Jennings Hall Expansion
Block 2922, Lots 1 and 3, Brooklyn

1. Introduction

St. Nicks Alliance (the "Applicant"), a not-for-profit community development organization, seeks a zoning map amendment and zoning text amendment in connection with the proposed development of Block 2922, Lots 1 and 3 (the "Project Area" and the "Zoning Lot"), comprising 48,520 square feet ("sf") located at the western end of the block bounded by Grand Street to the south, Powers Street to the north, Bushwick Avenue to the west, and Olive Street to the east in East Williamsburg, Brooklyn, Community District 1.

Specifically, the Applicant seeks the following actions (the "Proposed Actions"):

1) A zoning map amendment to change:

- Brooklyn Block 2922, Lot 1 and parts of Lots 3 and 47 from R7A/C2-4 to R7X/C2-4;
- Brooklyn Block 2922, part of Lot 3 from R7A to R7X; and
- Brooklyn Block 2922, parts of Lots 3 and 20 from R6B to R7A

2) A zoning text amendment of Zoning Resolution ("ZR") Appendix F to designate the Project Area as a Mandatory Inclusionary Housing ("MIH") area.

The Proposed Actions would facilitate the development of a new 14-story, 136,574 zsf building containing 218 units of Affordable Independent Residences for Seniors ("AIRS") on tentative Lot 1[1] (the "Proposed Development") at the corner of Bushwick Avenue and Grand Street (the "Development Site").

2. Background

Jennings Hall was constructed in 1931 as housing for nurses prior to the adoption of the Zoning Resolution in 1961. Between 1961 and 1977, the northern half of Block 2922 was located in an R6 district and the southern half was located in a C8-2 district. In 1977, the Jennings Hall Rezoning (C 770098 ZMK) changed the southern half of the block on which the Zoning Lot is

[1] Prior to construction of the Proposed Development, the boundary between Lots 1 and 3 will be relocated to accommodate the entire footprint of the new building on Lot 1, thereby increasing the area of Lot 1 from 4,795 sf to 15,604 sf ("Tentative Lot 1").

located from a C8-2 district to an R6 district with a C2-2 district overlay. This rezoning accommodated the rehabilitation and expansion of Jennings Hall in 1981 from 54 units of nurses housing to 150 "non-profit residences for the elderly." Today, the Jennings Hall complex is owned by 260 Powers Street Housing Development Fund and operated by Jennings Hall L.P., affiliates of the Applicant, as affordable senior housing.

The Project Area was included in the 2009 Greenpoint-Williamsburg Rezoning (C 090334 ZMK), which changed the existing R6 and R6/C2-2 districts to R6B, R7A and R7A/C2-4 districts. In addition, an Inclusionary Housing Designated Area was established within the Project Area to a depth of 100 feet from Bushwick Avenue and 100 feet from Grand Street. The 2009 Greenpoint-Williamsburg Rezoning rezoned all or portions of 175 blocks with the goal of preserving neighborhood scale and facilitating affordable housing development. In addition to the zoning district changes to the Project Area, the 2009 Greenpoint-Williamsburg Rezoning established an R7A district along Bushwick Avenue north of the project area and east along Grand Street, and a C4-4A district along Grand Street to the west of the project area.

3. Description of the Surrounding Area

The surrounding area is located in the East Williamsburg neighborhood of Brooklyn, Community District 1, which is characterized by multi-family residential buildings located in R6, R6A, R6B and R7A districts located to the north, west and south of the Project Area, and lower-scale mixed buildings within commercial overlays. Nearby residential and mixed buildings range in height from two- to four-stories, with larger, more recently constructed five- to seven-story buildings located along the wide Grand Street and Bushwick Avenue corridors. Immediately south of the Development Site is Grand Street Campus High School. Farther south and west of the Development Site are the Williamsburg Houses – a complex of 20 four-story multi-family buildings developed in the 1930s and operated by the New York City Housing Authority.

Despite the presence of C8-2 zoning districts (predominantly mapped before 1977) on the southern half of the block containing the Development Site and the block to the east of the Project Area, very few automotive or industrial uses remain on the block. However, a significant number of industrial uses remain in the M1-2 district south of Grand Street and one block east of the Project Area.

Publicly accessible open space within the surrounding area includes the 5,000 sf Powers Street Garden immediately east of the Project Area and the approximately 4,000 sf Olive Street Garden at the corner of Powers and Olive Streets just north of Block 2922, both of which are City-owned and serve as community gardens. Two blocks north of the Project Area is Orient Grove, a small

sliver park at the intersection of Orient and Metropolitan Avenues. A block to the northeast of Orient Grove is Cooper Park, a 6.3 acre park with a large open field, dog runs, tennis and basketball courts, and a skate park.

Public facilities in the surrounding area are predominantly churches and schools. St. Nicholas Roman Catholic Church is located at the intersection of Olive and Devoe Streets and St. John the Evangelist Lutheran Church is located on Maujer Street near Humboldt Street. P.S. 163 Ten Eyck, a public elementary school, is located two blocks south on Bushwick Avenue between Scholes and Meserole Streets and Grand Street Campus High School is located immediately south of the Project Area across Grand Street.

The Project Area is well served by mass transit. The Grand Street subway station, located at the intersection of Bushwick Avenue and Grand Streets, serves the "L" line, which runs Manhattan-bound to the north and Canarsie to the south. The Q54 bus line operates east-west along Grand Street, connecting Rego Park and Downtown Brooklyn. The Q59 bus line also operates east-west along Grand Street, connecting Jamaica and Downtown Brooklyn.

4. Description of the Proposed Project Area

The Project Area contains 49,082 sf of lot area, consisting of Lots 1, 3, a 277 sf portion of Lot 47, and a 285 sf portion of Lot 20,[2] with three contiguous street frontages at the western end of Block 2922 – Powers Street to the north, Bushwick Avenue to the west and Grand Street to the south. Bushwick Avenue and Grand Street are two-way streets, each with mapped widths of 80 feet. Powers Street is a one-way street mapped to a width of 60 feet.

The Project Area is located within the Transit Zone, an area where special reduced accessory parking requirements apply for new affordable housing. The Transit Zone is generally mapped within one-half mile of subway stations, where auto ownership rates are lower.

Existing Zoning Districts

The Project Area is located within R7A, R7A/C2-4 and R6B districts. Prior to the 2009 Greenpoint-Williamsburg Rezoning (C090334 ZRK), the Project Area was mapped in an R6

[2] The proposed rezoning includes a 277 sf portion of Lot 47 and a 285 sf portion of Lot 20, which are not part of the Development Site. This portion of adjacent Lot 47 would be changed to an R7X/C2-4 district in order for the zoning district boundary to extend 200 feet from Bushwick Avenue along Grand Street. This portion of adjacent Lot 20 would be changed to an R7A district in order for the zoning district boundary to extend 290 feet from Bushwick Avenue along Powers Street.

district with a partial C2-2 commercial overlay. All types of residential uses are allowed in R6B and R7A districts. Commercial and manufacturing uses are not permitted, except that commercial uses are allowed where such districts are mapped with a commercial district overlay.

The bulk regulations for R6B and R7A districts require that all buildings containing residences are Quality Housing buildings. The maximum floor area ratio ("FAR") for residential or community facility use in an R6B district is 2.0. The maximum FAR for affordable independent residences for seniors ("AIRS") in an R6B district is 2.2. In an R7A district, the maximum FARs for residential and community facility uses are 3.45 and 4.0, respectively. Where, as here, an R7A district is mapped within an Inclusionary Housing Designated Area, residential use may be increased to 4.6 FAR through the provision of affordable housing. The maximum FAR for AIRS in an R7A district is 5.01. Commercial uses at a maximum FAR of 2.0 are allowed in the portion of the R7A district within the C2-4 commercial overlay.

R6B districts typically accommodate traditional rowhouse building forms up to 50 feet in height and R7A districts allow for seven- and eight-story multi-family buildings up to 80 feet in height. In the R7A district, where a certain amount of affordable housing is provided, a building may be subject to a maximum height of 90 feet or nine stories, whichever is less.

Accessory parking is required for residences in R6B and R7A districts at the standard rate for Quality Housing buildings of 50 percent of the number of dwelling units; however, new "income-restricted housing units" are not subject to a parking requirement when located in the Transit Zone. New AIRS units are also not subject to a parking requirement.

Existing Buildings and Uses

Lot 3 is developed with two buildings containing affordable senior housing – one along Bushwick Avenue ("Jennings Hall West"), and one located along Powers Street ("Jennings Hall East"). Jennings Hall West is a seven-story building constructed in 1931 as housing for nurses. The current certificate of occupancy from 1981 (CO #219666) reflects non-profit residences for the elderly, which are included in the ZR § 12-10 definition of "affordable independent residences for seniors" when developed prior to March 22, 2016. Jennings Hall East is a nine-story building constructed in 1980 as non-profit residences for the elderly as reflected on the current certificate of occupancy from 1981 (CO #216304). These two Jennings Hall wings would continue to operate as AIRS.

Jennings Hall East is located partly in the R6B and R7A districts. It exceeds the maximum permitted height for both the the R6B and R7A districts, with a height of 90 feet where maximum heights of 50 feet and 80 feet, respectively, are permitted.

Lot 1 is located in an R7A district and contains a vacant three-story commercial bank building that would be demolished prior to construction of the Proposed Development.

5. Description of the Proposed Development Site

The 15,604 sf Development Site consists of Tentative Lot 1, which would have frontage on Grand Street and Bushwick Avenue, both of which are "wide streets" mapped to a width of 80 feet. The Development Site currently contains a vacant three-story bank building (to be demolished) and adjacent open portions of Lot 3. The only vehicular access to the Zoning Lot is through an existing curb cut on the Grand Street frontage located approximately 150 feet from the corner of Grand Street and Bushwick Avenue. It provides access to the existing 22-space accessory parking area located within the open area at the center of the Zoning Lot, which is used by the two Jennings Hall buildings. Under the Proposed Actions, the Development Site would be redeveloped with the Proposed Development, which would include portions of the existing open parking and planting areas adjacent to the Jennings Hall buildings.

6. Description of the Proposed Development

The Proposed Development is a 14-story building located at the intersection of Grand Street and Bushwick Avenue, containing affordable senior housing units (AIRS) in Use Group ("UG") 2, with retail use in UG 6A or 6C on the ground floor. The Proposed Development would be constructed entirely within the R7X/C2-4 district portion of the Zoning Lot and contain approximately 136,574 sf of floor area, which is 2.81 FAR of the total adjusted maximum FAR of 5.62 permitted on the Zoning Lot,[3] consisting of approximately 131,271 sf of AIRS floor area and 5,296 sf of retail floor area. In addition to a lobby and amenity spaces on the ground floor (accessed from Grand Street) associated with the AIRS use, the 2nd through 14th floors would contain 218 AIRS dwelling units.[4] The Proposed Development would rise to 10 stories and a height of 103 feet at the street lines, with four additional stories above the required 10 foot setbacks from Grand Street and Bushwick Avenue, rising to an overall building height of 145 feet.[5] A dormer above the

[3] The adjusted maximum FAR was determined pursuant to ZR § 77-22 (a) based on the shifting of permitted floor area for Quality Housing developments within 100 feet of a wide street.

[4] With the exception of the building superintendent's unit, all would be occupied by households with (i) at least one person who is 62 years of age or older, and (ii) with total household incomes at or below 60 percent of the Area Median Income ("AMI").

[5] Because the level of the finished floor of the second story would be more than 13 feet above the level of the adjoining sidewalk, the building would contain a Qualifying Ground Floor, thereby allowing for a maximum building height of 145 feet.

base would serve to further concentrate the mass of the building at the corner of the Development Site.

The Proposed Development would operate as a third wing of the Jennings Hall complex, with efficiencies created through shared amenities across the three buildings. A fire-rated passageway between the Proposed Development and Jennings Hall West would be provided on the ground floor for ease of resident and staff movement between the three buildings. While the Proposed Development would have access to the street, the existing lobby at Jennings Hall East would serve as the primary lobby for the entire Jennings Hall complex. This would enhance security for the residents and would simplify building operations across the complex in terms of deliveries and visitors.

The existing 22 accessory parking spaces at the center of the Zoning Lot would be eliminated pursuant to ZR § 25-252 prior to the commencement of construction of the Proposed Development.[6] Ten non-required parking spaces would be maintained in connection with the Proposed Development (six open spaces at the interior of the Zoning Lot and four within the ground floor of the Proposed Development). These spaces are necessary for the continued operation of the Jennings Hall complex as they are used for maintenance vehicles that serve multiple St. Nicks facilities in the area, a shuttle bus operated by St. Nicks that brings senior residents to events in the area and between senior centers operated by St. Nicks, and by some staff.

The building would be set back six feet at the ground level along the full length of the Bushwick Avenue frontage in order to improve pedestrian circulation near the adjacent sidewalk stair entrance to the Grand Street L train station.

7. Actions Necessary to Facilitate the Project

The Applicant seeks approval of two actions:

1) a zoning map amendment to change the Project Area from R7A/C2-4, R7A, and R6B to R7X/C2-4, R7X, and R7A, respectively; and
2) a zoning text amendment to designate the Project Area as an MIH area.

[6] ZR § 25-252 provides that existing required parking spaces for AIRS with a certificate of occupancy prior to March 22, 2016 may be eliminated on the condition that a notice of restrictions is recorded against the zoning lot limiting future development to "income-restricted dwelling units." Income-restricted housing units include the AIRS units proposed in the Proposed Development.

The proposed zoning map amendment includes a small portion of Block 2922, Lot 47 in order to establish a uniform depth of 200 feet from Bushwick Avenue for the R7X/C2-4 district. The proposed zoning map and zoning amendments would facilitate the development of Tentative Lot 1, an underutilized 15,604 sf tract of land improved with a vacant three-story commercial building and containing open areas of current Lot 3.

The Metropolitan Transportation Authority ("MTA") has determined pursuant to ZR § 66-21(a) that no transit volume is required for the Proposed Development.[7] Accordingly, the Proposed Development does not require a certification from the City Planning Commission pursuant to the recently-enacted provisions of ZR Article VI, Chapter 6.

Proposed Zoning Map Amendments

The proposed R7X district is a medium-density contextual district that allows 140 foot tall 14-story buildings when mapped in an MIH area. Where a Qualifying Ground Floor is provided, the maximum building height is increased to 145 feet. In MIH areas, the maximum permitted residential FAR for both AIRS residential and non-AIRS residential uses is 6.0. The maximum permitted community facility FAR is 5.0. All residential buildings in R7X districts must be developed pursuant to the Quality Housing program. Accessory off-street parking is required for 50 percent of the number of new dwelling units; however, no accessory parking is required for new AIRS dwelling units.

The proposed R7A district is a medium-density contextual district that allows 90 foot tall nine-story buildings when mapped in an MIH area. Where a Qualifying Ground Floor is provided, the maximum building height is increased to 95 feet. The maximum permitted FAR is 4.6 for non-AIRS residential and 5.01 for AIRS residential uses. All residential buildings in R7A districts must be developed pursuant to the Quality Housing program. The maximum permitted community facility FAR is 4.0. Accessory off-street parking is required for 50 percent of the number of new dwelling units; however, no accessory parking is required for new AIRS dwelling units.

The proposed C2-4 district is a commercial overlay that is mapped within residence districts to allow local service and retail uses. While commercial uses are allowed at an FAR of 2.0 when a commercial overlay is mapped in an R7X district, commercial use is limited to the first story in mixed buildings. Accessory off-street parking is required at a rate of one space for every 1,000 sf of floor area for most service and retail uses; however, the commercial parking requirement may be waived if a total of 40 or fewer commercial parking spaces are required.

[7] *See* letter from Robert Paley, MTA Senior Director of Transit Oriented to the Applicant, dated December 20, 2021.

Proposed Text Amendment to Zoning Resolution Appendix F

The proposed zoning text amendment would make the Project Area a Mandatory Inclusionary Housing area in which MIH Options 1 and 2 are applicable. The Applicant seeks an amendment to Brooklyn Community District 1, Map 2 in ZR Appendix F to add "Area 7" comprised of the Project Area. For the portions of the Project Area within 100 feet of Bushwick Avenue and Grand Street, the existing Inclusionary Housing Designated Area mapped in connection with the 2009 Greenpoint-Williamsburg Rezoning would be replaced by this MIH area.

MIH Option 1 requires that a minimum of 25 percent of the residential floor area be designated as affordable to households earning incomes with an average not exceeding 60 percent of the income index. MIH Option 2 requires that a minimum of 30 percent of the residential floor area be designated as affordable to households earning incomes with an average not exceeding 80 percent of the income index.

The Proposed Development would consist of AIRS residential units, which are not subject to the affordability standards of the Mandatory Inclusionary Housing program. Instead, these AIRS dwelling units would be limited to households with (i) at least one person who is 62 years of age or older, and (ii) total household incomes at or below 60 percent of AMI.

Land Use Rationale

In the absence of the rezoning, the Applicant, a non-profit developer of affordable housing, would either sell the Development Site, presumably for the as-of-right development of market rate housing, or, alternatively, develop a smaller as-of-right AIRS project consisting of a seven-story building containing approximately 57,400 sf of floor area and only 84 new AIRS affordable senior housing units under the existing R7A/C2-4 district regulations. The Proposed Actions would facilitate the development of a 14-story building containing a total of 136,574 sf of floor area, 131,276 sf of which would be comprised of 218 new AIRS units, 134 units more than what can be achieved under existing zoning) and 5,298 sf of which would be commercial floor area. Together, the Proposed Development and the existing 150-unit Jennings Hall wings would provide 368 AIRS units in the Project Area.

Under the existing R6B, R7A, R7A/C2-4 zoning districts in the Project Area, the Proposed Development would not be possible due to a shortage of buildable floor area, which is largely the

result of the existing overbuilt condition of Jennings Hall East within the R6B district. Jennings Hall East was constructed in 1980 under R6 district zoning regulations. In 2009, the portion of the Project Area where Jennings Hall East is located was downzoned from an R6 district to an R6B district.

Given the proximity of the Project Area to mass transit and its use as an affordable senior housing facility in a state of good repair, increasing the allowable density in this portion of the Project Area is appropriate whether the resulting project is an AIRS building as planned, or an MIH development. The proposed R7A district would better reflect the built condition and serve as a buffer between the proposed R7X district and the R6B district to the east along Powers Street. As a result of the increase in permitted AIRS FAR (2.2 FAR in the existing R6B district and 5.01 in the proposed R7A district), the Jennings Hall East portion of the Project Area would no longer be overbuilt by approximately 32,000 sf, but instead would contribute roughly 20,500 sf of buildable floor area to the Zoning Lot. In addition, the proposed R7A district in this location, with a maximum permitted height of nine stories, would serve as a transition between the permitted height of the R7X district along Bushwick Avenue (14 stories) and the permitted height of the remaining R6B district east along Powers Street (five stories).

The proposed R7X district would increase the existing maximum permitted AIRS FAR of 5.01 in the R7A district to 6.0. The R7X district would be mapped within 100 feet of Bushwick Avenue and Grand Street, which are both 80 feet wide, with the Development Site located at the intersection of these two wide streets. This wide street intersection is uniquely suited to accommodate the density and height allowed by the Proposed Actions, with the L-train subway entrance and Q54/59 bus stop located immediately adjacent to the Development Site. Further, across Grand Street to the south is the existing four-story Grand Street Campus High School, which is not likely to be redeveloped to its maximum permitted height or floor area.

The Proposed Actions are consistent with the stated objective of the 2009 Greenpoint-Williamsburg Rezoning to eliminate the ability to develop new 200 foot tall residential towers permitted in the then-existing R6 districts. The proposed zoning map amendments would provide for a moderate increase in density within a contextual envelope that, like the existing R6B envelope, is generally consistent with the residential built character of the neighborhood.

The 2009 Greenpoint-Williamsburg Rezoning also sought to provide voluntary incentives and opportunities for affordable housing development. Through the mapping of Inclusionary Housing Designated Areas in 2009, the chief affordable housing incentive was typically a 20 percent floor area bonus, typically in exchange for 20 percent of the residential floor area as affordable floor area. As part of the 2016 Zoning for Quality and Affordability text amendment, AIRS senior

housing was established with increased residential FAR and increased building heights within contextual building envelopes. The Applicant is a developer and operator of senior affordable housing facilities in which 100 percent of the units are affordable – far greater than most affordable projects in which only 20 to 30 percent of units are affordable. The proposed zoning map amendment would facilitate the Proposed Development in which 100 percent of the units would be affordable and the number of such units would be maximized. The Proposed Development would not result in the direct displacement of any existing neighborhood residents because the footprint of the Proposed Development consists of open areas of the existing Jennings Hall complex and land currently occupied by a vacant three-story commercial building.

The 2009 Greenpoint-Williamsburg Rezoning mapped an R7A district along Grand Street, in accordance with the planning rationale of mapping R7A "along wide streets that are major commercial or transportation corridors that are appropriate locations for moderate increase in permitted density." *See* CPC report C090334 ZMK, page 16. The proposed R7X district would result in an increase in the maximum permitted AIRS FAR by only 0.99 FAR (5.01 under R7A to 6.0 under R7X). Within the R7X permitted building height of 14 stories, the Proposed Development would provide 218 urgently needed affordable units to the community, while remaining respectful of the neighborhood's residential scale.

8. **Conclusion**

Affordable senior housing is a pressing issue in Brooklyn Community District 1 and in New York City generally.[8] The Applicant seeks zoning map and zoning text amendments affecting Block 2922, Lots 1, 3 (and portions of Lots 20 and 47) changing existing R6B, R7A and R7A/C2-4 zoning districts to R7A, R7X and R7X/C2-4 districts and establishing a Mandatory Inclusionary Housing area over the Project Area to facilitate construction of the Proposed Development, which would contain 218 AIRS dwelling units. All of the proposed AIRS units would be limited to households with at least one person who is 62 years of age or older and incomes at or below 60 percent of AMI, helping to meet CD 1's identified housing needs. In addition, the Proposed

[8] *See* https://www1.nyc.gov/assets/brooklyncb1/downloads/pdf/statement_of_district_needs_2022.pdf at page 8 ("We note that there is a great need for housing of the elderly and an increasing senior citizen population in Community Board No. 1 (over 20,000) remains of paramount concern. In the past, we have been successful in obtaining Section 202 (federal) funding for various senior housing developments in the district: Jennings Hall, Monsignor Vetro Houses, Metropolitan Houses, Monsignor Jarka Hall, Los Sures Senior Citizens Development, Dupont Street Mary D'Angelis Senior Housing) and Huron Street Senior Housing. We urge that similar efforts continue in Greenpoint/Williamsburg, with additional Section 202 sites submitted by private and City sources and evaluated by Community Board No. 1 prior to being recommended to the City.")

Development, which would function as the third wing of the existing Jennings Hall affordable senior housing development, would provide additional amenities and security enhancements for residents of Jennings Hall.