



### Email/Fax Transmittal

<b>TO:</b> Brooklyn Community District 2 Distribution	<b>FROM:</b> Brooklyn Borough President Eric L. Adams
<b>DATE: June 14, 2017</b>	<b>CONTACT:</b> Olga Chernomorets – Land Use Coordinator Phone: (718) 802-3751 Email: ochernomorets@brooklynbp.nyc.gov
<b>ULURP Recommendation:</b> 50 NEVINS STREET – 170029 ZMK AND 170030 ZRK	<b>NO. Pages, Including Cover: 10</b>

Attached is the recommendation report for ULURP application 170029 ZMK AND 170030 ZRK. If you have any questions, please contact Olga Chernomorets at (718) 802-3751.

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## Brooklyn Borough President Recommendation

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



### INSTRUCTIONS

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

### APPLICATION

50 NEVINS STREET – 170029 ZMK AND 170030 ZRK

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

BROOKLYN COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

### RECOMMENDATION

☐ APPROVE

☒ APPROVE WITH  
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

June 14, 2017

DATE



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

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

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

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

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

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

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

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

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

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

### **Consideration**

CB 2 approved this application without conditions.

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Jobs**

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



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

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

**Recommendation**

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

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





David J. Woodlock, MS, President/CEO

Chris Copeland, LCSW, Chief Operating Officer

Nikant Ohri, CPA, Chief Financial Officer

*People Get Better With Us®*

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

Dear Borough President Adams,

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

#### Green Building Features

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

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

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

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

#### Potential Cultural Use for Retail Space

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



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

Thank you for your attention.

Sincerely,



David J. Woodlock  
President and Chief Executive Officer



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



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

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