



## CITY PLANNING COMMISSION

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September 1, 2021 / Calendar No. 15

C 200296 ZMK

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**IN THE MATTER OF** an application submitted by Mr. Yitzchok Stern pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c:

1. changing from an R5 District to an R6B District property bounded by 48<sup>th</sup> Street, 18<sup>th</sup> Avenue, 49<sup>th</sup> Street and a line 100 northwesterly of 18<sup>th</sup> Avenue; and
2. establishing within the proposed R6B District a C2-4 District bounded by 48<sup>th</sup> Street, 18<sup>th</sup> Avenue, 49<sup>th</sup> Street and a line 35 feet northwesterly of 18<sup>th</sup> Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-609.

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This application for a zoning map amendment was filed by Yitzchok Stern on April 23, 2020, to change an existing R5 zoning district to an R6B/C2-4 zoning district. This application, in conjunction with the related zoning text amendment (N 200297 ZRK), would facilitate a new three-story, mixed-use, building with residential and commercial uses at 1776 48<sup>th</sup> Street located in the Borough Park neighborhood of Brooklyn, Community District 12.

### RELATED ACTION

In addition to the zoning map amendment (C 200296 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**N 200297 ZRK**      Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

### BACKGROUND

The applicant requests a zoning map amendment to change an R5 zoning district to an R6B/C2-4 zoning district, as well as a zoning text amendment to create an MIH area coterminous with the project area. The project area consists of the development site (Block 5449, Lot 37), as well as several lots not owned by the applicant and not expected to result in development from this

application (Block 5449, Lots 34 (part of), 35, 36, 41, 42 and 44). The project area is bounded by 18<sup>th</sup> Avenue to the south, 49<sup>th</sup> Street to the west, 48<sup>th</sup> Street to the east and 100 feet from 18<sup>th</sup> Avenue to the north. 18<sup>th</sup> Avenue is considered a wide street, with a width of 80 feet, and 48<sup>th</sup> and 49<sup>th</sup> streets are considered narrow at 60 feet in width. 18<sup>th</sup> Avenue is also an active local neighborhood retail corridor that runs from McDonald Avenue to the east to 52<sup>nd</sup> Street to the west.

The development site consists of an approximately 3,500-square-foot corner lot located at 1776 48<sup>th</sup> Street. The development site is improved with an existing two-story residential building with a total area of 3,528 square feet at a floor area ratio (FAR) of 1.01. The existing building has two dwelling units.

The remainder of the project area (Block 5449, Lots 34 (part of), 35, 36, 41, 42 and 44) is improved with mix of uses. Lot 34 is an approximately 2,700 square foot rectangular interior lot with a two-story, 2,800 square foot residential building at an FAR of 1.04. Lot 35 is an approximately 2,650 square foot rectangular interior lot with a two-story, 2,800 square foot residential building at an FAR of 1.06. Lot 36 is an approximately 3,050 square foot rectangular interior lot with a two-story, 2,800 square foot residential building at an FAR of 0.92. Lot 41 is an approximately 3,000 square foot rectangular corner lot with a three-story, 5,575 square foot mixed-use building with residential and community facility on the ground floor that serves as a house of worship (Congregation Beth Halevy Koson) at an FAR of 1.86. Lot 42 is an approximately 3,500 square foot rectangular interior lot and the property is currently vacant. Lastly, Lot 44 is an approximately 3,500 square foot rectangular interior lot with a two-story, 3,250 square foot residential building at an FAR of 0.93.

The project area is situated midway between the neighborhood of Bensonhurst, approximately half a mile to the west, and the neighborhood of Midwood, a quarter of a mile to the east of the project area. Consistent with the R5 and R5/C1-3 zoning in the area, surrounding land uses are primarily residential, though 18<sup>th</sup> Avenue is an active neighborhood commercial corridor of various mixed-use developments with commercial or community facility ground floors and residential uses above. Residential development in the surrounding area is primarily two- and

three-story detached and semidetached homes. Commercial developments along 18th Avenue primarily consist of local neighborhood uses, such as eating and drinking establishments, food stores, local clothing stores and hair salons. The surrounding area has a significant concentration of houses of worship that serve the Orthodox Jewish community. These include Congregation Beth Halevy Koson (1777 49<sup>th</sup> Street), Khal Imrei Avraham (5002 18<sup>th</sup> Avenue), Congregation Lomdei Torah Belz (1779 51<sup>st</sup> Street), Yagdil Torah-Chasidei Gur (5104 18<sup>th</sup> Avenue), Congregation Meohr Yisrael (1771 52<sup>nd</sup> Street) and Congregation Beth Aaron (4901 18<sup>th</sup> Avenue). In terms of schools, PS 192 - The Magnet School for Math and Science Inquiry is located one block to the northeast of the project area on 18<sup>th</sup> Avenue between 47<sup>th</sup> and 48<sup>th</sup> streets. There are no significant parks or open spaces in the surrounding area.

The project area is not located within the Transit Zone, but is well served by public transit. The 18th Avenue F subway station is approximately three blocks east of the project area. Bus service near the project area includes the B8 bus that provides service between Bay Ridge and Brownsville, and the B11 bus that provides service between Flatbush and the Brooklyn Army Terminal. The B8 bus line runs along 18<sup>th</sup> Avenue with bus stops one to two blocks from the development site and the B11 bus line runs along 49<sup>th</sup> and 50<sup>th</sup> streets with a stop on the corner of 49<sup>th</sup> Street and 18<sup>th</sup> Avenue.

The project area is mapped within an R5 zoning district, as is the majority of the surrounding area. R5 is a non-contextual, low-density residential zoning district that allows a maximum FAR of 1.25. Community facilities in R5 districts are allowed up to an FAR of 2.0 and commercial uses are not permitted. The maximum street wall height in an R5 zoning district is 30 feet and the maximum building height is 40 feet. Above a height of 30 feet, a minimum setback of 15 feet is required from the street wall of the building. Off-street parking is required for 85 percent of dwelling units in the building. The R5 district extends to the west at 16<sup>th</sup> Avenue, to the northeast near McDonald Avenue and to the south near the Belt Parkway.

C1-3 commercial overlays are mapped mostly within lower- and medium-density residential districts. C1-3 commercial overlays allow local retail uses such as grocery stores, drug stores, restaurants, small clothing stores and hair salons. C1-3 overlays allow a maximum FAR of 1.0

for commercial development when mapped in R1-R5 zoning districts and up to 2.0 for commercial development when mapped in R6-R10 zoning districts. A C1-3 overlay is mapped along 18<sup>th</sup> Avenue from 52<sup>nd</sup> Street to the west and McDonald Avenue to the east.

The applicant proposes to map an R6B zoning district over the entire project area and a C2-4 commercial overlay at a depth of 35 feet from 18<sup>th</sup> Avenue, including only Lots 37, 41 and part of 42, to facilitate a new three-story mixed-use building with residential and commercial uses on Lot 37. R6B districts are contextual zoning districts that allow a maximum FAR of 2.0 for residential or community facility uses. Quality Housing buildings regulations are required. Buildings in R6B zoning districts are generally three to five stories in height with a maximum base height of 40 feet and maximum building height of 50 feet. For buildings with qualifying ground floors, the maximum base height is 45 feet and maximum building height is 55 feet. This district also allows a FAR of 2.2 for buildings participating in the Inclusionary Housing program. Parking is required for 50 percent of dwelling units and reduced to 15 percent for income-restricted dwelling units.

The applicant also proposes a C2-4 commercial overlay that would be mapped at a depth of 35 feet on 18<sup>th</sup> Avenue between 48<sup>th</sup> and 49<sup>th</sup> streets. C2-4 commercial overlays are mapped mostly within lower- and medium-density residential districts. C2-4 commercial overlays permit a slightly wider range of commercial uses than C1 commercial overlays, which are limited to local retail uses, including small wholesale establishments, dancing studios and funeral homes. C2-4 overlays allow a maximum FAR of 2.0 for commercial uses when mapped in R6-R10 zoning districts.

The applicant also proposes an amendment to Appendix F of the ZR to designate an MIH area coterminous with the project area. The proposed text amendment would map MIH Options 1 and 2. Option 1 requires that 25 percent of residential floor area be set aside for affordable units for households with incomes averaging 60 percent of the Area Median Income (AMI), with 10 percent of the residential floor area set aside for households with incomes averaging 40 percent of the AMI. Option 2 requires that 30 percent of residential floor area be set aside for affordable units for households with incomes averaging 80 percent of the AMI. No more than three income

bands can be used, and no income band can exceed 130 percent of the AMI. The proposed development site will not generate any income-restricted units since the development will not produce more than 10 dwelling units and will not produce more than 12,500 square feet of residential floor area.

The development proposed by the applicant would consist of a three-story and cellar mixed-use building with a total of 6,993 square feet of floor area at an FAR of 1.93 and a maximum height of 30 feet. The proposed development would include 2,065 square feet of retail use on the ground floor at an FAR of 0.57 and 4,928 square feet of residential floor area at an FAR of 1.36. The development proposed by the applicant would have five, two-bedroom dwelling units. No parking would be provided as the proposed development would waive out of parking requirements for five spaces or less. Access to the building would be available along the 18<sup>th</sup> Avenue frontage of the building via two entrances for commercial egress on the western end of the building and one entrance for residential egress on the western end of the building.

### **ENVIRONMENTAL REVIEW**

This application (C 200296 ZMK), in conjunction with the application for the related action (N 200297 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 20DCP108K.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on April 5, 2021.

### **UNIFORM LAND USE REVIEW**

This application (C 200296 ZMK) was certified as complete by the Department of City Planning on April 5, 2021 and duly referred to Brooklyn Community Board 12 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 202(b), along with the related application for a zoning text amendment (N 200297 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Brooklyn Community Board 12 held a public hearing on this application (C 200296 ZMK) and the related application for a zoning text amendment (N 200297 ZRK) on June 8, 2021, and on June 22, 2021, by a vote of 34 in favor, none against, and none abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 200296 ZRK) and the related application for a zoning text amendment (N 200297 ZRK) on June 14, 2021, and on July 20, 2021, issued a recommendation to approve the application with the following conditions:

“That prior to consideration, the applicant, Yitzchok Stern provide written commitments to the City Council, clarifying how he would:

- a. Memorialize a bedroom mix with minimum apartment size of two bedrooms
- b. Incorporate resiliency and sustainability measures, such as blue and/or green roofs, grid-connected rooftop batteries, passive house design, solar panels and/or façades
- c. 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 in consultation with Brooklyn Community Board 12 (CB 12) and local elected officials
- d. Commit to construct curb extensions as part of the Builders Pavement Plan in coordination with DEP and DOT or, if technically infeasible, enter into a standard DOT maintenance agreement for protected painted sidewalk extensions at the intersection of 18th Avenue and 48th Street. DOT implementation would require advance consultation with CB 12 and local elected officials.
- e. Retain Brooklyn-based contractors and subcontractors, especially those 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) to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate oversight of such participation by an appropriate monitoring agency.”

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

On July 14, 2021 (Calendar No. 3), the City Planning Commission scheduled July 28, 2021, for a public hearing on this application (C 200296 ZMK). The hearing was duly held on July 28, 2021 (Calendar No. 40). One speaker testified in favor of the application and none in opposition.

The applicant’s representative described the surrounding area, project area, development site, actions requested and explained the proposal to rezone for a new mixed-use building on Lot 37. The applicant representative stated that the objective of the proposed rezoning is to provide contextual zoning district with a mixed-use development where quality housing regulations are mandatory that would serve to improve the urban design at the intersection along 18th Avenue. He noted that 18<sup>th</sup> Avenue is a busy local neighborhood corridor for the Orthodox Jewish community and that the proposed retail space would cater to the local community’s retail demand. He also stated his belief that Block 5449 is an appropriate location for the C2-4 commercial overlay, as it is one of the few block frontages along 18<sup>th</sup> Avenue without a commercial overlay.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 200296 ZMK), in conjunction with the related application for a zoning text amendment (N 200297 ZRK), is appropriate.

Together, the requested actions will facilitate the development of a three-story, approximately 6,993-square-foot mixed-use building on an underutilized lot, with approximately five dwelling units and approximately 2,065 square feet of ground floor commercial space. The Commission believes that this proposal will produce a new mixed-use development that is appropriate for 18<sup>th</sup>

Avenue, a low rise commercial and residential corridor with a mix of uses and well-served by transit.

The Commission believes that the proposed R6B zoning district and its density is consistent with the bulk of the surrounding area, and that it will allow the proposed development to be responsive to the surrounding neighborhood context. It will also provide a contextual zoning district where Quality Housing regulations are mandatory, which will serve to improve the urban design at the intersection along 18th Avenue. The Commission believes that the proposed C2-4 commercial overlay will activate the ground floor on this block front along 18<sup>th</sup> Avenue by allowing for mixed-use buildings with ground floor retail. The Commission believes that mapping the 35-foot C2-4 commercial overlay is appropriate and it will allow retail to not encroach upon the predominately residential midblocks along 48<sup>th</sup> and 49<sup>th</sup> streets.

The proposed zoning text amendment (N 200297 ZRK) is appropriate. The action will designate a new MIH area coterminous with the rezoning area, supporting the creation of affordable housing and goals outlined in *Housing New York*. The proposed development site will not generate any income-restricted units, as the development will not produce more than 10 dwelling units or 12,500 square feet of residential floor area. Mapping the rezoning area as an MIH area will ensure that a percentage of any future units that are built on site will remain permanently affordable.

The Commission acknowledges the Brooklyn Borough President's recommendations regarding the applicant's written commitments to increase the minimum bedroom mix with family-sized two-bedroom apartments, incorporate resilient and sustainable measures, and retain Brooklyn-based contractors, but notes that these recommendations are outside the scope of this application.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on April 5, 2021, with respect to this application (CEQR No. 20DCP108K) that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment, and be it further

**RESOLVED**, by the City Planning Commission pursuant to Sections 197-c 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. 22c:

1. changing from an R5 District to an R6B District property bounded by 48<sup>th</sup> Street, 18<sup>th</sup> Avenue, 49<sup>th</sup> Street and a line 100 northwesterly of 18<sup>th</sup> Avenue; and
2. establishing within the proposed R6B District a C2-4 District bounded by 48<sup>th</sup> Street, 18<sup>th</sup> Avenue, 49<sup>th</sup> Street and a line 35 feet northwesterly of 18<sup>th</sup> Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-609.

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The above resolution (C 200296 ZMK), duly adopted by the City Planning Commission on September 1, 2021 (Calendar No. 15), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

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

**DAVID BURNEY, ALFRED C. CERULLO, III, JOSEPH DOUEK,**

**RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

|  |   |
|--|---|
| <b>Project Name:</b> 1776 48th Street Rezoning |   |
| <b>Applicant:</b> Yitzchok Stern               | <b>Applicant's Primary Contact:</b> Eric Palatnik |
| <b>Application #</b> 200296ZMK                 | <b>Borough:</b>                                   |
| <b>CEQR Number:</b> 20DCP108K                  | <b>Validated Community Districts:</b> K12         |

**Docket Description:**

IN THE MATTER OF an application submitted by Mr. Yitzchok Stern pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c:

1. changing from an R5 District to an R6B District property bounded by 48th Street, 18th Avenue, 49th Street and a line 100 northwesterly of 18th Avenue; and
2. establishing within the proposed R6B District a C2-4 District bounded by 48th Street, 18th Avenue, 49th Street and a line 35 feet northwesterly of 18th Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-609.

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

|   |                     |                            |   |
|---|---------------------|----------------------------|---|
| <b>RECOMMENDATION: Favorable</b>        |                     |                            |   |
| <b># In Favor:</b> 34                   | <b># Against:</b> 0 | <b># Abstaining:</b> 0     | <b>Total members appointed to the board:</b> 34 |
| <b>Date of Vote:</b> 6/22/2021 12:00 AM |                     | <b>Vote Location:</b> Zoom |   |

*Please attach any further explanation of the recommendation on additional sheets as necessary*

|   |  |
|---|--|
| <b>Date of Public Hearing:</b> 6/8/2021 7:00 PM |  |
| <b>Was a quorum present?</b> Yes                | <i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i> |
| <b>Public Hearing Location:</b>                 | <a href="https://zoom.us/j/91439509049">https://zoom.us/j/91439509049</a>  |

**CONSIDERATION:**

|                             |         |                         |
|-----------------------------|---------|-------------------------|
| Recommendation submitted by | BK CB12 | Date: 7/12/2021 1:33 PM |
|-----------------------------|---------|-------------------------|



## Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
[CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov)

### INSTRUCTIONS

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

### APPLICATION

1776 48<sup>TH</sup> STREET – 200296 ZMK, 200297 ZRK

Applications submitted by Yitzchok Stern, pursuant to Sections 197-c and 201 of the New York City Charter, for land use actions affecting the west side of 18<sup>th</sup> Avenue between 48<sup>th</sup> and 49<sup>th</sup> streets in Brooklyn Community District 12 (CD 12). The proposed zoning map amendment would change the project area from R5 to R6B and establish a C2-4 overlay 35 feet from 18<sup>th</sup> Avenue. A concurrent zoning text amendment would designate a Mandatory Inclusionary Housing (MIH) area coterminous with the project area. Such actions would facilitate an approximately 4,928 square-foot (sq. ft.), three-story, mixed-use building with five dwelling units and 2,065 sq. ft. of local retail uses.

BROOKLYN COMMUNITY DISTRICT NO. 12

BOROUGH OF BROOKLYN

### RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

SEE ATTACHED

*Eric L. Adams*

July 20, 2021

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

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: 1776 48<sup>TH</sup> STREET – 200296 ZMK, 200297 ZRK**

Yitzchok Stern submitted applications, pursuant to Sections 197-c and 201 of the New York City Charter, for land use actions affecting the west side of 18<sup>th</sup> Avenue between 48<sup>th</sup> and 49<sup>th</sup> streets in Brooklyn Community District 12 (CD 12). The proposed zoning map amendment would change the project area from R5 to R6B and establish a C2-4 overlay 35 feet from 18<sup>th</sup> Avenue. A concurrent zoning text amendment would designate a Mandatory Inclusionary Housing (MIH) area coterminous with the project area. Such actions would facilitate an approximately 4,928 square-foot (sq. ft.), three-story, mixed-use building with five dwelling units and 2,065 sq. ft. of local retail uses.

On June 14, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were no speakers on the item.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design; blue, green, or white roof covering; solar roof or façade panels, and New York City Department of Environmental Protection (DEP) rain gardens, the applicant's representative stated that the building would feature energy efficient windows, photovoltaic panels, and a reflective roof. The plan would also incorporate rain gardens.

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 representative stated that the developer would reach out to Brooklyn Community Board 12 (CB 12) and the New York City Department of Small Business Services (SBS) to source local labor and qualified MWBE contractors.

**Consideration**

CB 12 approved this application on June 25, 2021.

The project area covers five lots fronting the west side of 18<sup>th</sup> Avenue between 48<sup>th</sup> and 49<sup>th</sup> streets in Borough Park. The applicant's site is a rectangular corner lot that extends 100 feet along 18<sup>th</sup> Avenue, with a depth of 35 feet on 48<sup>th</sup> Street. The property is improved with a two-story, 1.01 FAR residential building with two apartments. The non-applicant lots include small residential properties and a mixed residential/community facility building with a house of worship.

The block is zoned R5 without a commercial overlay, in contrast to surrounding blocks of 18<sup>th</sup> Avenue. The proposed actions would upzone the project area to R6B/MIH, and thus increase the permitted residential FAR from 1.25 to 2.2. The coextensive MIH area would mandate provision of income-restricted housing in development exceeding 12,500 sq. ft. or 10 units. At under 5,000 sq. ft., 1776 48<sup>th</sup> Street would fall below this threshold, and therefore would not be required to provide affordable housing pursuant to MIH.

The rezoning area includes a vacant lot at 1771 49<sup>th</sup> Street that would gain enhanced development rights, if this application is approved. As represented in an email to the CB 12 district manager, this property would be redeveloped into a four-story building, with six two-bedroom units and one three-bedroom apartment, pursuant to the proposed R6B district.

The surrounding area is primarily residential with a significant number of institutional uses. The predominant housing type is one- to three-story walkup buildings. Commercial uses are found along 18<sup>th</sup> Avenue, which is partly mapped with C1-2, C1-3, and C2-2 overlays. Notable community facilities include houses of worship as well as private and public schools.

Brooklyn is one of the fastest growing boroughs in New York City and the greater metropolitan area. Its ongoing 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 the creation and preservation of housing units for very low- to middle-income households. Moreover, in CD 12, there is a pressing need for stable housing. Increasing the supply of apartments, especially family-oriented units, is a critical strategy for promoting a sustainable neighborhood.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional housing units. The proposed development would result in additional housing units without altering the immediate area's low-rise context. The developer's plans show sensitivity to the predominantly residential side streets by limiting the proposed commercial overlay to the properties fronting 18<sup>th</sup> Avenue.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. The development site would be accessible via the B8 bus, which makes stops along 18<sup>th</sup> Avenue. The Sixth Avenue Local F train is available at the 18<sup>th</sup> Avenue Station, two blocks northeast of the site on McDonald Avenue.

Borough President Adams generally supports the proposal to increase density at 18<sup>th</sup> Avenue, which would facilitate a new mixed commercial/residential building at 1776 48<sup>th</sup> Street. He seeks assurances of the represented family-oriented bedroom mix, the incorporation of resilient and sustainable features including rain gardens, vision-zero enhancements, and a high level of local and MWBE hiring for the project.

#### **Appropriate Bedroom Mix**

Borough President Adams believes that the proposed development presents an opportunity to achieve family-sized units for CD 12's middle-income residents, and that right-sizing the bedroom mix is more important than maximizing the number of housing units. According to the applicant, the residential floor area at 1776 48<sup>th</sup> Street would yield five two-bedroom apartments. This bedroom mix is consistent with Borough President Adams' goal to produce family-oriented units in neighborhoods with strong demand for larger apartments. He appreciates that the applicant intends to construct a residential development that is responsive to community needs.

Therefore, prior to considering the application, the City Council should obtain written commitments from Yitzchok Stern clarifying how it would memorialize the represented family-oriented bedroom mix of two-bedroom (or larger) apartments.

#### **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, grid-connected battery storage, solar façades and roof 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.

Regarding 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. Passive house construction achieves energy efficiency while promoting locally based construction and procurement.

In Borough President Adams' letter to President Joseph R. Biden Jr., dated January 21, 2021, he outlined an urban agenda based on funding policies that will rebuild America as a more equitable and just society, including initiatives consistent with the Green New Deal. Specifically, Borough President Adams advocated for renewable energy and battery storage to move beyond reliance upon natural gas and dirty "peaker plants," disproportionately sited in communities of color. He believes that grid-connected rooftop batteries should be a standard consideration for commercial buildings. Between existing flat roof upgrades and newly developed projects, there should be sufficient demand to manufacture such units locally and create industrial jobs.

Borough President Adams believes it is appropriate for Yitzchok Stern 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), and consider government programs that might offset costs associated with enhancing the sustainability of 1776 48<sup>th</sup> Street. 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 development's 18<sup>th</sup> Avenue and 48<sup>th</sup> Street frontages. The ZR requirement to plant street trees ensures shade on hot days, helps combat the urban heat island effect, and provides aesthetic, air quality, and 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 ensure proper water absorption.

Borough President Adams believes that Yitzchok Stern should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the inclusion of rain gardens integrated with street trees as part of the Builders Pavement Plan for 1776 48<sup>th</sup> Street. Where the agencies have interest in implementing an enhancement, advance consultation should be initiated with CB 12 and local elected officials.

Therefore, prior to considering the application, the City Council should obtain written commitments from Yitzchok Stern to integrate additional resiliency and sustainability measures at 1776 48<sup>th</sup> Street.

### **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.

18<sup>th</sup> Avenue is a major commercial corridor in Borough Park that carries significant pedestrian and vehicular traffic. Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to integrate Vision Zero enhancements at this intersection via curb extensions and/or painted protected sidewalks at 18<sup>th</sup> Avenue and 48<sup>th</sup> Street.

Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable Yitzchok Stern to undertake such improvements as part of its Builders Pavement Plan, after consultation with CB 12 and local elected officials. 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 believes that prior to considering the application, the City Council should obtain written commitments from Yitzchok Stern to coordinate CROSS Brooklyn implementation with DEP and DOT for curb extensions at 18<sup>th</sup> Avenue and 48<sup>th</sup> Street, either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of Vanderbilt Yitzchok Stern's commitment to enter into a standard DOT maintenance agreement for those intersections. Finally, DOT should confirm that implementation would only proceed following consultation with CB 12 and local elected officials.

### **Jobs**

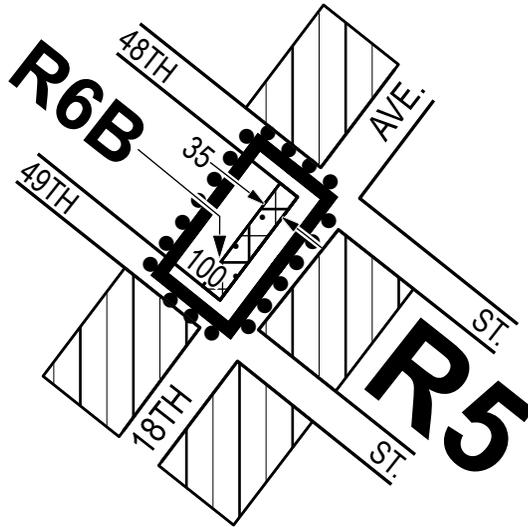
Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," 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 proposal 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 who 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 Yitzchok Stern, to retain Brooklyn-based contractors and subcontractors, especially those designated LBEs consistent with Section 6-108.1 of the City's Administrative Code and MWBE, to meet or exceed such standards.

**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 consideration, the applicant, Yitzchok Stern provide written commitments to the City Council, clarifying how he would:
  - a. Memorialize a bedroom mix with minimum apartment size of two bedrooms
  - b. Incorporate resiliency and sustainability measures, such as blue and/or green roofs, grid-connected rooftop batteries, passive house design, solar panels and/or façades
  - c. 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 in consultation with Brooklyn Community Board 12 (CB 12) and local elected officials
  - d. Commit to construct curb extensions as part of the Builders Pavement Plan in coordination with DEP and DOT or, if technically infeasible, enter into a standard DOT maintenance agreement for protected painted sidewalk extensions at the intersection of 18<sup>th</sup> Avenue and 48<sup>th</sup> Street. DOT implementation would require advance consultation with CB 12 and local elected officials.
  - e. Retain Brooklyn-based contractors and subcontractors, especially those 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) to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate oversight of such participation by an appropriate monitoring agency

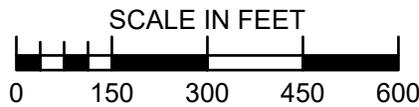


CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**22c**  
 BOROUGH OF  
**BROOKLYN**



New York, Certification Date:  
 April 5, 2021

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



**NOTE:**

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is rezoned by changing an existing R5 District to an R6B District and by establishing a C2-4 District within the proposed R6B District.
- Indicates a C1-3 District
- Indicates a C2-4 District