, Lots 45 and 46 (Projected Development Site 3)**

**Block 7011, Lot 47 (Projected Development Site 4)**

**Block 7011, Lot 49 (Projected Development Site 5)**

**Block 7011, Lots 51, 52, 53, and 54 (Projected Development Site 6)**

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

**Projected Development Sites:**

**Block 7011, Lot 11A (Projected Development Site 1, Building A)**

Any new commercial or residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 91 feet above grade, and at 389 feet from Mermaid Avenue to avoid any potential significant adverse air quality impacts.

**Block 7011, Lot 11B (Projected Development Site 1, Building B)**

Any new commercial or residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 91 feet above grade, and at most 240 feet from Neptune Avenue to avoid any potential significant adverse air quality impacts.

**Block 7011, Lot 1 (Projected Development Site 2)**

Any new commercial or residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 101 feet above grade.

**Block 7011, Lots 45 and 46 (Projected Development Site 3)**

Any new commercial or residential development on Block 7011, Lot 46 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 81 feet above grade, and at most 71 feet from West

**28<sup>th</sup> Street to avoid any potential significant adverse air quality impacts.**

**Block 7011, Lot 47 (Projected Development Site 4)**

**Any new commercial or residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 81 feet above grade, and at most 71 feet from West 28th Street to avoid any potential significant adverse air quality impacts.**

**Block 7011, Lot 49 (Projected Development Site 5)**

**Any new commercial or residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 81 feet above grade, and at most 109 feet from West 29th Street to avoid any potential significant adverse air quality impacts.**

**Block 7011, Lots 51, 52, 53, and 54 (Projected Development Site 6)**

**Any new commercial or residential development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts. Stack shall be located at a minimum of 101 feet above grade.**

**The (E) designation requirements related to noise would apply to the following development site:**

**Projected Development Site:**

**Block 7011, Lot 11 (Projected Development Site 1)**

**Block 7011, Lot 1 (Projected Development Site 2)**

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

**Projected Development Sites:**

**Block 7011, Lot 11 (Projected Development Site 1)**

To ensure an acceptable interior noise environment, future Residential/Commercial/Community Facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the northern façade facing and within 100 feet from Neptune Avenue 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, air conditioning.

**Block 7011, Lot 1 (Projected Development Site 2)**

To ensure an acceptable interior noise environment, future Residential/Commercial/Community Facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the northern façade facing and within 100 feet from Neptune Avenue 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, air conditioning.

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

**Projected Development Sites:**

**Block 7011, Lot 11 (Projected Development Site 1)**

**Block 7011, Lot 1 (Projected Development Site 2)**

**Block 7011, Lots 45 and 46 (Projected Development Site 3)**

**Block 7011, Lot 47 (Projected Development Site 4)**

**Block 7011, Lot 49 (Projected Development Site 5)**

**Block 7011, Lots 51, 52, 53, and 54 (Projected Development Site 6)**

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

#### **Task 1**

**The applicant submits to OER, for review and approval, a Phase 1 of the site along with a soil and groundwater 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 the 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 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. 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.**

**An OER-approved construction-related health and safety plan would be implemented**

**during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.**

**All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.**

With the assignment of the above-referenced (E) designations for Air Quality, Noise and Hazardous materials, 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 quality of the environment.

## **UNIFORM LAND USE REVIEW**

This application (C 170240 ZMK) was certified as complete by the Department of City Planning on September 5, 2017, and was duly referred to Brooklyn Community Board 13 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 170241 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Brooklyn Community Board 13 held a public hearing on this application (C 170240 ZMK) on September 27, 2017. On October, 25, 2017 by a vote of 16 in favor, seven opposed, and with five abstentions, the Community Board adopted a recommendation to approve the application.

Subsequent to the public hearing and vote, Community Board 13 sent a letter dated December 21, 2017 that reported the vote on a new motion to approve the application (N170241 ZRK), which was denied (11 in favor, 15 opposed and one abstention).

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 170240 ZMK) on November 2, 2017 and on December 4, 2017 issued a recommendation to approve the application with conditions as follows:

- “1. That the New York City Department of Housing Preservation and Development (HPD) incorporate the following in the funding regulatory agreement and in writing to the City Council:
  - a. To the extent that it would work with the developer, SP North of North Limited Partnership, enable the constructed Extremely Low and Low-Income Affordability (ELLA)-financed units, through its project financing, to provide as near to 50 percent two- and three-bedroom units as feasible in order to accommodate a greater percentage of families with children
  - b. To the extent that it would work with the developer, enable more studio and one- bedroom units with rents at 30, 40, and 50 percent AMI, in tandem with an enhanced percentage of studio and one-bedroom units that might provide opportunities for senior households
  - c. That one or more locally-based non-profits be utilized to play a role in promoting affordable housing lottery readiness and marketing of the affordable housing
2. That prior to considering the application, the City Council obtain commitments in writing from the developer, SP North of North Limited Partnership, that clarify how it would memorialize the extent that it would pursue:
  - a. Resiliency and sustainability measures such as Passive House, green/blue/white roofs, solar panels, and wind turbines, as well as advancing the New York City Department of Environmental Protection (DEP) green-water/stormwater strategies
  - b. Coordination with the New York City Department of Transportation (DOT) and DEP to commit to implement curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions, with developer commitment to enter into a standard DOT maintenance agreement for West 23rd Street at Neptune Avenue, with

the understanding of DOT confirming that implementation would not proceed prior to consultation with Brooklyn CB 13 and local elected officials

- c. Coordination with DEP for the investigation of sewer capacity surrounding the block bounded between West 23rd and West 29th streets and between Mermaid and Neptune avenues, for a camera investigation of the existing sewer condition

Be It Further Resolved:

1. That DOT undertake a traffic analysis toward facilitating the placement of a crosswalk across Neptune Avenue at West 23rd Street with the inclusion of traffic controls such as a stop sign or traffic light
2. That DEP undertake a camera investigation of the existing sewer condition in Coney Island for all lines west of West 23rd Street
3. That the City advance Coney Island Creek ferry service with its ferry berth constructed at West 21st Street off Neptune Avenue, starting with the design, funding, and planning for the West 21st Street landing
4. That HPD modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City- funded or -operated shelters
5. That the City Planning Commission (CPC) and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or more rent than what the housing lottery offers) to qualify for such affordable housing units pursuant to MIH
6. That the developer commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits
7. That the City coordinate the filing of a text amendment by the New York City Department of City Planning (DCP) or the New York City Department of Small Business Services (SBS) to establish a Special Enhanced Commercial District (SECD) along Mermaid Avenue from Stillwell Avenue

8. That DCP initiate and expedite a zoning amendment for R7A zoning districts on Coney Island outside that Transit zone that amends the parking and waiver requirement to be applicable to R6A provisions.”

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

On November 29, 2017 (Calendar No. 1), the Commission scheduled December 13, 2017 for a public hearing on this application (C 170240 ZMK), in conjunction with the related application (N 170241 ZRK). The hearing was duly held on December 13, 2017 (Calendar No. 21). Three speakers from the applicant team testified in favor of the application.

The applicant team described the proposed zoning map change and text amendment and their proposal to develop 153 new 100 percent affordable units while preserving the existing 116 affordable units in the former Mitchell-Lama building. They stated that they plan to address the Borough President’s concerns with regard to local outreach, sustainability, and local and minority hiring for construction. The applicant team indicated that the proposed unit breakdown for larger units is just under the Borough President’s request for 50 percent, and stated that they would comply with HPD requirements for an appropriate unit mix.

There were no other speakers and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 170240 ZMK), in conjunction with the applications for the related application (N 170241 ZMX), was reviewed by the City Coastal Commission 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 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 14-036.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 170240 ZMK), in conjunction with the related application for a zoning text amendment (N 170241 ZRK), is appropriate.

The proposed actions would result in the substantial rehabilitation and retention of 122 rental dwelling units, including 116 units leased to families with incomes at or below 60 percent of AMI. In addition, it would facilitate the development of two new eight-story buildings with 153 affordable dwelling units. This 100 percent affordable new project, including 61 permanently affordable units, would be developed on what is now underutilized open space and open parking.

The proposed zoning map and text amendments are necessary to enable the subdivision of the existing zoning lot and the development of 153 new affordable dwelling units. The rezoning is needed to prevent the proposed subdivision from creating zoning non-compliances for the existing 15-story building and to generate development rights for the new, contextual development planned for the development site. The new buildings would be developed predominantly within the R6A district proposed for the midblock of West 28<sup>th</sup> Street, with a smaller portion developed within the R7A/C2-4 frontage proposed for Neptune Avenue. The R7A zoning district on Mermaid Avenue is necessary to make the existing building complying in terms of FAR and bulk distribution and is a prerequisite to subdividing the zoning lot and building the new affordable development.

The Commission believes that the R6A residential zoning district is appropriate for this development, as it would facilitate affordable Quality Housing buildings with street wall requirements and height limits, desirable for this location. The proposed eight-story buildings provide an appropriate buffer between the adjacent existing 15-story “tower in the park” building and the lower rise buildings on this and the adjacent block.

The R7A/C2-4 districts proposed for the Neptune and Mermaid Avenue block frontages would

allow new, contextual, mixed-use developments of up to nine stories. Given that Neptune Avenue is 120 feet wide, and the project area is directly across from the 26-acre Kaiser Park, the Commission believes that this location can support the proposed increase in density. Mermaid Avenue is 80 feet wide and an active neighborhood retail corridor, connecting the neighborhood to the Coney Island-Stillwell Avenue transit center, with multiple 12- to 24-story buildings located across Mermaid Avenue to the south in R6 and R7-1 districts. Potential contextual development allowed under the rezoning would reinforce this active commercial corridor's character, providing opportunities for mixed use development at a density to help enliven and activate the streetscape, as well as flood-resistant affordable housing.

The Commission notes the faith-based initiative described in the Borough President's report, which specifically cites the house of worship located along Neptune Avenue and within the proposed R7A/C2-4 project area. This initiative encourages existing houses of worship to consider redevelopment for both affordable housing and other community benefits. Mapping a C2-4 commercial overlay along the avenues will allow a broader range of local retail and service uses at a shallower 100-foot depth than the existing C1-2 overlay, which is more appropriate for the existing development pattern on residential mid-blocks.

The Borough President has requested that HPD incorporate a number of provisions into the regulatory agreement. The Commission notes that this application seeks only changes to the Zoning Map and Zoning Resolution and does not require specific project approval. Therefore, recommendations for HPD actions are outside the scope of review for these zoning actions. Nevertheless, the Commission encourages HPD and the applicant to take these recommendations under consideration.

The Commission notes that additional recommendations by the Borough President for modifications to the MIH program and affordable housing marketing procedures, as well as for various sustainability, transportation and infrastructure improvements are also beyond the scope of this application. However, the Commission acknowledges and supports the applicant's letter to the Borough President committing to local, minority and woman subcontracting, local

community outreach and the study and implementations of sustainability measures.

The Commission has received both the November 1, 2017 recommendation of Community Board 13 approving the project without conditions and its subsequent letter of December 21, 2017 identifying a Land Use Committee motion to approve the ULURP application that was denied by the full Board. The Commission has asked the Department of City Planning (DCP) Borough staff to encourage the Board to submit future recommendations that are as specific as possible in identifying concerns or conditions. The Commission also fully supports the Board's request to have DCP staff conduct zoning and land use sessions to facilitate a greater understanding of zoning principles and public review procedures. Enhanced communication between the Community Board, DCP and, ultimately, the Commission would aid in future deliberations and decision-making.

## **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**, that the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28d:

1. eliminating from within an existing R5 District a C1-2 District bounded by:
  - a. Neptune Avenue, West 28<sup>th</sup> Street, a line 150 feet southerly of Neptune Avenue, and West 29<sup>th</sup> Street; and
  - b. a line 150 feet northerly of Mermaid Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street;

2. changing from an R5 District to an R6 District property bounded by a line 350 feet northerly of Mermaid Avenue, West 28<sup>th</sup> Street, a line 100 feet northerly of Mermaid Avenue, West 29<sup>th</sup> Street, a line 250 feet northerly of Mermaid Avenue, and a line midway between West 28<sup>th</sup> Street and West 29<sup>th</sup> Street;
3. changing from an R5 District to an R6A District property bounded by a line 100 feet southerly of Neptune Avenue, West 28<sup>th</sup> Street, a line 350 feet northerly of Mermaid Avenue, and a line midway between West 28<sup>th</sup> Street and West 29<sup>th</sup> Street;
4. changing from an R5 District to an R7A District property bounded by:
  - a. Neptune Avenue, West 28<sup>th</sup> Street, a line 100 feet southerly of Neptune Avenue, and West 29<sup>th</sup> Street; and
  - b. a line 100 feet northerly of Mermaid Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street; and
5. establishing within the proposed R7A Districts a C2-4 District bounded by:
  - a. Neptune Avenue, West 28<sup>th</sup> Street, a line 100 feet southerly of Neptune Avenue, and West 29<sup>th</sup> Street; and
  - b. a line 100 feet northerly of Mermaid Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street;

Borough of Brooklyn, Community District 13, as shown on a diagram (for illustrative purposes only) dated September 5, 2017, and subject to the conditions of CEQR Declaration E-447.

The above resolution (C 170240 ZMK), duly adopted by the City Planning Commission on January 17, 2018 (Calendar No. 17) 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.

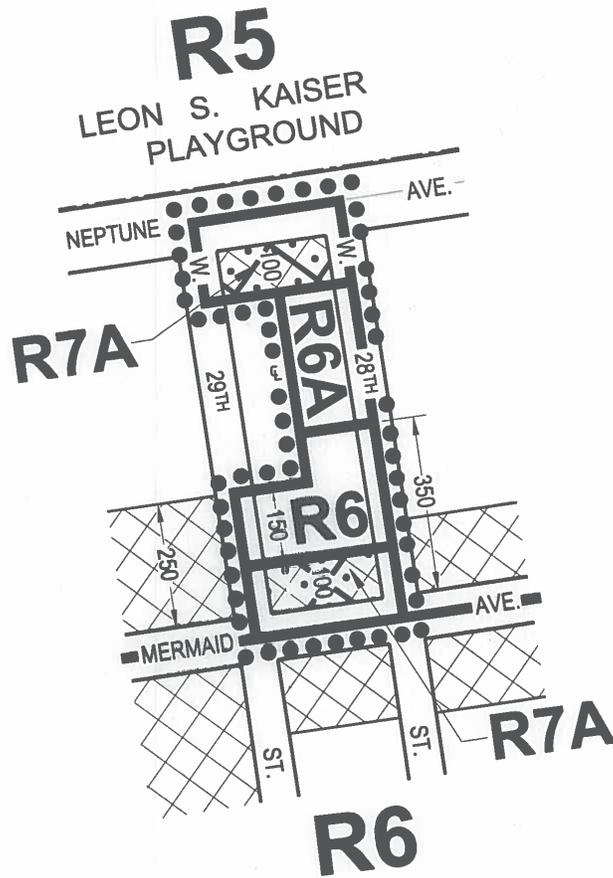
**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, Esq.**, *Vice Chair*

**RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,**

**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

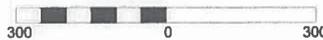
**28d**

BOROUGH OF  
**BROOKLYN**

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division

New York, Certification Date  
 SEPTEMBER 05, 2017

SCALE IN FEET



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by eliminating C1-2 District from within an existing R5 District, by changing an existing R5 District to R6, R6A and R7A Districts, and by establishing C2-4 Districts within the proposed R7A Districts.

 Indicates a C1-2 District.

 Indicates a C2-4 District.





**BROOKLYN COMMUNITY BOARD 13**  
1201 Surf Avenue – 3<sup>rd</sup> Fl., Brooklyn, NY 11224  
(718) 266-3002 FAX (718) 266-3920  
<http://www.nyc.gov/html/bkncb13>

**ERIC L. ADAMS**  
Borough President

**JOANN WEISS**  
Chairperson

**EDDIE MARK**  
District Manager

Dec. 21, 2017

Mr. Richard Jacobs  
New York City Department of City Planning  
120 Broadway 31<sup>st</sup> Floor  
New York, N.Y. 10271

Dear Mr. Jacobs:

The Land Use Committee of Brooklyn Community Board 13 previously voted on a project, Sea Park North (2828 W. 28<sup>th</sup> St. Brooklyn, N.Y. 11224) without proper information. The committee was not advised that the project was a ULURP or that it had been given a ULURP number. The Committee then brought the vote to the full board where it subsequently passed. It was then brought to the attention of the Committee that the ULURP application with a ULURP number had been assigned.

Brooklyn Community Board 13 respectfully requests that the prior vote be rescinded and a new vote brought forward by both the committee and the membership of the full board.

Subsequently, at the December meeting of Brooklyn Community Board 13 a motion was made and seconded as follows: Brooklyn Community Board 13 approves the ULURP 170240 ZMK and ULURP N170241 ZRK (proposed rezoning of Neptune and Mermaid Avenue, W. 28<sup>th</sup> St. and West 29<sup>th</sup> St. Block 7011, Lots 1,11,43-47, 49,51-54, p.o. 95,96,97). 2828 West 28<sup>th</sup> Street, Brooklyn, N.Y. 11224

VOTE: In Favor: 11 Opposed: 15 Abstentions: 1  
(Motion denied-quorum present. Roll call on file at C.B. office)

Regards,

Eddie Mark  
District Manager  
Brooklyn Community Board 13

Joann Weiss  
Chairperson  
Brooklyn Community Board 13

Cc: Brooklyn Borough President Eric L. Adams  
State Senator Diane Savino  
Assemblywoman Pamela Harris  
Councilmember Chaim Deutsch  
Councilmember Mark Treyger  
Marion Cleaver, Co-Chair, Land Use Committee  
Shimon Rinkovsky, Co-Chair, Land Use Committee

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
CalendarOffice@planning.nyc.gov



**INSTRUCTIONS**

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

**APPLICATION**

SEA PARK NORTH REZONING -170240 ZMK, 170241 ZRK

In the matter of applications submitted by SP North of North Limited Partnership, pursuant to Section 197-c of the New York City Charter, for a zoning map amendment to rezone portions of a block bounded by Neptune Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street, by removing a C1-2 commercial overlay from an R5 district and rezoning the R5 and/or R5/C1-2 zoning districts to R6, R6A, and R7A/C2-4 zoning districts, as well as a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to designate a portion of the project area as a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of two eight- and seven-story buildings with a total of 153 residential units and 68 parking spaces. All of the units will be affordable with 25 percent of the residential floor area designated permanently affordable to households at an average 60 percent of the Area Median Income (AMI), pursuant to MIH Option 1.

BROOKLYN COMMUNITY DISTRICT NO. 13

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

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

December 4, 2017

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: SEA PARK NORTH REZONING –170240 ZMK, 170241 ZRK**

SP North of North Limited Partnership submitted applications pursuant to Section 197-c of the New York City Charter, for a zoning map amendment to rezone portions of a block bounded by Neptune Avenue, West 28<sup>th</sup> Street, Mermaid Avenue, and West 29<sup>th</sup> Street, by removing a C1-2 commercial overlay from an R5 district and rezoning the R5 and/or R5/C1-2 zoning districts to R6, R6A, and R7A/C2-4 zoning districts, as well as a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to designate a portion of the project area as a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of two eight- and seven-story buildings with a total of 153 residential units and 68 parking spaces. All of the units will be affordable with 25 percent of the residential floor area designated permanently affordable to households at an average 60 percent of the Area Median Income (AMI), pursuant to MIH Option 1.

On November 2, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on the proposed zoning map and zoning text amendments. There was one speaker on this item, a member of the Brooklyn Community Board 13 (CB 13) Land Use Committee. The speaker clarified the community board's efforts to inform nearby residents about the Sea Park North rezoning and proposed development.

In response to Deputy Brooklyn Borough President Diana Reyna's inquiry regarding the qualifying income range for prospective households based on household size, the applicant's representative expressed that studio, as well as one-, two-, and three-bedroom units, would be affordable to households with incomes ranging from 30 percent to 80 percent of AMI. Deputy Borough President Reyna emphasized Borough President Adams' policy of maximizing affordable housing opportunities for seniors in new construction.

In response to Deputy Borough President Reyna's inquiry regarding the anticipated rents based on the number of bedrooms, the representative expressed that at 30 percent of AMI, anticipated rents would range from \$330 per month for a studio apartment to under \$600 for a three-bedroom unit, while at 80 percent AMI, such rents would range from under \$1,100 for a studio to about \$1,900 for a three-bedroom unit.

In response to Deputy Borough President Reyna's inquiry regarding the distribution of units by bedroom size, the representative provided a breakdown of 15 percent studio apartments, 44 percent one-bedroom units, 26 percent two-bedroom units, and 15 percent three-bedroom units.

In response to Deputy Borough President Reyna's inquiry as to how long the non-MIH units are required to be rented at affordable rates, the applicant's representative cited a 30-year regulatory agreement with the New York City Department of Housing Preservation and Development (HPD), which governs the development's financing. The representative further reiterated the developer's commitment to preserving affordable housing.

In response to Deputy Borough President Reyna's inquiry as to whether the applicant would partner with a local affordable housing administering agent as part of its marketing strategy in order to ensure maximum community participation in the development's affordable housing lottery, the representative expressed that Arker Companies typically acts as its own affordable housing administering agent. However, the developer seeks to partner with community organizations and advocates.

In response to Deputy Borough President Reyna's inquiry as to whether the applicant would implement a financial literacy campaign as part of its marketing strategy to assist area residents in becoming lottery-eligible, the applicant's representative expressed that the marketing process for

this building will adhere to the City's marketing guidelines. The developer works with partner organizations to provide financial literacy and job-training services.

In response to Deputy Borough President Reyna's inquiry regarding the intersection of West 28<sup>th</sup> Street and Neptune Avenue across from Leon S. Kaiser Park (Kaiser Park), and opportunities to implement Borough President Adams' Connecting Residents on Safer Streets (CROSS Brooklyn) initiative by introducing a curb extension at this pedestrian crossing, the applicant's representative expressed that the developer will look to the New York City Department of Transportation (DOT) to coordinate a safer crossing to the park, and will follow up on this idea with the Office of the Brooklyn Borough President.

In response to Deputy Borough President Reyna's inquiry regarding the rationale for the applicant's requested height of seven to eight stories, given the low-rise homes adjoining the rear lot of the proposed development on West 29<sup>th</sup> Street, and those located across from the proposed development on West 28<sup>th</sup> Street, the applicant's representative expressed that the applicant attended three meetings with Brooklyn CB 13 but did not reach out directly to the homeowners as direct notification is not required to notify the community.

In response to Deputy Borough President Reyna's inquiry as to the rationale for the requested height of seven and eight stories, the representative expressed that the applicant sought an R6A district to provide a contextual density increase in a neighborhood with multiple high-rise towers.

In response to Deputy Borough President Reyna's inquiry as to what consideration has been given to incorporating blue/green or white roofs, Passive House design, permeable pavers, rain gardens, and/or solar panels, the applicant's representative expressed that the applicant will study water detention systems and photovoltaic roofs, which are provided in most Arker Companies buildings. The applicant is not seeking Passive House approval at this time, but will include energy efficiency features in the development.

In response to Deputy Borough President Reyna's inquiry regarding the inclusion and participation of Minority- and Women-Owned Business Enterprises (MWBEs) and Locally-Owned Business Enterprises (LBEs) in the construction and procurement process, the applicant's representative stated that the developer works with several partners to recruit MWBE subcontractors and provide training for local residents in construction jobs.

In response to Deputy Borough President Reyna's inquiry regarding the possibility of setting aside a percentage of units for homeless families given the homeless student population at schools surrounding the proposed development, the representative expressed that several Arker Companies buildings incorporate set-asides for homeless families via HPD's Our Space initiative, and that the applicant would be open to incorporating the program in this development.

### **Consideration**

CB 13 approved the application on October 25, 2017.

The proposed land use actions would facilitate the construction of two mid-rise affordable housing buildings on an open section of Sea Park North property fronting the west side of West 28<sup>th</sup> Street south of Neptune Avenue. This is a large zoning lot currently occupied by a 15-story apartment tower called Sea Park North, which provides 122 units of affordable housing, a 43-car parking lot, and a basketball court for use by its residents, as well as residual green space.

As part of the requested zoning map amendments, the applicant seeks to upzone and split the zoning lot containing Sea Park North and the proposed development site into three lots, zoned R6,

R6A, and R7A respectively. The R6 district would begin to the north of the Mermaid Avenue-fronting properties, and extend along Sea Park North's West 29<sup>th</sup> Street frontage and a segment along West 28<sup>th</sup> Street toward its existing parking lot to permit the existing tower to reduce its zoning lot area and parking requirements, with its parking lot relocated to the West 29<sup>th</sup> Street frontage of the tower. The R6A district would extend from the R6 district along West 28<sup>th</sup> Street, to the south side of the parking lot of Coney Island Gospel Assembly church, containing the site of the current basketball court and parking lot. The R7A would extend to West 29<sup>th</sup> Street to contain the entire church lot and the northernmost section of the existing Sea Park North site up to Neptune Avenue.

The proposed development would be governed by the R6A and R7A zoning districts. Taken together, these districts would permit the development of Harbour Houses as two seven- and eight-story buildings comprising 153 affordable housing units and 68 parking spaces, beyond the 32 required by the ZR, and an improved open space at its Neptune Avenue corner. Open space would be provided in the rear of the new development for use by residents of Harbour Houses, as well as the intersection of West 29<sup>th</sup> Street and Neptune Avenue. One quarter of the affordable housing would be permanently affordable according to the requested MIH Area designation for all the area proposed to be rezoned from R5. In addition, the R7A on Neptune Avenue would provide significant development rights to realize mid-rise mixed-use and/or residential construction of up to nine stories for the church site provided that residential construction would incorporate affordable housing, as the MIH designation would ensure that future development provides affordable housing floor area.

As with Neptune Avenue, the application also proposes to significantly upzone Mermaid Avenue to R7A between West 28<sup>th</sup> and West 29<sup>th</sup> streets, providing development rights to properties unaffiliated with the applicant. Resulting development would be pursuant to MIH requirements, though properties would need to be assembled to exceed the floor area threshold that mandates the provision of permanent affordable housing. The modification to the commercial overlays mapped along both Mermaid and Neptune avenues would serve to minimize commercial use intrusion on the side streets, and provide a wider range of permitted commercial uses.

The surrounding context is primarily residential, with privately-owned, two-story attached homes and high-rise apartment towers that provide affordable housing according to New York State programs such as Mitchell-Lama. Several of these properties are owned and managed by the Arker Companies, including Sea Park East, Sea Park North, and Sea Park West. The area also contains several New York City Housing Authority (NYCHA) complexes.

Mermaid Avenue is the commercial spine of Coney Island, with small to medium-sized retail establishments that serve local residents, while Neptune Avenue is the gateway to Kaiser Park, which extends from West 23<sup>rd</sup> to West 31<sup>st</sup> streets. In the last five years, this area has seen some new development, notably the Coney Island YMCA on West 29<sup>th</sup> Street.

In 2012, the western portion of the Coney Island peninsula suffered extensive damage as a result of Superstorm Sandy. The proposed Sea Park North rezoning and Harbour Houses development would be one of the first new residential projects on Coney Island since the storm.

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 longtime 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.

The rezoning would be consistent with Mayor Bill de Blasio's goal of achieving 200,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," through the development of affordable housing. It would complement the 2009 Coney Island Comprehensive Plan (CICP), which provides a development framework for the area east of West 23<sup>rd</sup> Street, and aims to "foster the redevelopment of vacant and underutilized land, providing opportunities for new and affordable housing [to the north and west of the amusement area]."

In addition, R7A zoning along Neptune Avenue is consistent with Borough President Adams' Faith-Based Development Initiative, which works to harness the power of faith-based institutions in Brooklyn (widely known as the "Borough of Churches") to help solve the challenge of housing affordability. The Faith-Based Development Initiative connects local houses of worship with information and resources to explore opportunities for developing their properties to generate affordable housing and other community benefits. The Coney Island Gospel Assembly is one of many faith-based organizations in the borough that would have air rights to develop affordable housing pursuant to the proposed MIH rezoning, which would be particularly beneficial in this location.

Borough President Adams supports projects that facilitate the redevelopment of land for more productive uses while addressing the City's affordable housing objectives. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible. This development would result in one quarter of the zoning floor area to be permanently affordable according to MIH. The remaining floor area would remain affordable for a duration of 30 years as per the regulatory agreement with HPD. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing development to remain permanently affordable.

Borough President Adams supports rezoning when paired with the ZR's MIH program as a means to achieve permanently affordable housing units. The affordability options of the MIH program provide a range of opportunities to address the need for housing that serves a broad range of diverse incomes, consistent with Borough President Adams' objectives to provide affordable housing to households through various income band targets. As a result, Harbour Houses would provide housing opportunities to a diverse range of household incomes to apply for apartments through the affordable housing lottery.

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

As the funding for Harbour Houses includes financing and subsidies from HPD of no less than \$2 million, the developer must participate in HPD's MWBE Building Opportunity Initiative's Build Up program. For Build Up projects, at least one quarter of HPD-supported costs are to be spent on certified MWBE construction contractors and service providers. Developers may adopt a higher goal and all payments to certified MWBEs involved in design and construction count toward the goal. Borough

President Adams believes that the Build Up program offers reasonable opportunities to address disparities in MWBE participation in affordable housing development.

To meet the MWBE participation requirement, borrowers and developers are required to complete a preliminary plan to identify MWBEs either under consideration or in contract and describe what steps they will take to meet the project's MWBE participation goals. The construction loan closing document contains a set dollar value for MWBE participation goals, and requires the developer to adhere to all program stipulations. During construction, HPD requires quarterly submissions documenting payments made to eligible MWBE firms and progress. HPD provides resources and staff to help borrowers and developers as well as general contractors identify MWBEs and meet MWBE participation goals.

On November 28, 2017 Borough President Adams received a letter from the developer, SP North of North Limited Partnership, stating intent to seek 25% MWBE participation from subcontractors, in accordance with HPD's Build Up program. The applicant will work with Borough President Adams, Brooklyn CB 13 and Workforce 1 to advertise procurement opportunities to local businesses.

Borough President Adams is generally supportive of the proposed development. He believes that there are opportunities to improve the proposal while furthering a range of his policies such as including more family-sized affordable housing units; promoting opportunities for deeply affordable units for senior households; maximizing community participation to obtain the affordable housing units; as well as advancing Vision Zero, resiliency, sustainability, and stormwater management. Furthermore, he seeks improved access to affordable housing for rent-burdened households and to advance local preference policy to students of area schools who reside in shelter housing, an analysis of sewer system conditions, implementation of ferry service, a mandate of commercial use along Mermaid Avenue, and reconsideration of certain parking requirements.

#### **Achieving a Family-Sized Affordable Housing Unit Mix**

Out of a total of 153 dwelling units, 15 percent will be studio units, 44 percent will be one-bedroom units, 26 percent will be two-bedroom units, and 15 percent will be three-bedroom units. Building 1 will contain 64 units, with a total floor area of approximately 63,450 sq. ft, while the larger Building 2 will have 89 dwelling units with a total floor area of approximately 82,150 sq. ft. Both buildings will provide 25 percent permanently affordable floor area, pursuant to MIH Option 1.

The development is expected to utilize HPD's Extremely Low & Low Income Affordability (ELLA) program. According to the developer's blended model, income bands for eligible households will range from 30 to 80 percent AMI. However, 50 percent, or 77 of the units, will be made available at 60 percent AMI, with rents ranging from under \$800 for a studio unit to under \$1,400 for a three-bedroom unit. As per the applicant's regulatory agreement with HPD, the units will be kept affordable for a duration of 30 years.

A recent report has identified that rent-burdened households, which typically represent those households applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams is concerned that the proposed affordable unit mix would not adequately reflect the needs of Brooklyn Community District 13 (CD 13)'s low- to middle-income rent-burdened families. Borough President Adams believes in this case that right-sizing the bedroom distribution is a higher priority than maximizing the number of affordable housing units.

Borough President Adams believes that discretionary land use actions are appropriate opportunities to advance policies that constrain what would otherwise be permitted as-of-right. He believes that the proposed Sea Park North rezoning presents an opportunity to achieve more family-sized units for the non-elderly, and advocates increasing the minimum threshold for non-independent residences for senior

housing to accommodate family-sized apartments, particularly for the HPD ELLA-financed units.  
Borough President

Adams ideally supports having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units, consistent with the zoning text for Inclusionary Housing floor area, pursuant to ZR Section 23-96(c)(1)(ii).

Borough President Adams believes that the Sea Park North residential floor area should be designed to provide more two- and three-bedroom dwelling units to accommodate a greater percentage of families with children, with rents targeting households qualifying at 30, 40, and 50 percent AMI. In addition, he believes that such floor area should have an expanded number of studio and one-bedroom units with rents at 30, 40, and 50 percent AMI to accommodate a greater percentage of senior households.

Therefore, Borough President Adams requests that HPD provide a commitment in writing to the City Council clarifying the extent that it would work with the developer, SP North of North Limited Partnership, to enable dwelling units financed by the ELLA program to provide as near to 50 percent two- and three-bedroom units as possible, and enable as many studio and one-bedroom units at 30, 40, and 50 percent AMI to accommodate seniors including those who are formerly homeless.

#### **Achieving Deeper Affordability for Smaller Units to Improve Affordability for Senior Citizen Households**

In addition to addressing the need for family-sized units, there is a pressing need for affordable apartments for the aging population with limited financial means. Older New Yorkers are a rapidly growing segment of the City's population, with more than 300,000 individuals residing in Brooklyn. As noted in the New York City Department of City Planning (DCP) "Zoning for Quality and Affordability" (ZQA) study, New York's senior population is expected to grow 40 percent by 2040. The study noted that there were 60 applicants for every senior apartment for housing lotteries conducted by HPD for senior housing developments. According to a recent study by LiveOn NY, there are 200,000 New Yorkers aged 62 and older on the City's affordable housing waiting lists, with an average wait of seven years for an apartment.

As a significant number of elderly households have negligible income, providing opportunities for area seniors to secure quality affordable housing and remain in their communities is a priority for Borough President Adams. In an era in which the federal government has moved away from funding affordable housing for seniors, too few affordable apartments for seniors are being produced, leaving tremendous demand for age-based affordable housing in Brooklyn. As a result, many elderly households are experiencing increased rent burden to remain in their homes, exhausting their life savings just to keep up with day-to-day living until they are unable to remain in the area where they have lived for many years.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedrooms, two-bedrooms, and three-bedrooms, he believes that when studio and one-bedroom apartments are rented at 40 percent AMI or below, such apartments might be more affordable to senior households. Therefore, it is acceptable to set aside a portion of the units equal to or greater than 50 percent, but fewer than 70 percent of the affordable units (as indicated by the developer) for studios and one-bedrooms. It appears that MIH regulations provide an adequate opportunity to create studio and one-bedroom apartments affordable to senior households at 30 to 40 percent AMI as long as the average rent is 60 percent AMI. Borough President Adams believes that having a number of the other apartments exceed 80 percent AMI is an appropriate means to set aside a greater share of apartments for a significant number of senior citizen households to become eligible through the lottery, as well as for subsequent opportunities to occupy such units.

Therefore, Borough President Adams seeks a greater percentage of affordable housing floor area to be set aside for two- and three-bedroom units than stipulated in the current apartment mix, as a means to accommodate a greater percentage of families with children. In addition, such agreement should establish a rent structure for a number of studio and one-bedroom apartments to rents affordable to one- or two-person households, ranging from 30 percent to 50 percent of AMI, as a means to capture a greater percentage of senior households.

Prior to considering the application, the City Council should obtain commitments in writing from the developer, SP North of North Limited Partnership, that qualify how it will pursue a greater number of larger apartments in the bedroom mix, and deeper affordability for smaller apartments to increase the number of qualified senior citizens.

#### **Maximizing Community Participation of the MIH Affordable Housing**

The ZR requires the affordable housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by HPD. Such administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verifying a prospective tenant household's qualifying income, and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure conformity.

SP North of North Limited Partnership is an affiliate of Arker Companies, which has a proven track record as its own administering agent for its affordable housing developments. Borough President Adams believes that Harbour Houses provides an opportunity to supplement the efforts of the administering agent to successfully market the affordable housing units within the host community of this development, as well as to promote affordable housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for locally-based non-profits to play a contributing role toward the success of community participation in accessing neighborhood affordable housing opportunities.

On November 28, 2017 Borough President Adams received a letter from the developer, SP North of North Limited Partnership, stating intent to work with Borough President Adams, Brooklyn CB 13 and Council Member Mark Treyger's office to market and lease the affordable housing lottery units, in order to meet the community participation requirement for this development.

Borough President Adams believes that prior to considering the application, the City Council should obtain in writing from the developer, SP North of North Limited Partnership, commitments that clarify how it would memorialize utilizing a combination of locally-based non-profits to play a role in promoting affordable housing lottery readiness and marketing of the affordable housing.

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

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

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish rain gardens that advance the New York City Department of Environmental Protection (DEP) green infrastructure strategy. Blue/green roofs, permeable pavers, and rain gardens would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2016 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

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

On November 28, 2017 Borough President Adams received a letter from the developer, SP North of North Limited Partnership, with a commitment to secure Enterprise Green Communities certification for the Harbour Houses project.

Therefore, prior to considering the application, the City Council should obtain in writing from the developer, SP North of North Limited Partnership, commitments that clarify how it would memorialize integrating these resiliency and sustainability features at Sea Park North.

### **Advancing Vision Zero Policies**

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

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

Borough President Adams believes there is an opportunity to implement the provision of a curb extension, either built or painted protected area, per his CROSS Brooklyn initiative, across the intersection of Neptune Avenue at West 28<sup>th</sup> Street. Such a sidewalk extension would facilitate safer pedestrian crossings to Kaiser Park.

Borough President Adams recognizes that the costs associated with construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams urges DOT to explore the implementation of protected painted sidewalk extensions until capital resources are secured. If the implementation meets DOT's criteria, the agency should undertake such improvements after consultation with Brooklyn CB 13, as well as local elected officials. Painted extensions require a maintenance agreement that indemnifies the City from liability, contains a

requirement for insurance, and details the responsibilities of the maintenance partner. Borough President Adams would expect SP North of North Limited Partnership to commit to such maintenance as an ongoing obligation.

Neptune Avenue is a wide street containing multiple intersections that are without traffic controls such as stop signs or traffic lights. In order to promote pedestrian safety, consideration should be given to advancing improvements that connect residents with public parks. The street crossing at Neptune Avenue and West 28<sup>th</sup> Street leads directly to Kaiser Park for residents, including many youth, residing at Coney Island Houses and Sea Park East and West. Therefore, this street crossing should be investigated by DOT for the implementation of a painted crosswalk across Neptune Avenue as well as for meeting the criteria to place a stop sign or traffic light.

Therefore, prior to considering any rezoning, the City Council should seek a demonstration from SP North of North Limited Partnership in coordination with the New York City Department of Environmental Protection (DEP) and DOT, and a resulting commitment, to implement curb extensions either as part of a Builders Pavement Plan or as protected painted sidewalk extensions. The City Council should further seek demonstration of the developer's commitment to enter into a standard DOT maintenance agreement for the intersection of Neptune Avenue and West 28<sup>th</sup> Street. Furthermore, DOT should confirm that implementation will not proceed prior to consultation with Brooklyn CB 13 and local elected officials.

In addition, the DOT should undertake a traffic analysis toward facilitating the placement of a crosswalk across Neptune Avenue at West 28<sup>th</sup> Street with the inclusion of traffic controls such as a traffic light or stop sign.

#### **Addressing Storm Sewer Capacity**

Too often, intense rain storms overload the storm sewer capacity throughout the west end of Coney Island. With such occurrences, significant ponding results at multiple intersections. In addition, it is possible for individual buildings to be impacted when sanitary sewer waste cannot be received by the combined sewers.

The City is undertaking upgrades to the combined sewer system for the section of Coney Island east of West 23<sup>rd</sup> Street. It is feasible that such upgrades would enable the sewers west of West 23<sup>rd</sup> Street to release stormwater collected from intense rain storms in a timelier manner without the overload that essentially results in multiple dams that prevent system control of street runoff.

While the completed sewer upgrades would be a benefit, there is an apparent lack of information regarding the condition of the combined sewer system west of West 23<sup>rd</sup> Street. To the extent that the bottom of these sewers are filled with sand deposits or are subjected to partial collapses, actual sewer capacity becomes diminished due to a reduction in pipe cross-section area, which might result in a damming effect on the flow of stormwater, with resulting street flooding.

In order to ensure that the sewers in proximity to Sea Park North are functioning at optimal capacity, Borough President Adams believes that it would be appropriate for SP North of North Limited Partnership to engage DEP for the investigation of sewer capacity surrounding the block bounded between West 28<sup>th</sup> and West 29<sup>th</sup> streets and between Mermaid and Neptune avenues for a camera investigation of the existing sewer condition.

Borough President Adams believes it would also be appropriate for DEP to undertake such an investigation for all the sewer lines in the west end of Coney Island.

Therefore, prior to considering any rezoning, the City Council should seek a demonstration from SP North of North Limited Partnership of coordination with DEP for the investigation of sewer capacity surrounding the block bounded between West 28<sup>th</sup> and West 29<sup>th</sup> streets and between Mermaid and Neptune avenues for a camera investigation of the existing sewer condition. In addition, DEP should undertake a camera investigation of the existing sewer condition for Coney Island for all lines west of West 23<sup>rd</sup> Street.

### **Advancing Ferry Service to Coney Island**

Across the City, many neighborhoods are already part of the NYC Ferry network. The various routes offer the same \$2.75 fare as a ride on the subway. Borough President Adams believes that it is time to advance design, funding, and planning for a ferry landing in order to introduce ferry service on Coney Island.

Coney Island is a unique neighborhood that is home to approximately 25,000 residents who are joined by another 6.6 million people visiting the beach each year. Its residential population will grow rapidly with the anticipated Ocean Dreams project and additional residential development per the Coney Island Comprehensive Plan (CICP). The proposed Harbour Houses on the Sea Park North site would add to the number of underserved Coney Island commuters.

Subway commutes between Coney Island and Lower Manhattan take more than an hour and 15 minutes without delays. A ferry ride from Coney Island Creek to Lower Manhattan would cut the commute time to approximately 30 minutes. In addition, establishing ferry service would enable transit redundancy should evacuation be required in case of emergency.

Ferry service in Coney Island would serve as a complement to the commercial and residential development, currently in initial stages as a result of the adoption of the CICP, and could help catalyze and encourage additional investment in the area.

New ferry service would provide express commuter service as well as bring more tourists and visitors to the ever-expanding, 27-acre Coney Island amusement and entertainment center with new features being developed each season. The ferry is expected to attract more residents and tourists to Coney Island, who might otherwise be deterred by the long subway ride.

In July 2017, a petition was initiated by Coney Islanders 4 Ferry, an advocacy group with three stated goals: to demonstrate that there is major demand for Coney Island ferry service now, to achieve a Coney Island route as part of the subsidized NYC Ferry system, and to gain a local ferry landing, built along Coney Island Creek.

Borough President Adams supports local stakeholders who urge the development of a ferry landing at Coney Island Creek. In particular, he favors locating the berth as a reconstruction of the existing landing at West 21<sup>st</sup> Street off Neptune Avenue. Such a landing location would provide easy, year-round access for area residents with minimal exposure to extreme weather. In addition, it would be within walking distance of the 4,500 new households anticipated according to the CICP. This location would be a three-block walk to the western edge of the amusement district and lines up directly with the Ford Amphitheater at West 21<sup>st</sup> Street.

Borough President Adams believes that this location is ideal as it provides the shortest route from Neptune Avenue to the landing, at the point where Coney Island Creek nearly touches Neptune Avenue. In addition, there would be an opportunity to integrate this location as part of a future transit-oriented development on the south side of Neptune Avenue between West 20<sup>th</sup> and West 21<sup>st</sup> streets, with the expectation that the New York City Department of Sanitation (DSNY) is able to relocate its District 13 garage to the former National Grid site north of Coney Island Creek.

As part of a coastal flooding defense system, an elevated flood barrier could be constructed between the ferry landing and Neptune Avenue. It could then extend across the creek to its east to connect to the waterfront public access area provided by the Home Depot development, which connects to Dreier-Offerman Park. Utilizing the remains of the existing dock might lead to a more modest investment to have a ferry berth operational.

Borough President Adams seeks for the City to advance Coney Island Creek ferry service with its ferry berth constructed at West 21<sup>st</sup> Street off Neptune Avenue, starting with design, funding, and planning for the West 21<sup>st</sup> Street landing.

**Community Preference: Inclusion of Homeless Shelter Student Population by School Zone**

New York City's community preference policy for affordable housing lotteries provides a pathway for reaching 50 percent or more of applicants residing in the community district where affordable housing is built. There are additional pathways for priority lottery selection such as United States Armed Forces veteran status, certain disabilities, and other categories. Given the significant increase in the number of homeless families with school-aged children entering the public shelter system, Borough President Adams believes it is appropriate for HPD to extend local lottery preference to include the school zone attended by children of households residing at immediate and neighboring City-funded or -operated homeless shelters.

This is especially important given the number of students living in homeless shelters. The New York City Independent Budget Office (IBO) recently produced a report analyzing homeless rates in schools. School student registration data identifies those residing in public shelters as Students in Temporary Housing (STH). Using data from the 2014-2015 school year, a review of the 50 schools in Brooklyn with the highest percentage of STH enrollment identifies approximately 4,300 students attending such schools with more than 18 percent of the enrollment categorized as STH.

Research indicates that students living in temporary accommodations are most challenged in attaining academic success. These students are more likely to lack access to technology such as computers that would aid with homework and research assignments, as well as access to a quiet space to complete assignments and study for exams. In addition, commuting between a school and shelter requires significantly more time for many students. These commutes often make it difficult to participate in extracurricular school activities, which might otherwise enhance the students' academic and community experiences.

Many parents and students find it important to maintain school continuity despite the circumstances faced by households dependent on the City's homeless shelter system. Borough President Adams believes that it should be the City's responsibility to take action that would eliminate or reduce such hardships. One such action would be to enable economically-challenged households with children in public schools to qualify for community local preference based on where the children attend school.

According to an interactive map provided by the Institute for Children, Poverty, and Homelessness (ICPH), there are three elementary schools within several blocks of the proposed Harbour Houses development, which are located in New York City Community School District (CSD) 21. This area contains a combined total of approximately 175 homeless students. Such students and their families should be considered as part of the 50 percent local preference for the Harbour Houses housing lottery.

Borough President Adams believes that HPD should modify its affordable housing lottery community preference standards to include the school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

### **Accommodating Rent-Burdened Households in Lieu of Strict Area Median Income Standards**

Borough President Adams supports Mayor de Blasio's goal of achieving 200,000 affordable housing units over the next decade. Brooklyn is one of the fastest-growing communities in the New York City 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 longtime 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 the creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites. Among numerous approaches and strategies, Borough President Adams is committed to advancing his affordable housing policy through his role in the ULURP process. The development of much-needed affordable housing provides opportunities to existing neighborhood residents at risk for displacement or increased degree of being rent-burdened.

Data shows that more than 80 percent of those making 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest income citizens, those making 30 percent of AMI or less, currently \$23,310 for a family of three. Among this population, well over 50 percent pay more than half of their income toward rent. More than one-fifth of New York City households — over two million people — earn less than \$25,000 a year and almost one-third earn less than \$35,000. As the City's housing crisis grows worse, the burden falls most heavily on these low-income households, many of them senior citizens.

There are residents living in rented apartments within CD 13 who reside in unregulated housing, or regulated apartments subjected to a legal regulated rent increase in which landlords have been renting below the legally-permitted regulatory rent (preferential rent) and have been seeking to increase rent at lease renewal according to the legal amount permitted.

For ZIP code 11224, disclosed data from the New York City Rent Guidelines Board (RGB) dated June 1, 2017 list 488 such units, representing 44 percent of all rent-stabilized units. The continued significant increase in rents has resulted in an increased rent burden and/or residential displacement. Therefore, there is a pressing need to provide more affordable housing units in this area.

In this section of Brooklyn CD 13, too many households fall into low- and very low-income categories and are often rent-burdened. Given the risk for displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible. A strict rent-to-income requirement of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged households from the affordable housing lotteries. As a result, these rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same rent, or are in excess of the rent stated for the affordable housing unit. Thus, the requirement to pay no more than 30 percent of household income is actually hurting people who are already living in substandard housing and are paying more than 30 percent of their income toward housing.

As first noted in his East New York Community Plan ULURP response, Borough President Adams believes that it is time to break the mold in which families that are already paying too much rent for substandard housing are disqualified. Borough President Adams seeks to qualify rent-burdened households to be eligible for selection through the housing lottery process. Such eligibility would ensure rent-burdened households receive the maximum opportunity to secure regulated affordable housing units, expanding the number of eligible households for government-regulated affordable housing lotteries.

One means to address rent burden should be achieved by amending the ZR to adjust the AMI qualifications so they include such households that would maintain or reduce their rent burden. For such lotteries resulting from MIH housing lottery offerings, DCP needs to amend the ZR to allow for exceptions to the 30 percent of income threshold so that households that are burdened, though paying the same or more rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, and quality housing accommodations.

Borough President Adams believes that CPC and/or the City Council should echo his call to seek the modification of the MIH section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status to qualify for such affordable housing units pursuant to MIH.

### **Prevailing Wages and Local Hiring for Building Service Workers**

Jobs within the building service and industrial sector have long served as a pathway to middle-class living for lower-income individuals, including immigrants and people of color. Like industrial jobs, building service jobs have low barriers to entry and real career prospects. When compensated at prevailing wage standards, such jobs provide average wages twice that of the retail sector. Additionally, building service opportunities are often filled through local hiring.

Borough President Adams believes that it is appropriate to advocate for economic opportunities that allow families to remain in their neighborhoods, by securing sufficient income to alleviate their rent burdens. He further believes that building service positions often result in locally-based employment. Therefore, Borough President Adams strongly encourages SP North of North Limited Partnership to commit to hiring locally for building service jobs and paying prevailing wages to this workforce.

### **Establishing a Special Enhanced Commercial District Along Mermaid Avenue**

Residents of Coney Island have inadequate access to retail. While the section of Surf Avenue within the CICIP requires ground-floor commercial development with the intention of turning block fronts along those streets into a lively, mixed-use retail corridor with a vibrant mix of commercial and community facilities on the ground floor of all new developments, those same zoning tools have not been applied to Neptune Avenue west of the CICIP. Ground-floor retail provides opportunities for pedestrians to look inside at merchandise and activity in a manner that makes for a more interesting experience when strolling along a retail corridor. Interesting corridors often result in more foot traffic that supports retailers while providing more eyes on the street as a means to enhance a feeling of safety in the neighborhood. This is further enhanced when lighting from stores supplement the City's street lights. By providing a more active street front, commercial ground-floor space has the potential to not only activate the street but also provide more pedestrian foot traffic and an overall brighter, livelier, and safer atmosphere.

Housing development on Neptune Avenue does not have any explicit zoning obligation to include commercial uses on the street level. Therefore, Borough President Adams is concerned that the tripling of market-rate development rights derived from the proposed rezoning from R5 to R7A might ultimately result in property redevelopment that would displace the existing street-level uses with no guarantee that street-level uses would be provided as sites redevelop.

Borough President Adams does not expect buildings along this block front of Mermaid Avenue to be redeveloped promptly after properties would secure R7A status. However, it would be unfortunate if such development did not restore retail use along Mermaid Avenue. He has similar concern for the section of Mermaid Avenue within the CICIP. He believes that the resulting housing developments should be required to provide commercial use at ground-floor level, achieved through the mapping of the ZR's Special Enhanced Commercial District (SECD).

Therefore, Borough President Adams calls on the City to coordinate the filing of a text amendment by DCP or the New York City Department of Small Business Services (SBS) to establish a SECD along Mermaid Avenue from Stillwell Avenue.

**Establishing a More Appropriate Parking Waiver for R7A Districts in Coney Island Outside the Transit Zone**

Residents of Coney Island have expressed concern that there is an insufficient inventory of on-street parking in the area. The existing R5 zoning district requires multi-family parking at a rate of five parking spaces per six dwelling units with no provision to waive parking requirements for multi-family buildings. The R6 zoning district generally mapped between Mermaid and Surf avenues has either a 50 percent parking requirements for contextual buildings or a 70 percent requirement for non-contextual high-rise tower developed on lots in excess of 10,000 sq. ft. In either case, parking cannot be waived for developments requiring more than five parking spaces.

The proposed R7A district allows the same 50 percent parking requirement applicable to lots in excess of 10,000 sq. ft. in R6 districts, but for lots of up to 10,000 sq ft. the parking requirements is 30 percent. Furthermore, for the section of Coney Island outside the Transit Zone, income-restricted housing units in an R7A district have a 15 percent parking requirement, as opposed to 25 percent in an R6 district.

For properties along Mermaid Avenue proposed for rezoning to R7A MIH, the existing lots would not trigger a parking requirement unless assembled for development. Given the extreme competition for parking in Coney Island during its amusement season, and the City's goal to transform the amusement area into a year-round attraction, Borough President Adams believes that the section of Coney Island outside the Transit Zone warrants special consideration in the ZR similar to that extended to the Rockaway Park section of Queens CD 14. He believes that R7A parking and waiver requirements on this part of Coney Island should be given the same consideration that is in effect for R6A zoning districts.

Therefore, Borough President Adams calls on DCP to draft a zoning text amendment for R7A zoning on Coney Island outside the Transit Zone that amends the parking and waiver requirements to be applicable to R6A provisions.

**Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. That the New York City Department of Housing Preservation and Development (HPD) incorporate the following in the funding regulatory agreement and in writing to the City Council:
  - a. To the extent that it would work with the developer, SP North of North Limited Partnership, enable the constructed Extremely Low and Low-Income Affordability (ELLA)-financed units, through its project financing, to provide as near to 50 percent two- and three-bedroom units as feasible in order to accommodate a greater percentage of families with children
  - b. To the extent that it would work with the developer, enable more studio and one-bedroom units with rents at 30, 40, and 50 percent AMI, in tandem with an

enhanced percentage of studio and one-bedroom units that might provide opportunities for senior households

- c. That one or more locally-based non-profits be utilized to play a role in promoting affordable housing lottery readiness and marketing of the affordable housing
2. That prior to considering the application, the City Council obtain commitments in writing from the developer, SP North of North Limited Partnership, that clarify how it would memorialize the extent that it would pursue:
    - a. Resiliency and sustainability measures such as Passive House, green/blue/white roofs, solar panels, and wind turbines, as well as advancing the New York City Department of Environmental Protection (DEP) green-water/stormwater strategies
    - b. Coordination with the New York City Department of Transportation (DOT) and DEP to commit to implement curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions, with developer commitment to enter into a standard DOT maintenance agreement for West 28<sup>th</sup> Street at Neptune Avenue, with the understanding of DOT confirming that implementation would not proceed prior to consultation with Brooklyn CB 13 and local elected officials
    - c. Coordination with DEP for the investigation of sewer capacity surrounding the block bounded between West 28<sup>th</sup> and West 29<sup>th</sup> streets and between Mermaid and Neptune avenues, for a camera investigation of the existing sewer condition

Be It Further Resolved:

1. That DOT undertake a traffic analysis toward facilitating the placement of a crosswalk across Neptune Avenue at West 28<sup>th</sup> Street with the inclusion of traffic controls such as a stop sign or traffic light
2. That DEP undertake a camera investigation of the existing sewer condition in Coney Island for all lines west of West 23<sup>rd</sup> Street
3. That the City advance Coney Island Creek ferry service with its ferry berth constructed at West 21<sup>st</sup> Street off Neptune Avenue, starting with the design, funding, and planning for the West 21<sup>st</sup> Street landing
4. That HPD modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or -operated shelters
5. That the City Planning Commission (CPC) and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or more rent than what the housing lottery offers) to qualify for such affordable housing units pursuant to MIH

6. That the developer commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits
7. That the City coordinate the filing of a text amendment by the New York City Department of City Planning (DCP) or the New York City Department of Small Business Services (SBS) to establish a Special Enhanced Commercial District (SECD) along Mermaid Avenue from Stillwell Avenue
8. That DCP initiate and expedite a zoning amendment for R7A zoning districts on Coney Island outside that Transit zone that amends the parking and waiver requirement to be applicable to R6A provisions

**SP NORTH OF NORTH LIMITED PARTNERSHIP**

1044 Northern Boulevard, 2<sup>nd</sup> Floor  
Roslyn, New York 11576

---

November 28, 2017

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

**Re: ULURP Nos. 170240 ZMK and 170241 ZRK  
2828 West 28<sup>th</sup> Street, Brooklyn  
Block 7011, Lot 11 (the "Project")**

Dear Borough President Adams:

We would like to thank you and your staff for the opportunity to present the above-referenced application at your public hearing on November 2, 2017. We write in response to certain questions raised by Deputy Borough President Diana Reyna at that public hearing.

**Local Hiring and Minority- and Women-Owned Business Enterprises Hiring Participation**

We commit to working with Workforce 1's Coney Island Office located at Mermaid Avenue and West 19<sup>th</sup> Street at the recommendation of both Council Member Treyger and Community Board 13 to provide local hiring and employment opportunities for the Coney Island community.

Additionally, we will seek to procure 25% of all sub-contracting from certified Minority and Women-Owned Business enterprises (M/WBE) contractors, design and professional services and suppliers. We intend to procure such services by following HPD's M/WBE Build-Up program for the development of affordable housing units. We will also work with Workforce One, Community Board 13 and the Borough President's office to advertise locally for contracting and/or supply opportunities for this project.

**Local Community Outreach**

We will work with your office, Community Board 13 and Council Member Treyger's office to advertise the lottery system for the marketing and lease-up of the affordable housing units within the Project to ensure that the community is informed about these new housing opportunities. Additionally, we currently have a local newsletter that we send to all tenants of the 863 units within the Sea Park buildings that we will use to advertise both job opportunities for the construction of the proposed Project and also for community outreach to market the housing lottery for the new affordable units.

**Sustainability**

With regard to sustainability, we commit to achieving Enterprise Green Communities

---

certification for the Project. Enterprise Green Communities certification is a comprehensive nationally-recognized green building framework designed specifically for the development of affordable housing. The Enterprise Green Communities criteria focus on energy efficiency, water conservation, sustainable building materials, local hiring and community wealth creation among others. Some of the measures that the Project will include are LED lighting, low-flow plumbing fixtures and toilets, low and no VOC paints and sealants and an efficient irrigation system. Additionally, we are working with a sustainability consultant to determine the feasibility of a mix of green roof features and/or solar (photovoltaic) panels.

The proposed affordable housing development facilitated by the subject land use applications would transform the underutilized, surface parking lot at 2828 West 28<sup>th</sup> Street into a new, quality affordable housing development with 153 dwelling units that will serve affordable tenants at a range of income levels and provide employment opportunities (construction and permanent jobs) to the local community.

On behalf of the applicant team, we thank you for your consideration of this application and respectfully request that you recommend approval of our application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allan Arker', with a stylized flourish at the end.

Allan Arker  
Managing Member