CITY PLANNING COMMISSION

September 22, 2021 / Calendar No. 17 C 210278 ZMK

IN THE MATTER OF an application submitted by 130 St. Felix Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an existing C6-1 District to an C6-4 District property bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, Hanson Place, a line midway between Ashland Place and St. Felix Street, a line 100 feet northerly of Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street; and

2. changing from an existing C6-1 District to an C6-6 District property bounded by a line 100 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, and Ashland Place;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-616.

This application for a zoning map amendment was filed by 130 St. Felix Street LLC on February 16, 2021 to change a portion of a C6-1 zoning district to C6-4 and C6-6 zoning districts within the Special Downtown Brooklyn District (SDBD). This application, in conjunction with the related actions (N 210279 ZRK, C 210280 ZSK, and C 210281 ZSK), would facilitate the construction of a 23-story, approximately 147,000-square-foot mixed-use residential and community facility building with approximately 120 dwelling units at 130 St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2.

RELATED ACTIONS

In addition to the zoning map amendment (C 210278 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC or Commission) on the following applications, which are being considered concurrently with this application:

N 210279 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, change the residential floor area allowed within a C6-6/SDBD

zoning district where MIH is mapped, and to make an existing special permit applicable within C6-4/SDBD and C6-6/SDBD zoning districts.

C 210280 ZSK Special permit pursuant to Zoning Resolution (ZR) Section 74-533 to waive required residential parking to facilitate affordable housing.

C 210281 ZSK Special permit pursuant to ZR Section 101-82 to modify bulk regulations.

BACKGROUND

The applicant requests a zoning map amendment to change a portion of a C6-1 zoning district to C6-4 and C6-6 zoning districts within the SDBD, and zoning text amendments to establish an MIH area, change the residential floor area allowed within C6-6/SDBD zoning districts, and to expand the applicability of the special permit pursuant to ZR Section 101-82. The applicant also requests the grant of a special permit pursuant to ZR Section 74-533 to waive required residential parking and the grant of a special permit pursuant to ZR Section 101-82 to modify bulk regulations. Together, the requested actions would facilitate a new, 23-story, approximately 147,000-square-foot development with residential and community facility uses at 130 St. Felix Street (Block 2111, Lot 40).

The project area (Block 2111, Lots 37, 40, 45 and 7501) is located on a block bounded by St. Felix Street to the east, Hanson Place to the south, Ashland Place to the west, and Lafayette Avenue to the north. The project area, which encompasses the southern half of the block, includes the development site (Lot 40), as well as three additional lots (Lots 37, 45 and 7501). The development site is owned by the applicant, and is currently part of a shared zoning lot with Lot 7501, which is not owned by the applicant. This shared zoning lot would be merged with Lot 37, owned by the Brooklyn Music School, to facilitate the proposed development. Lot 45 is not owned by the applicant and not expected to result in development from the proposed actions.

The project area is located within the NYC Landmarks and Preservation Commission's (LPC's) Brooklyn Academy of Music (BAM) Historic District (LP-1003). LPC issued a Design Only Certificate of Appropriateness on August 4, 2020 for the proposed development. The proposed

development will require a final Certificate of Appropriateness from LPC following successful completion of the ULURP process.

The development site is an approximately 12,500-square-foot mid-block lot with a through-lot portion fronting on St. Felix Street and Ashland Place, and an interior lot portion fronting on St. Felix Street. It has approximately 84 feet of frontage on St. Felix Street and 47 feet of frontage on Ashland Place. The lot was previously used for parking and is currently vacant.

Lot 7501 is located at the northeastern corner of Hanson Place and Ashland Place, and has an area of approximately 19,000 square feet. Lot 7501 is improved with the landmarked 41-story Williamsburgh Savings Bank, which rises to a height of 512 feet. The building is now known as One Hanson Place, and contains approximately 272,000 square feet of residential use with 179 dwelling units and 52,000 square feet of commercial office space. A sidewalk-facing entrance to the subway is located within the base of the building along Hanson Place. The current zoning lot, which contains Lots 40 and Lot 7501, has a total lot area of approximately 32,000 square feet and is overbuilt with a total of 325,000 square-feet of floor area, equal to a floor area ratio (FAR) of 10.17. The on-footprint FAR of One Hanson Place is approximately 16.76.

Lot 37 is an approximately 8,000-square-foot interior lot facing St. Felix Street that is adjacent to the development site. The Brooklyn Music School is a nonprofit organization that has been located on this site within converted rowhouses for over 100 years. With subsequent rear additions, the Brooklyn Music School's facilities total 12,500 square feet. As part of the proposed development, the zoning lot shared amongst Lots 40 and 7501 would be merged with Lot 37 and have a total area of approximately 40,000 square-feet.

Lot 45, not owned by the applicant, is an approximately 16,500-square-foot lot with frontage on Hanson Place and St. Felix Street. The lot contains a vacant three-story church building with ground floor commercial retail space that is also vacant.

The surrounding area includes a mix of uses, building types, and zoning districts. To the north and south of the project area, there are commercial and mixed-use buildings that range from

three- and four-story walk-ups to towers exceeding 30 stories with ground floor commercial use and residential use above. The Atlantic Terminal center, located on the south side of Hanson Place at Flatbush Avenue, includes a transit station, shopping center, and a mid-rise commercial office tower. Community facility uses, including performance halls, schools, and other arts and cultural organizations, are also located throughout the area in buildings ranging from three- to seven-stories.

Notably, BAM's five-story Peter Jay Sharp Building, which houses an opera hall, movie theater and dance studio, as well as BAM Fisher, a seven-story building containing theaters, a dance studio, and classroom space, are located on the northern portion of Block 2111. BAM and other nearby arts and cultural organizations, such as the Center for Fiction, Mark Morris Dance Center, and Polonsky Shakespeare Center, are clustered just north of the development site and form the heart the Brooklyn Cultural District, a $100-million public initiative to build on the legacy of cultural anchors including BAM and the Brooklyn Music School to catalyze development of arts centers, public spaces, and housing in the area.

There are several open spaces in the area as well, including the recently renovated Betty Carter Park, Rockwell Place Bears Community Garden, Times Plaza, and the public plazas created outside of new developments within the Brooklyn Cultural District, including the Polansky Shakespeare Center on Block 2107 and the 300 Ashland Place on Block 2110.

The area has abundant transit options with access to numerous bus routes, subway lines, and commuter rail. The Atlantic Terminal station south of the project site is a terminal station for the Long Island Rail Road (LIRR) and provides access to 10 subway lines. In addition to being well-served by transit, the project area is proximate to the confluence of Flatbush Avenue, Atlantic Avenue, and Fourth Avenue, which are all major thoroughfares exceeding 100-feet in width.

The project area has been zoned C6-1 since 1961, and has been located within the SDBD special zoning district since it was established in 2001 (C 010199 ZMY and N 000244(B1) ZRY) to facilitate new development within an existing central business district. The SDBD regulations were modified in 2004 (C 040171 ZMK, N 040172 ZRK, et al) in connection with the City's

Downtown Brooklyn Development Plan, which sought to reinforce Downtown Brooklyn's role as a regional central business district with vibrant cultural institutions.

Areas to the north and south of the project area are located within the SDBD and have mid- to high-density commercial zoning districts that are consistent with central business districts. The C6-1, C6-2, C6-4, and C6-9 zoning districts mapped in the surrounding area generally allow residential uses ranging in an FAR from 3.44 to 12.0, and a wide range of commercial and community facility uses ranging in FAR from 6.0 to 15.0.

The mid-density residential neighborhoods of Fort Greene and Boerum Hill generally lie to the east and west of the project area, respectively. These areas are characterized by two- to four-story rowhouses, with many mixed-use three- to four-story buildings containing ground floor commercial uses along the Futon Street and Atlantic Avenue commercial corridors. These neighborhoods are largely within an R6B zoning district, which allows a maximum FAR of 2.0 for residential and community facility uses. R7A/C2-4 zoning districts are mapped along the Atlantic Avenue and Fulton Street commercial corridors, allowing a maximum FAR 4.0 for residential and community facility uses, and 2.0 for commercial uses.

New development would occur only on Lot 40. The proposed development would be an approximately 147,000-square-foot mixed-use building with approximately 120 dwelling units and 16,500 square-feet of floor area for the expansion of the Brooklyn Music School on the first and second floors. The Brooklyn Music School would also occupy the cellar level. All the residences would be for sale, including the permanently affordable units that would comprise 30 percent of the floor area. No parking would be provided.

The proposed development would rise 23 stories to a height of 267 feet. The building would have a two-story, approximately 36-foot-tall base with street walls located at the street lines on St. Felix Street and Ashland Place. The tower base would contain approximately 16,500 square-feet of new community facility space that would internally connect with the adjacent Brooklyn Music School. Main entrances for the school and residential use would be located on St. Felix Street. A secondary residential entrance would be located on Ashland Place, as well as a 22-foot

curb cut providing loading and access to a generator servicing One Hanson Place. Above the base, the bulk of the tower would be set back approximately 16 feet from Ashland Place and approximately 40 feet from St. Felix Street.

To facilitate the proposed development, the applicant proposes zoning map and text amendments, and zoning special permits.

Zoning Map Amendment (C 210278 ZMK)
The applicant proposes to map a C6-6/SDBD zoning district on southwestern corner of Block 2111, extending to the midblock along Hanson Place, and 100 feet along Ashland Place. A C6-4/SDBD zoning district would be mapped on the remainder of the project area, extending another 150 feet along Ashland Place, and extending 330 feet along St. Felix Street.

These districts would permit the same uses that are allowed today, but at higher densities. The existing C6-1/SDBD zoning district allow a maximum FAR of 6.0 for commercial uses, 6.5 for community facility uses, 4.0 for residential uses along wide streets, and 3.44 for residential uses along narrow streets. C6-6/SDBD zoning districts permit a maximum FAR of 15.0 for community facility and commercial uses, and would permit a maximum FAR of 12.0 for residential uses in MIH areas, as modified pursuant to the proposed text amendment. C6-6/SDBD zoning districts currently limit residential FAR to 9.0. C6-4/SDBD districts permit a maximum FAR of 10.0 for community facility and commercial uses, and 12.0 for residential uses in MIH areas. Both the current and proposed zoning districts allow tower bulk regulations to be utilized.

Zoning Text Amendments (N 180217 ZRK)
The applicant proposes an amendment to Appendix F to establish an MIH area coterminous with the proposed rezoning area to map MIH Option 1 and Option 4 (the Workforce Option). MIH Option 1 requires 25 percent of residential floor area to be affordable at an average of 60 percent of the area median income (AMI), with no income bands exceeding 130 percent of AMI, and at least 10 percent of floor area affordable to households with incomes up to 40 percent of AMI. The MIH Workforce Option requires 30 percent of residential floor area to be affordable at an

average of 115 percent of AMI, with no income band exceeding 135 percent of AMI. Five percent of residential floor area must be affordable to households with incomes up to 70 percent of AMI and five percent of floor area must be affordable at 90 percent of AMI.

The applicant also proposes an amendment to ZR Section 101-21(d) to modify the residential floor area regulations for C6-6 zoning districts within the SDBD. The maximum FAR for residential use currently permitted in C6-6/SDBD districts is 9.0. Outside of the SDBD, C6-6 zoning districts typically have an R10 residential equivalent, which permits residential uses at an FAR of 10.0 in areas without inclusionary zoning, and up to 12.0 in areas with MIH or when inclusionary housing is provided.

In 2016, the CPC approved a text amendment (N 160029 ZRK) that expanded applicability of the special bulk regulations within the SDBD to C6-6 zoning districts. The CPC approved a proposed amendment that would allow up to a maximum FAR of 18.0 for commercial or community facility uses in C6-6 zoning districts within the SDBD, and allow residential uses at a density that is consistent with standard C6-6 zoning districts. The proposed text amendment was later modified by the City Council to the regulations in place currently, which allow residential FAR of 9.0 in C6-6/SDBD zoning districts, and commercial and community facility uses at the density typically allowed by C6-6 zoning districts. The proposed text amendment would allow a residential FAR of 12.0 in C6-6/SDBD zoning districts where MIH is newly mapped.

The applicant also proposes a text amendment to ZR Section 101-82, a special permit for bulk waivers on irregular sites within the SDBD. Currently, the special permit pursuant to ZR Section 101-82 is applicable in only C6-9 zoning districts mapped after March 13, 2019. The applicant proposes to expand the areas in which this special permit is applicable to include newly mapped C6-4 and C6-6 zoning districts within the SDBD.

Special Permit (C 210280 ZSK)

The applicant requests a special permit pursuant to ZR Section 74-533 to waive all required residential parking. Because the proposed development is located within the Transit Zone, approximately 36 units, which would be regulated through MIH, would have no accessory

parking requirement pursuant to ZR Section 25-251. Within the SDBD, most zoning districts require parking spaces for 20 percent of dwelling units. Pursuant to ZR Section 101-50, the proposed development would be required to provide 17 residential accessory parking spaces for the 84 dwelling units that would not be income restricted.

Special Permit (C 210281 ZSK)

The applicant requests a special permit pursuant to ZR Section 101-82, as modified by the related zoning text amendment (N 180217 ZRK). This special permit currently allows for modifications of underlying bulk regulations, except floor area, for projects on irregular sites within C6-9/SDBD zoning districts. As described earlier, the proposed modifications to this special permit would expand the applicability of this special permit to C6-4/SDBD and C6-6/SDBD districts. The proposed special permit would provide a method to seek relief from regulations applying to yards, courts, and tower lot coverage.

Rear Yard Equivalent (ZR Section 23-532)

ZR Section 23-532 requires open areas known as a "rear yard equivalents," which must have a combined depth of 60 feet at the lowest level containing dwelling units. The 60-foot rear yard equivalent is proposed to be split into a 40-foot deep open area along St. Felix Street and a 20-foot deep open area along Ashland Place starting at the third story, the lowest level containing residences. The proposed envelope allows for an 18-foot open area along St. Felix Street, and no open area along Ashland Place at the third story, therefore requiring a 42-foot waiver of the required 60-foot rear yard equivalent. Above the third story, a 40-foot open area would be provided along St. Felix Street, and a 16-foot open area would be provided along Ashland Place, requiring a waiver of four feet from the required 60-foot rear yard equivalent.

Inner Court Size (ZR Section 23-851)

ZR Section 23-851 requires a minimum area of 200 square-feet and a minimum dimension of 10 feet for small inner courts on which legally required windows do not face. The proposed development would be built to the lot line it shares with the north side of Lot 7501. The One Hanson Place Building on Lot 7501 is also built to this lot line, except for a shallow setback that is approximately 25 feet wide and ranges from approximately 2.4 to 3.6 feet in depth. The

resulting small inner court would have an area of approximately 75 square feet and a minimum depth of approximately 2.4 feet. The applicant therefore requests a waiver of 125 square feet from the minimum area and a waiver of 7.6 feet from the minimum dimensions for the inner court.

Tower Lot Coverage (ZR Section 101-223(c))

ZR Section 101-223(c) stipulates that a building containing residential floor area is limited to a lot coverage of 40 percent above a height of 150 feet. The development site would be part of an approximately 39,800-square-foot zoning lot that contains existing structures. At a height of 150 feet, there is currently approximately 15,300 square-feet of floor area, which comprises approximately 38 percent of the total lot area. This leaves approximately 650 square-feet of floor area that could be developed under zoning regulations.

The proposed development would have approximately 6,100 square-feet of floor area at or above 150 feet, resulting in a total lot coverage of approximately 21,400 square-feet at or above 150 feet or approximately 54 percent of the zoning lot area.

ENVIRONMENTAL REVIEW

This application (C 210278 ZMK), in conjunction with the applications for the related actions (N 210279 ZRK, C 210280 ZSK, and C 210281 ZSK), 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 is the City Planning Commission. The designated CEQR number is 21DCP083K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on May 3, 2021. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-616). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 210278 ZMK) and the related applications for special permits (C 210280 ZSK and C 210281 ZSK) were certified as complete by the Department of City Planning on May 3, 2021, and were duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210279 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

On May 19, 2021, Brooklyn Community Board 2 held a public hearing on this application (C 210278 ZMK) and on June 16, 2021, by a vote of 33 in favor, five opposed, and none abstaining, recommended disapproval of the application.

The Community Board noted concerns regarding the proposed development's aesthetic impact and relation to the BAM Historic District and One Hanson Place. The Community Board cited concerns regarding the rationality of the proposal, and capacity of area infrastructure, and noted a need for lower affordability levels than proposed for the MIH units.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 210278 ZMK) on June 2, 2021, and on September 14, 2021, issued a recommendation to approve the application with the condition that the applicant provide written commitments to the City Council to:

> "a. Establish that space to be transferred to the Brooklyn Music School (BMS) will be used exclusively for BMS activities
>
> b. Memorialize the proposed median sales price for the affordable housing units via a legally binding mechanism, such as the New York City Zoning Resolution (ZR) 74-533 (a) obligation to consult with the New York City Department of Housing Preservation and Development (HPD)

c. Provide an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-, two-, or three-bedroom units

d. Utilize one or more local affordable housing non-profits to serve as the administering agent and have one or more such entities play a role in promoting lottery readiness

e. Incorporate resiliency and sustainability measures such as blue/green/white roof treatment, grid-connected rooftop batteries, passive house construction, solar panels and/or façades, and/or wind turbines

f. Retain Brooklyn-based contractors and subcontractors, especially those designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate the oversight of such participation by an appropriate monitoring agency"

City Planning Commission Public Hearing

On July 28, 2021 (Calendar No. 9), the City Planning Commission scheduled August 18, 2021 for a public hearing on this application (C 210278 ZMK) in conjunction with the related applications (N 210279 ZRK, C 210280 ZSK, and C 210281 ZSK). The hearing was duly held on August 18, 2021 (Calendar No. 67). Thirty-three speakers testified in favor of the application, and none in opposition.

An applicant team consisting of the land use attorney, architect, and developer spoke in favor of the application. The applicant's land use attorney described the project area, context, and the requested actions. She specifically noted the appropriateness of the proposed rezoning due to its location at the confluence of major thoroughfares and adjacency to Atlantic Terminal, the largest transit hub in Brooklyn. The land use attorney also noted the current zoning allows for significantly lower density than the existing built condition, so the proposed rezoning would help bring existing buildings into compliance and provide a density buffer to the adjacent lower scale neighborhood.

The architect described the character of the surrounding area and detailed the form of the proposed development. He noted that the form of the proposed development is designed to serve as a transition from the Flatbush Avenue Corridor to the west and Fort Greene and BAM Historic Districts to the east. The architect described how the proposed development would aesthetically defer to One Hanson Place in its height and tapering form. He noted that the north side of One Hanson Place was designed as a shared wall, and that building egress stairs were located on the interior side of windows opening into the recess along the north wall. He stated that the proposed development responds to the scale of St. Felix Street with an approximately 40-foot base height and 40-foot setback of upper floors facing St. Felix Street. The architect noted the proposed development received design approval from the LPC.

A representative of the applicant discussed the team's plan for offering the income-restricted units that are subject to MIH regulations as homeownership units. She discussed the context of rising housing prices in the neighborhood, noting the median price for a condominium in the area has more than doubled in the past 10 years, and now approaches $1 million, and highlighted financial advantages of homeownership over renting. The representative specified the team's plan to offer the approximately 36 income-restricted units at affordability levels targeted to households in the 70 percent AMI to 100 percent AMI levels, with a weighted average affordability at 93 percent AMI.

The Chair of Brooklyn Music School's Board of Trustees provided testimony in support of the project, discussing how the proposed development would support the Brooklyn Music School, allowing it to expand and modernize the school's facilities, expand programming, preserve affordability and access to its music and arts education, and allow the school to continue to support smaller cultural nonprofit organizations.

Additional testimony in support of the proposed development was provided by members of local nonprofit and community-based organizations, local community members, labor groups, and individuals affiliated with the Brooklyn Music School. Many speakers noted the appropriateness and desire for affordable housing at the transit-rich project location and supported the improvements that the proposed development would provide to the Brooklyn Music School.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning map amendment (C 210278 ZMK), in conjunction with the related applications for a zoning text amendment (N 210279 ZRK) and zoning special permits (C 210280 ZSK and C 210281 ZSK) are appropriate.

Together, these actions will facilitate the development of a mixed-use building containing approximately 120 dwelling units, 36 of which would be permanently affordable, and community facility space for the adjacent Brooklyn Music School. The Commission believes that this proposal will support the provision of a rare affordable homeownership opportunity in a centrally located, transit-rich location, and enable utilization of a vacant lot that lacks developable floor area under current zoning. The proposed development will create continuity in the streetwall along St. Felix Street and Ashland Place, enhancing the pedestrian streetscape and providing a buffer between the high-rise development centered along Flatbush Avenue and the low-scale townhouses along St. Felix Street.

The project area is located in Downtown Brooklyn, the city's third largest Central Business District and is adjacent to the Atlantic Terminal transit hub, which offers access to regional rail and 10 subway lines. There is further access to additional subway and bus routes within the surrounding area. This context contributes to the appropriateness of increasing density at this location. The Commission notes that project is immediately adjacent to One Hanson Place, which is over 500 feet tall and has an on-footprint FAR of over 16.

The project area is located near the confluence of Flatbush Avenue, Fourth Avenue, and Atlantic Avenue, major thoroughfares that all exceed 100 feet in width. The intersections of these streets and the irregularity of the street grid around Flatbush Avenue make the southwestern portion of the project area highly visible from surrounding approaches. The prominence of the intersection of Hanson Place and Ashland Place supports the provision of the C6-6 zoning district at this

location, which allows for more density than the C6-4 zoning district that is proposed for the remainder of the project area.

The development site is a vacant through-lot that creates a gap along a block of St. Felix Street that is recognized for its largely intact historic rowhomes. The current C6-1 zoning allows 3.44 – 4.0 FAR for residential uses, 6.0 FAR for commercial uses, and 6.5 FAR for community facility uses. The zoning lot shared by Lot 40, the development site, and Lot 7501, which contains One Hanson Place, a mixed-use building with residential and commercial use, has a built FAR of 10.17, which far exceeds what the C6-1 zoning district currently allows.

The proposed zoning map amendment will bring the existing One Hanson Place building into compliance with floor area regulations. With the proposed rezoning and addition of Lot 37 to the shared zoning lot, approximately 170,000 square feet of the approximately 506,000 square feet permitted will be available, allowing for development on the vacant lot. The proposed development will include approximately 147,000 square-feet, and bring the total density of the zoning lot to 12.16 FAR.

The Commission believes the proposed zoning districts and boundaries are rational. The proposed C6-4 and C6-6 districts have a residential equivalent district of R10, while the residential equivalent of the current C6-1 zoning district is an R7-2 zoning district. R10 residential districts are appropriate in transit-rich, central business district areas, such as Downtown Brooklyn.

The Commission believes the higher densities of the proposed C6-4 and C6-6 zoning districts are appropriate due to project area's location within a dense, mixed-use neighborhood and proximity to an abundance of amenities and transit options. The Commission believes it is appropriate to continue the C6-4 district mapped to the south in the project area, and that the unique visibility of the Ashland Place and Hanson Place intersection support the higher-density C6-6 zoning district mapped at this location.

The proposed zoning text amendments (N 210279 ZRK) are appropriate. Establishment of an MIH area through the proposed zoning text amendment is consistent with the City's policy of requiring income-restricted housing in areas being rezoned to allow for a substantial increase in residential capacity. The MIH area mapped will be coterminous with the project area. The applicant is proposing to map MIH Option 1 and Option 4 (the Workforce Option). The applicant will utilize the MIH Workforce Option and will therefore be required to allocate 30 percent of the residential floor area as permanently affordable for households at an average of 115 percent of AMI, with no income band exceeding 135 percent of AMI. The proposed development is expected to create 36 permanently affordable residences. The applicant has stated they will offer these units for sale with an average affordability of approximately 93 percent of AMI, lower than the average AMI required by the MIH Workforce Option.

The Commission believes the text amendment to ZR Section 101-21(d) to modify the residential floor area regulations for C6-6 districts within the SDBD special zoning district, allowing for 12.0 residential FAR in newly mapped C6-6 districts where MIH is also mapped, is appropriate. The proposed residential FAR will be consistent with the standard floor area regulations for C6-6 districts, which allow 12.0 FAR in areas with MIH or when inclusionary housing is provided.

The text amendment to ZR Section 101-82 is also appropriate. The ZR Section 101-82 special permit allows bulk waivers on irregular sites within the SDBD, but is only applicable in C6-9 zoning districts. The Commission believes it is appropriate to also allow this special permit to be applied in C6-4 and C6-6 zoning districts, which permit the same uses and share the same bulk regulations other than permitted floor areas for uses.

The proposed special permit (C 210280 ZSK) is appropriate. The applicant requests the grant of a special permit pursuant to ZR Section 74-533 to waive the 17 required accessory parking spaces. Thirty percent of the dwelling units in the proposed development will be subject to MIH regulations, meeting the definition of income-restricted housing units. The development site has limited frontage on Ashland Place due to an existing easement serving One Hanson Place at the ground floor along Ashland Place. Vehicle access from St. Felix Street is undesirable due to its historic, residential character and narrow width.

The Commission notes the that an Environmental Assessment Statement (EAS) for the proposed actions found no significant adverse impacts to traffic expected from the proposed development. Furthermore, the project area is well-served by public transit, and there is a low rate of car ownership in the area. The EAS also projected that a vast majority of trips generated by the proposed actions would occur via mass transit or by walking. Therefore, the Commission believes the waiver of accessory parking spaces will not have undue adverse effects on residents, businesses, or community facilities in the surrounding area.

Upon consultation with the Department of Housing Preservation and Development (HPD), the Commission believes that waiver of required accessory parking is appropriate to facilitate the development of affordable housing.

The proposed special permit (C 210281 ZSK) is appropriate. The applicant requests a special permit pursuant to ZR Section 101-82, for relief from regulations relating to yards, courts, and tower lot coverage. The development site is irregularly shaped and constrained by the presence of historically significant existing buildings on its zoning lot. The design of the proposed development is subject to approval from the LPC, which granted a Design Only Certificate of Appropriateness for the form and design of the proposed development. This approved design provides a height cap of 267 feet and locates the tower portion much closer to Ashland Place than St. Felix Street.

The proposed development is required to have a 60-foot open area known as a "rear yard equivalent" starting at the lowest level of the building containing residences and continuing upward. This requirement is split into two open areas: a 40-foot rear yard equivalent required along St. Felix Street, and a 20-foot rear yard equivalent required along Ashland Place. The applicant requests a waiver of 42-feet of the required 60-foot rear yard equivalent at the third story. Above approximately 48-feet along St. Felix Street, the proposed building envelope provides a compliant 40-foot deep open area, and above approximately 43 feet along Ashland Place, the proposed building envelope provides for a non-complying, 16-foot-deep rear yard equivalent, therefore requiring a waiver of four feet along Ashland Place extending to the

twenty-third floor. The required rear yard equivalent waivers are minimal, and the Commission believes that they are appropriate.

The applicant also requests relief from the minimum area and dimension for small inner courts for a small inner court that will be created by a shallow recess on the north side of One Hanson Place. The architect noted that the windows facing the proposed small inner court are not legally required windows to residences. Rather, egress stairs are located behind windows facing the recess, and thus no undue obstruction of light and air will occur. Therefore, the Commission finds the requested waiver for court dimensions appropriate.

Finally, the Commission believes the requested relief from maximum zoning lot coverage regulations is appropriate. Given the maximum building height established by the LPC's Design Only Certificate of Appropriateness, the Commission believes the requested increase in lot coverage to 54 percent is reasonable to accommodate an efficient floorplate for the proposed residential use.

The Community Board's concerns about aesthetic impact to historically significant features lie outside the scope of the Commission, and within the jurisdiction of LPC. The Commission notes that no significant adverse impacts were found during the environmental analysis of this project, including impacts to historic resources or infrastructure capacity.

The Commission recognizes the Workforce Option allows for higher average household income levels than any other MIH option, including Option 1, which the applicant has proposed to map along with the Workforce Option. The Commission believes it is appropriate to allow for the provision of affordable housing for a range of income levels and housing products.

Regarding the recommendation of the Borough President, the Commission notes that the conditions are outside the scope of these land use actions.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on May 3, 2021 with respect to this application (CEQR No. 21DCP083K), 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. 16c:

1. changing from an existing C6-1 District to an C6-4 District property bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, Hanson Place, a line midway between Ashland Place and St. Felix Street, a line 100 feet northerly of Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street; and

2. changing from an existing C6-1 District to an C6-6 District property bounded by a line 100 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, and Ashland Place;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-616.

The above resolution (C 210278 ZMK), duly adopted by the City Planning Commission on September 22, 2021 (Calendar No. 17), 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.

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*
DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 130 St. Felix Street	
Applicant: 130 St. Felix Street LLC	**Applicant's Primary Contact**: Melanie Meyers
Application # 210278ZMK	**Borough**:
CEQR Number: 21DCP083K	**Validated Community Districts**: K02

Docket Description:
IN THE MATTER OF an application submitted by 130 St. Felix Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an existing C6-1 District to an C6-4 District property bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, Hanson Place, a line midway between Ashland Place and St. Felix Street, a line 100 feet northerly of Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street; and

2. changing from an existing C6-1 District to an C6-6 District property bounded by a line 100 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, and Ashland Place;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-616.

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

RECOMMENDATION: Unfavorable			
# In Favor: 33	**# Against:** 5	**# Abstaining:** 0	**Total members appointed to the board:** 38
Date of Vote: 6/16/2021 12:00 AM		**Vote Location**: Virtual	

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

Date of Public Hearing: 5/19/2021 6:00 PM	
Was a quorum present? Yes	*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*
Public Hearing Location:	http://tiny.cc/gkywtz

CONSIDERATION: The size of 130 St. Felix Street will diminish the importance of the Williamsburg building and does not compliment the historic district; and
WHEREAS, the application amounts to spot zoning; and
WHEREAS, the affordable component is unattainable for many of the district's residents; and
WHEREAS, the area's infrastructure is overburdened with no plans to address it; and
Therefore, be it resolved that Community Board 2 Brooklyn asks City Planning Commission to reject this application.

Recommendation submitted by	BK CB2	Date: 7/6/2021 12:02 PM

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
CalendarOffice@planning.nyc.gov

INSTRUCTIONS

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

APPLICATION 130 ST. FELIX STREET – 210278 ZMK, 210279 ZRK, 210280 ZSK, 210281 ZSK

Applications submitted by 130 St. Felix Street LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for land use actions affecting a block of St. Felix Street within the Special Downtown Brooklyn District (SDBD), bounded by Ashland and Hanson places, and Lafayette Avenue:

a. A zoning map amendment to change the majority of the project area from a C6-1 to a C6-4 district, and the block's southwest corner to a C6-6 district
b. A zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area permitting Option 1 and the Workforce Option in the project area
c. A zoning text amendment to modify sections of the New York City Zoning Resolution (ZR) to permit 12 FAR in MIH areas within C6-6 districts and allow a Special District special permit for bulk modifications in C6-9 districts to apply in C6-4 and C6-6 districts within MIH areas
d. A special permit from the City Planning Commission (CPC) to modify rear yard, court, and tower lot coverage regulations applicable to the development site
e. A special permit from the CPC to waive parking regulations applicable to new construction on the development site to facilitate affordable housing

Such actions would facilitate a 23-story, 146,800 square-foot (sq. ft.), mixed-use development in Brooklyn Community District 2 (CD 2) with 120 apartments for sale, of which 30 percent would be permanently affordable to households earning 70 to 130 percent of Area Median Income (AMI). Two floors and one story below grade, comprising 16,500 sq. ft., would be reserved for the expansion of the adjoining Brooklyn Music School (BMS).

BROOKLYN COMMUNITY DISTRICT NO. 2 BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

September 14, 2021

DATE

RECOMMENDATION FOR: 130 ST. FELIX STREET – 210278 ZMK, 210279 ZRK, 210280 ZSK, 210281 ZSK

St. Felix Street LLC submitted applications pursuant to Sections 197-c and 201 of the New York City Charter, for land use actions affecting a block of St. Felix Street within the Special Downtown Brooklyn District (SDBD), bounded by Ashland and Hanson places, and Lafayette Avenue:

a. A zoning map amendment to change the majority of the project area from a C6-1 to a C6-4 district, and the block's southwest corner to a C6-6 district
b. A zoning text amendment to establish an MIH area permitting Option 1 and the Workforce Option in the project area
c. A zoning text amendment to modify sections of the New York City Zoning Resolution (ZR) to permit 12 FAR in MIH areas within C6-6 districts and allow a Special District special permit for bulk modifications in C6-9 districts to apply in C6-4 and C6-6 districts within MIH areas
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On June 2, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments and special permit. There were 19 speakers on the item, with 13 in support and six in opposition.

Those in favor included the Brooklyn Chamber of Commerce (BCC), which testified that the project would expand affordable arts programs in the area and sustain BMS to serve future generations, thereby assuring the Brooklyn Cultural District's diversity. The BCC representative also spoke in support of affordable homeownership opportunities and the proposed density in proximity to transit. These points were echoed by local cultural organizations, including the Downtown Brooklyn Arts Alliance, the Irondale Ensemble Project, Non-Stop Production, and Theater for a New Audience, as well as housing advocates, including IMPACCT Brooklyn, Open New York, and Riseboro. A representative of Service Employees International Union (SEIU), Local 32BJ cited the developer's commitment to provide well-paying jobs for building service workers. Other speakers argued that the project design was contextual and expressed support for the requested parking waiver.

Those opposed including representatives of Preserve BAM Historic District and Preserve our Brooklyn Neighborhoods, who characterized the application as a spot zoning and raised concerns about the narrow width of St. Felix Street, the building's height and scale, its resulting shadow impacts, its potential to obscure views of the Williamsburg Savings Bank, its intrusion into a historic district, and the possibility of setting a precedent for future actions. These advocates also cited unaddressed past collapses on St. Felix Street, potential to exacerbate pedestrian congestion, a current glut of vacant market-rate housing, and the affordability of the proposed units to neighborhood residents. Some also questioned whether the BMS expansion was intended to benefit the organization or its for-profit tenant school.

In response to Borough President Adams' inquiry as to how the development is intended to be respectful of the low-rise character of St. Felix Street, the representative noted that the podium height was designed to align with BMS, that the initial set back is in line with the school's roof height, and the primary street setback of 40 feet above that initial setback floor is to preserve the scale of St. Felix Street. Moreover, the

tower would be more than 230 feet lower than the Williamsburg Savings Bank building, in a historic district with a variety of building heights.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective MIH households based on household size, the anticipated sales prices based on the number of bedrooms, and the distribution of units by bedroom size, the representative stated that 36 units would be offered, with six at 70 percent AMI, six at 90 percent of AMI, and 24 at 100 percent AMI. At the 70 percent tier, qualifying incomes would range from $58,060 for a one-person household to $90,493 for a five-person household, with sale prices of approximately $229,000 for a studio, $246,000 for a one-bedroom, $255,000 for a two-bedroom, and $341,000 for a three-bedroom unit. At the 90 percent tier, qualifying incomes would range from $75,411 for a one-person household to $116,340 for a five-person household, with sale prices of approximately $332,000 for a studio, $355,000 for a one-bedroom, $426,000 for a two-bedroom, and $493,000 for a three-bedroom unit. And for 100 percent AMI, qualifying income would range from $83,790 for a one-person household to $129,275 for a five-person household, with sale prices of approximately $393,000 for a studio, $421,000 for a one-bedroom, $506,000 for a two-bedroom, and $584,000 for a three-bedroom unit. While the unit mix has not been finalized, the developers are targeting five percent as studios, 40 to 50 percent as one-bedroom units, 35 to 40 percent as two-bedroom units, and 10 to 15 percent as three-bedroom units.

In response to Borough President Adams' inquiry as to what would guarantee that the average sales price would be significantly less than the 115 percent AMI permitted by zoning, the representative stated that the developer is willing to make a commitment to the approving agencies, potentially bound to the requested special permit to waive parking.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the homeowner selection process in order to ensure the highest level of participation from Brooklyn Community District 2 (CD 2) and whether the applicant's marketing strategy would include a financial literacy campaign to qualify local residents for the lottery, the applicant expressed intent to hire IMPACCT Brooklyn to conduct applicant selection, with additional capacity for financial literacy training and informational sessions.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, New York City Department of Environmental Protection (DEP) rain gardens, and wind turbines, the applicant stated that 130 St. Felix Street would be constructed with a green roof, (though solar panels are likely not feasible) designed to at least Leadership in Energy and Environmental Design (LEED) Silver standards, with a Zone Green exterior envelope. The developer would also consider passive house design and explore rain gardens with DEP and with the Metropolitan Transportation Authority (MTA), which has transit tunnels below the street.

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 noted that efforts would be coordinated through the construction manager, in addition to outreach to LBE and MWBE firms, and non-profit partners to source local talent.

In response to Borough President Adams' inquiry regarding construction logistics given the narrow width of St. Felix Street, the representative stated that construction would be staged to minimize disturbances, that the developer is willing to work with the community to help direct traffic, and that they would try to work as much as possible from Ashland Place, though construction logistics such as placement of cranes would be determined by need to drive piles.

Prior to the hearing, Borough President Adams received testimony from Dancewave, in support of new space for BMS.

Prior to the hearing, the Office of the Brooklyn Borough President also received 145 testimonies in opposition, primarily in the form of petitions, from Citizens for Responsible Neighborhood Planning of Clinton Hill/Fort Greene Inc., Friends of South Street Seaport, Lower Seaman Tenant Association, and Preserve the BAM Historic District.

On the day of the hearing, Borough President Adams received testimony in support from The Actors Fund, and five letters in opposition, noting potential for detrimental construction on St. Felix Street.

Subsequent to the hearing, Borough President Adams received testimony in support from the Chinese-American Planning Council, which noted a similar project executed with the developer.

Subsequent testimony in opposition by Preserve Our Brooklyn Neighborhoods cited a possible conflict of interest involving overlapping Board membership between BMS and the private school, and fines incurred by the developer for safety violations at a construction site. Borough President Adams also received comments from six individuals opposed to the project.

Consideration

Brooklyn Community Board 2 (CB 2) disapproved this application on June 9, 2021.

The proposed C6-6 and C6-4 MIH districts would permit more than 500,000 sq. ft. of zoning rights, though New York City Landmarks Preservation Commission (LPC) approvals would limit total development to approximately 483,500 sq. ft. The Williamsburg Savings Bank contains 52,000 sq. ft. of commercial space and more than 272,000 sq., ft. of residential floor area. BMS occupies approximately 12,000 sq. ft of community facility space, where it provides affordable musical instruction to more than 6,000 children. The school has experienced rapid growth due to high demand for its programs, and its building is now at capacity.

The applicant intends to construct a 23-story, 146,800 sq. ft. mixed use building that would provide 16,460 sq. ft. for BMS at its base, and 120 condominium units above, of which 30 percent would be permanently affordable according to MIH. The BMS enlargement would more than double the school's instructional space and provide accessibility for people with disabilities. The Ashland Place frontage would also incorporate generator space and loading areas for One Hanson Place. The requested actions would allow the developer to realize 12.16 FAR on the zoning lot, where combined BMS and the Williamsburg Savings Bank comprise approximately 337,000 sq. ft. of floor area. The requested parking waiver would exempt the development from provision of required parking.

The residential portion of 130 St. Felix Street would contain approximately 130,000 sq. ft. developed pursuant to MIH Workforce Option, which requires that the average sales price for 30 percent of the residential floor area be indexed at not more than 115 percent of AMI. Five percent of the units must be targeted to households at 70 percent AMI, and another five percent must not exceed 90 percent AMI to ensure affordable homeownership opportunities for moderate-income households. The remaining 20 percent of the MIH floor area would be voluntarily based on 100 percent AMI.

To achieve the development, the applicant seeks to change the underlying C6-1 zoning extending from Hanson Place for a distance of 250 feet along Ashland Place and 330 feet along St. Felix Street to C6-4 along St. Felix Street and C6-6 for 100 feet along Ashland and Hanson Place with the balance of Ashland Place zoned C6-4. This would result in sufficient floor area to permit primarily residential through-block construction, and expanded space for BMS at the building's base. The application would also establish an MIH area coterminous with the rezoning area.

Both the C6-4, pursuant to New York City Zoning Resolution (ZR) 23-154, and C6-6, pursuant to the SDBD's ZR 101-21(d) permit 12 FAR for residential use when paired with MIH. The C6-6 district permits 15 FAR with the provision of community facility and/or commercial use, in this case, an additional 30,000 sq. ft. of development rights. C6-6 regulations stipulate a maximum height of 250 feet, while the C6-4 allows 21-stories, up to 215 feet. One requested special permit would allow the City Planning Commission (CPC) to approve non-compliance with inner court, tower lot coverage, and rear yard controls. The other special permit would allow the developer to waive 17 required parking spaces for the market-rate units.

The 16,450 sq. ft. Central Methodist Episcopal Church lot at the corner of Hanson Place and St. Felix Street would receive additional development rights, which would not be part of the proposed project. Its 3.98 FAR would allow additional transfer of development rights though such opportunities are likely theoretical.

The development site is located within the southwestern section of the Brooklyn Academy of Music (BAM) Historic District, characterized by brick and brownstone row houses located primarily to the east of St. Felix Street, and prominent institutional buildings such as the Peter Jay Sharp and BAM Fisher buildings, and the Central Methodist Episcopal Church. The proposed zoning lot also includes the 514-foot-tall Williamsburg Savings Bank and the four rowhouses occupied by BMS. Though residential use predominates in the surrounding area, there is a notable concentration of commercial and cultural uses including Atlantic Terminal (and its 14-story office tower), BAM, and small parks and plazas. Recent development in the area includes a 32-story tower across Ashland Place, 570 Fulton Street, and the envisioned residential and school development at 80 Flatbush Avenue.

Brooklyn is one of the fastest growing communities in the New York metropolitan area, and its ongoing 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 Brooklyn's affordable housing crisis through creation and preservation of housing units for low, moderate, and middle-income households.

Moreover, in CD 2 and across New York City, there is a pressing need for affordable and stable housing among elderly adults, homeless households, low-income families, and other populations. Increasing the supply of affordable apartments for a range of incomes and household types in mixed-use buildings is a critical strategy for promoting a sustainable neighborhood and city.

Borough President Adams seeks to assist community-based non-profits in securing affordable space in the borough. These organizations play an important role in their neighborhoods but often struggle to obtain the necessary space to expand and sustain their programs. Many cultural entities have contacted the Office of the Brooklyn Borough President with these concerns. It has been Borough President Adams' policy to review discretionary land use actions for opportunities to promote cultural and non-profit uses.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining challenges for artists in the borough, with accompanying recommendations. The report highlighted the benefits of arts and dance, which include maintaining physical fitness, promoting creative self-expression, and making significant contributions to the vibrant culture of Brooklyn. Among the difficulties faced by the Brooklyn arts community is an absence of diversity — according to 2000 United States Census data, fewer than half the individuals working in dance are people of color. Additionally, public funding for the arts in New York City has shrunk dramatically in recent years: by 37 percent from the New York State Council of the Arts (NYSCA), by 15 percent from the National Endowment for the Arts (NEA), and by 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data shows that cultural programs generate a variety of positive effects, which include combating the borough's high obesity rate. As of 2016, 61 percent of Brooklyn adults are overweight or obese, according to the New York State Department of Health (NYSDOH). Research by the Citizens' Committee for Children of New York has found that such activities also help children succeed in school. Moreover, demand for cultural programs continues to grow across Brooklyn. A 2015 report by the Center for an Urban Future (CUF) found a 20 percent increase in attendance at local cultural events since 2006.

Borough President Adams believes that the proposed development presents an opportunity to provide state-of-the art affordable space for BMS, an important cultural organization in the community. The school is located near the Brooklyn Cultural District, which has traditionally been a hub for the arts, and also owns its building and associated development rights, which would be enhanced by the proposed rezoning. Though valuable, such rights alone would not be sufficient to cover the actual construction cost, which would have to be supported with cross-subsidies.

130 St. Felix LLC has indicated that nearly 16,500 sq. ft. of the proposed 147,000 sq. ft. development would be turned over to BMS free and clear of debt. With cellar space, more than 20,000 sq. ft. would be secured for exclusive ownership by BMS. Borough President Adams believes that the inclusion of arts and cultural use space at 130 St. Felix would increase public purpose achieved through residential development pursuant to MIH. Setting aside a commercial and/or retail space for non-profit ownership provides an important benefit to the wider community.

Borough President Adams supports developments on underutilized land that address the City's need for affordable housing. The proposed project 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. Borough President Adams believes that new residential development facilitated by rezoning should yield permanently affordable housing. ZR Sections 23-913 and 23-962 stipulate the appreciation index for the resale price of an affordable homeownership unit, which ensures that such housing remains affordable in perpetuity. HPD sets the annual rate of increase based on the percentage change in the Consumer Price Index (CPI) for all urban residents, as defined by the US Bureau of Labor Statistics, plus one percent per year. However, such indexing leads to a slow appreciation and exposes owners to interest rate spikes. A better way to offset increases in homeownership costs would be to index price restrictions to standards defined by the Center for Housing Policy.

Based on MIH Option 4, the proposed rezoning would result in a development with a minimum 30 percent of permanently affordable residential floor area. According to the applicant, approximately 36 of the 120 condominium units at 130 St. Felix Street would be permanently affordable at up to 100 AMI. Development adhering to the MIH program is consistent with Borough President Adams' policy to achieve permanently affordable housing.

The MIH program targets affordable units at various AMI tiers, consistent with his objective to provide housing for a broad range of incomes. Borough President Adams supports developments that allow low-, moderate-, and middle-income residents to qualify for the City's affordable housing lottery. Development at 130 St. Felix would gear apartments to multiple income tiers and extend homeownership to households typically excluded from such opportunities.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. The development site is around the corner from the Atlantic Avenue-Barclays Center subway station hub served by the Sixth Avenue Express B and D lines, the Broadway Express N line, the Second Avenue/Broadway Express/Brighton Local Q line, the Broadway Local R line, the Seventh Avenue Express 2 and 3 lines, and the Lexington Avenue Express 4 and 5 lines. One block north of the site is Fulton Street station, served by the Brooklyn-Queens Crosstown G line.

The Atlantic Terminal, Long Island Rail Road (LIRR) commuter railroad is located across Hanson Place. The B25, B26, B37, B41, B45, B52, B63, B67, and B103 buses all stop nearby. The area is also well-served by Citi Bike, with a large docking station at Ashland and Hanson places.

Borough President Adams acknowledges the large jump in requested density from what is otherwise permitted by the current zoning. However, without additional development rights, BMS would be unable expand its facilities, and the City would lose an opportunity to realize affordable homeownership units. The requested height and bulk, while an aberration to the built and zoned context, warrants consideration in light of these important policy objectives.

Borough President Adams generally supports the establishment of a new C6-6 district and enlargement of the existing C6-4 zone to facilitate the development of 130 St. Felix Street and the enlargement of BMS. Though, he also seeks assurances regarding the median affordable housing pricing, a family-oriented bedroom mix, community participation in the affordable housing, incorporation of resilient and sustainable features including rain gardens, and local and MWBE workforce participation.

Guaranteed Space for Exclusive Use of the Brooklyn Music School

In the testimony submitted to Borough President Adams, there were concerns about how the 16,458 sq. ft. space promised to BMS would be programmed. Parents of enrolled children attest that BMS use of its facility has been compromised by the primary tenant, MUSE Academy, a full-day private school with a musical emphasis. For example, traditional room furnishings have reportedly been altered to accommodate MUSE utilization at the expense of BMS students.

BMS parents have formulated a resolution that approval of the proposed rezoning and $6 million of City funding for BMS acquisition of space within 130 St. Felix Street should be conditioned on restriction of space rentals to outside entities. They seek guarantees that organizations seeking to lease BMS space would not provide competing programming and would be aligned with BMS' community mission. Moreover, such prospective renters should be community cultural, and private schools — even non-profits — should not be allowed.

Borough President Adams concurs that the $6 million in City funding should serve to advance BMS objectives, not to help BMS raise operating funds via rentals to private institutions. As the intended beneficiary of discretionary land use actions and public subsidies, BMS should prioritize utilization of the intended new space by its programs and students.

Borough President Adams seeks a binding commitment that the approximately 16,458 sq. ft. space to be transferred to BMS, with $6 million in City funds, would be used exclusively for BMS activities, with some accommodation for community cultural groups. Therefore, prior to considering the application, the City Council should obtain written commitments from 130 St. Felix LLC, that BMS would adhere to such terms.

Guaranteeing the Represented Affordability

According to the applicant, the weighted average for the affordable condominium units would be approximately 93 percent AMI, substantially less than the MIH cap of 115 percent. Borough President Adams notes that by waiving the 17 required parking spaces, the applicant would realize valuable ground floor space and avoid significant sub-surface construction to accommodate a garage. He believes that the represented AMI reduction is a commensurate benefit of such cost avoidance.

Borough President Adams believes that the ZR 74-533 special permit should be conditioned on developer commitment that the affordable unit mean sales price would be less than the 115 percent permitted by the ZR.

Finding ZR 74-533 (a) requires consultation with the New York City Department of Housing Preservation and Development (HPD), which can be used to codify and mandate the represented AMI. Such consultation should produce a letter to the City Council submitted prior to its final determination on the application.

Therefore, prior to considering the application, the City Council should obtain written commitments from 130 St. Felix LLC, that the proposed affordable unit median sales price would be memorialized via a legally-binding mechanism, such as the ZR 74-533 (a) obligation to consult with HPD.

Bedroom Mix

When reviewing rezoning proposals for affordable homeownership developments, Borough President Adams seeks a unit mix that adequately reflects the needs of moderate- and middle-income families. 130 St. Felix LLC has expressed intent to provide a bedroom mix of 45 to 55 percent studios and one-bedroom units and 45 to 55 percent two- and three-bedroom apartments. Pursuant to MIH Option 4, a percentage of the affordable units would be reserved for households at 70 percent and 90 percent AMI.

Borough President Adams believes that right-sizing the bedroom distribution within the affordable housing floor area is more important than maximizing the number of MIH apartments. Though the applicant is interested in providing larger units, development pursuant to MIH lacks leverage to require affordable apartments with multiple bedrooms. Borough President Adams believes that it is appropriate to use discretionary land use actions to advance policies that constrain what would be permitted as-of-right.

For this building, it is important to mandate that the developer provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii). This would require at least 50 percent of the units to be two- or three-bedrooms and at least 75 percent of the units to contain one or more bedrooms. There is no assurance that the 130 St. Felix Street bedroom mix would be consistent with Borough President Adams' policy to achieve family-sized units for moderate- to middle-income households.

Borough President Adams seeks a binding commitment to secure what has been represented to the community. Therefore, prior to considering the application, the City Council should obtain written commitments from 130 St. Felix LLC, to provide a bedroom mix of at least 50 percent two- or three-bedrooms, and at least 75 percent one-, two-, or three-bedrooms for the affordable condominium units at 130 St. Felix Street.

Maximizing Community Participation in the Affordable Housing

The ZR requires inclusionary housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit development entity, except when otherwise approved by HPD. The administering non-profit is responsible for ensuring that affordable housing complies with the regulatory agreement that governs the development's affordable housing plan. Tasks include verifying a prospective tenant household's qualifying income and approving the rents of such affordable units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the units is consistent with the income requirements and following up with annual affidavits to ensure compliance.

It is Borough President Adams' policy for housing non-profits to play a role in maximizing community participation in local affordable housing opportunities. He recognizes that CD 2 is served by several non-profit organizations with a proven record of marketing affordable housing units and promoting lottery readiness through educational initiatives. The Fifth Avenue Committee (FAC), IMPACCT Brooklyn, and the Mutual Housing Association of New York (MHANY) could serve as the affordable housing administrator(s) and/or marketing agent(s) for the project, and work with the community board to qualify CD 2 residents for the MIH affordable homeownership lottery. Such efforts should be undertaken in consultation with the Office of the Brooklyn Borough President, CB 2, and local elected officials.

The applicant has represented intent to partner with IMPACCT Brooklyn for 130 St. Felix Street. Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from 130 St. Felix LLC to utilize one or more local affordable housing non-profits to serve as the administering agent and/or have such entities play a role in promoting lottery readiness.

Advancing Sustainable Energy and Resilient Stormwater Management

It is Borough President Adams' policy to advocate for environmentally sustainable development that integrates blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require newly constructed buildings as well as those undergoing renovation (with some exceptions) to incorporate a green roof and/or solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate, which Borough President Adams believes developers should exceed by integrating blue roofs with green roof systems. Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally based construction and procurement.

In Borough President Adams' letter to President Joseph R. Biden Jr., dated January 21, 2021, he outlined policies to rebuild America as a more equitable and just society, including initiatives consistent with the Green New Deal. Specifically, Borough President Adams advocated investments in renewable energy and battery storage to move beyond reliance on natural gas and dirty "peaker plants" disproportionally sited in communities of color. He believes that grid-connected rooftop batteries should be a standard consideration for commercial buildings. Between existing flat roofs upgrades and new developments, there should be sufficient demand to manufacture such units locally and create industrial jobs.

Borough President Adams believes it is appropriate for 130 St Felix LLC to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) regarding government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development. One such program, the City's Green Roof Tax Abatement (GRTA) provides a reduction of City property taxes by $4.50 per sq. ft. of green roof space, 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 applicant to contact his office for further coordination on this matter.

As part of his resiliency policy, Borough President Adams seeks to advance stormwater management best practices including permeable pavers and/or rain gardens that promote DEP's green infrastructure agenda. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a comprehensive green infrastructure strategy. Where it is not advisable to remove street trees, it's possible to integrate stormwater retention measures into existing tree pits, with additional plantings to increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Red Hook Wastewater Treatment Plant.

The required Builders Pavement Plan for the proposed development provides an opportunity to install DEP rain gardens along the development site's Ashland Place and St. Felix Street frontages. The ZR requirement to plant street trees provides shade on excessively hot days, helps combat the urban heat

island effect, and provides other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris that can clog the inlet/outlet and prevent water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to ensure proper water absorption.

Borough President Adams believes that 130 St. Felix LLC should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) about the integration of rain gardens with street trees as part of the Builders Pavement Plan. If there is interest in implementing an enhancement, advance consultation should be initiated with CB 2 and local elected officials.

Therefore, prior to considering the application, the City Council should obtain written commitments from the applicant, 130 St. Felix, LLC, clarifying how it would integrate resiliency and sustainability features at 130 St. Felix Street.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality across Brooklyn, with more than half of the borough's community districts reporting poverty rates of 20 percent or higher. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. One way to address this economic crisis is by prioritizing local hiring and promoting Brooklyn-based businesses, including those that qualify as LBE and MWBE. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those designated LBE consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from the applicant, 130 St. Felix, LLC, to retain Brooklyn-based contractors and subcontractors, especially those designated LBE consistent with Section 6-108.1 of the City's Administrative Code and MWBE to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate oversight of such participation by an appropriate monitoring agency.

Recommendation

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

1. That the City Council obtain written commitments from 130 St. Felix LLC to:

    a. Establish that space to be transferred to the Brooklyn Music School (BMS) will be used exclusively for BMS activities

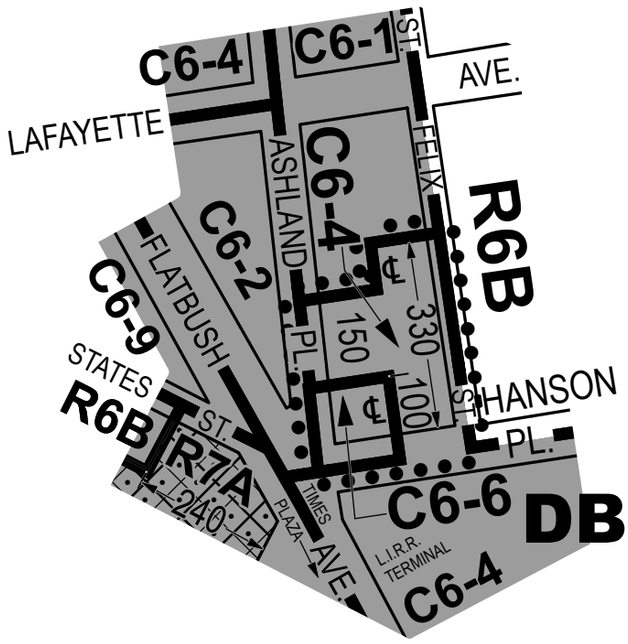
    b. Memorialize the proposed median sales price for the affordable housing units via a legally binding mechanism, such as the New York City Zoning Resolution (ZR) 74-533 (a) obligation to consult with the New York City Department of Housing Preservation and Development (HPD)

    c. Provide an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-, two-, or three-bedroom units

d. Utilize one or more local affordable housing non-profits to serve as the administering agent and have one or more such entities play a role in promoting lottery readiness

e. Incorporate resiliency and sustainability measures such as blue/green/white roof treatment, grid-connected rooftop batteries, passive house construction, solar panels and/or façades, and/or wind turbines

f. Retain Brooklyn-based contractors and subcontractors, especially those designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate the oversight of such participation by an appropriate monitoring agency



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
16c
BOROUGH OF
BROOKLYN

New York, Certification Date:
May 3, 2021

S. Lenard, Director
Technical Review Division

SCALE IN FEET
0 150 300 450 600

NOTE:

Indicates Zoning District Boundary

The area enclosed by the dotted line is proposed to be rezoned by changing from an existing C6-1 District to C6-4 and C6-6 Districts.

Indicates a C2-4 District

DB Indicates a Special Downtown Brooklyn District

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.