



CITY PLANNING COMMISSION
CITY OF NEW YORK

June 23, 2016

Howard Zemsky, President and CEO
Empire State Development
633 Third Avenue, 34th Floor
New York, NY 10017

Dear Mr. Zemsky,

The City Planning Commission (the "Commission") has reviewed the General Project Plan ("GPP") for the Fountain Avenue Land Use Improvement and Residential Project, issued by New York State Development Corporation d/b/a Empire State Development ("ESD") in April 2016. The GPP is subject to Commission review pursuant to the provisions of Subdivision 3 of Section 16 of the New York State Urban Development Corporation Act which provide that a planning board or commission may recommend approval, disapproval or modification of a general project plan, whenever such plan requires the override of local law or regulation for implementation. The Project proposes the override of the Zoning Resolution and other local law with respect to: use regulations; floor area and open space regulations; height and setback controls; minimum distance between buildings; signage and parking regulations.

The goal of the Project is to dispose and redevelop two unbuilt parcels of land that are part of a larger block occupied by the New York State Office for People with Developmental Disabilities' ("OPWDD") Brooklyn Developmental Center ("BDC") campus to create approximately 1,169 units of affordable housing, as well as ground floor retail and community facility space. Of these, 200 units would be set aside for seniors and 20 percent of the units would be designated for people with intellectual and developmental disabilities. The GPP would require that 100 percent of the units developed as part of the proposed Project be targeted to affordability levels at or below 60 percent of Area Median Income ("AMI").

The block with the two proposed development sites contains two-story buildings used by the BDC for administrative office space for OPWDD in pod-like configuration built in

the early 1970's. OPWDD has reduced its operations at this location and plans to eventually vacate the buildings altogether.

The area surrounding the block containing the BDC consists of the HPD-sponsored Gateway Estates project, an approximately 2,200-unit, predominantly low- to mid-rise, affordable housing development to the north and north-west, Spring Creek park and an auxiliary water pollution control plant by the Department of Environmental Protection to the east, and the Gateway Center shopping mall to the west. The Gateway Estates development, begun in 2010 pursuant to a rezoning and amendment to the Fresh Creek Urban Renewal Plan ("FCURP") approved by the CPC on February 19th, 2009, and adopted by the City Council on April 2nd, 2009, is currently nearing completion. The remainder of the surrounding area to the west includes Gateway Center, a 1.2 million square-foot, destination retail mall and restaurants developed pursuant to the FCURP with large-scale, name-brand, regional retailers of clothing and housewares. Spring Creek Park, a mapped natural park that is not publicly accessible, is located to the east of Fountain Avenue, while other, publicly accessible park is located to the southwest, south of Gateway Drive and the Gateway Center. The Shore Parkway is located just south of the block, and further south is Jamaica Bay and its surroundings, a part of the Gateway National Recreation Area.

Zoning in the surrounding area is R6, a medium density residential zoning district that allows an FAR of up to 2.43 under height factor, and 3.0 under the Optional Quality Housing rules, R6/2-4 on a portion of block frontage on Fountain Avenue north of Vandalia Avenue, which allows local retail uses on the ground floors of buildings at an FAR of up to 2.0, and R7A/C2-4 along Elton Street, a medium-density residential zoning district that allows an FAR of up to 4.0 with local retail stores on the ground floors. The area of the Gateway Center mall is zoned C4-3, a medium density commercial zoning district that allows a commercial FAR of up to 3.4 and a residential FAR equivalent to R6. Density and height for all uses within the urban renewal area is further capped by the controls of the FCURP which limits overall development within the area to no more than 2,200 homes and up to 1,370,000 square feet of local and regional retail. A small one-block area to the north of the FCURP is zoned M1-1, a light manufacturing district that allows an FAR of up to 1.0 and is currently being developed for a FedEx express shipment facility.

The area is served by numerous bus lines including the B13, B83, and B84, as well as the Q8.

The Project proposes three "groups" of buildings on two parcels, parcels A and B. Each group of buildings would comprise adjacent but separate buildings with their own

entrances. Each building would be served by an elevator and would include a cellar, which would contain space dedicated to a laundry room, bicycle storage area, storage room, a community room, garbage compactor room, meter and mechanical rooms, and an office with toilet facilities. Each building would have one unit set aside for the residence of a full-time building maintenance employee.

Parcel A

The single building group on Parcel A would comprise two buildings with varied masses, and heights of six stories (approximately 65 feet in height), and up to nine stories (approximately 95 feet in height). The building group would be situated approximately at the western and southern lot lines (at the sidewalk of Erskine Street and Seaview Avenue, respectively) with no setback. As currently envisioned, a total of 332 dwelling units would be developed on Parcel A, with a mix of apartment types including: studio apartments, one-bedroom apartments, two-bedroom apartments, and three-bedroom apartments. Commercial (retail and/or office) space would be developed at the ground-floor level of Parcel A buildings along Erskine Street. Parking would be provided in a below grade garage (118 spaces) that would extend throughout the central area of the building group, and approximately 2,200 sf of private open space would be developed atop it, accessible to Parcel A residents from the second floor of each building. Outdoor surface parking for approximately 103 spaces would be provided at the northeastern corner of Parcel A. A decorative privacy fence would be installed along the perimeter of Parcel A, between the proposed parking area and Lot 300.

Parcel B

The two building groups on Parcel B would comprise buildings with varied masses, and heights of five stories (approximately 50 feet in height), and up to nine stories (approximately 95 feet in height). Both Parcel B building groups would be situated approximately at the Vandalia Avenue lot line to the north, and to the respective lot lines to the west and east (at the sidewalk of Erskine Street and Seaview Avenue, respectively) with no setback.

A total of 837 dwelling units are proposed to be developed on Parcel B, with a mix of apartment types including: studio apartments, one-bedroom apartments, two-bedroom apartments, and three-bedroom apartments. The western building group would include approximately 200 units set aside for seniors. Commercial retail and/or office space would be developed at the ground-floor level of all Parcel B buildings, except for the two easternmost buildings of the eastern building groups. In addition, ground-floor covered parking would be developed centrally within each Parcel B building group (about 127 spaces for each Parcel B building group, or 254 spaces total for Parcel B), and a total of

approximately 7,700 square feet of private open space atop the ground-floor parking areas would be located on Parcel B, which would be accessible to residents from the second floor of each adjacent building. A new publicly accessible landscaped thoroughfare with seating would be constructed along the southern border of Parcel B (e.g., indicated as "Schroeders Walk" on Figure ES-4, "Site Plan"), providing a connection from Erskine Street to the west and Fountain Avenue to the east, as well as between the two building groups, connecting to Vandalia Avenue to the north. The entrance to the enclosed parking of the western building group would be from Erskine Street, and the entrance to the enclosed parking of the eastern building group would be from Fountain Avenue. Schroeders Walk would be separated from Lot 300 by a decorative privacy fence installed along the perimeter lot line (between Lot 300 and Parcel B) as part of the proposed Project.

The proposed Project site is located in an R3-2 zoning district which is a general residence district that allows residential uses up to a Floor Area Ratio of 0.5, and has a maximum building height of 35 feet, maximum lot coverage of 35%, a required front yard of at least 15 feet and a minimum of one parking space per dwelling unit. The following aspects of the proposed Project would not comply with the NYC Zoning Resolution:

- Proposed commercial and community facility uses (Use Groups 1-10 permitted)
- Use of the Quality Housing Program;
- Up to 4.06 FAR;
- Dwelling Unit Factor of 680;
- Up to 100 percent lot coverage, with no yards;
- Up to 95-foot streetwall height, with no setback;
- Parking for 35 percent of the dwelling units (and no parking required for senior-dedicated units), and in parking areas, as designed;
- Public sidewalks at the project site perimeter to be developed with street trees in 10-foot pits, at intervals of 25 feet, but with no planting strip; as well as,
- Permitted illuminated non-flashing signage.

The Commission believes that the proposed Project would be appropriate. The proposed buildings would be in context with the density and general height and setback of buildings developed by the NYC Department of Housing Preservation and Development (HPD) along the nearby Elton Street corridor in the adjoining Gateway Elton affordable

housing development. Fountain Avenue, Seaview Avenue, Vandalia Avenue and Erskine Street are all wide streets where such streetwall heights are appropriate.

The Commission is pleased that the project will provide on-site supportive services for the senior housing and OPWDD units to be developed as part of this project. Services for seniors will include programs such as education and recreation, congregate lunch, social interaction, health management, physical health/exercise, case management and assistance, information and referral, nutrition education and technology. Services for residents with developmental disabilities will include adult services such as vocational services, day habilitation, supported employment services, residential services; clinical services such as physicals and PPDs, psychiatry/ medication management, psychotherapy, and cognitive behavioral therapy; family support services; and Medicaid service coordination.

The Commission appreciates ESD's collaboration with the Department of City Planning to develop an appropriate site plan and building design for this Project. While the Commission supports the Project and the exercise of the ESD's statutory authority, the Commission recommends that the ESD consider and address the following comments on the Project.

Affordability

The Commission recommends that ESD seek to maximize the terms of affordability for a significant number of units in order to ensure long-term affordability. The City's new Mandatory Inclusionary Housing program requires that a portion of new housing in areas rezoned for additional housing capacity include permanently affordable housing.

Local Preference

The Commission is pleased that non-senior, non-OPWDD affordable units in developments receiving financing through the Department of Housing Preservation and Development (HPD) will adhere to HPD marketing guidelines regarding a preference for local Community Board residents for 50% of the affordable units and encourages ESD to apply this stipulation to all non-senior, non-OPWDD units irrespective of financing source.

Ground Floor Design Guidelines

The Commission is pleased to see non-residential uses, such as retail and community facility space, proposed at the ground floors of buildings along Vandalia Avenue, Seaview Avenue, and Erskine Street, which would provide needed services to area

residents. Additional design controls would ensure that these corridors are active and inviting to pedestrians at the street level. The ground floors of the proposed buildings facing public streets should generally comply with the provisions of Section 26-54 of the NYC Zoning Resolution, Minimum Transparency Requirements, which requires that a minimum of 50 percent of the area between 2 and 12 feet above curb level should be transparent, with no blank walls to exceed more than ten feet in width. Additionally, the ground floors of buildings facing public streets should generally comply with the streetscape requirements applicable to “qualifying ground floors” as described in Section 23-662 of the NYC Zoning Resolution.

Open Space

The Project site plan is proposed to be well integrated with the surrounding street network, including the continuation of Schroeder’s Avenue as Schroeders Walk along the southern portion of Parcel B of the Project site as publicly accessible thoroughfare. The Commission encourages ESD and the project developer to include seating, plantings, lighting and other amenities as part of the Schroeders Walk open space to ensure that it is a welcoming and attractive open space for residents and community members.

Streets and Sidewalks

Along Seaview Avenue, Vandalia Avenue and Erskine Street a minimum sidewalk width of 15’ with a 10’ wide clear path and a 5’ wide street tree planting and amenity strip should be provided. The City’s standard street tree planting requirements should be adhered to along all street frontages.

ESD and the project developer should coordinate with the relevant property owner and NYC DOT regarding the triangle of space at Seaview Ave and Erskine St south of Parcel A, where a bus stop serving three lines is located. The streetscape controls for Parcel A should ensure pedestrian connectivity to this key node, and the triangle should be landscaped with trees, plantings, sidewalks, seating and other elements to create an attractive green space that is well connected to surrounding properties and enhances access to transit. Additionally, ESD and the project developer should coordinate with Gateway Center and NYC DOT to ensure that there are direct, safe pedestrian connections between the proposed development on Parcel A and the Gateway Center (i.e. sidewalks, crosswalks with appropriate controls). This would support access to a wide range of retail options for Project residents as well as greater foot traffic and stronger commercial viability for the proposed retail at the ground floor of Parcel A.

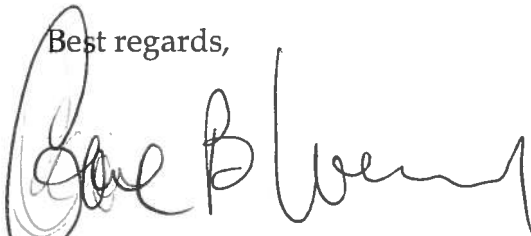
Building Design

Buildings should be designed to provide variety and visual interest, to break up large masses and frontages, and to differentiate the buildings along the street frontages. This can be accomplished by providing for visual breaks through variation in massing and changes in plane, materials and glazing/fenestration. The building should have clear divisions in the façade design with particular attention to definition and differentiation in treatment at the first and second floors – the ‘lower base’ of the building that most impacts the pedestrian experience – while also providing variation and articulation at the upper portion of the building, e.g., cornice lines and/or articulated parapet details, massing variation and dormers that contribute to the overall streetscape profile of the new development.

Finally, while there is not yet a redevelopment plan for the remainder of the former Brooklyn Developmental Center beyond the two parcels currently proposed for redevelopment as part of this project, the Commission recognizes that this property represents a significant opportunity for redevelopment in the future. At such time that the State considers redevelopment of the remainder of the property, we encourage ESD to develop a holistic proposal for the site. The heights and densities of the proposed Project, appropriate on the perimeter of the property along wide streets, should not be considered a template for future development. A comprehensive plan for the site should include a mix of densities and uses including housing, commercial and job-generating uses, and community facilities as well as thoughtfully designed open space, similar to the City’s comprehensive plan for development at Gateway. This significant site has the potential to help complete the new neighborhood forming here by providing jobs and economic opportunity in addition to housing and community resources.

Overall, the Commission believes this project to be a beneficial use of underutilized property which will provide needed affordable housing, including housing for seniors and people with disabilities, and is pleased to see this development move forward.

Best regards,

A handwritten signature in black ink, appearing to read 'Carl Weisbrod', written in a cursive style.

Carl Weisbrod,