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**IN THE MATTER OF** an application submitted by 1601 DeKalb Avenue Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an R6 district to an R6B district property bounded by Hart Street, a line 400 feet northeasterly of Irving Avenue, DeKalb Avenue, and a line 350 feet northeasterly of Irving Avenue;
2. changing from an M1-1 district to an R7A district property bounded by Hart Street, Wyckoff Avenue, DeKalb Avenue, and a line 400 feet northeasterly of Irving Avenue; and
3. establishing within the proposed R7A district a C2-4 district bounded by Hart Street, Wyckoff Avenue, DeKalb Avenue, and a line 100 feet southwesterly of Wyckoff Avenue;

Borough of Brooklyn, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 12, 2018, and subject to the conditions of CEQR Declaration E-465.

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This application for a zoning map amendment was filed by 1601 DeKalb Owner LLC on February 2, 2018 to change from M1-1 and R6 districts to a R7A, R7A/C2-4, and R6B zoning districts on a portion of a block fronting on Wyckoff Avenue, Hart Street, and DeKalb Avenue. The proposed action would facilitate the development of two new nine-story residential buildings containing approximately 122 residential units, including 27 permanently affordable units, in the Bushwick neighborhood of Community District 4, Brooklyn.

**RELATED ACTION**

In addition to the zoning map amendment (C 180148 ZMK) which 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 180149 ZRK            Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

## **BACKGROUND**

The applicant is proposing a zoning map amendment to change M1-1 and R6 zoning districts to R7A, R7A/C2-4, and R6B zoning districts on a portion of a block fronting on Wyckoff Avenue, Hart Street, and DeKalb Avenue. The proposed zoning change would facilitate the development of two new nine-story residential buildings containing a total of approximately 122 residential units, including 27 permanently affordable units under MIH Option 1 on the applicant's site (development site) at 1601 DeKalb Avenue (Block 3237, Lots 23, 47, and 48).

The area to be rezoned (project area) is partly within an existing M1-1 zoning district and partly within an existing R6 zoning district. M1-1 zoning districts are light industrial districts with a maximum Floor Area Ratio (FAR) of 1.0, allowing a range of commercial and industrial uses, including warehousing and auto-oriented uses, and limited community facility uses. New residential uses are not permitted. R6 zoning districts are medium-density residential zoning districts that are widely mapped in eastern Brooklyn, allowing a residential FAR of 2.43 for "height factor" buildings and 2.2 or 3.0 for buildings built subject to the "Quality Housing" regulations on narrow streets or wide streets, respectively. R6 districts also allow community facility uses to a maximum FAR of 4.8.

Despite the project area's existing M1-1 zoning, no manufacturing or industrial uses exist within the project area (Block 3237, Lots 21, 22, 23, 27, 31, 33, 38, 41, 47, and 48), which fronts on Wyckoff Avenue, a heavily traveled commercial corridor with one- to four- story commercial and mixed use buildings including multifamily walk-up buildings. The proposed project area contains approximately 65,000 square feet and a variety of land uses. The development site (Lots 23, 47, and 48) is a 25,000 square-foot through lot which is currently occupied by a parking lot. Along the Wyckoff Avenue frontage, there is a two-story U.S. Post Office (Lot 33), a one-story restaurant (Lot 38), and a two-story building with a laundromat and a boxing gym with parking in front (Lot 31). Other uses within the project area include two loft buildings that have been converted to residential uses (Lots 27 and 41), a surface parking lot (Lot 23, 47, and 48), and two two-story residential buildings (Lots 21 and 22).

The surrounding area is primarily developed with residential uses, including single-family, multifamily walkup buildings, and larger multifamily elevator apartment buildings. Wyckoff

Avenue is a mixed-use transit corridor and is predominately developed with higher density residential, community facility, and local retail uses. Institutional uses in the surrounding area include a public school, post office, medical offices, a senior center, and a major hospital – the 12-story Wyckoff Heights Medical Center, one block east of the project area. The area northwest of the project area, within the M1-1 district, is predominantly developed with light industrial uses. Three blocks west of the project area is the North Brooklyn Industrial Business Zone, which is predominantly zoned M1-1, M1-2 and M1-3.

The area is well-served by transit. The MTA L-train subway stops at DeKalb Avenue adjacent to the project area, with a station entrance within the project area. The B38 bus line runs along DeKalb Avenue and connects the neighborhood with downtown Brooklyn with a stop in the project area. The B13 bus line runs along Wyckoff Avenue and stops within the project area.

The applicant proposes the development of two nine-story residential buildings with a total of 102,000 zoning square feet of floor area (4.12 FAR) and 122 total dwelling units, 27 of which would be permanently affordable pursuant to MIH Option 1. This amounts to 25 percent of the floor area generated by the portion of the development site within the proposed MIH area. These units would be affordable at an average of 60 percent of the Area Median Income (AMI), with 10 percent of the floor area affordable at 40 percent AMI.

The two buildings would occupy the same zoning lot, with one building fronting on Hart Street, and the other fronting on DeKalb Avenue. Since the development site would be a split zoning lot in two separate districts, based on the proposed actions, the total allowed floor area would be blended proportionally based on the proposed R7A over a 20,000 square-foot portion and the proposed R6B over a 5,000 square foot portion, yielding a total allowed FAR of 4.12. The proposed buildings would contain a total of 46 parking spaces, in compliance with zoning. The income-restricted units would not require parking because the project is within the Transit Zone.

In addition to the proposed zoning map amendment, the applicant proposes a zoning text amendment to revise Appendix F. The proposed amendment would create Map 2 of Brooklyn Community District 4 inclusionary housing areas, and would designate a portion of the project area as an MIH area with Options 1 and 2. Only the portion of the project area proposed as an R7A district would be included in the new MIH area. Option 1 requires that 25 percent of

residential floor area must be for affordable housing units for residents with household incomes averaging 60 percent AMI, with a minimum of 10 percent of housing to be affordable for households at 40 percent AMI. Option 2 requires that 30 percent of residential floor area must be for affordable housing units for residents with household incomes averaging 80 percent AMI.

## **ENVIRONMENTAL REVIEW**

This application (C 180148 ZMK), in conjunction with the application for the related action (N 180149 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 Commission. The designated CEQR number is 18DCP061K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 12, 2018. The Negative Declaration includes (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-465), as described below:

The (E) designation requirements would apply to the following sites:

**Block 3237, Lots 23, 47, and 48 (Proposed Development Site 1);**

**Block 3237, Lot 31 (Projected Development Site 2); and**

**Block 3237, Lot 41 (Projected Development Site 3)**

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

### **Block 3237, Lots 23, 47, and 48 (Proposed Development Site 1)**

**Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel oil for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack is located at least 51 feet from Wyckoff Avenue, at least 161 feet from the lot line facing DeKalb Avenue, and at least 92.6 feet above the grade to avoid any potential significant adverse air quality impacts.**

**Block 3237, Lot 31 (Projected Development Site 2)**

Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel oil for HVAC and hot water systems and ensure that HVAC stack is located at a height at least 98 feet above grade to avoid any potential significant adverse air quality impacts.

**Block 3237, Lot 41 (Projected Development Site 3)**

Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel oil for HVAC and hot water systems and ensure that HVAC stack is located at least 98 feet above grade to avoid and potential significant adverse air quality impacts.

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

**Block 3237, Lots 23, 47, and 48 (Proposed Development Site 1)**

To ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on façades facing east (DeKalb Avenue) 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, central air conditioning.

**Block 3237, Lot 31 (Projected Development Site 2)**

To ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on façades facing north (Wyckoff Avenue) 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, central air conditioning.

**Block 3237, Lot 41 (Projected Development Site 3)**

**To ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on façades facing east (DeKalb Avenue) 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, central air conditioning.**

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

#### **Task 1: Sampling Protocol**

**Prior to construction, the applicant must submit to the New York City Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.**

**No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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 the 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 the 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.**

**An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.**

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

#### **UNIFORM LAND USE REVIEW**

This application (C 180148 ZMK) was certified as complete by the Department of City Planning (DCP) on February 12, 2018, and was duly referred to Brooklyn Community Board 4 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 180149 ZRK), which was duly referred to Brooklyn Community Board 4 and the Brooklyn Borough President on February 12, 2018, in accordance with the procedures for non-ULURP matters.

#### **Community Board Public Hearing**

Brooklyn Community Board 4 held a public hearing on this application (C 180148 ZMK) on March 21, 2018, and on that date, by a vote of one in favor, 30 opposed, and with four abstentions, adopted a recommendation of disapproval of the application.

Along with the recommendation, Community Board 4 submitted additional documentation regarding this application, including the following documents:

1. The Community Board Chair testimony to the Borough President, dated April 17, 2018, in opposition to this application, noting the need for deeper affordability, displacement of residents and businesses, and concerns about the loss of commercial parking;

2. A letter from Wyckoff Heights Medical Center to Brooklyn Community Board 4, dated April 17, 2018, in opposition to this application, explaining the need to maintain the existing parking lot;
3. A letter from Brooklyn Legal Services Corporation A to the Borough President, dated April 17, 2018, in opposition to this application, explaining the need for jobs and affordable housing in the community;
4. A letter from Make The Road New York to Brooklyn Community Board 4, dated April 11, 2018, in opposition to this application, focusing on displacement, affordability, the zoning action, and community outreach. In the zoning action discussion, the letter responds to previous written statements from the applicant, stating that it is the applicant's preference to only rezone the development site.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 180148 ZMK) on April 17, 2018, and on May 30, 2018, issued a recommendation of approval with modifications/conditions. The conditions listed include:

- “1. That prior to consideration by the City Council, the applicant, 1601 DeKalb Owner LLC has taken steps to ensure that MIH Option 3 is included in the land use scope
2. That the City Planning Commission and/or the City Council:
  - a. Mandate MIH Option 3
  - b. Obtain adequate representation that the applicant, 1601 DeKalb Owner LLC, filed a legally binding mechanism that commits an additional 4,000 sq. ft. of affordable housing at an average rent based on 60 percent AMI
3. That 1601 DeKalb Owner LLC seek out ELLA financing from the New York City Department of Housing Preservation and Development (HPD) to make not less than 40 percent of the residential floor affordable to low and very low-income households, not exceeding 60 percent AMI.
4. That the City Planning Commission and/or the City Council:



- c. Obtain adequate representation, in writing, from 1601 DeKalb Owner LLC demonstrating the status of such ELLA commitment
  - d. Eliminate the proposed R7A/C2-4 zoning within 100 feet of Wyckoff Avenue
  - e. Incorporate a C2 commercial overlay along Hart Street
5. That prior to consideration by the City Council, the applicant, 1601 DeKalb Owner LLC has taken steps to incorporate language clarifying the extent that it would:
- f. Accommodate the Brotherhood Boxing Club (boxing club) through the provision of ground-floor and cellar non-residential space that would be rented below market-rate
  - g. 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 30, 40, and 50 percent AMI to accommodate seniors, including those who are formerly homeless, consistent with ZR 23-96(c)(ii)
  - h. Preclude an application for new development filed with the New York City Department of Buildings (DOB) within 10 years of any effective rezoning date, from containing construction that would block loft windows that serve as the sole source of air, light, and secondary means of egress for tenants of the adjacent loft buildings
  - i. Continue exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, passive house construction principles, rain gardens, and solar panels in the development
  - j. 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.”

The Brooklyn Borough President’s recommendation applies the following additional conditions:

- “1. 1601 DeKalb Owner LLC, seek a Resolution A (Reso A) contribution from Borough President Adams and Community District 4 (CD 4) City Council members.
2. Wyckoff Heights Medical Center (WHMC) takes steps to expand the supply of parking on properties owned by the hospital and it coordinate with 1601 DeKalb LLC, and RiseBoro Community Partnership (RCP) to promote affordable housing awareness and lottery literacy as a public service for its employees, and of new affordable and market-rate housing opportunities in CD4 that would facilitate nominal or walk-to-work commutes for the hospital’s employees
3. The New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or –operated shelters
4. The City Planning Commission (CPC) and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the New York City Zoning Resolution (ZR) pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or more rent than what the housing lottery offers) to qualify for such affordable housing units pursuant to MIH.”

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

On May 23, 2018 (Calendar No. 3), the Commission scheduled June 13, 2018 for a public hearing on this application (C 180148 ZMK), in conjunction with the related application (N 180149 ZRK). The hearing was duly held on June 13, 2018 (Calendar No. 26). There were eight speakers in favor of the application and 14 in opposition.

The applicant's representative described the requested zoning map and text amendments and the proposed development. The developer described the development company, explaining that it is primarily an affordable housing developer. He stated that the developer has been working with members of the community and has agreed to provide 100 percent affordable housing in the proposed development, and that the proposed rezoning is based on sound planning principles and is consistent with the land use principles stated by the community through the Bushwick planning process. He further stated a commitment to local hiring in the development and to local marketing of units.

Other speakers in favor of the application included three representatives from the 32 BJ union who expressed support for the rezoning because it would provide high quality building service jobs. A local business owner expressed the need for the affordable housing that would be provided by the proposed development. A member of Brooklyn Community Board 4, who is also a local business owner, spoke in support of the application, noting that the application has come a long way to become a 100 percent affordable project and that the developers are good community partners.

Speakers in opposition included residents of the adjacent residential loft buildings who expressed concerns that the proposed development would inhibit access to light and air for the illegal lot line windows of the loft buildings. The owner of an adjacent residential loft building on Hart Street stated that the building was converted to residential use in 2007 and that the proposed development would negatively impact the loft property. Speakers stated that the proposed rezoning would result in market rate units that would not be affordable to the local residents, would result in business displacement, and would incentivize redevelopment of properties in the rezoning area without the community having a chance to negotiate a better deal with developers. A representative of one local business within the rezoning area stated that the business is a boxing club that provides activities for at risk youth and that he is concerned about displacement.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 180148 ZMK), in conjunction with the related application for a zoning text amendment (N 180149 ZRK), is appropriate.

The proposed zoning map and text amendments would change the existing M1-1 district to R7A and R7A/C2-4 districts and change the existing R6 district to an R6B district and establish an MIH area coterminous with the proposed R7A and R7A/C2-4 districts, requiring permanent affordability for a portion of the units for developments within that portion of the rezoning area.

The requested actions would facilitate the development of two new residential buildings with approximately 122 housing units on a currently underutilized site used for surface parking. Approximately 27 of the residential units would be permanently affordable MIH units for households with incomes at or below 60 percent AMI. The proposed development would facilitate new housing, including affordable housing, to help address the dire need for more housing in Brooklyn and in the City overall, consistent with City objectives for promoting housing production and affordability. In addition, it would help redevelop underutilized sites that have excellent transit access.

The project area currently contains no industrial uses, but rather a mix of residential and local retail uses, in addition to the U.S. Post Office and a surface parking lot. Within the M1-1 portion of the project area, there are two former industrial loft buildings that have been converted to residential use, only one of which has been legalized through the Loft Law, leaving one building as a nonconforming residential use with no legal status. The proposed zoning districts would bring all existing uses in the project area into conformance and would allow for the legalization of the residentially converted loft buildings on Hart Street.

The proposed R7A district, extending from Wyckoff Avenue to include the existing residential loft buildings and a surface parking lot, would be appropriate for the mixed-use transit corridor of Wyckoff Avenue. Since the proposed zoning would include an R6B district to match the lower density context on the midblock, the resultant densities create a transition from the higher density development in the R7A district to the lower-scale context found in the midblock in the existing R6 district. This forms a rational land use pattern, with a higher density of residential use focused on the Wyckoff Avenue transit corridor and extending to include portions of the

block with existing large residential loft development and undeveloped opportunity sites, while the lower-scale contextual district would match the midblock context.

The Commission notes the May 4, 2018 letter from members of the Bushwick Community Plan Steering Committee, stating concerns about the rezoning, and the fact that the area covers sites that are not controlled by the applicant, explaining that this could lead to displacement within the rezoning area. This letter highlights a written statement by the applicant to Community Board 4 in which the applicant stated a preference to rezone only the development site, saying of the choice to expand the rezoning area to Wyckoff Avenue, “This was not our preference, rather a requirement of DCP.” As noted above, the Brooklyn Borough President recommended modifying the rezoning to remove the lots fronting on Wyckoff Avenue.

In response to a request from the Commission at its Public Hearing, the applicant submitted a letter, dated June 20, 2018, clarifying the land use rationale for the proposed rezoning, confirming a commitment to the full rezoning area extending to Wyckoff Avenue. The letter states that the applicant believes that it would create an irrational zoning map to rezone only the applicant’s site. The applicant states that the rezoning must include the lots up to Wyckoff Avenue in order to form a rational land use pattern.

The Commission believes that it would be inappropriate to map an R7A district only on the applicant’s proposed development site, excluding the Wyckoff Avenue transit corridor. Wyckoff Avenue is the primary thoroughfare in the immediate area, with a medium density mixed use character, in addition to having the MTA L-Train subway running along the Avenue. Allowing the Wyckoff Avenue frontage of this block to remain an M1-1 district while the midblock portion is rezoned to R7A would create an irrational land use pattern with the highest densities located at the midblocks. Actions that lack an underlying land use rationale go beyond the State legislative grant of authority to regulate land use under Section 20 of the General City Law. The outcomes of the land use process must accord with a well-considered plan, not merely represent the measures necessary to achieve an outcome for an individual property owner.

In response to the Borough President's recommendation calling for removal of the Wyckoff Avenue frontage from the rezoning area, the Commission reiterates that this would create an inappropriate and irrational zoning map, in which the higher density, mixed-use, transit corridor of Wyckoff Avenue would remain M1-1 while the midblock area is rezoned to R7A. The resulting land use pattern would be irrational, as the low-density industrial and commercial uses allowed in the M1-1 are less appropriate for the mixed use transit corridor of Wyckoff Avenue than the medium-density residential and commercial development that could result from the R7A/C2-4 district proposed in this application.

In response to the Borough President's recommendation for the Commission to obtain a commitment from the applicant to seek ELLA financing from HPD and to initiate changes to the MIH program, the Commission notes that development financing and modifications to the MIH program are beyond the scope of this application for zoning map and text amendments.

The Borough President also makes several recommendations for the City Council, including mandating MIH Option 3, requiring incorporation of the boxing club in the proposed development, requiring a particular bedroom mix in the proposed development, precluding development near the adjacent loft windows, adding resiliency measures, and local hiring. The Borough President also make recommendations for the applicant to seek Reso A contribution from the Borough President, for the Wyckoff Heights Medical Center to expand the supply of parking, and for HPD to modify its housing lottery requirements. The Commission notes that all of these recommendations are requests of agencies and entities other than the Commission and are therefore not within the scope of the Commission's review.

Establishment of this MIH area through the proposed zoning text amendment is consistent with City objectives promoting production of affordable housing. With the proposed MIH Options 1 and 2, new developments within the project area would be required to permanently dedicate between 25 percent and 30 percent of new residential floor area to affordable housing, through agreements with HPD, with average affordability at 60 percent of AMI or 80 percent of AMI for Options 1 and 2 respectively. This would bring much needed permanent affordable housing to the community and to the City as a whole. The Commission supports this application, as proposed, with a medium-density residential district mapped along the Wyckoff Avenue transit

corridor and extending to the applicant-controlled site, before stepping down to lower densities in the midblock.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on February 12, 2018 with respect to this application (CEQR No. 18DCP061K), 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 200 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. 13b:

1. changing from an R6 District to an R6B District property bounded by Hart Street, a line 400 feet northeasterly of Irving Avenue, DeKalb Avenue, and a line 350 feet northeasterly of Irving Avenue;
2. changing from an M1-1 District to an R7A District property bounded by Hart Street, Wyckoff Avenue, DeKalb Avenue, and a line 400 feet northeasterly of Irving Avenue; and
3. establishing within the proposed R7A District a C2-4 District bounded by Hart Street, Wyckoff Avenue, DeKalb Avenue, and a line 100 feet southwesterly of Wyckoff Avenue;

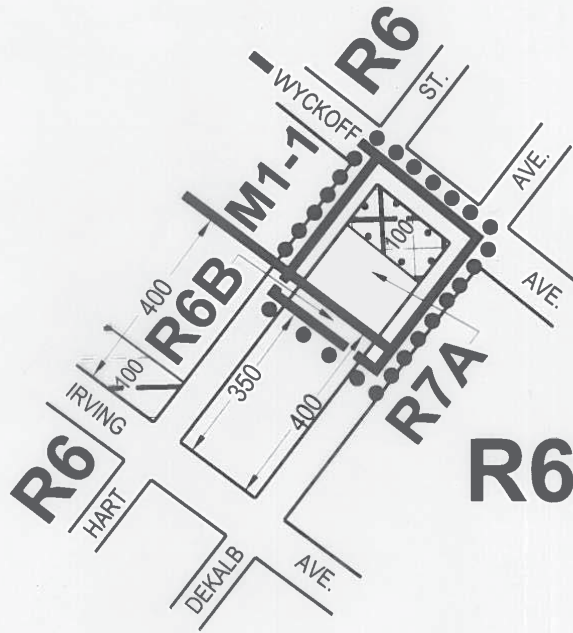
Borough of Brooklyn, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 12, 2018, and subject to the conditions of CEQR Declaration E-465.

The above resolution (C 180148 ZMK), duly adopted by the City Planning Commission on July 11, 2018 (Calendar No. 20), 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*

**ALFRED C. CERULLO, III, RICHARD W. EADDY, CHERYL COHEN EFFRON,  
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ**  
*Commissioners*

**JOSEPH DOUEK**, *Commissioner, Recused*







CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**13b**  
 BOROUGH OF  
**BROOKLYN**

New York, Certification Date  
 FEBRUARY 12, 2018

*S. Lenard*  
 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 from an R6 to an R6B District, changing from an M1-1 District to an R7A District and establishing a C2-4 District within the proposed R7A District.
-  Indicates a C1-3 District.
-  Indicates a C2-4 District.





Brooklyn Community Board 4  
Testimony for 1601 DeKalb Ave ULURP  
Application #: C 180148 ZMK

April 17, 2017 Hearing at Brooklyn Borough Hall

Outline

**District Manager Celeste Leon:**

- I. **Overview and History**
  - i. The Blackout of 1977
  - ii. The Current Zoning
- II. **Lessons Learned: The Rheingold Rezoning**
- III. **A Vision for the Future through the Bushwick Community Plan**
  - i. 2013, the letter to elected officials from the Community Board
  - ii. 2014-2015 Engagement
  - iii. 2016-2017 Engagement
    - a. The Executive, Steering, and Sub-committees
  - b. Relationship with the Mayor's Administration and the Department of City Planning
  - iv. 2018 and Beyond
    - a. Where are we now?
    - b. Setting Precedent
    - c. Advocating as one neighborhood

**Chairperson Julie Dent:**

- IV. **1601 DeKalb Ave ULURP Concerns**
- V. **Responsible, Community Development**
  - i. Examples:
    - a. For-profit development: 349 Suydam Street, Type A Projects, Mixed-Use Manufacturing and Residential
    - b. Non-profit development: 301 Eldert Street/803 Knickerbocker Ave, RiseBoro Community Partnership, Passive House w/ a community facility

Good evening, all, and thank you Borough President Adams for this opportunity to provide testimony on this application.

My name is Celeste Leon and I am the District Manager of Community Board 4. I am joined tonight by our Chairperson, Dr. Julie Dent, as well as, our Housing and Land Use Chairperson, Martha Brown. Several other board members are also expected to attend and share testimony as residents of Bushwick.

Please note that the official vote for the 1601 DeKalb Avenue rezoning application is scheduled to take place tomorrow evening at 6pm at our public hearing and regular meeting in the district. Given that the full board has yet to vote on this application we are not able to share the outcome or any accompanying resolution at this time however, we are present to voice and amplify the overall concerns of the Bushwick community.

- I. As you likely know, Bushwick is no stranger to hardship and disenfranchisement. The Blackout of 1977 is frequently referenced by our long-time board members as a reminder of where we come from, as we continue to see an increase in popularity and development; made possible due to the foundation constructed by those of us who stayed to rebuild. It remains vital for posterity's sake, as well, for everyone to know the history of Bushwick when they choose to make it a home. Through the fires, drug use, crime, and adversity in general, a different generation of community leaders emerged to create a path and vision for the future of Bushwick. The current R6 zoning is the result of those efforts, as well as, the community renewal plans of the time. It was established to incentive development when yellow cabs left you on the other side of the Williamsburg Bridge before turning back around and investment in the neighborhood was at an all-time low.

As Bushwick's popularity increased, developers began to speculate about its future potential. Manufacturing land easily became synonymous with opportunity and profit when combined with a vision for new residential development.

- II. The Rheingold Brewery has become the primary example of a hard lesson learned. What began as an in-good-faith discussion and agreement eventually turned sour with Reade Property Group opting to sell the property to both All Year Management and The Rabsky Group. This eventually turned out to also mean the dissolution of the previous community benefit agreements. The following disappointment, frustration, and anger felt by the community only encompasses a fraction of what was ultimately an overwhelming sense of loss. To this day there remains an unspoken belief that we are expected to simply adapt to these changes because there are no mechanisms to prevent them however, this is not true.
- III. In 2013, Community Board 4 met with the Department of City Planning anticipating the change in the neighborhood's immediate future. As a result, the full board voted to support the recommendation from the Housing and Land Use Committee to write a letter to all elected officials asking for their assistance to both implement preservation through a downzoning and create more affordable housing (see attached).

Below is a summary of the process timeline up to the present that I will not read for the sake of time.

“IN 2014, BROOKLYN COMMUNITY BOARD 4, AND COUNCILMEMBERS ANTONIO REYNOSO AND RAFAEL ESPINAL INITIATED A COMMUNITY-BASED PLANNING PROCESS, INVITING RESIDENTS TO CREATE A VISION FOR BUSHWICK’S FUTURE. GUIDED BY A STEERING COMMITTEE OF LOCAL RESIDENTS, COMMUNITY BOARD MEMBERS, AND REPRESENTATIVES FROM LOCAL ORGANIZATIONS, THE GOAL OF THIS PROCESS IS TO CREATE A TRULY INCLUSIVE AND COMPREHENSIVE PLAN THAT BALANCES THE DESIRE TO CREATE AND PRESERVE AFFORDABLE HOUSING WITH THE NEED TO PRESERVE BUSHWICK’S CHARACTER.”

The above excerpt from the Bushwick Community Plan website ([www.bushwickcommunityplan.org](http://www.bushwickcommunityplan.org)) elaborates on the community’s next steps under the guidance and leadership of both Council Member Antonio Reynoso and Council Member Espinal.

From 2014 to 2015, the Community Board and both Council office organized and facilitated visioning sessions throughout the neighborhood to ultimately compile recommendations in key areas, including housing, land use, transportation + infrastructure, economic development, community resources, and open space. The Department of City Planning was invited and attended these meetings.

From 2016 to 2017, the Department of City Planning took on a more active role bringing in liaisons from various agencies to participate in newly established sub-committees that would review and refine recommendations from the previously mentioned key areas. This work occurred during the summer while the Community Board was on recess to avoid prolonging the project timeline (the original rationale for duplicate committees).

Later in the year, the Steering Committee approved the opportunity to receive additional technical support from the urban planning, design and development nonprofit, Hester Street Collaborative. This action was taken shortly after both Council Members decided to give the Steering Committee more ownership of the process by empowering them to lead and shape the plan. An executive committee and rules for governance soon followed.

In summary, (from 2018 to the present) the Steering Committee is expectedly several months away from reviewing and voting on the final set of district-wide recommendations, which are for land-use.

Over the past several years, it has been challenging for all, especially residents that are volunteering their time to engage with the planning process. The role of the Community Board and Council Member offices have also varied over time. Regardless, we all seek to protect and advocate for the Bushwick community. Similar to the Borough President’s motto, the Community Board has always urged all to see “one Bushwick.”

The 1601 DeKalb Avenue application comes to us in the middle of this process and is expected to set precedent for the community’s response to and involvement with the ongoing planning process and other applications. Our Chairperson will speak more on the specific concerns related to this application.

(See next page)

Good evening, all. My name is Julie Dent and I am the Chairperson of Community Board 4. I would like to thank Borough President Eric Adams, as well, for this opportunity to speak.

#### **RESPONSE TO 1601 DEKALB AVE APPLICATION # C 180148 ZMK**

IV. The concerns we have and have also heard from the community in regards to the 1601 DeKalb Ave ULURP application follow.

As it relates to the zoning changes:

M1-1 to R7A (seven to nine stories)

- The developer will see windfall profits compared to current land value should this rezoning be approved. Therefore, the incorporation of deeply affordable housing should be feasible and implementable.

Tenant and Commercial Business/Employee Displacement

- The health and safety of all loft tenants is of the utmost concern.
- Potential development would be feasible and incentivized with a zoning change upon the end to current lease terms. Regardless of development taking place in the immediate future or beyond it would still legally be possible. The only foreseeable way to prevent this from occurring is to remove the commercial lots from this application.

Loss of Commercial Parking/Increased Need for Parking due to a parking shortage

- Parking remains a district-wide issue. A plan for replacing and managing parking for potential new residents should be explored.

Affordability and Unit Composition

- Community Board 4 has always and continues to advocate for deep affordability and the inclusion of units for larger families.

As a community, we do not want to see a repeat of previous development proposals, such as with the Rheingold rezoning. As a community, we continue to seek the support of all our elected officials and the relevant city agencies to identify and implement systems and mechanisms to improve the quality of life and public safety of all.

V. Presently, there are also examples of responsible, community development in the neighborhood. Type A Projects, a certified Woman-Owned Business Enterprise, project at 349 Suydam Street, includes both manufacturing and residential development. Their proposed plans to both enhance and increase the existing manufacturing, in addition to, creating new, deeply affordable housing was met with emphatic support.

Additionally, the mixed-use building at 301 Eldert Street developed by RiseBoro Community Partnership (formerly Ridgewood Bushwick Senior Citizens Council) was designed using passive house standards and also includes housing marketed at income thresholds for the community. It is frequently referenced as an example of development that is beneficial to the neighborhood.

Certainly, there is a long record of housing projects and initiatives that have come before the board. The two projects referenced above are by no means a comprehensive list.

That concludes my feedback. Thank you.



April 11<sup>th</sup>, 2018

Brooklyn Community Board 4  
c/o Celestina Leon  
140 Bushwick Ave  
Brooklyn, NY 11207

**Re: 1601 Dekalb**

Dear Community Board 4,

We are submitting this memo in response to the Camber Property Group letter recently delivered to Community Board 4 by Principal Rick Gropper. We appreciate the work by the board to ensure that this application is fair and transparent and look forward to a public comment period before your official vote on April 18<sup>th</sup>.

To stay consistent with the layout of the Camber Group letter, we have chosen to respond section by section. We welcome any questions you may have. Questions can be sent to our Director of Organizing; Jose.Lopez@maketheroadny.org

## 1. Displacement

It is not factual that development will occur solely on a parking lot. In the Camber Group application, it is noted that due to the proposed rezoning two additional adjacent lots are projected to see development. On page 30 of the attached application, Camber Group defines the projected development for Lot 31; *"Lot 31 currently has a two-story commercial building with a built FAR of 1.39. As such, this lot would accommodate a building with less than 50 percent of the maximum allowable FAR of 4.6 in the future with the Proposed Actions, making it a possible site for redevelopment. Therefore, Lot 31 has been included as a projected development site in the RWCDs (Site 2)."*

On page 33 of the application, Camber continues to detail the projected development for Lot 31; *"Lot 31 would be redeveloped to the maximum permitted FAR of 4.6 and building height of 95 feet. Under this scenario, Lot 31 would be redeveloped with an approximately 26,032 gsf (23,842 zsf) mixed-use residential and commercial building, consisting of approximately 24 DUs, of which six would be MIH units..."* On page 30 of the application, Camber group also defines the projected development for Lot

**BROOKLYN**  
301 GROVE STREET  
BROOKLYN, NY 11237  
TEL 718 418 7690  
FAX 718 418 9635

**QUEENS**  
92-10 ROOSEVELT AVENUE  
JACKSON HEIGHTS, NY 11372  
TEL 718 565 8500  
FAX 718 565 0646

**STATEN ISLAND**  
161 PORT RICHMOND AVENUE  
STATEN ISLAND, NY 10302  
TEL 718 727 1222  
FAX 718 981 8077

**LONG ISLAND**  
1090 SUFFOLK AVENUE  
BRENTWOOD, NY 11717  
TEL 631 231 2220  
FAX 631 231 2229

**WESTCHESTER**  
46 WALLER AVENUE  
WHITE PLAINS, NY 10605  
TEL 914 948 8466  
FAX 914 948 0311

41; *"Lot 41 is occupied by a 3-story residential building that has been illegally converted to residential use, with 21 residential units. Lot 41 has a built FAR of 2.36. As the uses on Block 3237, Lot 41 are not legalized, this site should be considered a projected development site."*

On page 33 of the application, Camber continues to detail the projected development for Lot 41; "Lot 41 would be developed with an approximately 40,480 gsf residential building, consisting of 47 DUs, of which 9 would be affordable units.

Finally, it is important to note that page 30 of the application clearly states that the above projected development sites (Block 3237, Lot 31 and Block 3237, Lot 41) are *"not owned or controlled by the Applicant"*.

The above text pulled from the Camber Group application illustrates that there can be no assurance that neighboring tenants will not be displaced as a result of the project. Camber Group made a choice to submit an application that went beyond their parking lot. That choice puts tenants and workers on Dekalb Avenue and Hart Street at high risk of displacement. A five-page letter to the Community Board committing to being a "community partner" does not change the facts laid out in the zoning application.

## **2. Affordability**

The community did make it clear that depth of affordability was a significant issue on the 1601 Dekalb application site. It is a positive that Camber Group is reassessing their affordability numbers and we will wait to see what the plan looks like in the coming days. However, depth of affordability was one of many things addressed at the Community Board open hearing in March.

In addition to depth of affordability, it was made clear that this standard 75/25 MIH plan would not be welcomed in Bushwick. The current zoning designation of the Camber Group property is M1-1, which does not allow for residential use. A zoning change from M1-1 to R7A would grant the developer a change from 100 parking units to 122 residential units. If Camber Group wanted to be a "community partner", it would recognize the windfall profits it stands to make with an M to R application and would set aside a higher number of overall affordable units.

## **3. Zoning Action**

It is important to note here that Camber Group acknowledges their standing application includes all lots from the parking lot site to Wyckoff Avenue. Camber then goes on to say "this is not our preference, rather a requirement of the Department of City Planning" and "it is not our desire to change the use of the surrounding lots".

Whether it is Camber Groups desire or not, the adjacent lots (not owned by Camber) as described in the zoning application will be impacted. The only way to make those lots not susceptible to projected development is to remove them completely from the current zoning application. Camber Group has not stated a desire to do so in this letter.

In response to the role of the Department of City Planning (DCP), it has been over four years since community stakeholders have engaged in a Bushwick Community Planning Process (BCPP) with city agencies including DCP. The goal of this process has always been to develop a broad but equitable zoning solution led by the community. The fact that DCP recommended expanding this application,



when the adjacent lots are not owned by Camber Group, to a multi lot rezoning without consulting BCPP stakeholders first feels disingenuous to the process. We hope to hear from DCP as to why they moved forward with this zoning recommendation without community input.

#### **4. Commitments and Community Outreach**

While the Camber Group is committing to ongoing meetings with community stakeholders - to document concerns and develop mitigation plans - these were all steps that should have been taken Pre-Certification and ULURP. Since the Community Board will not receive such mitigation plans before the vote slated on April 18th, it cannot factor those plans in as they do not yet exist.

In response to the hiring of Media Culture and Communication Group (MCCG) run by Kweighbaye Kotee, we understand that Kweighbaye sits on CB4 and has made a decision to opt out of voting on this project given the conflict of interest. We thank Kweighbaye for that decision. We also respectfully request that any member of CB4 who has a professional or personal interest in this application opt not to vote on this project given the conflict of interest.

In response to "local hiring" and "good paying, long-term, jobs", it is important to note Table A-5 on page 34 of the rezoning application. This table lays out a comparison chart of 2022 "no-action" and "with-action" conditions. The "no action" condition (as is to date) assumes 54 workers while the "with action" condition assumes 12 workers. Even if Camber delivered on all 12 local hires, the result of this application still leaves Bushwick 42 jobs short.

For these reasons, Make the Road New York opposes the project laid out in this current application. We also urge members of CB4 to issue a "No" vote on this proposal.

Thank you for accepting and reviewing this letter.

Sincerely,

Jose Lopez  
Director of Organizing  
Make the Road New York

Nieves Padilla  
Senior Workplace Justice Organizer  
Make the Road New York

Angel Vera  
Senior Housing Justice Organizer  
Make the Road New York

CC: Brooklyn Borough President Eric Adams  
NYC Council Member Rafael Espinal, District 37  
NYC Council Member Antonio Reynoso, District 34  
City Planning Commission Chair, Marissa Lago



April 17, 2018

Hon. Eric L. Adams  
Brooklyn Borough President  
209 Joralemon Street  
Brooklyn, NY 11201

Re: ULURP Public Calendar Item 3 (1601 DeKalb Avenue, 180148 ZMK, 180149 ZRK)

To the Hon. Eric L. Adams, Greeting:

I am a deputy program director of Brooklyn Legal Services Corporation A (Marty Needelman's office)'s preserving affordable housing program, and managing attorney of my organization's Bushwick office. I also am a member of the Bushwick Community Plan (BCP)'s executive and steering committees, a plan where your office has been a prominent participant. In the name of justice for the community, in its procedural and substantive aspects, I submit this written testimony in opposition to the proposed rezoning of 1601 DeKalb Avenue. As is usually the case, procedure and substance meet; with this rezoning, the meeting point is Bushwick's story, which is the lived experience of the people of color who call Bushwick home.

Residents of Bushwick have been calling for investment and development since the 1970s, as a matter of restorative justice. The thousands who moved into Bushwick from points south, largely fleeing the instability that colonialism and Cold War geopolitics produced in Latin America, the Caribbean, and South America, or the terror of slavery's deep roots in the United States South, came to Bushwick to partake in the blessings of liberty: unionized factory jobs with living wages in a setting without crushing density. Yet, and as a perfect illustration of two points that both ends of the civil rights movement, symbolized by Martin and Malcolm, emphatically agreed upon – how you needn't travel far to encounter discrimination, and how it is steeped in structures – the opportunity to enjoy the American dream of a living wage shriveled up, became the depressing rust belt, after racist neglect followed white flight. As is the typical lived experience of such peoples, once they finally got in the game, the goal posts moved and folks took the ball.

So the initiation of the BCP marks a moment of tremendous promise: that, finally, the residents of Bushwick might too have a voice and enjoy democracy in having the power to direct government to help people of color thrive rather than simply to manage their decline. Out of the BCP, this collective struggle for justice much too delayed, has come two absolute principles: (i) that Bushwick's future must be determined by its present so that they might actually be able to share in it; and (ii) that land in Bushwick, most significantly its manufacturing space, must be used in service of the people who endured, not those who will emerge.

*building communities, ensuring opportunity, achieving justice*



The rezoning of 1601 DeKalb offends both these basic democratic principles. It is an attempt to decide what happens to precious manufacturing land before the historically ignored community, in and through its plan, has had its say. To its substance, the rezoning also would deprive the community of an asset – the manufacturing space – without adding any value to the people of Bushwick, who are the public concern, not buildings. This is at the core of the BCP’s principle that manufacturing space must not be rezoned in exchange for things failing to achieve the community’s goals.

Affordable housing and the very jobs that “coincidentally” disappeared once Bushwick’s demographics changed from being predominantly white to non-white are desperate necessities; yet this proposed rezoning offers neither. In exchange for the massive give-away of manufacturing space, the community would receive the standard number of affordable housing units and at rents that are not affordable to Bushwick’s neediest residents based on the area median income of Bushwick. And wholly leaving aside the question of whether manufacturing can be revived, which jobs the community requires based on its educational profile, this rezoning offers 12 jobs at the cost of the approximately 54 that stand to be lost with this action. If anyone regards this plan as a “win-win,” it can only be considered another of those Pyrrhic victories which have left communities of color undone. Bushwick’s residents cannot afford any more such “success.”

During this month where we commemorate the 50<sup>th</sup> anniversary, we continue to see what has become of the Dream after the Dreamer was killed. Remembering that he was slain on that balcony in the midst of fighting for substantive civil rights – housing, jobs, minimum income, and living wages – we urge the Borough President affirmatively to further fair housing, a principle under a law passed that Dr. King might not have died in vain, by voting for housing, jobs, and incomes for a marginalized community. Since the proposed action fails to deliver such, we urge a vote of no.

Respectfully submitted,

Gregory E. Louis, Esq.  
Deputy Program Director  
Managing Attorney, Bushwick Office

*building communities, ensuring opportunity, achieving justice*



OFFICE OF THE PRESIDENT

April 17, 2018

Brooklyn Community Board 4  
c/o Celestina Leon  
140 Bushwick Ave  
Brooklyn, NY 11207

**Re: 1601 DeKalb Ave.  
Brooklyn, New York 11237**

Dear Members and Staff of Community Board 4,

I write to ask you to maintain the land use designation of Lot 31, at 1601 DeKalb Ave. in Bushwick until such time that a proper community planning process can take place and that the horrendous parking situation that is present in the vicinity of Wyckoff Avenue and DeKalb Ave can be mitigated.

Wyckoff Heights Medical Center will be negatively impacted by the decision of the owners to use what has been a parking lot for decades and to change its use for a housing and commercial structure. The continuing influx of luxury housing development without the consideration of the needs of the present population of the neighborhood and the more than 1,800 staff, nurses and physicians of Wyckoff is necessary in advance of any change in zoning. Travel to and from our Hospital continues to be difficult and as repairs are being made to the infrastructure of this community, adding to the burden of all members of our community is not fair and will be counterproductive for all concerned.

Before any decision to change the zoning of the neighborhood we recommend, no we plead, for a mitigation plan to make sure that there is available parking for all the businesses and the largest employer. Today, we do not have enough available parking for our Staff's and for our patients and their families, removing this long-term lot will be hurt us all.

Our Hospital relies on the ongoing support of professionals of all kinds, especially Nurses and Physicians, who would be less likely to join us and to stay with us if they did not have an opportunity to park close to where they work.

Maybe its not a necessary component of community planning, but the owners of this property could have been more forthright and come to us at Wyckoff Hospital to discuss their plans, so that we can work together to find a way to meet their needs and those of our 129 year old hospital in Bushwick.

I read some of the opposition letters and would like to adopt their request to have a truly engaged effort to plan the use of what is now an important asset to the City of New York. Bushwick is growing and becoming more and more popular each day. At the same time, the most important transportation

service the L Subway will be closed for 18 months. This will be mitigated by the use of other subway lines and with added Bus service. It is as it should be, but what about parking, how will my professional staff, physicians and nurses who must travel here in cars going to be responded to when the limited parking that exists in Bushwick disappears? Therefore, we request that you hold any change in land use designation and respond favorably to the request made by our neighbors.

Last night, I attended the land use meeting in which this development was discussed before representatives of our Brooklyn Borough President Eric Adams. One of the developers' off-handedly spoke of the proposed site as not replacing a light industry site, but "only a parking lot", as if such a place was unimportant. What it said to me was that they truly don't understand the many issues that are faced by the people who live and work in Bushwick. The lack of off-site parking is a crisis and will become worse and worse if changes in the land-use don't mitigate this critically important requirement. Its not "just parking".

I ask that you hold off on this decision to change land use for this project until a Plan can be developed to respond to the needs for adequate parking in the community. It is the kind of decision that could bring our safety net hospital that has worked so hard to improve clinically and to improve its services, back to a point in which our recruitment of top physicians and nursing staff is stymied. The present compliment of our Staff's have made it clear to us that if it becomes any more difficult in their commute that they will seek another place to work.

This parking lot to us is as important as any physical resource that the hospital provides for the service of our community. It's not too much of an exaggeration to say, no parking, no hospital.

Thank you for considering my request.

Sincerely,



Ramon J. Rodriguez  
President & CEO

CC: Brooklyn Borough President Eric Adams  
NYC Council Member Rafael Espinal, District 37  
NYC Council Member Antonio Reynoso, District 34  
City Planning Commission Chair, Marissa Lago

**Brooklyn Borough President Recommendation**  
CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> 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**

1601 DEKALB AVENUE REZONING – 180148 ZMK, 180149 ZRK

In the matter of applications submitted by 1601 DeKalb Owner LLC for zoning map and text amendments to the northern portion of a block bounded by DeKalb Avenue, Hart Street, Irving Avenue, and Wyckoff Avenue in the Bushwick neighborhood of Brooklyn Community District 4 (CD 4). The amendments would change an R6 district to R6B, rezone an M1-1 district to R7A, and establish a C2-4 overlay along the Wyckoff Avenue frontage within the proposed R7A district, as well as designate the area of the proposed R7A zoning district as a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of two nine-story residential buildings, together providing 122 units, of which approximately 31 would be offered as affordable housing. Units pursuant to MIH would be required to be permanently affordable. The development would provide 46 enclosed and unenclosed parking spaces.

BROOKLYN COMMUNITY DISTRICT NO. 4

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Handwritten signature of Eric Adams in black ink.

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

May 30, 2018

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: 1601 DEKALB AVENUE REZONING – 180148 ZMK, 180149 ZRK**

1601 DeKalb Owner LLC submitted applications for zoning map and text amendments to the northern portion of a block bounded by DeKalb Avenue, Hart Street, Irving Avenue, and Wyckoff Avenue in the Bushwick neighborhood of Brooklyn Community District 4 (CD 4). The amendments would change an R6 district to R6B, rezone an M1-1 district to R7A, and establish a C2-4 overlay along the Wyckoff Avenue frontage within the proposed R7A district, as well as designate the area of the proposed R7A zoning district as a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of two nine-story residential buildings, together providing 122 units, of which approximately 31 would be offered as affordable housing. Units pursuant to MIH would be required to be permanently affordable. The development would provide 46 enclosed and unenclosed parking spaces.

On April 17, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There were 24 speakers on this item, including the chair and district manager of Brooklyn Community Board 4 (CB 4), 32BJ SEIU, residents of 1615 DeKalb Avenue, and the president of Wyckoff Heights Medical Center (WHMC). One speaker in support expressed the need for well-paying building service jobs in this development. The 23 speakers in opposition expressed concerns about the substantial upzoning requested, the need for deeply affordable housing, the potential for displacing the laundromat and the Brotherhood Boxing Club (boxing club) on the block, and the consequences for tenants of the adjacent loft buildings.

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 this will depend on which MIH option the developer elects to pursue. The applicant has presented two options to the community: one with units at 30, 40, 60, and 80 percent AMI, and one with units at 30, 40, 50, and 60 percent AMI. For a two-bedroom unit at 30 percent AMI, the maximum income would be \$28,620, and the maximum monthly rent would be \$639. At 60 percent AMI, the maximum income for this unit would be \$57,240, and the maximum monthly rent, \$1,354. At 80 percent AMI, the income limit for a two-bedroom would be \$76,320, and the monthly rent would be \$1,831.

In response to Borough President Adams' inquiry as to how long the non-MIH units are required to be rented at affordable rates, the representative stated that the seven non-MIH units will be memorialized in an additional deed restriction under the New York State "Affordable New York" housing program, for a period of 35 years. The representative expressed the applicant's interest in filing a deed restriction to make those units permanently affordable.

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 4, the representative stated that the applicant has engaged RiseBoro Community Partnership (RCP) to market the affordable units. The developer will do additional targeted marketing and hold information sessions in the community to exceed the 50 percent preference for residents of CD 4.

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 work with the community board, the Office of the Brooklyn Borough President, and the local council member to provide training sessions for NYC Housing Connect. The applicant will also work with RCP to implement a local marketing campaign for the affordable units before the building is complete.

In response to Borough President Adams' inquiry regarding the two adjacent loft buildings, and what impact the proposed rezoning and lot line development might have on the existing occupants' ability to secure legal residential occupancy status without the threat of displacement, the applicant's representative stated intent to work with the landlords to legalize their buildings, or set the development back from the lot line to ensure that residents who have lot-line windows are able to maintain them and avoid displacement.

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 exceed the New York City Energy Conservation Code (NYCECC) with eco-friendly materials, ENERGY STAR windows, green roofs, low-albedo color roofing, and a rainwater collection system, in addition to other features.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the applicant's representative quoted an LBE and MWBE hiring goal of 30 percent. The applicant has had information sessions with local community groups, including an MWBE communications organization. The representative also shared that RCP will develop a pipeline of qualified local residents for this project. Finally, the developer has committed to hiring 32BJ SEIU building service workers.

Prior to the hearing, Borough President Adams received written testimony from several local residents voicing opposition to 1601 DeKalb Avenue, expressing concerns about affordability, congestion, and displacement related to the proposed development.

Prior to the hearing, Borough President Adams received letters from Evergreen and Make the Road New York in opposition the rezoning. Make the Road New York raised concerns about the potential for commercial and residential displacement on the block including properties not owned by the applicant, and also expressed reservations about the impact of upzoning from manufacturing to residential use without deeper affordability beyond MIH. Evergreen, which sits on the Economic Development Committee of the Bushwick Community Plan (BCP), urged the retention of the current M1-1 district on the site.

Subsequent to the hearing, Borough President Adams received letters in opposition from Brooklyn Legal Services Corporation A (Brooklyn A), several young residents of Bushwick, and from the president of WHMC. Brooklyn A cited inconsistency with the BCP and the limited benefits the community would receive in exchange for the rezoning. The young residents expressed the need for housing affordable to area residents and the concern about being pushed out of the neighborhood. WHMC's president expressed concern that the hospital would lose vital parking space for its employees during the impending 18-month New York City Transit (NYCT) closure of the 14<sup>th</sup> Street-Canarsie Local L train.

Subsequent to the hearing, Borough President Adams also received letters from the applicant dated May 10<sup>th</sup> suggesting intended commitments, and May 18<sup>th</sup>, outlining a plan to realize a fully income-restricted development.

### **Consideration**

CB 4 disapproved this application on April 18<sup>th</sup>, citing concerns about the conversion of manufacturing land to residential use, insufficient affordability in the development, and the potential for commercial and residential displacement.

The site of the proposed development includes three lots that are all currently utilized as public parking, specifically as a resource for employees of WHMC. The lots contain approximately 100 parking spaces



and comprise a total of 25,000 square feet (sq. ft.). The proposed rezoning boundary includes seven lots on the eastern half of the block. The entire rezoning area is approximately 62,770 sq. ft. In all, six of the 10 lots are currently zoned M1-1, and four are zoned R6. The application seeks to change the M1-1 lots to R7A, and the R6 lots to R6B.

The surrounding context is defined by low-rise commercial and residential buildings. WHMC is the major community facility use in the neighborhood, with 1,800 employees. Much of the area is zoned R6, with some manufacturing zoning northwest of the project site extending past Flushing Avenue to where such blocks are also part of the North Brooklyn Industrial Business Zone (IBZ). There have been no area-wide zoning changes in this section of Bushwick in recent years. However, since 2014, many residents of CD 4 have been engaged in the BCP, a multi-stakeholder process led by a steering committee in consultation with CB 4 and Council Members Rafael Espinal and Antonio Reynoso. The BCP seeks to balance the creation of affordable housing with economic development in the neighborhood. The plan is expected to be finalized in late 2018. Among its key principles is that manufacturing-zoned land should not be converted to residential use without resulting deep affordability.

The proposed development would rise on a large lot that covers 80 percent of the development site, to be rezoned from M1-1 to R7A, and two small lots to be downzoned from R6 to R6B. It would comprise two buildings, one fronting DeKalb Avenue and the other fronting Hart Street, with a combined floor area of 102,000 sq. ft., and a blended Floor Area Ratio (FAR) of 4.12. The DeKalb Avenue building would not exceed 50 feet in height within the R6B portion of the site, and have a 25-foot long, six-story transitional section adjacent to the R6B district, as part of the nine stories on the R7A portion of the site. The Hart Street building would also be primarily nine stories, and transition down to six stories within 25 feet of the proposed adjacent R6B district, as required by zoning.

Together, the buildings might result in 122 units, with 31 made affordable through a combination of MIH requirements and the New York State "Affordable New York" housing program real property tax abatement. The development would have 46 at-grade parking spaces, accessed via DeKalb Avenue, 61 bicycle parking spots, and some recreational space at the cellar level.

In addition to facilitating the aforementioned development, the proposed rezoning would impact other lots included in the rezoning boundary and potentially affect the residents and workers who occupy them. The M1-1 lots adjacent to the development site are occupied by two loft buildings fronting DeKalb Avenue and Hart Street. These buildings have been tenanted for residential occupancy, contrary to permitted commercial/manufacturing occupancy for more than a decade. Both of the lofts are built to less than 2.5 FAR. The proposed rezoning would provide a means to achieve legal residential occupancy for the buildings in compliance with the New York City Zoning Resolution (ZR). It would also increase the maximum development rights on those lots to an FAR of 4.6, which could result in the addition of floor area above sections of these lofts where the bulk would be in compliance with R7A zoning bulk limits. However, it is questionable that such additional rights would entice demolition of these lofts.

The Environmental Assessment Statement (EAS) identified the DeKalb Avenue loft as a potential development site, which would require complete displacement of all tenants, as well as building demolition. Borough President Adams does not believe this is a reasonable worst-case scenario because these lofts already provide more than half of the market-rate floor area (typically 3.45 FAR for R7A MIH districts). However, if the property owner were to merely add floors to the structure, this could result in a situation that compromises one or more existing occupants. Even with efforts to achieve legal residential occupancy in either loft, shared lot-line construction on the applicant's site could compromise loft tenants whose only living space windows face the lot line, as their occupancy would then be in violation of the New York City fire code due to lack of egress. It has been reported that there are 12 such occupied loft spaces that would have to be vacated if the construction of 1601 DeKalb Avenue covers their existing windows.

The proposed rezoning would result in a reduction of land zoned for manufacturing in Bushwick. 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 existing occupancies consist of commercial uses including live/work loft spaces, a parking lot, and a post office, which would conform to a residential and/or commercial zoning district designation. Residential development along DeKalb Avenue and Hart Street would be more appropriate adjacent to the homes on these streets toward Irving Avenue. The proposed residential use is compatible with the prevailing residential character of the area.

Borough President Adams supports appropriate density in proximity to public transit. The area proposed for rezoning is well-served by public transportation, including the L train, which runs along Wyckoff Avenue with the nearest station at DeKalb Avenue. The B13 and B38 buses also stop on the next block. Borough President Adams is generally supportive of the notion of introducing R7A zoning along Wyckoff Avenue given the block's proximity to the DeKalb Avenue station stairwell. He supports facilitating such development through the mapping of height-based zoning districts as a means to promote certainty within the host community of how many stories would be permitted.

Regarding 1601 DeKalb 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 R7A 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 1601 DeKalb Avenue would target units to households at multiple income tiers through the affordable housing lottery.

The ZR requires the affordable housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by the New York City Department of Housing Preservation and Development (HPD). Such administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verifying a prospective tenant household's qualifying income and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure compliance.

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. Borough President Adams recognizes that the applicant has elected to partner with RCP, a non-profit housing advocate in CD 4 with a proven track record of marketing affordable housing units and promoting lottery readiness through educational initiatives.

Borough President Adams supports the intent of the proposed rezoning. Still, there are many issues that he believes that warrant consideration prior to determination by the City Council and there are aspects that he believes would need to be addressed through subsequent actions. He believes that the development proposal should evolve in a manner that would result in an enhancement of public benefit. The proposed MIH option, the percentage of affordable floor area, and the bedroom mix need to be modified to serve as an adequate resource for those in the community who are at risk for further displacement. The project should achieve more family-sized units and enhance opportunities for seniors to qualify for the smaller affordable units. At the same time, without adequate accommodations, it poses a substantial risk to occupants of the two adjacent loft buildings, particularly those with windows facing the site. Furthermore, the rezoning would not require retail along Wyckoff Avenue, which raises concerns regarding the status of the boxing club and other establishments that would become more at risk to be displaced, with a resulting loss of jobs and community services due to incentives created by the residential upzoning. Though there has been an expression of intent, there remains an absence of firm commitments that would advance Borough President Adams' policies regarding resilient and sustainable energy and stormwater practices, as well as promoting a high level of LBE/MWBE hiring. Finally, Borough President Adams believes that there may be opportunities to address parking demand for employees of WHMC, and lottery preference for homeless families and rent-burdened households.

**Appropriate Mandatory Inclusionary Housing (MIH) Option for Very Low-Income Households At-Risk for Displacement**

The ZR specifies four options for new construction subject to MIH regulations. Only two of the options require making units available to very low-income households, which are more likely to be in need of affordable housing as they tend to have a higher proportion of rent-burdened tenants. MIH Option 1 requires that 25 percent of the MIH floor area be marketed at rents affordable to households earning an average of 60 percent AMI, with 40 percent set aside for households at 40 percent AMI. MIH Option 3 reduces the affordable floor area requirement to 20 percent, though targets households at an average rent roll of 40 percent AMI.

The developer has proposed setting aside 10 of the stated 24 MIH units at 1601 DeKalb Avenue for households at 30 and 40 percent AMI. Targeting apartments to very low-income households allows seniors, especially one-person households, to qualify for affordable housing lotteries. Borough President Adams believes that providing affordable housing opportunities for some very low-income households serves a reasonable public purpose for those constituents.

Borough President Adams believes that designating MIH Option 3 at 1601 DeKalb Avenue would be a better choice to address community affordable housing needs by redirecting resulting public benefits to serve very low-income residents in need for such affordable housing. The application before him does not adequately benefit area residents at risk for displacement. In a letter dated May 10, 2018, to Borough President Adams from the applicant, 1601 DeKalb Owner LLC expressed commitment to provide deeper affordability within the development than required by MIH. Of the 26 units pursuant to MIH, six would be offered at 30 percent AMI, seven would be offered at 40 percent AMI, seven would be offered at 60 percent AMI, and six would be offered at 80 percent AMI. Though the applicant presented an AMI distribution below the average rent roll permitted by MIH Option 1, it is not legally binding and still falls short of addressing community needs. In its May 18<sup>th</sup> letter, the developer outlined a plan to achieve a fully income-restricted development containing approximately 100 dwelling units. Twenty percent of the units were suggested to be affordable to households earning up to 50 percent AMI, up to 80 percent AMI, and 50 percent at up to 130 percent AMI. While this would result in greater affordability, it would not meet Borough President Adams' interest in securing deeper affordability pursuant to MIH Option 3.

Therefore, prior to consideration of this application, the City Council should be within land use scope to mandate MIH Option 3, as part of the City Planning Commission (CPC) and/or City Council approving this application.

#### **Achieving Greater Affordability of the Affordable Housing Floor Area**

In order to have MIH withstand constitutional challenges, it must have consistency for advancing a public purpose. However, in doing so, the proposed MIH rezoning falls well short of capturing the added value of the increase in floor area that results from converting manufacturing land to residential use. Upzoning from an M1-1 district, with no residential FAR, to an R7A/MIH district, with a maximum 4.6 FAR, results in a windfall of development rights beyond the standard public benefits attributed to MIH. Such FAR increase and use opportunity incentivizes significant market-rate development in comparison to as-of-right opportunity. There is thus a significant difference between drastic upzonings, such as what is proposed in this application, and more modest upzonings, such as changing an R6A to R7A. Additionally, any zoning district in excess of R6A lacks leverage through MIH to induce more affordable housing as a public benefit pursuant to MIH. As such, the proposed rezoning would substantially enrich the development site with market-rate floor area without the public benefit of extra affordable housing, compared to an upzoning that provides for less development opportunity.

Borough President Adams believes that significant upzonings should yield any combination of more affordable housing and/or where appropriate, deeper levels of affordability than upzonings that do not provide a comparable increase in density. As this inequity cannot be rectified directly through MIH, Borough President Adams believes that maximizing the number of affordable units while lowering the levels of household affordability can be achieved by blending what is required, according to the proposed MIH, with the establishment of a voluntary special bulk permit. Though, in the absence of such a special permit within the ZR, he believes that an applicant could equate such policy through a legally binding mechanism.

Specifically, under this request, Borough President Adams believes that in order to determine an appropriate extent of affordable housing floor area in excess of the MIH requirements, the site should be analyzed in the context of R6A MIH regulations, which stipulate a FAR of 3.6. As proposed to be mapped, the R7A zoning represents 20,000 sq. ft. of lot area with 72,000 sq. ft. of additional development rights in excess of the M1-1 district and more valuable core floor area of 20,000 sq. ft. Of such rights, 69,000 sq. ft. would be used for market-rate floor area according to MIH Option 1, though it would be 73,600 sq. ft. according to MIH Option 3 and its 40 percent of AMI average rent roll. These market-rate floor area rights are 16,000 sq. ft. in excess of what is permitted in the R6A MIH district,

according to MIH Option 3. Borough President Adams believes that a portion of these rights might be reasonably used to advance additional public benefit.

For 1601 DeKalb Owner LLC to seek the additional 1.0 FAR, it is the policy of Borough President Adams that there be a requirement that 40 percent of the additional floor area be affordable based on rents in which half the floor area would be pursuant to MIH Option 3. These rents would average 40 percent AMI, with an additional half averaging 60 percent AMI. Linking a substantial amount of market-rate floor area in excess of the 3.6 FAR, at an increased percent of the affordability requirement up to 4.6 FAR, or from 20 percent of 1.0 FAR to 40 percent, would produce approximately 4,000 sq. ft. of additional floor area for affordable housing.

There appears to be sufficient benefit to the developer to still seek the R7A district in lieu of an R6A district even with an additional increment of the additional floor area being earmarked for the publicly desired affordable housing. According to this basis, 18,400 sq. ft. of residential floor area should have an average rent roll at 40 percent AMI, and 4,000 sq. ft. of residential floor area should have an average rent roll of 60 percent AMI. This is in addition to the portion of the 10,000 sq. ft. of floor area from the two development lots zoned R6B that would be affordable according to the New York State "Affordable New York" housing program property tax abatement.

Therefore, there is need for an adequate demonstration by the developer of providing a binding mechanism for realizing the additional 1.0 FAR beyond what would result from an R6A designation. The additional 1.0 FAR should memorialize that 40 percent of that floor area increment would be permanently affordable. In addition, for the floor area not pursuant to MIH Option 3, its average rent should not exceed 60 percent AMI standards. Without such a restriction, it would not be appropriate for the development site to exceed R6A zoning. The CPC and/or City Council should set forth that the requested R7A zoning district be conditioned on a legal mechanism that commits an additional 4,000 sq. ft. of affordable housing floor area at an average rent of 60 percent AMI. Otherwise, the CPC or City Council should not consider the requested R7A MIH district favorably.

While the developer's May 18<sup>th</sup> letter outlined a plan to achieve a fully income-restricted development containing approximately 100 dwelling units that would result in greater affordability, it would not meet Borough President Adams' interest in securing deeper affordability pursuant to MIH Option 3 with an increased percentage of permanent affordable housing floor area.

Borough President Adams believes that, prior to considering the application, the City Council should obtain adequate representation, in writing, from 1601 DeKalb Owner LLC demonstrating the filing of a legally binding mechanism that commits an increased percentage of permanently affordable housing floor area.

### **Achieving Sufficient Neighborhood Affordability**

Even with the improved neighborhood access to the potential affordable housing units through development pursuant to MIH Option 3 with the average rent roll of 40 percent AMI, as well as the additional permanently affordable housing floor area called for by Borough President Adams given the advantage of securing an R7A district from the existing M1-1 district (in lieu of R6A), the proposed development would need to provide even more affordable housing to benefit this community, given the recent wave of rent increases and the resulting displacement.

Borough President Adams appreciates the developer's willingness, as provided in the May 18<sup>th</sup> letter, to engage with HPD and outline a plan to realize a fully income-restricted development. However, for long-time community residents, units based on 80 percent and 130 percent AMI rents are not any more attainable than market-rate rents. Therefore, while the developer's proposal would result in greater affordability, it would not assist those most at risk of being displaced.

Rather than seek such financing from HPD, Borough President Adams believes that the dialogue should focus on HPD's Extremely Low and Low Affordability (ELLA) program, which targets low and very low-income households, not exceeding 60 percent AMI. Borough President Adams believes that it would be appropriate to achieve funding for not less than 40 percent of the affordable housing area, inclusive of the MIH Option 3 units and additional permanent affordable housing floor area that he has identified.

Borough President Adams understands that even with 60 percent of the units being market rate and with the advantages of finances and subsidies according to the ELLA program, there might still be a gap in funding for a viable development. Given the unique needs of the host community, he would participate in a financial collaboration to achieve an overall project with minimum 40 percent of the residential floor area earmarked for very-low and low-income households. Since Hart Street represents the boundary line between the 34<sup>th</sup> and 37<sup>th</sup> City Council districts and that CD 4 community preference would benefit constituents of both districts, Borough President Adams believes that it would be appropriate for both Council Members Espinal and Reynoso to participate in earmarking funding to assure that it would be affordable to constituents who are most at risk for displacement.

Therefore, Borough President Adams calls on 1601 DeKalb Owner LLC to seek out ELLA financing from HPD to make not less than 40 percent of the residential floor area affordable to low and very low-income households. Prior to considering the application, the City Council should obtain adequate representation, in writing, from 1601 DeKalb Owner LLC demonstrating the status of such commitment. In addition, 1601 DeKalb Owner LLC, should seek a Resolution A (Reso A) contribution from Borough President Adams and CD 4 City Council members.

#### **Excluding Wyckoff Avenue-Facing Lots:**

##### Opportunity to Leverage Greater Affordable Housing in the Future

In addition to the lots containing the applicant's site, the requested zoning change from M1-1 to R7A includes three lots covering the east side of the block on Wyckoff Avenue. These lots contain a boxing club, laundromat, post office building, and restaurant. The post office occupies the largest of the lots and is expected to remain for the foreseeable future as the land is owned by the federal government. However, the two smaller lots, which are occupied by a two-story building containing a laundromat on the ground floor with the boxing club on the second floor, and a one-story eating and drinking establishment, would be substantially underbuilt if rezoned to R7A. Under an R7A district, such lots may be considered desirable soft sites for market-rate development. An R7A rezoning of these lots would provide 4.6 residential FAR and enable the replacement of the existing uses by a nine-story residential building on Hart Street, and an infill building at the corner of DeKalb and Wyckoff avenues.

The developer's Environmental Assessment Statement (EAS) identifies only the laundromat lot as a projected development site. However, there is a reasonable possibility that the small restaurant lot on the corner of DeKalb and Wyckoff avenues might also be redeveloped for residential use. Moreover, due to the size of these lots, it is possible that new residential construction would not trigger the requirement for participation in the MIH program. According to ZR Section 23-154(d)(4), a single development of no more than 10 residential units or less than 12,500 sq. ft. of residential floor area, on a zoning lot that existed on the effective date of the proposed rezoning, need not comply with the MIH affordability requirements. If new buildings on the two Wyckoff Avenue lots were built below the MIH threshold, such development would not result in affordable housing units or even payment made into the City's affordable housing fund. Instead, it would displace existing uses through demolition and new construction. Resulting development would be contrary to Borough President Adams' policy to seek greater participation of affordable housing for significant zonings.

### Opportunity to Establish a Special Enhanced Commercial District (SECD) Along This Portion of Wyckoff Avenue

Ground-floor retail provides opportunities for pedestrians to view interior activity and merchandise in a manner that creates a more interesting experience when strolling along a retail corridor. Interesting corridors often result in more foot traffic, which supports retailers while providing more eyes on the street as a means to bolster neighborhood safety. This is further enhanced when lighting from stores supplement the city's street lights. By providing a more active streetscape, commercial ground-floor space has the potential to not only activate the street but also generate more foot traffic and an overall brighter, livelier, and safer atmosphere.

If approved, the proposed rezoning from M1-1 to R7A would more than triple the market-rate development rights on the lots within the rezoning boundary. Borough President Adams acknowledges that future development on the Wyckoff Avenue property containing the boxing club and laundromat would displace existing businesses and their workers. Moreover, such redevelopment would not be required to incorporate commercial use on its ground floor. Even the proposed C2 commercial overlay along Wyckoff Avenue would not obligate new development to provide ground-floor community facility or retail uses.

Borough President Adams believes that market-rate housing developments should be obligated to provide storefront frontage at specific locations to activate neighborhood streets. Requiring ground-floor non-residential use on Wyckoff Avenue would help maintain this block front as a vital retail corridor with a mix of commercial and community facilities. At this location, it would also ensure that new development restores the retail employment lost due to demolition of the existing building housing the boxing club and the laundromat. In order to guarantee that ground-floor commercial space is provided as part of any future development, Borough President Adams seeks for the pairing of an SECD on this block of Wyckoff Avenue for any rezoning to R7A to be advanced. An SECD designation would build on existing streetscape revitalization efforts along this corridor, as exemplified by the transformation of Wyckoff Avenue's roadway into a public plaza at Myrtle Avenue. Borough President Adams believes that it would not be appropriate to advance the proposed rezoning along Wyckoff Avenue until it is paired with an SECD so as to require the provision of a ground-floor commercial and/or community facility floor area in new developments.

Taken together, Borough President Adams is concerned that the proposed R7A/C2-4 rezoning would not achieve enough affordable housing units to be consistent with his policies or address the loss of jobs and active street frontage to justify the promotion of residential development. Furthermore, the future status of the large post office lot that occupies 10,908 sq. ft. on the block is unknown, which means that the potential for assembling the three lots to maximize opportunity for MIH is currently unclear. As such, Borough President Adams believes it is appropriate to exclude the three lots on Wyckoff Avenue between DeKalb Avenue and Hart Street from the proposed rezoning boundary for 1601 DeKalb Avenue in order to maximize affordable housing opportunities, as well as minimize the displacement of active commercial uses and the loss of both community resources and jobs.

Therefore, Borough President Adams believes that it is appropriate for CPC or the City Council to modify the proposed R7A zoning by removing the three lots fronting Wyckoff Avenue from the rezoning boundary, to better leverage affordable housing opportunities in the future and assure that subsequent development advance with streetscape activation.

### **Assisting the Brotherhood Boxing Club's Ability to Remain a Community Resource**

It is one of Borough President Adams' policies to assist community-based organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to retain affordable space to maintain their programming. 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. Borough President Adams understands that the boxing club, located at 82 Wyckoff Avenue, is a valued local business that serves young people in the area, and believes that its operation is consistent with his view of cultural uses.

Brotherhood Boxing Club, the non-profit arm of the New York Boxing Academy, features an afterschool program that provides on-site homework help to promote scholastic achievement as well as on-site career counseling to assist recent high school graduates with college and career preparation. Its mission and vision is to provide at-risk youths and adults a place to learn the science of boxing and martial arts in a family-friendly, non-intimidating environment, with the context of improving health, quality-of-life, and wellness.

Unfortunately, the boxing club would more than likely find it challenging to compete with rents that office and retail uses would likely pay to lease such space in this section of Bushwick. Therefore, it is unknown how long the boxing club could be reasonably expected to remain as a community resource beyond its current lease term.

Borough President Adams recognizes that there may be alternative public purposes that warrant consideration in lieu of additional affordable housing floor area in this development. For example, the developer could provide affordable space at below-market rents for a boxing club in one of its buildings. In order to do so, a C2 commercial overlay would be required to permit such a use to be pursuant to the ZR. Given the extent that the Key Food supermarket extends off Wyckoff Avenue along Hart Street, Borough President Adams believes that this would be the appropriate frontage to accommodate the boxing club. He believes that introducing a C2 commercial overlay might be in scope because it would allow uses according to the existing M1-1 zoning district.

Borough President Adams believes that accommodating floor area for a boxing club would have nominal impact on the ability to provide the proposed market-rate housing. This would be particularly the case should the market-rate unit mix be altered to have a reduction in studio and/or one-bedroom units, with such market-rate residential floor area being offered as additional two-bedroom units or even as one or more three-bedroom units. If the unit mix were to be revised in the eventual development, there would be a corresponding reduction in the number of required parking spaces. This would enable the



developer to accommodate the boxing club in floor area exempt from zoning requirements but for street entry purposes.

Therefore, Borough President Adams believes that in lieu of fully increasing the percentage of affordable housing floor area, it would also be appropriate to reduce that percentage in order to set aside some portion of the ground floor and cellar space at a below-market lease to the boxing club, enabling the venue to remain near its patrons.

Borough President Adams believes in consideration of approving the requested R7A, for the CPC and/or the City Council to condition the rezoning on the inclusion of a C2 commercial overlay along Hart Street. Additionally, prior to considering the application, the City Council should obtain commitments, in writing, from 1601 DeKalb Owner LLC that would incorporate language clarifying the extent that 1601 DeKalb Avenue would provide ground-floor and cellar non-residential space that would be rented at below market-rate to accommodate the boxing club as an ongoing community cultural use.

### **Achieving a Family-Sized Affordable Housing Unit Mix**

A recent report has identified that rent-burdened households, which typically represent those households 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 CD 4'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.

This development would result in some permanently affordable housing according to MIH and the 421-a program. Borough President Adams believes that using the affordable housing floor area for right-sizing the bedroom distribution is more important 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 1601 DeKalb Avenue rezoning presents an opportunity to achieve more family-sized units for the non-elderly, and advocates increasing the minimum threshold for non-independent residences for senior housing to accommodate family-sized apartments. 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 1601 DeKalb 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, with rents targeting households qualifying at 30, 40, and 50 percent AMI. In addition, he believes that such floor area should have an expanded number of studio and one-bedroom units with rents at 30, 40, and 50 percent AMI to accommodate a greater percentage of senior households.

While the developer's May 18<sup>th</sup> letter outlined a plan to achieve a fully income-restricted development containing approximately 100 dwelling units would result in greater affordability, it indicated bedroom mix of 10 percent studios, 60 percent one-bedrooms, 15 percent two-bedrooms, and 15 percent three-bedrooms would not meet Borough President Adams' interest in securing a more family oriented bedroom mix.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from 1601 DeKalb Owner LLC that would incorporate language clarifying the extent how it 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, many of whom have 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)'s "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, but fewer than 60 percent of the affordable units for studios and one-bedrooms.

Pursuant to MIH Option 3, Borough President Adams would find it acceptable to realize a reduced percentage of affordable housing floor area to be set aside for two- and three-bedroom units than typically stipulated as a means to accommodate a greater percentage of families with children, in order to provide more opportunity for elderly households including those that are formerly homeless.

While the developer's May 18<sup>th</sup> letter outlined a plan to achieve a fully income-restricted development containing approximately 100 dwelling units would result in greater affordability, even for its indicated studios and one-bedroom units, affordability at 50 percent of AMI would likely merely be affordable to only senior households consisting of two-persons.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from 1601 DeKalb Owner LLC that would incorporate language clarifying the extent that the rent structure for a number of studio and one-bedroom apartments would be affordable to one- or two-person households. These rents would be at 30, 40, and 50 percent AMI, in tandem with an enhanced percentage of studio and one-bedroom units, as a means to provide opportunities for senior households, including those who are formerly homeless.

### **Impact on Adjacent Lofts with Lot Line Habitability Issues**

Borough President Adams has heard strong concerns about the proposed development from CB 4 as well as residents of the 950 Hart Street and 1615 DeKalb Avenue loft buildings, which share a side lot line boundary with the development site. According to the ZR, the requested R7A zoning district would allow new development to be located along this lot boundary. According to Section

30 of the New York State Multiple Dwelling Law (MDL), windows providing natural light or ventilation that do not open to a street must open directly "upon a lawful yard, court or space above a setback upon the same lot as that occupied by the multiple dwelling in which such room is situated."

As proposed, the construction of the proposed DeKalb Avenue and Hart Street buildings would block air and light for 12 loft units whose sole windows face the lot line. In this event, the lofts, which maintain non-legal residential status, would also be in violation of the New York City Fire Code. Without immediate means to ameliorate this situation post-construction, the affected loft occupants would potentially have to vacate their units.

The 950 Hart Street loft has Interim Multifamily Dwelling (IMD) status pursuant to the New York State Loft Law, while 1615 DeKalb Avenue did not apply to the New York City Loft Board when the Board was still accepting applications. The proposed R7A rezoning is the sole opportunity for both buildings to meet MDL requirements without a re-opener of the Loft Law. The applicant had previously expressed intent to work with the landlords to put the lofts on a path to legalization. However, as the Loft Law expired in June 2017, and the Loft Board is no longer accepting applications for coverage, it is unlikely that this process would be complete when 1601 DeKalb Avenue would begin construction. Therefore, in order to avoid near-term displacement, the proposed development would have to adjust its design to provide an acceptable setback from the shared lot line, creating an inner court yard or an interim side yard, as well as possibly an access easement, to achieve a complaint extent of air, light, and secondary means of egress.

Borough President Adams shares the concerns of the potential for displacement if the development would proceed merely according to zoning. He is not supportive of an application that promotes direct displacement. It is absolutely necessary to address habitability issues stemming from the proposed development via legal means.

In a letter dated May 10, 2018, to Borough President Adams from the applicant, 1601 DeKalb Owner LLC expressed intent to set a portion of the new development a sufficient distance from the lot line in order to provide the required light wells for tenants of the adjacent loft buildings. The applicant also provided a revised site plan illustrating this setback, which would be submitted to the New York City Department of Buildings (DOB) prior to the start of construction. The applicant noted that this intervention will result in an overall 7.34 percent reduction in the developable floor area based on the designed building width with a 15 percent reduction in total unit count.

Borough President Adams notes that such representation is inadequate as it is not tied to a lawfully binding mechanism. In addition, diminishing such floor area would result in a loss of a slightly higher percentage of affordable housing floor area. One possible solution to the represented loss of floor area is to reconfigure the design to add more width to the remainder of each building. Approximately 4.5 feet of added depth would allow for this floor area to be captured to the extent that the revised building footprint would not exceed the maximum permitted lot coverage according to the ZR.

In order to retain the lot line construction opportunity in the long-term, Borough President Adams believes that it would be acceptable to build in phases along the DeKalb Avenue and Hart Street frontages to achieve an interim side yard, as well as provide sufficient time for the loft owners and occupants to achieve MDL compliance. There are several examples of narrow lots developed along Fourth Avenue to heights of nine stories such as 681 and 683 Fourth Avenue. This development approach would ultimately ensure that 1601 DeKalb Avenue provides the maximum amount of MIH affordable housing floor area. While this option would have added costs associated with

staging and require multiple building cores, it would potentially allow the developer to offset such costs by achieving 100 percent of the allowable floor area.

Borough President Adams believes that this would be a suitable alternative to pursuing memorialization based on an adequate number of years being provided for the lofts' dwellers and owners to be proactive in resolving code deficiencies on site. In addition, the applicant's team appears to have the professional capacity to assist to both the loft occupants and owners in achieving compliant MDL status.

In the absence of legal mechanisms, Borough President Adams believes that the application is not sufficiently supported by documentation to address the potential for displacement. As such, he would urge the City Council to secure assurances that the developer will address loft habitability issues stemming from the proposed development. Prior to considering the application, the City Council should obtain a legally binding commitment, in writing, from the applicant, 1601 DeKalb Owner LLC that would preclude an application for new development filed with the DOB within 10 years of any effective rezoning date, from containing construction that would block loft windows that serve as the sole source of air, light, and secondary means of egress for tenants of the adjacent loft buildings. The applicant should memorialize commitment to address the lot line habitability issues, either along the lines of an inner court setback as suggested in the May 10<sup>th</sup> letter, or phasing the development into two sections on each frontage in order to provide adequate opportunity for the loft owners and affected occupants to comply with MDL.

#### **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 (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. 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 the New York City Department of Environmental Protection's (DEP) green infrastructure strategy. Rain gardens, blue/green roofs, and permeable pavers 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 to further coordinate on this matter.

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.

In a letter dated May 10, 2018, to Borough President Adams from the applicant, 1601 DeKalb Owner LLC expressed commitment to exceed the New York City Energy Code by incorporating

green roofs, low-albedo roofing, passive house principles, and rainwater collection systems for irrigation.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, 1601 DeKalb Owner LLC to memorialize exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, passive house construction principles, rain gardens, and solar panels in the development.

### **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 who are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the developer, 1601 DeKalb Owner LLC, that clarify how it would memorialize the extent that it would retain Brooklyn-based contractors and subcontractors, especially those who are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs. This would be undertaken to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as comply with the requirements of HPD's Build Up program.

In a letter dated May 10, 2018, to Borough President Adams from the applicant, 1601 DeKalb Owner LLC expressed commitment to meet an LBE/MWBE hiring goal of 30 percent by partnering with local organizations to provide opportunities for certification, as well as information and training. In addition, the applicant intends to partner with 32BJ SEIU to provide permanent employment for building service workers at fair wages.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 1601 DeKalb Owner LLC to memorialize retention of 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 agency.

### **Addressing Wyckoff Heights Medical Center Parking Concerns and Marking Units to Hospital Employees**

As noted during the hearing, and in the subsequent letter from WHMC, the 1601 DeKalb Avenue property, with 100 parking spaces, represents a significant parking resource for hospital employees who may be adversely affected by the loss of these lots.

One means to address this concern is to expand the available parking in the WHMC real estate portfolio. In addition to the development lot, WHMC maintains double loaded parking along the Stockholm Street/St. Nicholas Avenue hospital yard, as well as a surface through-lot between

Stanhope and Stockholm streets. This lot appears to provide attended parking with vehicles parked in aisles, and greater capacity could be realized through the use of parking lifts. WHMC could purchase such equipment or secure donations of such equipment from parking operators who vacate lots sold off for development. Therefore, WHMC should take steps to expand the supply of parking on properties owned by the hospital.

Borough President Adams believes that there may be alternative opportunities to address this issue within the proposed development, by targeting some of the affordable and market-rate units to WHMC staff, which would reduce the need to drive to the hospital. It is possible that certain hospital employees might qualify for some of the 1601 DeKalb Avenue affordable units. Furthermore, WHMC could promote affordable housing awareness and lottery literacy as a public service for its employees, with assistance from RCP, which provides such services within Bushwick. Beyond 1601 DeKalb Avenue, there may be new affordable and market-rate housing opportunities in CD 4 that would facilitate nominal or walk-to-work commutes for the hospital's employees. Should the development proceed, WHMC should coordinate with the applicant, 1601 DeKalb LLC, together with RCP, to promote walking to work and affordable housing opportunity awareness for its employees.

**Community Preference: Inclusion of Homeless Shelter Student Population by School Zone**

New York City's community preference policy for affordable housing lotteries provides a pathway for reaching 50 percent or more of applicants residing in the community district where affordable housing is built. There are additional pathways for priority lottery selection such as United States Armed Forces veteran status, certain disabilities, and other categories. Given the significant increase in the number of homeless families with school-aged children entering the public shelter system, Borough President Adams believes it is appropriate for HPD to extend local lottery preference to include the school zone attended by children of households residing at neighboring City-funded or -operated homeless shelters.

This is especially important given the number of students living in homeless shelters. The New York City Independent Budget Office (IBO) recently produced a report analyzing homeless rates in schools. School student registration data identifies those residing in public shelters as Students in Temporary Housing (STH). Using data from the 2014-2015 school year, a review of the 50 schools in Brooklyn with the highest percentage of STH enrollment identifies approximately 4,300 students attending such schools, with more than 18 percent of the enrollment categorized as STH.

Research indicates that students living in temporary accommodations are most challenged in attaining academic success. These students are more likely to lack access to technology such as computers that would aid with homework and research assignments, as well as access to a quiet space to complete assignments and study for exams. In addition, commuting between a school and shelter requires significantly more time for many students. These commutes often make it difficult to participate in extracurricular school activities, which might otherwise enhance the students' academic and community experiences.

Many parents and students find it important to maintain school continuity despite the circumstances faced by households dependent on the City's homeless shelter system. Borough President Adams believes that it should be the City's responsibility to take action that would eliminate or reduce such hardships. One such action would be to enable economically-challenged households with children in public schools to qualify for community local preference based on where the children attend school.

According to an interactive map provided by the Institute for Children, Poverty and Homelessness (ICPH), there are six elementary schools within several blocks of the proposed development, which are located in New York City Community School District 32. This area contains a combined total of approximately 800 homeless students. Should the City Council obligate the developer, 1601 DeKalb

Owner LLC to provide units according to MIH Option 4, Borough President Adams believes it would be appropriate for such students and their families to be considered part of the 50 percent local preference for the 1601 DeKalb Avenue housing lottery.

Borough President Adams believes that HPD should modify its affordable housing lottery community preference standards to include the school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

### **Accommodating Rent-Burdened Households in Lieu of Strict Area Median Income Standards**

As noted earlier, Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites. Among numerous approaches and strategies, Borough President Adams is committed to advancing his affordable housing policy through his role in the ULURP process. The development of much-needed affordable housing provides opportunities to existing neighborhood residents at risk for displacement or increased degree of being rent-burdened.

Data show that more than 80 percent of those making 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest income citizens, those making 30 percent of AMI or less, currently \$23,310 for a family of three. Among this population, well over 50 percent pay more than half of their income toward rent. More than one-fifth of New York City households — over two million people — earn less than \$25,000 a year and almost one-third earn less than \$35,000. As the City's housing crisis grows worse, the burden falls most heavily on these low-income households, many of them senior citizens.

There are residents living in rented apartments within CD 4 who reside in unregulated housing, or regulated apartments subjected to a legal regulated rent increase in which landlords have been renting below the legally-permitted regulatory rent (preferential rent) and have been seeking to increase rent at lease renewal according to the legal amount permitted.

For ZIP code 11237, disclosed data from the New York City Rent Guidelines Board (RGB) dated June 1, 2017 list 1,482 such units, representing 29 percent of all rent-stabilized units. The continued significant increase in rents has resulted in an increased rent burden and/or residential displacement. Therefore, there is a pressing need to provide more affordable housing units in this section of CD 4, where too many households fall into low- and very low-income categories and are often rent-burdened. Given the risk for displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

A strict rent-to-income requirement of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged households from the affordable housing lotteries. As a result, these rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same rent, or are in excess of the rent stated for the affordable housing unit. Thus, the requirement to pay no more than 30 percent of household income is actually hurting people who are already living in substandard housing and are paying more than 30 percent of their income toward housing.

As first noted in his East New York Community Plan ULURP response, Borough President Adams believes that it is time to break the mold in which families that are already paying too much rent for substandard housing are disqualified. Borough President Adams seeks to qualify rent-burdened households to be eligible for selection through the housing lottery process. Such eligibility would ensure rent-burdened households receive the maximum opportunity to secure regulated affordable housing

units, expanding the number of eligible households for government-regulated affordable housing lotteries.

One means to address rent burden should be achieved by amending the ZR to adjust the AMI qualifications so they include such households that would maintain or reduce their rent burden. For such lotteries resulting from MIH housing lottery offerings, DCP needs to amend the ZR to allow for exceptions to the 30 percent of income threshold so that households that are burdened, though paying the same or more rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, and quality housing accommodations.

Borough President Adams believes that the CPC and/or the City Council should echo his call to seek the modification of the MIH section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status to qualify for such affordable housing units pursuant to MIH.

### **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 the land use action requested subject to the following conditions:

1. That prior to consideration by the City Council, the applicant, 1601 DeKalb Owner LLC has taken steps to ensure that MIH Option 3 is included in the land use scope
2. That the City Planning Commission and/or the City Council:
  - a. Mandate MIH Option 3
  - b. Obtain adequate representation that the applicant, 1601 DeKalb Owner LLC, filed a legally binding mechanism that commits an additional 4,000 sq. ft. of affordable housing at an average rent based on 60 percent AMI
3. That 1601 DeKalb Owner LLC seek out ELLA financing from the New York City Department of Housing Preservation and Development (HPD) to make not less than 40 percent of the residential floor affordable to low and very low-income households, not exceeding 60 percent AMI
4. That the City Planning Commission and/or the City Council:
  - a. Obtain adequate representation, in writing, from 1601 DeKalb Owner LLC demonstrating the status of such ELLA commitment
  - b. Eliminate the proposed R7A/C2-4 zoning within 100 feet of Wyckoff Avenue
  - c. Incorporate a C2 commercial overlay along Hart Street
5. That prior to consideration by the City Council, the applicant, 1601 DeKalb Owner LLC has taken steps to incorporate language clarifying the extent that it would:
  - a. Accommodate the Brotherhood Boxing Club (boxing club) through the provision of ground-floor and cellar non-residential space that would be rented below market-rate



- b. 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 30, 40, and 50 percent AMI to accommodate seniors, including those who are formerly homeless, consistent with ZR 23-96(c)(ii)
- c. Preclude an application for new development filed with the New York City Department of Buildings (DOB) within 10 years of any effective rezoning date, from containing construction that would block loft windows that serve as the sole source of air, light, and secondary means of egress for tenants of the adjacent loft buildings
- d. Continue exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, passive house construction principles, rain gardens, and solar panels in the development
- e. 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. 1601 DeKalb Owner LLC, seek a Resolution A (Reso A) contribution from Borough President Adams and Community District 4 (CD 4) City Council members.
2. Wyckoff Heights Medical Center (WHMC) takes steps to expand the supply of parking on properties owned by the hospital and it coordinate with 1601 DeKalb LLC, and RiseBoro Community Partnership (RCP) to promote affordable housing awareness and lottery literacy as a public service for its employees, and of new affordable and market-rate housing opportunities in CD 4 that would facilitate nominal or walk-to-work commutes for the hospital's employees
3. The New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or -operated shelters
4. The City Planning Commission (CPC) and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the New York City Zoning Resolution (ZR) pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or more rent than what the housing lottery offers) to qualify for such affordable housing units pursuant to MIH

**1601 Dekalb Owner LLC  
32 East 31<sup>st</sup> St, 9<sup>th</sup> Floor  
New York, NY 10016**

May 10, 2018

Honorable Eric Adams  
Office of the President  
Borough of Manhattan  
209 Joralemon Street  
Brooklyn, NY 11201

Re: 1601 Dekalb Avenue Rezoning

Borough President Adams:

As applicant of the captioned rezoning, we are committed to addressing Bushwick community concerns and developing a project plan that provides deep affordability, protects neighboring buildings, provides opportunities for local businesses and residents, and incorporates modern responsible green building practices. A summary of each of our proposed commitments and key development plan changes is provided herein.

The following items are based on community input received and feedback from local organizations and stakeholders. We look forward to continuing our outreach and documenting our commitments as appropriate to achieve the best possible outcome for all involved.

If you have any questions regarding our project please do not hesitate to contact me.

Sincerely,



Rick Gropper  
Principal  
Camber Property Group LLC

**Building design & guarding against displacement**

Two loft buildings zoned for manufacturing use - 950 Hart Street and 1609 DeKalb Ave - share a lot line with the proposed 1601 DeKalb project. While the buildings are zoned manufacturing and do not conform to NYC Building Code, they currently house residential tenants. Among other issues, 6 units in each building receive their only source of light and air from the lot line windows shared with the proposed 1601 DeKalb project. While plans have been filed to legalize the 950 Hart building by, among other things, carving a light well into the existing building to maintain light and air, we understand that this work is not scheduled to take place in the near future. To assure no residential tenants in the neighboring loft buildings are left without a source of light and air, we have developed building plans that setback 1601 DeKalb from the neighboring buildings thereby creating the necessary light wells in our building. A preliminary site plan is attached to this letter and revised plans reflecting the above will be submitted for review and approval by DOB prior to the commencement of construction at 1601 DeKalb. It must be noted that **this intervention results in a 15% reduction in the total developable floor area for the proposed project and a resulting reduction in the total unit count.**

**Affordability**

Despite the significant loss in floor area due to the commitment to setback from the loft buildings, **we are committed to exceeding the Mandatory Inclusionary Housing (MIH) requirements by 30%.** Meetings with community members and elected officials have clearly articulated the need for deeper affordability that is within reach of Bushwick residents and specifically families. In response to these concerns, we have worked to reduce the AMI tiers previously proposed to provide affordability that is significantly deeper than that required by MIH.

**Unit Mix & Affordability  
Equal Distribution with Deep Affordability Options  
Total 26 units**

30% of AMI		40% of AMI		60% of AMI		80% of AMI	
Unit Type	Units	Unit Type	Units	Unit Type	Units	Unit Type	Units
Studio	2	Studio	2	Studio	2	Studio	1
1-Bed	2	1-Bed	3	1-Bed	3	1-Bed	3
2-Bed	2	2-Bed	2	2-Bed	2	2-Bed	2
<b>Total</b>	<b>6</b>	<b>Total</b>	<b>7</b>	<b>Total</b>	<b>7</b>	<b>Total</b>	<b>6</b>

It is important to the project team that the affordable housing proposed in the 1601 DeKalb project is made available to Bushwick residents. The 50% community board preference for this project is viewed as the minimum, and the applicant will work to exceed this number by partnering with Riseboro, a local non-profit organization, to lead marketing efforts for affordable apartments. We will collaborate with Riseboro, local organizations, and stakeholders to market the project to the Bushwick community beyond HPD requirements and execute a robust outreach campaign. Affordable housing workshops, Housing Connect workshops, credit training and other assistance in preparing and submitting

applications will be provided to assure Bushwick residents have the tools necessary to successfully apply for affordable apartments within the proposed project and elsewhere.

### **Outreach**

Our commitments and their execution are centered around community participation and outreach and communication with local stakeholders, community groups, and elected officials. We have engaged Media Culture and Communications Group (MCCG), a local M/WBE communications firm with strong ties to the local community to develop and coordinate our communications and outreach plan. The plan includes frequent community information sessions, job fairs, workshops, and frequent accountability meetings with local stakeholders to provide updates on project progress and commitments.

The community engagement plan also provides opportunities for Camber to continue to participate with the community by creating supportive relationships throughout the development process and into the future through:

- Providing Job training and hiring opportunities
- Creating sponsorship and grant opportunities
- Incorporating local art and design into the new buildings
- Supporting education and outreach for local leasing and hiring
- Incorporating local art and design into the project.

### **Sustainability**

The project design is centered around creating a healthy and sustainable community featuring the latest in energy efficiency, Passive House principles, Active Design guidelines, and sustainable design focused on health and well-being.

The building will aim to far exceed NYC Energy Code by embracing Passive House principles including the use of high performance insulation, energy efficient gas boilers, high performance Energy Star windows, and the use of ecofriendly building materials. The building's façade and operation will contribute to sustainability through the use of green roofs, low albedo roofing, the strategic positioning of exterior lighting, and incorporation of rain water collection systems for irrigation.

Tenants will be encouraged to participate in saving energy within their own homes through the provision of green features for all tenants including:

- Recycling bins on every floor
- Energy Star appliances
- Low-flow plumbing fixtures
- LED lights
- In-unit programmable thermostats

In addition, Active Design principles will be incorporated throughout the building to encourage activity and healthy life styles. The design elements will include open and inviting stairways and common areas

to encourage circulation throughout the building and reduce the use of elevators. Amenities will include a gym open to all residents, accessible landscaped rooftop terraces, and inviting bicycle storage rooms.

### **Local Hiring & M/WBE Participation**

As part of the 1601 DeKalb team's commitment to positively impacting the community, we have set an ambitious goal of 30% M/WBE and local hiring during the construction phase of the project. We will memorialize these commitments, reporting requirements, and milestones in an agreement between the applicant and the Office of the Councilmember or other appropriate entity.

Permanent employment for building staff will be provided through Local 32BJ Service Employees International Union. The partnership between 1601 DeKalb and 32BJ assures that the building staff will have excellent benefits, health insurance, training opportunities and be paid a fair wage.

### **Community Partners**

- Building staff will be organized and trained by Local 32BJ Service Employees International Union
- Construction staff will be trained and recruited by Positive Workforce

To meet our aggressive participation and hiring goals, we have partnered with local organizations that provide both OSHA and other training, advocacy, and opportunities for advancement. In collaboration with these community partners, the team will host a community job fair and distribute information through channels including elected officials and the Community Board. Community partners will offer opportunities for training and certification for any interested community members and invite them into the wide network of employment opportunities sourced by the organizations.

Camber Property Group has a strong working relationship with both 32BJ and Positive Workforce through previous projects and we are confident that working together we will meet the team goals.

1601  
DEKALB AV.

BROOKLYN, NY

**AUFANG**  
ARCHITECTS

R7A-28B

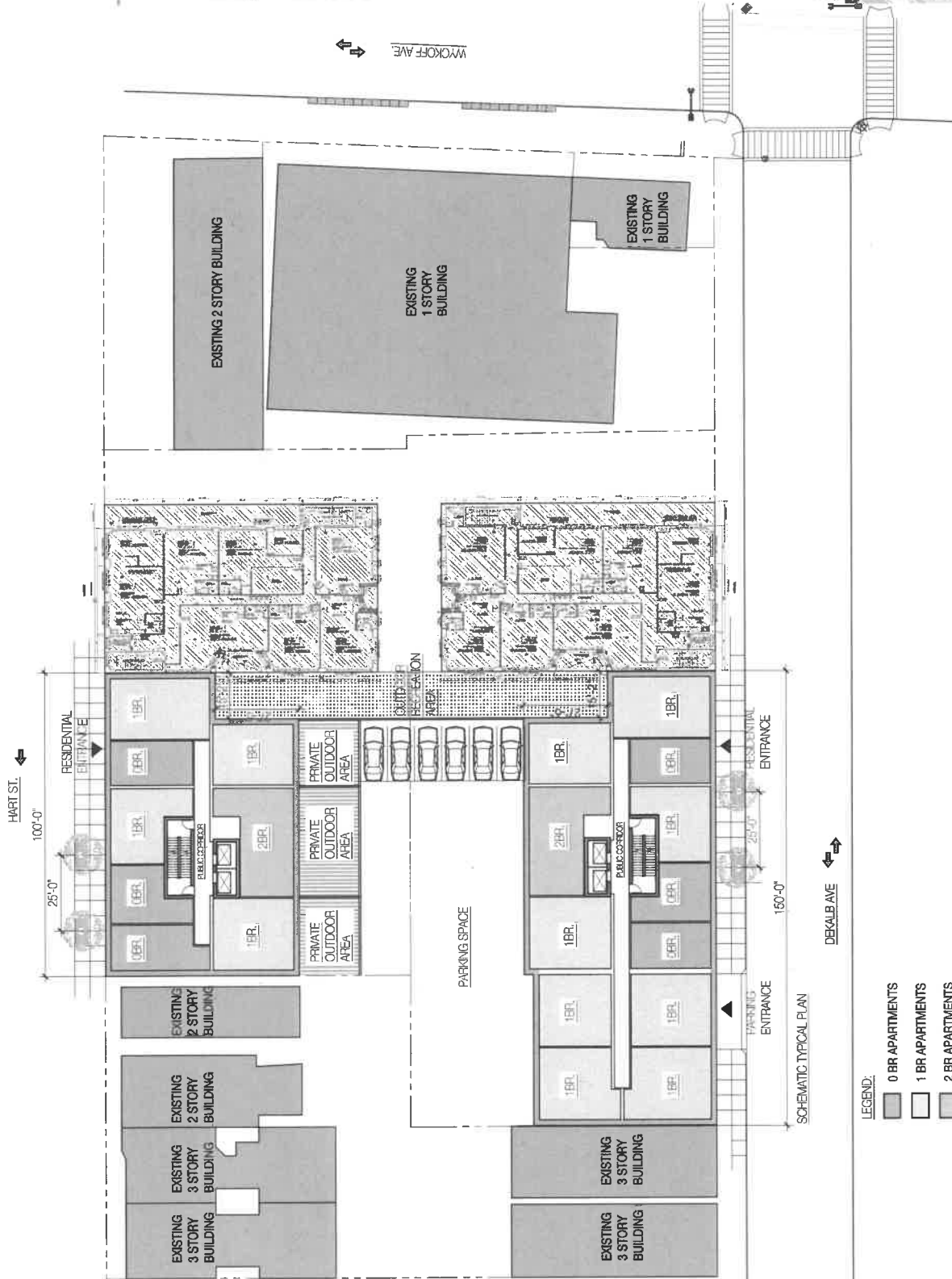
REZONE TO M1.H.

PROGRESS SET

02.10.18

**A-400**  
SCHEMATIC  
TYPICAL PLAN

ZONE R7A-28B  
BLOCK 3237  
03.28.18  
02.01.18



**LEGEND:**

- 0 BR APARTMENTS
- 1 BR APARTMENTS
- 2 BR APARTMENTS
- 3 BR APARTMENTS
- EXISTING LOFT BLDG.

**1601 Dekalb Owner LLC  
32 East 31<sup>st</sup> St, 9<sup>th</sup> Floor  
New York, NY 10016**

May 18, 2018

Honorable Eric Adams  
Office of the President  
Borough of Manhattan  
209 Joralemon Street  
Brooklyn, NY 11201

Re: 1601 Dekalb Avenue Rezoning

Borough President Adams:

As expressed in our letter submitted to you May 10, 2018, we are committed to creating a project that addresses local concerns and provides opportunities for local residents. In furtherance of this goal, we have developed a plan to work directly with city agencies to create a 100% income-restricted project with affordability tiers at low, moderate, and middle-income levels. The following is preliminary projection of the number of units available in the revised plan along with our commitment to unit mix and affordability levels on a percentage basis.

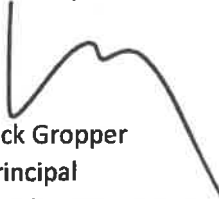
Affordability		
Level	%	Approx Units
50% AMI	20%	25
80% AMI	30%	25
130% AMI	50%	50
Total		100

Unit Mix		
Unit Type	Units	%
Studio	10	10%
1-Bed	60	60%
2-Bed	15	15%
3-Bed	15	15%
Total	100	

All of these units will be marketed by local marketing agent, Riseboro with a goal of far exceeding the maximum community board preference. We look forward to continued productive discussions with local stakeholders as the public review process moves forward.

If you have any questions regarding our project please do not hesitate to contact me.

Sincerely,



Rick Gropper  
Principal  
Camber Property Group LLC