



IN THE MATTER OF an application submitted by 462 Lexington Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an R7D District property bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue; and
2. establishing within the proposed R7D District a C2-4 District bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-464.

This application for a zoning map amendment was filed by 462 Lexington Ave LLC on November 30, 2016. Together with the related action for a zoning text amendment, it would facilitate a new, approximately 71,700 -square-foot residential development with ground floor retail uses at 205 Park Avenue in the Wallabout neighborhood of Brooklyn, Community District 2.

RELATED ACTION

In addition to the zoning map amendment (C 170164 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 170165 ZRK Zoning text amendment to change an Inclusionary Housing designated area to a Mandatory Inclusionary Housing (MIH) area

BACKGROUND

The applicant proposes a zoning map amendment and a zoning text amendment to facilitate a new mixed-use development in the Wallabout neighborhood of Brooklyn, Community District 2. The project site is located at 205 Park Avenue (Block 2033, Lot 50) and is bounded by Park Avenue and the Brooklyn Queens Expressway (BQE) to the south, Clermont Avenue to the west, and Vanderbilt Avenue to the east. The project site was developed with a one-story loft building, which was recently demolished. The site is adjacent to Navy Green, a NYC Department of Housing Preservation and Development financed mixed-use development that occupies the remainder of the Block 2033. The Navy Green site was designated as an Urban Development Action Area Project in 2009 (C 090446 HAK) and was concurrently rezoned from an M1-2 zoning district to an R8/C2-4 district (C 090444 ZMK). A Large-Scale Residential Development Special Permit was also granted (C 090445 ZSK). The development has approximately 455 residential units as well as a mix of small scale retail and community facility uses.

The Wallabout neighborhood is surrounded by the Brooklyn Navy Yard to the north, Fort Greene/Clinton Hill to the east and south, and the Special Downtown Brooklyn District to the west. The area includes a mix of three to five story row houses, medium-density apartment buildings, medium-scale industrial lofts, and low-rise industrial buildings. The area is served by transit including the B62 bus line, which runs along Park Avenue connecting the area to Downtown Brooklyn, and the G subway train with a stop at Lafayette Avenue and Washington Avenue, six blocks south of the site. The area is also served by the B69 bus, which runs along Vanderbilt Avenue, and the B57 bus line on Flushing Avenue.

The Wallabout neighborhood is mapped with a mix of manufacturing and residential zoning districts including R5B, R6B, and R8. M1-2 districts allow a variety of light manufacturing uses, as well as heavier industrial uses subject to stringent performance standards. The maximum floor area ratio (FAR) is 2. Building heights are regulated by a sky exposure plane beginning at 30 feet (or two stories) above the street line. One accessory parking space is a required per 300 square feet of floor area. M1-2 districts also allow for certain community facility uses, such as health care facilities and houses of worship.

The area mapped with an M1-2 district, which includes the project site, is characterized by a mix of industrial, residential, and community facility uses.

R5B and R6B are both medium-density residential districts primarily mapped in areas developed with row houses. They allow maximum FARs of 1.35 and 2.20 respectively, and maximum building heights of 33 feet and 55 feet respectively. Navy Green is mapped with an R8 district with a C2-4 overlay. R8 is a high-density district that allows residential and community facility uses with maximum FAR range between 5.9-11.9, depending on whether a site is built to height factor regulations or the optional Quality Housing regulations. Buildings within Navy Green range in height from 12 stories along Flushing Avenue, to eight stories adjacent to the proposed development site. Navy Green steps down to three stories along the midblock between Clermont and Vanderbilt avenues.

Separated by the elevated BQE are the Fort Greene and Clinton Hill residential neighborhoods, generally developed with three- to five-story brownstones, medium-density apartment buildings along major corridors, and a range of community facility uses. The area is mapped with R5B, R6B, R6A, and R7A zoning districts, which allow residential FARs of 1.35 to 4.6, depending on participation in the Voluntary Inclusionary Housing program, and maximum building heights ranging from three to nine stories.

Two New York City Housing Authority campuses, Farragut Houses and Ingersoll Houses, are located three blocks west of the site. Both are mapped with an R6 zoning district. R6 is a height factor district that allows residential and community facility uses with maximum FAR range between 2.2 and 3.00, depending on whether a site is built to height factor regulations or the optional Quality Housing regulations.

Downtown Brooklyn, the city's third-largest central business district, is further west of the project site. It is developed with a mix of medium to high density commercial, community facility, and residential uses. The Special Downtown Brooklyn District is mapped primarily with

high-density zoning districts that allow a mix of commercial, residential, and community facility uses up to FARs of 10.0 to 12.0, with the higher level contingent on participation in the Voluntary Inclusionary Housing program or the provision of public plazas, arcades, or subway stair improvements.

The applicant is proposing to change the existing M1-2 district mapped on the project site to an R7D district with a C2-4 overlay. R7D is a medium-density district with a maximum FAR of 4.2, or 5.6 with Mandatory Inclusionary Housing (MIH). The maximum height for MIH buildings with qualifying ground floors, where the finished floor of the second story is 13 feet or more above sidewalk level, is 115 feet, or 11 stories, after a setback of 15 feet from the base height of up to 95 feet. The proposed C2-4 district permits local retail uses up to an FAR of 2.0. When a commercial overlay is mapped in an R7D district, the ground floor of a building must be developed with retail uses.

The zoning map amendment would facilitate an eight-story, approximately 71,700-square-foot mixed use development with 7,900 square feet of commercial use and 65,200 square feet of residential use, for a total FAR of 5.6. The retail spaces would be located on the ground floor with the residential units located on the upper levels. The proposed development would contain approximately 70 dwelling units and would have a maximum height of 95 feet. The development would also include 35 cellar-level parking spaces and 35 enclosed bicycle parking spaces.

The applicant also requests a zoning text amendment to designate the rezoning area as an MIH area mapped with Options 1 and 2. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the AMI. No more than three income bands can be used to average out to the 80

percent, and no income band can exceed 130 percent of the AMI. The applicant is proposing to use MIH Option 1 for the proposed development.

ENVIRONMENTAL REVIEW

This application (C 170164 ZMK), in conjunction with the application for the related action (N 170165 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 agency is the City Planning Commission. The designated CEQR number is 15DCP083K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration signed by the applicant was issued on March 12, 2018. This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

In connection with the proposed actions, an (E) designation (E-464) would be assigned to sites within the rezoning area (Block 2033, Lot 50) to avoid potential significant adverse impacts related to hazardous materials, air quality, and noise.

Block 2033, Lot 50

Task I-Sampling Protocol

The applicant submits to Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

The (E) designation text related to air quality is as follows:

Block 2033, Lot 50

Any new development on the above-referenced property must ensure that the HV AC stack(s) is located at highest tier and at least 95 feet above grade to avoid any significant adverse air quality impacts.

The (E) designation text related to noise is as follows:

Block 2033, Lot 50

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades facing south (Park A venue) or west (Clermont A venue) and 28 dB A of attenuation on all facades facing east (Vanderbilt A venue) to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The (E) designation (E-464) would ensure that the Proposed Action would not result in significant adverse impacted related to hazardous material, air quality and noise.
2. No other significant effect on the environment which would require an Environmental Impact Statement are foreseeable.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated March 9, 2018, prepared in connection with the ULURP Application (Nos. 170164ZMK and N170165ZRK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

With the assignment of the above-referenced (E) designation for air quality, the proposed actions would not result in significant adverse impacts.

UNIFORM LAND USE REVIEW

This application (C 170164 ZMK) was certified as complete by the Department of City Planning on March 12, 2018 and was duly referred to Brooklyn Community Board 2 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 application for the related action (N 170165 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 2 held a public hearing on this application (C 170164 ZMK) on April 18, 2018. On May 9, 2018, by a vote of 19 in favor, 16 opposed, with two abstentions, the Community Board voted to recommend disapproval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 180096 ZMK) on May 30, 2018, and on June 22, 2018 issued a recommendation to approve the application with the following conditions:

1. “That prior to consideration by the City Council, the applicant, 462 Lexington, LLC has taken steps to incorporate language clarifying the extent that it would:
 - a. Provide as near to 50 percent two- and three-bedroom units as possible in order to accommodate a greater percentage of families with children, and enable as many studio and one-bedroom units at 40 · percent AMI to accommodate seniors, including those who are formerly homeless, consistent with ZR 23-96(c)(ii)
 - b. Clarify the extent that it would conduct outreach to provide opportunities for senior households, including those who are formerly homeless, as regards

studio and one-bedroom apartments affordable to one- or two-person households with rents at 40 percent AMI

- c. Clarify the status of establishing a satellite facility for White Glove in the commercial space of 205 Park Avenue, and of future job placement and training opportunities for residents of Farragut, Ingersoll, and Whitman houses
 - d. Clarify the status of integrating arts and or/cultural uses, as well as artisan studio space, into the commercial ground floor, rented below market-rate rents as a means to accommodate cultural and/or retail use, including restrictions on annual rent increases
2. That to the extent the City Council seeks to provide below-market space for arts and/or cultural entities, 462 Lexington, LLC shall actively solicit arts and/or cultural organizations for ground-floor occupancy, based on reasonable lease terms as determined in consultation with CB 2 and local elected officials
 3. That prior to consideration by the City Council, the applicant, 462 Lexington, LLC has taken steps to incorporate language clarifying the extent that it would:
 - a. Commit to implementation of curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions, with a developer commitment to enter into a standard New York City Department of Transportation (DOT) maintenance agreement for the intersections of Park Avenue at Clermont and Vanderbilt Avenues, with the understanding that implementation would not proceed prior to consultation with Brooklyn CB 2 and local elected officials
 - b. Incorporate resiliency and sustainability measures such as passive house design, green/blue/white roofs, solar panels, and wind turbines, as well as advancing the New York City Department of Environmental Protection (DEP) green infrastructure/stormwater strategies
 - c. Retain Brooklyn-based contractors and subcontractors, especially those who are designated locally-owned business enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code and minority- and women-owned business enterprises (MWBE) as a means to meet or exceed standards

per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agent

Be it further resolved that:

1. That 462 Lexington, LLC should commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits.”

City Planning Commission Public Hearing

On June 13, 2018 (Calendar No. 1), the City Planning Commission scheduled June 27, 2018 for a public hearing on this application (C 170164 ZMK) and the related application (N 170165 ZRK). The hearing was duly held on June 27, 2018 (Calendar No. 15). Three speakers testified in favor of the application and one in opposition.

A representative of the applicant described the project and the actions requested. The representative described the existing built character of the block and existing residential buildings similar in bulk to those allowed by the proposed R7D zoning district. The representative also stated that in response to Borough President’s request, the proposed unit count would likely decrease to accommodate larger family sized units, and that the one-bedroom units proposed to be affordable for households at 40 percent of the AMI would be targeted for senior housing. The representative also stated that the applicant intends to relocate its home health aide business into one of the retail spaces and to pursue local urgent care, day care, and cultural space tenants for the remaining retail spaces.

The applicant’s environmental consultant described the site’s adjacency to the BQE and how the building would be designed to address sound/wave attenuation and air quality concerns. The consultant stated that before the building can receive permits, the applicant would need to provide OER with a remedial action plan that outlines the air quality and sound attenuation design strategy for the proposed development. The project architect also spoke about the proposed remediation measures and described the façade of the proposed building.

A representative of the Service Employees International Union, Local 32BJ testified against the project, expressing concern about the developer's commitment to the union's desired wage and benefit levels for building staff.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 170164 ZMK), in conjunction with the proposed zoning text amendment (N 170165 ZRK), is appropriate. The actions would facilitate a new, approximately 71,700 -square-foot mixed residential development with ground floor retail at 205 Park Avenue in the Wallabout neighborhood of Brooklyn, Community District 2. As currently planned, the project would produce 17 permanently affordable units, helping to address the need for affordable housing. The proposed development would also include ground floor retail space targeted to local small businesses.

The proposed R7D/C2-4 zoning district is appropriate. The proposed development is consistent with the bulk and scale of Navy Green, which occupies the rest of the block. The addition of required commercial uses on the ground floor would help to activate Park Avenue, while providing additional retail options for the surrounding area, including the Brooklyn Navy Yard. The provision of ground floor retail would also help to elevate the residential component of the building above the BQE.

The proposed zoning text amendment is appropriate. The proposed project is consistent with the City's policy objectives for promoting housing production and affordability across the city, and improving job accessibility, especially in areas served by transit and near job centers like the Brooklyn Navy Yard.

Regarding the recommendation by the Borough President that the applicant explore including arts/cultural uses and job training opportunities in the ground floor retail spaces, the Commission notes that these measures are outside the scope of the proposed actions, but that the applicant, a small business owner, in a letter to the Borough Presidential dated June 11, 2018, stated that it will market the retail spaces to Minority-Owned and Women-Owned Business Enterprises.

Regarding the recommendation by the Borough President that the applicant explore additional resiliency and sustainability measures, hire locally, and use minority- and women-owned businesses, the Commission notes that these measures are outside the scope of the proposed actions, but encourages the applicant to use best practices for building construction, management, and maintenance.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter that based on the environmental determination and 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. 12d:

1. changing from an M1-2 District to an R7D District property bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue; and
2. establishing within the proposed R7D District a C2-4 District bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue;

as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of CEQR Declaration E-464.

The above resolution (C 170164 ZMK), duly adopted by the City Planning Commission on July 25, 2018 (Calendar No. 13), 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*

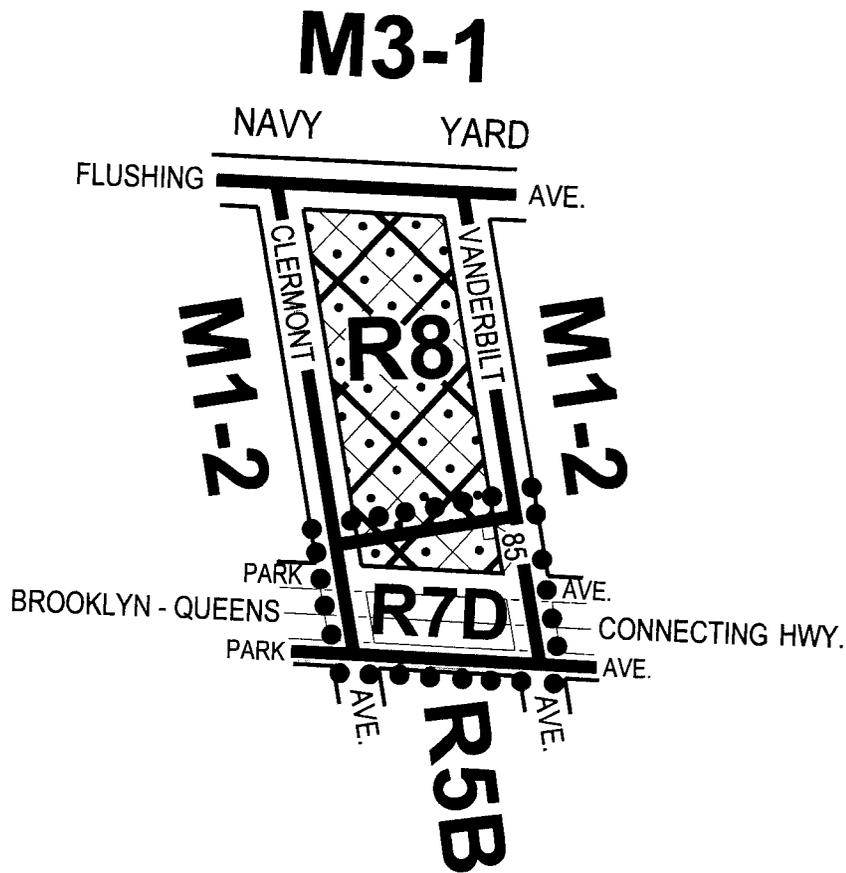
ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, JOSEPH I. DOUEK, RICHARD W.

EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,

ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,

Commissioners



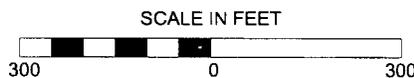
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

12d

BOROUGH OF
BROOKLYN

New York, Certification Date
MARCH 12, 2018

S. Lenard
 for 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 existing M1-2 District to an R7D District and by establishing a C2-4 District within the proposed R7D District.
-  Indicates a C2-4 District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



CITY OF NEW YORK
Community Board No. 2

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FAX (718) 852-1461

cb2k@nyc.rr.com

ERIC ADAMS

Borough President

SHIRLEY A. McRAE

Chairperson

ROBERT PERRIS

District Manager

May 21, 2018

Marisa Lago, Chairperson
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Dear Chairperson Lago:

I am writing to inform you that Community Board 2 has reviewed and made a determination on the proposed **C 170164 ZMK and N 170165 ZRK "205 PARK AVENUE REZONING,"** two applications submitted by 462 Lexington Ave LLC.

Application C 170164 ZMK proposes to change the Zoning Map, Section No. 12d, from an M1-2 District to an R7D District and to establish C2-4 district on the property bounded by Park Avenue, Clermont Avenue, Vanderbilt Avenue. A line 86 feet north of Park Avenue is subject to the conditions of CEQR Declaration E-464.

Application **N 170165 ZRK** is to amend the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area.

The community board held a public hearing on April 18, 2018 at St. Francis College, 180 Remsen Street. Seventeen members of Community Board 2 (CB2) attended the hearing and therefore satisfied quorum as defined by the Uniform Land Use Review Procedure (ULURP), 20 percent of the membership.

Two persons testified at the hearing. A representative of 32BJ SEIU asked the developer to consider the value of providing high quality jobs and urged the community board to include the request in their recommendation.

A tour guide for the Wallabout area reminded the developer that the block is landmarked and the surrounding blocks contain national historic landmarks. He also suggested that it would be appropriate if the design was reflective of the architectural style of the nearby buildings. There are important bus stops nearby and no bus stops should be removed for this project.

Community Board 2 members expressed concerns about the location of the affordable units throughout the building, and the ultimate number of said units. There was significant concern regarding air quality around the site as the alleged prevalence of asthma in the area makes it inappropriate to place housing against the Brooklyn-Queens Expressway. The architect noted that

Marisa Lago, Chairperson
City Planning Commission
May 21, 2018
Page 2

The ventilation plan is governed by the environmental review standards and the project meets the requirements of the Office of Environmental Remediation.

Members who supported the project were swayed by the promise of 25 percent affordable housing, the commitment to local businesses and the remediation plan. Members also asked for a written statement to confirm the project's commitment to developing space for small local businesses and that 25 percent of housing units will be affordable.

Motion to recommend with the conditions of a commitment of 25 percent affordable housing and priority for MWBE businesses in the retail space failed 5-5-1.

A motion to not recommend was duly seconded and passed 6-4-1.

On May 9, 2018 at a general meeting, Community Board 2 a motion was made to not recommend the rezoning of 205 Park Avenue, the discussion repeated the considerations of the committee meeting and the motion passed 19-16-2.

I have provided a copy of the community board recommendation form for application C 170164 ZMK and N 170165 ZRK which has also been submitted electronically to the Department of City Planning's Calendar Office.

Thank you for the opportunity to comment.

Sincerely,



Irene Janner
Acting Chairperson

Enc. Department of City Planning Community Board Recommendation Form

Cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Laurie Cumbo
New York City Council Member
Winston Von Engel, Brooklyn Borough Director
Anand Amin, City Planner
Department of City Planning
Jay Goldstein, Esq.

Application #: **C 170164 ZMK**

Project Name: **205 Park Avenue**

CEQR Number: 15DCP083K

Borough(s): Brooklyn

Community District Number(s): 02

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

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by 462 Lexington Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- changing from an M1-2 District to an R7D District property bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue; and
- establishing within the proposed R7D District a C2-4 District bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of CEQR Declaration E-464.

Applicant(s): 462 Lexington Ave., LLC 205 Park Avenue Brooklyn NY 11205	Applicant's Representative: Jay Goldstein, Esq. The Law Office of Jay Goldstein, PLLC 356 Fulton Street Brooklyn NY 11201
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Recommendation submitted by:
Brooklyn Community Board 2

Date of public hearing: 04-18-18 **Location:** ST. FRANCIS COLLEGE
180 REMSEN STREET, BKLYN

Was a quorum present? YES NO 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: MAY 9, 2018 **Location:** LONG ISLAND UNIVERSITY
UNIVERSITY PLAZA

RECOMMENDATION

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input checked="" type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions

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

Voting 19 ~~9~~ # In Favor: ~~10~~ # Against: 19 # Abstaining: 2 Total members appointed to the board:

Name of CB/BB officer completing this form IRENE E JANNER <i>Irene Janner</i>	Title ACTING CHAIRPERSON	Date 05/21/2018
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Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
CalendarOffice@planning.nyc.gov



INSTRUCTIONS

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

APPLICATION #: 205 PARK AVENUE REZONING – 170164 ZMK, 170165 ZRK

In the matter of applications submitted by 462 Lexington, LLC pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments to change from M1-2 to R7D the Park Avenue section of a block bounded by Clermont, Flushing, Park, and Vanderbilt avenues, to establish a C2-4 district within the rezoning boundary, and to designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of an eight-story, mixed-use building with approximately 71,725 square feet (sq. ft.) of zoning floor area in Brooklyn Community District 2 (CD 2). The building would have its primary frontage on Park Avenue and result in approximately 70 dwelling units. According to MIH Option 1, 25 percent of the residential floor area or an estimated 17 units would be affordable to households earning an average 60 percent of the Area Median Income (AMI). The development would include approximately 7,900 sq. ft. of retail space, 35 parking spaces, and 35 enclosed bicycle parking spots.

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

A handwritten signature in black ink, appearing to be "Eric Adams", written over a horizontal line.

BROOKLYN BOROUGH PRESIDENT

June 22, 2018

DATE

RECOMMENDATION FOR: 205 PARK AVENUE REZONING – 170164 ZMK, 170165 ZRK

462 Lexington, LLC submitted applications pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments to change from M1-2 to R7D the Park Avenue section of a block bounded by Clermont, Flushing, Park, and Vanderbilt avenues, to establish a C2-4 district within the rezoning boundary, and to designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of an eight-story, mixed-use building with approximately 71,725 square feet (sq. ft.) of zoning floor area in Brooklyn Community District 2 (CD 2). The building would have its primary frontage on Park Avenue and result in approximately 70 dwelling units. According to MIH Option 1, 25 percent of the residential floor area or an estimated 17 units would be affordable to households earning an average 60 percent of the Area Median Income (AMI). The development would include approximately 7,900 sq. ft. of retail space, 35 parking spaces, and 35 enclosed bicycle parking spots.

On May 30, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on these zoning map and text amendments.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the representative stated that for households at 40 percent AMI, a one bedroom unit would rent at \$667, and a two bedroom unit would rent at \$810; for households at 60 percent AMI, a one bedroom unit would rent at \$1,058, and a two bedroom unit would rent at \$1,280; for households at 80 percent AMI, a one bedroom unit would rent at \$1,509, and a two bedroom unit would rent at \$1,820. Of the 17 MIH units, 12 are intended to contain one bedroom apartments and five would contain two bedroom apartments. The representative indicated that the developer is interested in accommodating larger families at 205 Park Avenue, and would seek to provide an equitable mix of one- and two- bedroom apartments.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from CD 2, the representative stated that the applicant has entered discussions with IMPACCT Brooklyn, which operates 40 Vanderbilt Avenue on the same block, and also has a focus on senior housing.

In response to Borough President Adams' inquiry regarding the applicant's marketing strategy, and whether it would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the representative expressed intent to partner with IMPACCT Brooklyn for these initiatives.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, rain gardens, solar panels, and/or wind turbines, the representative stated that the building will maximize energy efficiency, and seek to incorporate blue and green roofs. The applicant will also work with the New York City Department of Transportation (DOT) to explore the feasibility of installing rain gardens.

In response to Borough President Adams' inquiry regarding the inclusion and participation of minority- and women-owned business enterprises (MWBES) and locally-owned business enterprises (LBEs) in the construction process, the representative expressed intent to create multiple retail spaces at 205 Park Avenue and market them to LBE/MWBE small businesses. The applicant also owns a healthcare staffing company that will occupy one of the spaces, in order to provide quality jobs for the local community.

Consideration

Brooklyn Community Board 2 (CB 2) voted to disapprove this application on May 9, 2018. CB 2 cited concerns about air quality around the site and the appropriateness of residential development, including affordable housing by the Brooklyn-Queens Expressway.

The project site is located in an M1-2 district. However, in 2009 the portion of the block north of the site was rezoned to R8A/C2-4, in order to facilitate the development of "Navy Green," a 455-unit complex, sponsored by the New York City Department of Housing Preservation and Development (HPD). The rezoning resulted in the disposition of city-owned land, and the construction of two mixed-use buildings, a supportive housing facility, and 74 condominium apartments pursuant to HPD's Multifamily New Construction Program. The development of 205 Park Avenue, a vacant irregular property, would complete the redevelopment of this block as a mixed-use commercial and residential development with a Floor Area Ratio (FAR) of 5.6.

The remainder of the surrounding context includes a mix of manufacturing, commercial and residential uses. The blocks along Park Avenue are situated between Brooklyn Navy Yard, to the north, and the Clinton Hill neighborhood to the south. The site has limited transit access, provided by the Brooklyn-Queens Crosstown Local G train at the Clinton-Washington subway stop and the B57 and B62 bus running along Flushing and Park avenues.

The proposed rezoning would result in a reduction of land zoned for manufacturing in the Wallabout neighborhood. Borough President Adams believes that there are limited and unique circumstances when it is appropriate to rezone manufacturing-zoned blocks. Such blocks must be located outside of the designated IBZs, and existing and/or recent land use should generally exclude those uses that require a manufacturing zoning district designation. The existing context should be adjacent to residential development and uses that are supportive of the residential community. In addition, such resulting development must further Borough President Adams' policies of promoting housing affordability across multiple income tiers. In the case of this zoning map amendment, no portion of the affected block is located within or adjacent to an IBZ. The adjacent uses are newly constructed mixed commercial residential buildings and condominiums. The proposed residential use is therefore compatible with the prevailing character of the block, as well as the mix of uses fronting the north side of Park Avenue.

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

According to MIH Option 1, the development rights generated from the R7D section of the site would result in, at minimum, 25 percent of the residential zoning floor area made permanently affordable according to MIH. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing development to remain permanently affordable.

Brooklyn is one of the fastest-growing communities in the New York metropolitan area, and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of needed affordable housing units for very low- to middle-income Brooklynites. Borough President Adams, therefore, supports developments that provide housing opportunities to a diverse

range of household incomes, allowing a wide range of households to qualify for affordable housing through the City's affordable housing lottery.

The affordability options of the MIH program provide a range of opportunities to address the need for housing that serves a broad range of diverse incomes, consistent with Borough President Adams' objectives to provide affordable housing to households through various income band targets. As a result, the redevelopment of 205 Park Avenue would target units to households at multiple income tiers through the affordable housing lottery.

It is Borough President Adams' policy to advocate for affordable housing non-profits to play a contributing role in maximizing community participation in neighborhood affordable housing opportunities, including serving as non-profit administering agents for new developments involving affordable housing. In a letter to Borough President Adams dated June 11, the applicant, 462 Lexington, LLC expressed intent to retain IMPACCT Brooklyn as the affordable housing administering agent for 205 Park Avenue. Additionally, the applicant plans to market the MIH units set at 40 percent AMI as senior housing.

Borough President Adams is generally supportive of the proposed development. However, he believes that there are opportunities to improve the proposal while furthering his policies, such as adding more family-sized affordable housing units, targeting affordable housing for seniors, advancing the Vision Zero agenda, advancing opportunities for community services and cultural organizations, as well as advancing resilient and sustainable energy and stormwater practices. Furthermore, this development can better serve the nearby public housing communities by providing ground-floor commercial space for much-needed community facility uses.

Achieving a Family-Sized Affordable Housing Unit Mix

As proposed, the 70 dwelling units would consist of 49 one-bedroom units and 21 two-bedroom units. According to the applicant, 25 percent of the residential floor area will be permanently affordable pursuant to MIH Option 1.

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams is concerned that the proposed affordable unit mix would not adequately reflect the needs of Brooklyn Community District 2 (CD 2)'s low- to middle-income rent-burdened families. Borough President Adams believes in this case that right-sizing the bedroom distribution is a higher priority than maximizing the number of affordable housing units.

Borough President Adams believes that discretionary land use actions are appropriate opportunities to advance policies that constrain what would otherwise be permitted as-of-right. He believes that the proposed rezoning presents an opportunity to achieve more family-sized units for the non-elderly, and advocates increasing the minimum threshold of non-independent residences for senior housing to accommodate family-sized apartments, particularly for units exceeding 40 percent AMI. Borough President Adams ideally supports having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units, consistent with the zoning text for Inclusionary Housing floor area, pursuant to ZR Section 23-96(c)(1)(ii).

Borough President Adams believes that the 205 Park Avenue residential floor area should be designed to provide more two- and three-bedroom dwelling units to accommodate a greater percentage of families with children.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from 462 Lexington, LLC that would incorporate language clarifying how the applicant would

provide as near to 50 percent two- and three-bedroom units as possible in order to accommodate a greater percentage of families with children.

Achieving Deeper Affordability for Smaller Units to Improve Affordability for Senior Citizen Households

In addition to addressing the need for family-sized units, there is a pressing need for affordable apartments for the aging population with limited financial means. Older New Yorkers are a rapidly growing segment of the City's population, with more than 300,000 seniors residing in Brooklyn. As noted in the New York City Department of City Planning (DCP) "Zoning for Quality and Affordability" (ZQA) study, New York's senior population is expected to grow 40 percent by 2040. The study noted that there were 60 applicants for every senior apartment for housing lotteries conducted by HPD for senior housing developments. According to a recent study by LiveOn NY, there are 200,000 New Yorkers aged 62 and older on the City's affordable housing waiting lists, with an average wait of seven years for an apartment.

As a significant number of elderly households have negligible income, providing opportunities for area seniors to secure quality affordable housing and remain in their communities is a priority for Borough President Adams. In an era in which the federal government has moved away from funding affordable housing for seniors, too few affordable apartments for seniors are being produced, leaving tremendous demand for age-based affordable housing in Brooklyn. As a result, many elderly households are experiencing increased rent burden to remain in their homes, exhausting their life savings just to keep up with day-to-day living until they are unable to remain in the area where they have lived for many years.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedrooms, two-bedrooms, and three-bedrooms, he believes that when studio and one-bedroom apartments are rented at 40 percent AMI or below, such apartments might be more affordable to senior households. Therefore, it is acceptable to set aside a portion of the units equal to or greater than 50 percent, for studios and one-bedrooms. MIH Option 1 regulations would provide an adequate opportunity to create studio and one-bedroom apartments affordable to senior households with its requirement for ten percent of the housing units having rents set at 40 percent AMI (40 percent of the affordable housing units).

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from 462 Lexington, LLC, that would incorporate language clarifying the extent that it would conduct outreach to provide opportunities for senior households, including those who are formerly homeless, in regards to studio and one-bedroom apartments affordable to one- or two-person households with rents at 40 percent AMI.

Appropriate Provision of Community Facility and/or Affordable Artisan and Cultural Space

Borough President Adams supports the inclusion of ground-floor non-residential space in the proposed development, and believes that such permitted use would be an important opportunity to enliven the streetscape of Park Avenue, which is dominated by industrial uses east of the site and residential uses west of the site. By providing a more active streetscape, permitted non-residential ground-floor space has the potential to not only activate the street but also generate more pedestrian foot traffic and an overall brighter, livelier, and safer atmosphere.

In giving consideration to appropriate non-residential occupancy, Borough President Adams notes that the proposed 205 Park Avenue development site is located in close proximity to three New York City Housing Authority (NYCHA) developments: the Farragut, Ingersoll and Whitman houses.

Recently, the Ingersoll Houses Tenants Association had expressed a general need for child care services and urgent care facilities in the area. The ultimate occupancy of 205 Park Avenue's non-residential ground floor provides an opportunity by such uses that would be consistent with Borough President's policies to provide access to child care centers and promote access to affordable health care for all Brooklyn residents. He encourages the applicant to open dialogue with representatives of the three NYCHA developments to help determine appropriate community facility uses for the site.

In a letter to Borough President Adams, dated June 11, the applicant expressed intent to lease one of the ground-floor commercial spaces to White Glove, a healthcare staffing agency, as a satellite office that might serve as a source of job opportunities for local residents. In addition, having White Glove nearby might improve access to its services for seniors requiring full-time and part-time health care attendants in order to continue independent living. There might be an opportunity to provide space with other medical uses that offer compatible healthcare services.

The proposed development site is also located in an area where there is demand for local cultural uses and artisan work spaces.

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to secure sufficient affordable space to grow and maintain their operations. Many cultural organizations have contacted Borough President Adams seeking assistance in securing space to expand and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural activities.

In June 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 highlighted the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds 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).

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

The development site is located in an area where artisans practice a full spectrum of disciplines, including many that may be affiliated with the South of Navy Yard Artists (SONYA), a non-profit organization of visual artists creating, exhibiting, and living in the surrounding area. The commercial ground floor at 205 Park Avenue is opportunity to provide studio space to grow and retain artisan small businesses. According to the ZR, the proposed commercial overlay would permit studios for art, dancing, music and theatrical use, which would be consistent with these disciplines.

Subdividing the commercial space into a minimum of four units would make such spaces more affordable to independent tenants than marketing the commercial space in its entirety, which would make it affordable primarily to large, non-local chain businesses. The developer has represented intent to subdivide the commercial space into a minimum of four units would make such spaces more affordable to arts and/or cultural organizations as well as independent artisan tenants than marketing the commercial space to a single tenant.

Borough President Adams also believes that it would be appropriate to set aside some portion of the commercial space to provide a below-market lease to one or more local arts or cultural organizations as well as studio spaces for working artisans, based on reasonable lease terms.

Therefore, prior to considering the application, the City Council should obtain commitments in writing from the developer, 462 Lexington, LLC, regarding the status of opening a satellite facility of White Glove to the commercial space in 205 Park Avenue, as well as outreach for tenants of Farragut, Ingersoll, and Whitman houses for future job placement and training opportunities, as well as healthcare services. In addition, 462 Lexington, LLC should clarify how it would memorialize the extent that a portion of the proposed retail space would be marketed to locally-based community arts, cultural and/or dance groups, as well as local artisan, in consultation with CB 2 and local elected officials.

To the extent that the City Council seeks to provide for below-market rents to accommodate for such artisan studios as well as arts and/or cultural organizations, the developer should actively solicit such organizations for ground-floor occupancy, based on reasonable lease terms as determined in consultation with CB 2 and local elected officials.

Advancing Vision Zero Policies

Borough President Adams is a supporter of Vision Zero, one component of which is to extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams also launched his own 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. By installing more curb extensions, seniors will benefit because more of their commute will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadway will benefit from a safer street.

Park Avenue is a wide street and through truck route on the BQE, with multiple intersections lacking traffic controls such as stop signs or traffic lights. Given the residential character of Park Avenue blocks west of the site, the number of tenants at HPD's Navy Green development, as well as those who would occupy 205 Park Avenue, it is important to advance improvements that promote pedestrian safety. Borough President Adams believes there is an opportunity to implement the provision of a curb extension, either built or painted protected area, per his CROSS Brooklyn initiative, at the intersections of Park Avenue and Clermont and Vanderbilt avenues.

Borough President Adams recognizes that the costs associated with 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 urges DOT to explore the implementation of either protected painted sidewalk extensions or sidewalk extensions as part of the Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable 462 Lexington, LLC to undertake such improvements after consultation with CB 2, as well as local elected

officials, as part of its Builders Pavement Plan. Where that is not feasible, as painted extensions require a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner, Borough President Adams would expect 462 Lexington, LLC to commit to such maintenance as an ongoing obligation.

Therefore, prior to considering any rezoning, the City Council should seek a demonstration from 462 Lexington, LLC in coordination with the New York City Department of Environmental Protection (DEP) and DOT, and a resulting commitment, to implement curb extensions either as part of a Builders Pavement Plan or as protected painted sidewalk extensions. The City Council should further seek demonstration of the developer's commitment to enter into a standard DOT maintenance agreement for the intersections of Park Avenue and Clermont and Vanderbilt avenues. Furthermore, DOT should confirm that implementation would not proceed prior to consultation with CB 2 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint. The proposed development offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, solar panels, and wind turbines in the development.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish rain gardens that advance DEP's green infrastructure strategy. Blue/green roofs, permeable pavers, and rain gardens would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2016 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

Borough President Adams believes it is appropriate for the developer to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square-foot 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.

In a letter to Borough President Adams dated June 11, the applicant, 462 Lexington, LLC, expressed interest in incorporating blue and green roofs, sustainable building materials, passive house design and rain gardens at 205 Park Avenue.

Therefore, prior to considering the application, the City Council should obtain in writing from the applicant, 462 Lexington, LLC, commitments that clarify how it would memorialize integrating these resiliency and sustainability features at 205 Park Avenue.

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 2015," 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 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses including those that qualify as Locally-Owned Business Enterprises (LBEs) and Minority- and Women-Owned Business Enterprises (MWBEs) is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

In a letter to Borough President Adams dated June 11, the applicant, 462 Lexington, LLC, expressed intent to hire Brooklyn-based contractors designated LBE and provide prevailing wage jobs in the building upon project completion.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 462 Lexington, LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those that are designated Locally-Owned Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code and Minority- and Women-Owned Business Enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

Prevailing Wages and Local Hiring for Building Service Workers

Jobs within the building service and industrial sector have long served as a pathway to middle-class living for lower-income individuals, including immigrants and people of color. Like industrial jobs, building service jobs have low barriers to entry and real career prospects. When compensated at prevailing wage standards, such jobs provide average wages twice that of the retail sector. Additionally, building service opportunities are often filled through local hiring.

Borough President Adams believes that it is appropriate to advocate for economic opportunities that allow families to remain in their neighborhoods, by securing sufficient income to alleviate their rent burdens. He further believes that building service positions often result in locally-based employment. Therefore, Borough President Adams strongly encourages 462 Lexington, LLC to commit to hiring locally for building service jobs and paying prevailing wages to this workforce.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application with the following conditions:

1. That prior to consideration by the City Council, the applicant, 462 Lexington, LLC has taken steps to incorporate language clarifying the extent that it would:
 - a. Provide as near to 50 percent two- and three-bedroom units as possible in order to accommodate a greater percentage of families with children, and enable as many studio and one-bedroom units at 40 percent AMI to accommodate seniors, including those who are formerly homeless, consistent with ZR 23-96(c)(ii)

- b. Clarify the extent that it would conduct outreach to provide opportunities for senior households, including those who are formerly homeless, as regards studio and one-bedroom apartments affordable to one- or two-person households with rents at 40 percent AMI
 - c. Clarify the status of establishing a satellite facility for White Glove in the commercial space of 205 Park Avenue, and of future job placement and training opportunities for residents of Farragut, Ingersoll, and Whitman houses
 - d. Clarify the status of integrating arts and or/cultural uses, as well as artisan studio space, into the commercial ground floor, rented below market-rate rents as a means to accommodate cultural and/or retail use, including restrictions on annual rent increases
2. That to the extent the City Council seeks to provide below-market space for arts and/or cultural entities, 462 Lexington, LLC shall actively solicit arts and/or cultural organizations for ground-floor occupancy, based on reasonable lease terms as determined in consultation with CB 2 and local elected officials
 3. That prior to consideration by the City Council, the applicant, 462 Lexington, LLC has taken steps to incorporate language clarifying the extent that it would:
 - a. Commit to implementation of curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions, with a developer commitment to enter into a standard New York City Department of Transportation (DOT) maintenance agreement for the intersections of Park Avenue at Clermont and Vanderbilt Avenues, with the understanding that implementation would not proceed prior to consultation with Brooklyn CB 2 and local elected officials
 - b. Incorporate resiliency and sustainability measures such as passive house design, green/blue/white roofs, solar panels, and wind turbines, as well as advancing the New York City Department of Environmental Protection (DEP) green infrastructure/stormwater strategies
 - c. Retain Brooklyn-based contractors and subcontractors, especially those who are designated locally-owned business enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code and minority- and women-owned business enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agent

Be it further resolved that:

1. That 462 Lexington, LLC should commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits

462 Lexington, LLC

85 Bartlett Street
Brooklyn, NY 11206

June 11, 2018

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

**Re: ULURP Nos: C 170164ZMK and N 170165 ZRK
205 Park Avenue, Brooklyn, New York**

Dear Borough President Adams.

My name is Bruchy Lefkowitz, I am the Managing Member of the 462 Lexington LLC, the owner of the premises known as 205 Park Avenue, Brooklyn (the "Premises"). We would like to thank you and your staff for the opportunity to present the above-referenced application at your public hearing on Wednesday May 30, 2018. The land use application seeks a rezoning and related text amendment to facilitate the construction of an eight story mixed-use, commercial and residential development, including approximately 17 permanently affordable dwelling units (the "Project"). We write in response to certain questions raised during the hearing.

Affordable Units and Community Outreach

The Project will provide permanently affordable dwelling units in accordance with Option 1 of the Mandatory Inclusionary Housing ("MIH") program. This option requires 10% of the building to be permanently affordable at 40% of the Area Median Income ("AMI") and the remaining affordable component of the building at an average of 60% AMI.

Currently the Project calls for 70 units of which approximately 17 will be permanently affordable. The current unit mix showed 50 one-bedroom apartments and 20 two-bedroom apartments. This unit mix was provided to show the bulk of the Project. During the design implementation stage of the project, it is likely that the overall unit count, and the affordable unit count, will change to reflect larger units. The distribution of the MIH units will be proportional to the distribution of the market rate units in the development.

It is our intention to work with a local administering agent to ensure that the units are marketed, first and foremost, to the members of the immediate community. We have begun conversations with IMPACCT Brooklyn and believe that they would be a good fit for our Project. IMPACCT operates the affordable housing building at 40 Vanderbilt, which is directly north of the Premises. As such, they are familiar with the area and experienced with marketing to this community.

Additionally, it is our intention to attempt to market the 40% AMI units to senior housing. IMPACCT has made this a goal of theirs for their other projects as well. We believe that their knowledge and resources will make these efforts a success.

Finally, IMPACCT routinely holds informational meetings in local venues to explain eligibility requirements, application process and the lottery. This ensures that the community is fully informed and educated about the process and Project. As such, we believe that IMPACCT will be a good partner to ensure that the affordable units directly benefit the community.

Ground Floor Retail Space and Minority-Owned and Woman-Owned Business Enterprise

The Project will have four small commercial spaces at the ground floor. These spaces are purposefully small to allow for marketability to Minority-Owned and Woman-Owned Business Enterprise (“MWBE”). Additionally, we would like some of the commercial space to be used for cultural and/or community facility space to benefit the surrounding community. We are committed to working with your office and Council Member Cumbo’s office to find appropriate tenants for the spaces.

For a majority of my day I am involved in White Glove, which offers health and homecare jobs for low and medium income individuals. The company is a majority female work environment that offers excellent benefit packages to our employees. Additionally, we have support programs for low-income households. It is our intention for White Glove to occupy one of the commercial spaces. This would allow us to provide the local residents with a resource for quality jobs.

Local Hiring and Prevailing Wages

The applicant is committed to the hiring Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises. The applicant has historically used Brooklyn-based contractors and suppliers for all of its development projects, and intends to continue to do so. The applicant is also committed to providing prevailing wage jobs in the building upon project completion.

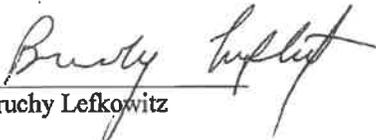
Sustainability

With regards to sustainability, we will work with our architect to develop an energy efficient building as well as a sustainable building in full compliance with the Building Code. Additionally, during the design and construction stage of the project, we will consider the following sustainability measures:

- “Blue roof” to capture and slowly release rainwater to mitigate runoff impact and/or “green roof” to absorb rainwater;
- Bioswale in the form of rain gardens along the street frontages, in conjunction with the Department of Transportation;
- Designing the building with materials to reduce carbon emissions;
- Achieving either LEED-quality or certification; and
- We will explore the feasibility of passive housing to maximize the building’s energy efficiency.

We thank your for your consideration and respectfully request that you recommend approval of our application.

Thank you for your time,


Bruchy Lefkowitz

LAW OFFICE OF JAY GOLDSTEIN, PLLC

Jay Goldstein, Esq.
356 Fulton Street, Suite 101
Brooklyn, NY 11201
Phone: (646) 535-3771
Fax: (646) 514-1881
Jay@jaygoldsteinesq.com

April 23, 2018

Brooklyn Community Board 2
Attention: Chairperson McRae
350 Jay Street, 8th Floor
Brooklyn, New York 11201

Re: ULURP Nos: C 170164ZMK and N 170165 ZRK
205 Park Avenue, Brooklyn, New York

Dear Chairperson McRae and members of the Board.

I am land use counsel to 462 Lexington LLC and Bruchy Lefkowitz, the owner of the premises known as 205 Park Avenue, Brooklyn (the "Premises"). As you are aware, I presented the above-referenced applications to the Land Use Committee at its public hearing on Wednesday April 18, 2018 (the "Hearing"). The land use applications seek a rezoning and related text amendment to facilitate the construction of an eight story mixed-use, commercial and residential building, including approximately 17 permanently affordable apartments.

I would like to take this opportunity to address the requests and concerns raised by members of the Land Use Committee at the Hearing.

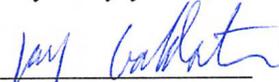
At the Hearing, we represented that 25% of the residential floor area (approximately 17 apartments) is to remain permanently affordable, with a minimum of 10% of the affordable units being offered at 10% of the Area Median Income ("AMI") and an average of 60% AMI for the remaining affordable units. We further represented that the affordable units will be marketed first and foremost to the residents of the immediate area. Finally, we represented that the commercial spaces will be marketed to Minority-Owned and Woman-Owned Business Enterprise. At the Hearing, members of the Land Use Committee requested that these representations be put in writing. As such, annexed hereto is a letter from the owner of the Premises confirming and committing to the representations made at the Hearing.

At the hearing, a concern was raised regarding locating residential tenants along the BQE. There was discussion regarding the environmental testing performed to ensure the safety of the tenants. In response to the concerns, annexed hereto please find a letter from our environmental expert, which details the means and methods used in analyzing this project for potential air quality impacts from the area and specifically the BQE. As you can see from the attached letter, and as is evidenced by the fact that the City has certified this application, there

will be no adverse impact to the future tenants of the proposed building. Furthermore, the proposed construction will be required to work with the Office of Environmental Remediation prior to the issuance of a building permit. This level of review will ensure that the proposed building will have stricter adherence to protective measures due to environmental concerns and will result in better air quality and less pollution than the, as-of-right, residential buildings that are located and/or being developed all along the BQE.

We thank Community Board 2 for your consideration of these land use applications.

Very truly yours,



Jay Goldstein

462 Lexington, LLC

44 Lorimoer Street
Brooklyn, NY 11206

April 23, 2018

Brooklyn Community Board 2
Attention: Chairperson McRae
350 Jay Street, 8th Floor
Brooklyn, New York 11201

**Re: ULURP Nos: C 170164ZMK and N 170165 ZRK
205 Park Avenue, Brooklyn, New York**

Dear Chairperson McRae and members of the Board.

My name is Bruchy Lefkowitz, I am the Managing Member of the 462 Lexington LLC, the owner of the premises known as 205 Park avenue, Brooklyn (the "Premises"). As you are aware, my representative, Jay Goldstein, presented the above-referenced applications to the Land Use Committee at its public hearing on Wednesday April 18, 2018. The land use application seeks a rezoning and related text amendment to facilitate the construction of an eight story mixed-use, commercial and residential development, including approximately 17 permanently affordable apartments.

In response to requests made by the Land Use Committee, we hereby provide the following written commitments.

1. We commit to ensure that a minimum of 25% of the residential floor area (approximately 17 apartments) is to remain permanently affordable, with a minimum of 10% of the affordable units being offered at 10% of the Area Median Income ("AMI") and an average of 60% AMI for the remaining affordable units;
2. We commit to ensure that the affordable units will be marketed first and foremost to the residents of the immediate area; and
3. We commit to ensure that the commercial spaces are marketed to Minority-Owned and Woman-Owned Business Enterprise.

We thank Community Board 2 for your consideration of these land use applications.

Thank you for your time,



Bruchy Lefkowitz

April 23, 2018

Brooklyn Community Board 2
Attention: Chairperson McRae
350 Jay Street, 8th Floor
Brooklyn, New York 11201

Re: ULURP Nos: C 170164ZMK and N 170165 ZRK
205 Park Avenue, Brooklyn, New York

Dear Chairperson McRae and members of the Board.

Our company was hired by 462 Lexington LLC and Bruchy Lefkowitz, the owner of the premises known as 205 Park Avenue, Brooklyn (the "Premises"), to perform the required environmental analysis in connection with the above-referenced land use applications. We are informed that the applicant's representative, Jay Goldstein, presented the above-referenced applications to the Land Use Committee at its public hearing on Wednesday April 18, 2018 (the "Hearing") and that certain concerns were raised regarding the Premises' proximity to the Brooklyn-Queens Expressway (BQE) and the potential impact the emissions from the roadway could have on the future tenants.

During the course of the pre-certification process, our firm worked closely with the City's environmental experts to performed extensive and detailed analysis of the potential air quality issues that may present as a result of the proximity to the BQE.

A detailed analysis of the vehicular traffic was performed to determine what, if any, impact the emissions from the BQE could potentially have on future tenants of the proposed building. Our environmental team utilized the industry standard U.S. Environmental Protection Agency's (EPA) Motor Vehicle Emission Simulator (MOVES) system and Atmospheric Dispersion Modeling system ("AERMOD") to perform their analysis.

The MOVES system creates emission inventories (quantity in mass per time) for onroad motor vehicles. To ensure accuracy of our modeling, the MOVES analysis uses data from the New York State Department of Transportation and the City of New York Department of Transportation. Additionally, pertinent data was obtained from the New York State Department of Environmental Conservation.

The AERMOD model uses geographic information of the emission source (BQE traveling lanes) and building size (proposed development), and receptors at each floor level of the building to assess pollution concentration. The AERMOD model uses hourly meteorological data from separate surface and profile data files as one of the basic model inputs. The data provides 5-years of hour-by-hour meteorology data, containing wind speeds and directions, stability states, and temperature inversion elevations. The pollutant of main concern was carbon monoxide. The analysis specifically took this into account and no significant adverse air quality was predicted.

Based on the analysis performed, it was determined that no additional remediation measures are necessary to protect future tenants from BQE emissions and that the NYC Building Code is sufficient. However, it should be noted that the City is requiring that the building's HVAC system be located at or above 95' which would further ensure that the air intake and circulation within the proposed building is clean.

This requirement is being enforced through a little E designation on the property. This means that the proposed remedial measures will require additional review by the Office of Environmental Remediation prior to the issuance of a building permit. This level of review will ensure that the proposed building will have stricter adherence to protective measures due to environmental concerns and will result in better air quality and less pollution than the, as-of-right, residential buildings that are located and/or being developed all along the BQE.

We hope that this letter serves to alleviate the concerns raised by the members of the Board. We thank Community Board 2 for its time and consideration of these land use applications. Should you have any questions please do not hesitate to contact me.

Respectfully Submitted,


Kiram A. Rothkrug

462 Lexington, LLC

85 Bartlett Street
Brooklyn, NY 11206

June 11, 2018

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

Re: ULURP Nos: C 170164ZMK and N 170165 ZRK
205 Park Avenue, Brooklyn, New York

Dear Borough President Adams.

My name is Bruchy Lefkowitz, I am the Managing Member of the 462 Lexington LLC, the owner of the premises known as 205 Park avenue, Brooklyn (the “Premises”). We would like to thank you and your staff for the opportunity to present the above-referenced application at your public hearing on Wednesday May 30, 2018. The land use application seeks a rezoning and related text amendment to facilitate the construction of an eight story mixed-use, commercial and residential development, including approximately 17 permanently affordable dwelling units (the “Project”). We write in response to certain questions raised during the hearing.

Affordable Units and Community Outreach

The Project will provide permanently affordable dwelling units in accordance with Option 1 of the Mandatory Inclusionary Housing (“MIH”) program. This option requires 10% of the building to be permanently affordable at 40% of the Area Median Income (“AMI”) and the remaining affordable component of the building at an average of 60% AMI.

Currently the Project calls for 70 units of which approximately 17 will be permanently affordable. The current unit mix showed 50 one-bedroom apartments and 20 two-bedroom apartments. This unit mix was provided to show the bulk of the Project. During the design implementation stage of the project, it is likely that the overall unit count, and the affordable unit count, will change to reflect larger units. The distribution of the MIH units will be proportional to the distribution of the market rate units in the development.

It is our intention to work with a local administering agent to ensure that the units are marketed, first and foremost, to the members of the immediate community. We have begun conversations with IMPACCT Brooklyn and believe that they would be a good fit for our Project. IMPACCT operates the affordable housing building at 40 Vanderbilt, which is directly north of the Premises. As such, they are familiar with the area and experienced with marketing to this community.

Additionally, it is our intention to attempt to market the 40% AMI units to senior housing. IMPACCT has made this a goal of theirs for their other projects as well. We believe that their knowledge and resources will make these efforts a success.

Finally, IMPACCT routinely holds informational meetings in local venues to explain eligibility requirements, application process and the lottery. This ensures that the community is fully informed and educated about the process and Project. As such, we believe that IMPACCT will be a good partner to ensure that the affordable units directly benefit the community.

Ground Floor Retail Space and Minority-Owned and Woman-Owned Business Enterprise

The Project will have four small commercial spaces at the ground floor. These spaces are purposefully small to allow for marketability to Minority-Owned and Woman-Owned Business Enterprise (“MWBE”). Additionally, we would like some of the commercial space to be used for cultural and/or community facility space to benefit the surrounding community. We are committed to working with your office and Council Member Cumbo’s office to find appropriate tenants for the spaces.

For a majority of my day I am involved in White Glove, which offers health and homecare jobs for low and medium income individuals. The company is a majority female work environment that offers excellent benefit packages to our employees. Additionally, we have support programs for low-income households. It is our intention for White Glove to occupy one of the commercial spaces. This would allow us to provide the local residents with a resource for quality jobs.

Local Hiring and Prevailing Wages

The applicant is committed to the hiring Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises. The applicant has historically used Brooklyn-based contractors and suppliers for all of its development projects, and intends to continue to do so. The applicant is also committed to providing prevailing wage jobs in the building upon project completion.

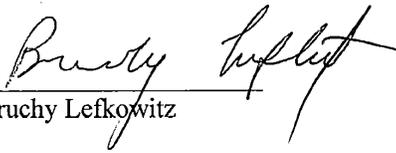
Sustainability

With regards to sustainability, we will work with our architect to develop an energy efficient building as well as a sustainable building in full compliance with the Building Code. Additionally, during the design and construction stage of the project, we will consider the following sustainability measures:

- “Blue roof” to capture and slowly release rainwater to mitigate runoff impact and/or “green roof” to absorb rainwater;
- Bioswale in the form of rain gardens along the street frontages, in conjunction with the Department of Transportation;
- Designing the building with materials to reduce carbon emissions;
- Achieving either LEED-quality or certification; and
- We will explore the feasibility of passive housing to maximize the building’s energy efficiency.

We thank you for your consideration and respectfully request that you recommend approval of our application.

Thank you for your time,



Bruchy Lefkowitz