CITY PLANNING COMMISSION

February 16, 2022 / Calendar No. 8 C 210386 ZMK

IN THE MATTER OF an application submitted by EMP Capital Group 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 M1-1 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;

2. changing from an M1-1 District to a C6-3A District property bounded by the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Classon Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 315 feet northwesterly of Classon Avenue; and

3. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;

Borough of Brooklyn, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 20, 2021, and subject to the conditions of CEQR Declaration E-637.

This application for a zoning map amendment to change an M1-1 zoning district to C6-3A and R7A/C2-4 zoning districts was filed by EMP Capital Group on May 11, 2021. This application, in conjunction with the related zoning text amendment action (N 210387 ZRK) and special permit action (C 210379 ZSK), would facilitate the construction of a 17-story mixed use development containing 210 dwelling units, 52 to 63 of which would be permanently affordable, along with commercial and community facility space, at 1034-1042 Atlantic Avenue in the Crown Heights neighborhood of Brooklyn, Community District 8.

RELATED ACTIONS

In addition to the zoning map amendment (C 210386 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

N 210387 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations

C 210379 ZSK Special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce required residential off-street parking to facilitate affordable housing

BACKGROUND

The applicant requests a zoning map amendment to change an M1-1 zoning district to C6-3A and R7A/C2-4 zoning districts, a zoning text amendment to create an MIH area and allow street wall location flexibility, and a special permit pursuant to ZR Section 74-533 to reduce required residential off-street parking. The project area is comprised of eight tax lots (Block 1125, Lots 29, 33, 40, 52, 53, 57, 59, and 61) and encompasses the eastern portion of a block bounded by Atlantic Avenue to the north, Classon Avenue to the east, Pacific Street to the south, and Grand Avenue to the west.

The project area covers the western frontage of Classon Avenue, a 70-foot-wide north-south corridor, extending 315 feet westerly into the mid-block portions along Pacific Street, a 70-foot-wide street, and Atlantic Avenue, a 120-foot-wide corridor that stretches across multiple neighborhoods of Brooklyn. The project area is comprised of the development site (Lots 29 and 33), as well as several non-applicant-owned lots (Lots 40, 52, 53, 57, 59, and 61). The development site is an irregularly shaped lot containing approximately 24,000 square feet of lot area with 160 feet of frontage on Atlantic Avenue and 60 feet of frontage along Pacific Street. Lot 29 is improved with a vacant one-story warehouse building and Lot 33 is improved with a vacant two-story warehouse. Among the non-applicant-owned lots, Lot 40 is a one-story self-storage facility, Lot 52 is used for open parking, Lot 53 contains a three-story walk-up apartment building with three units, Lots 57 and 59 are each occupied by a four-story walk-up apartment building with eight units, and Lot 61 is improved with a one-story pet grooming and boarding facility.

The project area is located in the northwestern part of the Crown Heights neighborhood in Brooklyn. The surrounding area contains a mix of residential, commercial, community facility, and light industrial uses. The portion of Atlantic Avenue near the project area predominantly consists of auto-related and self-storage uses, eating and drinking establishments, and mixed-use buildings with ground floor retail and residential uses above. Local retail and service uses are concentrated along Washington Avenue, two blocks to the west; Franklin Avenue, one block to the east; and Fulton Street, one block to the north.

Residential uses in the surrounding area are characterized by a mix of medium-density apartment buildings, ranging from four- to 13-stories, and low-rise one- and two-family homes ranging from three- to four-stories. Directly to the south is a nine-story residential building under construction at 1010 Pacific Street, while to the southeast, between Classon and Franklin avenues, are several residential buildings that range from six- to 13 stories. Two blocks to the east of the project area is 809 Atlantic Avenue, a 29-story, 312-foot-tall tower with residential, office, and retail uses that is currently under construction. The northern side of Atlantic Avenue also contains a few recently constructed eight-story mixed use buildings with ground floor retail uses and residential uses above.

The project area is within the Transit Zone and well-served by public transit. Within a half mile of the project area are the Clinton/Washington Avenue and Franklin Avenue subway stations, providing access to the C and Franklin Avenue shuttle lines, located one block north on Fulton Street. The B48 and B65 bus lines also run within a couple blocks of the project area, while Classon Avenue contains a north-south bicycle lane.

The surrounding area contains a mix of zoning districts, a large portion of which were mapped in connection with two area-wide contextual rezonings sponsored by the Department of City Planning (DCP) that aimed to preserve the neighborhood character and promote modest growth along key corridors. As part of the 2007 Fort Greene-Clinton Hill Rezoning (C 070430 ZMK and N 070431 ZRY), an R7A/C2-4 zoning district was mapped along the northern frontage of

Atlantic Avenue, in conjunction with a Voluntary Inclusionary Housing area to promote affordable housing. As part of the 2013 Crown Heights Rezoning (C 130213 ZMK and N 130212 ZRK), an R7A zoning district was mapped along interior blocks between Franklin and classon avenues, in tandem with a Voluntary Inclusionary Housing area to incentive the production of affordable housing. Both area-wide rezonings extensively mapped R6B zoning districts to support the low-rise, row-house style character of mid-blocks and side streets.

Several private rezoning applications have recently been approved within the surrounding area. In 2019, 1010 Pacific Street (C 180042 ZMK) rezoned an M1-1 area directly south of the project area to R7A/C2-4, while 1050 Pacific Street (C 160175 ZMK) rezoned an M1-1 area directly southeast of the project area to M1-4/R7A, each of which sought to facilitate the construction of new mixed-use buildings. In 2019, 809 Atlantic Avenue (C 190072 ZSK, C 190071 ZMK, C 190073 ZSK, and N 190074 ZRK), located two blocks to the east, was subject to land use actions, including a rezoning from R7A/C2-4, R7A, and R6A zoning districts to R9/C2-5 and R6A zoning districts in order to facilitate the rehabilitation of an LPC-designated landmark church and the development of a 29-story mixed-use tower, which is currently under construction. In 2020, the Grand Avenue and Pacific Street Rezoning (C 190256 ZMK) mapped an R7A/C2-4 and R7D/C2-4 districts to the west of the project area to facilitate a nine-story mixed use development. In 2021, two additional applications were approved near the project area. 840 Atlantic Avenue (C 210249 ZMK and N 210250 ZRK), located two blocks to the west of the project area, mapped a combination of C6-3X, C6-3A, and C6-2A zoning districts to facilitate an 18-story development, while 1045 Atlantic Avenue (C 210276 ZMK and N 210277 ZRK), located less than one block northeast of the project area along the avenue's northern frontage, mapped a C6-3A district to facilitate a 17-story mixed use development.

The project area is also located in a larger area that extends from Vanderbilt Avenue to Nostrand Avenue within Community Districts 3 and 8, named "M-Crown" by Community Board 8. Community Board 8 has been working with DCP over the past several years to study the M1-1 zoning district in this area with the goal of developing a shared vision for housing and job growth. In 2018, the DCP released a planning framework for the M-Crown area which identified

the project area as an appropriate location for a high-density commercial district due to its proximity to public transit and the width of Atlantic Avenue.

Most of the project area is located within an M1-1 zoning district that extends along Atlantic Avenue and adjacent blocks. Historically, an at-grade freight rail line ran along Atlantic Avenue, leading to the growth of adjacent industrial and commercial uses. During the construction of the LIRR in the early 1900s, Atlantic Avenue was fully reconstructed as rail service was moved below grade. In the subsequent decades, Atlantic Avenue evolved further into an auto-oriented corridor, which was partly memorialized in the Zoning Resolution of 1961 by designating a large swath of the corridor as an M1-1 zoning district.

M1-1 is a low-density manufacturing zoning district that permits industrial and commercial uses with a maximum floor area ratio (FAR) of 1.0 and certain community facility uses with a maximum FAR of 2.4. Buildings in M1-1 zoning districts are generally required to be 30 feet or two stories along the street wall, after which, building heights are governed by the sky exposure plane that allows height to increase based on the distance from the street. Off-street parking requirements for M1-1 zoning districts vary by use and generally require one space for every 300 square feet of commercial use and one space for every 1,000 square feet of industrial use.

The applicant proposes to develop a 17-story mixed-use building with 210 dwelling units, between 52 and 63 of which would be affordable, as well as approximately 11,900 square feet of commercial and 2,580 square feet of community facility space in the ground floor and cellar level. The proposed development would have a blended FAR of 7.2, totaling 172,800 square feet of floor area. The proposed development would consist of a nine-story building portion along Pacific Street and a 17-story building portion along Atlantic Avenue, which would be connected by a one-story base. Along Atlantic Avenue, several base heights and setbacks would be provided to articulate the facade. In addition, the development would be set back from the Atlantic Avenue street line by eight feet to allow for a 20-foot-wide sidewalk fronting Atlantic

Avenue. The site would contain 40 accessory parking spaces in the cellar accessible via a curb cut on Atlantic Avenue.

To facilitate the proposed development, the applicant requests a zoning map amendment to change an M1-1 zoning district to C6-3A and R7A/C2-4 zoning districts. The C6-3A district would be oriented along the project area's Atlantic Avenue frontage, while the R7A/C2-4 district would be oriented along the Pacific Street frontage, with each zoning district extending to a depth of 315 feet westerly from Classon Avenue.

C6-3A is a high density contextual commercial zoning district with an R9A residential district equivalent. When paired with Mandatory Inclusionary Housing (MIH) areas, C6-3A zoning districts allow residential uses up to 8.5 FAR, community facility uses up to 7.5 FAR, and commercial uses up to 6.0 FAR. Base heights are permitted to be between 60 and 125 feet. Above the base heights, a 15-foot setback is required along narrow streets and a 10-foot setback is required along wide streets, after which building heights may reach up to 175 feet (17 stories) if a Qualifying Ground Floor is provided. The C6-3A zoning district generally allows multiple stories of commercial uses, including retail, offices, and service-based uses. Parking is generally required for 40 percent of the market-rate dwelling units and optional for income-restricted units within the Transit Zone. R7A is a medium-density contextual district that, when mapped concurrently with a Mandatory Inclusionary Housing (MIH) area and a C2-4 commercial overlay, allows residential uses up to 4.6 FAR, community facility uses up to 4.0 FAR, and commercial uses up to 2.0 FAR. Base heights are permitted to be between 40 and 75 feet, above which a 15-foot setback is required along a narrow street. Building height may reach a maximum of 95 feet (nine stories) when providing a Qualifying Ground Floor. The C2-4 commercial overlay generally allows local retail and service-based uses. Parking is generally required for 50 percent of the market-rate dwelling units and optional for income-restricted units within the Transit Zone.

In addition to the proposed zoning map amendment, the applicant requests a zoning text amendment to Appendix F to designate the proposed project area as an MIH area and to amend

ZR Section 35-662 to allow street wall location flexibility. The applicant proposes to map both MIH Options 1 and 2. MIH Option 1 requires that at least 25 percent of the residential floor area be affordable to incomes averaging 60 percent of the Area Median Income (AMI) and below, with 10 percent at 40 percent of the AMI. MIH Option 2 requires that 30 percent of the residential floor area be provided as housing affordable to households at an average of 80 percent of the AMI, with no unit targeted at a level exceeding 130 percent of the AMI.

The applicant also proposes a second text amendment to amend ZR Section 35-662, which would apply special street wall regulations to zoning lots with frontage on Atlantic Avenue within C6-3A zoning districts in Brooklyn Community District 8. The proposed street wall text would modify the underlying regulation requiring the street wall to be located at the street line by allowing the street wall to set back along Atlantic Avenue an additional eight feet for 70 percent of the aggregate width of the street wall and would enable the sidewalk along the Atlantic Avenue frontage to be widened from the current width of approximately 13 feet to the proposed width of 20 feet.

Lastly, the applicant seeks a special permit pursuant to ZR Section 74-533 to reduce residential off-street parking in relation to better facilitating on-site affordable housing. As part of the special permit, the number of residential accessory off-street parking spaces may be reduced from 59 to 20.

ENVIRONMENTAL REVIEW

This application (C 210386 ZMK), in conjunction with the related applications for a special permit (C 210379 ZSK) and zoning text amendment (N 210387 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 21DCP170K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on September 20, 2021. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-637).

UNIFORM LAND USE REVIEW

This application (C 210386 ZMK), and the related special permit application (C 210379 ZSK) was certified as complete by the DCP on September 20, 2021 and was duly referred to Brooklyn Community Board 8 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 210387 ZRK), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 8 held a public hearing on this application (C 210386 ZMK) and the related actions for a zoning text amendment (N 210387 ZRK) and special permit (C 210379 ZSK) on October 19, 2021, and on November 10, by a vote of 22 in favor, 10 opposed and three abstaining, adopted a resolution recommending disapproval of the application with the following conditions:

"1. That the applicant removes lots 29, 33 and 40 from its applications, and files a zoning text amendment to create a contextual variation of the existing C6-1 zoning district with required non-residential frontage consistent with the regulations of the Special Enhanced Commercial District (SECD), with base FAR of 6 and incentive FAR of 1 for non-residential use.
2. If this is not possible, that in lieu of the proposed C6-3A district, lot 40 be removed from the application; that all lots be mapped MIH options 1 and 3; and that the following further action be taken:
    a. That the applicant make a binding commitment to: restrict use of a minimum of 5,400 square feet of floor area to UGs 7B, 8B, 9A, 11, 16A, 16D, 17B, and 18A; to offer required affordable apartments under MIH Option 3; and to limit building height fronting Atlantic A venue to fifteen (15) stories.

b. If (a) is not possible, that lot 40 be removed from the application, and the applicant make a binding commitment subject to the establishment of C6-2A zoning in lieu of the proposed C6-3A zoning to restrict residential use on lots 29 and 33 to 5.2 FAR.
c. If (b) is not possible, the lots be rezoned C4-5D."

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 210386 ZMK) and the related actions ZSK) on November 17, 2021, and on December 30, 2021, issued a recommendation to approve the application with the following conditions:

"1. That in lieu of the proposed C6-3A and R7A districts, should the City Council be provided with adequate documentation that EMP Capital Group has made the following binding commitments:
    a. Restrict Atlantic Avenue residential floor area to 4.6 FAR, establish a C6-2A district beyond 150 feet from Classon Avenue, with the remainder within 150 feet of Classon Avenue retaining the M1-1 designation and for Pacific Street, limit the proposed R7A 315 feet from Classon Avenue to within 215 feet of Classon Avenue, retaining the M1-1 beyond, with further commitments to: restrict Pacific Street residential floor area to 3.6 FAR, and provide not less than 1,200 square feet (sq. ft.) of M-Crown use(s) (including zoning and/or non-zoning defined floor area) such as non-profit community center, non-commercial recreation, and/or school use, UG 7B, UG 8B, and UG 9, including studio space for art, dance, music, theatrical, and/or UG 11A, at substantially below market rates, for a combined zoning lot 4.27 FAR residential cap, or exceed the combined 4.27 FAR residential cap by decreasing non-residential floor area at a rate of one sq. ft. of additional M-Crown floor area more than 1,200 sq. ft., in exchange for 2.5 sq. ft. of residential use developed to a proportion consistent with designated Mandatory Inclusionary Housing (MIH) option (reducing the unrestricted non-residential floor area by 3.5 sq. ft.), in a manner that does not exceed the blended zoning lot floor area
    b. Recognizing that the requested 4.6 FAR for the Pacific Street segment of the proposed zoning lot (8,000 sq. ft.) is less than the maximum 5.0 FAR for preferential non-residential use floor area envisioned for the applicant's zoning lot, that the applicant be permitted to reduce the preferential non-residential floor area by up to 0.4 FAR (3,200 sq. ft.) as generated by the Pacific Street zoning lot, to increase residential floor area pursuant to MIH without additional set-aside for M-Crown use floor area
    c. For the requested parking reduction pursuant to New York City Zoning Resolution (ZR) Section 74-533, in seeking a reduction of 37-48 required parking spaces, provided that:

i. Any satisfactory combination of cellar floor area and/or commercial floor area is restricted to M-Crown use(s) and/or residential floor area is further restricted and regulated consistent with required MIH floor area
ii. In addition to in-building bike parking at a rate of one space per two units, the applicant exceeds required bike parking at a rate of two spaces per every waived parking space
iii. Electrical charging stations are accessible to no less than 10 percent of all parking spaces
iv. There is demonstrated engagement with car-sharing companies to lease multiple spaces within the garage, in consultation with Brooklyn Community Board 8 (CB 8) and local officials

d. That the proposed MIH Option 2 and/or Workforce Option be changed to MIH Option 3

2. That should the City Council obtain adequate commitments from EMP Capital Group to memorialize the following, the City Council should adopt the proposed C6-3A in lieu of the recommended C6-2A, restricted to beyond 150 feet from Classon Avenue:
    a. The building height be restricted to 16 stories
    b. For the 1.3 FAR in excess of what is permitted by the recommended C6-2A, floor area subject to MIH be increased by 60 percent or that an amount representing 60 percent of what would be required by MIH is restricted to additional M-Crown use, any combination of the preceding, and/or any combination of equivalent additional public benefit (e.g. free Wi-Fi to MIH apartments)
3. That prior to considering the application, the City Council obtain written commitments from EMP Capital Group to:
    a. Memorialize a bedroom mix with at least 50 percent two- or three-bedroom affordable housing units, and at least 75 percent one-bedroom or larger affordable housing units but for studios targeted at up to 40 percent AMI
    b. Implement targeted outreach efforts to seniors earning up to 40 percent AMI to maximize their participation in the affordable housing lottery
    c. Utilize a combination of local affordable housing non-profits to serve as the administering agent and play a role in promoting affordable housing lottery readiness
    d. Incorporate resiliency and sustainability measures, such as blue and/or green roofs, grid-connected rooftop batteries, passive house design, solar panels and/or façades, and/or wind turbines
    e. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) to install DEP rain gardens as part of a Builders Pavement Plan in consultation with CB 8 and local elected officials
    f. Fund public realm improvements such as sculptural bike racks and street benches, in consultation with CB 8 and local elected officials

g. Implement a rat baiting plan prior to and during demolition involving site excavation and foundation preparation, in consultation with CB 8 and local elected officials
h. 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), as well as coordinate the oversight of such participation by an appropriate monitoring agency"

City Planning Commission Public Hearing

On December 15, 2021 (Calendar No. 2), the City Planning Commission scheduled a public hearing on this application (C 210386 ZMK) along with the related applications for a zoning text amendment (N 210387 ZRK) and special permit (C 210379 ZSK). The hearing was duly held on January 5, 2022 (Calendar No. 20). Four speakers testified in favor of the application and six in opposition.

The applicant team, consisting of three representatives, testified in support of the application. The applicant team provided an overview of the land use actions, surrounding context, environmental review analyses, and development proposal, highlighting Atlantic Avenue as a 120-foot-wide corridor that is one of the widest in Brooklyn. The project architect explained that the proposed C6-3A zoning district would provide much-needed flexibility to design a building form and massing that improves how the building interacts with the street. He also presented illustrative floor plans, describing the proposed commercial and community facility use, which is intended as a recreational center based on feedback from engagement with the Community Board. The applicant clarified that he intends to disperse the MIH units across floors in both buildings in compliance with Inclusionary Housing zoning regulations and indicated that such distribution of affordable units across floors is helpful for the purposes of obtaining a Certificate of Occupancy.

A representative speaking on behalf of the 32BJ building services labor union testified in support, stating that the applicant has expressed an early commitment to hiring workers with prevailing wages.

The President of the North Prospect Heights Association spoke in opposition, requesting that the applications be rejected in favor of a comprehensive plan for Atlantic Avenue that considers infrastructure, indirect displacement, and the cumulative environmental effects of individual applications. Testifying on behalf of the Council Member representing the 35th District, a representative from her office spoke in opposition, requesting that the applicant withdraw his application to allow additional time for review. He also noted this individual application, along with others in M-Crown, have resulted in a patchwork of developments that do not meet the needs of the neighborhood and that the Council Member supports a community-led, comprehensive vision for Atlantic Avenue with broader engagement.

Two local residents spoke in opposition, expressing support for a comprehensive neighborhood plan that would allow more time for engagement and addresses local infrastructure and other community-based needs. A representative speaking on behalf of Community Board 8 testified in opposition, noting the Community Board's vision to expand opportunities for employment and affordable housing, as well as a strong preference for advancing a neighborhood rezoning, rather than individual applications. He indicated that applicant has been engaged with the Community Board and that members believed that the proposed density was justified based on a binding commitment by the applicant to require certain light industrial and community facility uses, adhere to the MIH Option 4, and limit the building height to 15 stories along Atlantic Avenue.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the zoning map (C 210386 ZMK), in conjunction with the related applications for a zoning text amendment (N 210387 ZRK) and special permit (C 210379 ZSK), is appropriate.

Together, these actions will facilitate the development of a 17-story mixed-use building with 210 dwelling units, between 52 and 63 of which will be permanently affordable, and a non-residential ground floor with a mix of commercial and community facility space. The Commission believes that the project area represents an opportune location for the proposed development, located near multiple transit options and along a major east-west thoroughfare. The proposed development will activate the street with a variety of uses, provide an appropriate transition between Atlantic Avenue and the surrounding neighborhoods, and is consistent with ongoing planning work being undertaken by the Department with the local Community Boards along the corridor.

The Commission believes that the proposed C6-3A and R7A/C2-4 zoning districts are appropriate based on the surrounding context, built forms, and land use trends. The existing low density M1-1 zoning has been in place since 1961 and is no longer reflective of the needs of the area and a growing borough and city with strong demand for housing in a transit-rich, pedestrian-oriented neighborhood. Atlantic Avenue, a 120-foot-wide major corridor, is one of the widest corridors in Brooklyn that extends across multiple neighborhoods from the Brooklyn waterfront to Queens, while Classon Avenue is a 70-foot-wide north-south corridor. As the neighborhood, borough, and city continue to experience population growth, the project area serves as an appropriate location in a transit-rich neighborhood to accommodate additional growth, particularly given the limited ability to develop much new housing in the surrounding neighborhoods which are predominantly built up and have been subject to contextual rezonings over the past few decades with the primary goal of maintaining the existing character without the ability for new construction to respond to population growth. According to the Department's analysis of the Census, during the 10-year period between the 2010 and 2020, Brooklyn's population grew by approximately 231,000 people and by approximately 17,000 people in the Census Tracts overlapping within a quarter mile of the M-Crown study area.

The Commission notes that the wide condition of Atlantic Avenue, coupled with an eight-foot widening of the sidewalk facilitated by the subject zoning text amendment, represent unique features that can better accommodate a taller street wall and building height and thereby ensure greater access to light and air. The C6-3A zoning district will provide much-needed flexibility in

the bulk envelope to strengthen opportunities for setbacks, façade articulation, and varied design along the corridor. The Commission also notes that as part of the recently adopted Gowanus Rezoning, Fourth Avenue, which is as wide as Atlantic Avenue, was mapped with R9A zoning districts. Moreover, in 2016, Atlantic Avenue over three miles to the east in East New York, was mapped with an R8A/C2-4 district which permits a slightly lower height and density than C6-3A; however, the 1034-1042 Atlantic Avenue project area has a stronger connection to the Atlantic Terminal transit hub, Downtown Brooklyn, and other job centers. The R7A/C2-4 zoning district along Pacific Street is appropriate because of the street's width of 70 feet and will be consistent with the mapping of an R7A/C2-4 zoning district directly across the street from the project area as part of the 1010 Pacific Street private application, approved in 2019.

The Commission also recognizes that the project area is proximate to the C subway line at the Clinton/Washington Avenue and Franklin Avenue subway stations. In addition, the project area is located near the commercial thoroughfares of Franklin Avenue, Classon Avenue, and Fulton Street, which provide access to a range of retail, services, and amenities for local residents.

The Commission notes that the proposed development responds to the immediate low- to mid-rise building context by reduced height to the rear and that there are precedents nearby of high density, tall buildings abutting similar low-rise buildings, including the 29-story mixed use building nearing completion at 809 Atlantic Avenue, located three blocks to the west, and the 17-story mixed use building proposed at 1045 Atlantic Avenue, located across the street to the northeast, which was part of a recently approved application.

Additionally, the Commission recognizes that one of the Department's ongoing urban design goals is to ensure a quality public realm along the sidewalk. The difference between the public realm pedestrian experience along the street wall of a development within a C6-2A zoning district or C6-3A zoning district would be relatively unnoticeable but an alternative C6-2A zoning district, as proposed by the Borough President, would result in a less flexible bulk envelope and a significant reduction in housing and affordable housing. In response to concerns related to the juxtaposition of taller, 17-story buildings near low-rise buildings, the Commission

notes the presence of similar edge conditions in other parts of Brooklyn, such as by the Williamsburgh Savings Bank Tower and along State Street in Downtown Brooklyn, and encourages the applicant to consider design opportunities to enhance the transition between the development and the adjoining properties akin to the 1045 Atlantic Avenue application proposal.

The Commission believes that the zoning text amendment (N 210387 ZRK), as modified, to Appendix F to create a new MIH area and to amend the street wall location regulations is appropriate. The amendment to Appendix F will create a new MIH area, mapped coterminous with the rezoning boundaries. The MIH area will be mapped with MIH Options 1 and 2, which would yield approximately 52 affordable units under MIH Option 1 and 63 affordable units under MIH Option 2. The MIH text amendment is also aligned with citywide objectives outlined in *Housing New York* to locate affordable housing near transit. Additionally, the proposed text amendment to create a new ZR Section 35-662 to allow street wall location flexibility will enable the sidewalk along Atlantic Avenue to widen from approximately 13 to 20 feet in width, fostering a more pedestrian-friendly environment and improving the quality of the streetscape and public realm.

The Commission finds that the proposed special permit (C 210379 ZSK) is appropriate, as the action would reduce the number of required off-street parking spaces from 59 to 20 in a neighborhood with high public transit use, as supported by a parking analysis completed by the applicant in connection with the statement of findings and Environmental Assessment Statement's transportation chapter. The Commission also acknowledges the parking analysis completed by the applicant team and supports the proposed location of a curb cut to access the accessory off-street parking along Pacific Street, thereby avoiding the placement of a curb cut along Atlantic Avenue, a busy thoroughfare where a curb cut would negatively affect the streetscape conditions and potentially increase congestion.

The Commission applauds the community-driven planning efforts by Community Board 8

and encourages its continued partnership with DCP in planning for the M-Crown area. This partnership between the Community Board and DCP has led to DCP's issuance of the M-Crown framework, which is rooted in many of the principles of the Community Board's vision for the area, including promoting a diverse mix of uses and accommodating space for both housing and job growth in a transit-accessible area. In the framework, the Atlantic Avenue corridor to the east of Vanderbilt Avenue and to the west of Classon Avenue is identified as an area that can accommodate a high-density commercial district due to the street's wide condition, while the frontage along Pacific Street was identified as being appropriate for a moderate density mixed use district due to the narrower street width and interior block condition. The proposed development will also meet key goals set forth in the framework, such as enhancing the Atlantic Avenue streetscape, providing a mix of non-residential uses to support job growth, and producing much-needed affordable housing opportunities. The Commission also acknowledges that, while the M-Crown framework serves as a valuable guidepost for private applicants, there is a strong land use rationale for the proposed actions independent of the framework.

The Commission notes public testimony requesting an area-wide neighborhood plan, and is pleased to note the ongoing work of the M-Crown study, including continued engagement around advancing a plan and coordination with other City agencies on capital planning and infrastructure issues. While discussions are ongoing, private owners have a legal right to propose individual rezonings. Even without a neighborhood-wide plan and rezoning, City agencies continually analyze and identify neighborhood needs and listen to community requests to plan for the future to address service and capital needs.

With respect to concerns raised about the environmental review of individual applications in a concentrated area, the Commission notes that each application's environmental analysis per CEQR rules must take into consideration the anticipated cumulative growth from nearby applications. The Commission recognizes residential displacement as a key concern and believes in a multi-faceted approach that seeks to support tenants facing the threat of losing their homes, while increasing the supply of housing at a range of income levels to meet growing demand, such as by facilitating new housing through rezonings coupled with MIH. The Commission

believes that the proposed rezoning provides a meaningful contribution towards addressing the neighborhood's broader housing capacity challenges and supports the Department's coordination with the Department of Housing Preservation and Development (HPD), as well as other organizations and stakeholders, to address local issues of tenant harassment and displacement.

Regarding the presence of on-site housing units, the Commission notes that, according to the applicant, the development site contains two occupied market-rate residential units which would be affected by the proposed development, and that the owners have committed to assist the existing tenants with relocation. The development facilitated by this rezoning is proposed to contain 228 units of which 69 units would be permanently affordable.

In response to the recommendation from Community Board 8 and the Borough President to consider a lower density district if certain conditions by the applicant are met, the Commission believes that the proposed density and height is appropriate at this location and aligned with DCP's M-Crown framework. The proposal also meets many of the Community Board's goals, including supporting a broad mix of uses, activating the ground floor, allowing space for job growth with multiple floors of non-residential use, and providing much-needed affordable housing. The Commission also notes that the C6-3A zoning district will offer needed flexibility in the bulk envelope to improve the building design, as indicated by the project architect, while acknowledging that the applicant has been engaged with the Community Board on revising the MIH Option to better serve the local affordable housing needs and on identifying viable job-generating uses that could occupy the ground floor and cellar levels. Regarding the recommendation to modify the proposal to a contextual C6-1 zoning scheme, the Commission notes that a contextual version of a C6-1 district would be inappropriate, as this district purposely maintains a more flexible, non-contextual bulk envelope in order to sufficiently accommodate a higher FAR for commercial uses.

Regarding the Community Board and the Borough President recommendations to create a new contextual C6-1 zoning district scheme and instruct the applicant enter a binding, legally enforceable agreement that will limit the building height, restrict MIH to the Deep Affordability

Option, and restrict ground floor uses, the Commission encourages the applicant to continue to work with local stakeholders, but notes that these recommendations are outside the scope of this application. The Commission also recognizes the Borough President's recommendations related to the administration of the affordable housing units, car sharing and bicycle parking opportunities, sustainability measures, and retention of Brooklyn-based contractors, but notes that they are beyond the scope of this application and in a letter dated December 27, 2021, the applicant responded with further details on efforts to address these matters. With respect to the recommendation to update the MIH Option, the Commission is pleased that the applicant has indicated a willingness to adjust the MIH option to better match community needs expressed during public review, but notes that affordable housing funding contracts are outside of its purview.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on September 20, 2021 with respect to this application (CEQR No. 21DCP170K), 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 the consideration described in this report, the Zoning Resolution of the City Of New York, effective as of December 15, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section No. 16c:

1. changing from an M1-1 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;

2. changing from an M1-1 District to a C6-3A District property bounded by the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Classon Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 315 feet northwesterly of Classon Avenue; and

3. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;

Borough of Brooklyn, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 20, 2021, and subject to the conditions of CEQR Declaration E-637.

The above resolution (C 210386 ZMK), duly adopted by the City Planning Commission on February 16, 2022 (Calendar No. 8), 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 J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

DANIEL R. GARODNICK, Esq., *Chair,* **ANNA HAYES LEVIN,** *ABSTAINING*

LEAH GOODRIDGE, ORLANDO MARIN, *Commissioners*, VOTING NO

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 1034 - 1042 Atlantic Avenue Rezoning			
Applicant:	EMP capital	**Applicant's Primary Contact**:	Richard Lobel
Application #	210386ZMK	**Borough**:	
CEQR Number:	21DCP170K	**Validated Community Districts**:	K08

Docket Description:
IN THE MATTER OF an application submitted by EMP Capital Group 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 M1-1 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;
2. changing from an M1-1 District to a C6-3A District property bounded by the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), Classon Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 315 feet northwesterly of Classon Avenue; and

3. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, Classon Avenue, Pacific Street, and a line 315 feet northwesterly of Classon Avenue;

Borough of Brooklyn, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 20, 2021, and subject to the conditions of CEQR Declaration E-637.

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 22	**# Against:** 10	**# Abstaining:** 3	**Total members appointed to the board:** 48
Date of Vote: 11/10/2021 12:00 AM		**Vote Location**: WebEx	

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

Date of Public Hearing: 10/19/2021 6:15 PM	
Was a quorum present? No	*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*
Public Hearing Location:	WebEx

CONSIDERATION: Please see attached letter.
Please also note that CB8 held two special public hearings on Oct. 19 and Oct 27, 2021 to discuss this item.

Recommendation submitted by	BK CB8	Date: 11/24/2021 2:08 PM

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 1034 - 1042 Atlantic Avenue Rezoning			
Applicant:	EMP capital	**Applicant's Primary Contact**:	Richard Lobel
Application #	210387ZRK	**Borough**:	
CEQR Number:	21DCP170K	**Validated Community Districts**:	K08

Docket Description:

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

RECOMMENDATION: **Conditional Unfavorable**			
# In Favor: 22	**# Against:** 10	**# Abstaining:** 3	**Total members appointed to the board:** 48
Date of Vote: 11/10/2021 12:00 AM		**Vote Location**: WebEx	

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

Date of Public Hearing: 10/19/2021 6:15 PM	
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Public Hearing Location:	WebEx

CONSIDERATION: Please see attached letter.
Please also note that CB8 held two special public hearings on Oct. 19 and Oct 27, 2021 to discuss this item.

Recommendation submitted by	BK CB8	Date: 11/24/2021 2:08 PM

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 1034 - 1042 Atlantic Avenue Rezoning			
Applicant:	EMP capital	**Applicant's Primary Contact**:	Richard Lobel
Application #	210379ZSK	**Borough**:	
CEQR Number:	21DCP170K	**Validated Community Districts**:	K08

Docket Description:
IN THE MATTER OF an application submitted by EMP Capital Group pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the required accessory off-street parking spaces to 20 for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 1034 -1042 Atlantic Avenue (Block 1125, Lots 29 and 33) in R7A/C2-4* and C6-3A* Districts, Borough of Brooklyn, Community District 8.
* Note: The site is proposed to be rezoned by changing an existing M1-1 District to R7A/C2-4 and C6-3A Districts under a concurrent related application for a Zoning Map change (C 210386 ZMK).
Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY, 10271-0001.

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 22	**# Against:** 10	**# Abstaining:** 3	**Total members appointed to the board:** 48
Date of Vote: 11/10/2021 12:00 AM		**Vote Location**: WebEx	

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

Date of Public Hearing: 10/19/2021 6:15 PM	
Was a quorum present? No	*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*
Public Hearing Location:	WebEx

CONSIDERATION: Please see attached letter.
Please also note that CB8 held two special public hearings on Oct. 19 and Oct 27, 2021 to discuss this item.

Recommendation submitted by	BK CB8	Date: 11/24/2021 2:08 PM

The City of New York

COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213

(718) 467-5620/5574 • BROOKLYNCB8.ORG • BROOKLYNCB8@GMAIL.COM

Irsa Weatherspoon
Chairperson

Michelle T. George
District Manager

Eric Adams
Borough President

November 24, 2021

Ms. Marisa Lago, Chairperson
NYC Dept. of City Planning
120 Broadway
31st Floor
New York, NY 10271

Re: 1034 – 1042 Atlantic Avenue, Brooklyn 11238
ULURP application No. C210386ZMK, C210379ZSK, N210387ZRK

Dear Chairperson Lago,

At the November 10, 2021 Community Board 8 General Meeting and Public Hearing, members voted 22 in favor, 10 opposed, with 3 abstentions to support the recommendation presented by our Land Use Committee. Please note that prior to the full Board's vote, the board held two (2) special public hearings and a regular Land Use Committee meeting which gave the community an opportunity to be heard and to have their questions answered in full detail.

The Land Use Committee heard an expansive presentation on the project, which entails the following:

A private applicant, EMP Capital Group, seeks a zoning map amendment, a zoning text amendment, and zoning special permit in Community District 8, Brooklyn to facilitate the development of a 17-story mixed-use building containing approximately 210 DUs (52-63 MIH), approximately 2,580sf of community facility floor area, and 11,900sf of commercial floor area to a total of 172,800sf (7.2 FAR).

After a lengthy discussion, the Land Use Committee recommends that the application be withdrawn in favor of a neighborhood-wide re-zoning (the MCROWN proposal). If that is not possible, the committee recommends the following possible scenarios as options to ensure we (the Community) make use of the direction and preserve our options in telling participants in the ULURP process what our preferences are.

1. That the applicant removes lots 29, 33 and 40 from its applications, and files a zoning text amendment to create a contextual variation of the existing C6-1 zoning district with required non-residential frontage consistent with the regulations of the Special Enhanced Commercial District (SECD), with base FAR of 6 and incentive FAR of 1 for non-residential use.

2. If this is not possible, that in lieu of the proposed C6-3A district, lot 40 be removed from the application; that all lots be mapped MIH options 1 and 3; and that the following further action be taken:

    a. That the applicant make a binding commitment to: restrict use of a minimum of 5,400 square feet of floor area to UGs 7B, 8B, 9A, 11, 16A, 16D, 17B, and 18A; to offer required affordable apartments under MIH Option 3; and to limit building height fronting Atlantic Avenue to fifteen (15) stories.

    b. If (a) is not possible, that lot 40 be removed from the application, and the applicant make a binding commitment subject to the establishment of C6-2A zoning in lieu of the proposed C6-3A zoning to restrict residential use on lots 29 and 33 to 5.2 FAR.

    c. If (b) is not possible, the lots be rezoned C4-5D.

We thank you for allowing us an opportunity to comment on such important matters facing our district. If you have any questions, comments, or concerns please do not hesitate to contact us.

Sincerely,

Irsa Weatherspoon
Chairperson

cc: Hon. Eric Adams, Brooklyn Borough President
Majority Leader Laurie Cumbo, 35th Council District
Winston Von Engel,Brooklyn Borough Director

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

1034-1042 ATLANTIC AVENUE REZONING – 210386 ZMK, 210387 ZRK, 210379 ZSK

Applications submitted by EMP Capital Group pursuant to Sections 197-c and 201 of the New York City Charter, for the following land use actions: a zoning map amendment to change the west side of Classon Avenue for a distance of 315 feet between Atlantic Avenue and Pacific Street from M1-1 to C6-3A, including 1034 through 1042 Atlantic Avenue, and from M1-1 to R7A/C2-4 along the north side of Pacific Street in Community District 8 (CD 8); a zoning text amendment do designate a Mandatory Inclusionary Housing (MIH) area coterminous with the project area, mapped with Options 1 and 2, a zoning text amendment to modify New York City Zoning Resolution (ZR) Section 35-66 to permit a minimum 20-foot sidewalk along Atlantic Avenue, and a special permit pursuant to ZR section 74-533 to reduce the accessory parking requirement. The requested actions would facilitate a 17-story residential, commercial, and community facility building with 210 dwelling units, of which 52 would be targeted to 60 percent of Area Median Income (AMI) or 63 would be geared toward 80 percent AMI. The development would provide approximately 11,900 square feet (sq. ft.) of commercial space, and a 2,580 sq. ft. youth center. The cellar would contain 20 accessory off-street parking spaces.

BROOKLYN COMMUNITY DISTRICT NO. 8 BOROUGH OF BROOKLYN

RECOMMENDATION

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

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

December 30, 2021

DATE

RECOMMENDATION FOR: 1034-1042 ATLANTIC AVENUE REZONING – 210386 ZMK, 210387 ZRK, 210379 ZSK

EMP Capital Group submitted applications pursuant to Sections 197-c and 201 of the New York City Charter, for the following land use actions: a zoning map amendment to change the west side of Classon Avenue for a distance of 315 feet between Atlantic Avenue and Pacific Street from M1-1 to C6-3A, including 1034 through 1042 Atlantic Avenue, and from M1-1 to R7A/C2-4 along the north side of Pacific Street in Community District 8 (CD 8); a zoning text amendment do designate a Mandatory Inclusionary Housing (MIH) area coterminous with the project area, mapped with Options 1 and 2, a zoning text amendment to modify New York City Zoning Resolution (ZR) Section 35-66 to permit a minimum 20-foot sidewalk along Atlantic Avenue, and a special permit pursuant to ZR section 74-533 to reduce the accessory parking requirement. The requested actions would facilitate a 17-story residential, commercial, and community facility building with 210 dwelling units, of which 52 would be targeted to 60 percent of Area Median Income (AMI) or 63 would be geared toward 80 percent AMI. The development would provide approximately 11,900 square feet (sq. ft.) of commercial space, and a 2,580 sq. ft. youth center. The cellar would contain 20 accessory off-street parking spaces.

On November 17, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on this Uniform Land Use Review Procedure (ULURP) application. There were 12 speakers on the item, with six in support including a representative of 32BJ Service Employees International Union (32BJ SEIU [32BJ]), who noted the developer's commitment to pay prevailing wages to building service workers, and six in opposition, including local residents, community board members, and civic groups, which included the North Prospect Heights Association (NPHA).

In response to Borough President Adams' inquiry as to why the applicant believes that its revised proposal would provide greater public purpose given Brooklyn Community Board 8 (CB 8)'s M-Crown position regarding height and density along Atlantic Avenue and its resolution on this proposal, as well as how such benefits would be memorialized, the representative noted that the applicant's revised proposal would result in an overall floor area ratio (FAR) of approximately 6.0, which is about 20,000 sq. ft. above the M-Crown framework density envisioned for the site. Moreover, the amended version includes major concessions such as deeply affordable housing, 200 percent more M-Crown floor area than requested on Atlantic Avenue, and further use group (UG) restrictions.

In response to Borough President Adams' inquiry regarding the elimination of 48 required parking spaces, which would achieve significant cost savings for the developer, and what additional public benefit would be provided beyond the required MIH floor area, the representative expressed that the parking reduction would be justified by deeper affordability and added M-Crown restrictions in the revised proposal.

In response to Borough President Adams' inquiry regarding the affordable housing units, specifically, the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the representative clarified that the amended proposal would offer 192 units with 45 geared toward an average 40 percent AMI, under MIH Option 3. The unit mix would consist of nine studios, 16 one-bedrooms, 11 two-bedrooms, and nine three-bedroom apartments, with respective monthly rents of $598, $756, $900, and $1,032.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process to ensure the highest level of participation from CD 8 residents, and whether the applicant's marketing strategy would include a financial literacy campaign to help qualify local residents for the lottery, the representative disclosed that the applicant has initiated discussions with an experienced New York City Department of Housing Preservation

and Development (HPD) Housing Ambassador. The applicant intends to seek recommendations for potential partners from the council member and the Brooklyn borough president.

In response to Borough President Adams' inquiry regarding the applicant's intent to reserve 2,580 sq. ft. of community facility space for a youth center, and what mechanism would guarantee such commitment as a benefit of the proposed rezoning, the representative stated that the community center was proposed in conjunction with the original height and bulk. The applicant expressed willingness to sign a restrictive declaration and/or community benefit agreement increasing the size of the center and restricting use to M-Crown.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue, green, or white roof covering, solar roof or façade panels, New York City Department of Environmental Protection (DEP) rain gardens, and/or wind turbines, the representative confirmed that the project would integrate multiple passive house design measures as well as a green roof and/or urban solar installation. The applicant would also explore opportunities to install rain gardens along the new, wider sidewalk.

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 representative noted 32BJ's support for the application and the applicant's intent to comply with Industrial & Commercial Abatement Program (ICAP) MWBE requirements.

After the hearing, Borough President Adams received a letter from the applicant, dated December 27, 2021 with commitments to provide additional public benefit floor area and amenities, as well as adequate bicycle parking, electric vehicle charging, and car-share opportunities. The applicant also confirmed its agreement with 32BJ regarding building service jobs.

Consideration

CB 8 disapproved this application with conditions on November 10, 2021.

As the 1034-1042 Atlantic Avenue ULURP application is moving ahead of a desired community-led rezoning, CB 8 called on the applicant to remove lots 29, 33, and 40 from the applications and file a zoning text amendment to create a contextual variation of the existing C6-1 zoning district with required non-residential frontage consistent with the regulations of the Special Enhanced Commercial District (SECD), with a base FAR of 6 and incentive FAR of 1 for non-residential use.

If this is not possible, the board requested that in lieu of the proposed C6-3A district, lot 40 be removed from the applications and all lots mapped with MIH options 1 and 3, along with the following actions:

- That the applicant makes binding commitments to restrict use of a minimum 5,400 sq. ft. of floor area to UGs 7B, 8B, 9A, 11, 16A, 16D, 17B, and 18A, offer the required affordable units under MIH Option 3, and limit building height on Atlantic Avenue to 15 stories
- That if (b) is not possible, lot 40 be removed from the application, and the applicant make a binding commitment, subject to the establishment of a C6-2A district (in lieu of the proposed C6-3) to restrict residential use on lots 29 and 33 to 5.2 FAR
- That if (c) is not possible, the lots be rezoned to C4-5D

The requested actions would enable the construction of 1034-1042 Atlantic Avenue, an 8.5 FAR, 17-story mixed-use development with 210 units, including 52 or 63 affordable pursuant to the MIH, 11,900 sq. ft. of commercial floor area, and 20 underground vehicular spaces, pursuant to a partial waiver. Approximately 5,500 zoning square feet of M-Crown uses would be provided in the cellar

and on the ground floor. Finally, the applicant seeks to expand the Atlantic Avenue sidewalk to 20 feet.

The development site consists of two mid-block properties with a total area of 24,000 sq. ft., 160 feet of frontage on Atlantic Avenue, and 60 feet of frontage on Pacific Street. 1034 Atlantic Avenue is a 12,000 sq. ft. lot containing a 3,915 sq. ft. (0.33 FAR) vacant warehouse building. 1042 Atlantic Avenue is a 12,000 sq. ft. through-lot occupied by a 24,000 sq. ft. (2.0 FAR) disused warehouse. According to the application, the proposed development would be configured as two interconnected buildings; the Atlantic Avenue residence would be 17 stories tall with 174 units, while the Pacific Street residence would contain nine floors (with a setback above the seventh) and 36 apartments.

The rezoning area includes all or part of six non-applicant sites, improved as follows: 1050 Atlantic Avenue is an approximately 26,540 sq. ft. lot containing a two-story 50,550 sq. ft. self-storage facility. 1041 Pacific Street is a 2,000 sq. ft. vacant lot used as parking. 1039 Pacific Street is a 2,000 sq. ft. lot containing a three-story, 2,700 sq. ft. residential building with three units. 1033 and 1031 Pacific Street are both 2,400 sq. ft. lots with four-story, 6,000 sq. ft. multi-family building of eight units. Finally, 1025-1029 Pacific Street is a 3,200 sq. ft. lot containing a one-story retail store.

The project area is mapped with an M1-1 zoning district that does not permit residential development. The requested C6-3A district and its residential equivalent of R9A stipulates a maximum 8.5 FAR for residential buildings that incorporate inclusionary housing. The applicant has proposed to map MIH Options 1 and 2, to maintain design flexibility. MIH Option 1 would designate 25 percent of the 1032-1042 Atlantic Avenue residential floor area as permanently affordable to households earning, on average, 60 percent AMI. The developer would be further required to target 10 percent of all units to the 40 percent AMI tier. Under Option 2, the proportion of affordable residential floor area would increase to 30 percent, though the target AMI would be 80 rather than 60 percent.

Since filing this ULURP application, the developer has put forth a revised proposal that would retain the proposed zoning but scale down the building on Atlantic Avenue, provide deeper affordability, and designate additional M-Crown floor area. This non-binding representation suggests a 15-story, 192-unit building with 45 apartments affordable at 40 percent AMI, according to MIH Option 3. Approximately 30 percent or 5,400 sq. ft. of the non-residential space would be dedicated to M-Crown uses.

The development site is in the Prospect Heights neighborhood, on the edge of CD 8, several blocks east of both Atlantic Terminal and the Special Downtown Brooklyn District (SDBD). North of Atlantic Avenue, the surrounding context is defined by large commercial and community facility uses, and low-rise residential buildings, including the Clinton Hill and Fort Greene historic districts, situated beyond Fulton Street. South of Atlantic Avenue, the context to the east and south is mostly commercial and industrial, with a substantial M1-1 zone between nearly Nostrand Avenue and Vanderbilt avenues. To the west and ending to the Barclays Center, is the high-rise Pacific Park development, a 22-acre complex of slated to consist of 17 high-rise residential buildings, with approximately 6,430 apartments, including 2,250 units that would be classified as affordable housing. In addition to the Barclays Center, it is envisioned to include 250,000 sq. ft. of retail space, at least 336,000 sq. ft. of commercial office, and eight acres of public open space. The blocks extending south of Bergen Street are predominantly low-rise residential, mostly contained in the Prospect Heights historic district.

This M1-1 district contains the M-Crown study area, which emerged from the 2013 Crown Heights West rezoning and a 2015 CB 8 resolution calling on the New York City Department of City Planning

(DCP) to establish a zoning framework for the area. CB 8 found an urgent need for affordable housing and jobs within CD 8 and developed a vision to transform underutilized M-zoned properties south of Atlantic Avenue. The M-Crown plan treats the M1-1 district as an opportunity zone and seeks to increase available density for commercial/manufacturing uses, mixed with residential floor area on certain blocks. Its strategies include using market rate commercial, residential, and retail development to cross-subsidize affordable housing and creative/maker workspaces. It also seeks to promote affordability based on median income in CD 8 and maximize potential for living wage jobs. A key economic objective is to grow and retain creative and maker jobs, while fostering a range of employment categories like entertainment, medical, office, restaurants and retail.

Brooklyn is one of the fastest growing boroughs in New York City and the greater metropolitan area. 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 own neighborhoods. Borough President Adams is committed to addressing Brooklyn's affordable housing crisis through the creation and preservation of housing units for very low- to middle-income households.

Moreover, in CD 8 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 supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed development would be consistent with what had been Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible.

Development pursuant to MIH is consistent with Borough President Adams' policy for inclusionary housing to remain affordable in perpetuity. The MIH program allows households at various AMI tiers to qualify for the City's affordable housing lotteries. Borough President Adams supports projects that target newly built, permanently affordable units to low, moderate, and middle-income residents.

He also believes that it is appropriate to zone for increased density in proximity to public transportation. 1034-1042 Atlantic Avenue would be accessible via the Long Island Railroad (LIRR), MTA-New York City Transit (NYCT) subways, and several buses. The Franklin Avenue stop of the Eighth Avenue Local C train and the Franklin Avenue Shuttle is located two blocks northeast of the development site at Fulton Street. Three blocks to the west, Atlantic Terminal provides access to an extensive network of local and regional routes. The B48 bus stops at Atlantic and Classon avenues, on the block's eastern edge. There are also multiple Citi Bike docking stations in the vicinity of the site.

Borough President Adams generally supports the applicant's proposal to increase density along wide commercial streets in the M-Crown district, which would facilitate a new mixed-use building at 1034-1042 Atlantic Avenue. However, he acknowledges that the project represents a large jump in density from what is permitted by the underlying district. Borough President Adams also supports CB 8's objective to establish appropriate zoning that incentivizes preferential commercial development, more deeply affordable housing, and dedicated floor area for M-Crown uses.

For this project, Borough President Adams seeks a degree of public benefit commensurate with the long-term value of the requested development rights, including restrictions on residential density, a

higher percentage of M-Crown floor area, and an MIH Option that provides the deepest level of affordability. Additionally, he believes that the requested reduction in parking should be premised on the provision of greater bicycle parking, electric charging stations, and dedicated space for car-share vehicles. Per his development policies, he seeks a family-oriented bedroom mix with units targeted to seniors, maximum community participation in the affordable housing, incorporation of resilient and sustainable features including DEP rain gardens, and a high level of local and MWBE hiring. Finally, he calls on HPD to implement a suite of measures in CD 8 proven to help preserve affordable housing and stem displacement; on City Council to extend community preference to families of homeless students in local schools and qualify rent-burdened households for affordable housing lotteries, and on DOT to improve pedestrian safety at key Atlantic Avenue intersections.

Appropriate Zoning and Density

The proposed C6-3A MIH FAR would exceed CB 8's M-Crown floor area and height guidelines, which envision greater residential density along Atlantic Avenue and the north-south corridors, as opposed to the mid-blocks, though, not to the extent proposed. The M-Crown framework seeks to encourage and/or mandate non-residential use, based on a list of defined M-Crown uses, through a combination of preferential FAR and mandatory ground floor area placement, tied to various sub-areas in the district. Where the sub-areas would allow residential use, such development would be pursuant to MIH, and incorporate ground-floor non-residential use consistent with a Special Enhanced Commercial District (SECD) — a district that mandates primarily non-residential ground floor frontages. For mixed-use area mid-blocks, the framework mandates the provision of M-Crown required uses, though restrictions on permitted uses within a specific distance from the building's street wall (also consistent with SECDs). These guidelines would yield mid-block ground-floor uses with one or more of the following: arts and cultural uses, such as nonprofit community center, non-commercial recreation, and/or school use, commercial uses restricted to UG 7B, UG 8B, UG 9 including studio space for the creative arts, such as for art, dance, music, theatrical, and/or UG 11A light industrial applications, expected to lease at substantially below market rates compared to other commercial uses. For the ground-floor use along the avenues, the guidelines stipulate permitted uses in commercial overlay districts (other than residential use), while also allowing specific commercial and manufacturing uses.

For Atlantic Avenue, additional preferential commercial and/or community facility floor area of 6.0 to 7.0 FAR was contemplated where residential FAR would be capped at a lesser value. Such commercial and/or community facility floor area could encompass the entire building or serve as a base in order to utilize all available floor area, though at minimum, a predominantly residential building would be required to provide a non-residential ground floor to activate the street wall. That envisioned zoning would include a commercial subzone comprised by lots on the south side of Atlantic Avenue, spanning Vanderbilt to Classon avenues. The commercial subzone would permit residential and commercial use, with SECD equivalency to require non-residential ground floor and allow preferential FAR for commercial and/or community facility uses with no restrictions.

Subsequently, CB 8 has deemed R7D appropriate for the block portion north of Pacific Street if the height would not exceed nine stories and ground floor would include 0.25 FAR of M-Crown mid-block required uses. In this scenario, of the additional 1.0 FAR that R7D MIH allows over R7A MIH, according to MIH Option 1, a total of 0.5 FAR would be realized as a public benefit, including 0.25 through the provision of affordable housing, and 0.25 FAR reserved for M-Crown use through a binding commitment. The M-Crown framework was also reconfirmed in a CB 8 resolution in September 2019 and reaffirmed in another resolution in February 2021.

The area to the south of Bergen Street was amended in the 1990s as part of the Prospect Heights Rezoning. The blocks north of Bergen Street are in the same M1-2 zoning district that the applicant seeks to amend. While there was one recent rezoning to R7A, though the height is generally consistent with the M-Crown framework, its overall floor area is not inclusive of preferential commercial and/or community

facility floor area, which was envisioned to exceed the permitted density of R7A, though, the R7A permits more residential floor area than envisioned for the mid-blocks.

As for properties fronting the south side of Atlantic Avenue, one existing zoning district, C6-1, fits the model of preferential commercial zoning rights within the floor area parameters established in the M-Crown framework but lacks a contextual equivalent to ensure heights of 12 to 14 stories. In response, CB 8's resolution on 1034-1042 Atlantic Avenue calls for EMP Capital Group to withdraw the proposed rezoning and refile an application with a text amendment establishing an R7A contextual equivalent for the C6-1 zoning district. This would provide up to 6.5 FAR, with 4.6 residential pursuant to MIH, and maximum floor area achieved with commercial and community facility uses. The permitted height would be consistent with the C6-2A zoning district.

Borough President Adams recognizes that the proposed C6-3A zoning would exceed both M-Crown bulk and residential floor area guidelines. Moreover, the requested zoning does not obligate the developer to provide the represented commercial and community facility uses. Several years ago, the C6-3A MIH R9A MIH residential equivalent was mapped at 809 Atlantic Avenue to enable a development associated with the restoration of the landmarked Church of St. Luke and St. Matthew. Most recently, a C6-3A district was mapped at 1045 Atlantic Avenue, outside of the M-Crown framework area, though, reportedly, there were agreements set up that dictated bulk tapering and use commitments, as well other community benefits. While Atlantic Avenue is a very-wide street and is part of a ZR-defined Transit Zone, it is not along a classic transit corridor where such an equivalent district was proposed in the Gowanus Neighborhood Plan. As such, Borough President Adams believes that the proposed C6-3A density and height are not generally appropriate for this block without compelling public benefit.

Therefore, Borough President Adams generally concurs with CB 8's recommendation that a contextual C6-1 commercial district would be the most appropriate designation for the Atlantic Avenue frontage, without additional public benefit. Combining this commercial district with R7A MIH would ensure the availability of excess floor area for commercial and/or community facility use. There could also be an opportunity to achieve a bulk configuration not exceeding 14 stories (145 feet). Borough President Adams acknowledges that without subsequent establishment of zoning tools consistent with M-Crown, there is no means to adopt such zoning as part of the proposed application. A proposal to establish 17 stories along Atlantic Avenue therefore warrants concern — as does the extent of the requested zoning map change on the block.

Borough President Adams concurs with CB 8's position that 1050 Atlantic Avenue should be removed from the proposed rezoning area. The property is occupied by an active self-storage facility — a use that is no longer permitted without restrictions in M1 districts and would likely remain in business for several years. However, such a drastic change in zoning would unlock extremely valuable residential rights and provide an inducement to demolition and high-rise housing development, without meeting the intent of M-Crown aspirations for preferential commercial and/or community facility floor area.

For the Pacific Street frontage, ideally the applicant would have requested a preferential commercial FAR of 5.0, with residential floor area capped at 3.6 FAR to enable optional provision of modest M-Crown (restricted) floor area with opportunities for additional commercial space. Instead, the application seeks to de-map the manufacturing district and introduce a commercial overlay, which would remove M-Crown preferred uses beyond UG 9.

Within the rezoning area on Pacific Street, there are multiple non-applicant lots with less than 40 feet of frontage. If these properties were rezoned to R7A, owners seeking to maximize zoning rights would only need to build affordable housing onsite if residential development totaled at least 25,000 sq. ft. According to the requested 4.6 FAR on that side of the block, a property's lot area would have to exceed 5,435 sq. ft. to meet that threshold. None of the mid-block lots in the proposed rezoning area approach that figure.

While the one mid-block lot that could be developed in excess of 12,500 sq. ft. of residential floor area would be required to contribute to an affordable housing fund, redevelopment could utilize less than the available FAR to avoid triggering the MIH public benefit requirement. Achieving the rezoning now would not guarantee assemblage as many such narrow lots have been redeveloped along Fourth Avenue in Park Slope following a rezoning to R8A. Moreover, without the obligation to incorporate preferential commercial and/or community facility floor area, the lots could be developed exclusively with residential use, contradicting a key principle of the M-Crown vision.

In light of such concerns regarding MIH units, commercial floor area, including that of M-Crown use, Borough President Adams believes that it would be best to exclude these lots from the proposed R7A rezoning and delay development until there is a comprehensive M-Crown rezoning, as envisioned by CB 8. Such strategy would increase the possibility that these lots would be assembled and developed with onsite affordable housing as well as with M-Crown use.

As represented, 1034-1042 Atlantic Avenue would provide 11,900 sq. ft. of commercial use, and approximately 2,580 sq. ft. of community facility space, an amount in excess of M-Crown principles for the mid-blocks south of Atlantic Avenue. While such non-residential floor area would be consistent with the M-Crown framework for Atlantic Avenue, the provision of non-residential uses permitted in C6-3A zoning districts alone would not warrant exception to the framework's floor area and height guidelines based on what has been proposed.

Borough President Adams appreciates the developer's interest in offering more M-Crown floor area with uses articulated in the M-Crown framework for the mid-blocks of Bergen, Dean, and Pacific streets, than what be expected from having a site with Pacific Street frontage. Such additional restricted use space would command lower rents than unrestricted commercial floor area in the cellar, ground floor, and upper floor envisioned for Atlantic Avenue. Borough President Adams believes that the developer's offer, taking into consideration the Pacific Street ground floor area necessary to account for access for vehicles to the garage in excess of 1,200 sq. ft. should be deemed an additional public benefit and compensated by permitting additional residential floor area in exchange for providing preferential commercial and/or community facility floor area. Since residential use would trigger MIH regulated floor area (an additional public benefit), he looks to the special permit made applicable to certain areas within an Industrial Business Zone (IBZ) as a model for incentivizing side-street M-Crown mid-block use space.

According to that special permit, a developer may convert community facility floor area at a ratio of one sq. ft. restricted to Required Industrial Use, to 2.5 sq. ft. of mostly unrestricted commercial floor area. Borough President Adams believes that it would be appropriate to allow the developer to reduce unrestricted commercial and/or community facility floor area (whether zoning or non-zoning floor area), to increase the recommended Atlantic Avenue 4.6 residential floor area cap, and achieve the maximum proportion within the remaining 2.6 FAR, as well as the recommended Pacific Street 3.6 residential floor area cap. For this blended 24,000 sq. ft. Atlantic Avenue regulated section of the development site with its 8,000 sq. ft. Pacific Street regulated section, 28.6 percent of 49,600 square feet of preferential floor area could result in up to 14,171 sq. ft. of additional floor area (including cellar space) restricted to M-Crown uses, while the balance could be residential with or without affordable housing floor area.

Borough President acknowledges that the development site would potentially yield more commercial floor area if it were rezoned according to the M-Crown framework at some future date. Though the property would gain rights that could potentially be transferred to abutting properties, such transfer cannot be assured and does not confer the same economic value as direct development.

In recognition of the 0.4 FAR that would be potentially added as commercial rights to the Pacific Street segment of the development site, Borough President Adams believes that it would be permissible for the developer to reduce M-Crown requirements by 0.4 FAR on that side, totaling approximately 32,000 sq. ft.

In this case, it is appropriate to allow such potential commercial space (including M-Crown restricted uses) to be developed as MIH-regulated residential floor area to capture sufficient value from what might be realized through a comprehensive M-Crown rezoning.

Therefore, in lieu of the proposed C6-3A and R7A districts, Borough President Adams believes that the City Planning Commission (CPC) and/or City Council should establish a C6-2A district 150 feet beyond Classon Avenue while retaining the M1-1 designation within 150 feet of Classon Avenue and amend the proposed R7A district 315 feet from Classon Avenue (limited to within 215 feet of Classon Avenue, with properties beyond 215 feet remaining M1-1). However, such rezoning should be predicated on binding commitments from EMP Capital Group to restrict Atlantic Avenue residential floor area to 4.6 FAR, and Pacific Street residential floor area to 3.6 FAR, while incorporating not less than 1,200 sq. ft. of M-Crown uses (including zoning and/or non-zoning floor area). Such space would be restricted to non-profit community center uses, non-commercial recreation, and/or school use, UG 7B, UG 8B, and UG 9 including studio space for art, dance, music, theatrical, and/or UG 11A, at below market rates, for a combined zoning lot residential cap of 4.27 FAR. The developer could also exceed the same by decreasing non-residential floor area at a rate of one sq. ft. of additional M-Crown floor area beyond 1,200 sq. ft., in exchange for 2.5 sq. ft. of residential use pursuant to a proportion of floor area consistent with the designated MIH option (reducing the unrestricted non-residential floor area by 3.5 sq. ft.) in a manner that does not exceed the blended zoning lot floor area.

Borough President Adams also recognizes that the requested 4.6 FAR for the 8,000 sq. ft. Pacific Street segment of the proposed zoning lot is less than the maximum 5.0 FAR for preferential non-residential use floor area envisioned for that property. Therefore, he believes that EMP Capital Group should be permitted to reduce preferential non-residential floor area by up to 0.4 FAR (3,200 sq. ft.) generated by the Pacific Street zoning lot, to increase MIH residential floor area without additional set-asides for M-Crown uses.

Provision of Adequate Public Benefit in Response to the Requested Parking Reduction

Borough President Adams supports the establishment of Transit Zones in the ZR to enable affordable housing development without requirements to provide parking for affordable housing floor area. He also supports efforts to reduce parking obligations, though such waivers should be part of a well-considered plan that provides alternatives to car ownership, such as bicycle and car-share services. In addition, any parking reduction should promote electric vehicle car ownership.

The applicant is seeking a special permit to waive 37 (MIH Option 2 or 48 (MIH Option 1) of the otherwise required parking spaces. This would result in significant cost-savings for the developer while generating rental income from leasable non-zoning floor area, without putative public benefit beyond reduction of car use in a congested neighborhood. On the other hand, a garage of such limited size might not accommodate the number of vehicles that residents might own and, therefore, result in more competition for free on-street parking opportunities, making it difficult for area residents to obtain relied-upon parking. Borough President Adams believes that such requests should be adopted only when they advance additional public purpose.

Resulting Leasable Floor Area

As opposed to the developer realizing leasable zoning and/or non-zoning floor area without restrictions, Borough President Adams believes that it should be used to advance CB 8's M-Crown framework, by accommodating delineated uses such as nonprofit community centers, non-commercial recreation, and/or school facilities, UGs 7B, 8B, and 9 studios for art, dance, music, theatrical, and/or UG 11A uses. He also supports incorporation of additional MIH residential floor area that would be restricted and regulated consistent with MIH requirements, if not utilized as extra space for bicycle parking.

Ensuring an Optimal Amount of Enclosed Bicycle Parking

Borough President Adams believes that a significant reduction in off-street parking should be premised on a corresponding increase in bicycle parking (per the ZR, one bicycle for every two units). To reduce parking of the market-rate units, developers should provide significantly more than the required number of bicycle spaces. As the project is seeking to waive up to 70 percent of the required vehicular parking, EMP Capital Group Atlantic Avenue should be mandated to make improvements that promote bicycle use.

In this case, the applicant has proposed to reduce the ZR parking requirement from 57 or 68 spaces (depending on the MIH Option) to 20 spaces for the market-rate units. Given the cost of constructing an underground garage, Borough President Adams believes it is reasonable to seek significant reciprocal benefit, in the form of additional bicycle parking, at a rate of two spaces per every waived vehicular space, for a total of 74 or 96 extra spots. Such provision would be in addition to the required in-building parking of one space for every two units (including the MIH apartments). According to the applicant's revised proposal, this would indicate more than 170 total bicycle spots, subject to the number of apartments indicated in the new building permit filing with the New York City Department of Buildings (DOB).

Promoting Access to Car-Share Vehicles

Borough President Adams supports the establishment of Transit Zones in the ZR to enable affordable housing development without the requirement to provide parking for affordable housing floor area. However, one way to address parking capacity is by accommodating the growing number of city drivers who rely on car-share. A rental car can provide mobility in certain use cases, though it is not as flexible as direct access to a car and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. However, there are times when affordable access to automobiles can provide a quality-of-life enhancement, even for higher-income households. Furthermore, research suggests that car-share availability reduces automobile use for car owners, creating environmental benefits and reducing congestion. Borough President Adams believes that facilitating car-share at this location would benefit building occupants as well as residents of the nearby Crown Heights North and Prospect Heights communities.

According to ZR Section 36-46(a)(1), a car-sharing entity is permitted to occupy up to five parking spaces, though no more than 20 percent of all spaces in group parking facilities. Though the 1034-1042 Atlantic Avenue garage would be used primarily by the building's residents, Borough President Adams believes that it could accommodate car-share rentals based on reasonable pricing. Therefore, a portion of the intended 20 parking spaces should be reserved for such use through dialogue with car-sharing companies.

The incorporation of car-share vehicles within the building's garage would require the developer to provide visible signage, per ZR Section 36-523, and to state the total number of parking spaces, as well as the maximum number of car-sharing vehicles. Therefore, prior to considering this application, the City Council should obtain demonstration from EMP Capital Group of engagement with car-sharing companies to lease spaces in the 1034-1042 Atlantic Avenue garage, in consultation with CB 8 and local elected officials.

Encouraging Use of Electric Vehicles

Borough President Adams believes that as electric vehicles become increasingly accessible, more buyers will opt for this cleaner alternative to combustion engine automobiles. In 2021, new electric vehicle registrations in the United States nearly doubled, outstripping overall growth in the auto market. Encouraging ownership and use of electric vehicles at 1034-1042 Atlantic Avenue would align with the development's sustainability agenda and achieve tangible environmental benefits. However, as a key consideration for utilization of electric vehicles is availability of charging stations, he believes that adapters should be accessible to no less than 10 percent of all parking spaces.

In sum, Borough President Adams believes that the grant of a partial waiver of the required parking should be premised on providing additional public benefit as noted above, including the promotion of alternatives to driving though enhancing accommodation of bicycles, enticement of foregoing automobile ownership and promoting ownership of electric vehicles.

In a letter to Borough President Adams dated December 27, 2021, EMP Capital Group expressed intent to provide two bicycle spaces for every automobile parking space waived pursuant to the Special Permit, ensure electric charging capacity for at least 10 percent of the automobile parking spaces, and explore options to accommodate car-share vehicles within the proposed development.

Therefore, Borough President Adams believes that EMP Capital Group should commit to providing beneficial M-Crown cellar floor apace and/or additional MIH floor area, two bicycle parking spots for every waived vehicular space, written intent to engage car-sharing companies in leasing multiple spaces within the garage, in consultation with CB 8 and local elected officials, as well as electric chargers for at least 10 percent of the parking spaces.

Ensuring an MIH Option that Targets Very Low-Income Households

Multiple sources indicate that Crown Heights North and Prospect Heights have experienced acute gentrification in the last decade. The influx of wealthier individuals to the area, through the many units developed to date as part of Pacific Park, together with increased land values, has led to the replacement of longtime, lower-income tenants with new residents able to pay higher rents.

Data shows that more than 80 percent of New York City households earning 50 percent AMI or less are rent-burdened. The situation is even worse among those who earn up to 30 percent AMI or $23,310 for a family of three. More than one-fifth of New York City households — over two million people — earn less than $25,000 a year and almost one-third earn less than $35,000. Well over 50 percent of this population pays more than half its income toward rent. As the City's housing crisis deepens, the burden falls most heavily on low-income New Yorkers, including many senior citizens.

Within CD 8, a significant number of households residing in unregulated housing and regulated apartments pay too much of their household income toward rent. According to a 2020 Association for Neighborhood & Housing Development (ANHD) report, 57.5 percent of households in CD 8 are rent-burdened. Among the City's community districts, CD 8 also has a very high number of serious housing code violations. Taken together, these facts point to a dual housing affordability and quality crisis in the community district whereby too many households are paying too much of their income for substandard and dangerous accommodations. There is thus a pressing need to increase the supply of safe, affordable housing in CD 8. Moreover, given the risk of displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

According to HPD affordability guidelines, the New York area AMI for a family of three in 2021 is $107,400. To qualify for affordable housing at 40 percent AMI (MIH Option 3), this household would have to earn $42,960; at 60 percent AMI (MIH Option 1), their qualifying income would be $64,440, and at 80 percent AMI (MIH Option 2), the family's income would be capped at $85,920 — $10,000 higher than the 2019 median income for CD 8, which was $75,700. While this figure exceeds the citywide median income, it also masks the fact that 50 percent of CD 8 residents earn less than $60,000. These numbers underscore the importance of targeting affordable housing to low-income households.

In its M-Crown framework, CB 8 has stipulated that affordable units resulting from private rezonings should be indexed to the district's median income. Such strategies would help ensure that affordable housing created in the district is accessible to tenants experiencing the most displacement pressure, rather than those able to pay higher rents to stay in the neighborhood. Additionally, MIH Option 3 rents would provide a realistic opportunity for residents of New York City Housing Authority (NYCHA) campuses to be

awarded lottery housing in the development at this location, enabling NYCHA residents to relocate to a transit-rich neighborhood where schools might also be higher-performing. Achieving MIH Option 3 rents in CD 8 is particularly important as much of the anticipated affordable housing in the Pacific Park development will be geared toward AMIs greater than 100 percent.

As applications such as this proposal move through the ULURP process, it is important to ensure that the required affordable housing meets the most pressing community needs. The MIH obligation provides opportunities to maximize permanently affordable floor area for very low and low-income households. The ZR specifies four options for new construction subject to MIH regulations.

As stated at Borough President Adams' hearing, EMP Capital Group's revised proposal would incorporate MIH Option 3, which sets aside 20 percent of the floor area for households earning an average of 40 percent AMI. CB 8 has consistently expressed that such developments should provide deeply affordable housing in exchange for significant residential zoning rights. With the opportunity to award 50 percent of the units to CD 8 residents, Borough President Adams concurs that mandating MIH Option 3 at 1034-1042 Atlantic Avenue would guarantee affordable housing opportunities for very low-income residents and maximize the public benefit of this substantial development.

Therefore, prior to considering the application, the CPC and/or City Council should obtain written commitments from EMP Capital Group to provide permanently affordable housing according to MIH Option 3.

Appropriate Public Benefit to Consider Establishing the Requested C6 3-A Beyond 150 feet from Classon Avenue

Borough President Adams acknowledges the recent C6-3A rezoning at 1045 Atlantic Avenue and the C6-3X rezoning at 840 Atlantic Avenue. Given street width and the need for any combination of deeply affordable floor area for rent-burdened and/or homeless households, as well as the ongoing depletion of below-market cultural and/or maker spaces, he would consider additional height and density based on commensurate public benefit.

As stated earlier, the applicant's proposed C6-3A district permits 17-stories. Borough President Adams recognizes CB 8's request to restrict development to 15 stories (though its recommended C6-2A district permits up to 14). However, given the development's configuration on Pacific Street, he believes that up to 16 stories would be permissible, if the applicant incorporates a higher proportion of public purpose floor area, such as greater provision of MIH units, or square footage earmarked for M-Crown uses. Any combination of such strategies and/or other ideas satisfactory to the developer and the City Council would make a compelling case for consideration of C6-3A.

In a letter to Borough President Adams dated December 27, 2021, EMP Capital Group proposed that for every square foot of M-Crown uses built on the ground floor, the second floor or basement would make up for 3.5 sq. ft. times the expected commercial FAR and permit the applicant to utilize the FAR for residential uses instead. In order to realize C6-3A with its additional increment of 1.3 FAR in excess of a C6-2A district, the applicant may deliver an additional 60 percent of MIH floor area beyond the required MIH option or reserve such floor area increment for M-Crown use. The Applicant would also consider providing free Wi-Fi for the MIH units in lieu of such 60 percent floor area increment.

Therefore, Borough President Adams believes that should the City Council adopt the proposed C6-3A district in lieu of the recommended C6-2A, restricted to beyond 150 feet from Classon Avenue, if EMP Capital Group commits to restrict the building height to 16 stories, and increase the MIH floor area by 60 percent (or an amount representing 60 percent of the MIH requirement to additional M-Crown use) in the 1.3 FAR increment between C6-2A and C6-3A. A combination of the preceding, and/or equivalent public benefit deemed commensurate by the City Council (e.g., suggested

free Wi-Fi for MIH apartments), noted in the applicant's December 27, 2021 letter, could also warrant consideration of C6-3A zoning.

Ensuring a Family-Oriented Bedroom Mix

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately reflect the needs of very low-income families.

The filed application for 1034-1042 Atlantic Avenue proposed a 210-unit building with 52 affordable pursuant to MIH Option 1 or 63 affordable pursuant to Option 2. The applicant's amended proposal contains 192 apartments, with 45 affordable pursuant to Option 3. As represented, 20 of the units would be configured with two or three bedrooms. All 45 units would be geared toward 40 percent AMI, ensuring family-sized units for very low-income households.

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 units. Though the applicant has presented a family-oriented bedroom mix consistent with his policies, development pursuant to MIH lacks leverage to require apartments with multiple bedrooms. As such, 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.

The ZR allows at least 50 percent of the MIH units to be provided with two or more bedrooms and at least 75 percent with one or more bedrooms. For 1034-1042 Atlantic Avenue, 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. Such mechanism would ensure that the final development reflects what has been represented to the community, which is otherwise subject to change.

Therefore, prior to considering the application, the City Council should obtain written commitments from EMP Capital Group to provide a bedroom mix of at least 50 percent two- or three-bedroom affordable housing units, and at least 75 percent one-, two-, or three-bedroom affordable housing units at 1034-1042 Atlantic Avenue.

Maximizing Affordable Housing Opportunities for Seniors

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

As the Federal government had moved away from funding senior housing, the number of such affordable units has declined, even as housing costs have gone up. In many parts of Brooklyn, severe unmet demand for age-based housing has forced the elderly to endure rising living costs and rent burdens to remain in their homes and communities. Ensuring high-quality permanently affordable housing for low-income seniors is one of Borough President Adams' top housing priorities.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedrooms, two-bedrooms, and three-bedrooms, he believes that studio and one-bedroom units rented at up to 40 percent AMI can be affordable to seniors. In addition, there are ways to qualify more senior households for affordable housing lotteries, and such efforts should be part of the marketing campaign for 1034-1042 Atlantic Avenue to ensure that such units are awarded to senior applicants.

Therefore, prior to considering the application, the City Council should obtain written commitments from EMP Capital Group to implement targeted outreach efforts to seniors, including the formerly homeless, as part of the marketing campaign for project's affordable housing lottery.

Maximizing Community Participation in the Affordable Housing

The ZR requires inclusionary housing units to be overseen by a non-profit administering agent. This entity is responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. Such tasks include verifying a prospective tenant household's qualifying income and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, as well as following up annually to ensure compliance.

It is Borough President Adams' policy for community development organizations to play a significant role in the administration of affordable housing lotteries. He recognizes that CD 8 is served by several entities, including the Fifth Avenue Committee (FAC), IMPACCT Brooklyn, and the Mutual Housing Association of New York (MHANY), which have a proven record of serving as affordable housing administrators and/or marketing agents for new developments. The appropriate non-profit should be selected in consultation with the Office of the Brooklyn Borough President, CB 8, and local elected officials, to ensure that this substantial development meets or exceeds community preference targets.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from EMP Capital Group, to utilize one or more local non-profits to serve as the administering agent for 1034-1042 Atlantic Avenue, and/or promote affordable housing lottery readiness.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for environmentally sustainable development that integrates blue/green/white roofs, grid-connected battery storage, solar façades and roof 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 most newly constructed buildings and those undergoing roof renovations to incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate. Borough President Adams believes that developers should seek to exceed this mandate 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 local construction and procurement.

In Borough President Adams' letter to President Joseph R. Biden Jr., dated January 21, 2021, he outlined an urban agenda based on funding policies that will rebuild America as a more equitable and just society, including initiatives consistent with the Green New Deal. Specifically, Borough President Adams advocated for renewable energy and battery storage to move beyond reliance upon 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 newly developed projects, there should be sufficient demand to manufacture such units locally and create industrial jobs.

Borough President Adams believes it is appropriate for EMP Capital Group 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) and consider government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of 870-888 Atlantic Avenue. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a rebate of $5.23 per sq. ft. of green roof space. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Developers are encouraged to contact the Office of the Brooklyn Borough President for assistance with interagency outreach and coordination.

As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. 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 more comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, there would be an opportunity to integrate stormwater retention measures into existing tree pits, with additional plantings, which would 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 (BPP) for the proposed development provides an opportunity to install DEP rain gardens along the site's Atlantic Avenue frontage, where the project would substantially widen the existing sidewalk, as well as it secondary frontage on Pacific Street. The ZR requirement to plant street trees ensures shade on hot days, helps combat the urban heat island effect, and provides aesthetic, air quality, and 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 and litter that can clog the inlet/outlet and prevent proper 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 EMP Capital Group should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the integration of rain gardens with street trees as part of 1034-1042 Atlantic Avenue BPP. If there is interest in implementing an enhancement, advance consultation should be initiated with CB 8 and local elected officials. Therefore, prior to considering the application, the City Council should obtain written commitments from EMP Capital Group to integrate additional resiliency and sustainability measures at 1034-1042 Atlantic Avenue.

Advancing Public Realm Improvements

This highly visible section of Atlantic Avenue is located just a few blocks east of the Brooklyn Cultural District, a hub of world-class institutions that draw thousands of patrons each year. By providing dedicated M-Crown floor area, including studio space for art, dance, music, and theatrical uses, 870-888 Atlantic Avenue could help extend the Downtown Brooklyn cultural economy into the adjacent neighborhoods of Crown Heights and Prospect Heights. There are also opportunities to highlight the building's location through creative enhancements to the public realm.

Though building design should go beyond establishing massing limits through establishing height, setback, and street wall requirements, construction is not typically regulated with any consideration for aesthetics. However, there are instances where artists had a hand in designing the built form, such as Hundertwasser Village in Vienna, a colorful shopping complex constructed in the 1990s by a local artist, which has since become a significant tourist attraction.

The proposed development would add significant sidewalk space on Atlantic Avenue, which presents opportunities for significant improvements to the public realm. Borough President Adams believes that the project should look to the New York City Percent for Art law, which requires eligible City-funded construction projects to spend one percent of their budget on public art. This program, managed by the New York City Department of Cultural Affairs (DCLA), has produced hundreds of site-specific, multimedia installations integrated into architecture and infrastructure.

For 1034-1042 Atlantic Avenue, the developer could employ artists to design unique patterns that provide an aesthetic benefit over poured concrete but still comply with the Americans with Disabilities Act (ADA). Street furniture such as benches could be introduced as sculptural elements, as has been done at the New York City Metropolitan Transportation Authority (MTA) Franklin Street Station. The same concept could be replicated in the design of bicycle racks above ground. It is even possible to integrate sculptures into DEP curbside rain gardens.

Borough President Adams believes that the development of 1034-1042 Atlantic Avenue could further the concept of Percent for the Arts by incorporating such elements into the widened sidewalk of the site's extensive frontage. Therefore, prior to considering the application, the City Council should obtain written commitments from EMP Capital Group to fund public realm improvements such as sculptural bike racks and street benches, sculptures integrated into DEP rain gardens, and street art integrated with sidewalk paving, in consultation with CB 8 and local elected officials.

Implementing a Rat Mitigation Plan in and Around the Development Site to Address Known Issues in Crown Heights North

In Crown Heights North, Prospect Heights, and surrounding neighborhoods, new construction has disturbed rat colonies and dens, resulting in public health and quality-of-life issues. Borough President Adams has met with residents living near the Pacific Park development to observe the problem and engaged City Council representatives on proposed legislation that would enforce rat abatement standards during disruptive construction activities. These include borings and drilling, excavation, underpinning, and preparation for concrete pouring. Borough President Adams hopes that City Council involvement will lead to certification of rat abatement mitigation procedures at multiple stages of development projects.

As such standards are not in place today, Borough President Adams believes that it is appropriate to utilize his advisory role in the ULURP process to minimize quality-of-life issues for neighbors in Crown Heights North and Prospect Heights. Without adequate abatement and mitigation measures, demolition and excavation at 1034-1042 Atlantic Avenue may create ground disturbances and exacerbate rodent problems in the area. Therefore, Borough President Adams urges the developers to create a rat mitigation strategy including, but not limited to, a robust baiting plan, rat-related enforcement measures, and other pest control measures in and around the proposed development site.

Borough President Adams believes that EMP Capital Group should commit to a rat mitigation plan implemented prior to and during demolition, excavation, and foundation preparation, in consultation with CB 8 and local elected officials.

Ensuring Quality Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality in Brooklyn, with more than half the borough's community districts experiencing poverty rates of nearly 20 percent. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity.

Prioritizing local hiring is an important strategy to alleviate the current employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as LBEs and MWBEs, is central to Borough President Adams' economic development agenda. This proposal provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

In a letter to Borough President Adams dated December 27, 2021, EMP Capital Group affirmed that it has entered into an agreement with 32BJ governing jobs for service workers in the Proposed Development. The applicant also expressed intent to coordinate a local hiring program with local workforce and job training partners, to be identified in coordination with the Office of the Brooklyn Borough President.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from EMP Capital Group to retain Brooklyn-based contractors and subcontractors, especially those designated LBE and MWBE consistent with Section 6-108.1 of the City's Administrative Code to meet or exceed such standards.

Preserving the Supply of Affordable Housing in CD 8

Borough President Adams has heard a great deal of concern about ongoing gentrification and displacement in Crown Heights and Prospect Heights. For households in non-regulated housing there is little recourse beyond targeted downzoning, which may slow the pace of property turnover and new construction by reducing development rights. Experience shows that even regulated buildings do not provide permanent protection from displacement.

While the City has taken important steps to combat landlord harassment, it should also work to help homeowners and landlords maintain their properties, expand eligibility for affordable housing lotteries, reduce landlord opt-out based on expiring regulatory agreements, deter demolition evictions, strengthen access to legal services, and increase capacity for outreach and assistance.

Extending Access to Legal Services to all of CD 8

Testimony provided on this application throughout the ULURP process highlighted the risk of displacement, and lack of protections for vulnerable residents. Evictions, as a mechanism of direct displacement, are a major driver of homelessness and housing instability across New York City. Many low-income households are unable to secure resources to avoid eviction. In the past, tenants facing eviction often entered housing court without legal representation, at a major disadvantage to landlords who almost always have an attorney.

The New York City Human Resources Administration (HRA), through its Office of Civil Justice (OCJ), and the Universal Access to Legal Services law, provides defense attorney representation for eviction cases, free legal assistance for tenants as well as tenant associations seeking protection against landlord harassment. However, this initiative is limited to neighborhoods outside CD 8. In Right to Counsel (RTC) ZIP codes, access to free legal representation is a right for any low-income tenant facing

eviction. In non-RTC ZIP codes, it is contingent on household income and size, and the agency's website does not provide adequate direction for residents seeking such services outside those areas.

Tenant representation in housing court has increased citywide. Statistics confirm a reduction in the number of evictions since the City implemented Right to Counsel for Housing Court in 2017. In Fiscal Year 2013 (FY13), only one percent of tenants had an attorney, while in the last quarter of FY18, that proportion had risen to 30 percent. OCJ analysis of RTC data shows even larger gains during the last quarter of FY18, where 56 percent of tenants facing an eviction in RTC ZIP codes had legal representation.

The ongoing COVID-19 pandemic has exacerbated the City's housing crisis and put more people across Brooklyn and CD 8 at risk of losing their homes. While eviction moratoria provide some protection and have been repeatedly extended by the State, they are not a permanent solution, and face legal challenges from landlords.

Borough President Adams considers all strategies to help people remain in their homes as part of what had been the Mayor's "Housing New York: A Five-Borough, Ten-Year Plan." Providing free legal assistance is more cost-effective than accommodating evicted families in homeless shelters or providing new affordable housing units. To counteract mounting housing pressures in Crown Heights North and Prospect Heights, the City should direct HRA, through OCJ, to immediately implement RTC services in CD 8.

Extending Regulatory Agreements

Privately-owned, subsidized rental stock is an important source of affordable housing in New York City for low- and moderate-income households. In exchange for a government subsidy, landlords agree to keep units affordable to such households for a limited term (typically 30 years). However, once the regulatory agreement expires, owners can begin to rent their units at market rates.

According to the New York University (NYU) Furman Center, 30 buildings representing 1,315 units in CD 8 are set to expire from housing programs between 2020 and 2025, with an additional 46 containing 917 units that will expire beginning in 2026. Without government intervention, tenants may lose subsidies that made such housing affordable, and others might be subject to eviction by lawful demolition. Borough President Adams acknowledges that what had been the Mayor's "Housing New York: A Five-Borough, Ten-Year Plan" provides a path to refinance such buildings and extend their regulatory agreements. It is unclear how many such properties in CD 8 have been refinanced. Therefore, in order to stem the potential loss of these affordable housing assets, the City should empower HPD to engage owners of expiring properties, refinance their mortgages, and renew their regulatory agreements. The agency should set aside funding from the Capital Plan intended for preservation of affordable housing to refinance residential buildings in CD 8 with expiring regulatory agreements and provide follow-up assistance to property owners.

Assisting Landlords Seeking to Maintain Affordable Housing in CD 8

In addition to helping homeowners, Borough President Adams believes that sufficient resources should be allocated to small landlords to retain their buildings and maintain affordability. Without assistance, owners may fall victim to predatory lenders and be forced to sell their buildings to investors who have no interest in affordable housing.

Prior to the COVID-19 pandemic, HPD hosted monthly property owner clinics at its 100 Gold Street offices for owners seeking resources to stabilize their homes. However, the agency continues to administer its Landlord Ambassadors Program, which helps owners of small to medium multi-family buildings implement best management practices and apply for HPD financing. With the support of HPD and Enterprise Community Partners, three community-based non-

profits were chosen to provide technical assistance to owners in Eastern/Central Brooklyn, Northern Manhattan, and South/Central Bronx.

HPD is reportedly expanding the program by partnering with the Mutual Housing Association of New York (MHANY) to offer technical assistance to property owners. This campaign includes providing funding to rehabilitate vacant units, placing formerly homeless households in these apartments to reduce the shelter population, funding housing retention and stabilization services to smooth the transition into permanent housing, and training building owners to accept these new tenants.

Borough President Adams believes that HPD should conduct outreach and engagement to promote its Property Owner Clinics to Crown Heights North and Prospect Heights landlords. The agency should also take steps to bring the resources of its Landlord Ambassadors Program to CD 8.

Enhancing Coordination between HPD and CD 8's Legal Service Providers and Tenant Organizers

Crown Heights North and Prospect Heights contain a significant number of small owner-occupied residential buildings. Some of these owners, while relatively property-rich in this housing market, have limited resources to maintain their homes. Where such buildings have rental units, property sales often result in tenant displacement. Borough President Adams believes that helping these homeowners retain their properties would also help combat tenant displacement. In late 2019, HPD, in partnership with the Center for NYC Neighborhoods (CNYCN), Restored Homes Housing Development Fund Corporation, AAFE Community Development Fund (CDF), Neighborhood Housing Services of New York City (NHSNYC), and the Parodneck Foundation launched the HomeFix program, which provides eligible owners of one- to four-family homes in New York City low- or no-interest loans (with potential forgiveness) for home repairs.

In addition, many small- to mid-size buildings are burdened by rising energy and water costs and could benefit from weatherization and other improvements proven to reduce expenses. HPD's Green Housing Preservation Program (GHPP) was created to help owners finance energy efficiency and water conservation upgrades, lead remediation, and moderate rehabilitation work, via low- and no-interest loans. Together, these initiatives can help ensure the long-term financial and physical health of small- to mid-size properties and preserve housing for low- and moderate-income New Yorkers. Borough President Adams believes that HPD should take appropriate steps to promote such programs to homeowners in Crown Heights North and Prospect Heights.

It is critically important to promote awareness of preservation-based initiatives, especially those that already exist in CD 8. HPD's Partners in Preservation initiative, launched in 2019, has taken aggressive steps to improve coordination among government agencies, tenant organizers, and legal service providers, while strategically identifying and developing targeted strategies for at-risk properties. The program awarded $1.5 million to community organizations in East Harlem, the Jerome Avenue area, and Inwood/Washington Heights/Marble Hill to coordinate anti-displacement initiatives with HPD. The funds enabled these groups to hire tenant organizers and canvass problem buildings.

Providing more funding to local housing advocates would enable high-impact solutions for the most vulnerable buildings and tenants, while growing and strengthening strategic outreach initiatives. With sufficient resources, established CD 8 organizations like the Crown Heights Tenant Union (CHTU), IMPACCT Brooklyn, the Local Development Corporation of Crown Heights (LDCCH), and MHANY could promote and administer HPD programs such as Property Owner Clinics, HomeFix, and GHPP. They could also connect qualified homebuyers with HPD's Down Payment Assistance Program, which provides up to $40,000 toward a down payment or closing costs on a one- to four-family home, a condominium, or a cooperative for potential buyers earning up to 80 percent AMI. Such funding could expand outreach for JustFix.nyc, which leverages technology to break down bureaucratic barriers in the housing system and accelerate tenant movements to end displacement and preserve affordability.

Therefore, HPD should increase funding to local homeowner and tenant advocacy/counseling/organizing entities, such CHTU, IMPACCT Brooklyn, LDCCH, and MHANY to enhance capacity for identifying the most at-risk buildings and developing a strategic action plan for preservation, providing legal assistance including tenants' rights and property owner clinics, and promoting the HomeFix, Green Housing Preservation, and HomeFirst Down Payment Assistance programs to CD 8 residents.

Advancing Anti-Displacement Strategies

In 2018, the City implemented the Certification of No Harassment (CONH) Pilot Program, which requires landlords seeking permits from DOB for major alterations to meet certifications that no harassment has taken place. The three-year pilot covered geographies established in Local Law 1 of 2018, as well as areas considered vulnerable because of potential rezonings. The City identified more than 1,000 buildings (more than 26,000 units) that had been subject to a full vacate order, active in the alternative enforcement program for more than four months or where finding of harassment was made by a court or New York State Homes & Community Renewal (HCR) in the previous five years. Per Local Law 1 2018, any neighborhood subject to a City-sponsored districtwide rezoning after 2018 would be covered by the law.

Given the number of Crown Heights North and Prospect Heights residents at risk of displacement, and rising property values in those neighborhoods, it is crucial to maximize the number of buildings covered by the program. Therefore, HPD should extend applicability of the CONH to all of CD 8 and ensure that buildings with high physical distress or ownership changes would be properly vetted before landlords could obtain permits demolition work or changes in use/occupancy.

Community Preference for Homeless Students in the Community District School Zone

Community preference stipulates that 50 percent of affordable housing units filled through lotteries must go to residents in the host district. Developments that receive certain types of HPD financing must also reserve deeply affordable units for formerly homeless households. However, community preference does not consider the school zone attended by children of households residing at nearby City-funded or -operated shelters. Borough President Adams believes that the lottery system should be modified to serve the growing number families with school-aged children entering the shelter system.

According to an annual report by Advocates for Children of New York, 31,158 Brooklyn students — nearly one in 10 enrolled — experienced homelessness during the 2018-2019 school year, defined as either living in shelters or doubling up with friends and family. Homelessness has profound impacts on school performance, contributing to chronic absences, lower graduation rates, and higher dropout rates.

Households that rely on City homeless shelters face persistent challenges to maintaining school continuity for their children. Borough President Adams believes that the City should strive to reduce these hardships by enabling homeless families to qualify for community local preference based on where their children attend school. According to the Institute for Children, Poverty & Homelessness (ICPH), there are multiple public schools in proximity to the proposed development in Community School District (CSD) 13, where the proportion of homeless students is 12 to 27 percent. Therefore, Borough President Adams believes that HPD should modify its affordable housing lottery community preference standards to include the school zone attended by a child of a household residing at a City-funded or -operated shelter.

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

Data show that more than 80 percent of New York City households earning 50 percent AMI or less are rent-burdened, which means that housing costs claim at least 30 percent of their monthly income. More than half of the lowest income residents, those earning 30 percent AMI or less (currently $23,310 for a family of three) are severely rent-burdened and pay more than half of their income toward rent. More than two million people in New York City earn less than $25,000 a year and nearly one-third of households earn less than $35,000. As the housing affordability crisis deepens, the burden falls most heavily on low-

income residents, exacerbating racial disparities. According to the Citizens Housing Planning Council (CHPC), one in four households of color in New York City is severely rent burdened.

A strict rent-to-income requirement of no more than 30 percent disqualifies many restricted-income households that are often paying the same or greater rent for an older rent-regulated unit from affordable housing lotteries. Rent-burdened New Yorkers who do not qualify for new affordable housing developments must continue to allocate 30 percent (and more) of their income toward rent, often for substandard accommodations.

As first noted in his East New York Community Plan ULURP recommendation, Borough President Adams believes that it is time to stop excluding rent-burdened low-income families from the City's affordable housing lotteries. Borough President Adams seeks to qualify such households for the lottery process, which would ensure that they receive the maximum opportunity to secure new affordable units and expand the number eligible for government-regulated housing lotteries.

Amending the ZR AMI qualifications to include households that would maintain or reduce their rent burden would be one way to address this disparity. For MIH housing lotteries, DCP should modify the ZR to allow exceptions to the 30-percent-of-income threshold and enable rent-burdened households paying rents equal to or greater than the lottery unit rent to qualify for new affordable housing developments. Borough President Adams believes that the CPC and/or the City Council should echo his call to modify the ZR section concerning MIH areas with a requirement that rent-burdened households be permitted to qualify for the associated affordable housing units.

Addressing Bicycle and Pedestrian Safety Along Atlantic Avenue

1034-1042 Atlantic Avenue is one of several proposed projects that would transform a low-rise commercial/industrial stretch of this major corridor into a high-density residential district. Borough President Adams is aware of long-standing pedestrian safety issues in the area and has long advocated for traffic calming measures on Atlantic Avenue. He believes that it is imperative to remedy known design deficiencies before bringing a new population of residents and workers to the area — along with additional vehicles incentivized by parking provision requirements.

For example, Atlantic Avenue is a designated New York City through truck route with multiple intersections lacking traffic controls such as stop signs or traffic lights. More than 80 percent of the 117-foot-wide roadway is dedicated to moving and storing vehicles, with only 18 percent reserved for pedestrians and zero percent dedicated to cyclists. This imbalance creates dangerous conditions at many intersections, leading to regular injuries and fatalities. Borough President Adams believes there are opportunities to incorporate bulbouts/sidewalk extensions at multiple intersections through any combination of constructed and/or protected painted treated roadbed sidewalk extensions. In addition to new developments seeking to extend their sidewalks, entire block frontages could be widened by installing planters or designating additional loading zones. DOT should also enhance specific north-south crossings via high visibility, painted wide crosswalks. Together these strategies would significantly increase pedestrian space without impeding vehicular movement.

New residential development also tends to increase demand for bicycle access and parking. However, many riders are deterred by unsafe, car-oriented roads and lack of cycling infrastructure. As pedestrian and cyclist fatalities continue to rise across Brooklyn, it is vital that DOT create protected bike lanes along highly trafficked corridors, especially where the City is promoting residential development. While there are multiple Citi Bike docking stations on the blocks to the north and south, there are none along Atlantic Avenue likely due to insufficient sidewalk space. Enclosed modular bicycle parking facilities, such as the one recently installed outside Atlantic Terminal, also require significant frontage.

Borough President Adams believes that DOT should analyze this section of Atlantic Avenue to implement targeted traffic calming measures, including curb bulbouts/sidewalk extensions, protected bike lanes, and/or planters, in consultation with CB 8 and local elected officials. Atlantic Avenue pedestrian crossings should be further enhanced via high visibility, wide painted crosswalks, and new street art at intersections with Bedford, Classon, Franklin, Grand, and Washington avenues. In addition to redesigning roadways, DOT should establish more Citi Bike docking stations along and around this section of Atlantic Avenue, along with enclosed bicycle parking.

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 in lieu of the proposed C6-3A and R7A districts, should the City Council be provided with adequate documentation that EMP Capital Group has made the following binding commitments:

    a. Restrict Atlantic Avenue residential floor area to 4.6 FAR, establish a C6-2A district beyond 150 feet from Classon Avenue, with the remainder within 150 feet of Classon Avenue retaining the M1-1 designation and for Pacific Street, limit the proposed R7A 315 feet from Classon Avenue to within 215 feet of Classon Avenue, retaining the M1-1 beyond, with further commitments to: restrict Pacific Street residential floor area to 3.6 FAR, and provide not less than 1,200 square feet (sq. ft.) of M-Crown use(s) (including zoning and/or non-zoning defined floor area) such as non-profit community center, non-commercial recreation, and/or school use, UG 7B, UG 8B, and UG 9, including studio space for art, dance, music, theatrical, and/or UG 11A, at substantially below market rates, for a combined zoning lot 4.27 FAR residential cap, **or** exceed the combined 4.27 FAR residential cap by decreasing non-residential floor area at a rate of one sq. ft. of additional M-Crown floor area more than 1,200 sq. ft., in exchange for 2.5 sq. ft. of residential use developed to a proportion consistent with designated Mandatory Inclusionary Housing (MIH) option (reducing the unrestricted non-residential floor area by 3.5 sq. ft.), in a manner that does not exceed the blended zoning lot floor area

    b. Recognizing that the requested 4.6 FAR for the Pacific Street segment of the proposed zoning lot (8,000 sq. ft.) is less than the maximum 5.0 FAR for preferential non-residential use floor area envisioned for the applicant's zoning lot, that the applicant be permitted to reduce the preferential non-residential floor area by up to 0.4 FAR (3,200 sq. ft.) as generated by the Pacific Street zoning lot, to increase residential floor area pursuant to MIH without additional set-aside for M-Crown use floor area

    c. For the requested parking reduction pursuant to New York City Zoning Resolution (ZR) Section 74-533, in seeking a reduction of 37-48 required parking spaces, provided that:

        i. Any satisfactory combination of cellar floor area and/or commercial floor area is restricted to M-Crown use(s) and/or residential floor area is further restricted and regulated consistent with required MIH floor area
        ii. In addition to in-building bike parking at a rate of one space per two units, the applicant exceeds required bike parking at a rate of two spaces per every waived parking space
        iii. Electrical charging stations are accessible to no less than 10 percent of all parking spaces

iv. There is demonstrated engagement with car-sharing companies to lease multiple spaces within the garage, in consultation with Brooklyn Community Board 8 (CB 8) and local officials

d. That the proposed Mandatory Inclusionary Housing (MIH) Options 1 and 2 be changed to MIH Option 3

2. That, should the City Council obtain adequate commitments from EMP Capital Group to memorialize the following, the City Council should adopt the proposed C6-3A in lieu of the recommended C6-2A, restricted to beyond 150 feet from Classon Avenue:

   a. The building height be restricted to 16 stories
   b. For the 1.3 FAR in excess of what is permitted by the recommended C6-2A, floor area subject to MIH be increased by 60 percent or that an amount representing 60 percent of what would be required by MIH is restricted to additional M-Crown use, any combination of the preceding, and/or any combination of equivalent additional public benefit (e.g. free Wi-Fi to MIH apartments)

3. That prior to considering the application, the City Council obtain written commitments from EMP Capital Group to:

   a. Memorialize a bedroom mix with at least 50 percent two- or three-bedroom affordable housing units, and at least 75 percent one-bedroom or larger affordable housing units but for studios targeted at up to 40 percent AMI
   b. Implement targeted outreach efforts to seniors earning up to 40 percent AMI to maximize their participation in the affordable housing lottery
   c. Utilize a combination of local affordable housing non-profits to serve as the administering agent and play a role in promoting affordable housing lottery readiness
   d. Incorporate resiliency and sustainability measures, such as blue and/or green roofs, grid-connected rooftop batteries, passive house design, solar panels and/or façades, and/or wind turbines
   e. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) to install DEP rain gardens as part of a Builders Pavement Plan in consultation with CB 8 and local elected officials
   f. Fund public realm improvements such as sculptural bike racks and street benches, in consultation with CB 8 and local elected officials
   g. Implement a rat baiting plan prior to and during demolition involving site excavation and foundation preparation, in consultation with CB 8 and local elected officials
   h. 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), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That the New York City Department of Housing Preservation and Development (HPD) should:

    a. Set aside funding from the Capital Plan intended for preservation of affordable housing to refinance residential buildings in Brooklyn Community District 8 (CD 8) with expiring regulatory agreements, and conduct follow-up efforts with those property owners
    b. Expand its Landlord Ambassadors Program to CD 8
    c. Increase funding to local homeowner and tenant advocacy/counseling/organizing entities, such as the Crown Heights Tenant Union (CHTU), IMPACCT Brooklyn, Local Development Corporation of Crown Heights (LDCCH), and Mutual Housing Association of New York (MHANY) to enhance capacity for identifying the most at-risk buildings and developing a strategic action plan for preservation, providing legal assistance including tenants' rights and property owner clinics, and promoting the HomeFix, Green Housing Preservation, and HomeFirst Down Payment Assistance programs to CD 8 residents
    d. Extend the Certification of No Harassment (CONH) requirement, established via a pilot program within areas delineated in Local Law 1 of 2018, to all of CD 8, to require owners of buildings with physical distress or ownership changes to acquire permits from the New York City Department of Buildings (DOB) for work involving demolition or change in use/occupancy
    e. Modify its affordable housing lottery community preference standards to include the school zone, to capture the population of public-school students residing at City-funded or operated shelters

2. That CPC and/or the City Council should call for the modification of the Mandatory Inclusionary Housing (MIH) section of the New York City Zoning Resolution (ZR) to stipulate that MIH-designated areas be adopted with a requirement that permits rent-burdened households to qualify for the associated affordable housing units

3. That DOT, in consultation with CB 8 and local elected officials, should:

    a. Establish more Citi Bike docking stations in proximity to Atlantic Avenue intersections and facilitate provisions of enclosed bicycle parking
    b. Analyze Atlantic Avenue to implement traffic calming measures such as curb bulbouts/sidewalk extensions, sidewalk widening, protected bike lanes, and planters, as warranted. Enhance Atlantic Avenue pedestrian crossings via high visibility, wide painted crosswalks, and new street art at intersections with Bedford, Classon, Franklin, Grand, and Washington avenues

EMP CAPITAL

December 27th, 2021

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

Re: 1034-1042 Atlantic Avenue
Brooklyn, New York
ULURP Nos.: C210379 ZSK, C210386 ZMK, N210387Z ZRK

Hon. Eric Adams:

EMP Capital Group (the "Applicant') is the applicant for the above-referenced rezoning currently under review by your office (the "Rezoning Application"). The Rezoning Application seeks the following actions: (1) a zoning map amendment to change the existing M1-1 zoning district to: (a) a C6-3A zoning district measuring approximately 315 ft. by 100 ft. bounded in part by Atlantic and Classon Avenues and (b) an R7A/C2-4 zoning district measuring approximately 315 ft. by 100 ft. bounded in part by Classon Avenue and Pacific Street; (2) a text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 8, Brooklyn, to establish a Mandatory Inclusionary Housing ("MIH") Area with Options 1 and 2 to provide maximum flexibility; (3) a text amendment to modify ZR § 35-66 to permit a minimum 20-foot sidewalk along Atlantic Avenue; and (4) a special permit pursuant to ZR § 74-533 to reduce the number of required accessory parking spaces. The proposed Rezoning Application would facilitate the development of 1034-1042 Atlantic Avenue (located on Block 1125, Lots 29 and 33) with an approximately 172,800 (7.2 FAR) mixed-use commercial, community facility, and residential development (the "Proposed Development"). As currently proposed, the development would provide approximately 210 dwelling units, with approximately 52-63 permanently affordable dwelling units pursuant to MIH. The proposed development would provide parking at the cellar level with approximately 20 residential parking spaces.

The Rezoning Application was certified by the City Planning Commission on September 20, 2021. Brooklyn Community Board 8 held its Land Use Committee hearing on October 19, 2021 and their Full Board hearing on November 10, 2021. As you are aware, the Brooklyn Borough President Hearing was held on November 17, 2021 (the "Public Hearing"). Below please find responses to questions raised at the Public Hearing:

EMP CAPITAL

M-Crown / Preferential FAR

The Brooklyn Borough President has discussed means to realize Community Board 8's ("CB 8") M-Crown use floor area within the proposed development, specifically within a Floor Area Ratio ("FAR") of a C6-3A zoning district (8.5 FAR) as: 4.6 FAR for base residential uses, 2.6 FAR for commercial uses, and 1.3 FAR for bonus residential uses. The Borough President's Office has noted previous consideration for suggesting additional floor area tied to enhanced public benefits. The Applicant intends to provide one floor of commercial uses within the Proposed Development. The Applicant proposes that for every square foot of M-Crown Uses[1] built on the ground floor, the second floor or basement would make up for 3.5x square feet of the expected commercial FAR and would permit the Applicant to utilize the FAR for residential uses instead. In order to realize C6-3A with its additional increment of 1.3 FAR in excess of the FAR of a C6-2A district, the Applicant may deliver an additional 60% of MIH floor area beyond the required MIH option or use such floor area increment for M-Crown use. The Applicant would consider providing free WiFi for the MIH units in lieu of such 60% floor area increment.
As noted at the Public Hearing, the Applicant has independently reached out to IMPACCT Brooklyn as an administering agent for the affordable units. The Proposed Development will comply with current regulations, which allow 50% of the affordable units to be allocated to those living within Community Board 8. Additionally, the Applicant will look to achieve a family-oriented bedroom mix.

Adequate Bike Parking, Electric Vehicle Chargers, and Car-Share Opportunities
The Proposed Development will provide approximately 20 residential parking spaces. In furtherance of the Borough President's goals to provide alternatives to car ownership within Transit Zones, the Applicant commits to the following: (1) providing two bicycle spaces for every automobile parking space waived pursuant to the Special Permit, (2) providing electric charging capacity for at least 10% of the provided automobile parking spaces to encourage use of electric vehicles, and (3) to explore options of accommodating car-share vehicles within the Proposed Development.

M/WBE Contracting & Local Job Opportunities
The Applicant has entered into an agreement with 32BJ SEIU regarding jobs for service workers for the Proposed Development. The Applicant will seek to coordinate a local hiring program with local workforce and job training partners and will work with your office in identifying potential partners. The Applicant further anticipates that the local commercial and community facility uses will generate sustainable jobs for the community.

[1] These uses would consist of UG 3, Use Group 4 (limited to community centers and non-commercial recreation centers), UG 7B, UG 8B, UG 9, and UG 11A.

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Sustainability Measures

The proposed sustainability measures will include: super-insulated exterior walls, planting along the façade as passive solar, a green roof, urban solar installation, low U-value glazing and high-efficiency HVAC systems. Additionally, the Applicant will consider implementing DEP rain gardens within the Builders Pavement Plan. The Applicant will follow industry-wide best practice and will also meet all energy and sustainability measures required by the Building Code.

Other Conditions

The Applicant originally proposed an approximately 12,830 gross square foot community center at the Proposed Development. The Applicant would like to proceed with this community center or community facility use, as it has been supported by various stakeholders in the rezoning process. However, applicant is also happy to reserve the space for other M-crown uses more in line with the community board's vision. The Applicant is hopeful that the Borough President can scale back certain building requirements so that providing the community center or other community facility use will be feasible in the final iteration of the building.

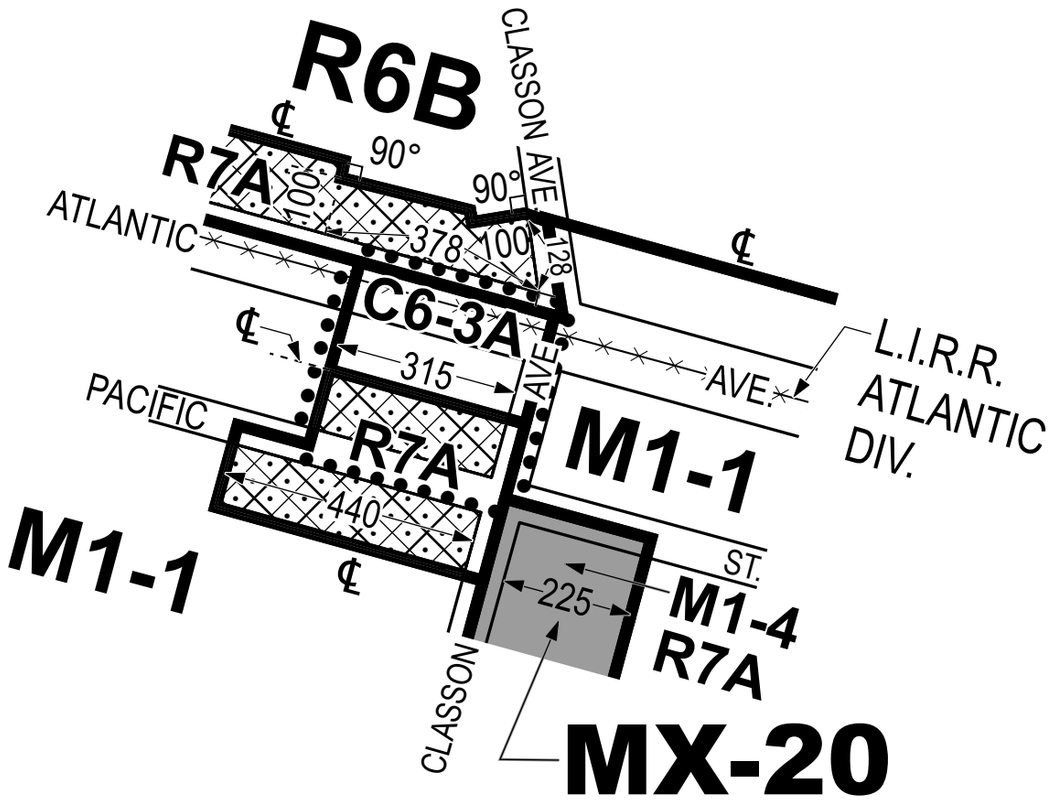
Please be in touch with any questions or for additional information.

Respectfully,

Elie Pariente



Cc: Richard Bearak



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

New York, Certification Date:
September 20, 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 an M1-1 District to R7A and C6-3A Districts, and by establishing a C2-4 District within the proposed R7A District.

Indicates a C2-4 District

MX-20 Indicates a Special Mixed Use District (**MX-20**)

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.