



COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, N.Y. 11211-2429

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: bk01@cb.nyc.gov

Website: www.nyc.gov/brooklyncb1

HON. MARTY MARKOWITZ
BROOKLYN BOROUGH PRESIDENT



RABBI JOSEPH WEBER
FIRST VICE-CHAIRMAN

CHRISTOPHER H. OLECHOWSKI
CHAIRMAN

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

DEL TEAGUE
SECOND VICE-CHAIRPERSON

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. DIANA REYNA
COUNCILMEMBER, 34th CD

STEPHEN J. WEIDBERG
THIRD VICE-CHAIRPERSON

DEALICE FULLER
FINANCIAL SECRETARY

ISRAEL ROSARIO
RECORDING SECRETARY

PHILIP A. CAPONEGRO
MEMBER-AT-LARGE

August 28, 2013

COMMITTEE REPORT

TO: Chairman Christopher H. Olechowski and
CB #1 Board Members

FROM: Del Teague, Committee Chair
Land Use, ULURP and Landmarks (subcom.) Committee

RE: CB #1 Land Use, ULURP and Landmarks (subcom.) Committee
Recommendations For 77 Commercial Street and
Greenpoint Landing Proposals

On December 6, 2004 Brooklyn Community Board No. 1 opposed The NYC Department of City Planning's 2005 Rezoning proposal when it conducted its review. The board noted in its report that "...these areas of our community were in need of rezoning, but that the Department of City Planning's rezoning proposal did not meet the Community's needs."

The Board recognized that the rezoning plan did not adequately address the vital issues of economic development, affordable housing, parks, open space, building height and bulk.

In addition, The Points of Agreement adopted by both the City Council and the Mayor's Office were conceived without Community Board #1's input. These points were never consummated. Promises made on May 1, 2005 regarding affordable housing were never delivered and parks were never built!

We are now being asked to review the two remaining large tracts of property that complete the assemblage of our waterfront.

We must again say "Disapprove" (with modifications/conditions) to the Administration's attempt to plan for our community and not with our community.

I. 77 COMMERCIAL STREET - City Planning (Application # C 140047 ZSK) - 77 Commercial Street: In the matter of an application submitted by Waterview at Greenpoint LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developments on land and platforms) and Section 62-354 (Special height and setback regulations) in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, Borough of Brooklyn, Community District 1.

RESOLUTION: DISAPPROVE WITH MODIFICATIONS/CONDITIONS

The committee recommends disapproval unless the following conditions are met:

1.) Affordable Housing - The developer must provide a wider range of unit sizes and eligibility by adjusting the proposed sizes of the apartments and lowering the AMI percentages as follows:

- Carve out of affordable units - at least 70 units of the affordable housing be specifically earmarked for senior citizens/disabled, 30% AMI and lower, utilizing senior housing funding from HUD Section 202/Section 8 programs (this funding source prefers smaller units for seniors, i.e. more studios, allowing for more housing units to be constructed).

- The balance of the units are to be developed as follows:

30% studio apartments
35% 1- bedroom apartments
30% 2 - bedroom apartments
5% 3 - bedroom apartments

with the following income breakdowns:

60% of the units for 40% AMI
20% of the units for 50% AMI
20% of the units for 60% AMI

The number of units might deviate from 200, either up or down, by this recommended unit distribution (including elderly units), though the 165,000 sq. ft. of affordable housing would remain.

2.) The Developer must avail itself to other programs and funding sources that would make the proposed units more affordable with a lower AMI (programs such as HDC's LAMP, as well as NYS HCR's 80/20, bonds and tax credits). If necessary, some portion or all of the \$7million allocated for the park must be used to meet this affordability mandate. Other funding sources could be discretionary funding from the Council Member and Brooklyn Borough President. The developer should apply for funding before deadlines expire to achieve the community's desired AMI. The developer should avail itself to NYS HCR's announced pre-registration workshops in NYC on September 10, 2013 and meet deadlines for funding of applications (October 10, 2013).

3.) Special Permit Bulk Text - shall be conditioned on the filing of an Inclusionary Housing Plan for the developer's site to its maximum 2.75 FAR - and that as opposed to the Zoning resolution's 80% AMI allowance, such units shall not exceed 60% AMI.

4.) Reservation of units for Community Preference - At the minimum, 50% of community preference for the lottery should result in CB #1 residents, including displaced former residents since the 2005 rezoning was adopted, and be prioritized to obtain the lowest AMI (40%-60% AMI).

5.) On the basis of respecting the developer's economics, there is no reason why stories 1-6 in all three buildings cannot integrate the affordable units and market rate units. Affordable units are to be integrated below the 7th floor in the tower or market rate parts of the proposed development.

6.) We also insist that the costs for amenities (including parking) are to be discounted for residents of the affordable units.

7.) All of the money donated by the developer for the park will be earmarked for this park and not placed into the City's General Fund.

II. GREENPOINT LANDING - City Planning (Application # 140019 HAK) - Greenpoint Landing: In the matter of an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of 431 units of affordable housing and 1.4 acres of new parkland, for the Borough of Brooklyn, Community Board 1.

RESOLUTION: DISAPPROVE WITH MODIFICATIONS/CONDITIONS

The committee recommends disapproval unless the following conditions are met:

- 1.) Floor Area from the School's site and Air Rights from Park site: this use is contingent on every as-of-right building being subject to the filing of an Inclusionary Housing Plan and is subject to approval by the Commissioner of HPD (affordability is to be in perpetuity).
- 2.) We also insist that the costs for amenities (including parking) are to be discounted for residents of the affordable units.
- 3.) Affordable units are to be integrated below the 7th floor in the tower or market rate parts of the proposed development.
- 4.) Affordable Housing - The developer must provide a wider range of unit sizes and eligibility by adjusting the proposed sizes of the apartments and lowering the AMI percentages as follows:
 - Carve out of affordable units - approximately 100 of the affordable housing units be specifically earmarked for senior citizens/disabled, 30% AMI and lower, utilizing senior housing funding from HUD Section 202/Section 8 programs (this funding source prefers smaller units for seniors, i.e. more studios, allowing for more housing units to be constructed). This is from HPD property being transferred to Greenpoint Landing. Since 202 units are all studios, it may be feasible to increase the number of affordable housing units in the same floor area that the City was devoting for the 431 units of affordable housing allowance.
 - The balance of the units are to be developed as follows:

30%	studio apartments
35%	1- bedroom apartments
30%	2 - bedroom apartments
5%	3 - bedroom apartments

with the following income breakdowns:

- 60% of the units for 40% AMI
- 20% of the units for 50% AMI
- 20% of the units for 60% AMI

- 5.) Reservation of units for Community Preference - At the minimum, 50% of community preference for the lottery should result in CB #1 residents, including displaced former residents since the 2005 rezoning was adopted, and be prioritized to obtain the lowest AMI (40%-60% AMI).
- 6.) The Developer must avail itself to other programs and funding sources that would make the proposed units more affordable with a lower AMI (programs such as HDC's LAMP, as well as NYS HCR's 80/20, bonds and tax credits). Other funding sources could be discretionary funding from the Council Member and Brooklyn Borough President. The developer should apply for funding before deadlines expire to achieve the community's desired AMI. The developer should avail itself to NYS HCR's announced pre-registration workshops in NYC on September 10, 2013 and meet deadlines for funding of applications (October 10, 2013).
- 7.) The proceeds from the sale of lot 32 are not to go into the City's General Fund, but are to go back to the community.
- 8.) If the cost of the park's development increases, the developer's portion will increase in proportion to the amount originally contributed.
- 9.) The proposed school (640 seats/Pre K - 8th Grade) at the Dupont Street site will not be a charter school and will remain a district school (SD14). We yield to District 14 to work with the Department of Education for the programming and analysis of the community's needs. Within one year of commencing on the design of the school, in order to plan for the appropriate size of the elementary school and intermediate school components, they are to address projected needs based on most up to date information.