



December 13, 2023 / Calendar No. 17

C 230157 ZMK

IN THE MATTER OF an application submitted by 962 Pacific St, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an M1-1 District to an M1-4/R7A District property bounded by Pacific Street, a line 440 feet northwesterly of Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 100 feet southeasterly of Grand Avenue; and
2. establishing a Special Mixed-Use District (MX-20) bounded by Pacific Street, a line 440 feet northwesterly of Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 100 feet southeasterly of Grand Avenue;

Borough of Brooklyn, Community District 8, as shown on a diagram (for illustrative purposes only) dated July 24, 2023, and subject to the conditions of CEQR Declaration E-724.

This application for a zoning map amendment was filed by 962 Pacific Street, LLC on December 21, 2022, to change an M1-1 zoning district to an M1-4/R7A zoning district. This application, in conjunction with the related actions, would facilitate the development of a nine-story mixed use building with 150 residential units, 38 to 45 of which would be permanently affordable, as well as 9,350 square feet of commercial floor area, and 8,530 square feet of community facility floor area, totaling 153,695 square feet of floor area at 962 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8.

RELATED ACTIONS

In addition to the zoning map amendment (C 230157 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

N 230158 ZRK	Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area
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C 230159 ZSK Special permit pursuant to Section 74-533 of the Zoning Resolution (ZR)
to waive residential off-street parking spaces

BACKGROUND

The applicant, 962 Pacific Street, LLC, requests a zoning map amendment to change an M1-1 zoning district to an M1-4/R7A district (MX-20), a zoning text amendment to create an MIH area coterminous with the project area, and a zoning special permit pursuant to ZR 74-533 to waive required off-street parking. The proposed project area is coterminous with the development site (Block 1133, Lot 13). The proposed actions would facilitate the development of a nine-story mixed-use development with 153,695 square feet of floor area, containing approximately 150 dwelling units, of which 38-45 would be permanently affordable, and commercial, light manufacturing, and community facility uses.

The project area is in the northwest portion of Crown Heights in Brooklyn Community District 8. The project area is located on a mid-block frontage along the south side of Pacific Street between Grand and Classon avenues, and has been vacant since at least 1996. It comprises approximately 33,415 square feet in area, with approximately 323 feet of frontage on Pacific Street and a depth of 110 feet. The project area is located along a stretch of industrially zoned land in Central Brooklyn, centered on Atlantic Avenue from Vanderbilt Avenue to Nostrand Avenue, and extending as far south as Bergen Street. The surrounding area is predominantly zoned M1-1, a district characterized by one- and two-story industrial buildings with light industrial uses such as woodworking shops, repair shops, wholesale service, storage facilities, limited community facility uses, and commercial uses. In addition to light industrial uses, many parcels in this zoning district contain open-air parking, open-air storage for scrap or refuse, or are vacant.

The surrounding area is also mapped with a mix of mid-density residential zoning districts, some of which include commercial overlays, including R6A, R6B, R7A, C6-3A, R7A/C2-4, and M1-4/R7A (MX-20). The predominant character of the R6A and R6B areas includes three- to four-story multifamily row houses, three-to-six story multifamily apartment buildings, and commercial corridors with multifamily housing over neighborhood-serving commercial uses. R7A/C2-4 and

C6-3A districts include seven- to nine-story multifamily housing closer to major thoroughfares such as Eastern Parkway or Fulton Street.

The project area is in a Transit Zone and is well served by public transportation. The Franklin Avenue subway station with C and S line service is located at the intersection of Fulton Street and Franklin Avenue, approximately five blocks northeast of the project area. Furthermore, the 2, 3, 4, and 5 subway lines run along Eastern Parkway with a stop approximately nine blocks south of the project area. Four bus lines (B65, B25, B48, B45) also provide service within a short walk of the project area, providing service between Cobble Hill and east Crown Heights, Brooklyn Heights and East New York, Greenpoint and Prospect-Lefferts Gardens, and Downtown Brooklyn and east Crown Heights, respectively.

Access to open space near the Project Area is primarily provided by the complex of parks nine blocks to the south, including Prospect Park, Mt. Prospect Park, Grand Army Plaza, and Ronald McNair Plaza. Lowry Plaza, a small triangular pocket park, is located three blocks to the northwest, along with two playgrounds approximately five blocks to the south. The Brooklyn Central Library is located 11-12 blocks to the southwest, and the Bedford Atlantic Armory, which currently serves as a shelter for homeless men, is located four blocks to the northeast.

The project area is currently zoned M1-1, a district that has remained unchanged since 1961. The maximum floor area ratio (FAR) within the M1-1 zone is 1.0 for industrial and commercial uses, and 2.4 for community facility uses. Buildings in M1-1 districts are generally allowed to rise to a height of 30 feet or two stories along the street wall, after which building heights are governed by the sky exposure plane that allows height to increase, with no maximum limit, based on the distance from the street. Off-street parking is generally required for every 300 feet of commercial and every 1,000 feet of industrial.

Since 2019, several private rezonings have been approved close to the project area for various residential, commercial, and mixed-use zoning districts, including 1045 Atlantic Avenue (C 210276 ZMK) and 870 Atlantic Avenue (C 210335 ZMK). Two zoning map amendments were recently approved on the same block as the project area. In 2020, the northeast and southeast corners of Pacific Street and Grand Avenue were rezoned to a depth of 100 feet east of Grand Avenue from M1-1 to R7D/C2-4 and R7A/C2-4, respectively, as modified and approved by City Council (C 190256 ZMK). This application facilitated a nine-story, mixed-use development at the

northeast corner of Grand Avenue and Pacific Street. In 2019, the northern frontage of Pacific Street up to a distance of approximately 440 feet west of Classon Avenue was rezoned from M1-1 to R7A/C2-4 in order to facilitate a nine-story, mixed-use development (C 180042 ZMK). This lot is also directly adjacent to the project area. In 2022, the lot across the street from the project area, between Atlantic Avenue and Pacific Street and approximately 150 feet west of the corner of Atlantic and Classon Avenue, was rezoned from M1-1 to C6-3A to facilitate a 17-story mixed-use building with a community facility area and grocery store (C 210386 ZMK).

The project area is located within the Atlantic Avenue Mixed-Use Plan (AAMUP) area, an active neighborhood study where the Department of City Planning (DCP) is currently engaged with local Council Members, Community Boards, residents, businesses and other stakeholders to re-envision the Atlantic Avenue corridor and neighboring industrially zoned blocks with a goal of fostering housing and job growth and supporting public realm and other improvements. Building on the past M-CROWN efforts led by Community Board 8, during the winter and spring of 2022 DCP, in collaboration with the local Council Member, agency partners, and a consultant, kicked off a public engagement process, which included topic-based working group meetings, community planning workshops, and steering committee meetings. This process culminated in the release of the AAMUP Community Vision and Priorities Report in August 2023, cataloging the engagement process and laying out the top priorities.

Following the public engagement process, DCP publicly released a draft zoning framework in September 2023 and held a Scoping Meeting for a forthcoming Draft Environment Impact Statement (DEIS) in October 2023. Under the draft zoning framework, DCP proposes to rezone the project area to an M1-4/R6A zoning district in tandem with a Special Purpose District that would modify underlying regulations to permit a maximum of 3.9 FAR for residential and a total of 5.0 FAR to incentive light industrial, commercial, and community facility uses. Under the proposed AAMUP zoning, off-street parking would also be optional.

The applicant proposes to develop a nine-story, 153,695 square-foot mixed-use building (4.6 FAR) with approximately 150 dwelling units, including 38-45 Mandatory Inclusionary Housing (MIH) units, as well as 9,350 square feet of ground floor commercial area and 8,530 square feet of community facility space.

The proposed development would rise to a total of nine stories along the Pacific Street frontage at three separate terraces, and the remainder of the street wall would be terraced and/or stepped back from the street at various points, creating a heavily articulated façade. The building's base height would vary from 45 to 75 feet, with a total maximum height of 95 feet. The first floor would contain an early childhood development center, a commercial space, a residential lobby, and rear gardens for both the residential development and early childhood center, which would extend to the rear lot line. The cellar would contain a youth arts center and an extension of the early childhood development center, as well as rooms for laundry and bicycle storage. The second through ninth floors would contain a mix of one-bedroom, two-bedroom, and three-bedroom apartments.

To facilitate the proposed development, the applicant requests a zoning map amendment from M1-1 to M1-4/R7A (MX-20), a zoning text amendment to designate a new MIH area, and a City Planning Commission special permit to waive all required parking accessory to the residential uses. The M1-4/R7A district is a mixed-use district where Quality Housing regulations are mandatory and residential buildings up to 4.6 FAR are allowed with inclusionary units. Base heights of buildings can range from 40 to 75 feet, after which a 10 or 15-foot setback is required on wide or narrow streets, respectively. Buildings can rise to a total building height of 90 feet (95 feet with a Qualifying Ground Floor). Parking is required for 50 percent for the market-rate units and optional for income-restricted dwelling units, as the project area is in the Transit Zone. The M1-4 zone allows up to 2.0 FAR for manufacturing and commercial uses and up to 6.5 FAR for community facilities, with no required parking.

In addition to the zoning map amendment, the applicant also seeks a zoning text amendment to map the project area with MIH options 1 and 2. Under MIH Option 1, 25 percent of residential floor area would be reserved would average 60 percent of area median income AMI (with a minimum of 10 percent at 40 percent AMI). Under Option 2, 30 percent of residential floor area would be available at an average of 80 percent of AMI. The applicant has proposed mapping the project area with both MIH options 1 and 2 to maintain maximum flexibility and will choose which option to move forward with at a later date.

The applicant also requests a zoning special permit pursuant to ZR 74-533 to waive off-street parking for the residential uses. As part of the special permit, the number of residential accessory off-street parking spaces may be reduced from the required 59-62 to 0.

ENVIRONMENTAL REVIEW

This application (C 230157 ZMK), in conjunction with the related applications (N 230158 ZRK and C 230159 ZSK), 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 22DCP078K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on July 21, 2023. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise impacts (E-724). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 230157 ZMK) was certified as complete by the Department of City Planning on July 24, 2023 and duly referred to Brooklyn Community Board 8 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 application for a special permit (C 230159 ZSK), as well as with the related application for a zoning text amendment (N 230158 ZRK), which was referred for information in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

On September 7, 2023, Brooklyn Community Board 8 held a public hearing on this application (C 230157 ZMK) and the related actions for a zoning text amendment (N 230158 ZRK) and

special permit (C 230159 ZSK), and on September 14, 2023, by a vote of 29 in favor, three in opposition, and two abstaining, adopted a resolution recommending disapproval of the application with the following conditions:

- “Remove MIH Option 2 from the application and add MIH Option 3 (Deep Affordability Option);
- Make a binding commitment to provide not less than 18% of all units for up to 40% of AMI, 3% of units for up to 60% of AMI, and 11% of units for up to 80% of AMI;
- Restrict the use of ground floor area and below-grade floor space to targeted non-residential uses;
- Designate a third-party nonprofit industrial development organization with the authority to approve new leases for the restricted floor area; and
- Provide \$50,000 of funding to a local community-based organization for the purpose of providing anti-displacement services.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 230157 ZMK) and the related actions for a zoning text amendment (N 230158 ZRK) and special permit (C 230159 ZSK) on October 16, 2023, and on November 1, 2023, issued a recommendation to approve the application with the following conditions:

- “Evergreen Exchange be included in the Community Benefits Agreement to provide support services for industrial businesses;
- The application include a Restrictive Declaration limiting ground-floor uses to Use Groups 11 and 17;
- The Department of City Planning initiate a review of the outcomes of MX rezonings to determine how much manufacturing floor area has resulted from development in MX districts.”

City Planning Commission Public Hearing

On November 1, 2023 (Calendar No. 1), the City Planning Commission scheduled November 15, 2023, for a public hearing on this application (C 230157 ZMK), in conjunction with the related actions. On November 15, 2023 (Calendar No. 9), the City Planning Commission held a public hearing on this application (C 230157 ZMK) and the related actions for a zoning text amendment (N 230158 ZRK) and special permit (C 230159 ZSK). Nine speakers testified in favor of the application and none in opposition.

The applicant's attorney spoke in favor of the application, providing an overview of the proposal, development site, and surrounding context. He noted that this would rezone the final parcel on the northern half of Block 1133 that does not currently allow mixed-use development, and that privately initiated rezonings on this and adjacent blocks have been approved in recent years for developments that are similar in bulk and scale to the 962 Pacific proposal. When asked why the applicants were moving forward with this application in spite of the ongoing neighborhood rezoning effort (AAMUP), the applicant's attorney responded that financing restrictions on the site led the applicants to want to certify and enter the ULURP process as soon as possible, and that if they waited to certify, they likely would not be able to provide the full extent of community facilities they are promising.

Nine speakers appeared in favor of the application, addressing topics including the recent displacement of local residents and loss of Black population in Crown Heights, the project's potential to provide good-paying jobs for those without advanced degrees, and the levels of affordability promised by the applicant, which are higher and deeper than what is required by MIH. Speakers also noted the applicants' long history of involvement in the neighborhood and responsiveness to community concerns about potential displacement effects.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes this application for a zoning map amendment (C 230157 ZMK) and the related applications for a zoning text amendment (N 230158 ZRK) and CPC special permit (C 230159 ZSK) are appropriate.

The proposed zoning map amendment will rezone the existing M1-1 district mapped along the south side of Pacific Street between Grand and Classon avenues to an M1-4/R7A (MX-20) district. This rezoning will facilitate the development of a nine-story, 153,695 square foot mixed-use building containing 150 dwelling units, 38-45 of which would be permanently affordable under Options 1 or 2 of the Mandatory Inclusionary Housing (MIH) program, as well as 9,350 square feet of commercial floor area, and 8,530 square feet of community facility floor area.

A key contextual backdrop to the specific actions being requested for this application is the Atlantic Avenue Mixed-Use Plan (AAMUP), a neighborhood-wide planning effort formally initiated in the winter of 2022 by the Department of City Planning in partnership with local Council Members, Community Boards, residents, businesses and other stakeholders. The goal of AAMUP is to support the growth of housing and jobs along the Atlantic Avenue corridor between Vanderbilt Avenue and Nostrand Avenue, which currently consists of mostly underutilized industrial land. The applicants filed their first Draft Land Use Application for 962 Pacific Street in July 2021, before AAMUP was announced to the public, and chose to move forward with the certification and ULURP process despite guidance from DCP to consider waiting until the City-sponsored neighborhood plan was more advanced, to help prevent any misalignment or inconsistencies on zoning recommendations.

However, from a land use perspective, the Commission believes the proposed height, density and mix of uses permitted by the M1-4/R7A district are appropriate at this location. The current M1-1 district does not allow residential development, but since 2019, four separate private applications have occurred within a two-block radius of the project area that changed the underlying M1-1

zoning district to residential, commercial, and mixed-use districts (R7A/C2-4 and R7D/C2-4 at the corner of Grand Avenue and Pacific Street; C6-3A at 1034 Atlantic Avenue; R7A/C2-4 at 1010 Pacific Street, and M1-4/R7A at 1050 Pacific Street). Two of these rezoned areas are directly adjacent to the project area, and the other two are located on adjacent blocks. The increased bulk and density of the zoning district would align with the existing development patterns of these recently approved rezonings. The mid-rise height and bulk allowed by this zoning district (95 feet, 4.6 FAR) are also appropriate given the relatively narrow width of Pacific Street (70 feet) and the project area's location on a midblock, albeit one located near a major corridor. More broadly, another mixed-use development along the Atlantic Avenue corridor would further the goals of providing additional housing density near major transit lines, revitalizing underbuilt industrial land in central Brooklyn, and increasing economic opportunities.

The Commission believes that the proposed zoning text amendment for MIH (N 230158 ZRK) is appropriate.

To maintain flexibility in their affordable-housing options, the applicants have requested to map both MIH Options 1 and 2. Under MIH Option 1, the proposed development would be required to provide 25 percent of the residential floor as permanently affordable housing. This would result in approximately 34,000 square feet of floor area, or approximately 38 permanently affordable apartments. These apartments would be available to households earning, on average, 60 percent of the AMI, providing much-needed income-restricted housing. Under MIH Option 2, the proposed development would be required to provide 30 percent of the residential floor area as permanently affordable housing. This would result in approximately 40,750 square feet of floor area, or approximately 45 permanently affordable apartments. These apartments would be available to households earning, on average, 80 percent of the AMI. The proposal is aligned with AAMUP's goal of adding more affordable housing to central Brooklyn, and more broadly is in line with the City's policy to develop affordable housing near transit, and the goals outlined in *Housing New York* and *Where We Live*, New York City's housing reports that outline goals and strategies to affirmatively further the development of fair housing.

The Commission believes that the proposed zoning special permit to waive all required parking (C 230159 ZSK) is appropriate, as the action would waive the number of required off-street parking spaces from 59-62 to zero in a neighborhood with high public transit access and use, as supported by a parking analysis completed by the applicant in connection with the statement of findings and Environmental Assessment Statement's transportation chapter. The Atlantic Avenue Mixed-Use Plan (AAMUP) currently under consideration for the project area and surrounding blocks would eliminate all off-street parking requirements, making the proposed full parking waiver for 962 Pacific Street aligned with the Department's overall long-term vision for the neighborhood.

Under the draft AAMUP zoning released to the public in September 2023, the project area would be zoned M1-4/R6A, although this zoning district as proposed for AAMUP contains certain FAR allowances that account for mixed-use building incentives as well as the proposed City of Yes: Housing Opportunity proposal. Under the AAMUP proposal, buildings in the project area would be permitted to have a maximum height of 125 feet, maximum FAR of 5.0 for any building with a non-residential ground floor (up to 3.9 total residential FAR), and total of 151 dwelling units, with a mandatory inclusionary housing set-aside of 25-30%. The applicants' proposal for 962 Pacific Street would have a height of 95 feet, a total of 4.6 FAR (4.06 residential and 0.54 non-residential), and 150 dwelling units, of which 25-30% would be permanently affordable. Therefore, the Commission believes the proposed project is consistent and aligned with the future proposed AAMUP zoning. Before releasing draft AAMUP zoning, DCP and partners released a "Community Vision and Priorities Report" that lays out a more qualitative long-term vision for the neighborhood based on extensive conversations with local stakeholders, and the Commission believes the applicants' proposal is also aligned with the goals and proposals in this report.

The zoning text amendment proposed by the applicant to map MIH also aligns with the general standards put forward in AAMUP, which would require the same affordability levels as the broader citywide MIH program, and as noted in an above paragraph, the proposed zoning special permit

to waive all required parking is aligned with the proposed AAMUP zoning proposal, which would eliminate parking requirements throughout the rezoned area.

Regarding recommendations from Community Board 8 and the Brooklyn Borough President, the Commission is pleased to see the applicants are willing to consider higher percentages and deeper levels of affordability than what would be required by MIH program, although recognizes those decisions are outside the scope of this application in ULURP. The Commission also appreciates the applicants' close involvement in the selection of ground-floor non-residential uses, particularly their desire to open an early-childhood education center on the ground floor. The Commission is concerned about how these deep affordability commitments and generous community-facility spaces would affect the financial viability of the project, but again, we recognize these matters will be negotiated at a later stage of the ULURP process and do not affect the application as certified.

Both the community board and borough president also requested binding agreements from the applicant that would require non-residential uses on the ground floor – a general request for “targeted non-residential uses” from the community board, and a more specific request from the borough president to limit ground-floor uses to Use Groups 11 and 17. The Commission is supportive of the applicant's proposed mix of uses, including their partnership with Evergreen to prioritize ground-floor space for light industrial uses that will be compatible with residential use and provide jobs for local residents. However, a Restrictive Declaration to permit only specific use groups is outside the scope of this application. A more prescriptive approach to permitted use groups is also not in keeping with the broader framework set out by the AAMUP plan, which encourages but does not require manufacturing uses on the ground floor.

The community board's further recommendations to designate a particular third-party nonprofit to oversee the leasing of the ground-floor spaces, and request for the applicant to donate \$50,000 to a local nonprofit providing anti-displacement services, are outside the scope of this application.

Finally, regarding the timing of this application, the Commission would have preferred for the applicants to wait to certify this application until after the AAMUP zoning was adopted, in line with Department of City Planning guidance. During the CPC Public Hearing for this application, the applicants' representative noted that this particular rezoning began its application process before the announcement of AAMUP, and cited financial obligations to project lenders as a reason the applicants were eager to certify despite guidance to the contrary. The Commission respects the applicants' legal right to propose this rezoning and take part in the ULURP process, and the timing of the application has no bearing on the project's land use rationale, which the Commission believes to be sound and aligned with the long-term vision for this part of central Brooklyn.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on July 21, 2023 with respect to this application (CEQR No. 22DCP078K), the City Planning Commission finds that the action described herein will have no significant impact on the environment.

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.16c,

1. changing from an M1-1 to an M1-4/R7A District property bounded by Pacific Street, a line 440 feet northwesterly of Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 100 feet southeasterly of Grand Avenue, and
2. establishing a Special Mixed-Use District (MX-20) bounded by Pacific Street, a line 440 feet northwesterly of Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 100 feet southeasterly of Grand Avenue;

Borough of Brooklyn, Community District 8, as shown on a diagram (for illustrative purposes only) dated July 24, 2023, and subject to the conditions of CEQR Declaration E-724.

The above resolution (C 230157 ZMK), duly adopted by the City Planning Commission on December 13, 2023 (Calendar No. 17), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair,*

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

GAIL BENJAMIN, LEILA BOZORG, ALFRED C. CERULLO, III, ANTHONY CROWELL, Esq., JOSEPH I. DOUEK, DAVID GOLD, Esq., RASMIA KIRMANI-FRYE, ORLANDO MARÍN, JUAN CAMILO OSORIO, RAJ RAMPERSHAD, *Commissioners*

LEAH GOODRIDGE, Esq., *Commissioner, VOTING NO*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 962 Pacific Street Rezoning	
Applicant: 962 Pacific Street LLC	Applicant's Primary Contact: Richard Lobel
Application # 230157ZMK	Borough:
CEQR Number: 22DCP078K	Validated Community Districts: K08

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 29	# Against: 3	# Abstaining: 2	Total members appointed to the board: 47
Date of Vote: 9/14/2023 12:00 AM		Vote Location: Chelsea Piers Prospect Heights, 601 Dean Street, Brooklyn, N.Y.	

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

Date of Public Hearing: 9/7/2023 6:30 PM	
Was a quorum present? No	<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>
Public Hearing Location:	Crown Heights Nursing and Rehabilitation, 810 St. Marks Avenue, Brooklyn, N.Y. 11213

CONSIDERATION: See Attached		
Recommendation submitted by	BK CB8	Date: 10/2/2023 12:46 PM



Antonio Reynoso
Borough President

COMMUNITY BOARD NO. 8

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Irsa Weatherspoon
Chairperson

Michelle T. George
District Manager

September 19, 2023

Mr. Daniel Garodnick, Chairperson
NYC Dept. of City Planning
22 Reade Street
New York, NY 10007-1216

Re: ULURP Number: C230157ZMK
ULURP Number: N230158ZRK
ULURP Number: C230159ZSK
962 Pacific Street LLC, Block 1133 Lot 13

Dear Chairperson Garodnick,

At the September 14, 2023 Community Board 8 general meeting, members considered the ULURP applications for 962 Pacific Street. During the session, several members acknowledged the applicant's willingness to increase the number of extremely low and low-income affordable units from 15 units to 27 units at 40% AMI, while also providing 5 units at 60% AMI, and 16 units at 80% AMI in the project that has the potential to provide 32% of the building's unit capacity at affordable income-restricted levels. Additionally, several members recognized the applicant's willingness to present a proposal that mimics closely what the Board has spent years advocating for with our MCROWN proposal, and recognized that this proposal extends well beyond the provisions of the current AAMUP proposal under consideration.

However, despite the above, members voted 29 in favor, 3 opposed, with 2 abstentions to withhold support for the zoning change applications for 962 Pacific Street until the following conditions are met:

- 1) That MIH Option 2 be removed from the applications, and MIH Option 3 be added.
- 2) That the applicant make a binding commitment
 - a. that the property will provide not less than the following affordable apartments:
 - i. 18% units for incomes up to 40% area median income (AMI);
 - ii. 3% units for incomes up to 60% AMI;
 - iii. 11% units for incomes up to 80% AMI;

- b. to restrict the use of ground level floor area of at least 8,530 sq. ft. of ground floor space and 19,000 sq. ft. of below grade floor space to targeted non-residential uses;
- c. to designate a third party non-profit industrial development organization acceptable to the Friends of Community Board 8, Inc. with the authority to approve new leases for the restricted floor area, consistent with the goal of expanding career pathways that are accessible to existing residents without a college degree, and prioritizing Black-owned and M/WBE businesses as well as those that pay a living wage; and
- d. to provide \$50,000 of funding to a local community-based organization for the purpose of providing anti-displacement services.

We thank you for the opportunity to comment on such important matters in our community. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Irsa Weatherspoon", with a long horizontal flourish extending to the right.

Irsa Weatherspoon
Chairperson



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:	Project Name:
CEQR Number:	Borough(s):
	Community District Number(s):

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

SUBMISSION INSTRUCTIONS

1. 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" ~~XXXXXXXXXX~~

• **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"
2. 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:

Applicant(s):	Applicant’s Representative:
Recommendation submitted by:	
Date of public hearing:	Location:
Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>	A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
Date of Vote:	Location:
RECOMMENDATION	
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>	
Voting	
# In Favor:	# Against:
# Abstaining:	Total members appointed to the board:
Name of CB/BB officer completing this form	Title
	Date



BOROUGH PRESIDENT RECOMMENDATION

Project Name: 962 Pacific Street Rezoning	
Applicant: 962 Pacific Street LLC	Applicant's Administrator: Richard Lobel
Application # N230158ZRK	Borough: Brooklyn
CEQR Number: 22DCP078K	Validated Community Districts: K08

Docket Description:

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

RECOMMENDATION: Conditional Favorable

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

CONSIDERATION: Please see attached memo.

Recommendation submitted by	BK BP	Date: 11/1/2023 4:52 PM
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Brooklyn Borough President Antonio Reynoso

Brooklyn Borough Hall
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City Planning Commission
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Uniform Land Use Review Procedure (ULURP) Application

962 PACIFIC STREET REZONING – C230157ZMK, N230158ZRK, C230159ZSK

IN THE MATTER OF a private application submitted by 962 Pacific Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment, text amendment, and special permit to facilitate a new, mixed-use development including 154,000 sf of total floor area, with approximately 9,000 sf of commercial space at 962 Pacific Street in Community District 8, Brooklyn.

BROOKLYN COMMUNITY DISTRICT 8

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 962 PACIFIC STREET REZONING – C230157ZMK, N230158ZRK, C230159ZSK

The applicant proposes to map a M1-4/R7A (MX-20) zoning district over the project area that is currently mapped as M1-1. The project area is within a light manufacturing corridor along Atlantic Avenue that has been zoned as M1-1 since the adoption of the 1961 Zoning Resolution. Within the last decade, a series of private rezonings have incrementally changed the zoning of lots near the project area, creating a patchwork of residential and mixed-use districts amid light manufacturing uses such as auto shops, butcher shops, and self-storage.

The 962 Pacific Street Rezoning project area is within the project area for the Atlantic Avenue Mixed Use Plan (AAMUP), a neighborhood rezoning effort led by Council Member Crystal Hudson in collaboration with the Department of City Planning (DCP). In September 2023, DCP released a draft zoning proposal and expects to certify at the City Planning Commission in Spring 2024.

The project proposes to include 150 units, approximately 38 of which would be permanently affordable housing units under the Mandatory Inclusionary Housing (MIH) program. The applicant has partnered with Fifth Avenue Committee as their affordable housing advisor.

The applicant has committed to 19,355 gross square feet of light industrial uses on the cellar floor of the development. The applicant has partnered with Evergreen, a Brooklyn organization that supports manufacturing, creative production, and industrial service businesses, to facilitate the lease-up of this industrial space.

The project also proposes to include an approximately 10,750 square foot early childhood education center on the ground floor.

Borough President Reynoso held a public hearing on this application on October 16, 2023. No members of the public testified on this item. The Borough President received no written testimony on this item.

Community Board Position

Community Board 8 voted to disapprove this application on September 14, 2023, with the conditions that MIH Option 2 be removed, and MIH Option 3 added, and that the proposed development:

1. Includes deeper levels of affordability,
2. Restricts ground and cellar uses to targeted non-residential uses,
3. That said non-residential uses be managed by a third party non-profit industrial development organization, and
4. The applicant make a contribution to a local community-based organization providing anti-displacement services.

On September 13, the applicant submitted a letter to the Community Board with a revised proposal committing to the proposed conditions.

Approval Rationale

Borough President Reynoso believes the applicant's proposed development is appropriate. The proposed development would add residential units and community facility space to the area while preserving space for manufacturing jobs.

Preserving space for manufacturing jobs is a priority in the Borough President's Comprehensive Plan for Brooklyn. While the project area is not within an Industrial Business Zone, this stretch of Atlantic Avenue presents an opportunity for maintaining and adding manufacturing jobs in a central, transit-rich part of the borough. As such, the proposed development is in alignment with the Plan's Resilient Jobs & Infrastructure framework, and specific recommendations related to preserving manufacturing land (Rec 6.1.1), providing deeper levels of affordability (Rec. 2.1.2), and funding community-based organizations addressing the social determinants of health (Rec. 1.4.3). By applying for a special permit to waive the parking requirement for the market-rate residential units, the proposed development is in alignment with the Plan's Housing Growth & Parking Demand Management framework (particularly Rec. 2.2.1).

There is a need to comprehensively plan the light manufacturing corridor along Atlantic Avenue. The Borough President welcomes the AAMUP process and proposal as an opportunity to allow additional housing while protecting the scarce manufacturing land that remains in Brooklyn. By committing to a Community Benefits Agreement (CBA) with a proven industrial advisor, the proposed development provides a stronger pathway to securing manufacturing uses compared to the AAMUP draft zoning proposal, which includes a small density bonus for including manufacturing uses in future development, but no manufacturing use mandate.

The Borough President emphasizes the importance of light manufacturing jobs that are accessible without obtaining advanced degrees. To this end, the Borough President requests that the application add a restrictive declaration or codify in the CBA that the manufacturing uses within the project area be limited to Use Groups 11 (custom manufacturing) and 17 (light manufacturing).

Finally, the Borough President emphasizes the need to examine the outcomes of MX districts, particularly whether they have yielded any active manufacturing floor area. A CBA or restrictive declaration should not be necessary to preserve manufacturing uses on a lot-by-lot basis. If MX districts are not yielding a meaningful amount of manufacturing floor area, they should be amended to provide stronger mechanisms to mandate manufacturing uses. The Department of City Planning should initiate a review of MX districts to this effect.

Recommendation

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

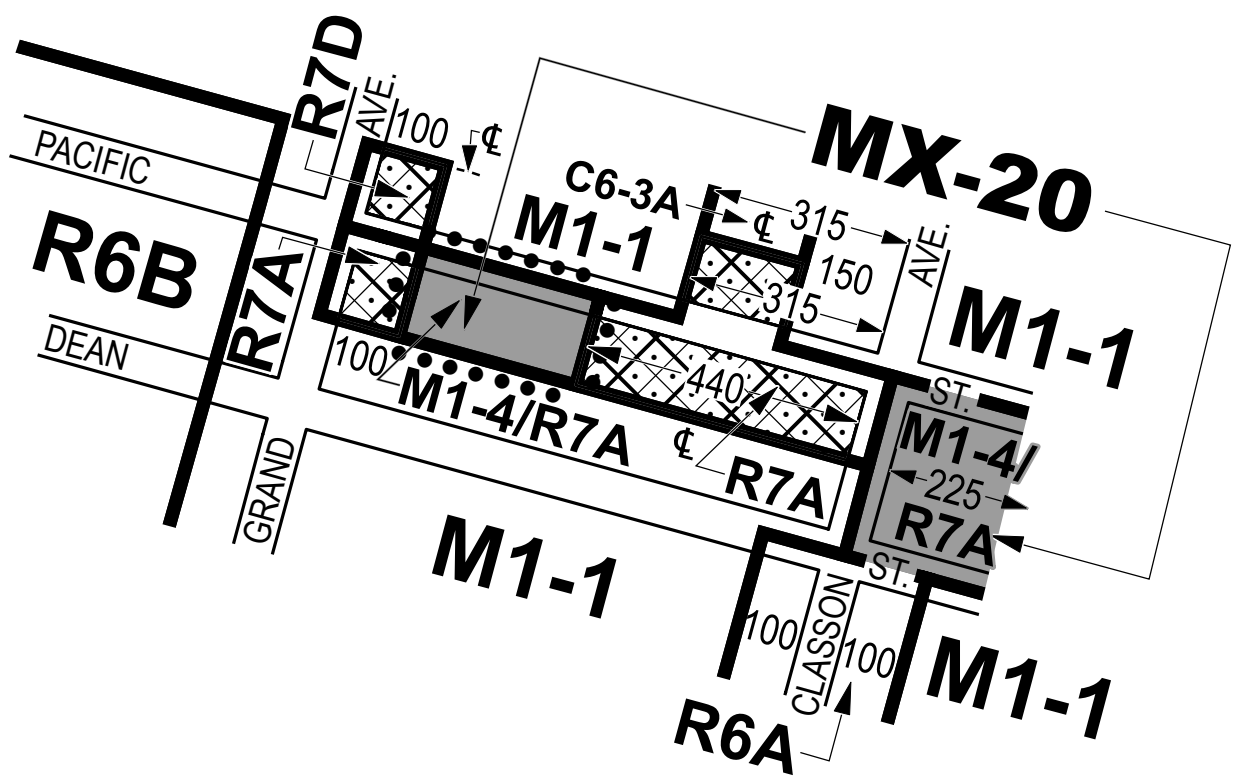
1. That the developer's industrial advisor, Evergreen Exchange, be included in the Community Benefit Agreement (CBA) to provide industrial business support services.
2. That the application includes a restrictive declaration that binds the proposed manufacturing floor area to custom and light manufacturing uses (Use Groups 11 and 17) or includes this restriction in the CBA.
3. That the Department of City Planning initiate a review of land use outcomes of MX rezonings, particularly focusing on how much manufacturing floor area has resulted from development in MX districts.



BROOKLYN BOROUGH PRESIDENT

November 1, 2023

DATE

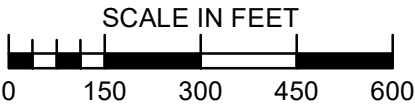


CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
16c
BOROUGH OF
BROOKLYN



New York, Certification Date:
July 24, 2023

S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing an M1-1 District to an M1-4/R7A District, and by establishing a Special Mixed Use District (MX-20)
- Indicates a Special Mixed Use District (**MX-20**)
- Indicates a C2-4 District