



February 3, 2021 / Calendar No. 12

C 200029 ZMK

IN THE MATTER OF an application submitted by 737 Fourth Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

1. changing from an M1-1D District to an R8A District property bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
2. establishing within the proposed R8A District a C2-4 District bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
3. establishing a Special Enhanced Commercial District (EC-1) bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-575.

This application for a zoning map amendment was filed by 737 Fourth Avenue LLC on July 18, 2019 to change an M1-1D zoning district to an R8A/C2-4 zoning district and to map the project area as part of the Special Enhanced Commercial District (EC-1) coterminous with the existing R8A/C2-4 district. This application, in conjunction with the related action, would facilitate a mixed-use development containing 142 dwelling units, of which approximately 35 would be designated permanently affordable under Option 1 of the Mandatory Inclusionary Housing (MIH) Program, and approximately 8,600 square feet of commercial floor area on the ground floor, at 737 Fourth Avenue in the Sunset Park neighborhood of Community District 7, Brooklyn.

RELATED ACTION

In addition to the zoning map amendment (C 200029 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 200030 ZRK Zoning text amendment to designate an MIH area with Options 1 and 2, and to include the Project Area within the EC-1 District.

BACKGROUND

The applicant seeks a zoning map amendment to change an M1-1D zoning district to an R8A/C2-4 zoning district on two adjacent lots that comprise the project area, located between 24th Street and 25th Street, west of Fourth Avenue at 737 Fourth Avenue (Block 652, Lots 1 and 7), and to establish an EC-1 district over the project area in the Sunset Park neighborhood of Brooklyn, Community District 7. The applicant also seeks a zoning text amendment to establish an MIH area coterminous with the project area and include the project area within the EC-1 District. The project area is comprised of the development site (Block 652, Lot 1), as well as one lot that is also owned by the applicant (Block 652, Lot 7) but is not proposed to be redeveloped due to existing long-term leases. The development site has a lot area of 15,017 square feet and is currently improved with a one-story commercial building.

The surrounding area is characterized by a mix of residential uses to the north and east, and a mix of industrial, commercial, and community facility uses to the west and south. Residential uses include multi-family apartment buildings ranging from three to six stories. Community facility uses include churches and schools of up to four stories. Notable community facility uses in the immediate surrounding area include the Our Lady of Czestochowa-St Casimir Parish Catholic Church, St. Rocco's Church, and P.S. 172 Beacon School of Excellence. Greenwood Cemetery is located one block east of the project area and the Southwest Brooklyn Industrial Business Zone is located west of Third Avenue. Additionally, both Fourth and Fifth avenues are wide streets (120 feet and 80 feet wide respectively) and serve as local neighborhood retail corridors.

The project area is well-served by public transit, with access to the R subway line at the 25th Street Station, located at Fourth Avenue and 25th Street, directly southwest of the project area. Additionally, the B63 bus, providing service between Bay Ridge and Cobble Hill, runs north-south along Fifth Avenue, with stops at 24th and 26th streets, while the B37 bus, providing

service between Bay Ridge and Downtown Brooklyn, runs north-south along Third Avenue, with a stop at 26th Street. The project area is within the Transit Zone.

The surrounding area is mapped within an M1-2D zoning district to the north and west, M1-1D to the south, R8A/C2-4 to the northeast, and R6A to the east. M1-1D and M1-2D districts are manufacturing zoning districts that permit manufacturing, commercial, and community facility uses. New residential use is permitted by authorization by the CPC. R6A and R8A are contextual residential zoning districts that permit residential and community facility uses. In R6A districts, the maximum Floor Area Ratio (FAR) for residential use is 3.6 (with Inclusionary Housing) and the maximum FAR for community facility use is 3.0. Buildings have a maximum base height of 65 feet and an overall maximum building height of 85 feet. In R8A districts, the maximum FAR for residential use is 7.2 with Inclusionary Housing and the maximum FAR for community facility use is 6.5. Buildings have a maximum base height of 105 feet and an overall maximum building height of 145 feet. R6A districts typically requires off-street parking for 50 percent of dwelling units, while R8A districts requires off-street parking for 40 percent of dwelling units. C2-4 is a commercial overlay that permits a maximum FAR of 2.0 for commercial uses. The EC-1 special district is mapped immediately north of the project area and requires at least 50 percent of the frontage to be occupied by retail and service uses as defined for the special district.

In 1990, the Department of City Planning rezoned portions of the M1-1 and M1-2 districts to M1-1D and M1-2D (C 900258 ZMK) in the surrounding area to allow for additional residential flexibility in the then-predominantly industrial area where there was a significant non-conforming residential presence. The previous M1-1 zoning had placed substantial restrictions on the existing residential community, while the M1-1D zoning relaxed restrictions on existing residential uses and created opportunities for new housing under specific conditions on sites that are least appropriate for industrial uses.

The EC-1 special district, mapped directly north of the project area along Fourth Avenue, was created in 2011 (C 110386 ZMK) to foster the development of a lively commercial presence on Fourth Avenue by establishing regulations that promote a vibrant mix of commercial and community facility uses on the ground floor of new developments and enlargements. The special

district provisions apply ground floor use regulations, retail transparency requirements, and limitations on parking and curb cuts that enhance the pedestrian environment and create an active streetscape.

Additionally, the CPC approved zoning map amendments to map contextual residential districts northeast and southwest of the project area between 2005 and 2009 (C 060054 ZMK and C 090387 ZMK) as a part of the South Park Slope and Sunset Park Rezonings. These areawide rezonings mapped contextual districts in order to protect the predominantly low-rise character of the neighborhood, while providing opportunities for modest housing and mixed retail-residential growth along the avenue corridors.

The project area is located at the northern end of the existing M1-1D district, adjacent to residential areas zoned R8A to the north, mixed commercial and industrial areas zoned M1-2D to the west, and commercial and residential areas zoned M1-1D to the south. Lot 1, the development site, located on the northeast corner of Fourth Avenue and 25th Street, is a 15,017 square foot corner lot containing a one-story building occupied by a drive-through eating and drinking establishment and an accessory surface parking lot. The building is approximately 4,800 square feet, or 0.32 FAR. There is one curb cut on 25th Street and two on Fourth Avenue. Lot 7, located on the southeast corner of Fourth Avenue and 24th Street, is a 5,017-square-foot corner lot containing a one-story commercial building occupied by three commercial tenants. The building is approximately 4,300 square feet, or 0.86 FAR. The commercial uses include two eating and drinking establishments, one of which is vacant, and a cellular phone provider store.

M1-1D districts permit manufacturing and commercial uses up to an FAR of 1.0 and community facility uses up to an FAR of 2.4. Residential uses are permitted by authorization by the CPC and have a maximum FAR of 1.65. Buildings have a maximum front wall height of 30 feet, are subject to a sky exposure plane, and do not have a maximum height. Off-street parking and loading facilities are required in M1-1D districts according to the type and size of the use.

The application would extend the existing R8A zoning district southward, across 24th Street, over the project area. R8A is a medium-density residential zoning district that allows residential

buildings with a maximum FAR of 6.02 (7.2 with MIH) and a 140-foot height limit (145 feet if the building meets the qualifying ground floor condition, in which the start of the second story is 13 feet or more above sidewalk level). Off-street parking is required in R8A districts for 40 percent of all dwelling units, except for income-restricted housing units within the Transit Zone. A C2-4 commercial overlay allows for commercial retail uses on the ground floors of residential buildings up to a maximum FAR of 2.0.

The application would further extend the existing EC-1 special district over the project area. In addition to ground floor use regulations, transparency requirements, and limitations on parking and curb cuts, enlargements and new developments in the EC-1 special district must provide windows on the ground floor facing Fourth Avenue and may not locate residences or parking on the ground floor within 30 feet of Fourth Avenue. At least 50 percent of the frontage must be occupied by retail and service uses as defined for the special district, and lobbies are limited to a maximum width of 25 feet. Curb cuts are not allowed on Fourth Avenue for lots that have access to the side street.

The rezoning would facilitate the development of a 14 story mixed-use building with approximately 142 dwelling units, of which approximately 35 would be designated permanently affordable under Option 1 of the MIH program. The proposed development would contain approximately 8,600 square feet of commercial floor area on the ground floor, 52 accessory off-street parking spaces in the cellar, accessible via a 12-foot curb cut along 25th Street, and 78 accessory bicycle storage spaces on the ground floor. As proposed, the development would include a qualifying ground floor of at least 13 feet, and the building would rise to a maximum building height of 145 feet, with a 10-foot setback at the 11th floor.

In addition to the proposed rezoning, the applicant is proposing a zoning text amendment to modify Appendix F to designate an MIH area mapped with Option 1 and 2 coterminous with the project area. The applicant intends to select MIH Option 1. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents

with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that at least 30 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 80 percent of the AMI. Further, the applicant is proposing a zoning text amendment to modify ZR Section 132-11 to include the project area within the EC-1 special district.

ENVIRONMENTAL REVIEW

This application (C 200092 ZMK), in conjunction with the application for the related action (N 200093 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 19DCP127K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 17, 2020. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-575).

UNIFORM LAND USE REVIEW

In response to the COVID-19 pandemic, the Mayor issued Emergency Executive Order No. 100 on March 16, 2020 that suspended certain time requirements relating to the Uniform Land Use Review Procedure (ULURP) and other land use processes as of March 12, 2020. The suspension included portions of sections 195, 197-c and 197-d of the New York City Charter, as well as sections of the Administrative Code and the Rules of the City of New York, pertaining to time limitations. The CPC ceased meeting immediately after issuance of the Executive Order until August 3, 2020, when the regular schedule of meetings was resumed. The ULURP time

requirements suspended by Emergency Executive Order No. 100 began running on September 14, 2020.

This application (C 200029 ZMK) was certified as complete by the Department of City Planning on August 17, 2020, and was duly referred to Brooklyn Community Board 7 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related action (N 200030 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 7 held a public hearing on this application (C 200029 ZMK) on November 12, 2020. On November 18, 2020 by a vote of 26 in favor, 15 opposed, and one abstention, the Community Board voted to recommend approval of the application with the following conditions:

1. “We urge the developer to demonstrate its commitment to the affordable housing needs of the Sunset Park community by providing affordable tiers and numbers of units that directly address household incomes in CB7. In particular, providing units that meet deep affordability goals beyond those stated in MIH Option 1, with an income tier that reaches down to at least 30% AMI.
2. The developer shall start work with its affordable housing administrative partner, Fifth Avenue Committee, as soon as possible to outreach, encourage and guide CB7 residents to submit to the Housing Connect lottery so that half of the proposed affordable unit count will be filled by CB7 residents. Outreach efforts will be conducted in all four primary languages of the district.
3. Of the number of affordable units provided, larger units for families comprising 2 or 3 BR shall be part of the count.
4. The developer shall make a good faith commitment to include minority and women-owned business participation as part of construction, supply and maintenance operations, with special preference for local businesses within CB7 boundaries.
5. The developer shall commit to local hiring initiatives for construction jobs and apprenticeship programs to create pathways to employment for local residents in the construction industry.
6. The developer shall commit to utilizing universal and inclusive design principles and shall ensure full accessibility and accommodations to senior and persons with mobility, vision or hearing impairments. The developer will further commit to providing readily accessible units and units quickly adaptable to particular disabled person’s need, such as roll-in showers. The unit count for disabled families will be proportional to the CB7 preferential set asides.

7. The developer shall commit to incorporating sustainable design practices and responsible landscape design, including bioswales, landscape water management, reduced storm water outflow and green infrastructure improvements. The committee would like the developer to commit to and sustain a vegetative green roof to help reduce urban heat island effects. The developer shall comply with Energy Efficiency Local Laws, in particular Local Law 97 in its entirety, adhering to the 2030 requirements as soon as the building receives its TCO.
8. The developer shall commit to leasing its ground floor retail space to neighborhood retail use, not to formula retail or chain store tenants. Further, the retail use will incorporate transparency into the storefront and will not utilize exterior mounted security grilles.
9. The developer will commit in writing to the Board not to flip the development to homeless shelter occupancy during construction or at completion of project.
10. For further consideration, the City Planning Commission shall consider measurement and analysis of racial and ethnic impacts of this project as part of their deliberation.
11. Also, for further consideration, the Land Use Committee will begin a comprehensive study for an affordable housing plan for Sunset Park, building on recent data and strategies discussed over the past year. We urge the Department of City Planning and Housing and Preservation Development to assist in this effort.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 200092 ZMK) and the related action (N 200030 ZRK) on November 10, 2020, and on January 5, 2021 issued a recommendation of approval of the application with the following conditions:

1. “That prior to considering the application, the City Council obtain commitments, in writing, from the applicant, 737 Fourth Avenue LLC, for both the pending and subsequent development sites, clarifying how it would:
 - a. Memorialize commitment to provide permanently affordable housing according to Mandatory Inclusionary Housing (MIH) Option 3
 - b. For the additional FAR increment in excess of an R7A MIH district, provide affordable housing floor area at a rate of 40 percent in lieu of the standard MIH Option 3 of 20 percent floor area requirement (10,417.68 sq. ft.), with permanent affordability based on 60 percent Area Median Income (AMI) rent basis
 - c. Memorialize an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one- two- or three-bedroom units, but for studios targeted to households at 40 percent AMI
 - d. Implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including the formerly homeless, to maximize their participation in the affordable housing lottery

- e. Utilize locally-based affordable housing development non-profit(s) to serve as the administering agent and have one or more such entities play a role in promoting affordable housing lottery readiness
- f. Set aside a portion of the interim Metropolitan Transportation Authority (MTA) station access easement for interim arts/cultural entities, non-profit organizations, and/or immigrant-owned businesses at below-market lease terms, as warranted
- g. Memorialize the incorporation of resiliency and sustainability measures, such as blue roofs, passive house design, solar facades, and/or wind turbines
- h. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan at 737 Fourth Avenue in consultation with Brooklyn Community Board 7 (CB 7) and local elected officials
- i. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP and DOT for the installation of a curb extension at the corners of Fourth Avenue and 24th and 25th streets, either as part of a Builders Pavement Plan or as a treated roadbed sidewalk extension
- j. Enter into a standard DOT maintenance agreement for those intersections and coordination with DEP and DOT should there be agency implementation for the provision of protected painted areas at the southeast corner of Fourth Avenue and 24th Street and the northeast corner of Fourth Avenue and 25th Street with the understanding that such improvements would not proceed prior to consultation with CB 7 and local elected officials
- k. Engage with car-sharing companies, in consultation with CB 7 and local officials to lease multiple spaces within the garage
- l. Retain Brooklyn-based contractors and subcontractors, especially those that are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That the New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public schoolchildren residing at City-funded or -operated shelters
2. That the CPC and/or the City Council call for modification of the MIH section of the New York City Zoning Resolution (ZR) 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 higher rent than what the housing lottery offers) to qualify for MIH affordable housing units.”

City Planning Commission Public Hearing

On December 16, 2020, (Calendar No. 1), the City Planning Commission scheduled January 6, 2021 for a public hearing on this application (C 200029 ZMK), in conjunction with the related application (N 200030 ZRK). The hearing was duly held on January 6, 2021 (Calendar No. 21). Thirteen speakers testified in favor of the application and none in opposition.

Speakers testifying in favor of the application included four members of the project team. The applicant's representative presented an overview of the application, describing the surrounding neighborhood and zoning. Three members of the development team described the surrounding neighborhood and proposed development, as well as the goals of the project. They provided an overview of residential construction projects in Community District 7 and discussed affordable housing in Sunset Park. They stated that the proposed building's materiality was chosen to allow the building to contextually fit within its existing context, while the building would incorporate sustainable features such as bioswales and green roofs. They also discussed how the development plans to create space for accessibility by providing an easement on the ground floor and cellar levels to the MTA for the future construction of an elevator to the 25th Street Station platform. They further discussed the proposed ground-floor retail spaces and uses in the development, stating that there is a focus on neighborhood retail and creating smaller spaces for neighborhood amenities. The team also discussed the targeted AMI ranges and unit mix and described their intended outreach. The project architect testified in support of the project and discussed the project's goals for hiring Minority and Women-Owned Business Enterprises.

A representative of service union 32BJ SEIU testified in favor of the project, noting that the applicant has stated a commitment to providing building service workers with high quality jobs and wages.

A number of people testified in favor of the project, stating that the neighborhood is in need of quality, affordable housing, praising the transit accessibility and bicycle parking components of the proposal as well as the developer's outreach work, and expressing support for the creation of jobs on the site.

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

CONSIDERATION

The City Planning Commission believes that this application for a zoning map amendment (C 200029 ZMK) and the related application for a zoning text amendment (N 200030 ZRK) are appropriate.

The proposed zoning map amendment would extend the existing R8A/C2-4 district mapped along Fourth Avenue one block south over the project area, across the western end of Block 652 between 24th and 25th streets. The rezoning would facilitate the development of a new 14 story, 145-foot tall, 108,100-square-foot, 7.20 FAR mixed-use building with approximately 99,500 square feet of residential use including approximately 24,875 square feet of permanently income-restricted floor area, 8,600 square feet of ground floor commercial floor use, and 52 accessory off-street parking spaces.

The Commission believes that the proposed density, height, and mix of uses along Fourth Avenue within an R8A/C2-4 district is appropriate. The Commission notes that the rezoning extends an existing R8A/C2-4 district south across the block front, allowing for the redevelopment of a one-story, auto-oriented retail use into a mixed-use and mixed-income, transit-oriented development, with an active non-residential ground floor. The site is located along the 120-foot-wide Fourth Avenue and sits directly above the 25th Street subway station for the R train. The current M1-1D district allows limited new commercial and industrial uses of only 1.0 FAR, has a significant off-street parking and loading requirement, and only allows new residential uses in extremely rare instances where a site either already includes residential uses or is completely vacant, and must undertake a CPC authorization to allow new residences. As a result, the M1-1D district produces limited opportunities for both jobs and housing production, detracts from the streetscape and pedestrian safety, and has no incentive or requirement for affordable housing production. In contrast to the M1-1D zoning, the R8A/C2-4 district will double the amount of existing non-residential space that is currently allowed on the lot, while adding approximately 142 new apartments above, including approximately 35 new permanently income-restricted apartments for households earning, on average, 60 percent of the AMI.

The location is well-suited for additional density since it sits directly above the R train's 25th Street subway station, bringing commuters to the Central Business District job hubs of Downtown Brooklyn and Lower Manhattan within 20-30 minutes. Fourth Avenue is also a 120-foot-wide corridor, an extremely wide street that can accommodate significant height and density without overwhelming the pedestrian experience. The development is in line with the City's policy to develop affordable housing near transit, and the goals outlined in *Housing New York*.

The proposed zoning text amendment for MIH and extension of the EC-1 special district (N 200030 ZRK) is appropriate.

Pursuant to MIH Option 1, the proposed development is required to provide 25 percent of the residential floor as permanently affordable housing. This would result in approximately 24,875 square feet of income-restricted floor area, or approximately 35 permanently affordable apartments. These apartments will be available to households earning, on average, 60 percent of the AMI, with a minimum of 10 percent at 40 percent of the AMI, providing much-needed affordable housing in a neighborhood that has seen little new housing, and even less new affordable housing built since the M1-1D district was mapped in 1990 and the surrounding 2009 Sunset Park rezoning mapped height-restricted contextual districts along Fourth Avenue and adjacent side streets. The R7A/C2-4 district mapped along Fourth Avenue in 2009 included the Voluntary Inclusionary Housing (VIH) program, but only one new development site has used the zoning within the area. This district also does not require ground-floor commercial uses. 737 Fourth Avenue would be the first MIH area designated within Sunset Park, ensuring permanently income-restricted apartments as part of any new construction.

The extension of the existing EC-1 district southward, a special district running along Fourth Avenue will require active, non-residential ground floor uses and other urban design requirements, including curb cut and parking restrictions and transparency requirements. The Commission notes that the extension of these requirements will enhance the streetscape and pedestrian experience of Fourth Avenue, will make the street safer and more inviting, and will ensure that non-residential space for jobs and local services will be provided in the new building.

Given the site's location directly above the R train's 25th Street subway station, the Commission commends the applicant for coordinating with the MTA and the NYC Transit Authority to provide an elevator easement on the ground floor and cellar level of the new development. The subway station does not currently have an elevator and is therefore not accessible to people with mobility impairments and does not meet standards established in the Americans with Disabilities Act.

Regarding the conditions of the Community Board and the Borough President concerning the proposed building's resiliency and sustainability measures, these matters are outside the scope of the requested actions, but the Commission notes that the applicant has presented plans that address these conditions.

Regarding the condition of the Community Board and Borough President concerning the provision of additional MIH units and MIH units with deeper affordability, this matter is outside the scope of the requested actions, but the Commission notes that the applicant has stated a commitment to explore both in order to provide greater affordability and accessibility to area residents, noting that the AMI in Sunset Park is lower than that of the city.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on August 17, 2020 with respect to this application (CEQR No. 19DCP127K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the 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. 16d:

1. changing from an M1-1D District to an R8A District property bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
2. establishing within the proposed R8A District a C2-4 District bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
3. establishing a Special Enhanced Commercial District (EC-1) bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;

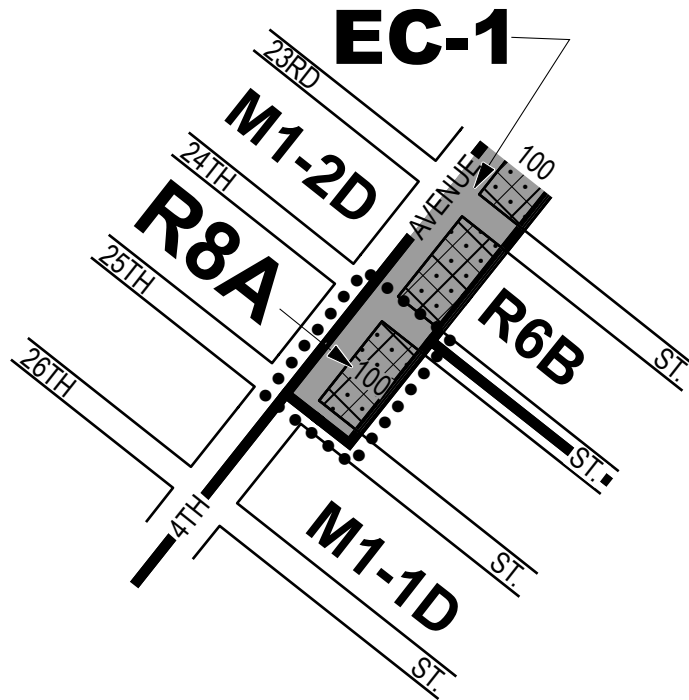
Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of the CEQR Declaration E-575.

The above resolution (C 200029 ZMK), duly adopted by the City Planning Commission on February 3, 2021 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

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

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



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

16d

BOROUGH OF
BROOKLYN






New York, Certification Date:
 September 14, 2020

S. Lenard, Director
 Technical Review Division



NOTE:

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is rezoned by changing an existing M1-1D District to an R8A District, by establishing a C2-4 District within the proposed R8A District and by establishing a Special Enhanced Commercial District (EC-1).

 Indicates a Special Enhanced Commercial District (**EC-1**).

 Indicates a C2-4 District

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| Application #: C 200029 ZMK CEQR Number: 19DCP127K | Project Name: 737 Fourth Avenue Rezoning Borough(s): Brooklyn Community District Number(s): 7 |
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Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

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

Docket Description:

IN THE MATTER OF an application submitted by 737 Fourth Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

- changing from an M1-1D District to an R8A District property bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
- establishing within the proposed R8A District a C2-4 District bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
- establishing a Special Enhanced Commercial District (EC-1) bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-575.

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| Applicant(s): 737 Fourth Avenue LLC 737 Fourth Avenue Brooklyn, NY 11232 | Applicant's Representative: Erik Palatnik, Esq. Erik Palatnik, PC 32 Broadway, Suite 114 New York, NY 10004 |
| Recommendation submitted by: Brooklyn Community Board 7 | |
| Date of public hearing: 11/12/2020 Location: Held on Zoom | |
| Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <small><i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i></small> | |
| Date of Vote: 11/18/2020 Location: Board Meeting held on Zoom | |
| RECOMMENDATION <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions | |
| <p><u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u></p> | |
| Voting # In Favor: 26 # Against: 13 # Abstaining: 1 Total members appointed to the board: 48 | |
| Name of CB/BB officer completing this form: Jeremy Laufer @ | Title: District Manager Date: 12/03/2020 |



THE CITY OF NEW YORK
BOROUGH OF BROOKLYN
COMMUNITY BOARD #7

Cesar Zuniga
Chairperson

Jeremy Laufer
District Manager

Eric Adams
Borough President

**BROOKLYN COMMUNITY BOARD 7
FINAL Response and Recommendations**

November 16, 2020

ULURP Application #200029ZMK & #N200030ZRK - 737 4th Avenue

To Whom It May Concern:

Brooklyn Community Board 7 (the Board, CB7) received a rezoning application for the project site located at 737 4th Avenue in Sunset Park, Brooklyn.

The applicant, 737 4th Avenue LLC, seeks a zoning map amendment that would affect a portion of Brooklyn Block 652 in the Sunset Park neighborhood of Brooklyn Community District (CD) 7 to establish the proposed rezoning area as Mandatory Inclusionary Housing (MIH) area subject to the affordability requirements of Option 1 of the MIH program. The proposed zoning map amendment would change the zoning of the Project Area from M1-1D to R8A. In addition, a C2-4 commercial overlay would be mapped to a depth of 100 feet along the southwest side of Fourth Avenue between 24th & 25th Streets.

Two informational meetings via Zoom were held to discuss this application on August 4 and October 5, 2020. A Public Hearing was held on November 12, 2020 via Zoom. Approximately 150 persons signed on during this meeting, of which 50 persons gave testimony.

The Land Use/Landmarks Committee of CB7 reviewed the application at its meeting on November 16, 2020 and drafted a recommendation to APPROVE WITH CONDITIONS. Pursuant to Section 4.060 of the City Charter, CB7 met during its regularly scheduled Board Meeting on November 18, 2020 with a valid quorum present, reviewed the Committee's recommendation and voted to APPROVE WITH CONDITIONS as listed at the end of this letter.

Land Use Committee Review

The Land Use Committee discussed the application:

1. It is the committee chair's intent to encourage an honest debate on the proposal, in order to take a deep hard look at its benefits and constraints. As the committee is the first to review the application, it is important to understand the opportunities and impacts on the community.
2. CB7's 2019 Housing Report by NYU Wagner noted that it was important to direct efforts to provide affordable housing to lower-income families in the district, whose family size and immigrant status restrict their access to market rate apartments. Over the past 10 years, the Board has encouraged developers to provide deep permanent affordability in keeping with Sunset Park income levels.

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Brooklyn CB7 Report [Twitter: @BKCB7](#) [Facebook Page: Board Seven Brooklyn](#)
737 4th Avenue *Serving Sunset Park, Greenwood and Windsor Terrace*

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3. Most importantly, preservation of existing affordable units is critical. Over the next decade, the community may lose 40% of units subsidized via Section 8 if owners opt out of the program. By 2040, 68% units are at risk. Preservation of these units is the most important to maintaining affordability for over 5,000 current families in the district.
4. The Mandatory Inclusionary Housing program, instituted in 2016, requires lots that are seeking rezoning from manufacturing to residential use to include units that are income-restricted to family households that meet certain Area Median Income (AMI) ranges. The developer has offered to comply with MIH Option 1, which targets a blend of incomes to reach a 60% AMI range. The developer has also responded to the Board's request that they provide units affordable to families in the 30-40% AMI range.
5. Several community members feel that the MIH program has not been effective at providing affordable units citywide, and the regulatory tradeoff of granting the rezoning favors oversupply of market rate units for very small number of affordable units. This program is not suitable to meeting the needs of the Sunset Park community, where the overwhelming need is for housing units affordable to those households whose income levels are in the 10-40% AMI range. Also, the federally set AMI ranges skew higher than what families in Sunset Park receive in income since the ranges include higher income areas such as Westchester and Long Island. Several community members are advocating for provision of 100% affordable housing on the project site and no market-rate units.
6. Several community members are concerned that the influx of 100 market-rate units into the Sunset Park housing market will raise rents on units nearby, causing displacement of lower income families that can ill afford to find similarly affordable housing units in the district. The concern extends to possibly impacting racial and ethnic communities, and this should have been studied as part of the Environmental Impact Statement filed for the project.
7. A few board members believe a comprehensive planning study regarding affordable housing in CB7 should be undertaken, with a focus on the Sunset Park neighborhood in particular. Some members believe that a more ambitious plan that changes current funding constraints would be more useful to bringing about a solution to the housing crisis. Acquiring closed hotel properties, a community land trust, 100% affordable housing developments like the ones FAC is building at 50th and 61st Streets are preferred strategies that should be studied.
8. Several board members noted that the Housing Connect Lottery, which is the means by which families are selected to occupy the affordable units is already oversubscribed, with tens of thousands of families citywide competing for one affordable unit. Although CB7 families get preferential treatment for half of the affordable units, significant assistance is needed by these families to work through the onerous application and financial requirements just to be considered. The developer has retained Fifth Avenue Committee to administrate the affordable housing component and they are committed to working with the Board to extend outreach efforts to the CB7 community. There are also set asides of 5% of the units for disabled families and 10% for city employees.
9. The developer stated that they are committing to keeping the income bands for the development no higher than 60% AMI and will include a range of AMI's from 30-60%. They state that very few private developers will voluntarily go down to 30% AMI. For example, the unit rents will be calculated so that no more than 30% of income will go to housing cost. For 1 BR units, the rents will range from \$503-\$1,143 depending on AMI band. Research in the neighborhood is showing market rate rents in the 1-2 BR range as \$1500-\$2200. The developer maintains that the market rents will be priced in keeping with neighborhood leasing, most likely falling within income bands of 80-120% AMI.

10. A few board members stated that it was unreasonable to expect the crisis to be solved unless new units were constructed and built. It was noted that Sunset Park has seen a large increase in population over the past 10 years, while the number of housing units has dropped. The board members recognized Totem for trying to find ways to meet the Board's concerns. They also noted that the community would be better served if the land's current use were residential than retail and a parking lot.
11. The developer stated that the biggest constraint against 100% affordable housing units on the site is land costs in Sunset Park have risen beyond the point where the city would provide any subsidy to create affordable units. They state that HPD will only consider 100% subsidies if the land were priced at \$40/sf, not the \$400/sf the developer paid for the land. FAC noted that their Library and Church developments were enabled by free or nearly free land, however, even those projects still required Councilmember Menchaca and Borough President Adams contributions to make the proformas work. There is some hope that the new Biden administration and Congress may enable \$100B in funding for housing, but it is expected that money will be directed to public housing agencies such as NYCHA, rather than developments like this one.
12. How is long term affordability guaranteed? The developer said the rent rolls are a contract agreement with NYC Housing Preservation and Development who oversees the program for the city. FAC will submit rent data to HPD who has the right to review the data up to four times a year in order to ensure accountability to permanent affordability.
13. Will the units be accessible? Per ADA, the entire building will be accessible to the unit's entry door. 5% of the units will receive accessibility features for mobility impaired residents and 2% will be accessible to those with visual or auditory disabilities. If a unit needs to be adapted to be accessible for a particular resident, the unit can be converted within 10 days using hand tools. As such, most of the infrastructure that is required to support accessibility will be designed into the building from the beginning, allowing for quick adaptation of the unit for disabled use.
14. It was noted by the developer that Fair Housing Rules prohibit segregating the accessible units for only CB7 residents, however, FAC has experience in outreach to the disabled community and will try to encourage those in the district to apply for the units.
15. The developer states that although the project is located in an Opportunity Zone, no funding was used to purchase the land therefore no benefits will accrue to the developer. Also, no EB5 funding is being used for the project.
16. After the meeting, the developer responded regarding a question about SCRIE/DRIE programs. "Affordable apartments in an MIH project are eligible for SCRIE/DRIE (if the household earns less than \$50,000/year and if they pay over 30% of their income to rent). Unfortunately, it only applies to rent restricted (rent stabilized/rent controlled) apartments so the market units would not be eligible. If any tenant becomes rent burdened (eg. They retire and income decreases) our Community Services department would assist in applying for SCRIE/DRIE."
17. After the meeting, the developer sent the following statement addressing climate and energy goals for the project:
 - "On Local Law 97, the building will be designed to comply beyond the 2030 threshold for greenhouse emissions. As we understand it, currently most buildings are complying through 2024 limits."
 - "The building will be LEED certified, making it one of the first LEED certified residential buildings in Sunset Park. It will be 10% more energy efficient than NYC Code through sustainable site development, green roofs, among others."
 - "The City's Housing Preservation and Development agency (HPD) will require the building to comply with Enterprise Green Communities ensuring higher quality finishes and mechanical systems that lead to a more energy efficient building. It will require an integrated design, energy efficiency through Energy Star appliances, broadband connectivity, and healthy finishes and materials."

- “Beyond the Enterprise Green Communities Certification, we will be abiding by the National Green Building Standard which upholds the standards created by the Enterprise Green Communities and takes it a step further with compliance by reinforcing materials through third party certification of the interiors.”
- “On the very important question on stormwater management and bioswales, we’ve checked in once again with the MTA and DOT and although these measures require additional approval processes at the agencies to ensure compliance, we remain committed to following through on this approach pending final MTA approval.”
- “Regarding rain water retention, we believe that by removing a single parking space in the cellar level and replacing it with a retention tank in the cellar we will be able to comply with the city effluent limits, and alleviate significant storm water run off in the area. We hope that this added measure, when combined with the the building's rainwater retention systems through green roofs and roof ponds, which will each retain 2 inches of water on their own, we should be able to alleviate any further significant flooding issues around our site and set a high standard to point to for storm water retention in the neighborhood.”

Conditions on the Land Use Application

The Land Use Committee then discussed the following conditions to add to its determination:

1. We urge the developer to demonstrate its commitment to the affordable housing needs of the Sunset Park community by providing affordable tiers and numbers of units that directly address household incomes in CB7. In particular, providing units that meet deep affordability goals beyond those stated in MIH Option 1, with an income tier that reaches down to at least 30% AMI.
2. The developer shall start work with its affordable housing administrative partner, Fifth Avenue Committee, as soon as possible to outreach, encourage and guide CB7 residents to submit to the Housing Connect lottery so that half of the proposed affordable unit count will be filled by CB7 residents. Outreach efforts will be conducted in all four primary languages of the district.
3. Of the number of affordable units provided, larger units for families comprising 2 or 3 BR shall be part of the count.
4. The developer shall make a good faith commitment to include minority and women-owned business participation as part of construction, supply and maintenance operations, with special preference for local businesses within CB7 boundaries.
5. The developer shall commit to local hiring initiatives for construction jobs and apprenticeship programs to create pathways to employment for local residents in the construction industry.
6. The developer shall commit to utilizing universal and inclusive design principles and shall ensure full accessibility and accommodations to senior and persons with mobility, vision or hearing impairments. The developer will further commit to providing readily accessible units and units quickly adaptable to particular disabled person’s need, such as roll-in showers. The unit count for disabled families will be proportional to the CB7 preferential set asides.
7. The developer shall commit to incorporating sustainable design practices and responsible landscape design, including bioswales, landscape water management, reduced storm water outflow and green infrastructure improvements. The committee would like the developer to commit to and sustain a vegetative green roof to help reduce urban heat island effects. The developer shall comply with Energy Efficiency Local Laws, in particular Local Law 97 in its entirety, adhering to the 2030 requirements as soon as the building receives its TCO.
8. The developer shall commit to leasing its ground floor retail space to neighborhood retail use, not to formula retail or chain store tenants. Further, the retail use will incorporate transparency into the storefront and will not utilize exterior mounted security grilles.
9. The developer will commit in writing to the Board not to flip the development to homeless shelter occupancy during construction or at completion of project.

10. (Condition added at full CB7 Board Meeting) For further consideration, the City Planning Commission shall consider measurement and analysis of racial and ethnic impacts of this project as part of their deliberation.
11. Also, for further consideration, the Land Use Committee will begin a comprehensive study for an affordable housing plan for Sunset Park, building on recent data and strategies discussed over the past year. We urge the Departments of City Planning and Housing and Preservation Development to assist in this effort.

BE IT RESOLVED

The Land Use Committee, at its meeting on November 16, 2020 voted to APPROVE WITH CONDITIONS as listed above. 12 Committee members were present and the vote was 7-5 in favor of approval. The statement and conditions were forwarded to the full Board for consideration

At its November 18, 2020 meeting, the full Board reviewed the Committee's recommendation and added the condition noted above. The Board then voted to APPROVE WITH CONDITIONS the Committee's recommendation as amended by the vote of 26 Ayes, 15 Noes, 1 Abstention and 1 Voting Present.

Report drafted by John Fontillas, Land Use/Landmarks Committee Chair



Brooklyn Borough President Recommendation

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

INSTRUCTIONS

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

APPLICATION

737 FOURTH AVENUE REZONING – 200029 ZMK, 200030 ZRK

Applications submitted by 737 Fourth Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change the eastern side of Fourth Avenue between 24th and 25th streets from M1-1D to R8A/C2-4, a zoning map amendment to extend the existing Special Enhanced Commercial District (EC-1) to this block of Fourth Avenue, and a zoning text amendment to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. Such actions are intended to facilitate a 14-story, mixed-use development with 142 dwelling units and ground-floor retail, in Brooklyn Community District 7 (CD 7). Approximately 35 units would be affordable to households at 60 percent of Area Median Income (AMI) pursuant to MIH Option 1. The building would also provide approximately 45 below-grade accessory off-street parking spaces.

BROOKLYN COMMUNITY DISTRICT NO. 7

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE

APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Ethi L. Adams

December 31, 2020

BROOKLYN BOROUGH PRESIDENT

DATE

RECOMMENDATION FOR: 737 FOURTH AVENUE REZONING – 200029 ZMK, 200030 ZRK

737 Fourth Avenue LLC submitted applications pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change the eastern side of Fourth Avenue between 24th and 25th streets from M1-1D to R8A/C2-4, a zoning map amendment to extend the existing Special Enhanced Commercial District (EC-1) to this block of Fourth Avenue, and a zoning text amendment to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. Such actions are intended to facilitate a 14-story, mixed-use development with 142 dwelling units and ground-floor retail, in Brooklyn Community District 7 (CD 7). Approximately 35 units would be affordable to households at 60 percent of Area Median Income (AMI) pursuant to MIH Option 1. The building would also provide approximately 52 below-grade accessory off-street parking spaces.

On November 10, 2020, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were 38 speakers on the item, with 32 in opposition including a local elected official, and six in support including members of 32BJ Service Employees International Union (SEIU).

Speakers in opposition raised concerns about the following:

- The insufficient level of community benefit regarding the projected number of affordable and market-rate units
- The anticipated AMIs and the need for deeper affordability to match community demand
- The project's potential to exacerbate ongoing gentrification and displacement of low-income residents as well as local businesses
- Current threats to tenants in non-regulated housing including rent burden and eviction
- The proposed development's height and scale

Speakers in support called attention to the following:

- The need for more housing in the area, specifically permanently affordable units
- The fact that the project would not rely on government subsidies
- The developer's commitment to provide building service jobs at prevailing wages
- The potential for needed traffic safety improvements at this intersection and the addition of new bicycle stations

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the applicant stated that the MIH units would include one-, two-, and three-bedrooms, which would be targeted to households at 30 to 60 percent AMI. Rents would range from \$503 to \$1,143 for a one-bedroom unit, \$598 to \$1,366 for a two-bedroom unit, and \$683 to \$1,570 for a three-bedroom unit.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from Brooklyn Community District 7 (CD 7) residents, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the applicant stated intent to retain the Fifth Avenue Committee (FAC) as the administrative and marketing agent. FAC will work with the community board and Borough President Adams' office to set up multilingual marketing sessions and financial literacy trainings.

In response to Borough President Adams' inquiry as to what consideration has been given to setting aside a portion of the represented ground floor and/or space for the Metropolitan Transportation Authority (MTA) access easement as affordable long-term and/or interim space for local arts and cultural uses, as

well as local retail and small businesses, the applicant expressed interest in turning the easement space into a temporary art installation or non-profit use, and engaging in discussion with local arts groups.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, New York City Department of Environmental (DEP) rain gardens, and wind turbines, the applicant stated intent to integrate stormwater management measures including bioswales and green roofs, as well as a possible retention tank in the cellar to address local runoff. The development would also pursue Leadership in Energy and Environmental Design (LEED) certification.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority and women-owned business enterprises (MWBES) in the construction process, the applicant stated intent to partner with Brooklyn Workforce Innovations (BWI), which would provide skills-based training to local residents, and Crescent Consulting, which would ensure local hiring and contracting on the project. The applicant has also made a commitment to 32BJ SEIU to provide union jobs.

Prior to the hearing, Borough President Adams received testimony from two local residents, in opposition, and an independent financial analysis of the project. Subsequently, Borough President Adams received further testimony in opposition from three individuals, elaborating on issues cited during the hearing.

Prior to the hearing, Borough President Adams also received testimony from 17 individuals in support, citing the need for new affordable housing and elevator access to MTA stations. Subsequently, he received additional testimony in support from 20 residents and business owners.

Subsequent to the hearing, Borough President Adams received a letter from the applicant, dated December 31, 2020, with additional commitments regarding the MIH affordable housing component.

Consideration

On November 16, 2020, Brooklyn Community Board 7 (CB 7) voted to approve this application with the following conditions:

That the developer, 737 Fourth Avenue LLC:

- Provide a number of units and affordability tiers that directly address household incomes in CD 7 beyond MIH Option 1, with a tier that reaches down to at least 30 percent AMI
- Start outreach efforts with FAC, in the district's four primary languages, as soon as possible to ensure that half of the proposed affordable units are filled by CD 7 residents
- Provide two- and three-bedroom units for families as part of the affordable unit count
- Commit to inclusion of minority- and women-owned businesses in the construction, maintenance, and procurement with special preference for CD 7 local businesses
- Commit to local hiring for construction jobs and apprenticeship programs to create employment pathways for Sunset Park residents
- Commit to universal design principles with full accommodation for seniors and persons with disabilities; set aside a number of units for such households proportionate to community preference requirements
- Commit to incorporating sustainable design practices such as landscape water management (including a vegetative roof), reduced stormwater outflow, and green infrastructure
- Comply with energy efficiency local laws, in particular LL 97, and meet the 2030 requirements as soon as the building receives its Temporary Certificate of Occupancy (TCO)
- Commit to leasing the ground floor commercial space to neighborhood retail uses; provide a transparent storefront design and avoid use of exterior mounted security grilles

- Provide a written commitment to CB 7 not to flip the development to homeless shelter occupancy during construction or at completion

CB 7 also called on the City Planning Commission (CPC) to further consider measurement and analysis of the project's ethnic and racial impacts as part of its approvals process.

The proposed actions would affect two applicant-owned properties known as 731 and 737 Fourth Avenue. The initial development site is an approximately 15,000 square foot (sq. ft.) corner lot with 100 feet of frontage on 25th Street and 150 feet along Fourth Avenue. It is occupied by a one-story, approximately 4,770 sq. ft. eating and drinking establishment, with an accessory parking lot. It occupies 0.32 floor area ratio (FAR) and dates to 2002. The site provides one curb cut on 25th Street and two on Fourth Avenue. The adjacent 731 Fourth Avenue lot, at the corner of 24th Street, is an approximately 5,000 sq. ft. lot with 50 feet of frontage on Fourth Avenue and 100 feet along 24th Street. It is occupied by a 0.86 FAR, approximately 4,320 sq. ft., one-story commercial building containing a cellular phone store, an eating and drinking establishment, and a vacant restaurant. The building includes one or more leases that precludes the expectation of near-term development though would be expected to be redeveloped after the expiration of the longest lease. Together, 731 and 737 Fourth Avenue comprise the entire eastern frontage of Fourth Avenue between 24th and 25th streets.

The underlying zoning is an M1-1D light manufacturing district mapped between Fourth and Fifth avenues from 24th Street to midblock between 28th and 29th streets. M1 zoning permits a FAR of 1.0 for commercial uses. The proposed rezoning would extend an R8A/C2-4 and the coterminous EC-1 district mapped along the east side of Fourth Avenue, from Pacific Street to 24th Street over the project area.

Currently, the applicant is seeking to redevelop the 737 Fourth Avenue site into a 7.2 FAR, approximately 108,120 sq. ft. 14-story building with a base height of 105 feet (excluding permitted dormers) and a maximum height of 145 feet. The mixed-use development is represented to contain nearly 100,000 sq. ft. of residential space and an 8,585 sq. ft. commercial ground floor with 52 accessory parking spaces in the cellar and 78 bicycle parking spots. According to the project's Environmental Assessment Statement (EAS), 731 Fourth Avenue would be developed pursuant to R8A/C2-4 zoning into a 130-foot tall mixed-use building represented with 33,000 sq. ft. of residential space, and 3,120 sq. ft. of local retail, containing an estimated 47 dwelling units, of which 12 would be permanently affordable pursuant to MIH Option 1.

The surrounding area hosts a mix of building types and uses. Beyond the R8A district, medium-density R6A and R6B districts are mapped along parts of Third, Fifth, and Sixth avenues. The Southwest Brooklyn Industrial Business Zone (IBZ), which contains a large proportion of Sunset Park's job-producing uses, extends for dozens of blocks along Third Avenue and covers the entire Sunset Park waterfront. The closest open space resource is Green-Wood Cemetery, the main entrance of which is on Fifth Avenue and 25th Street. Notable community facilities include several houses of worship and public schools. Recent construction focused primarily along Fourth Avenue has brought high-rise mixed-use buildings to the area.

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 Brooklyn's affordable housing crisis through creation and preservation of housing units for very low- to middle-income households.

Moreover, in CD 7 and across New York City, there is a pressing need for affordable and stable housing among elderly adults, homeless households, low-income families, and other populations. Increasing the supply of affordable apartments for a range of incomes and household types in mixed-use buildings is a critical strategy for promoting a sustainable neighborhood and city.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed development would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible.

Based on MIH Option 1, the development rights generated from the proposed rezoning would result in, at minimum, 25 percent of the residential floor area designated as permanently affordable. According to the applicant, 35 of the 142 units at 737 Fourth Avenue would be pursuant to MIH. The application's EAS estimates that the 731 Fourth Avenue/24th Street site would yield 47 apartments, of which 12 would be MIH units. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing to remain in perpetuity.

The MIH program targets affordable housing units to a broad range of incomes, consistent with his objective to extend such opportunities to households at various AMI tiers. Borough President Adams supports developments that allow low-, moderate-, and middle-income residents to qualify for the City's affordable housing lottery. The proposed rezoning leading to redevelopment of 731 and subsequently 737 Fourth Avenue, would gear apartments to households at multiple income tiers, which would remain permanently affordable. In addition, MIH Option 1 requires that 40 percent of the affordable housing floor area be affordable to those earning up to 40 percent AMI.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. The development site is located adjacent to the Queens Boulevard/Broadway/Fourth Avenue Local R train at 25th Street station. The nearest buses are the B37, which stops at Third Avenue and 25th Street, and the B63, which stops at Fifth Avenue and 24th Street. There are also express buses that provide service to Downtown Brooklyn and Manhattan.

Borough President Adams acknowledges community concern that developments without 100 percent affordable housing for low-income residents can result in secondary displacement. While he agrees that 100 percent affordable housing development is much needed, it is not realistic to expect such outcomes on private land. City-owned land provides the most viable opportunity to realize fully affordable projects, though they still require significant government subsidies, even without the cost of land.

CD 7 does not have an inventory of City-owned residentially zoned properties for achieving such objectives. The FAC joint development with the Brooklyn Public Library (BPL) was a unique solution that fully realized zoning floor area to achieving 100 percent affordability. This required even more subsidies as it necessitated a new library branch structure. In response to the dearth of affordable housing development opportunities in CD 7 Borough President Adams has noted, initially as part of his "Housing Brooklyn – a Road Map to Real Affordability for Brooklynites" and then in his Uniform Land Use Review Procedure (ULURP) recommendation for Industry City, the opportunity to build over the Brooklyn Army Terminal (BAT)'s parking lot's Second Avenue frontage as well as the MTA's 38th Street rail yard. However, development on government-owned assets and implementation of preservation-based initiatives still need to leverage increased zoning rights for public purposes, in this case, permanently affordable housing floor area.

Borough President Adams notes that expanding the supply of market-rate housing while achieving a modest increase in the number of rent-regulated housing units would bring a proportionate number of higher-income earners to the neighborhood. However, without MIH development, wealthier households would continue to price tenants out of non-regulated housing stock. Borough President Adams believes that it is necessary to pursue housing options for those of means to avoid incentivizing rent increases that lead to displacement. He acknowledges that properties on 24th and 25th streets near the project area would become more attractive to potential renters after the construction of the proposed and anticipated developments. He also expects that 737 Fourth Avenue would bring aesthetic, environmental, and social benefits to the immediate area that would be beneficial to local landlords. However, claims of widespread gentrification as a result of such enhancements have not been sustained.

While, ideally, there would be greater opportunities for rent-burdened and severely rent-burdened residents to remain in Greenwood Heights and nearby Sunset Park, the recently rezoned 312 Coney Island Avenue and 57 Caton Place sites in Windsor Terrace would eventually provide affordable housing opportunities with 50 percent community preference for CD 7 households. While the remaining units are more likely to be offered to applicants outside the district, CD 7 residents, including those experiencing rent insecurity, should be encouraged to apply for such units via Housing Connect.

Borough President Adams is generally supportive of the proposed rezoning to R8A/C2-4 MIH to initiate 737 Fourth Avenue's development and provide an expectation of redevelopment at 731 Fourth Avenue. However, he is concerned that the degree of represented public benefit, in the form of MIH Option 1, is insufficient to justify the increase in development rights. He believes that the approval of high-density residential zoning should be predicated on an additional commitment of deeply affordable floor area. In addition, he seeks a more family-oriented bedroom mix with deeply affordable smaller apartments targeted to seniors, maximum community participation in the affordable housing, dedicated commercial space for local arts/cultural groups and immigrant-owned businesses, dedicated space for car-share vehicles in the development's garage, the incorporation of resilient and sustainable features including rain gardens, advancement of Vision Zero policies, and a high level of local and MWBE hiring for the project. Finally, he calls on the Administration to extend community preference to families of homeless students in local schools and qualify rent-burdened households for affordable housing lotteries.

Ensuring an MIH Option that Provides Significantly for Very Low-Income Households

Borough President Adams has heard a great deal of concern about ongoing gentrification and displacement in Greenwood Heights and Sunset Park. The influx of wealthier individuals to the area, together with increased land values, has led to the replacement of longtime, low-income tenants, with new residents able to pay higher rents. For households in non-regulated housing there is little recourse beyond targeted downzoning, which may slow the pace of property turnover and new construction by reducing development rights. It should be noted that even regulated buildings do not provide permanent protection from displacement. According to the NYU Furman Center's CoreData, Sunset Park contains approximately 30 buildings with regulatory agreements governing 333 units that were set to expire in 2019. Without further action, some tenants may lose subsidies that made such housing affordable, and others might still be subject to eviction by lawful demolition eviction.

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

Within CD 7, a significant number of households in regulated and unregulated housing pay too much of their income toward rent. According to the Association for Neighborhood Housing and Development (ANHD), 56 percent of households in CD 7 are rent-burdened. An analysis by the Institute for Children, Poverty & Homelessness (ICPH) found that 31 percent of households in CD 7 spend 50 percent or more of their income on rent, making them severely rent-burdened. ANHD also found that, among the City's community districts, CD 7 has the second highest number of serious housing code violations. Taken together, these facts point to a dual housing affordability and quality crisis in Sunset Park, whereby too many households are paying too much to live in substandard accommodations. There is thus a pressing need to increase the supply of safe, affordable housing in Sunset Park and CD 7.

Finally, Sunset Park has a dearth of City-owned properties, which could be utilized to grow its low-income housing stock. Several years ago, in an effort to secure a larger, state-of-the-art public library, the New York City Department of Housing Preservation and Development (HPD) worked with the Brooklyn Public Library (BPL) and FAC to realize 51 units of affordable housing at 5108 Fourth Avenue. The South Slope and Sunset Park rezonings, adopted by the City Council in 2005 and 2009, respectively, provided voluntary zoning incentives for development sites along Fourth and Seventh avenues. Over time, redevelopment of properties with a Voluntary Inclusionary Housing (VIH) bonus could result in the provision of several hundred affordable housing units. In Windsor Terrace, an MIH rezoning at 57 Caton Place was projected to add 27 affordable housing units, and a recently adopted proposal at 312 Coney Island Avenue is expected to generate 70 affordable units.

Unfortunately, even if all such affordable apartments were realized, it would not come close to meeting current need. Therefore, as applications such as this proposal to enable development at 737 Fourth Avenue and potential development at 731 Fourth Avenue move through the ULURP process, it is important to ensure that the required affordable housing meets the most pressing community needs. The MIH obligation provides opportunities to maximize permanently affordable floor area for low-income households.

The New York City Zoning Resolution (ZR) specifies four options for new construction subject to MIH regulations. As stated at Borough President Adams' hearing, 737 Fourth Avenue would incorporate MIH Option 1, which sets aside 25 percent of the floor area for households earning an average of 60 percent AMI, with 10 percent (40 percent of the affordable housing units) reserved for those at 40 percent AMI. However, given the number of very low-income and severely rent-burdened households in the area, Borough President Adams believes that MIH Option 1 alone would not provide deeply affordable housing to those in greatest need, including many Sunset Park residents who would have community preference for the 737 Fourth Avenue MIH lottery.

737 Fourth Avenue LLC has stated on record that its affordable units would be offered at income tiers between 30 percent and 60 percent AMI. In the letter to Borough President Adams dated December 31, 2020, 737 Fourth Avenue LLC clarified that the 25 percent of the residential floor area pursuant to MIH would be affordable at an overall average of approximately 48 percent AMI, rather than the standard MIH Option 1 60 percent requirement. The applicant also confirmed intent to memorialize the affordability mix in a community benefits agreement with FAC that would bind any successor owners of the property.

While the developer appears to recognize the need for deeply affordable housing in this severely rent-burdened community, Borough President Adams believes that the initial 737 Fourth Avenue and pending Fourth Avenue/ 24th Street developments could do more to help neighborhood families most at risk of displacement. Lower-income households are more likely to need affordable housing as they tend to be disproportionately rent-burdened. Targeting apartments to very low-income households allows seniors, especially those living alone, to qualify for affordable housing lotteries. CB 7 has expressly stated that this development should provide deeply affordable housing to households earning 30 percent AMI and less. As community preference provides an opportunity to award 50

percent of the units to CD 7 residents, Borough President Adams concurs that ensuring affordable housing opportunities for very low-income residents would maximize the development's public purpose and benefit to the community. Consistent with CB 7's resolution, he seeks assurance that 737 Fourth Avenue and the subsequent 731 Fourth Avenue/24th Street development would generate affordable housing pursuant to MIH Option 3.

Therefore, prior to considering the application, the City Planning Commission (CPC) and/or City Council should obtain written commitments from the developer, 737 Fourth Avenue LLC, to provide permanently affordable housing according to MIH Option 3.

Provision of Appropriate Affordable Housing Floor Area

Borough President Adams believes that significant upzonings should yield more affordable housing than rezonings that do not provide a comparable increase in density. Throughout his term, he has considered requests for substantial bulk increases that resulted in the development of 100 percent affordable housing. For other upzoning requests, he has consistently called for applicants to exceed MIH by providing additional affordable housing floor area and/or more deeply affordable units.

The primary benefit of the proposed rezoning is in the mandatory provision of MIH floor area, with the added Option 1 requirement of a 40 percent AMI tier. Borough President Adams believes that such public purpose falls well short of capturing the added value of market-rate floor area that results from converting low-density manufacturing land to higher-density residential use. Upzoning from an M1-1D district, which does not permit housing construction, to an R8A MIH district, with its maximum FAR of 7.2, results in a windfall of development rights beyond the standard public benefit attributed to MIH. Such a change of use and FAR increase incentivizes significant market-rate development in comparison to what is permitted as-of-right. There is thus a significant difference between drastic upzonings, such as what is proposed in this application, and more modest upzonings, which convert lower-density contextual districts to higher density ones. Additionally, any zoning district in excess of R6A lacks leverage through MIH to induce more affordable housing floor area. The proposed rezoning would thus substantially enrich the project area with residential development rights without any obligation to provide greater affordability.

As this inequity cannot be rectified directly through MIH, Borough President Adams believes that increasing the number of affordable units while lowering the target household incomes is possible by blending what is required according to the MIH option, with a voluntary special bulk permit. However, seeing as the ZR does not provide for such a special permit, he believes that an applicant could achieve equivalent public benefit through a legally binding mechanism.

Borough President Adams believes that in order to justify an R8A MIH district at this site, the developer should commit to providing additional, more deeply affordable floor area in tandem with his recommendation of a rent roll based on MIH Option 3.

In order to determine the appropriate amount of excess affordable housing floor area, it is helpful to calculate the site's development potential according to two residential zoning districts, the aforementioned R8A MIH and the lower density R7A MIH, which stipulates a FAR of 4.6. The existing M1-1D zoning permits only 1.0 FAR or approximately 20,000 sq. ft. of non-residential development. However, under the proposed R8A MIH zoning, the project area would achieve approximately 144,240 sq. ft. of total development rights. At 737 Fourth Avenue, 99,534 of 108,118 sq. ft. would be residential floor area (including MIH), with the rest reserved for commercial use. According to the EAS, the eventual 731 Fourth Avenue/24th Street site was represented as resulting in 33,122 sq. ft. of residential use, and 3,000 sq. ft. of retail stores.

Borough President Adams believes that a portion of these rights might be reasonably used to advance additional public benefit. Based on the information above, the project area would provide 132,656 sq. ft.

of residential use, of which 33,164 would constitute the MIH Option 1 obligation. Mapping MIH Option 3 instead would reduce the affordable floor area from 25 percent to 20 percent, or 26,531 sq. ft. but ensure more deeply affordable units. With R8A zoning and MIH Option 3, the developer would realize 41,671 sq. ft. more market-rate floor area than if the site were zoned R7A MIH, with Option 3.

Borough President Adams believes that the 2.6 increment between R7A and R8A should yield additional affordable floor area to increase the project's public benefit. He therefore seeks to set aside 40 percent of the 2.6 FAR increment between R7A MIH and R8A MIH for permanently affordable housing in lieu of the Option 3 20 percent residential floor area requirement. These units would be offered at Option 1 AMIs and rents, which typically provides for 40 percent targeted to households earning 40 percent AMI and made affordable in perpetuity.

The additional 20 percent increment of 2.6 FAR on both sites would yield approximately 10,417.68 sq. ft. of affordable housing floor area leased on 60 percent AMI basis beyond the 19,907 sq. ft. pursuant to MIH Option 3 at 737 Fourth Avenue and 6,624 sq. ft. projected for the 731 Fourth Avenue/24th Street site. The added affordable housing obligation rented per MIH Option 1 average rents could be incorporated at 737 Fourth Avenue or proportionally represented at both the immediate and expected development sites.

Linking a substantial amount of market-rate floor area in excess of R7A MIH to the developer benefit of a zoning district with the higher R8A MIH FAR, would provide sufficient incentive for the developer to seek such a zoning district, while generating the publicly desired affordable housing. Such affordable housing floor area — both the standard MIH requirement and additional area noted above — should also provide a more family-oriented bedroom mix with a greater proportion of two and three-bedroom units.

Therefore, in order to meet the threshold of public benefit necessary for the approval of R8A MIH zoning, any FAR increment in excess of R7A MIH should require provision of affordable housing floor area at a rate of 40 percent in lieu of the standard MIH Option 3 of 20 percent floor area requirement, with permanent affordability. The developer should be required to memorialize the additional 2.6 FAR with 40 percent as permanently affordable and average rent for floor area not exceeding 60 percent AMI standards. Borough President Adams believes that the CPC and/or City Council should stipulate that the requested R8A MIH zoning district be conditioned on a legal mechanism that commits a combined extra 10,417.68 sq. ft. of affordable housing floor area at 737 Fourth Avenue and the 731 Fourth Avenue/24th Street lot, at an average rent of 60 percent AMI. The City Council should obtain a written intent from 737 Fourth Avenue LLC to file a legally binding mechanism that commits an increased percentage of permanently affordable housing floor area for both properties.

Bedroom Mix

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately reflect the needs of low- to middle-income rent-burdened families. While 737 Fourth Avenue LLC has not disclosed the exact bedroom mix, it was represented that the development would contain one-bedroom, two-bedroom, and three-bedroom units. Pursuant to MIH Option 1, a number of these apartments would be reserved for households at 40 percent AMI.

Borough President Adams believes that right-sizing the bedroom distribution within the affordable housing floor area is more important than maximizing the number of MIH units. Though the applicant expressed intent to have larger size units, development pursuant to MIH lacks leverage to require that the development's MIH units include apartments with multiple bedrooms. As such, Borough President Adams believes that it is appropriate to use discretionary land use actions to advance policies that constrain what would be permitted as-of-right.

The ZR allows for the provision of at least 50 percent of the MIH units with two or more bedrooms and at least 75 percent with one or more bedrooms. For this building, it is important to mandate that the developer provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii). This would require at least 50 percent of the units to be two- or three-bedrooms and at least 75 percent of the units to contain one or more bedrooms. The application's representation of 142 apartments, with 35 affordable units at 737 Fourth Avenue and 47 apartments with 12 affordable units for the 731 Fourth Avenue/24th Street development is not binding.

Moreover, as the 737 Fourth Avenue's affordable bedroom mix has not been disclosed, it is not consistent with Borough President Adams' policy to ensure family-oriented units for low- to moderate-income households. As the anticipated development site at 731 Fourth Avenue and 24th Street is not near-term, the developer has made no representation of any bedroom mix for that second site.

Borough President Adams seeks a binding commitment to secure what has been represented to the community. Therefore, prior to considering the application, the City Council should obtain written commitments from the applicant, 737 Fourth Avenue LLC, to provide a bedroom mix of at least 50 percent two- or three-bedroom affordable housing units, and at least 75 percent one-, two-, or three-bedroom affordable housing units for the 737 Fourth Avenue units, as well as the projected 731 Fourth Avenue/24th Street development..Moreover, the City Council should seek assurance that the developer would maintain such affordable bedroom mix if the requested zoning is modified to a lower-density district.

Maximizing Affordable Housing Opportunities for Senior Households

In addition to addressing the need for family-sized units, there is a pressing need for affordable apartments for the aging population, many of whom have limited financial means. Older New Yorkers are a rapidly growing segment of the city's population, with more than 300,000 seniors residing in Brooklyn alone. As noted in the New York City Department of City Planning (DCP)'s "Zoning for Quality and Affordability" (ZQA) study, New York's senior population is expected to grow 40 percent by 2040. According to the study, there were 60 applicants for every apartment in lotteries conducted by HPD for senior housing developments. A recent study by LiveOn NY found that 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.

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 units are rented at 30, 40, and 50 percent AMI, such apartments might be more affordable to senior households. Additionally, Borough President Adams believes that there are appropriate means to assist senior citizen households in becoming eligible for the affordable housing lottery. With such efforts, it is reasonable to expect that a greater share of smaller units at lower AMIs would be awarded to senior households.

Therefore, prior to considering the application, the City Council should obtain written commitments from 737 Fourth Avenue LLC clarifying how it would implement outreach efforts to seniors, including those who are formerly homeless, to maximize their participation in the affordable housing lottery for both the 737 Fourth Avenue and the 731 Fourth Avenue/24th Street development sites.

Maximizing Community Participation in the Affordable Housing

The ZR requires inclusionary 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 an 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, as well as following up with annual affidavits to ensure compliance.

It is Borough President Adams' policy for housing non-profits to play a role in maximizing community participation in neighborhood affordable housing opportunities. He recognizes that CD 7 is served by several non-profit housing advocates with a proven track record of marketing affordable housing units and promoting lottery readiness through educational initiatives. The developer has expressed intent to retain FAC as the affordable housing administrator and marketing agent for the project. In this capacity, FAC would work with the community board to qualify Sunset Park and CD 7 residents for the 737 Fourth Avenue MIH lottery. This would involve holding three to four marketing sessions; conducting outreach in Spanish, Mandarin, Cantonese, Arabic, and English via newspaper/website ads and flyers; assisting people in completing Housing Connect or paper applications; applying for temporary identification numbers (TIN)s; gathering required documents, and ensuring that the MIH apartments remain permanently affordable. Such efforts should be undertaken in consultation with Borough President Adams' office, CB 7, and/or local elected officials.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 737 Fourth Avenue LLC, clarifying how it would memorialize utilizing one or more locally affordable housing non-profits to serve as the administering agent for both 737 Fourth Avenue and any subsequent redevelopment at 731 Fourth Avenue and 24th Street, and/or have such entities play a role in promoting affordable housing lottery readiness.

Setting Aside a Portion of the Commercial Space for Local Arts/Cultural and Non-Profit Organizations and/or Immigrant-Owned Businesses

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

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining challenges for artists in the borough, with accompanying recommendations. The report highlighted the benefits of arts and dance, which include maintaining physical fitness, promoting creative self-expression, and making significant contributions to the vibrant culture of Brooklyn. Among the difficulties faced by the Brooklyn arts community is an absence of diversity — according to 2000 United States Census data, fewer than half the individuals working in dance are people of color. Additionally, public funding for the arts in New York City has shrunk dramatically in recent years: by 37 percent from the New York State Council of the Arts (NYSCA), by 15 percent from the National Endowment for the Arts (NEA), and by 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data shows that cultural programs generate a variety of positive effects, which include combating the borough's high rate of obesity. As of 2016, 61 percent of Brooklyn adults are overweight or obese, according to the New York State Department of Health (NYSDOH). Research by the Citizens' Committee for Children of New York has found that such activities also help children succeed in school. Moreover,

demand for cultural programs continues to grow across Brooklyn. A 2015 report by the Center for an Urban Future (CUF) found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Borough President Adams believes that the inclusion of arts and cultural entities and non-profit organizations at 737 Fourth Avenue would provide enrichment to the community. The development's location is advantageous given the area's considerable residential density, and the high proportion of youth in CD 7. If the proposed rezoning is approved, the 737 Fourth Avenue development would realize an unfunded opportunity to provide elevator access at the 25th Street station. The represented drawings include a constructed volume for eventual utilization by the MTA. Rather than have such space sit empty until MTA is ready to advance elevator access, Borough President Adams believes that such space should be turned into an interim community asset. For example, it could be marketed at no or nominal cost to local arts and cultural groups and/or community organizations. However, he is aware that such entities cannot afford to compete with retailers who could pay higher rents to lease at this location.

Borough President Adams is also concerned about immigrant-owned businesses, which are a vital part of their communities but easily displaced by rising commercial rents. For immigrant households, operating a retail store is an important and viable way to earn a living, as it poses relatively low barriers to entry. According to a recent report by the Citizens Planning and Housing Council (CPHC), immigrants own more than half of the city's small businesses but 77 percent are burdened by commercial rents. Financial hardships threaten the livelihood of such enterprises, which are often family-owned operations with limited capital and resources. Borough President Adams recognizes the importance of supporting immigrant-owned businesses and seeks to secure opportunities for immigrant entrepreneurship through the creation of affordable commercial space.

Therefore, prior to considering this application, the City Council should obtain written commitments from the developer, 737 Fourth Avenue LLC, clarifying how a portion of the easement volume reserved for the MTA would be set aside for non-profit and/or arts and cultural organizations, and/or immigrant-owned businesses, at below-market lease terms, as warranted.

Furthermore, to the extent that the City Council seeks to secure below-market rents to accommodate such non-profit and/or arts and cultural organizations, 737 Fourth Avenue LLC should actively solicit such entities, based on reasonable lease terms, in consultation with CB 7 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for promoting environmentally-sustainable development that integrates blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly-constructed roofs, as well as existing roofs undergoing renovation (with some exceptions), incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate. Borough President Adams believes that developers should seek to exceed this mandate by integrating blue roofs with green roof systems. With regard to solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally-based construction and procurement.

Borough President Adams recognizes that the applicant has expressed intent to achieve an energy-efficient building envelope at 737 Fourth Avenue and seek LEED certification. He believes it is appropriate for 737 Fourth Avenue LLC to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (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 sq. ft. 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.

As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, there would be an opportunity to integrate stormwater retention measures into existing tree pits, with additional plantings, which would increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Owls Head Wastewater Treatment Plant.

The required Builders Pavement Plan for the proposed development provides an opportunity to install DEP rain gardens along the initial 737 Fourth Avenue development site's Fourth Avenue and 25th Street frontages, as well as the anticipated 731 Fourth Avenue and 24th Street site's frontages. The ZR requirement to plant street trees provides shade on excessively hot days, helps combat the urban heat island effect, and provides other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption.

Borough President Adams believes that for both of its development sites, 737 Fourth Avenue LLC should consult with DEP, the New York City Department of Transportation (DOT), and NYC Parks regarding the inclusion of rain gardens integrated with street trees as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 7 and local elected officials prior to taking action.

Therefore, prior to considering the application, the City Council should obtain written commitments from the applicant, 737 Fourth Avenue LLC, clarifying how it would memorialize integrating resiliency and sustainability features at its 737 Fourth Avenue and its 731 Fourth Avenue/24th Street development sites.

Advancing Vision Zero Policies

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

In 2015, Borough President Adams launched his initiative Connecting Residents on Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections

in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. With more curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets. This Fourth Avenue corridor is a designated New York City local truck route between Atlantic Avenue and 39th Street, with multiple intersections lacking stop signs or traffic lights. The busy intersection of 25th Street and Fourth Avenue draws significant foot traffic to/from local businesses and the 25th Street station. As the proposed development bring additional residents and visitors, it is essential to enhance pedestrian crossings at this intersection.

Borough President Adams also recognizes the importance of accommodating cyclists on Fourth Avenue. Bicycling safety measures such as protected bike lanes have been shown to improve overall safety on streets that carry a great deal of traffic. The recent implementation of a Fourth Avenue protected bike lane that extends from 65th Street to Barclays Center will safeguard cyclists who travel along this major transportation corridor. However, with the expansion of bike share to Sunset Park (anticipated in 2023), more bicycling infrastructure is needed to ensure safety for its users, especially along Third Avenue, which saw a rash of fatalities in 2020. In addition to more CitiBike docks, there is a general need for secure bike parking throughout the City. The proposed development will incorporate this feature in partnership with Oonee Pod. However, when built, it will be only the second secure bike facility in Brooklyn, with the other located at Atlantic Terminal. Borough President Adams supports such improvements and believes the City should fast-track their expansion to create a secure bike parking network.

Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to enhance pedestrian safety by providing curb extensions and/or painted protected sidewalks on the east side of Fourth Avenue, where it intersects 24th and 25th streets.

Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable 737 Fourth Avenue LLC to undertake such improvements after consultation with CB 7 and local elected officials as part of its Builders Pavement Plan for both the 737 Fourth Avenue building as well as the anticipated 731 Fourth Avenue development at the corner of 24th Street. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. Borough President Adams would expect 737 Fourth Avenue LLC to commit to such maintenance as an ongoing obligation for each of its development sites.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from 737 Fourth Avenue LLC to coordinate CROSS Brooklyn implementation with DEP and DOT for the installation of a curb extension at the southeast corner of Fourth Avenue and 24th Street and the northeast corner of Fourth Avenue and 25th Street, either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of 737 Fourth Avenue LLC's commitment to enter into a standard DOT maintenance agreement for both intersections. Finally, DOT should confirm that implementation of such improvements would not proceed prior to consultation with CB 7 and local elected officials.

Promoting Access to Car-Share Vehicles

Borough President Adams supports the establishment of Transit Zones in the ZR to enable affordable housing development without the requirement to provide parking for such permanently affordable housing floor area. R8A districts mandate the provision of accessory parking for 40 percent of the market-rate units in a quality housing development. For 737 Fourth Avenue, this regulation would require the

developer to build 45 parking spaces. For the remaining site at Fourth Avenue and 24th Street, it is possible that the number of market rate units would be fewer than the number of units that would require parking.

Another way to address parking capacity is to take advantage of the growing trend of users who rely on access to car-sharing vehicles for their driving needs. A rental car can provide mobility in certain use cases, though it is not as flexible as having direct access to a car for a set amount of time and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. However, there can be times when affordable access to automobiles would be considered a quality-of-life enhancement, even for households with higher discretionary income. Furthermore, research suggests that car-share availability reduces automobile use for individuals who already own cars, creating environmental benefits and reducing congestion. Borough President Adams believes that facilitating car-share at this location would benefit building occupants as well as nearby Greenwood Heights residents and those of surrounding communities.

According to ZR Section 36-46(a)(1), a car-sharing entity is permitted to occupy up to five parking spaces, though no more than 20 percent of all spaces in group parking facilities. As represented, the 737 Fourth Avenue development would contain 52 attended parking spaces. Borough President Adams believes that the proposed development could accommodate rentals by car-share operators based on reasonable pricing. Therefore, a portion of the 737 Fourth Avenue garage should be set aside for a limited number of car-share vehicles through dialogue with car-sharing companies.

The incorporation of car-sharing vehicles within the building's garage would require the developer to provide visible signage, per ZR Section 36-523, and to state the total number of parking spaces, as well as the maximum number of car-sharing vehicles.

Therefore, prior to considering this application, the City Council should obtain written commitments from the developer, 737 Fourth Avenue LLC, clarifying how it would engage car-sharing companies to lease multiple spaces within the garage.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 20 percent or greater. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. 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 that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from the applicant, 737 Fourth Avenue LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, for both the pending and subsequent development sites, consistent with Section 6-108.1 of the City's Administrative Code and MWBE as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

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

New York City's community preference policy requires that 50 percent of affordable units filled through affordable housing lotteries be reserved for residents in the local community. 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.

According to an annual report by Advocates for Children of New York, 31,158 Brooklyn students — nearly one in 10 enrolled — experienced homelessness during the 2018-2019 school year, defined as either living in shelters or doubling up with friends and family. The number of such students in charter and public schools has increased every school year since 2014-2015. Homelessness has profound impacts on school performance, as such students are more likely to have longer commutes or to transfer schools in the middle of the year, leading to chronic absences, lower graduation rates, and higher dropout rates.

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 the Institute for Children, Poverty & Homelessness (ICPH), there are multiple public schools within several blocks of the proposed development where the proportion of homeless students is five to 12 percent.

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

Data shows that more than 80 percent of New York City households earning 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest income residents, 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, exacerbating racial disparities. According to CHPC, one in four households of color are severely rent-burdened, which is 11 percent more than Caucasian households.

Within CD 7, a significant number of households residing in unregulated housing and regulated apartments pay too much of their household income toward rent. According to ANHD, 56 percent of households in CD 7 are rent-burdened. ANHD also found that, among the City's community districts, CD 7 has the second highest number of serious housing code violations. Taken together, these facts point to a dual housing affordability and quality crisis in the community district whereby too many households are paying too much of their income for substandard and dangerous accommodations. Another ICPH report found that 31 percent of households in CD 7 spend 50 percent or more of their income on rent, making them severely rent-burdened. There is thus a pressing need to increase the supply of safe, affordable housing in CD 7. Moreover, given the risk of displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

A strict rent-to-income requirement of no more than 30 percent of income for annual rent payments disqualifies many income-challenged households from the affordable housing lotteries. These rent-

burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same or greater rent for the affordable housing unit. In this way, 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 spending more than 30 percent of their income on rent.

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

Amending the ZR to adjust AMI qualifications to include households that would maintain or reduce their rent burden would be one way to address this disparity. For MIH housing lottery offerings, DCP needs to modify the ZR to allow for exceptions to the 30 percent of income threshold so that households that are rent-burdened, though paying equal or greater rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, and quality accommodations. Borough President Adams believes that the CPC and/or the City Council should echo his call to seek the modification of the ZR section concerning MIH areas to be adopted with a requirement that rent-burdened households be permitted to qualify for MIH affordable housing units.

Recommendation

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

1. That prior to considering the application, the City Council obtain commitments, in writing, from the applicant, 737 Fourth Avenue LLC, for both the pending and subsequent development sites, clarifying how it would:
 - a. Memorialize commitment to provide permanently affordable housing according to Mandatory Inclusionary Housing (MIH) Option 3
 - b. For the additional FAR increment in excess of an R7A MIH district, provide affordable housing floor area at a rate of 40 percent in lieu of the standard MIH Option 3 of 20 percent floor area requirement (10,417.68 sq. ft.), with permanent affordability based on 60 percent Area Median Income (AMI) rent basis
 - c. Memorialize an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one- two- or three-bedroom units, but for studios targeted to households at 40 percent AMI
 - d. Implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including the formerly homeless, to maximize their participation in the affordable housing lottery
 - e. Utilize locally-based affordable housing development non-profit(s) to serve as the administering agent and have one or more such entities play a role in promoting affordable housing lottery readiness

- f. Set aside a portion of the interim Metropolitan Transportation Authority (MTA) station access easement for interim arts/cultural entities, non-profit organizations, and/or immigrant-owned businesses at below-market lease terms, as warranted
- g. Memorialize the incorporation of resiliency and sustainability measures, such as blue roofs, passive house design, solar facades, and/or wind turbines
- h. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan at 737 Fourth Avenue in consultation with Brooklyn Community Board 7 (CB 7) and local elected officials
- i. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP and DOT for the installation of a curb extension at the corners of Fourth Avenue and 24th and 25th streets, either as part of a Builders Pavement Plan or as a treated roadbed sidewalk extension
- j. Enter into a standard DOT maintenance agreement for those intersections and coordination with DEP and DOT should there be agency implementation for the provision of protected painted areas at the southeast corner of Fourth Avenue and 24th Street and the northeast corner of Fourth Avenue and 25th Street with the understanding that such improvements would not proceed prior to consultation with CB 7 and local elected officials
- k. Engage with car-sharing companies, in consultation with CB 7 and local officials to lease multiple spaces within the garage
- l. Retain Brooklyn-based contractors and subcontractors, especially those that are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBES) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That the New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public schoolchildren residing at City-funded or -operated shelters
2. That the CPC and/or the City Council call for modification of the MIH section of the New York City Zoning Resolution (ZR) 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 higher rent than what the housing lottery offers) to qualify for MIH affordable housing units.

**737 4th Avenue, LLC
26 Harbor Park Drive
Port Washington, NY 11050**

December 31, 2020

Hon. Eric Adams
Brooklyn Borough President
Brooklyn Borough Hall
209 Joralemon Street
Brooklyn, NY 11201

Re: Rezoning Application
731 and 737 Fourth Avenue,
Brooklyn, NY (the "Property")

Dear Borough President Adams:

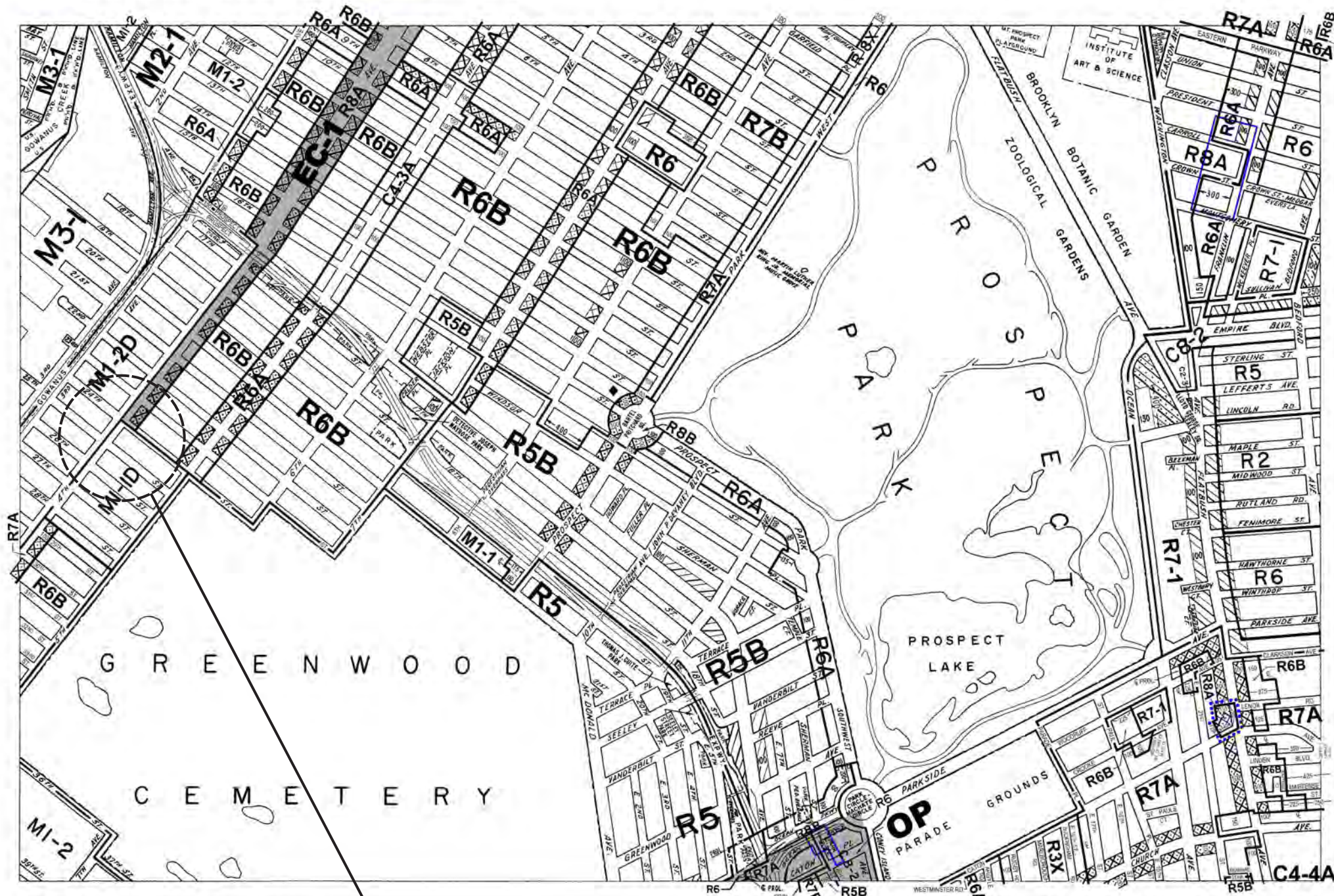
737 4th Avenue, LLC ("Developer") looks forward to proceeding with its development of an approximately 144,044 zoning square foot mixed-use development (covering both 731 and 737 Fourth Avenue, in separate buildings) that would be facilitated by a rezoning of the Property. Developer has met with many stakeholders and with your staff to discuss ways of improving the development for the community. In consideration of your support of our rezoning application, specifically with regard to the Mandatory Inclusionary Housing (MIH) program we agree that:

1. Developer will request that MIH Option 1 apply to the rezoned Property, whereby 25% of the rezoned residential floor area would be permanently affordable at an average of 60% of AMI.
2. Developer will agree to provide deeper affordability than required under MIH Option 1, whereby 25% of the rezoned residential floor area would be affordable at a range of 30% to 60% of AMI, with an overall average of approximately 48% of AMI.
3. The exact affordability mix will be set forth in a community benefits agreement that Developer will enter into with The Fifth Avenue Committee, which will be binding on any successor owners of the Property.
4. Developer will also enter into an agreement with The Fifth Avenue Committee for it oversee the marketing, lottery and rent-up of the affordable units.

Developer believes that these changes to the development will improve the project to be built on the Property. We appreciate the time and work that everyone has invested in ensuring that this project is a success for the community. Thank you for your continued support.

Very truly yours,
737 4th Avenue, LLC

BY: [Signature], attorney



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

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

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

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

AREA(S) REZONED

Effective Date(s) of Rezoning:

04-25-2017 C 170128 ZMK

Special Requirements:

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

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

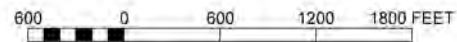
For inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

MAP KEY

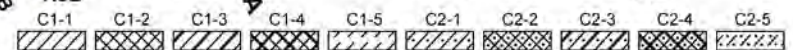
| | | |
|-----|------------|-----|
| 16a | 16c | 17a |
| 16b | 16d | 17b |
| 22a | 22c | 23a |

Copyrighted by the City of New York

ZONING MAP 16d



Proposed Project Area



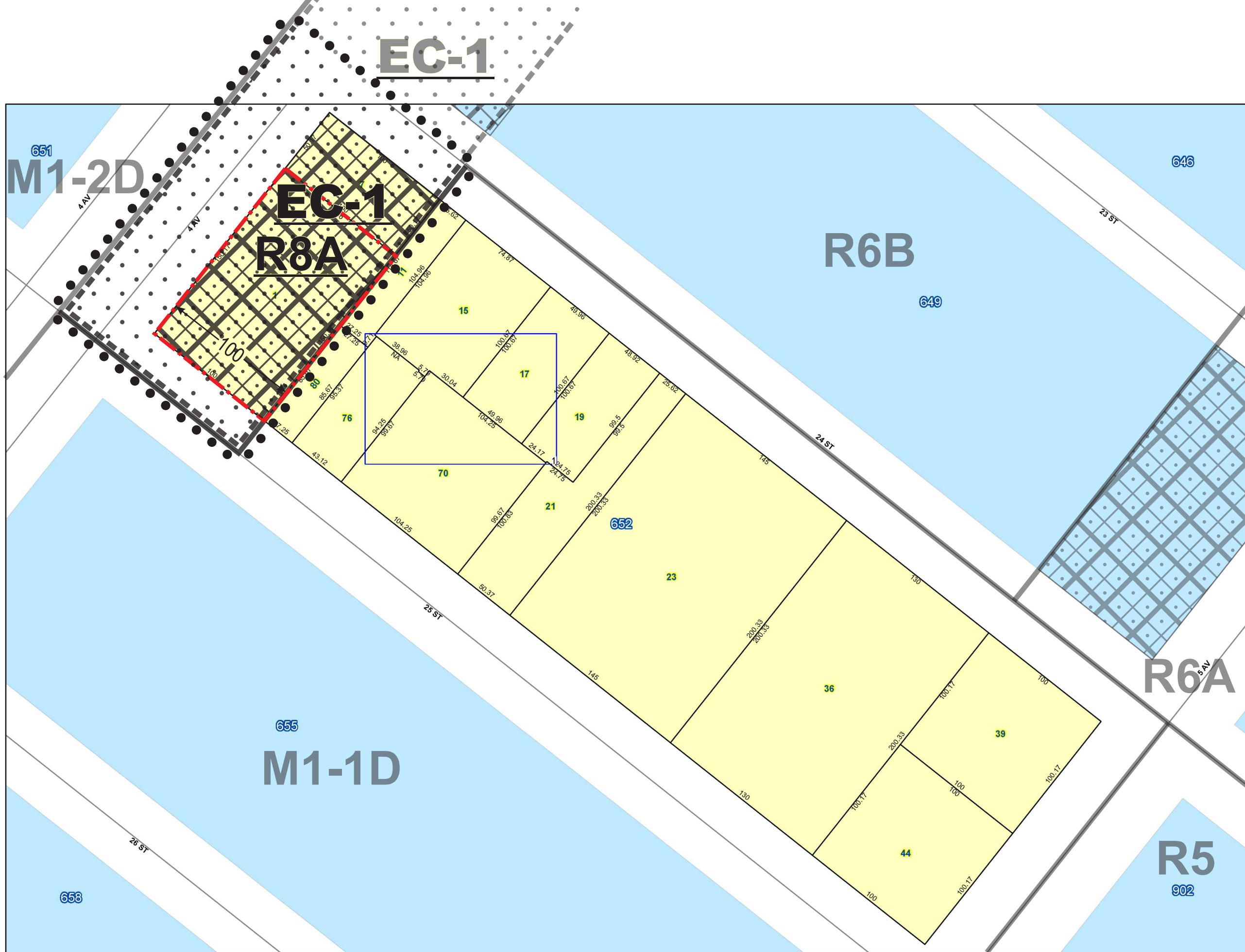
NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution

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



NYC Digital Tax Map

Effective Date : 12-09-2008 20:21:44
 End Date : Current
 Brooklyn Block: 652



Legend

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

- Development Site
- Area Proposed to be Rezoned
- Existing Zoning District Line
- Proposed Zoning District Line
- Existing EC-1 Special Purpose District
- Proposed EC-1 Special Purpose District
- M1-1D** Existing Zoning District
- Existing C2-4 Overlay
- R8A** Proposed Zoning District
- Proposed C2-4 Overlay

Area Map
737 4th Avenue, Brooklyn
Block 652, Lots 1 & 7

Project Information

- 600' Radius
- Development Site
- Project Area
- Zoning Districts
- Special Districts

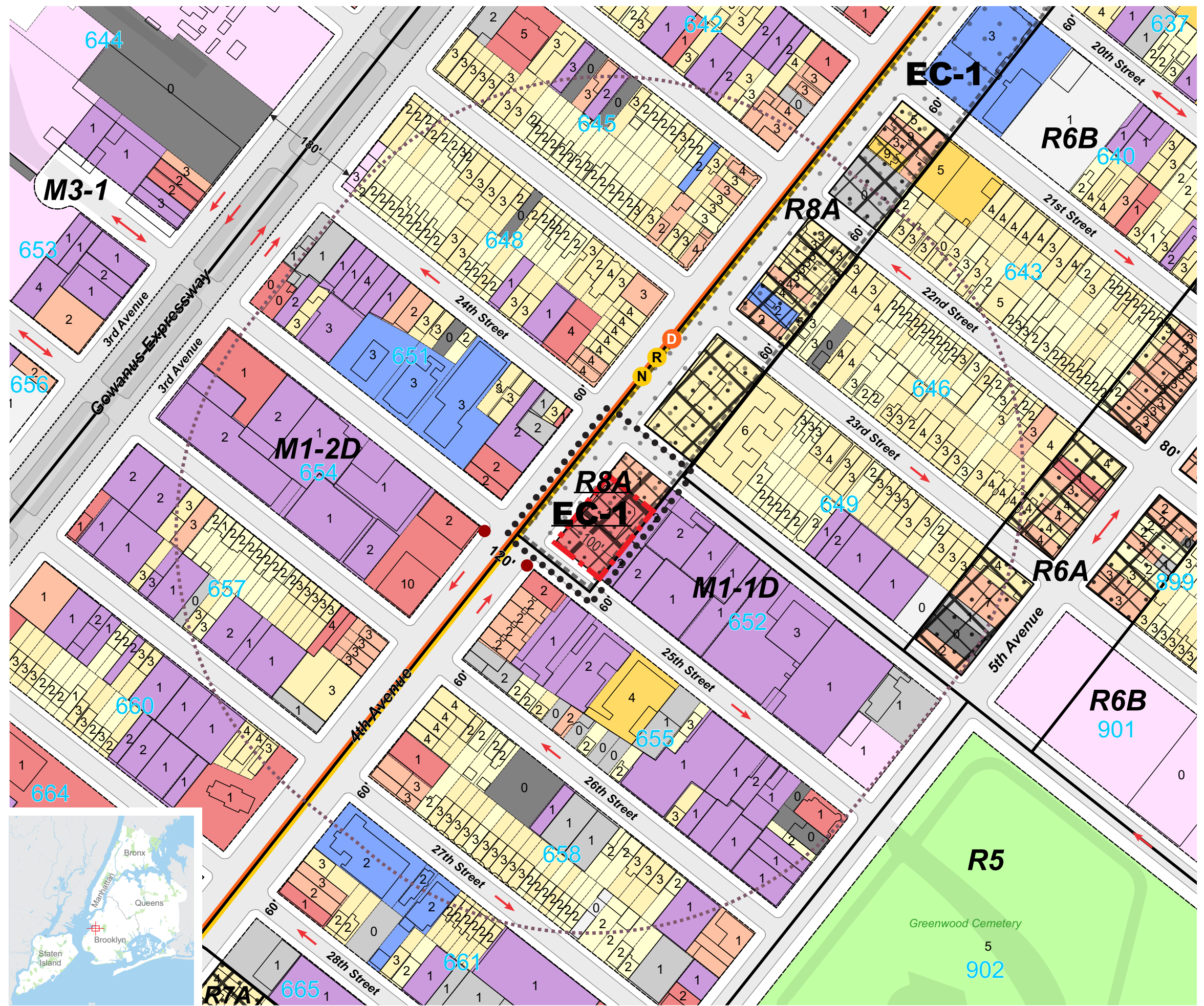
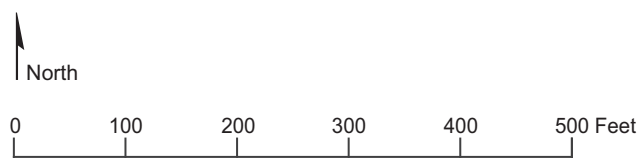
Existing Commercial Overlays

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

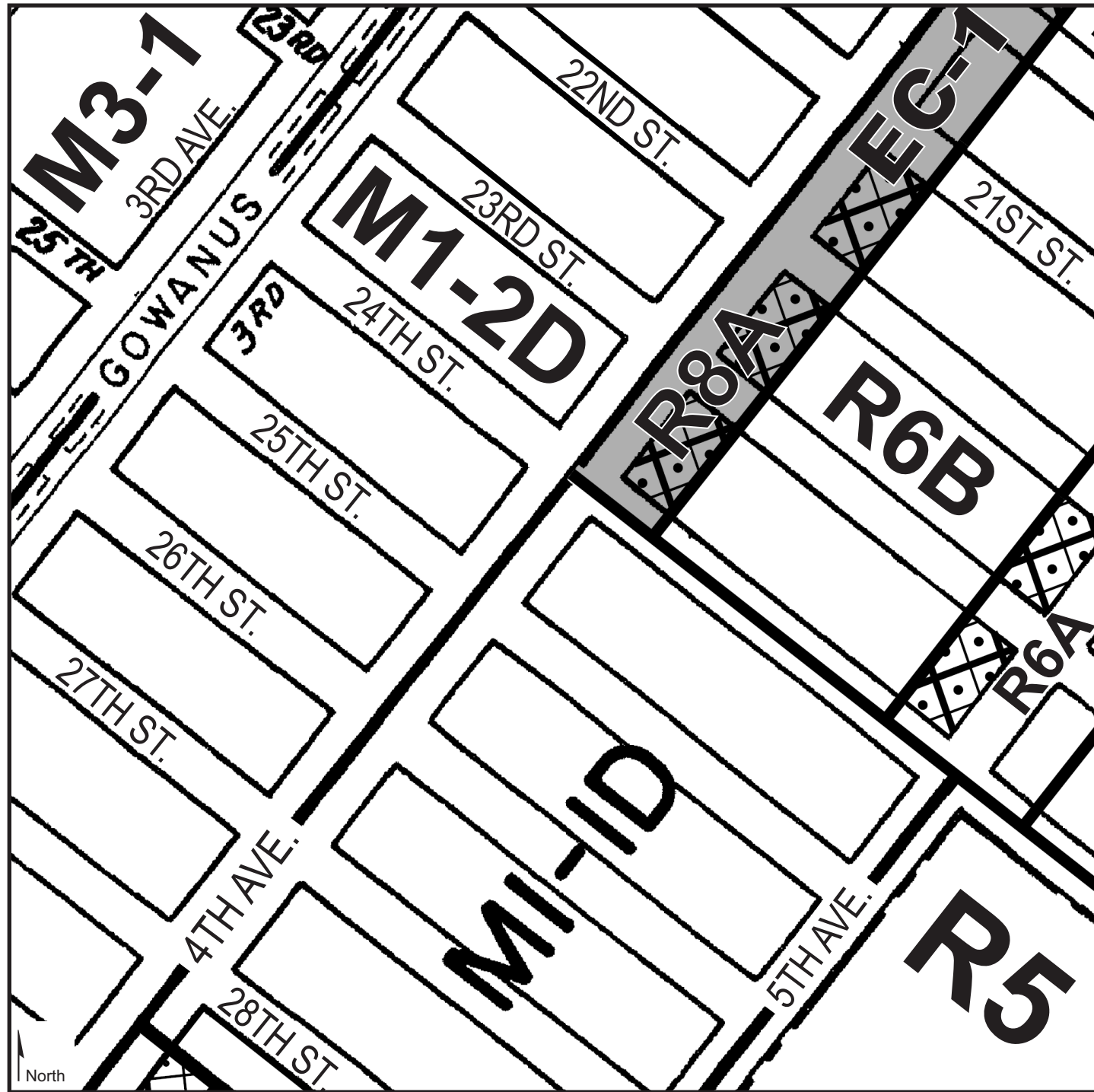
- Subway Entries
- 5037 Block Numbers
- Property Lines
- 5 Number of Floors

Land Uses

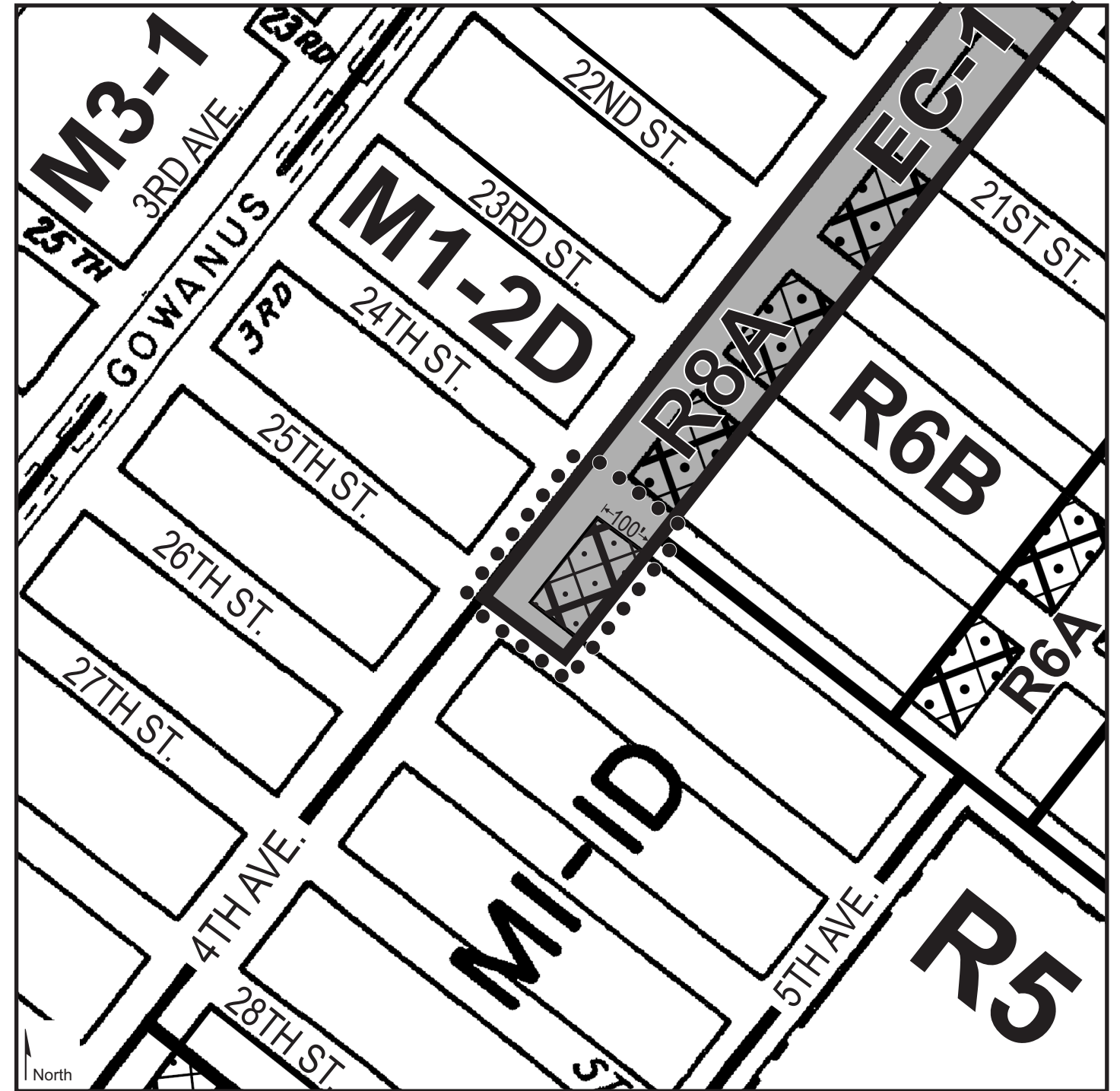
- One & Two Family Residential Buildings
- Multi-Family Residential Buildings (Walk-up)
- Multi-Family Residential Buildings (Elevator)
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- No Data/Other



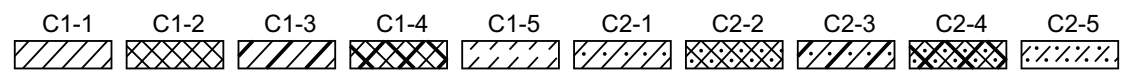
Zoning Change Map



Current Zoning Map (16d)



Proposed Zoning Map (16d) - Area being rezoned is outlined with dotted lines
Rezoning from M1-1D to R8A/C2-4 (EC-1)



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

737 4th Avenue, Zoning Map Amendment

Zoning Comparison Table

| | Existing Zoning (M1-1D) | | Proposed Zoning R8A/C2-4 (Under MIH Zoning) | |
|--|-------------------------|--------------------------|--|---|
| | ZR Section # | M1-1D | ZR Section # | R8A/C2-4 |
| | USE GROUPS | 42-10 | 1, 2, 4 - 14, 16, 17 | 22-10/32-10 |
| MAXIMUM FAR | | | | |
| Residential | 43-61 | 1.65 | 23-154* / 23-90 | 7.2 |
| Affordable Independent Residences for Seniors ("AIRS") | n/a | n/a | 23-155 | 7.2 |
| Community Facility | 43-122 | 2.4 | 33-121 / 35-31 | 6.5 |
| Commercial | 43-12 | 1 | 33-121 | 2 |
| Commercial and Community Facility | 43-12 | 2.4 | 33-121 | 6.5 |
| Manufacturing | 43-12 | 1 | n/a | n/a |
| YARDS | | | | |
| Minimum Front Yard | n/a | n/a | n/a | n/a |
| Minimum Side Yard | 43-25 | None or 8' | 34-232, 23-462 | None or 8 feet |
| Minimum Rear Yard | 43-26 | 20' | 33-26/23-47 | 30', 20' (Commercial) / n/a (Corner Lots) |
| HEIGHT AND SETBACKS | | | | |
| Minimum Base Height | 43-43 | n/a | 35-654/23-664 | 60' |
| Maximum Base Height | 43-43 | 30' / 2-Stories | 35-654/23-664 | 105' |
| Maximum Building Height | 43-43 | Sky Exposure Plane | 35-654/23-664 | 145'/14-Stories |
| Maximum Height of Front Wall | 43-43 | 30'/2-Stories | 35-654/23-664 | 105' |
| Sky Exposure Plane | 43-43 | 1:1 (Narrow), 1:1 (Wide) | n/a | n/a |
| Setbacks from Narrow Streets | 43-43 | 20' | 35-654/23-664 | 15' |
| Setbacks from Wide Streets | 43-43 | 15' | 35-654/23-664 | 10' |
| OPEN SPACE | | | | |
| Minimum Open Space Ratio | n/a | n/a | n/a | n/a |
| LOT COVERAGE | | | | |
| Interior/Through Lot | n/a | n/a | 35-32/23-153 | 70% |
| Corner Lot | n/a | n/a | 35-32/23-153 | 100% (QH) |
| DENSITY | | | | |
| Maximum Number of Dwelling Units | n/a | n/a | 35-40/23-22 | 680 sf/DU |
| Affordable Independent Residences for Seniors | n/a | n/a | 35-40/23-23 | 325 sf/DU max |
| PARKING | | | | |
| Residential | n/a | n/a | 25-23 | 50% |
| Commercial / Manufacturing Uses | 44-21 | By Use | 36-21 | By Use |
| Income-Restricted Housing Units | n/a | n/a | 12-10/25-251 | None (Transit Zone) |
| Affordable Independent Residences for Seniors | n/a | n/a | 12-10/25-252 | None (Transit Zone) |
| Government Assisted Dwelling Units | n/a | n/a | 12-10/25-253 | 25% |
| LOADING | | | | |
| Commercial | 44-52 | By Use | 36-62 | By Use |
| Bicycle Parking (Residential) | n/a | n/a | 25-80 | 1 per 2 dwelling units (UG-2) |
| Bicycle Parking (AIRS) | n/a | n/a | 25-80 | 1 per 10,000 sf |
| Bicycle Parking (Commercial/Manufacturing) | 44-60 | By Use | 36-711 | By Use |

* When providing affordable housing pursuant to the Inclusionary Housing Program as set forth in ZR Section 23-90

¹ Within 100' of a wide street

² Beyond 100' of a wide street



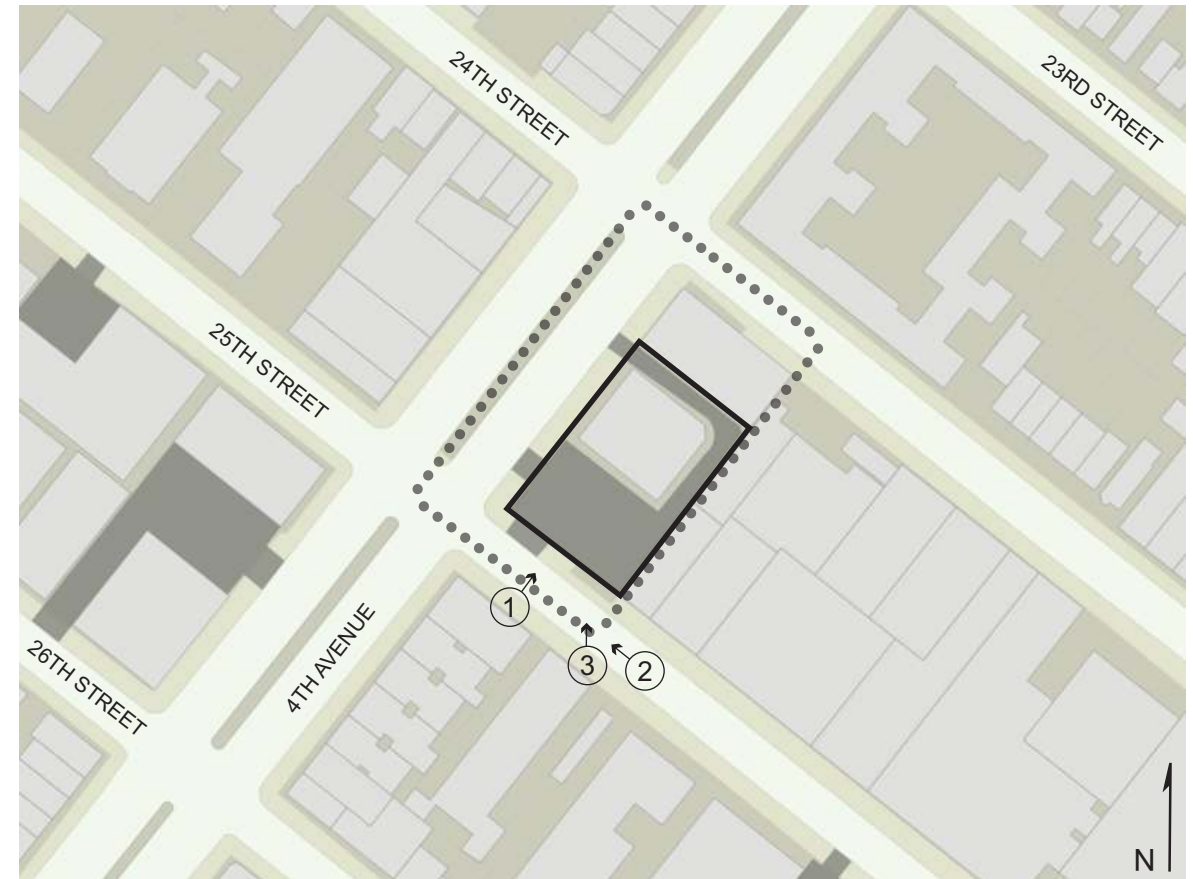
1. View of the Development Site facing northeast from 25th Street.



2. View of 25th Street facing northwest (Development Site at right).



3. View of the Site facing north from 25th Street.



□ Development Site ◌ Project Area



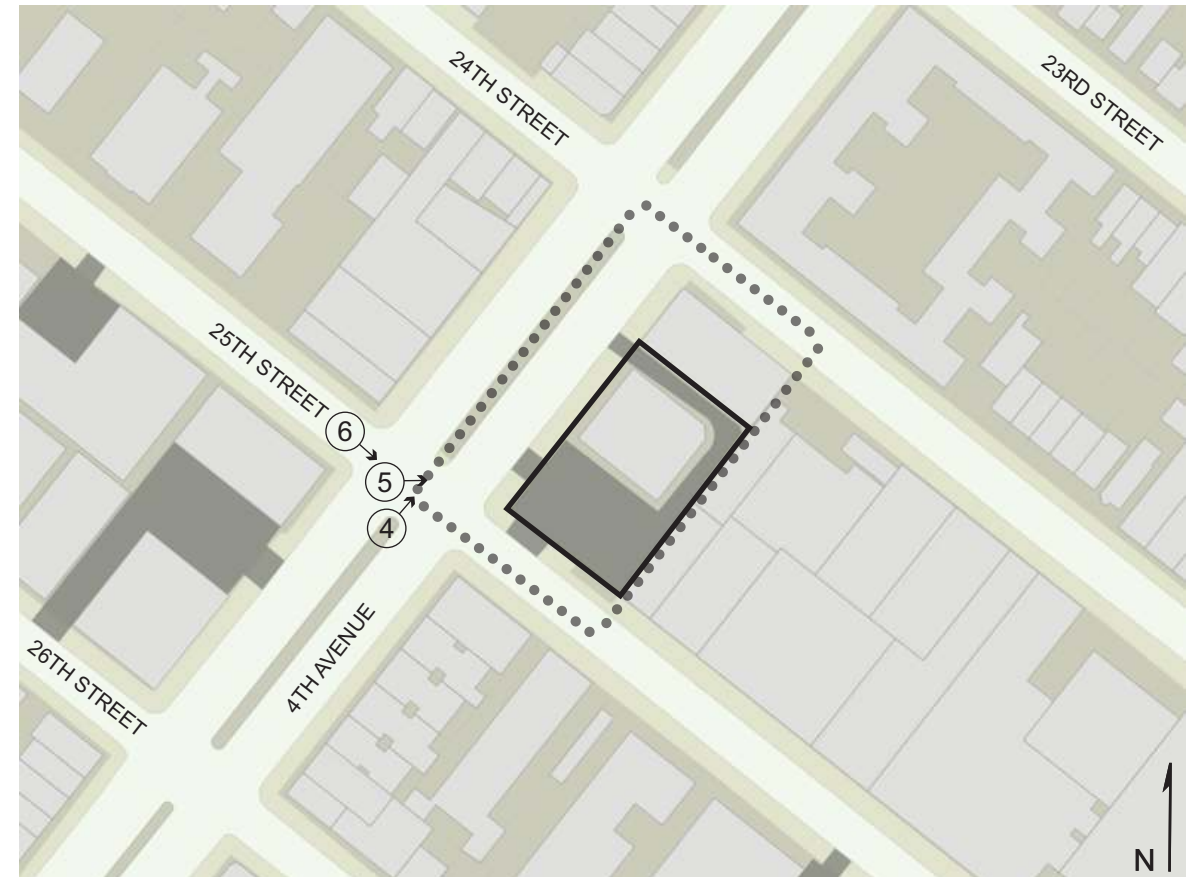
4. View of 4th Avenue facing northeast from 25th Street (Development Site at right).



5. View of the Development Site facing east from the intersection of 4th Avenue and 25th Street.



6. View of 25th Street facing southeast from 4th Avenue (Development Site at left).



□ Development Site ⋯ Project Area



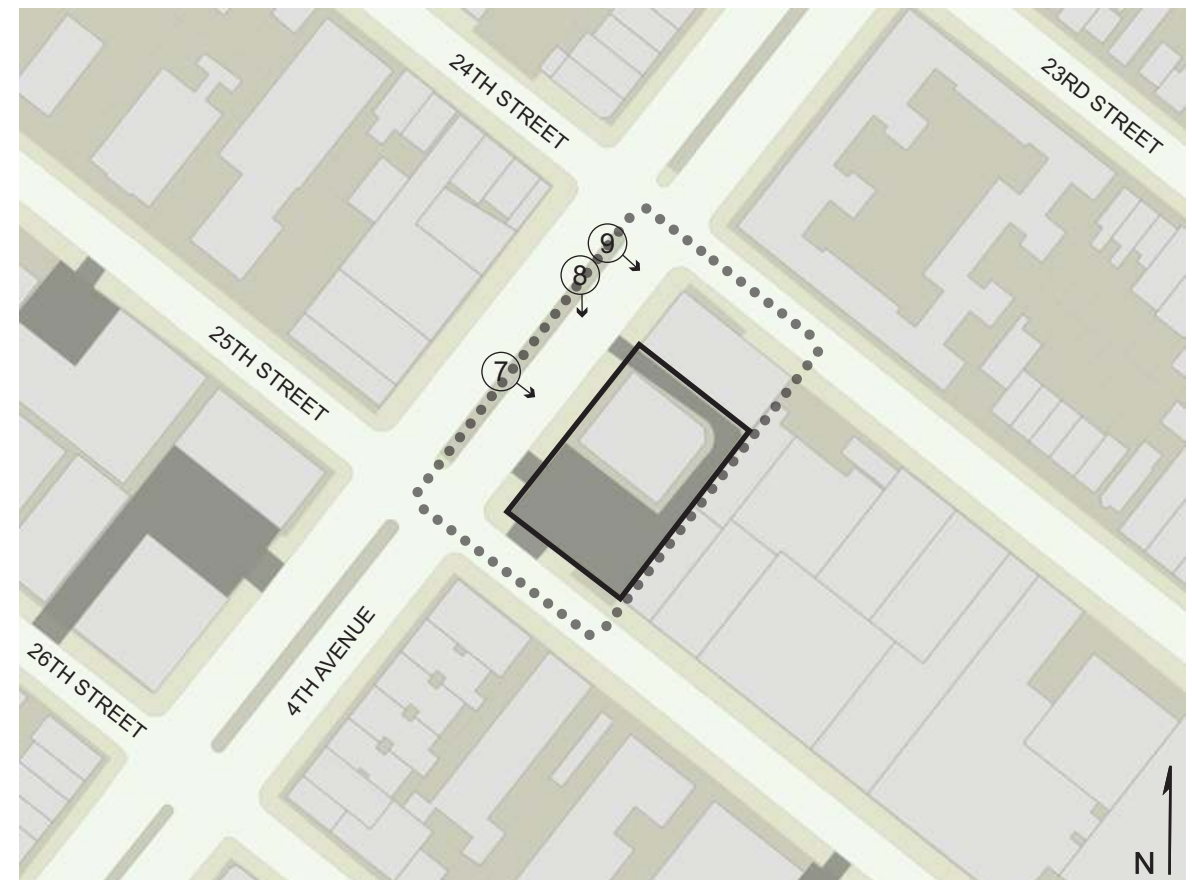
7. View of the Development Site facing southeast from 4th Avenue.



8. View of the Development Site facing south from 4th Avenue.



9. View of the Project Area facing southeast from 4th Avenue.



□ Development Site ⋯ Project Area



10. View of 24th Street facing southeast from 4th Avenue (Project Area at right).



11. View of the Project Area facing south from the intersection of 4th Avenue and 24th Street.



12. View of the southeast side of 4th Avenue facing east.



□ Development Site ◌ Project Area



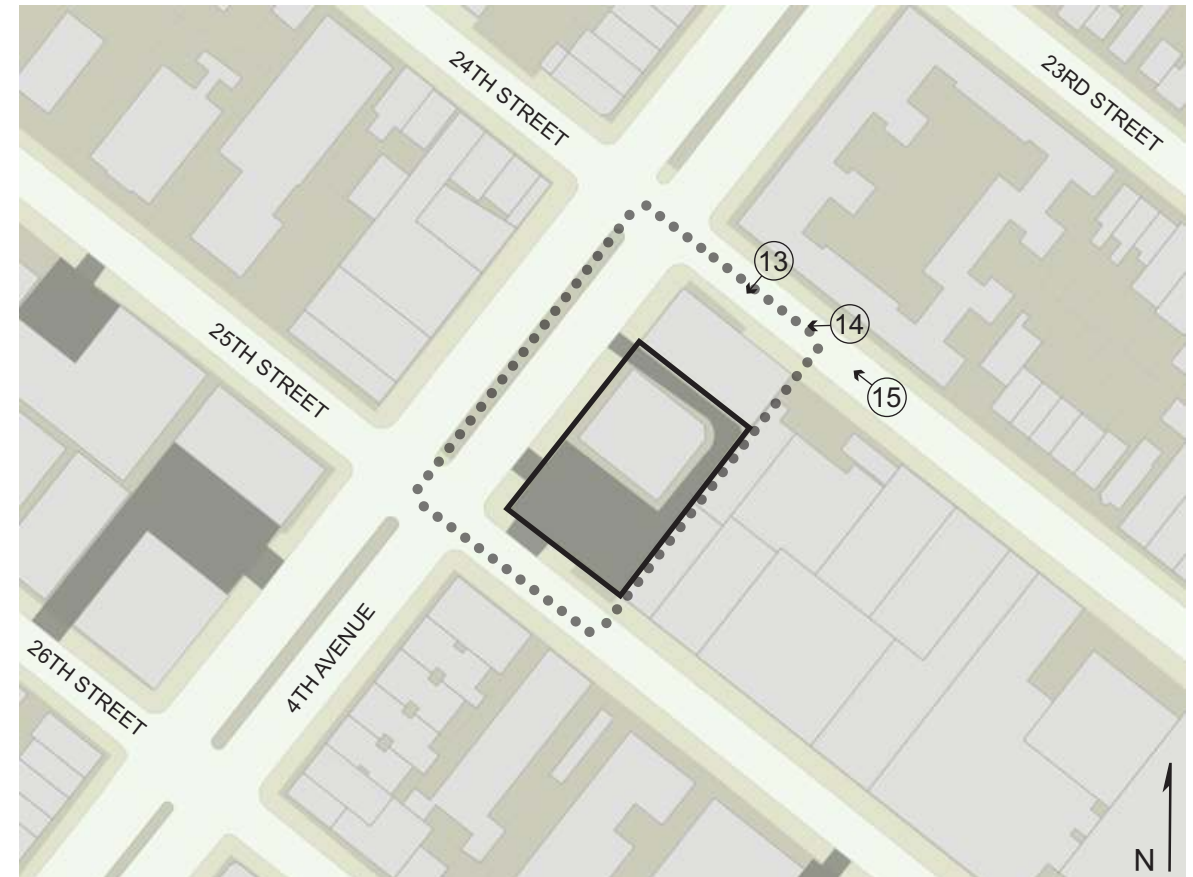
13. View of the Project Area facing southwest from 24th Street.



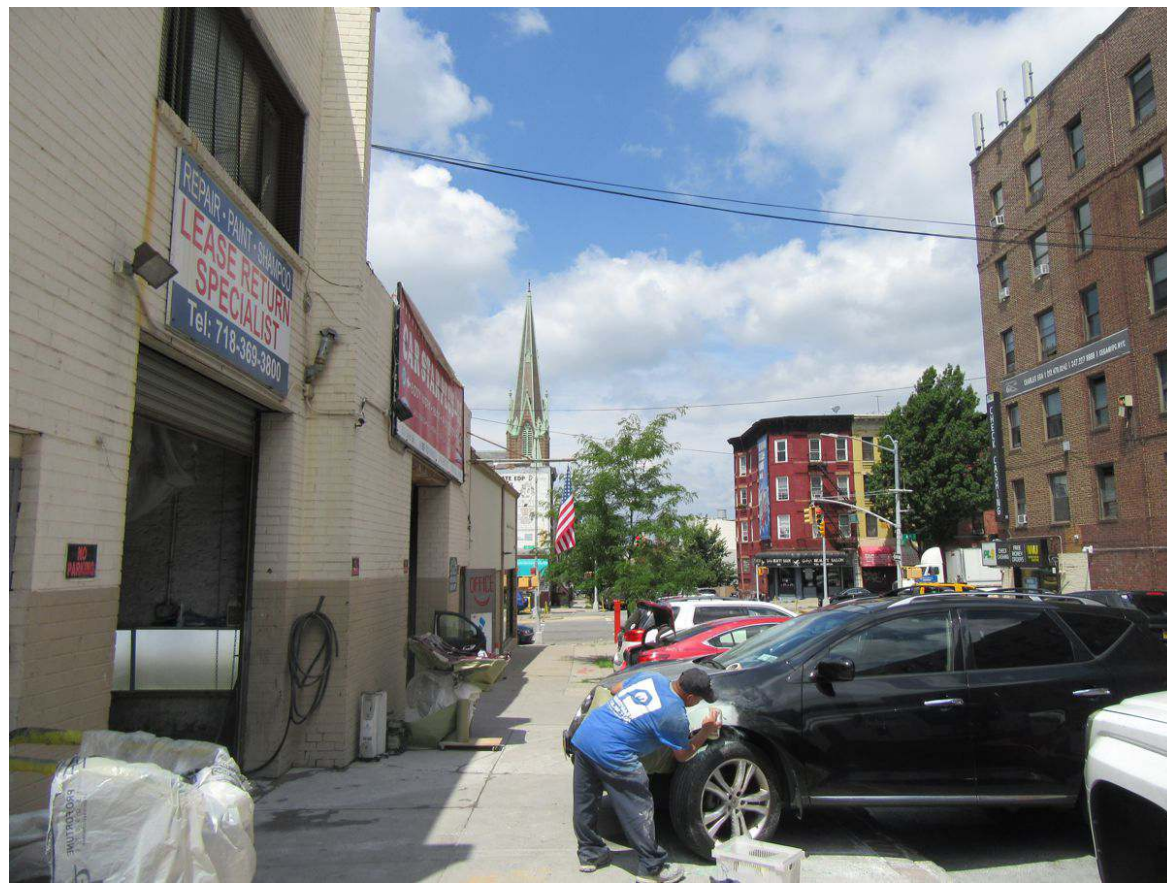
14. View of the Project Area facing west from 24th Street.



15. View of 24th Street facing northwest (Project Area at left).



□ Development Site ⋯ Project Area



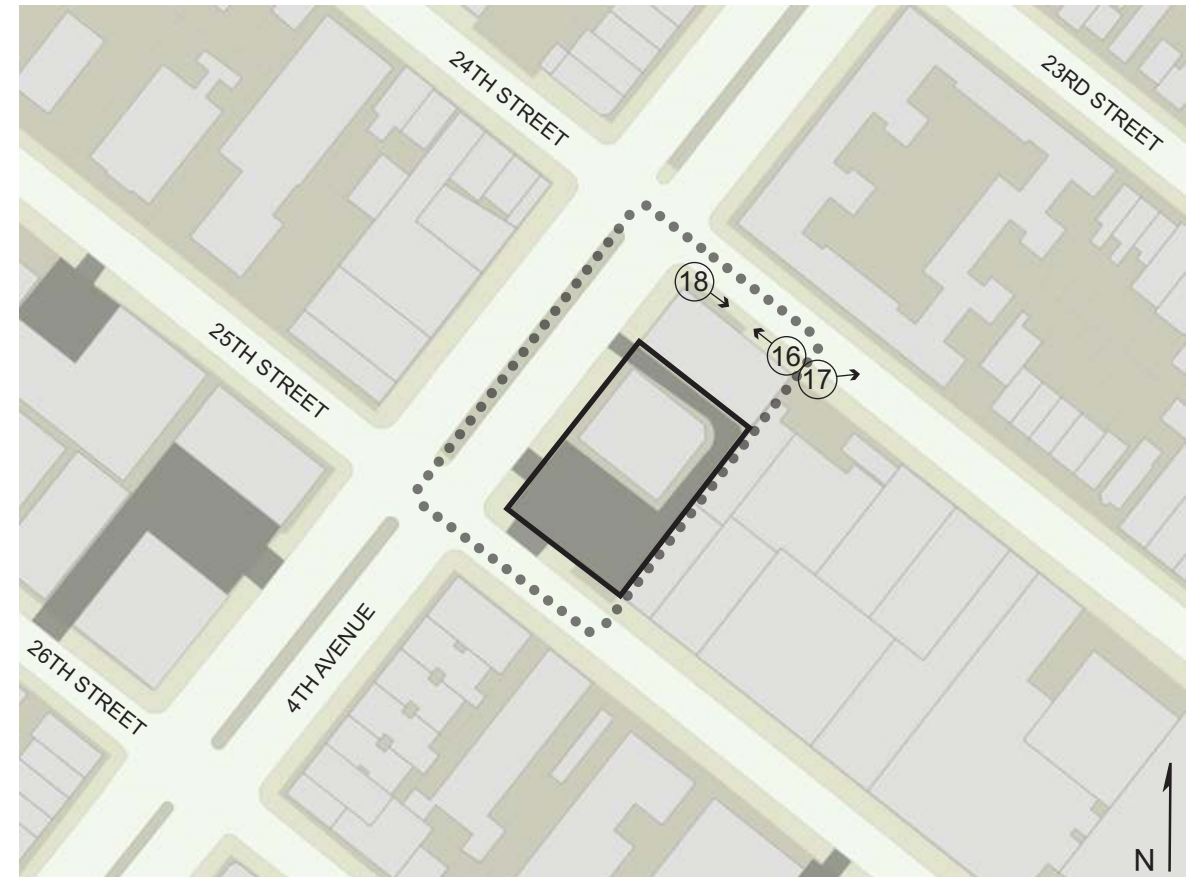
16. View of the sidewalk along the southwest side of 24th Street facing northwest (Project Area at left).



17. View of the northeast side of 24th Street facing east from the Project Area.



18. View of the sidewalk along the southwest side of 24th Street facing southeast from 4th Avenue (Project Area at right).



□ Development Site ◌ Project Area



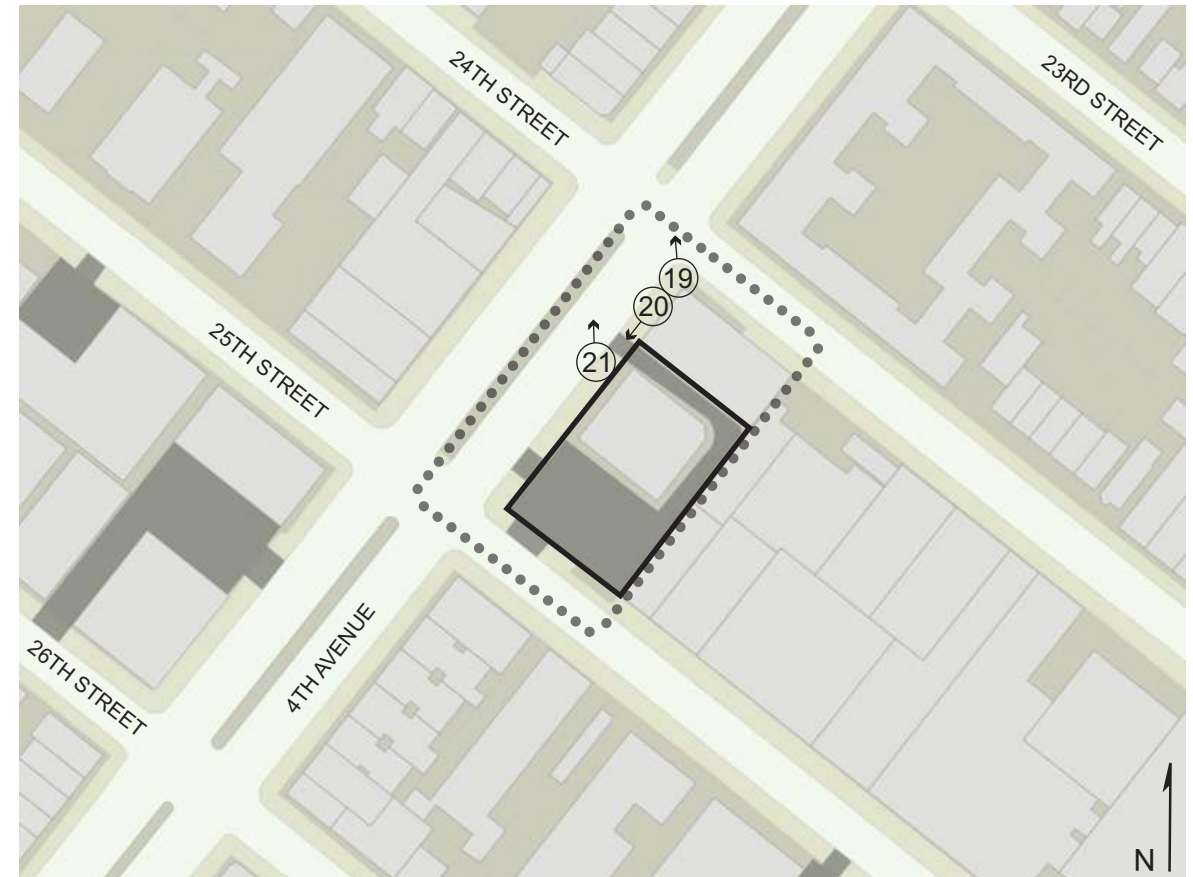
19. View of the intersection of 4th Avenue and 24th Street facing north from the Project Area.



20. View of the sidewalk along the southeast side of 4th Avenue facing southwest from 24th Street (Project Area at left).



21. View of the northwest side of 4th Avenue facing north from the Development Site.



□ Development Site ◌ Project Area



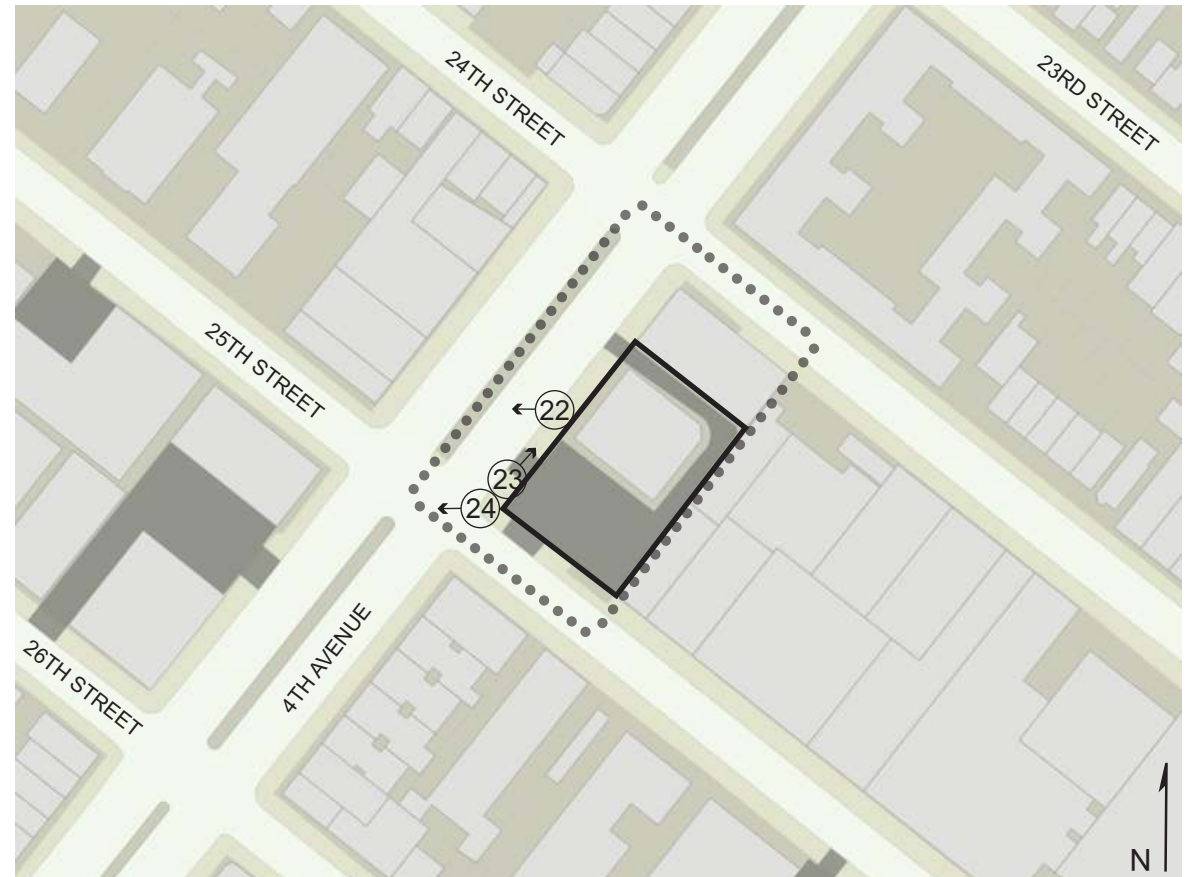
22. View of the northwest side of 4th Avenue facing west from the Development Site.



23. View of the sidewalk along the southeast side of 4th Avenue facing northeast from 25th Street (Development Site at right).



24. View of the intersection of 4th Avenue and 25th Street facing west from the Development Site.



□ Development Site ◌ Project Area



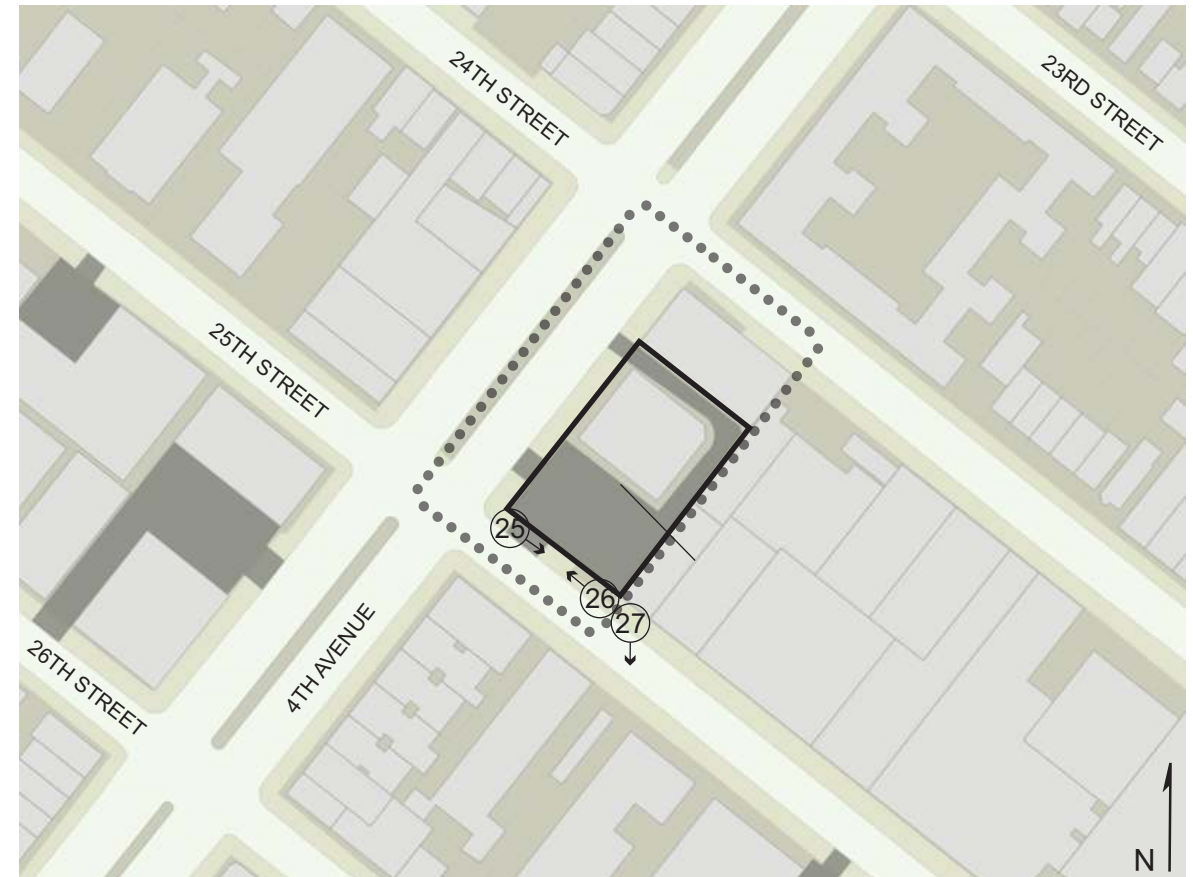
25. View of the sidewalk along the northeast side of 25th Street facing southeast from 4th Avenue (Development Site at left).



26. View of the sidewalk along the northeast side of 25th Street facing northwest (Development Site at right).



27. View of the southwest side of 25th Street facing south from the Development Site.



□ Development Site ◌ Project Area



28. View of the intersection of 4th Avenue and 23rd Street facing south.



29. View of the southeast side of 4th Avenue facing east between 22nd Street and 23rd Street.



30. View of the southeast side of 4th Avenue facing south between 22nd Street and 23rd Street.



□ Development Site ◌ Project Area



31. View of 4th Avenue facing southwest from 22nd Street.



32. View of 4th Avenue facing southwest from 24th Street (Project Area at left).



33. View of 4th Avenue facing northeast from 24th Street.



□ Development Site ◌ Project Area

**737 4th Avenue
Community District 7, Brooklyn**

**1/9/20
Zoning Map 16d**

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

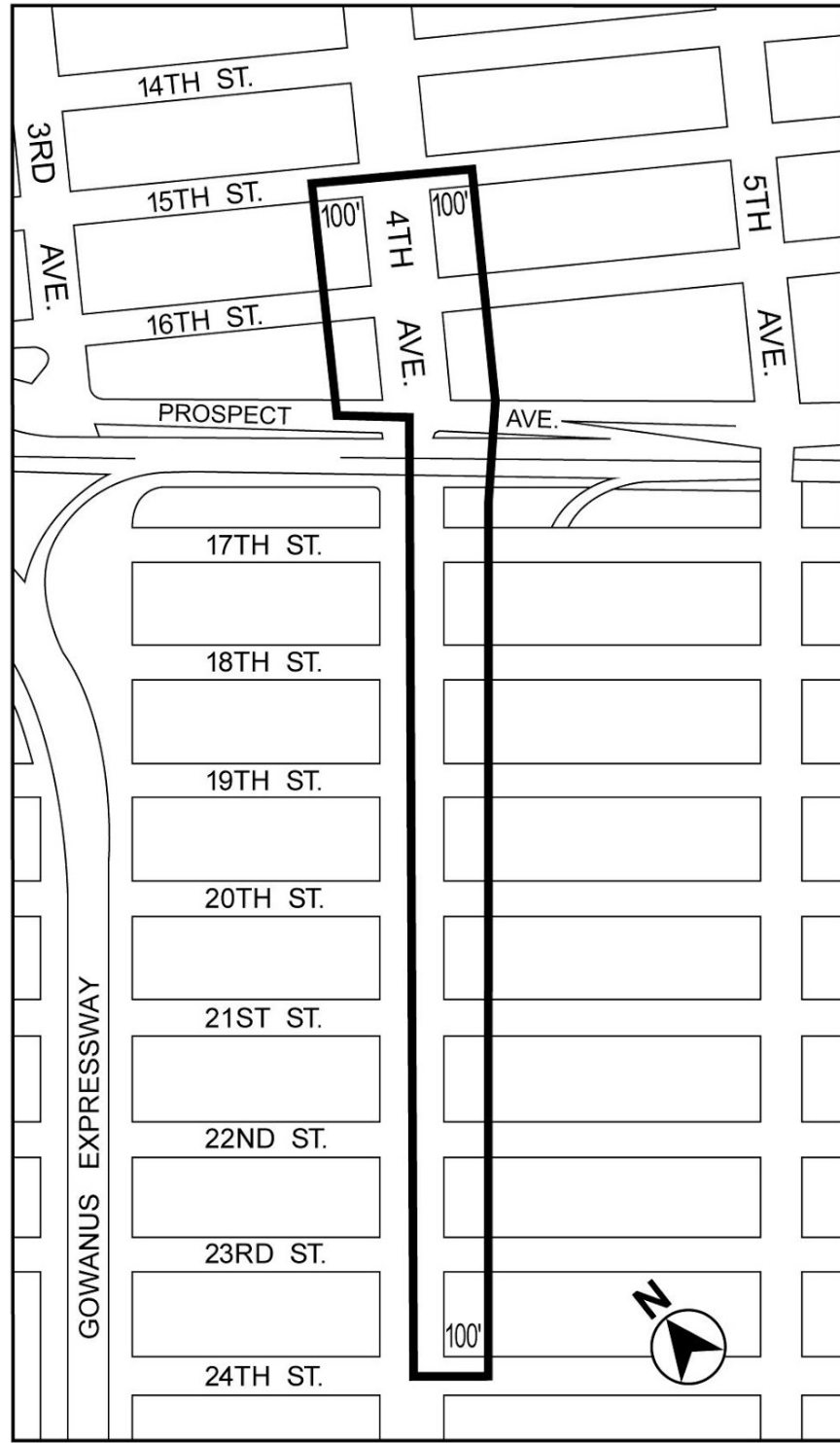
Brooklyn

* * *

Brooklyn Community District 7

[EXISTING]

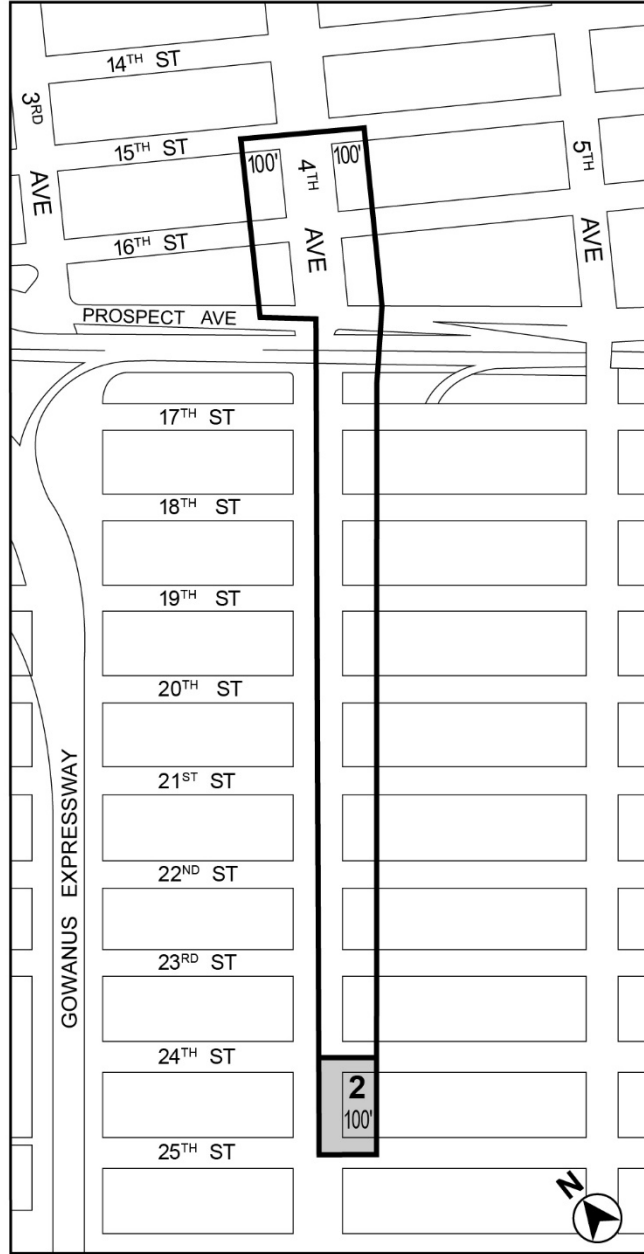
Map 1 – [8/16/06]





* * *

[PROPOSED]

Map 1 – [Date of adoption]



-  Inclusionary Housing designated area
 -  Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
- Area 2 – [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 7, Brooklyn

* * *

|TOTEM| OWNER
TOTEM BKLYN
55 Washington St
Suite #710
Brooklyn NY 11201
T: 1.718.422.0403

dWA ARCHITECT
DENCITYWORKS
55 Washington St
Suite #713
Brooklyn NY 11201
T: 1.646.690.0333

**737 FOURTH AVENUE
BROOKLYN NY 11232
DCP PROJECT NO. P2018K0145
BLOCK 652, LOT 1**

**ULURP SUBMISSION
DEPARTMENT OF CITY PLANNING
BROOKLYN**

COVER SHEET

SEAL & SIGNATURE



DATE 03/15/19
PROJECT NO. 18.002

A-000.00

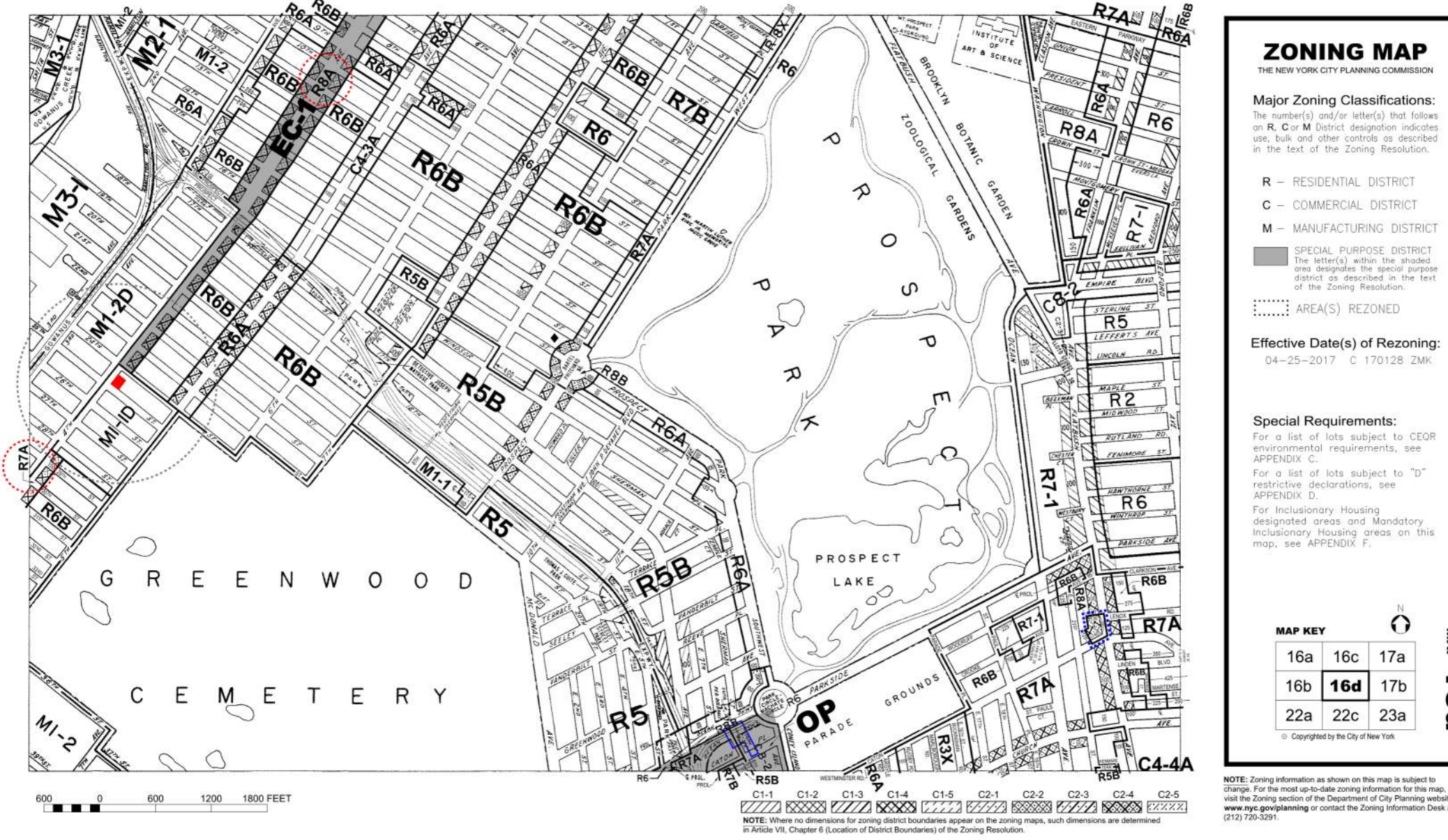
[TOTEM] OWNER
TOTEM BKLYN
55 Washington St
Suite #710
Brooklyn NY 11201
T: 1.718.422.0403

dwa ARCHITECT
DENSITYWORKS
55 Washington St
Suite #713
Brooklyn NY 11201
T: 1.646.690.0333

737 FOURTH AVENUE BROOKLYN, NY

| | |
|-----------------------------------|---|
| BLOCK | 652 |
| LOT | 1 |
| ZONING MAP | 16D |
| ZONING DISTRICT | R8a WITH C2-4 OVERLAY PROPOSED (M1-1D EXISTING) |
| COMMUNITY DISTRICT | 7 |
| LANDMARK | NO |
| LOT SIZE | 150'-2" X 100'-0" (REGULAR) |
| LOT AREA | 15,017 SFT |
| SCOPE OF WORK | NEW MIXED USE BUILDING WITH QUALIFYING GROUND FLOOR RETAIL AND QUALITY HOUSING RESIDENCES WITH INCLUSIONARY HOUSING UNITS |
| EXISTING OCCUPANCY CLASSIFICATION | K5 (STANDALONE FOOD ESTABLISHMENT) |
| PROPOSED OCCUPANCY GROUP | M (MERCANTILE) R2 (MULTIFAMILY RESIDENTIAL) |
| PROPOSED USE GROUP | 2A (RESIDENTIAL) |

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



ZONING MAP
THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The residential (single district) has letters R, C or M District designations indicate with each one other symbols as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT

Effective Date(s) of Rezoning:
04-28-2017 & 11-02-2018

Special Requirements:
For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive designations, see APPENDIX D.
For Inclusionary Housing designated areas and Mandatory Inclusionary Housing, see map on this map; see APPENDIX E.

MAP KEY

| | | |
|-----|-----|-----|
| 16a | 16c | 17a |
| 16b | 16d | 17b |
| 22a | 22c | 23a |

NOTE: Zoning information shown on this map is subject to change. For the most up-to-date zoning information for the map, visit the Zoning section of the Department of City Planning website: www.dcp.nyc.gov/zoning or contact the Zoning Information Center at 312-150-3331.

| | PERMITTED | PROVIDED | REMARKS |
|---|---|---|---|
| ZR 22-10 USE REGULATIONS | USES PERMITTED AS OF RIGHT. 1-4, 5-9, 14 | 2A, 6A | COMPLIES |
| ZR 23-153 FOR QUALITY HOUSING BUILDINGS | MAXIMUM LOT COVERAGE CORNER LOT INTERIOR & THROUGH LOT 100% 70% | 80% 60% | COMPLIES COMPLIES |
| ZR 23-154 (b) INCLUSIONARY HOUSING | INCLUSIONARY HOUSING DESIGNATED AREAS BASE FLOOR AREA RATIO FLOOR AREA MAY BE INCREASED BY 1.25 SFT FOR EACH SQUARE FEET OF LOW INCOME FLOOR AREA PROVIDED, UP TO THE MAXIMUM FLOOR AREA RATIO. THE LOW INCOME FLOOR AREA REQUIRED FOR THIS BONUS NEED NOT EXCEED 20% OF THE TOTAL FLOOR AREA EXCLUSIVE OF THE GROUND FLOOR NON-RESIDENTIAL FLOOR AREA. 6.02 90.402 | 7.20 108.118 | COMPLIES COMPLIES |
| ZR 23-22 MAX NUMBER OF DWELLING UNITS | DWELLING UNIT FACTOR (MAX RFA - NON RFA PROVIDED) / 680 143 | 142 | COMPLIES |
| ZR 23-462 YARD REGULATIONS | SIDE YARD NONE REQD | NONE PROVIDED | COMPLIES |
| ZR 23-47 MINIMUM REAR YARD | INTERIOR LOT 30 FEET | 40 FEET | COMPLIES |
| ZR 24-33 PERMITTED OBSTRUCTIONS IN REAR YARD | PORTION OF BUILDING ONE STORY OR 23 FEET ABOVE CURB LEVEL MAXIMUM. 23 FEET | 15 FEET | COMPLIES |
| ZR 23-541 OTHER SPCL PROVISIONS FOR REAR YARDS WITHIN 100 FEET OF CORNERS | NO REAR YARDS REQUIRED NONE REQD | NONE PROVIDED | COMPLIES |
| ZR 23-62 PERMITTED OBSTRUCTIONS | (F) DORMERS, (G) ELEVATOR & STAIR BULKHEADS, (J) PARAPET WALLS, (M) SOLAR ENERGY SYSTEMS, (N) GREEN ROOFS, (R.) TRANSPARENT FENCES. AS SHOWN | SEE SITE PLAN & SECTIONS | COMPLIES |
| ZR 23-621 DORMERS IN QUALITY HOUSING BUILDINGS | (C) (1) DORMERS SHALL BE ALLOWED PROVIDED THAT ON ANY STREET FRONTAGE, THE AGGREGATE WIDTH OF ALL DORMERS DOES NOT EXCEED 60% OF THE WIDTH OF THE STREET WALL OF THE HIGHEST STORY ENTIRELY BELOW THE MAXIMUM BASE HEIGHT. FOR EVERY FOOT ABOVE THE MAX BASE HEIGHT THE AGGREGATE WIDTH OF ALL DORMERS SHALL BE DECREASED BY ONE PERCENT OF THE STREET WALL WIDTH OF THE HIGHEST STORY ENTIRELY BELOW THE MAX BASE HEIGHT. ON 4TH AVENUE AT MAX BASE HEIGHT (105 FEET) = 60% OF 150 FEET STREET WALL WIDTH 90 FEET AT 10FT ABO. MAX BASE HT (115 FEET) = 90 FEET MINUS 10% OF 150 FEET STREET WALL 75 FEET ON 25TH STREET ALLOWED | SEE SITE PLAN & SECTIONS 30 FEET PROVIDED 30 FEET PROVIDED NONE PROVIDED | COMPLIES COMPLIES COMPLIES |
| ZR 23-66 HEIGHT & SETBACK REGULATIONS FOR QUALITY HOUSING BUILDINGS | PERMITTED | PROVIDED | REMARKS |
| HEIGHT OF BUILDINGS | THE HEIGHT OF ALL BUILDINGS SHALL BE MEASURED FROM THE BASE PLANE. SEE CALCS | ABP: +33.75' NAVD 88 | SEE CALCS |
| ZR 23-661 (1) STREET WALL LOCATION WITHIN 50 FEET OF INTERSECTION WITH WIDE STREET | ALONG WIDE & NARROW STREETS WITHIN 50 FEET OF INTERSECTION WITH WIDE STREET 100% REQD AT LEAST 70% OF THE STREET WALL WITHIN 8 FEET OF STREET LINE. 70% REQD AT LEAST 70% OF STREET WALL MUST EXTEND UP TO THE MINIMUM BASE HEIGHT OF 60 FEET. 70% REQD | 100% PROVIDED 100% PROVIDED 100% ON 4TH AVE 100% ON 25TH ST. | COMPLIES COMPLIES COMPLIES |
| ZR 23-661 (2) STREET WALL LOCATION BEYOND 50 FEET OF INTERSECTION WITH WIDE STREET | ALONG NARROW STREET AT LEAST 70 % OF THE STREET WALL SHALL BE WITHIN 15 FEET OF STREET LINE 70% REQD MINIMUM HEIGHT 60 FEET | 100% ON 25TH ST. 64'-7" ON 25TH ST. | COMPLIES |
| ZR 23-662 SETBACK REGULATIONS | (C) SETBACK REQUIREMENTS AT A HEIGHT NOT LOWER THAN MINIMUM BASE HEIGHT AND HIGHER THAN MAXIMUM BASE HEIGHT (EXCEPT PERMITTED OBSTRUCTIONS - SEE DORMER CALCULATIONS) 10 FEET ON WIDE ST 15 FEET ON NARROW ST | 100% ON 4TH AVE 15 FEET ON 25TH ST. | COMPLIES COMPLIES |
| ZR 23-664 MODIFIED HEIGHT & SETBACK REGULATIONS FOR CERTAIN INCLUSIONARY HOUSING BUILDINGS | (A)(2) ELIGIBLE BUILDINGS ADDITIONAL HEIGHT & NO. OF STORIES PERMITTED FOR BUILDINGS WHERE: MIN 50% RESIDENTIAL USE MIN 20% AHFA (B) FOR QUALITY HOUSING BUILDINGS IN R8a DISTRICT MINIMUM BASE HEIGHT 60 FEET MAXIMUM BASE HEIGHT 105 FEET 145 FEET MAX BUILDING HEIGHT WITH QUALIFYING GROUND FLOOR 145 FEET MAXIMUM NUMBER OF STORIES 14 STORIES | 90% RESIDENTIAL USE PROVIDED 24.6% PROVIDED 64'-7" ON 25TH ST. 104'-7" PROVIDED 144'-7" PROVIDED 14 STORIES PROVIDED | COMPLIES COMPLIES COMPLIES COMPLIES COMPLIES |

| | PERMITTED | PROVIDED | REMARKS |
|---|---|--|---|
| ZR 23-90 INCLUSIONARY HOUSING | PERMITTED | PROVIDED | REMARKS |
| ZR 23-96 REQUIREMENTS FOR GENERATING SITES OR MIH SITES | (B)(1) DISTRIBUTION OF AFFORDABLE HOUSING UNITS ON 45% OF THE NUMBER OF RESIDENTIAL STORIES (13 STORIES) 8.45 STORIES | 9 STORIES | COMPLIES |
| | (B)(2) DISTRIBUTION OF AFFORDABLE HOUSING UNITS UP TO ONE-THIRD OF THE DWELLING UNITS ON ANY STORY. 33% MAX | 33% PROVIDED | COMPLIES |
| | (C) (1)(i) AFFORDABLE HOUSING UNITS SHALL CONTAIN A BEDROOM MIX PROPORTIONAL TO THE NON AFFORDABLE HOUSING UNITS. SEE UNIT DISTRIBUTION | SEE UNIT DISTRIBUTION | COMPLIES |
| | (D) (i) SIZE OF AFFORDABLE HOUSING UNITS WITHIN PERIMETER WALLS ZERO BEDROOM ONE BEDROOM TWO BEDROOM 400 SFT MIN 575 SFT MIN 775 SFT MIN | 409 SFT AVG 580 SFT AVG 782 SFT AVG | COMPLIES COMPLIES COMPLIES |
| ZR 25-23 REQUIREMENTS OF GROUP PARKING FACILITIES | IN R8 DISTRICT, 40% OF TOTAL RESIDENCES, WAIVED FOR AFFORDABLE HOUSING UNITS PER ZR 25-25. 40% (142DUs - 35 DUs) = 43 CARS 43 REQD CARS 52 PROVIDED | 43 REQD CARS 52 PROVIDED | COMPLIES |
| ZR 25-81 REQUIRED BICYCLE PARKING SPACES | FOR RESIDENTIAL USE GROUP 2, ONE PER TWO DWELLING UNITS 71 | 78 (SEE A-201) | COMPLIES |
| ZR 25-85 FLOOR AREA EXEMPTION | FIFTEEN SFT MULTIPLIED BY THE NUMBER OF REQUIRED BICYCLE PARKING SPACES 1,065 | 1,100 | COMPLIES |
| ZR 26-41 STREET TREE PLANTING | ONE STREET TREE PROVIDED FOR EVERY 25 FEET OF STREET FRONTAGE. 4TH AVE: 150 FEET/25 = 6 TREES 25TH STREET: 100 FEET/25 = 4 TREES | 6 TREES PROPOSED 4 TREES PROVIDED | COMPLIES COMPLIES |
| ZR 26-42 PLANTING STRIPS | EACH REQD TREES SHALL BE PROVIDED WITH A PLANTING STRIP MANAGED BY THE ADJACENT 10 REQD | 10 PROVIDED | COMPLIES |
| ZR 28-00 THE QUALITY HOUSING PROGRAM | PERMITTED | PROVIDED | REMARKS |
| ZR 28-12 REFUSE STORAGE & DISPOSAL | REFUSE DISPOSAL ROOM MIN 12 SFT | 52 SFT | COMPLIES |
| ZR 28-10 LAUNDRY FACILITIES | LAUNDRY ROOM | | FUTURE BLDG TO COMPLY |
| ZR 28-14 DAYLIGHT IN CORRIDORS | 50% OF CORRIDOR AREA EXCLUDED FROM FLOOR AREA IF 20 SFT WINDOW IN CORRIDOR OR VERTICAL CIRCULATION CORE ALLOWED | PROVIDED | SEE FLOOR AREA SCHEDULE |
| ZR 28-21 REQUIRED RECREATION SPACE | IN R8 DISTRICT, MINIMUM 2.8% OF THE RESIDENTIAL FLOOR AREA 2,787 INDOOR + OUTDOOR | 2,731 INDOOR | COMPLIES |
| ZR 28-22 STANDARDS OF RECREATION SPACE | | | FUTURE BLDG TO COMPLY |
| ZR 28-31 DENSITY PER CORRIDOR | IF THE DENSITY OF DWELLING UNITS IN R8 DISTRICT DOES NOT EXCEED 10 DUs PER FLOOR, 50% OF THE CORRIDOR SHALL BE EXCLUDED FROM FLOOR AREA 10 PER FLOOR MAX FOR 50% CORR. DEDN | FLOORS 8TH THRU 14TH | SEE FLOOR AREA SCHEDULE |
| ZR 28-40 PARKING | PER UNDERLYING DISTRICT REGULATIONS | | |
| ZR 36-58 (a)(1) PARKING LOT MANEUVERABILITY AND CURB CUT REGULATIONS | 90 DEGREE PARKING: 18' X 8'-6" W TRAVEL LANE AND TURNAROUND: MINIMUM 22 FEET WIDE | PROVIDED PARKING FOLLOWS MINIMUM MANEUVERABILITY DIM. | COMPLIES |
| ZR 132-13 ENHANCED COMMERCIAL DISTRICT REGULATIONS | APPLICABILITY TO EC-1 DISTRICT: ZR 132-22a, ZR 133-22c, ZR 37-33a, ZR 132-32, ZR 132-42, ZR 132-43 | | FUTURE BUILDING TO COMPLY |

FAR SCHEDULE

| | |
|----------------------------|---------------------------|
| ZONING DISTRICT | R8a (C2-4 OVERLAY) |
| LOT AREA LOT 1 | 15,017.00 |
| FAR ALLOWED | |
| ZR 23-154 (b) | RESIDENTIAL 7.20 |
| ZR 23-153 | COMMUNITY FACILITY 6.50 |
| ZR 33-121 | COMMERCIAL (RETAIL) 2.00 |
| FLOOR AREA ALLOWED | |
| RESIDENTIAL | 108,122 |
| COMMUNITY FACILITY | 97,611 |
| COMMERCIAL (RETAIL) | 30,034 |
| MAXIMUM ALLOWED | 108,122 |
| PROPOSED FLOOR AREA | |
| RESIDENTIAL | 99,534 |
| COMMUNITY FACILITY | 0 |
| COMMERCIAL (RETAIL) | 8,585 |
| TOTAL | 108,118 |

| FLOORS | USE | ZONING DISTRICT PROPOSED R8a (C2-4 OVERLAY) | | |
|-------------------------|------------------------------|---|----------------|----------------|
| | | GROSS SF | MECH Z/GH DEDN | ZFA SF |
| LOT 1 | | | | |
| CELLAR | ACCESSORY RESIDENTIAL | 913 | | 0 |
| | ACCESSORY PARKING | 12,890 | | 0 |
| | MECHANICAL | 1,197 | | 0 |
| | TOTAL | 15,000 | | 0 |
| 1ST FLOOR | RESIDENTIAL (LOBBY) | 2,811 | 98 | 2,713 |
| | ACC. RESIDENTIAL (BIKE ROOM) | 1,175 | | 0 |
| | ACCESSORY PARKING | 1,170 | | 0 |
| | COMMERCIAL (RETAIL) | 8,896 | 311 | 8,585 |
| | MECHANICAL | 948 | | 0 |
| TOTAL | 15,000 | | 11,297 | |
| 2ND FLOOR | RESIDENTIAL | 11,000 | 385 | 423 |
| 3RD FLOOR | RESIDENTIAL | 11,000 | 385 | 423 |
| 4TH FLOOR | RESIDENTIAL | 11,000 | 385 | 423 |
| 5TH FLOOR | RESIDENTIAL | 11,000 | 385 | 2,598 |
| 6TH FLOOR | RESIDENTIAL | 10,625 | 372 | 1,747 |
| 7TH FLOOR | RESIDENTIAL | 8,850 | 310 | 372 |
| 8TH FLOOR | RESIDENTIAL | 7,950 | 278 | 669 |
| 9TH FLOOR | RESIDENTIAL | 7,650 | 268 | 692 |
| 10TH FLOOR | RESIDENTIAL | 7,350 | 257 | 692 |
| 11TH FLOOR | RESIDENTIAL | 7,050 | 247 | 692 |
| 12TH FLOOR | RESIDENTIAL | 6,000 | 210 | 579 |
| 13TH FLOOR | RESIDENTIAL | 6,000 | 210 | 579 |
| 14TH FLOOR | RESIDENTIAL | 5,250 | 184 | 579 |
| MAIN ROOF | RESIDENTIAL | 700 | 65 | 197 |
| BULKHD 1 | MECHANICAL | 700 | 700 | 0 |
| BULKHD 2 | MECHANICAL | 700 | 700 | 0 |
| TOTAL BY USE | USE | GROSS SF | | ZFA SF |
| | RESIDENTIAL | 115,411 | | 99,534 |
| | COMMUNITY FACILITY | | | 0 |
| | COMMERCIAL | 8,896 | | 8,585 |
| | ACCESSORY PARKING | 1,170 | | 0 |
| | MECHANICAL | 2,348 | | 0 |
| | | 127,825 | | 108,118 |
| INCLUDING CELLAR | | | | |
| | RESIDENTIAL | 116,324 | | |
| | COMMUNITY FACILITY | 0 | | |
| | COMMERCIAL | 8,896 | | |
| | ACCESSORY PARKING | 14,060 | | |
| | MECHANICAL | 3,545 | | |
| | | 142,825 | | 108,118 |

DWELLING UNIT SCHEDULE

| FLOOR | USE | QH UNIT | IH UNIT | TOTAL |
|--------------|-------------|------------|-----------|------------|
| 2 | RESIDENTIAL | 10 | 5 | 15 |
| 3 | RESIDENTIAL | 10 | 5 | 15 |
| 4 | RESIDENTIAL | 10 | 5 | 15 |
| 5 | RESIDENTIAL | 8 | 4 | 12 |
| 6 | RESIDENTIAL | 7 | 4 | 11 |
| 7 | RESIDENTIAL | 7 | 4 | 11 |
| 8 | RESIDENTIAL | 7 | 3 | 10 |
| 9 | RESIDENTIAL | 7 | 3 | 10 |
| 10 | RESIDENTIAL | 8 | 2 | 10 |
| 11 | RESIDENTIAL | 10 | 0 | 10 |
| 12 | RESIDENTIAL | 8 | 0 | 8 |
| 13 | RESIDENTIAL | 8 | 0 | 8 |
| 14 | RESIDENTIAL | 7 | 0 | 7 |
| TOTAL | | 107 | 35 | 142 |

85% OF BLDG STORIES

NOTE:

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ZONING CALCULATIONS

SEAL & SIGNATURE



DATE PROJECT NO. 03/15/19 18.002

Z-001.00

SCALE

BASE PLANE CALCULATIONS

CORNER LOT $(36.45+32.16+32.16+33.58)/4 = 33.59$
 INTERIOR LOT $(34.46+33.58)/2 = 34.02$

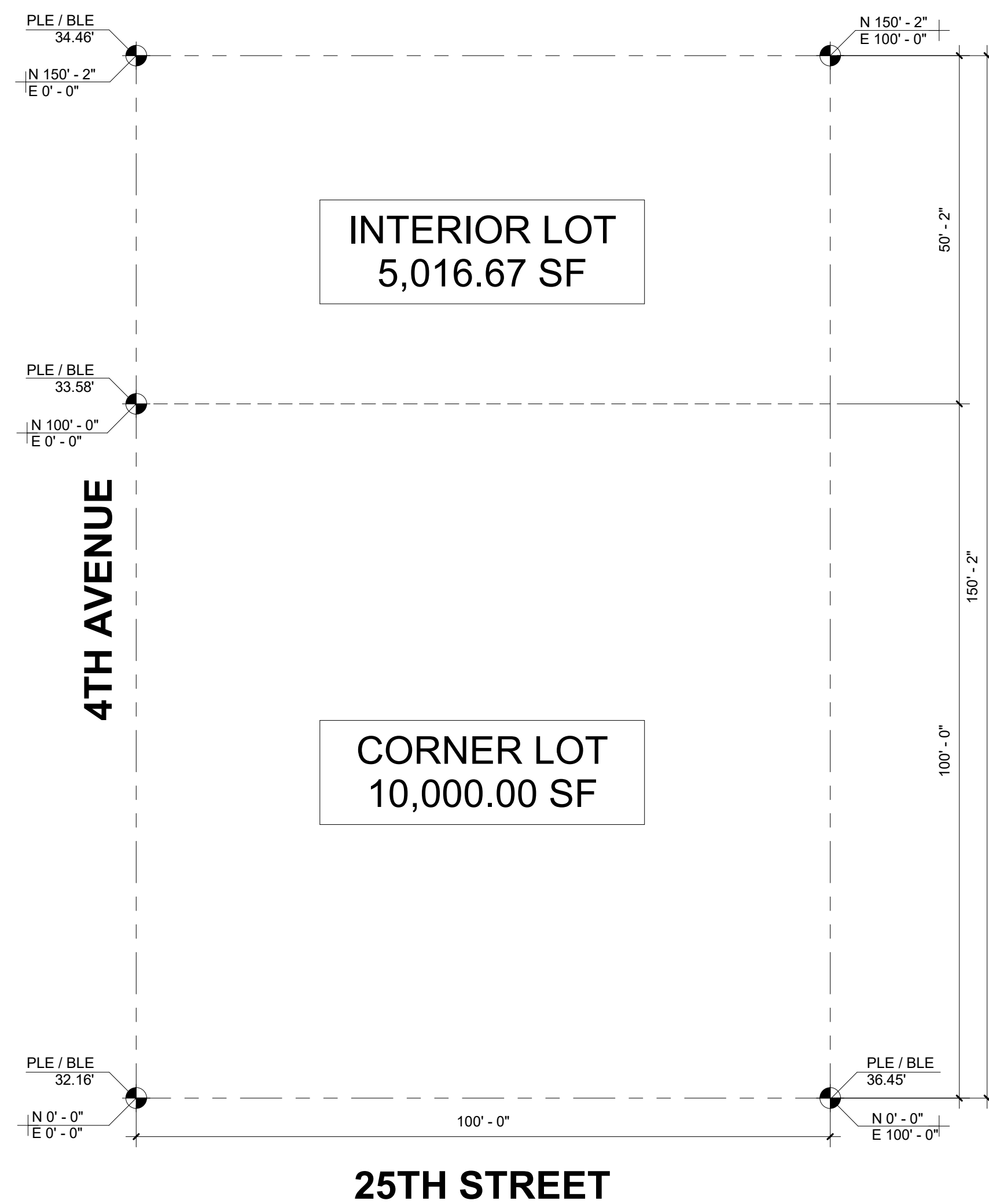
| PORTIONS OF BUILDING | AREA (SF) | % |
|----------------------|-----------|--------|
| CORNER LOT | 10,000 | 66.59% |
| INTERIOR LOT | 5,017 | 33.41% |
| | 15,017 | 100% |

ADJUSTED BASE PLANE CALCULATIONS

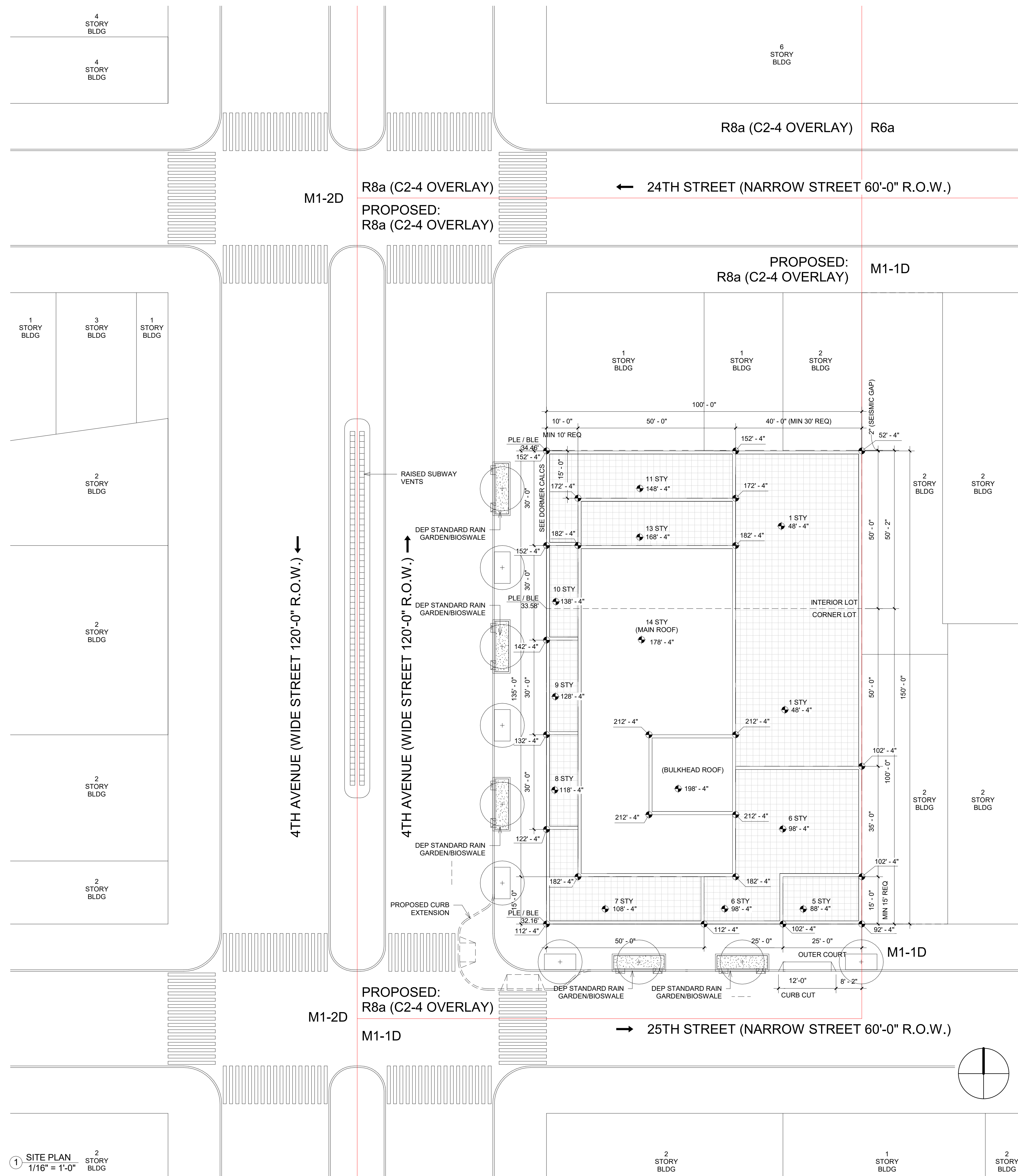
| | | | |
|--------------|-------|--------|--------|
| CORNER LOT | 33.59 | 66.59% | 22.37' |
| INTERIOR LOT | 34.02 | 33.41% | 11.37' |
| | | | 33.74' |

ADJUSTED BASE PLANE
 33.74' (USE 33'-9")

NOTE: ALL ELEVATIONS REFER TO NAVD88 WHICH IS 1.095 FEET ABOVE NATIONAL GEODESIC SURVEY DATUM



② BASE PLANE CALCULATIONS
 1/16" = 1'-0"



① SITE PLAN
 1/16" = 1'-0"

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 BROOKLYN NY 11232

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SITE PLAN

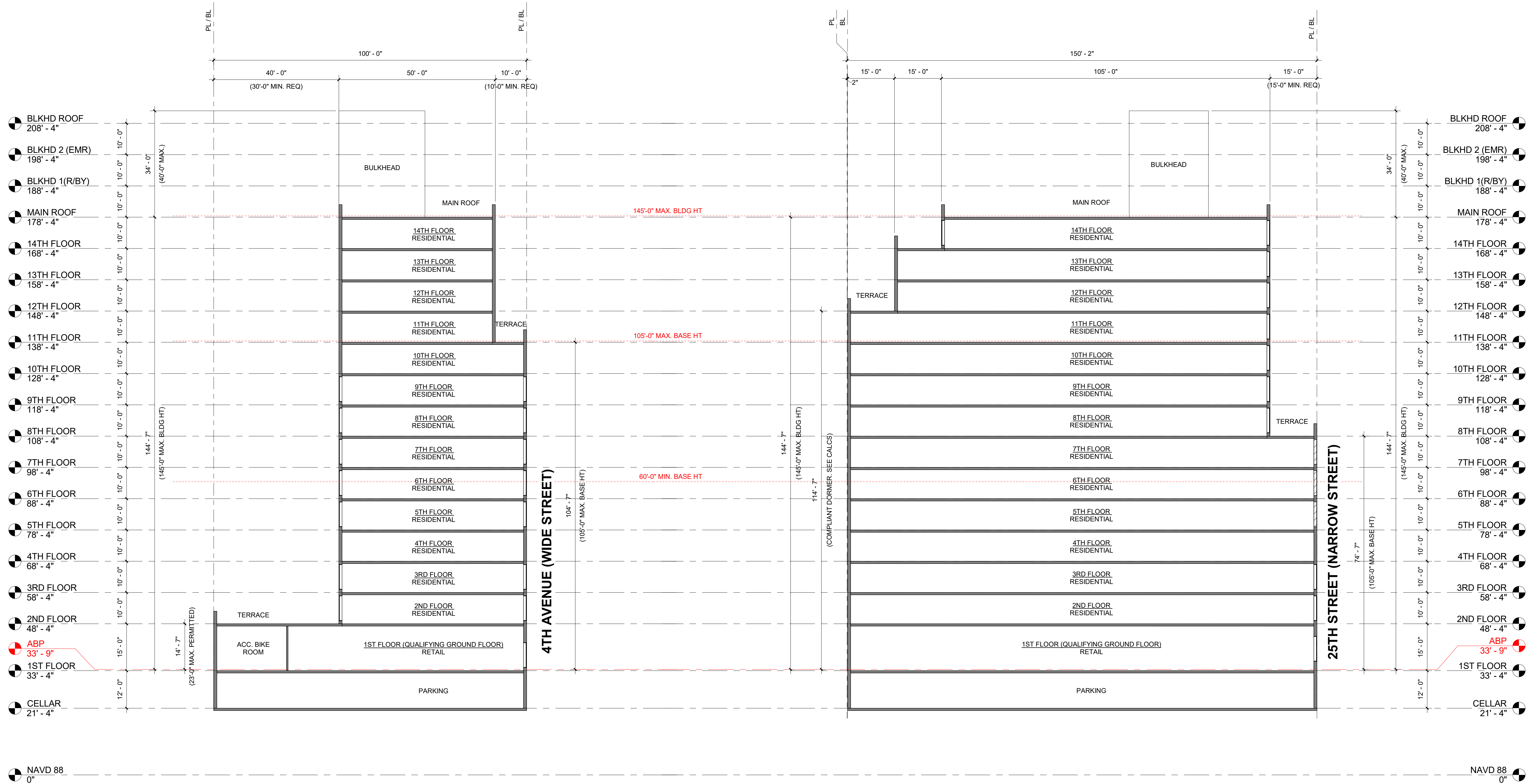
SEAL & SIGNATURE

 REGISTERED ARCHITECT
 BISHAKAR SRIVASTAVA
 STATE OF NEW YORK
 03555

DATE PROJECT NO. 03/15/19 18.002

Z-002.00

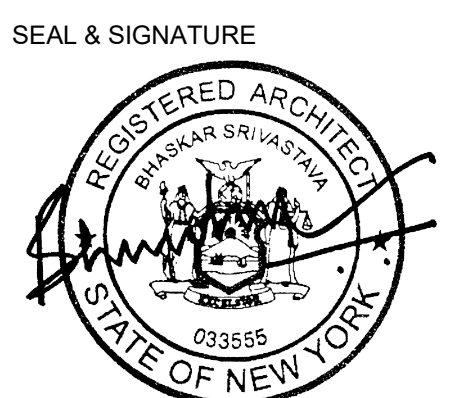
SCALE 1/16" = 1'-0"



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BUILDING SECTIONS



DATE 03/15/19
PROJECT NO. 18.002

Z-003.00

SCALE 1/16" = 1'-0"

② E/W SECTION
1/16" = 1'-0"

① N/S SECTION
1/16" = 1'-0"

APT AREA SUMMARY

| Apt Type | Area (Net) | Count | Target | DU Distribution by Count | DU Distribution by Area | Target Average Unit Size | Average DU |
|--------------|-------------|-------|--------|--------------------------|-------------------------|--------------------------|------------|
| 0BR | 14712.03 SF | 36 | 25% | 25.35% | 17.47% | 400 SF | 408.67 SF |
| 1BR | 38248.60 SF | 66 | 50% | 46.48% | 45.41% | 575 SF | 579.53 SF |
| 2BR | 31270.67 SF | 40 | 25% | 28.17% | 37.12% | 775 SF | 781.78 SF |
| Grand Total: | 84231.29 SF | 142 | | 100.00% | 100.00% | | 593.18 SF |

IH UNIT PROVIDED (2ND-10TH FLOOR)

| Apt Type | Level | Name | Area (Net) |
|----------|------------|------|------------|
| 0BR | 2ND FLOOR | M | 411.25 SF |
| 0BR | 3RD FLOOR | M | 411.25 SF |
| 0BR | 4TH FLOOR | M | 411.25 SF |
| 0BR | 6TH FLOOR | A | 403.00 SF |
| 0BR | 7TH FLOOR | A | 403.00 SF |
| 0BR | 8TH FLOOR | A | 403.00 SF |
| 0BR | 9TH FLOOR | A | 403.00 SF |
| 0BR | 10TH FLOOR | C | 409.50 SF |
| 0BR | 10TH FLOOR | A | 414.75 SF |

0BR: 9 3670.00 SF

IH UNIT PROVIDED (2ND-10TH FLOOR)

| Apt Type | Level | Name | Area (Net) |
|----------|-----------|------|------------|
| 1BR | 2ND FLOOR | J | 575.79 SF |
| 1BR | 2ND FLOOR | G | 578.50 SF |
| 1BR | 3RD FLOOR | J | 575.79 SF |
| 1BR | 3RD FLOOR | G | 578.50 SF |
| 1BR | 4TH FLOOR | J | 575.79 SF |
| 1BR | 4TH FLOOR | G | 578.50 SF |
| 1BR | 5TH FLOOR | J | 575.79 SF |
| 1BR | 5TH FLOOR | C | 578.50 SF |
| 1BR | 5TH FLOOR | G | 578.50 SF |
| 1BR | 6TH FLOOR | J | 575.79 SF |
| 1BR | 6TH FLOOR | G | 578.50 SF |
| 1BR | 7TH FLOOR | C | 578.50 SF |
| 1BR | 7TH FLOOR | G | 578.50 SF |
| 1BR | 8TH FLOOR | C | 578.50 SF |
| 1BR | 8TH FLOOR | G | 578.50 SF |
| 1BR | 9TH FLOOR | C | 578.50 SF |
| 1BR | 9TH FLOOR | G | 578.50 SF |

1BR: 17 9820.96 SF

IH UNIT PROVIDED (2ND-10TH FLOOR)

| Apt Type | Level | Name | Area (Net) |
|----------|-----------|------|------------|
| 2BR | 2ND FLOOR | E | 777.56 SF |
| 2BR | 2ND FLOOR | Q | 779.25 SF |
| 2BR | 3RD FLOOR | E | 777.56 SF |
| 2BR | 3RD FLOOR | Q | 779.25 SF |
| 2BR | 4TH FLOOR | E | 777.56 SF |
| 2BR | 4TH FLOOR | Q | 779.25 SF |
| 2BR | 5TH FLOOR | E | 777.56 SF |
| 2BR | 6TH FLOOR | E | 777.56 SF |
| 2BR | 7TH FLOOR | E | 777.56 SF |

2BR: 9 7003.13 SF

Grand total: 20494.08 SF

AFFORDABLE HOUSING AREA REQD.
20% OF RESIDENTIAL FLOOR AREA
20% (99,534 SFT) = 19,907 SFT
20,494 SF **PROVIDED**

AFFORDABLE HOUSING UNITS REQD.
MIH OPTION 1
25% OF TOTAL RESIDENTIAL UNITS PROPOSED
25% (142 - 1 SUPER'S UNIT) = 35.25 (SAY 35 UNITS)
35 IH UNITS **PROVIDED**

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APARTMENT
AREA SUMMARY

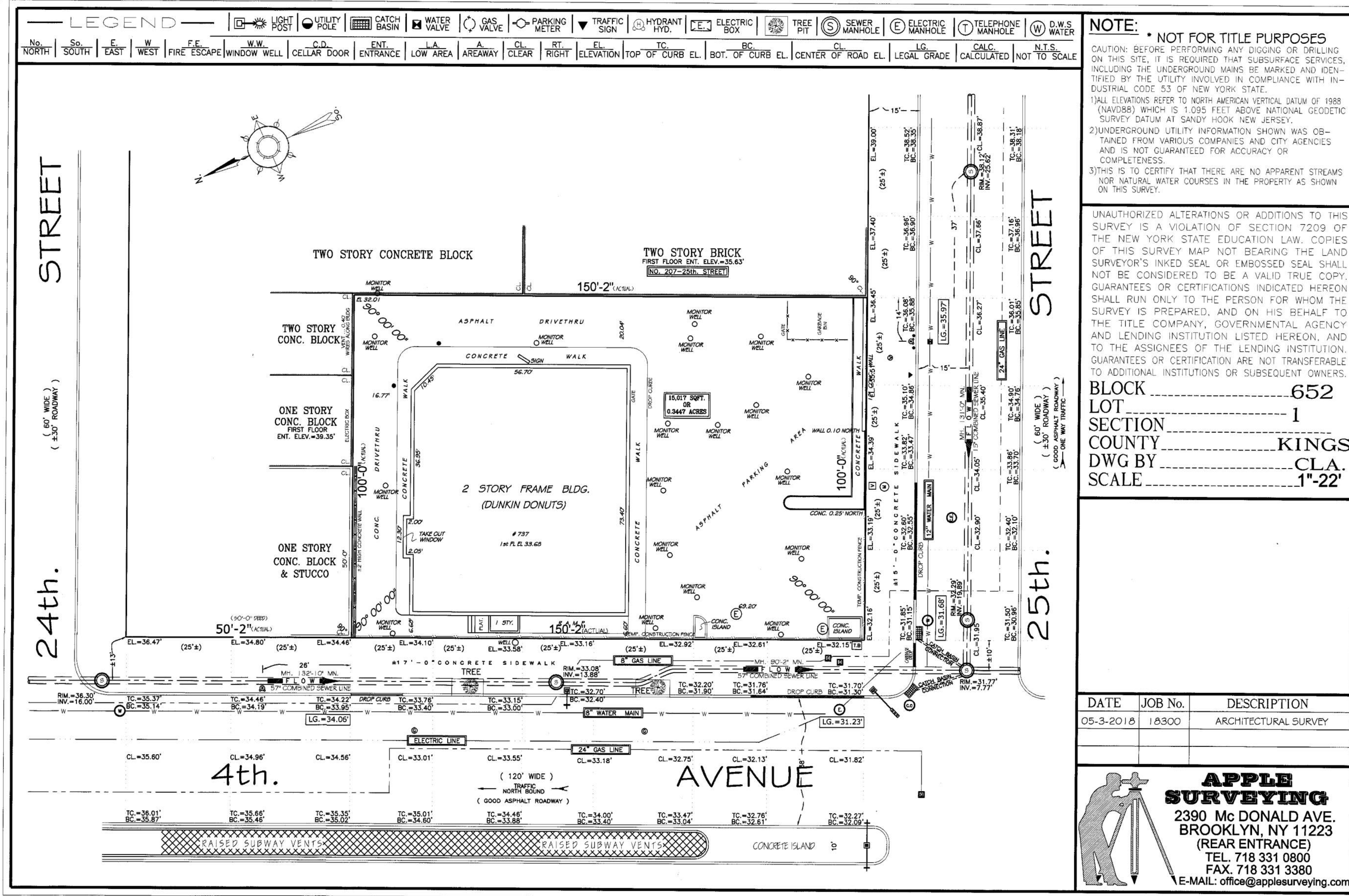
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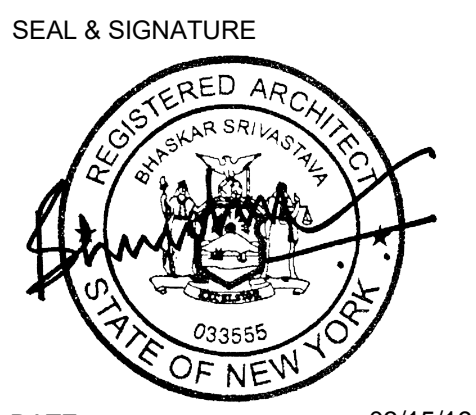
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ARCHITECTURAL SURVEY



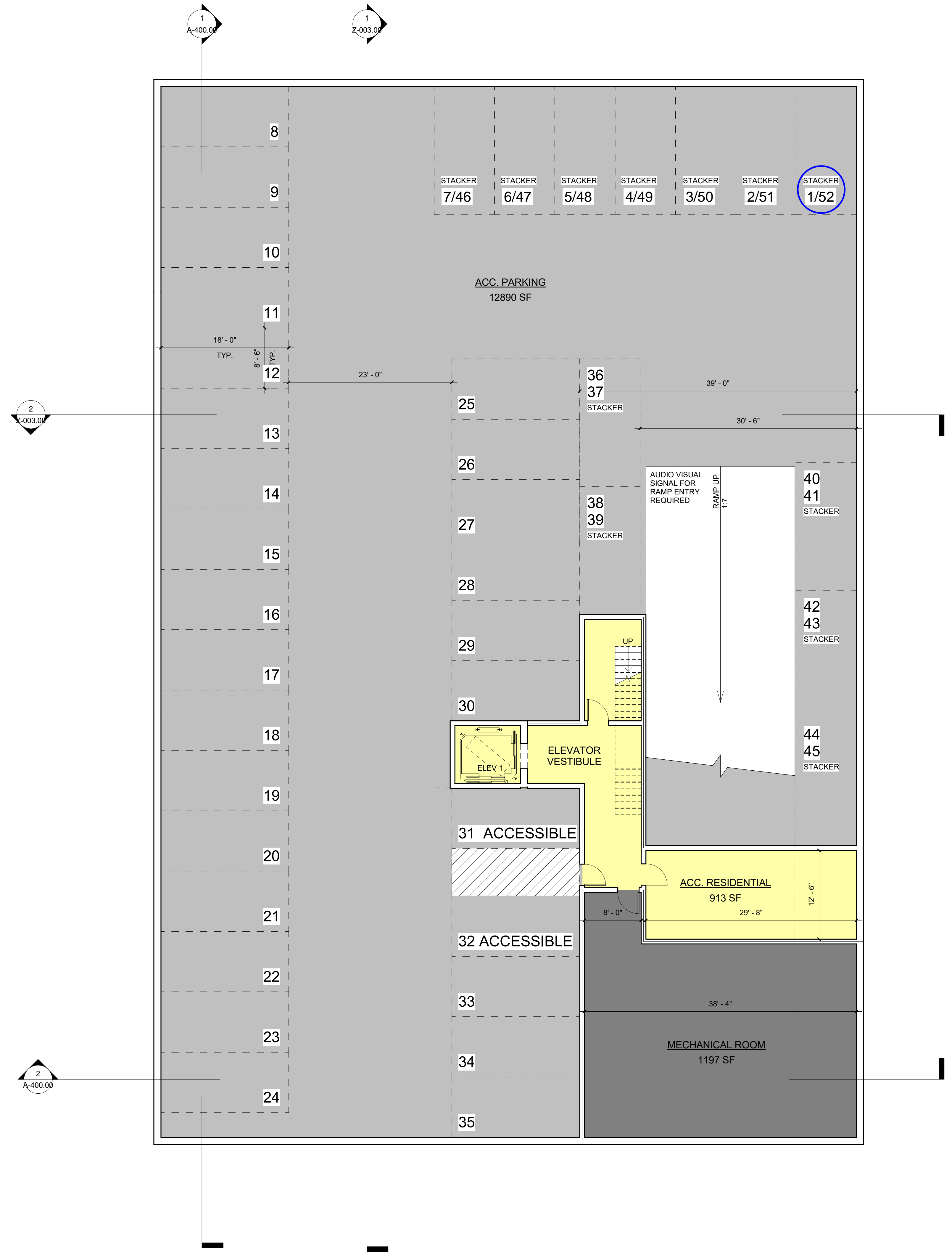
DATE PROJECT NO. 03/15/19 18.002

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SCALE

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PROGRAM

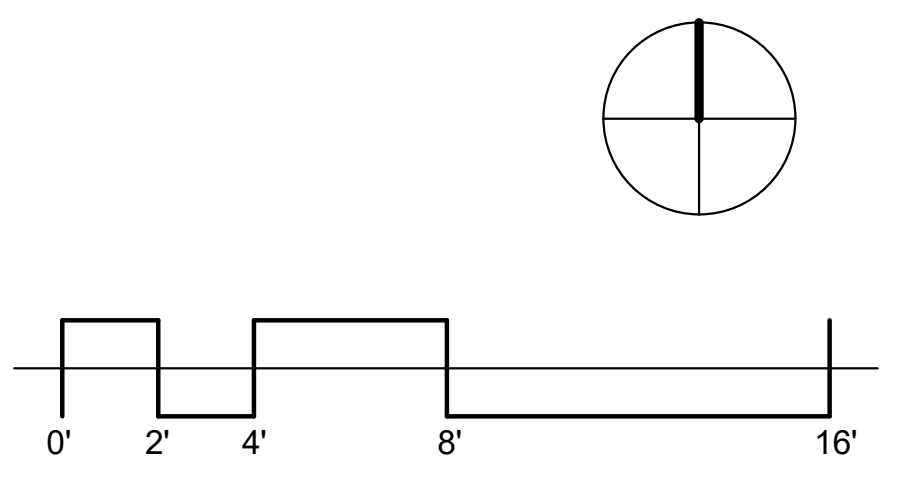
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- ACC. RESIDENTIAL
- MECHANICAL ROOM

CELLAR AREA PLAN

SEAL & SIGNATURE

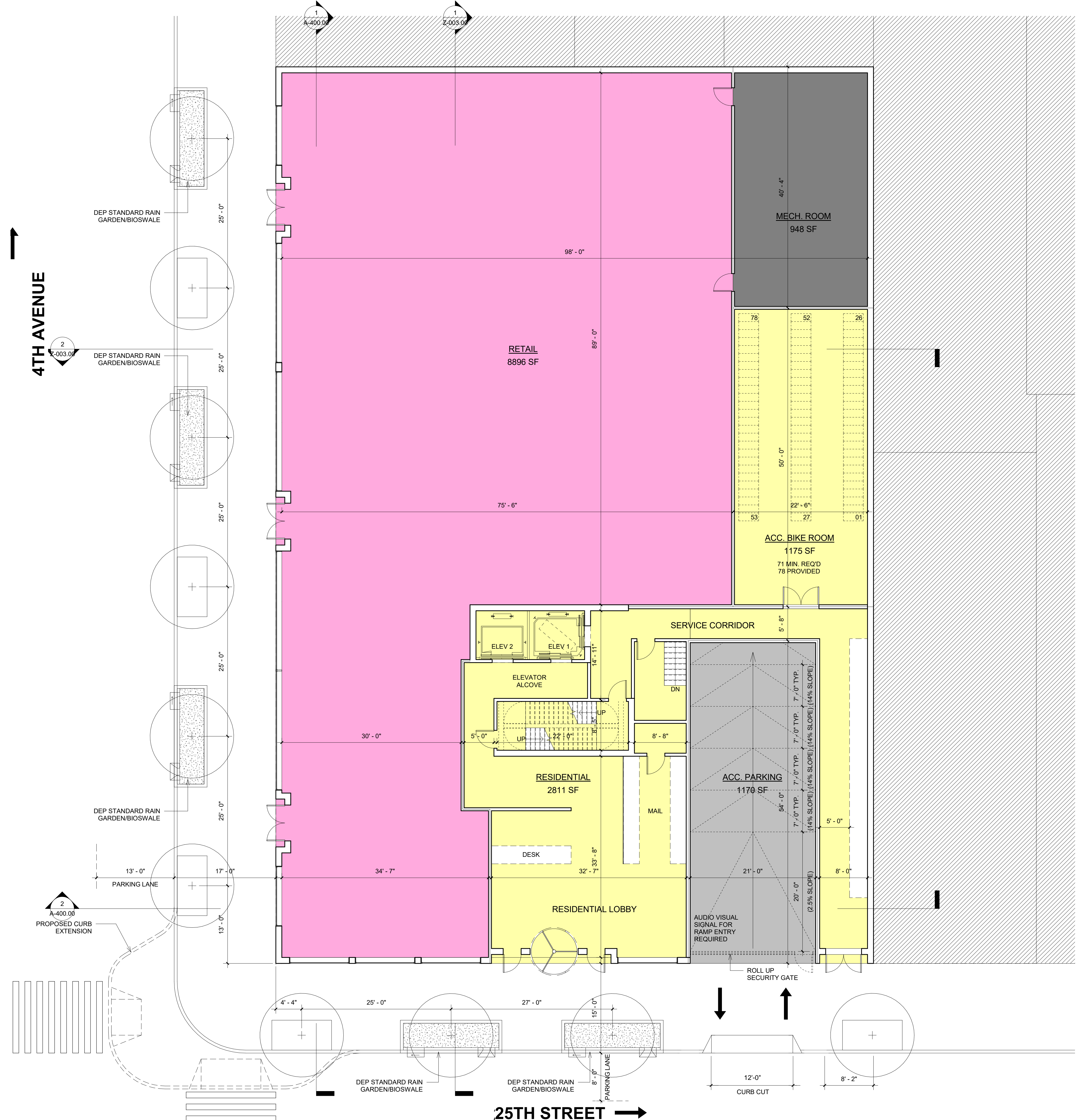
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SCALE 1/8" = 1'-0"



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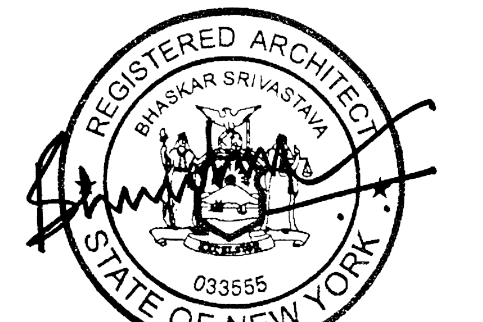
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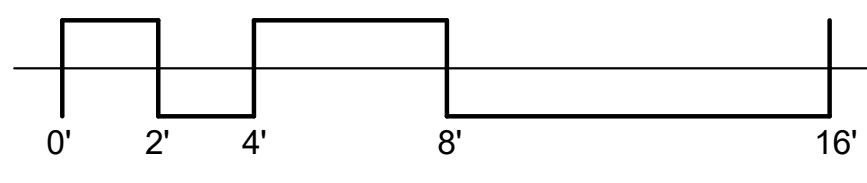
- PROGRAM**
- ACC. BIKE ROOM
 - ACC. PARKING
 - RETAIL
 - MECH. ROOM
 - RESIDENTIAL

1ST FLOOR AREA PLAN

SEAL & SIGNATURE


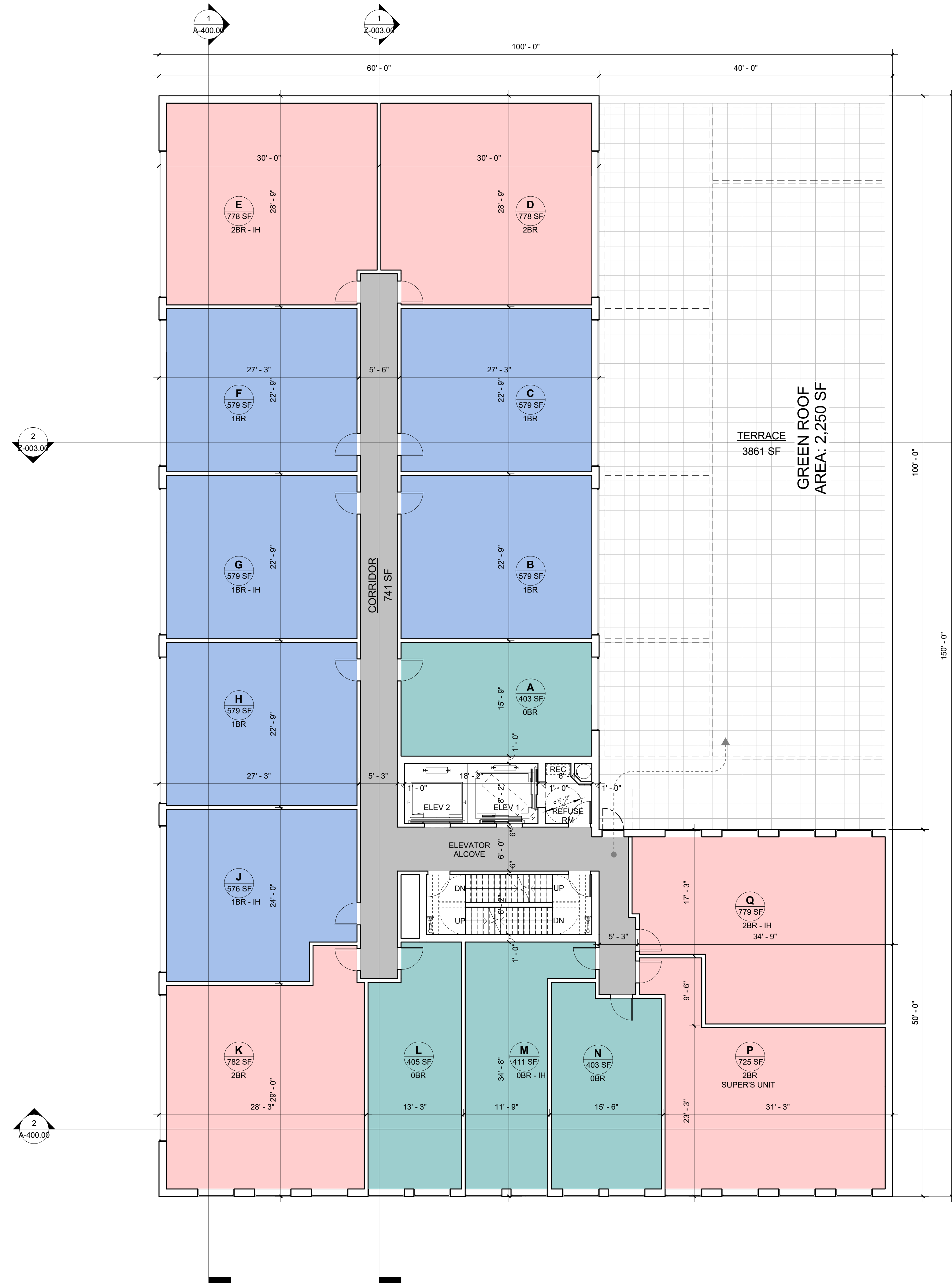
DATE PROJECT NO. 03/15/19 18.002

A-201.00
SCALE 1/8" = 1'-0"



[TOTEM] OWNER
TOTEM BKLYN
55 Washington St
Suite #710
Brooklyn NY 11201
T: 1.718.422.0403

dWA ARCHITECT
DENCITYWORKS
55 Washington St
Suite #713
Brooklyn NY 11201
T: 1.646.690.0333



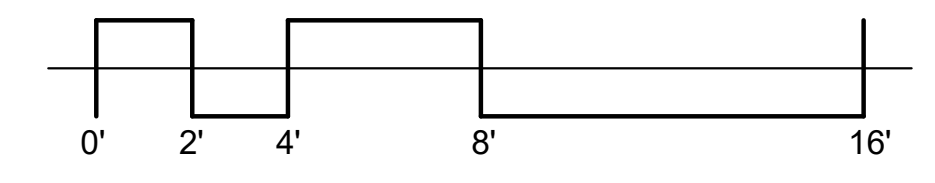
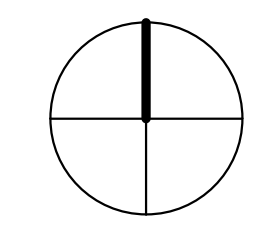
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| NO. | DESCRIPTION | DATE |
|-----|------------------|----------|
| 1 | PAS SUBMISSION | 08/17/18 |
| 2 | ULURP SUBMISSION | 03/15/19 |

AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- TERRACE



**2ND FLOOR
AREA PLAN**

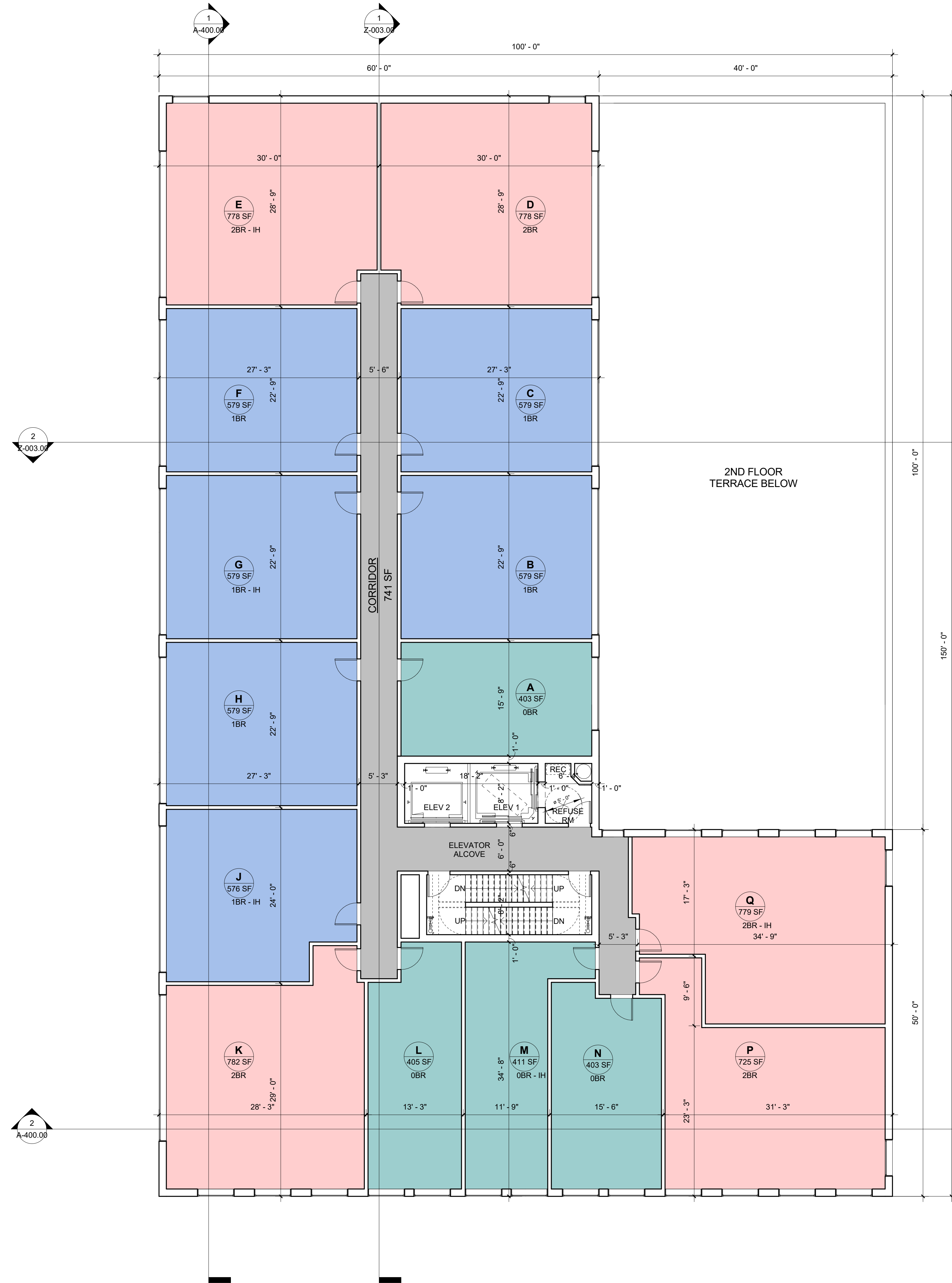


DATE 03/15/19
PROJECT NO. 18.002

A-202.00
SCALE 1/8" = 1'-0"

[TOTEM] OWNER
TOTEM BKLYN
55 Washington St
Suite #710
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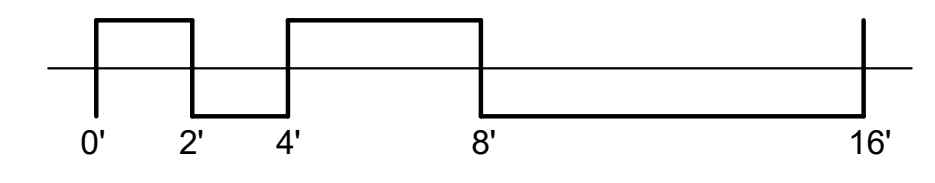
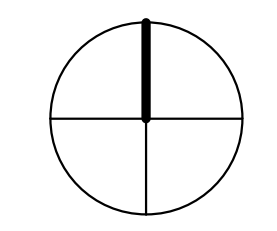
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR



**3RD-4TH FL
AREA PLAN**

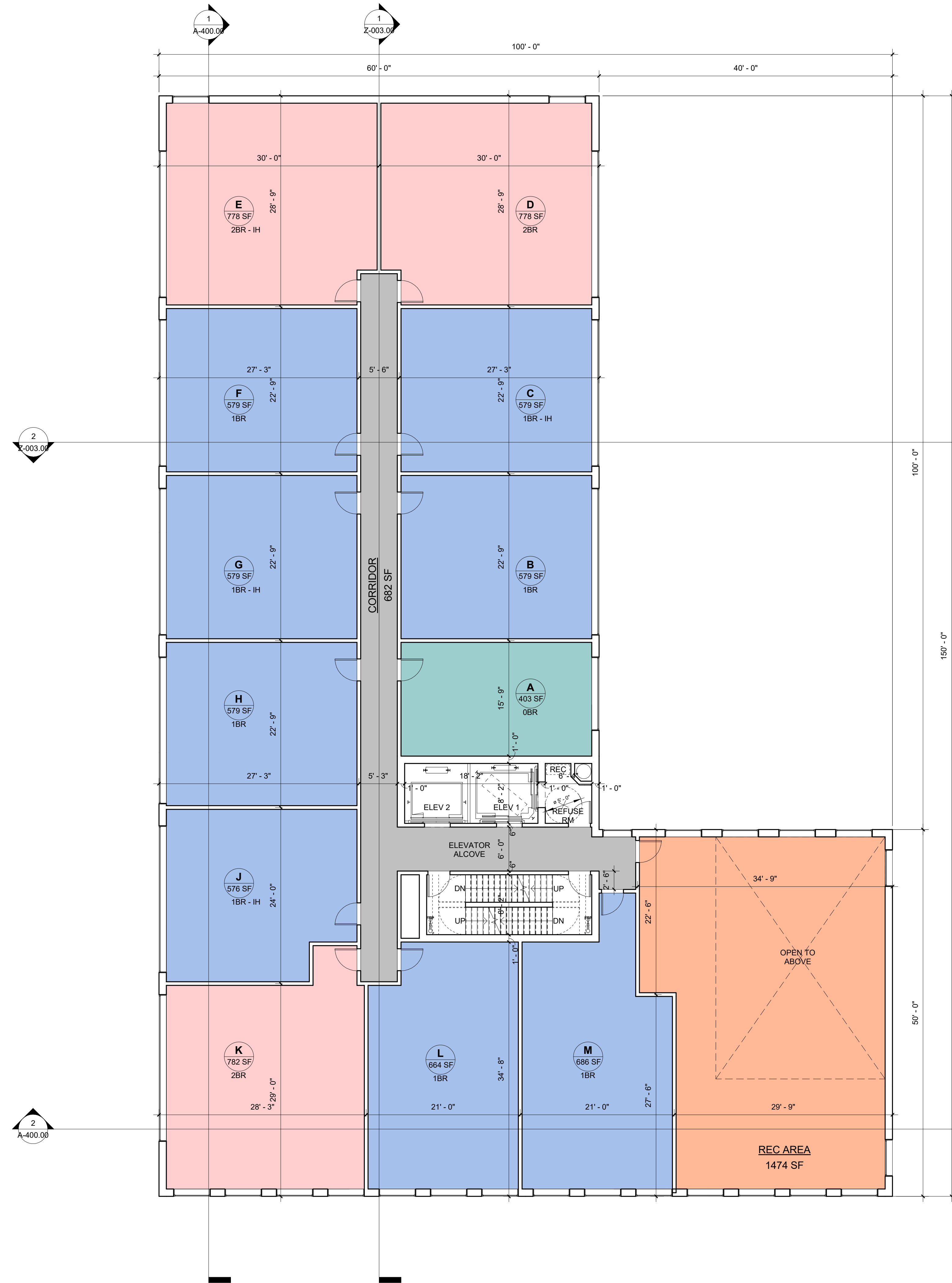


DATE 03/15/19
PROJECT NO. 18.002

A-203.00
SCALE 1/8" = 1'-0"

[TOTEM] OWNER
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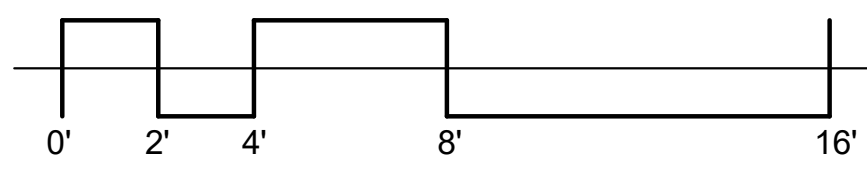


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| NO. | DESCRIPTION | DATE |
|-----|------------------|----------|
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- REC AREA



**5TH FLOOR
AREA PLAN**

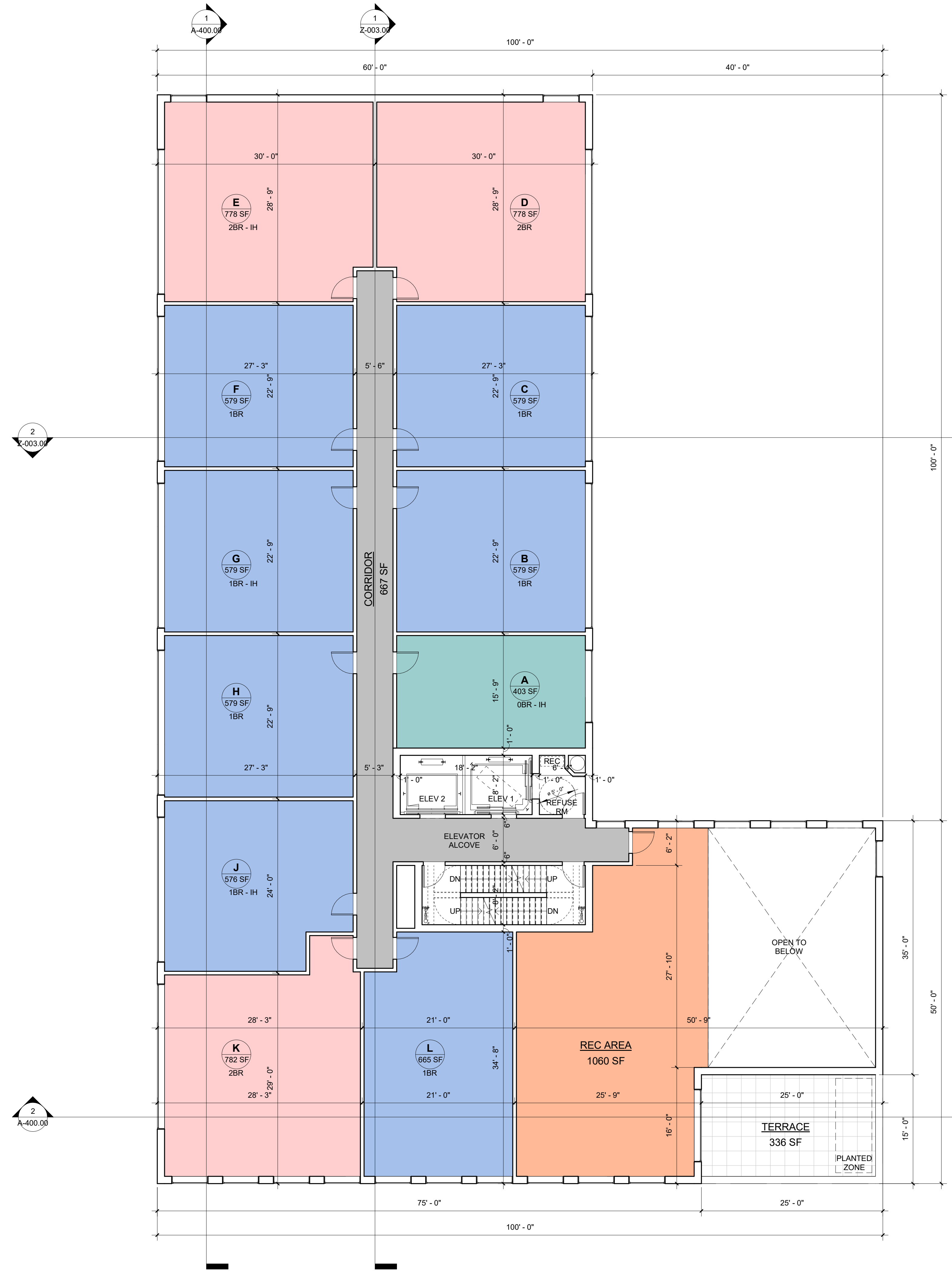
SEAL & SIGNATURE

DATE 03/15/19
PROJECT NO. 18.002

A-205.00
SCALE 1/8" = 1'-0"

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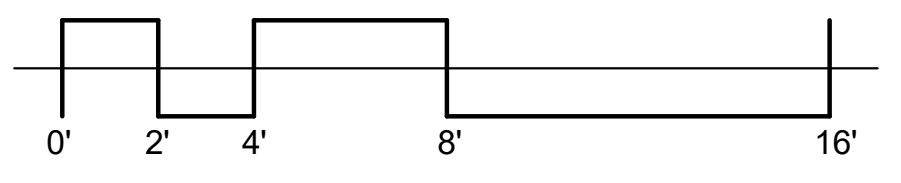
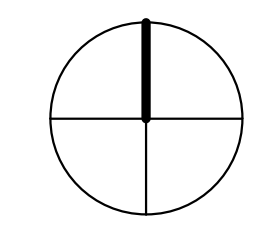
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- REC AREA
- TERRACE

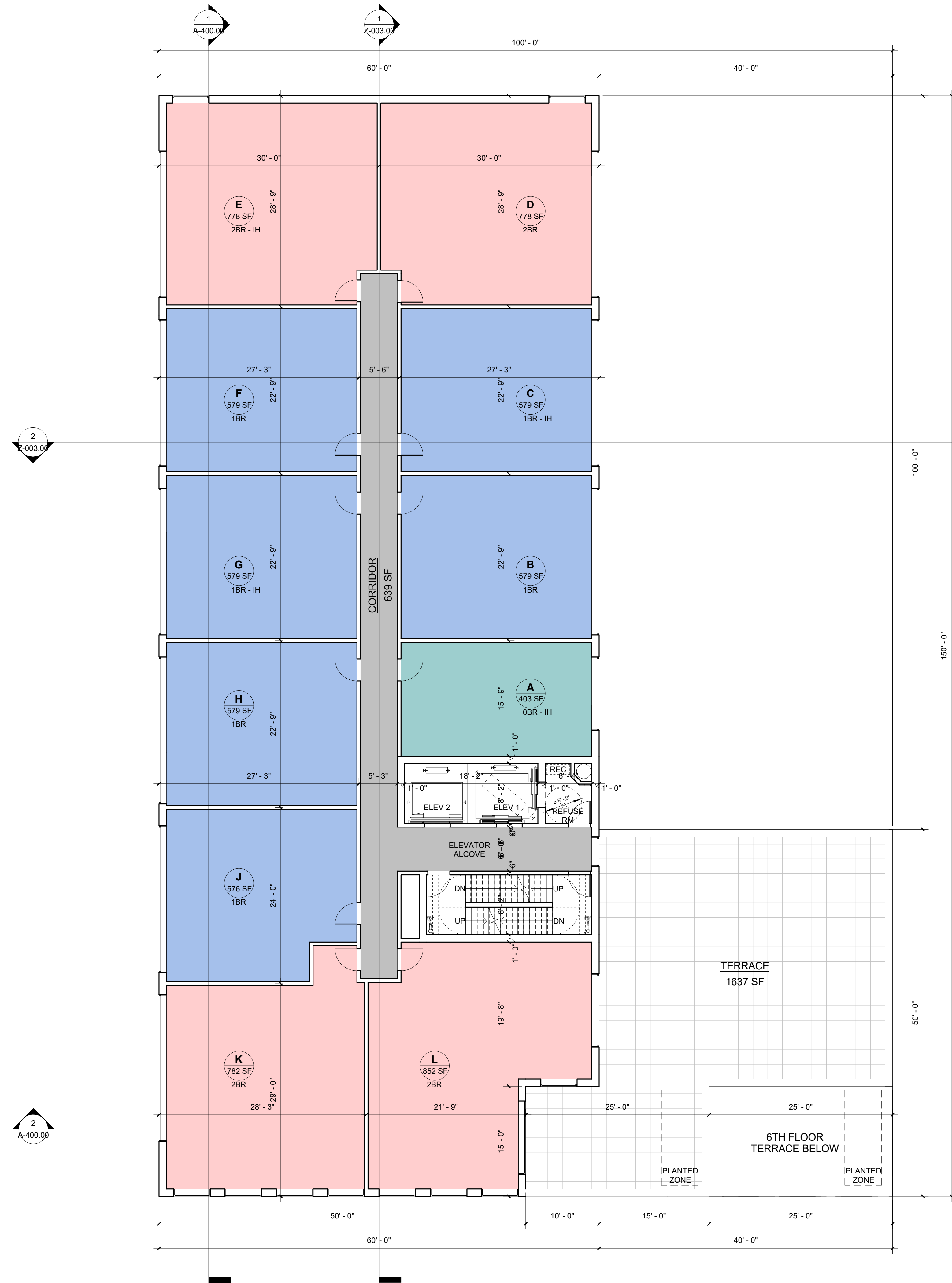


**6TH FLOOR
AREA PLAN**

SEAL & SIGNATURE

DATE 03/15/19
PROJECT NO. 18.002

A-206.00
SCALE 1/8" = 1'-0"



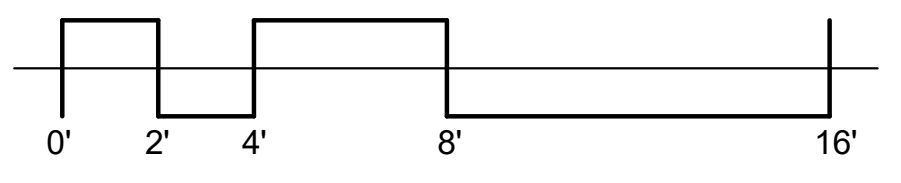
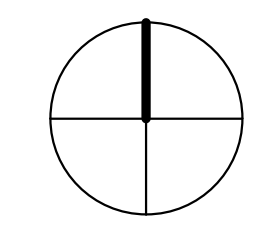
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- TERRACE



**7TH FLOOR
AREA PLAN**

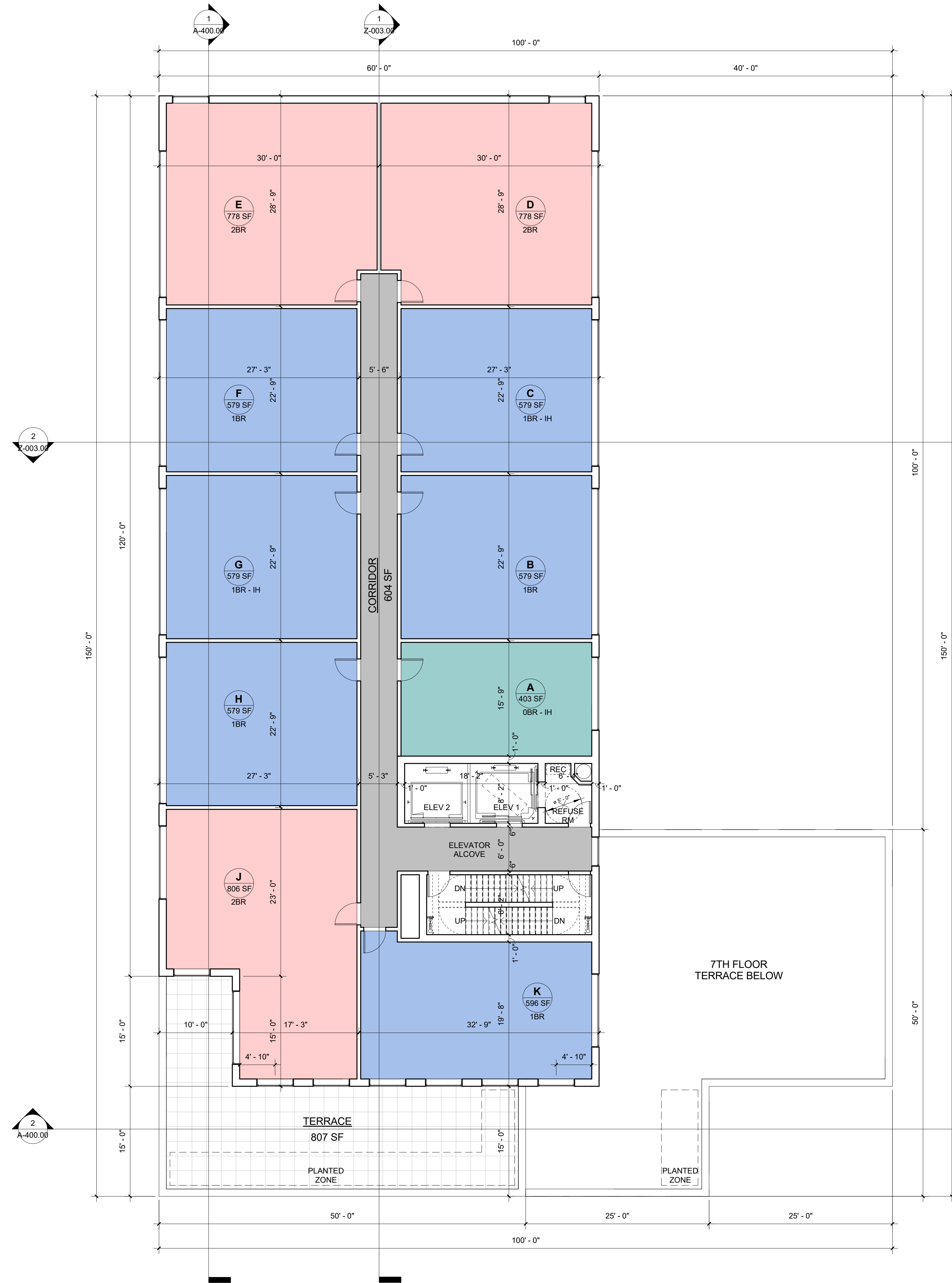


DATE PROJECT NO. 03/15/19 18.002

A-207.00
SCALE 1/8" = 1'-0"

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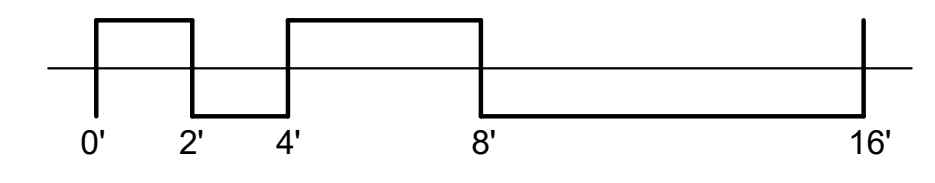
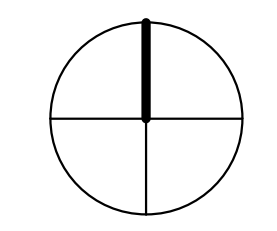
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- TERRACE



8TH FLOOR AREA PLAN

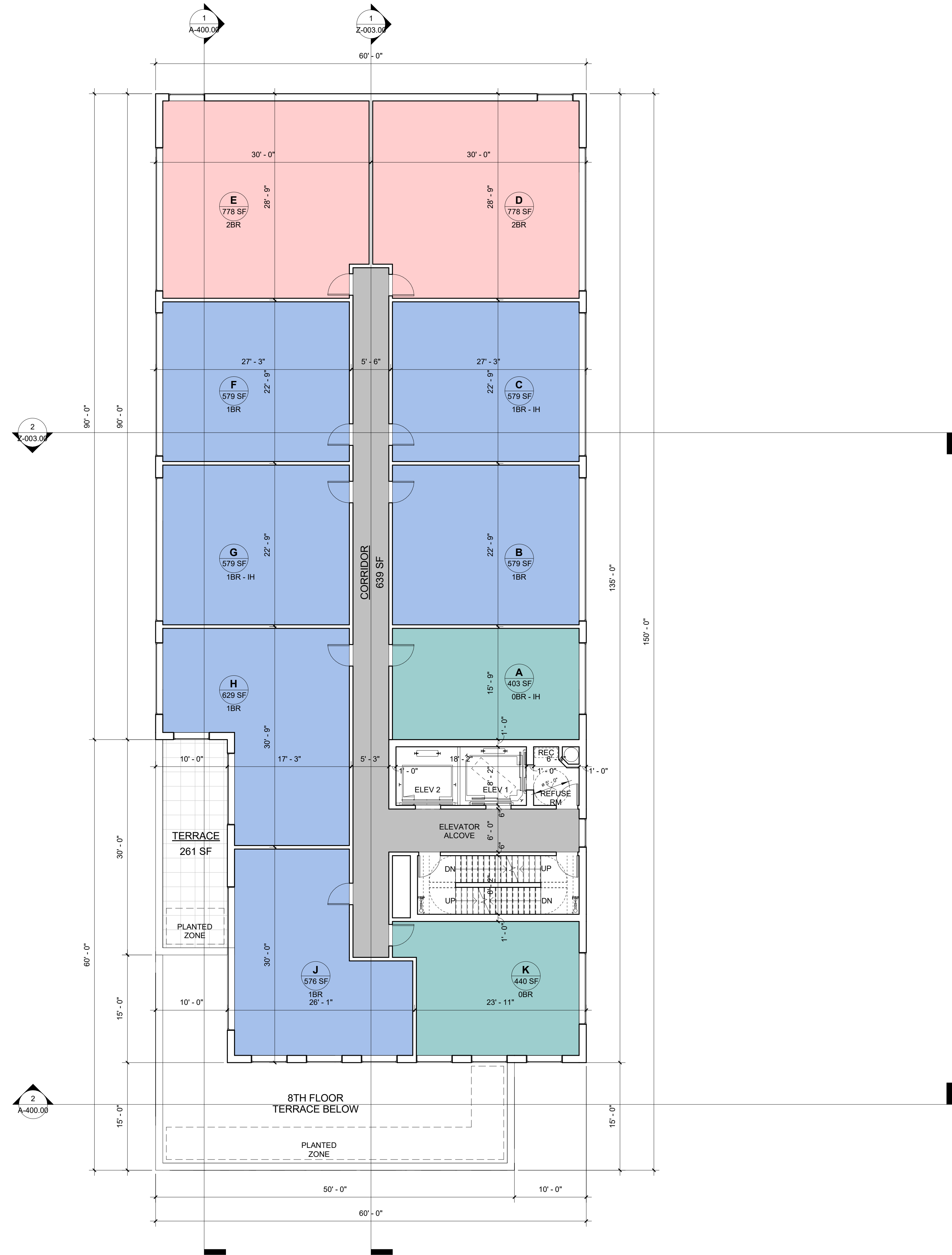
SEAL & SIGNATURE


DATE PROJECT NO. 03/15/19 18.002

A-208.00
SCALE 1/8" = 1'-0"

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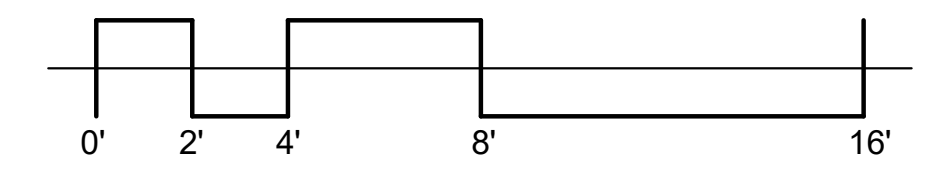
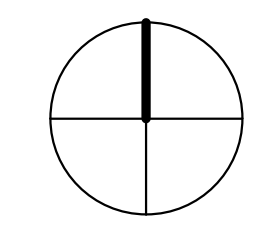
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- TERRACE



9TH FLOOR AREA PLAN



DATE 03/15/19
PROJECT NO. 18.002

A-209.00
SCALE 1/8" = 1'-0"

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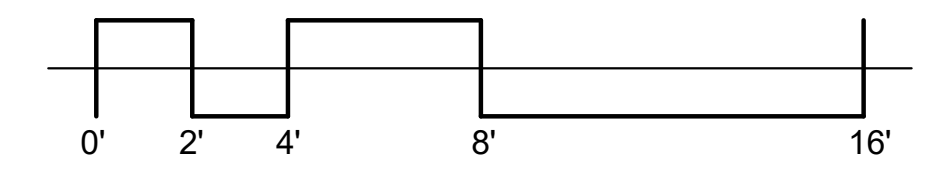
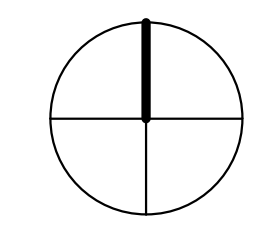
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- TERRACE



10TH FLOOR AREA PLAN



DATE 03/15/19
PROJECT NO. 18.002

A-210.00
SCALE 1/8" = 1'-0"

[TOTEM] OWNER
TOTEM BKLYN
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DENCITYWORKS
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Suite #713
Brooklyn NY 11201
T: 1.646.690.0333

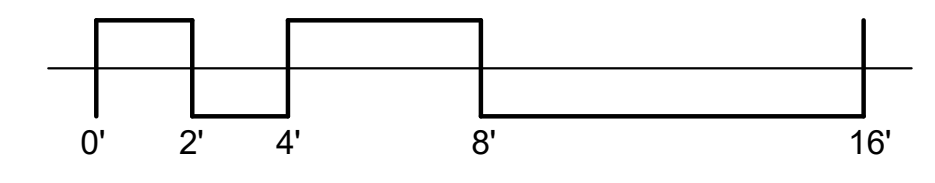
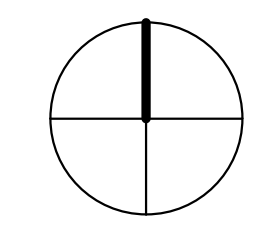


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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- TERRACE



11TH FLOOR
AREA PLAN



DATE 03/15/19
PROJECT NO. 18.002

A-211.00
SCALE 1/8" = 1'-0"

[TOTEM] OWNER
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T: 1.718.422.0403

dwa ARCHITECT
DENCITYWORKS
55 Washington St
Suite #713
Brooklyn NY 11201
T: 1.646.690.0333



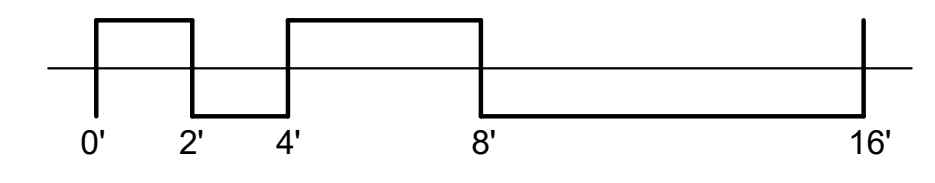
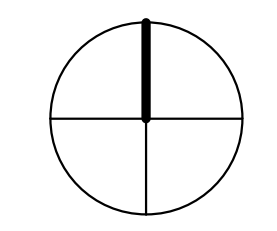
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| 2 | ULURP SUBMISSION | 03/15/19 |

AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- TERRACE

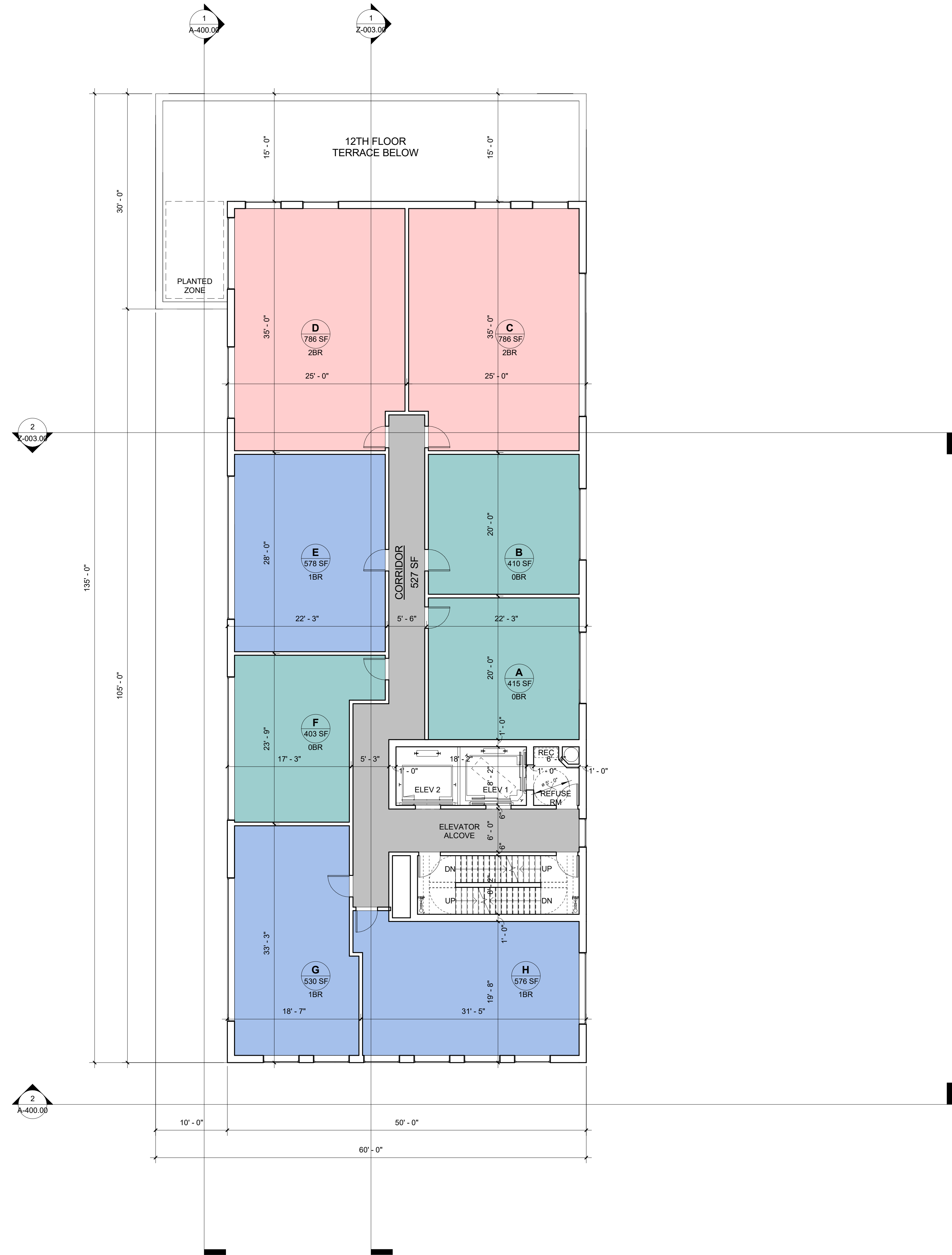


12TH FLOOR AREA PLAN



DATE 03/15/19
PROJECT NO. 18.002

A-212.00
SCALE 1/8" = 1'-0"



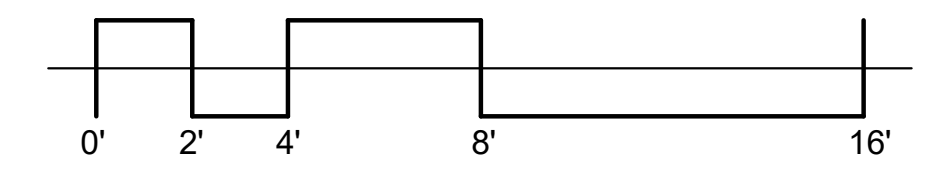
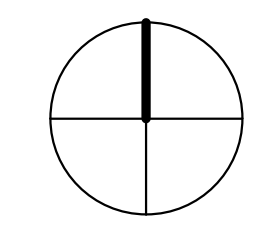
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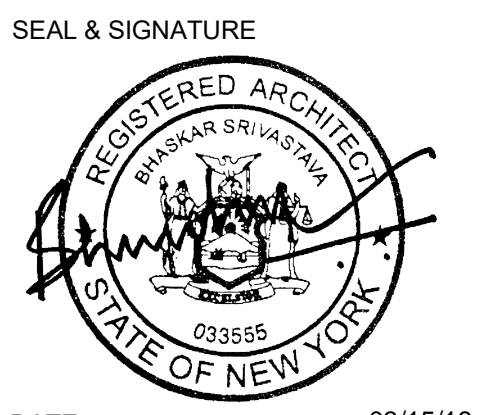
| NO. | DESCRIPTION | DATE |
|-----|------------------|----------|
| 1 | PAS SUBMISSION | 08/17/18 |
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR

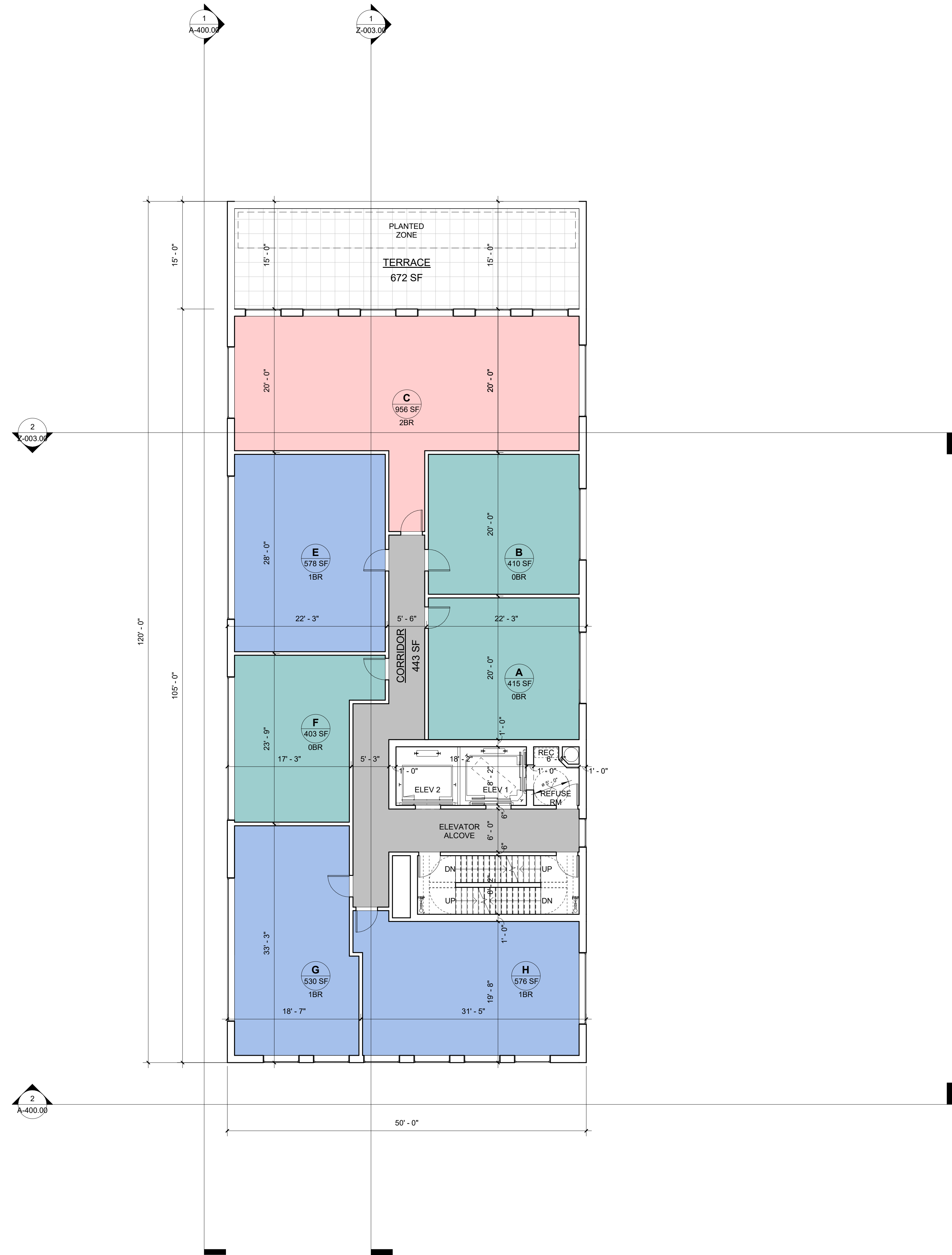


13TH FLOOR AREA PLAN



DATE 03/15/19
PROJECT NO. 18.002

A-213.00
SCALE 1/8" = 1'-0"



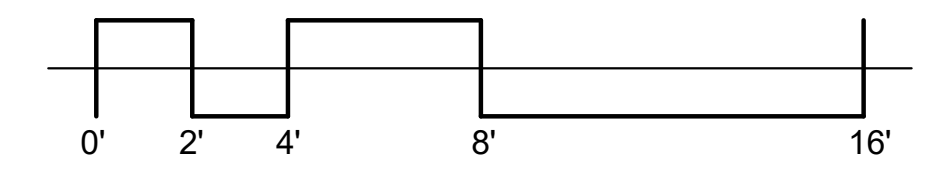
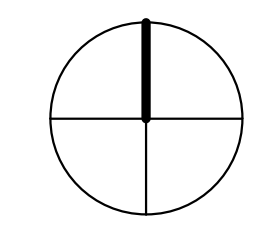
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AREA (NET)

- 0BR
- 1BR
- 2BR
- CORRIDOR
- TERRACE



**14TH FLOOR
AREA PLAN**

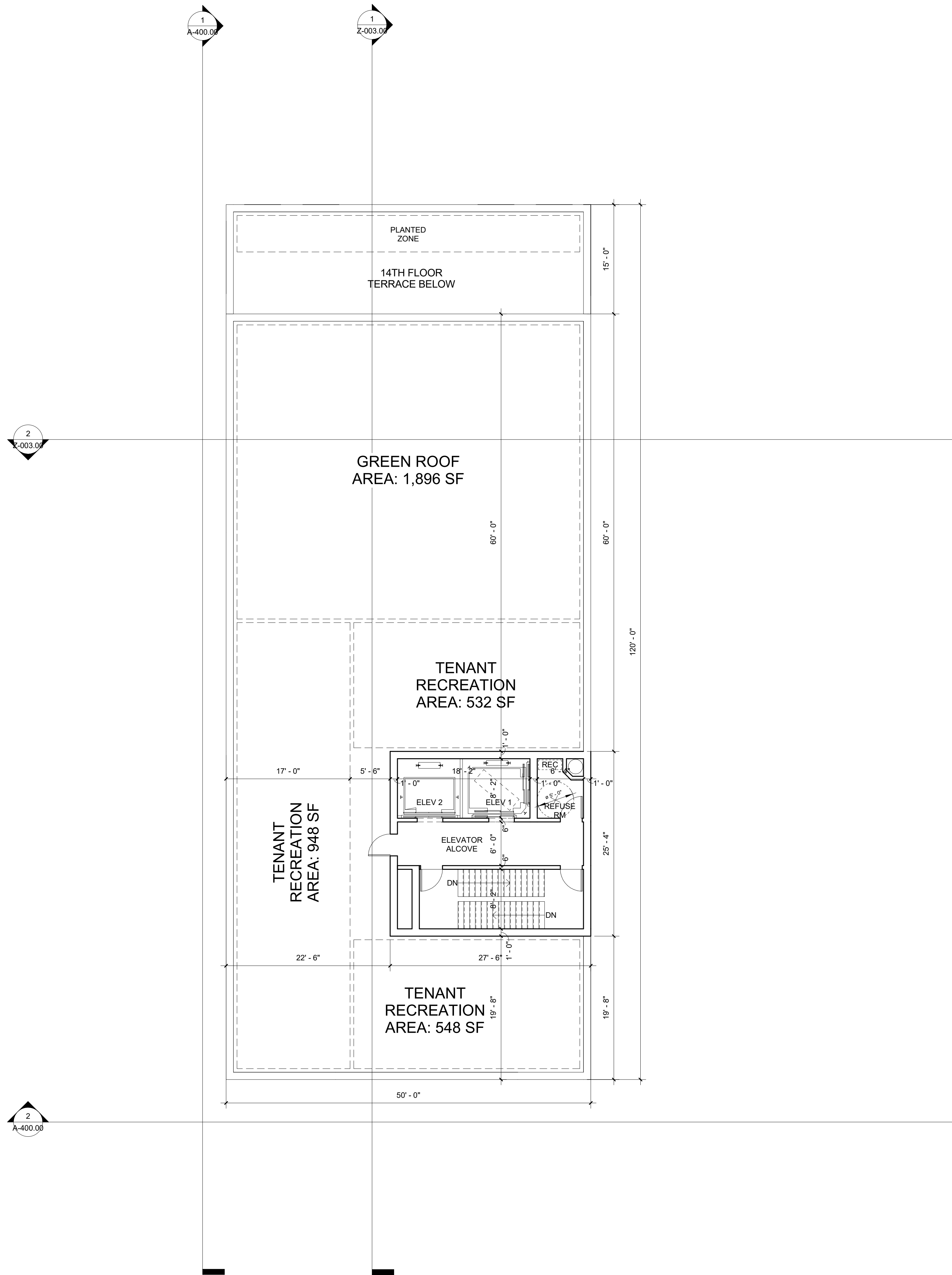


DATE 03/15/19
PROJECT NO. 18.002

A-214.00
SCALE 1/8" = 1'-0"

[TOTEM] OWNER
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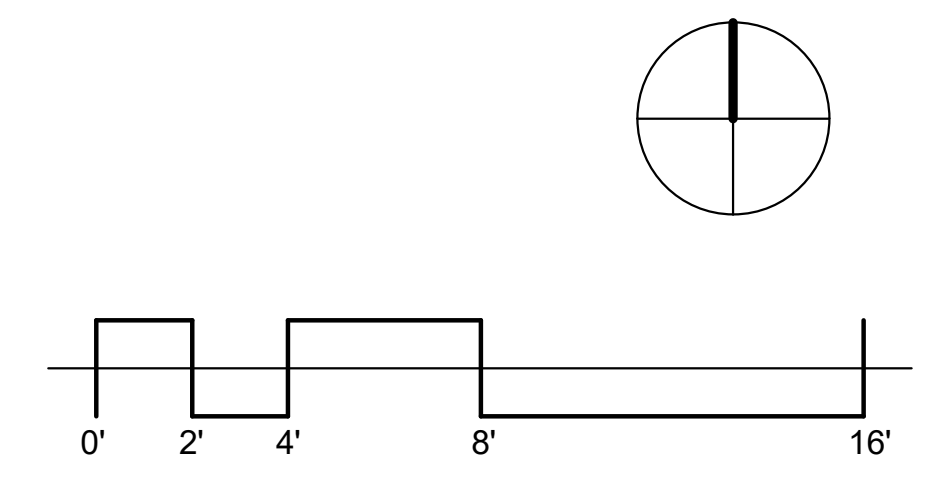
| NO. | DESCRIPTION | DATE |
|-----|------------------|----------|
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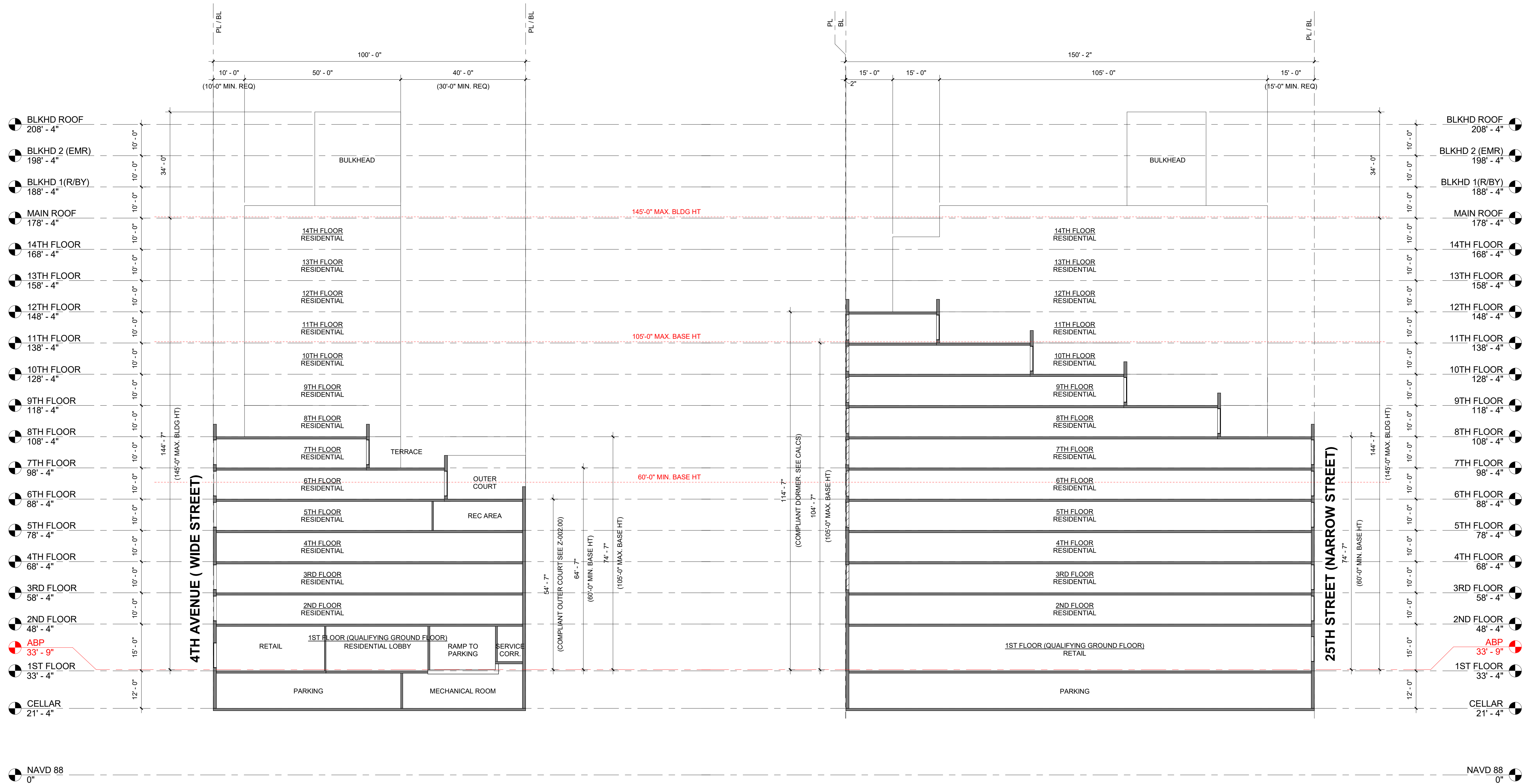
MAIN ROOF AREA PLAN

SEAL & SIGNATURE

DATE: 03/15/19
PROJECT NO.: 18.002

A-215.00
SCALE: 1/8" = 1'-0"





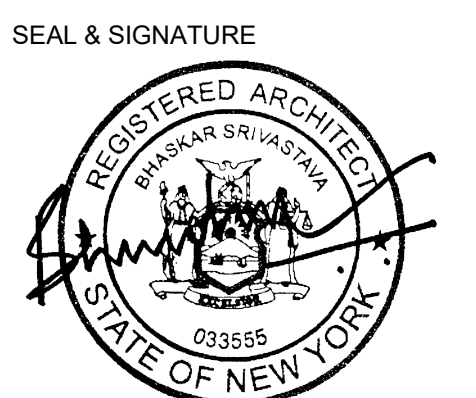
2 E/W SECTION
1/16" = 1'-0"

1 N/S SECTION
1/16" = 1'-0"

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BUILDING SECTIONS



DATE: 03/15/19
PROJECT NO.: 18.002

A-400.00

SCALE: 1/16" = 1'-0"



737 FOURTH AVENUE
BROOKLYN NY 11232

[TOTEM] OWNER
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| | | |
| | | |
| | | |

CONCEPT DESIGN - AERIAL VIEW

SEAL & SIGNATURE


DATE PROJECT NO. 03/15/19 18.002

A-401.00
SCALE



WITH LOT 7 MASSING



WITH LOT 7 MASSING



737 FOURTH AVENUE
BROOKLYN NY 11232

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T: 1.646.690.0333

NOTE:
BUILDING OUTLINE IS SUBJECT TO CHANGE ONCE INTERIOR LAYOUTS AND PROGRAMS ARE FINALIZED

THIS IS A SCHEMATIC DESIGN AND SHALL BE SUBJECT TO REVIEW & INTERPRETATION BY NYC DEPT. OF BUILDINGS ON ZONING AND BLDG CODES; PLANS SHALL ALSO BE SUBJECT TO REVIEW & COMMENTS BY NYC DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT AND ALL OF ITS PREDECESSOR AGENCIES

| NO. | DESCRIPTION | DATE |
|-----|------------------|----------|
| 1 | PAS SUBMISSION | 08/17/18 |
| 2 | ULURP SUBMISSION | 03/15/19 |

CONCEPT DESIGN - STREET VIEWS

SEAL & SIGNATURE


DATE PROJECT NO. 03/15/19 18.002

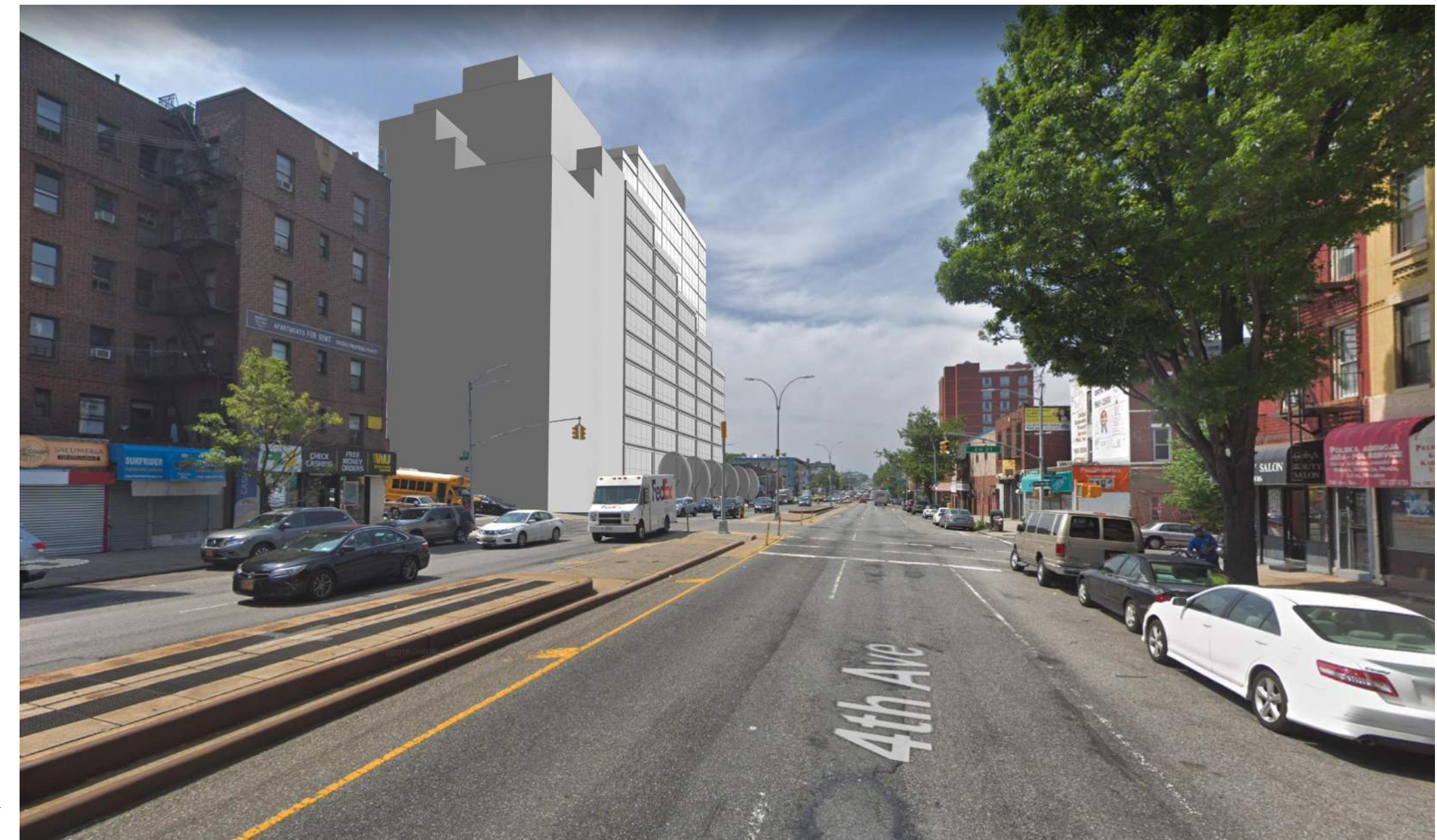
A-402.00

SCALE

737 FOURTH AVENUE
BROOKLYN NY 11232

[TOTEM] OWNER
TOTEM BKLYN
55 Washington St
Suite #710
Brooklyn NY 11201
T: 1.718.422.0403

dWA ARCHITECT
DENCITYWORKS
55 Washington St
Suite #713
Brooklyn NY 11201
T: 1.646.690.0333



WITH LOT 7
MASSING



NOTE:
BUILDING OUTLINE IS SUBJECT TO CHANGE ONCE INTERIOR LAYOUTS AND PROGRAMS ARE FINALIZED

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**CONCEPT
DESIGN -
AERIAL VIEW**

SEAL & SIGNATURE


DATE PROJECT NO. 03/15/19 18.002

A-403.00

SCALE