

CITY PLANNING COMMISSION

October 17, 2012 / Calendar No. 6

N 120384 (A) ZRK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article X, Chapter I (Special Downtown Brooklyn District) to modify the parking regulations of the Special Downtown Brooklyn District, in the Borough of Brooklyn, Community District 2.

This application for a zoning text amendment was filed by the Department of City Planning on May 30, 2012 to modify the off-street parking regulations of the Special Downtown Brooklyn District (SDBD), in Brooklyn Community District 2. The proposed amendment to the SDBD regulations would reduce parking requirements for new residential development from 40% of units to 20% of units to better reflect actual parking demand in Downtown Brooklyn; remove parking requirements for affordable housing units; and provide additional opportunities for public parking. On September 6, 2012, pursuant to Section 2-06(c)(1) of the ULURP rules, the Department filed an application to modify the proposed amendment to the Zoning Resolution. The modified application, N 120384(A) ZRK, is the subject of this report.

BACKGROUND

The Department of City Planning is proposing to amend the zoning text to modify the off-street parking regulations of the Special Downtown Brooklyn District (SDBD), in Brooklyn Community District 2, to reduce the parking requirements for new residential development to better reflect actual parking demand in Downtown Brooklyn and provide additional opportunities for public parking. Since 2001, more than 4,500 new housing units have been constructed in Downtown Brooklyn, New York's third largest business district having some of the best transit access in New York City. These new residential projects have been accompanied by almost 2,300 new parking spaces. As new residential development has been built, the parking garages that were required to be built to serve the residents of these new buildings have been significantly underutilized and are half open in the evenings and weekends. However, public parking is well used during the day. Consequently, the Downtown Brooklyn development community, other community stakeholders and elected officials have asked the Department to

make changes to the off-street parking regulations in Downtown Brooklyn to better match zoning requirements to actual use of parking in Downtown Brooklyn.

A number of changes to the parking regulations in the SDBD are proposed. The SDBD has an irregular boundary that generally extends from Tillary Street on the north, to Atlantic Avenue on the south, and from Clinton Street on the west to Ashland Place on the east. The area is very well served by transit with seven subway stations that provide access to 13 subway lines, a Long Island Railroad station at Atlantic Terminal, and 15 bus routes. The proposed changes exclude two subareas, an area along State Street with a distinct rowhouse character and the Atlantic Avenue sub-district of the SDBD, which has its own parking regulations.

Car ownership rates in new residential buildings in Downtown Brooklyn are lower than contemplated by the current zoning regulations. A study of parking utilization performed by Philip Habib and Associates (PHA) for the Downtown Brooklyn Partnership found that garages are half full in the evenings and weekends. In addition, data from the U.S. Census Bureau's American Community Survey show that only 22% of households in Downtown Brooklyn own cars. The proposal would reduce the minimum number of parking spaces required for new residential development from 40% of units to 20% of units in order to better match the requirement to the actual demand for parking by residents of Downtown Brooklyn. Existing waivers for small buildings and small lots would continue to apply.

Downtown Brooklyn's residents, elected officials and community groups have all sought tools to encourage the creation of more affordable housing in Downtown Brooklyn. With its exceptional access to transit, employment and services, Downtown Brooklyn provides a location where households with lower incomes can meet all of their daily needs without using a car. Through programs such as the Inclusionary Housing Program and the 421(a) exclusion program, affordable units are being built in Downtown Brooklyn. However, one of the impediments to developing affordable units in Downtown Brooklyn is the cost of providing structured parking in a high-density environment. For affordable housing, where rents are limited by the income of the residents, it is not possible to recoup the cost of providing required parking. Data from the American Community Survey show that lower income households in Community District 2 have

fewer cars than other households in the Community District. The proposal would remove the parking requirement for “affordable housing units” under the Inclusionary Housing Program and units currently eligible for parking reductions as defined in Section 25-25 of the Zoning Resolution. This would reduce the costs of developing affordable housing and would provide an additional incentive to include affordable units in mixed-income buildings.

The proposal would provide more flexibility for public parking. While more residential accessory parking is currently required than is used by residents, there remains a market for parking by commuters and visitors to Downtown Brooklyn’s offices, courts and retail businesses, which results in 80% of off-street parking being used during the daytime. In addition, Downtown Brooklyn’s existing surface parking lots, which provide a fifth of the parking supply in Downtown Brooklyn, are likely to be developed over time. Many of the residents of nearby neighborhoods, predominantly built before the automobile was invented, do not have parking available in their buildings and use garages in Downtown Brooklyn as their source for off-street parking. Finally, excess supply in the existing accessory residential parking garages acts as a source of public parking for Downtown Brooklyn. For those reasons, the proposal would allow accessory parking garages to continue to play a role as a source of parking for all drivers to Downtown Brooklyn, off-site parking to be located in a new public parking garage, and some new public parking garages as-of-right.

Rules related to parking by the public in Downtown Brooklyn are complex and, while the mix of uses and use of parking is similar across Downtown Brooklyn’s different areas, the rules vary by zoning district. Because public parking is the most flexible and useful type of parking to serve a dense mixed use area, the proposal seeks to simplify the rules related to public parking. While in most of Downtown Brooklyn short-term parking by non-residents is permitted in accessory garages when such parking is not needed by the occupants of a building, these regulations are not applicable within C5 zoning districts. In addition, to provide additional opportunities for the development of sites with difficult sub-surface conditions, including sites over subway lines, the proposal would allow new accessory parking spaces to be located off-site in a new public parking garage. The proposal would also allow below-grade public parking garages to be built as-of-right up to 225 spaces rather than requiring a special permit. Currently, accessory garages

with up to 225 spaces are permitted for tower and height-factor buildings in Downtown Brooklyn. This proposal would allow the same number of public spaces as-of-right, provided that they are in an underground garage.

With these changes, attention is needed to ensure that new as-of-right garages fit into the Downtown Brooklyn streetscape and do not create safety hazards or on-street congestion from cars queuing to enter a garage. Reservoir standards are proposed for all new facilities that are based on experience with reservoir standards currently in place for parking garages that require a special permit. The proposal also includes requirements for stop signs and speed bumps at the exit to garages.

The proposal would clarify how stackers are regulated. Following current Department of Buildings (DOB) practice, the proposal would clarify that each tray in a stacker within attended parking garages would be counted as 153 square feet of floor area if located on a story where parking would generally count against FAR.

Finally, the proposal will include a new definition of automated garage, new standards for the size of automated garages, and new rules for counting parking spaces in an automated garage. Automated garages include mechanized systems that park cars, without operators touching the car. These garages have different size requirements than more traditional parking facilities, and the proposed text amendment would allow the Department of Buildings (DOB) to modify the regulations on the basis of particular plans.

Together these changes are intended to create a more flexible and efficient set of off-street parking regulations that would mandate minimum standards appropriate to the needs and usage of Downtown Brooklyn's residents and would also provide flexibility to allow the market to provide parking as Downtown Brooklyn grows and changes over time.

ENVIRONMENTAL REVIEW

The application (N 120384 ZRK), in conjunction with the application which is the subject of this report (N 120384(A) 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 designated CEQR number is 12DCP175. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions for the application as originally referred (N 120384 ZRK), a negative declaration was issued on June 4, 2012. On October 16, 2012, a Revised Negative Declaration was issued for the subject application (N 120384(A) ZRK), which reflects the modifications to the original application made by the City Planning Commission, adopted herein.

PUBLIC REVIEW

The application (N 120348 ZRK) was referred to Brooklyn Community Board 2 and the Brooklyn Borough President on June 4, 2012, in accordance with the procedures for non-ULURP matters. On September 6, 2012, the modified application (N 120384(A) ZRK) was duly referred to Community Board 2 and the Borough President pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure.

Community Board Public Hearing

Community Board 2 held a public hearing on the application (N 120348 ZRK) on June 20, 2012. Its Executive Committee, on behalf of the full board, voted on June 25, 2012, by a vote of 6 to 1 with 1 abstention, to support the application, subject to the following conditions: “that parking minimums be reduced only for those buildings with an affordable housing component, and to recommend that the reduction be made retroactive.”

Borough President Recommendation

The application (N 120348 ZRK) was considered by the President of the Borough of Brooklyn, who recommended approval of the application on August 13, 2012, subject to the following conditions:

1. Change the Market Rate Parking Requirement for High-Density Districts (C5-2A, C5-4, C6-4, C6-4.5) from 40% parking rate to 30%, retroactive to establishment of the Special Downtown Brooklyn District, where bicycle parking standards have been increased by 50 percent.

Zoning Resolution Should Be Modified As-Follows:

- For ZR 101-51 “Minimum Parking Requirements” sub-section (a) pertaining to accessory parking spaces be restricted to C5-2A, C5-4, C6-4, C6-4.5 Districts and shall require accessory off-street parking spaces for at least 30 percent of the total number of new dwelling units provided that bicycle parking pursuant to ZR Section 36-711 is increased by 50 percent.
 - For ZR 36-71 “Required Bicycle Parking Spaces” as further clarified by ZR 36-711 “Enclosed bicycle parking spaces,” bicycle parking spaces required in relationship to the specified unit of measurement should be modified by a new section within Article 10, Chapter 1, which would require one bicycle parking space for every 1.5 dwelling units in C5-2A, C5-4, C6-4, C6-4.5 Districts and where the parking rate is decreased due to the provision of qualifying affordable housing in C6-1; C6-1A, R7-1/C2-4 and R8A/C2-4 Districts.
 - For ZR 101-51 “Minimum Parking Requirements” that a development obtaining an initial construction permit from the Department of Buildings subsequent to the July 26, 2001 establishment of the Special Downtown Brooklyn District, such developments would be permitted to re-file to reduce accessory off street parking spaces that were required under the applicable provisions of the zoning district regulations in effect prior to (date of adoption) provided that zoning standards established on (date of adoption) are met and that parking spaces in excess to remain are eligible to satisfy off-site requirements for new developments pursuant to the Joint-facilities section.
2. Broaden applicability of off-site parking opportunities through Joint-facilities being expanded to any Commercial Zoning District within the Special Downtown Brooklyn District but for the Atlantic Avenue sub-district

Zoning Resolution Should Be Modified As-Follows:

- For ZR 36-42 “Off-Site Spaces for Residences” as further clarified by ZR 36-421, the maximum distance from zoning lot to where off-site accessory parking would be permitted to locate, should be modified by a new section within, Article 10, Chapter 1, which would permit off-site parking opportunities through Joint-facilities being expanded to any Commercial Zoning District within the Special Downtown Brooklyn District but for the Atlantic Avenue sub-district.
- For ZR 101-542 “ Off-site accessory parking spaces in public garages,” Section 36-57 (Accessory Off-Street Parking Spaces in Public Garages) shall be further

modified to permit, as required, off-site accessory off-street parking spaces for any development within the Special Downtown Brooklyn District, such public parking spaces may be located in any public parking garage, including such public parking garages established where a development obtained an initial construction permit from the Department of Buildings subsequent to the July 26, 2001 establishment of the Special Downtown Brooklyn District and, re-filed to reduce accessory off street parking spaces, re-classifying such existing spaces as public parking.

3. Allow above grade public parking pursuant to City Planning Commission Chair Certification in lieu of Special Permit and unify reservoir space standards.

Zoning Resolution Should Be Modified As-Follows:

- For ZR 101-546 “Special permit for public parking garages” should be modified to be a Certification by the Chairperson of the City Planning Commission.
 - For ZR 101-53 “Reservoir Spaces” subsection (a) “Attended parking facilities” sub-sub-sections 1-4 should be combined to require the number of reservoir spaces to be five percent of the total number of parking spaces up to a maximum of 50 reservoir spaces.
4. Allow further reduction to a 20 percent accessory parking rate; and for C6-1; C6-1A, R7-1/C2-4 and R8A/C2-4 to 30 percent, where bicycle parking standards have been increased by 50 percent when development includes at least 20 percent affordable housing.

Zoning Resolution Should Be Modified As-Follows:

- For ZR 101-51 “Minimum Parking Requirements” include a new subsection (c) pertaining to accessory parking spaces being able to be permitted to be further decreased provided that 20 percent of the residential floor area be developed consistent with provisions of the Inclusionary Housing requirement of ZR 23-90, the percentage as follows: C5-2A, C5-4, C6-4, C6-4.5 Districts shall be reduced to 20 percent; and C6-1; C6-1A, R7-1/C2-4 and R8A/C2-4 where bicycle parking standards have been increased by 50 percent, reduced to 30percent.

Be it further Resolved that:

1. The Department of City Planning should proceed with an application for a zoning text amendment to establish Inclusionary Housing designated areas for the existing C6-1, C6-1A, C6-2, R7-1/C2-4, R8A/C2-4, C5-2A, C5-4, C6-4 and C6-4.5 Zoning Districts within the Special Downtown Brooklyn District, pursuant to ZR 23-952.
2. The Department of City Planning to undertake a study to establish a zoning bonus to promote development for those 55 and over, consistent with the affordable housing bonus, though without regard for affordability, as a means to entice developers to build active mature adult housing stock.

3. The Administration shall commit to the City Council to have the Department of City Planning certify, within one year, applications to amend the zoning map and text in order for The City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President that are technically beyond the scope of review for application number 120384 ZRK.

City Planning Commission Public Hearing

On September 5, 2012 (Calendar Nos. 2 and 3), the City Planning Commission scheduled September 19, 2012 for a public hearing on the application (N 120348 ZRK) and the modified application (N 120348 (A) ZRK). The hearing was duly held on September 19, 2012 (Calendar Nos. 8 and 9).

There were six speakers in favor of the application and none in opposition.

The six speakers in favor of the proposal included a representative for the Downtown Brooklyn Partnership and the three Business Improvement Districts in the area affected by the proposed zoning text amendment; four representatives of residential developers with projects in Downtown Brooklyn; and the Councilmember for the 35th District who testified in support if modifications are made to the proposal. Speakers in support mentioned that existing parking in the area is underutilized and that residents choose to move to Downtown Brooklyn because of its accessibility to transit and amenities. They stated that the proposed off-street parking regulations would better match demand for parking that they see in residential buildings in Downtown Brooklyn. They also mentioned that the proposal would provide more flexibility for public parking in the area, resulting in a parking supply that can more flexibly serve the range of users who park in Downtown Brooklyn.

Speakers in favor, responding to the recommendations from the Borough President and Community Board, noted that allowing existing buildings to use the proposed parking regulations would allow some buildings to convert existing underutilized parking spaces to a more active use. They also mentioned that many of the projects in Downtown Brooklyn choose to provide affordable housing because of programs designed to encourage the development of affordable housing such as the 421(a) program, inclusionary housing rules and public financing

for affordable housing development. The speakers noted that the primary intent of the proposal was to address a land use issue unrelated to housing affordability, and would better match the parking requirements to actual demand for parking.

The Councilmember for the 35th District testified in favor of the application provided that the application is modified. She testified that her district has very high rates of childhood asthma and she supports efforts to reduce traffic and increase the development of green buildings. However, she stated her concern that Brooklyn is a very expensive place to live and her belief that the Downtown Brooklyn Plan has resulted in displacement of residents in Downtown Brooklyn. The Councilmember also stated that more needs to be done to spur the development of affordable housing, and that the application should be modified to require inclusion of affordable units or a follow-up action should mandate the inclusion of affordable units in residential buildings in Downtown Brooklyn. The Councilmember stated that she believes the application should be modified so that existing buildings would not be able to use the proposed parking regulations unless they convert existing parking spaces to a community use such as daycare centers or community meeting rooms.

There were no other speakers on the application and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 120384(A) ZRK) is appropriate.

The Commission believes that this zoning text amendment builds on significant work to support the growth and development of Downtown Brooklyn. Since the creation of the Downtown Brooklyn Special District and the Downtown Brooklyn Plan in 2004, there have been a significant number of new residential units built in Downtown Brooklyn, including affordable housing units. According to data from the U.S. Census Bureau's American Community Survey, as well as an independent study funded by the Downtown Brooklyn Partnership, residential car ownership rates in Downtown Brooklyn are lower than contemplated by the current requirements. This low car ownership ratio is due, in part, to the abundance of public transit

options in Downtown Brooklyn. The Commission believes that requiring more parking than can be reasonably expected to be used by residents has resulted in underutilized parking garages that sit half empty in the evenings and on weekends. These provisions also unnecessarily increase development costs and reduce the number of dwelling units that may otherwise be built in Downtown Brooklyn. The Commission therefore believes that the proposed regulations are appropriate because they would better match the parking requirements to the needs of the Downtown Brooklyn's residents.

The Commission also believes that the proposed changes to the zoning text would allow greater flexibility for parking by the general public in Downtown Brooklyn. Public parking is well utilized during the day in Downtown Brooklyn. As a central business district with a wide range of daily visitors, the most efficient parking is public parking that can accommodate different drivers at different times of day. Allowing flexibility for the use of accessory parking when residents of a building don't need it, and allowing public parking to be built if there is sufficient demand for such parking to offset the costs of building it are appropriate measures that would provide the flexibility that an area with mixed parking demands requires.

The Commission notes that both the community board and the Borough President recommended that the zoning text be amended to allow existing buildings to use the lower parking requirements proposed for new buildings. The Downtown Brooklyn Partnership's parking study indicated that parking in existing residential buildings is underutilized in the evening and weekend. Applying the proposed parking changes to existing buildings would, in some circumstances, allow buildings to convert underutilized parking to more active uses, or provide those spaces as off-site parking for new buildings, reducing costs for both new buildings and existing buildings. Therefore, the Commission modified the proposed zoning text, as originally referred, to remove a restriction that would have prevented existing buildings from using the new reduced requirements.

The Commission also recognizes the Borough President's recommendation to allow off-site parking throughout Downtown Brooklyn, which could provide flexibility to consolidate parking operations, and allow for the development of sites with subsurface conditions, such as subway

tunnels, that might otherwise be excessively costly to build. As originally proposed, the text would allow parking to be provided within a thousand feet of a site, maintaining a close proximity between the residential building and the off-site parking. The Commission believes that expanding this distance can provide greater flexibility and is appropriate for a dense neighborhood where walking is the primary mode of transport; the Commission also believes that a 2,500 foot distance (approximately ½ mile) is an appropriate distance that maintains accessibility while providing flexibility. The Special District at its southern edge is more than a mile wide and the Commission believes that allowing off-site parking to be located up to a mile from the use to which it is accessory limits the likelihood that the parking will be used by the residents for whom it is set aside. Consequently, the Commission further modified the original zoning text to allow off-site parking to be located within 2,500 of a site if both the parking facility and the site generating the parking requirement are in the Special Downtown Brooklyn District.

The Commission is sympathetic to the desire to see additional affordable housing built in Downtown Brooklyn, and supports proposals to remove the parking requirements for affordable units in Downtown Brooklyn because lower-income residents are less likely to own cars and eliminating unnecessary parking can reduce the costs of developing affordable housing. The Commission acknowledges the Community Board and Borough President's recommendations and the Councilmember's testimony in support of proposals to tie reductions in parking requirements to the provision of affordable housing. However, the Commission believes that programs focused on producing affordable housing, such as the Inclusionary Housing Program, which applies to much of Downtown Brooklyn and was recently strengthened in 2009, in conjunction with the 421-a tax abatements for projects with affordable units are better suited to creating additional affordable housing units than reduced parking. The Commission believes that parking requirements on their own are not sufficient to encourage a project that did not have any affordable units to include affordable units.

The Commission disagrees with the Councilmember for the 35th District's statement that the Downtown Brooklyn Plan has resulted in widespread residential displacement in Downtown Brooklyn. The Commission acknowledges that there has been significant demographic change in

Downtown Brooklyn but notes that the change has been a long-term trend that started before the 2004 adoption of the Downtown Brooklyn Plan. The Commission also notes that there were very few residents of Downtown Brooklyn before the 2004 plan and that residential development within Downtown Brooklyn has been on the sites of surface parking lots and other non-residential properties and therefore there has been little, if any, residential displacement as a result of new residential construction.

The Commission agrees with the Borough President's assessment that recommendations relating to bicycle parking, housing for people over 55 years of age and mapping new inclusionary housing districts are out of the scope of the current proposal.

The Commission therefore believes that this amended application for a zoning text amendment (N 120384 (A) ZRK) to update the off-street parking regulations for Downtown Brooklyn by modifying the residential parking requirements and providing greater flexibility for public parking is appropriate.

RESOLUTION

RESOLVED, that 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 Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Article X Special Purpose Districts

Chapter 1 Special Downtown Brooklyn District

* * *

101-01

Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-302 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

Automated parking facility

An “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system, and shall not refer to a parking facility with parking lift systems that require an attendant to operate the vehicle that is to be parked.

Development or to develop

For purposes of this Chapter, "development" includes a #development#, an #enlargement# or an #extension#.

To "develop" is to create a #development#.

* * *

101-50

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The provisions of Article II, Chapter 5 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except as modified in this Section 101-50, inclusive.

101-51

Minimum Parking Requirements in R7-1 Districts

In R7-1 Districts, the provisions of Article II, Chapter 5 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except that

The provisions of this Section shall apply to all districts within the #Special Downtown Brooklyn District#, except R6B Districts:

(a) The #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least ~~50~~20 percent of the total number of new #dwelling

units#.

(b) There shall be no minimum parking requirement for #affordable housing units# as defined in Section 23-90 (INCLUSIONARY HOUSING), inclusive, or for #dwelling units# eligible for reduced parking pursuant to Section 25-25 (Modification of Requirements for Public, Publicly-Assisted and Government-Assisted Housing or for Non-profit Residences for the Elderly).

101-52

Curb Cut Restrictions

Along the #streets# specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted.

However, the City Planning Commission may, by authorization, permit a curb cut, on a #street# specified on Map 5, for parking facilities and loading berths on a #zoning lot# that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

101-53

Reservoir Spaces

The provisions of this Section shall apply to parking facilities created after (date of adoption) or for parking facilities enlarged by 50 or more spaces after (date of adoption). For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered one reservoir space.

(a) Attended parking facilities

Attended #accessory# off-street parking facilities, #public parking garages# or #public parking lots# with more than 25 off-street parking spaces shall provide the following amount of off-street reservoir space at the vehicular entrance:

- (1) for parking facilities with more than 25 parking spaces and up to 50 parking spaces: five percent of the total number of parking spaces;
- (2) for parking facilities with more than 50 parking spaces and up to 100 parking spaces: ten percent of the total number of parking spaces;
- (3) for parking facilities with more than 100 parking spaces and up to 200 parking spaces: ten parking spaces ; and

(4) for parking facilities with more than 200 off-street parking spaces: five percent of the total number of parking spaces. However such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Self-parking facilities

For self-parking #accessory# off-street parking facilities, #public parking garages# and #public parking lots#, where entering vehicles are required to stop before a mechanically operated barrier before entering the parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

101-54
Garages

101-541
Public parking garages

#Public parking garages# with 225 or fewer spaces shall be permitted as of right, provided that such garages are, except for entrances and exits, entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts. In addition to a maximum number of 225 public parking spaces, such garages may include required #accessory# parking spaces, which may be provided at any level. Any #accessory# parking spaces that are not required shall be included with all other public parking spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number or location of parking spaces in such #public parking garage#.

101-542

Off-site accessory parking spaces in public garages

Section 36-57 (Accessory Off-Street Parking Spaces in Public Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage developed# after (date of adoption) provided such off-site spaces comply with the provisions of Section 101-56 (Location of Off-Site Parking Spaces).

101-543

Pedestrian safety

The provisions of this Section shall apply to parking facilities created after (date of adoption) or for parking facilities enlarged by 50 or more spaces after (date of adoption). For all #accessory# parking garages and #public parking garages#, the following safety features shall be provided at all vehicular exit points:

- (a) a 'stop' sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and
- (b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:
 - (1) span the entire width of such exit lane;
 - (2) have a minimum of two inches in height, as measured from the adjoining grade of the exit lane and shall have a maximum depth of 12 inches; and
 - (3) be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

101-544

Stackers in garages

Within an enclosed attended parking facility with parking lift systems, for individual lifted trays upon which a vehicle is stored, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except for portions exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

101-545

Automated parking facilities

For an #automated parking facility#, the minimum size of spaces regulated in Sections

25-62 (Size and Location of Spaces) and 36-351 (Size of spaces) shall not apply.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are needed to routinely store and retrieve vehicles for the efficient operation of such #automated parking facility#.

Within an #automated parking facility#, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except for portions exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

101-546

Special permit for public parking garages

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall not apply to #public parking garages#. In lieu thereof, the following provisions shall apply.

The City Planning Commission may permit:

- (a) a #public parking garage# that does not comply with the provisions of Section 101-541 (Public parking garages) provided that such garage complies with all other applicable regulations set forth in Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and
- (b) floor space on one or more #stories#, up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS).

In order to grant a special permit for such #use# or #floor area# exemption, the Commission shall find:

- (1) that such #use# will be compatible with the surrounding area, and will not adversely affect the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (2) the proposed materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;
- (3) the ground floor level of such parking facilities that front upon #streets# with a width of 60 feet or more, or that front upon public access areas, is occupied by

#commercial#, #community facility# or #residential uses# that generate activity on all such adjoining #streets# or public areas, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from such adjoining #streets# or public access areas with a strip at least five feet deep, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years. Where such screening is not desirable, a total of at least 50 percent of the exterior building wall with adjacent parking spaces shall consist of opaque materials that include graphic or sculptural art, or living plant material;

(4) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# with a width of 60 feet or more, or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(5) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(6) that such #use# and its vehicular entrances and exits are so located as to draw a minimum of vehicular traffic to and through residential #streets# in nearby areas; and

(7) that, if any floor space is exempted from the definition of #floor area#, such additional floor space is necessary to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, or locations of entrances and exits.

101-55

Restrictions on Use of Accessory Off-Street Parking Spaces

The provisions of Section 36-46 (Restrictions on Use of Accessory Off-Street Parking Spaces) shall apply, provided that all #Commercial Districts# within the #Special Downtown Brooklyn District# shall be considered a C6 District for the purposes of such Section, inclusive. However, the provisions of this Section shall not apply within the Atlantic Avenue Subdistrict.

101-56

Location of Off-Site Parking Spaces

Sections 25-50 and 36-40 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use# generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections 25-521 and 36-421 (Maximum distance from zoning lot) shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are accessory.

* * *

101-60
FULTON MALL SUBDISTRICT

* * *

101-63
Modification of Accessory Off-Street Parking and Loading Requirements

The parking regulations of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) shall apply except as set forth in this Section, inclusive.

* * *

101-70
ATLANTIC AVENUE SUBDISTRICT

* * *

101-74
Modification of Accessory Off-Street Parking and Loading Requirements

The provisions of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.

The above resolution (N 120384 (A) ZRK), duly adopted by the City Planning Commission on October 17, 2012 (Calendar No. 6), 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 Chair
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LAUZ,

MARIA M. DEL TORO, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARÍN, Commissioners

JOSEPH I. DOUEK, Commissioner Abstaining



CITY OF NEW YORK
Community Board No. 2

350 JAY STREET - 8TH FL.

BROOKLYN, N.Y. 11201

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MARTY MARKOWITZ
Borough President

JOHN DEW
Chairperson

ROBERT PERRIS
District Manager

July 24, 2012

Amanda M. Burden, FAICP
Chair, City Planning Commission
22 Reade Street
New York, New York 10007

Dear Ms. Burden:

Brooklyn Community Board 2 has reviewed and made a determination on application N 120384 ZRK, filed by the Department of City Planning to modify the parking requirements in the New York City Zoning Resolution for portions of the Downtown Brooklyn Special District.

Ms. Purnima Kapur, Brooklyn borough director for the Department of City Planning, and Mr. Lish Whitson of her staff presented to the community board's Land Use Committee on June 20, 2012. Seven people representing real estate interests testified at the community board's public hearing.

Following the hearing and discussion, the committee voted nine in favor, two opposed, one abstention (9-2-1) to recommend that parking minimums be reduced only for those buildings with an affordable housing component, and to recommend that the reduction be made retroactive.

On June 25, 2012, the Executive Committee of Community Board 2 voted six in favor, one opposed, one abstention (6-1-1) to ratify this recommendation. A committee member who is on the staff of the Downtown Brooklyn Partnership, which has advocated for a reduction in the parking minimums, recused himself from voting.

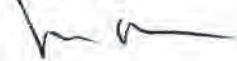
Community Board 2 voted unanimously on June 13, 2012 to authorize the Executive Committee to act as a committee of the whole while the board is on summer recess.

At the Land Use Committee meeting, I asked if there was a mechanism by which excess garage capacity could become a resource for parking the official and placarded vehicles that clog the streets of Downtown Brooklyn. Ms. Kapur generously offered to bring this question back to the Department of City Planning. I am reiterating my comment and look forward to learning the agency's thoughts on this issue.

Amanda M. Burden, FAICP
Chair, City Planning Commission
July 24, 2012
Page 2

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Dew', with a stylized flourish at the end.

John Dew

cc: Hon. Marty Markowitz
Brooklyn Borough President
Hon. Stephen Levin
Hon. Letitia James
New York City Council
Purnima Kapur, Brooklyn Borough Director
Department of City Planning
Tucker Reed, President
Downtown Brooklyn Partnership

JD:RP

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

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 #: 120384 ZRK

Downtown Brooklyn Parking Text Amendment

In the matter of applications submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Text to the Special Downtown Brooklyn District to a) remove accessory parking requirements for affordable housing units; b) reduce accessory parking requirements for market-rate housing units; and, c) provide greater flexibility for public parking garages.

COMMUNITY DISTRICT NO.

2

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE

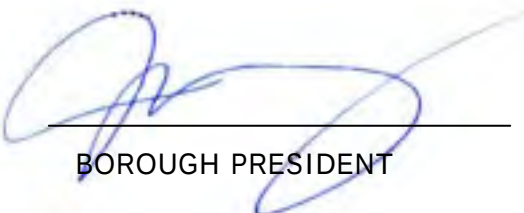
☒ APPROVE WITH

MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH

MODIFICATIONS/CONDITIONS


BOROUGH PRESIDENT

August 13, 2012

DATE

RECOMMENDATION FOR THE PROPOSED ZONING TEXT AMENDMENT FOR PARKING REGULATIONS – DOWNTOWN BROOKLYN 120384 ZRK

The proposed text amendment to amend the Special Downtown Brooklyn District (SDBD) Zoning text would reduce parking requirements for new market-rate housing to better match current demand by Downtown Brooklyn residents. The amendment would also remove parking requirements for affordable housing to encourage the development of affordable housing units in mixed income buildings. It would also provide more options for the location of off-street parking and the use of accessory parking garages in Downtown Brooklyn, while also providing design controls to reduce pedestrian vehicle conflicts. Below-grade public parking garages would be allowed to be constructed as-of-right when not exceeding 225 parking spaces. Garage entry standards would address on-street congestion by promoting pedestrian safety through requiring stop signs and speed bumps at exits, and enhancing streetscapes. For public parking above-grade, the special zoning permit would ensure that such garages are compatible through use of materials and articulation in the context of the surrounding area. Additionally, standards for automated garages would be established.

Public Hearing

On July 25, 2012 the Borough President held a public hearing on the proposed actions. The Borough President made mention of that parking usage studied for this proposal did not take into account the opening of the arena and its residential component, as well as the new cultural buildings. With a number of hotels also still in the planning stages, the Borough President expressed optimism that the figures used to represent parking utilization will hold true moving forward. The representative for the Department of City Planning (DCP) responded that excess capacity exists today and that it is expected for two-thirds of the public garages to remain.

Six speakers presented testimony which expressed the views of many who have or will be developing in Downtown Brooklyn. Many of the speakers testified that some action should be taken to address the mismatch between residential usage of parking and zoning requirements. Overall support was given for the proposal in light of the current parking utilization in the Downtown. During public testimony, it was remarked that making these actions retroactive should be part of the proposal. It was further suggested that through retroactive allowance the ability to convert unused and underutilized parking areas in existing buildings into useful and productive spaces can be a benefit the community.

CONSIDERATION

It is the Borough President's policy to promote the continued development of Downtown Brooklyn as a center for employment, learning, tourism and as a vibrant 24/7 residential community. One of the Borough President's primary concerns however, is that too many of the borough's resident's leave because they can no longer afford to live in Brooklyn. When evaluating land use actions, the Borough President shows great support to those actions that may facilitate an increase in the supply of housing for Brooklyn residents, especially when such actions may facilitate the development of affordable housing. It is the Borough President's firm belief that developers should provide housing for those who are being priced out of Brooklyn. He believes that plans to grow the residential housing stock of a neighborhood are deficient when they do not increase or preserve the supply of affordable housing.

The proposed zoning text amendment would eliminate parking requirements for affordable housing units, thus the cost of providing affordable housing in new developments are expected to be reduced. As a result, developers who might have been reluctant to include affordable housing, due to the added cost of providing parking for 25 percent of the affordable dwelling units, might be more willing to utilize the Inclusionary Housing program.

With a reduced requirement for parking, more floor area could be devoted to lively street-level use. It is also the Borough President's policy to assure that there is sufficient public access to Downtown Brooklyn through multiple means of transportation. The proposed measure makes it somewhat easier to provide public parking though at the same time it is dependent on redevelopment of sites that currently provide such parking.

Developers of new residential buildings have reported that parking utilization rates have been significantly lower than capacity on weekends and the evening. DCP believes its proposal better matches the demand for residential parking. Reducing parking would likely reduce development costs as it might decrease the depth of excavation (reduce sub-cellar construction). In at least three cases along the south side of Schermerhorn Street, accessory parking would have to be accommodated on sites predominantly above subway tunnels. In light of this proposal, the Borough President has the following concerns: the appropriate amount of parking that should be required for market-rate developments; the lack of consideration for expanding bicycle parking; limitation of opportunities to provide off-site parking and public parking; and the lack of incentives to provide affordable housing and housing for active mature adults. Therefore he has several recommendations that he believes would improve the proposal.

PARKING FAIRNESS

Weekday morning parking is well utilized by commuters and visitors, thus when combined with residents leaving their cars parked during these times, parking facilities are averaging over 80 percent utilization. As surrounding areas were primarily developed before the automobile was invented, there is little off-street parking inventory in these areas, thus Downtown Brooklyn and its surrounding parking lots play a role in addressing demand from these surrounding communities.

Though some of the more prominent recently constructed buildings such as Avalon Fort Greene, The Brooklynier and 80 DeKalb are reporting weeknight and weekend parking usage significantly below the provided parking, their weekday utilization demonstrates daytime demand. If the building constructed during the last decade had provided parking according to the proposed text amendment then Downtown Brooklyn would have approximately five percent less capacity.

As the accessory parking requirements exist, the lower residential density (C6-1; C6-1A and R7-1/C2-4) zoning districts each require 50 percent parking for sites greater than 15,000 square feet, while the higher density (R8A/C2-4, C5-2A, C5-4, C6-4, C6-4.5) zoning districts require 40 percent for such sites. By recommending a reduction to 20 percent for all districts within the SDBD, the proposed text amendment would provide a much greater benefit to these lower density districts.

Of the districts that require 40 percent parking, the R8A/C2-4 zoning district has a residential FAR of 6.02 while the other zoning districts have a residential FAR of 10. That means that on

the same property these districts can provide nearly 70 percent more zoning floor area and likely requiring 70 percent more parking spaces within the same footprint. This creates an economic burden because solving the additional parking load in the same footprint requires any combination of deeper excavation, displacement of ground floor retail opportunities or building more above grade volume. While the Zoning Resolution seems to make such accommodations between the lowest density districts on up through R8 districts, this did not continue this pattern for R9 and R10 residential densities. This is counterintuitive when considering the fantastic concentration of subway stations and routes in Downtown Brooklyn where these R10 commercial equivalent districts have been mapped.

Therefore, the Borough President supports DCP in proposing to reduce parking requirements for R10 commercial equivalent zoning districts in the SDBD. However, the Borough President believes that DCP needs to better account for weekday public parking availability to continue the success of Downtown Brooklyn. We should not make future plans based on initial trends of the past decade of development. Planning needs to consider that renters will be followed by owner-occupants and the no-child households will likely mature into family households that will view access to automobiles in a different light. There is a need to take into consideration those residents that prefer car ownership for work and recreational means due to its convenience in light of where public transportation is inadequate for the intended journey. Accessory parking requirements need to also recognize the difficulty faced by such residents, in terms of finding convenient on-street parking, as there are few streets within the SDBD that permit more than overnight parking. There is already significant demand for curb-side parking in the surrounding Brownstone Brooklyn neighborhoods. By not adequately providing for new residents, there would be increased demand for curbside spaces in these surrounding neighborhoods as residential growth continues in Downtown Brooklyn. While primarily a resource for residents of new high-rise residential buildings, such parking facilities may also accommodate neighboring residents who seek secured off-street parking.

In taking all of this into consideration, the Borough President believes that the market rate parking requirement for high-density (C5-2A, C5-4, C6-4 and C6-4.5) zoning districts should be changed from 40 percent parking rate to 30 percent.

While the Borough President believes that some reduction in parking capacity is warranted, he believes that the text amendment has neglected the population that does not own cars, especially those that own bicycles. Given Downtown Brooklyn's proximity to surrounding Brooklyn neighborhoods and to parts of Manhattan, connected by lanes dedicated to bike travel, it is only logical to suspect that such households would be more reliant on bicycles than automobiles for certain journeys. Most buildings today are not replicating the large square-footage of apartment buildings from prior eras. Accommodating bicycles in smaller apartments can be a challenge. In January 2009 the Borough President applauded DCP for taking the initiative to facilitate a bicycle parking requirement for new development. He believed then and still does, that this is an important city issue that benefits New York City residents.

Therefore in order to best plan for future occupants within Downtown Brooklyn he believes that such reduction in accessory parking requirements must be predicated on increasing bicycle parking standards by 50 percent.

The Borough President believes that changing standards for new developments unfairly penalizes the recent wave of new residential development subsequent to the July 2001 establishment of the SDBD. It was the developers of these buildings that had to believe in the

potential of Downtown Brooklyn as a 24/7 housing marketplace to embrace the neighborhood's potential, building on the strength of being in proximity to its surrounding desirable neighborhoods of Brownstone Brooklyn. The next generation of development is building on the initial success of these risk-takers. It does not seem fair to propose a benefit for those who are entering this established market while neglecting those who had faith in growing Downtown Brooklyn as Brooklyn entered this millennium. By making the amendment retroactive, prior developments might be able to convert above grade parking areas to uses such as retail to further enliven the pedestrian realm of Downtown Brooklyn. In addition, building owners would be able to use existing parking as a financial commodity to meet the parking requirements of proposed development. Therefore, the Borough President believes that the amendment should be made applicable in a retroactive manner for developments subsequent to the establishment of the SDBD.

In addition to the proposed amendments broadening of where off-site parking opportunities would be applicable (such as in public parking garages including the Willoughby Square garage), the Borough President believes that there should be additional means in the adopted text amendment to achieve off-site parking. Certainly making these regulations applicable to post-SDBD developments is one means. In addition, this should be accomplished by making applicable the off-site parking opportunities through Joint-facilities zoning text provision, which should be expanded to any Commercial Zoning District within the SDBD but for the Atlantic Avenue sub-district. This way sites that can more readily accommodate a larger number of parking spaces than what would be required would have additional financial incentive to provide such parking.

INCENTIVIZING PROVISION OF PUBLIC PARKING

The proposed zoning text amendment will permit additional opportunities to provide public parking by creating a more flexible set of regulations. In practical terms, there is little difference in the SDBD between accessory parking which, outside of the 18 partial or full blocks with zoning designations of C5-2A or C5-4, can be rented by the hour, week or month to anyone provided that a resident of the building does not want to lease the space at market-based pricing. For the C5-2A or C5-4 zoned blocks, short term parking in accessory garages would be made available in new developments. Given the existing level of development, the environmental assessment merely indicates that one site would likely benefit from the flexibility of the text amendment proposal in the near term and perhaps one additional site might also redevelop with the benefit of this flexibility.

Much of the public parking lots in the SDBD and its surroundings are also considered as development sites and therefore, this inventory of parking is likely to disappear. While such parking lots in the SDBD are likely to provide some accessory parking and in a few instances, public parking spaces, it is envisioned that development of these public parking lots would result in a net loss of public parking inventory. 865 accessory and public parking spaces are projected in the SDBD in the next ten years, with the potential for another 1,400 parking spaces possibly in the future beyond that in the SDBD, as well as some parking in new buildings that are likely to replace the surrounding public parking lots. Meanwhile, it seems that 2,700 spaces might be lost due to redevelopment of parking lots in the SDBD and its surroundings, combined with some additional demand for using parking spaces, especially for spaces accessory to residential developments. Thus, daytime utilization would be expected to substantially increase above the approximate 80 percent utilization now occurring unless there is adequate enticement for developers to furnish more public parking.

The Borough President believes that more must be done to make it more appealing to developers to provide public parking inventory. The text amendment rightly set standards to support development of automated parking systems, though, such systems work best when providing larger facilities. Sometimes such facilities then would make sense to be above grade and be in excess of 225 as-of-right public parking spaces. Unfortunately, this triggers substantial public review in order to be granted a Special Permit from the City Planning Commission. For developments where residential use is as-of-right, it would be expected that many developers would not want to be significantly delayed in order to accommodate the additional public parking, therefore some opportunities to harness development as a mechanism to provide a significant amount of public parking capacity might be lost. As for reservoir space associated with public parking garages, the standards seem arbitrary. To merely need three reservoir spaces when accommodating 50 public parking spaces, yet need five reservoir spaces for 51 public parking spaces seems to make it more difficult for a developer to attempt to increase the public parking supply. To require 20 reservoir spaces for 200 cars, yet 10 for 200 also seems that this is not about properly mitigating the potential for congestion.

Therefore the Borough President believes that above grade public parking should be allowed pursuant to City Planning Commission Chair Certification in lieu of Special Permit, where there would remain ample means to address the compatibility of the materials and articulation of the proposed development. In addition the standards for required reservoir spaces should be uniform using five percent of the provided public parking spaces as the basis of calculation.

INCENTIVIZING PROVISION OF AFFORDABLE HOUSING

The proposed zoning text amendment would eliminate parking requirements for affordable housing units, thus the cost of providing affordable housing in new developments are expected to be reduced. As a result, developers who might have been reluctant to include affordable housing because of the added cost of providing parking for 25 percent of the affordable dwelling units, might be more willing to utilize the Inclusionary Housing program (IHP). While every little incentive helps, the Borough President believes more incentives should be established to induce developers to provide affordable housing. He believes that the recommendation of CB 2 to link the reduction of required parking to 20 percent is an appropriate tool to promote affordable housing. Cost savings perhaps would amount to possibly another \$5,000 per market rate unit, when combined with: the proposal for no parking requirements for affordable housing, the 421-a benefit; the ability to use government financing and subsidies in the SDBD's R10 district commercial equivalent zoning districts (C5-2A, C5-4, C6-4 and C6-4.5); and, a 20 percent zoning floor area bonus, improves on the ability for a developer to guarantee that affordable housing would be included in developments. Therefore, he believes the proposed reduction of permitted parking to 20 percent of the market rate dwelling units should be modified. Maximum reduction should be linked to both the development including at least 20 percent affordable housing and where bicycle parking standards have been increased by 50 percent from standard zoning requirements. For C5-2A, C5-4, C6-4 and C6-4.5 accessory parking requirements should be reduced to 20 percent of the market rate units and for the lower density C6-1; C6-1A, R7-1/C2-4 and R8A/C2-4 zoning districts the reduction of accessory parking requirements should be to 30 percent of the market rate dwelling units.

Meanwhile, the Borough President continues to have interest in improving and expanding the IHP in the SDBD. In May 2009, as part of the Brooklyn Borough Board's Resolution distribution letter commenting on revisions to the IHP, the Borough President recommended that areas previously rezoned to encourage the production of housing that are not included in the IHP should be amended to incorporate this zoning incentive. In regards to Downtown Brooklyn, he noted that the joint application by the Departments of City Planning and Housing Preservation and Development would allow for a substantial increase in the number of affordable housing units on privately-developed sites by permitting developers for the first time to utilize public funding resources in combination with the floor area bonus. The Borough Board recommended for DCP to study the applicability of applying the IHP, as modified in May 2005, towards Downtown Brooklyn as a means of increasing the number of affordable units from the proposed 13 percent, pursuant to ZR 23-951 to 20 percent. It also believed that DCP should undertake further efforts to expand the number of areas where the IHP would be made applicable, including areas previously rezoned, to encourage the production of housing. Such areas in the SDBD are represented by C6-1; C6-1A, R7-1/C2-4 and R8A/C2-4 zoning district designations.

The Borough President fully understands that simply re-establishing districts as Inclusionary Housing designated areas slightly decreases the as-of-right floor area, though he believes if developers utilize the IHP there would be minimal financial implications to a developer.

Unfortunately the City's response has been reluctant to retroactively reduce as-of-right floor area. Still, the Borough President believes more than ever that a shift in City policy is warranted. Many sites in the SDBD experienced at least a doubling of residential development rights. In essence, the upzoning provided the opportunity for substantial financial gain when selling or redeveloping properties. If the City would be receptive to modifying the C5-2A, C5-4, C6-4 and C6-4.5 zoning districts to be Inclusionary Housing designated areas, there would still be a substantial amount of development potential than what it was prior to the 2004 rezoning (NOTE: pursuant to ZR 23-952, the base FAR for the R-10 districts and its commercial equivalents will drop to 9.0 FAR, which essentially is an as-of-right downzoning of 10%, though with 33% bonus, the market-rate floor area would return to 96% of what it is according to existing zoning).

By utilizing the IHP, twenty percent of the floor area derived from the bonus can be used for market rate development, yielding a sum of 9.6 FAR (96 percent) as compared to the 10.0 existing today, a negligible reduction. Meanwhile, with 12.0 FAR achievable, the results would increase the supply of permanent affordable housing while having an almost identical outcome of market-rate units. In addition, developments would qualify for 421-a benefits and developers would be both eligible for government financing and subsidies, along with the additional reduction in required parking for market rate units as recommended by the Borough President as part of the Downtown Brooklyn Parking Text Amendment.

The Borough President believes that DCP should proceed with an application for a zoning text amendment to establish Inclusionary Housing designated areas for the existing C6-1, C6-1A, C6-2, R7-1/C2-4, R8A/C2-4, C5-2A, C5-4, C6-4 and C6-4.5 Zoning Districts within the SDBD, pursuant to the base floor area standards and maximum floor area standards of ZR 23-952.

Active Mature Adult Housing

The Borough President believes that too many mature, active individuals and couples age 55 and over do not have sufficient local options for living in a development designed and marketed

to such populations. Without decent local options, too many constituents relocate to age restricted communities outside of New York City, taking their disposable income with them. The Borough President believes that Downtown Brooklyn is a choice location to design and market to active mature households with interest in developments providing on-site fitness amenities as well as being in proximity to Brooklyn's cultural center, featuring the Brooklyn Academy of Music, the Barclay's Center, Theater for a New Audience and more. The convenience of the area's transportation, shopping and restaurants perfectly compliment such an active lifestyle among those 55 and older.

The Borough President feels strongly that there is a need to promote age 55 and over housing stock as insufficient housing options make it difficult for such individuals to remain in the City. He believes that marketing to the active 55 years and older community would be a model for success, though understands there are risks to limit the universe of renters or purchasers which has contributed to the lack of venturing by the development community. Because developers would have a reduced sales or rental market and thus might not sustain as high a sales or rental price if the building were not age restricted, it just may well be that the marketplace warrants an incentive to be provided to jumpstart building for this market segment. The Borough President believes that it is important for City policy to recognize the flow of disposable income leaving the City and to consider initiatives that provide more options for such households to remain. Therefore, he believes that it is appropriate public policy to entice the development community to consider building for this housing segment. Consideration should be given to establishing a zoning bonus consistent with the floor area bonus standards of the IHP, though without regard for affordability. He calls on DCP to undertake a study to establish a zoning bonus.

Follow-Up Corrective Actions

The Borough President is aware that some of his requests are beyond the scope of the extent that the City Planning Commission or City Council is permitted to modify the applications as certified for public review. In order to ensure that his recommendations regarding: accessory parking; improving bicycle parking standards; encouraging the provision of public parking; and, promoting affordable housing development and active lifestyle for age 55 and older housing are all addressed, some of these recommendations are expected to require additional land use action. In order to accomplish the best possible plan for SDBD and neighboring Brownstone Brooklyn, the Borough President urges the Administration to commit to the City Council that DCP would certify, within one year, applications to amend the zoning map and text in order for The City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President that are technically beyond the scope of review for application number 120384 ZRK.

RECOMMENDATION

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve based on the following recommendations:

1. Change the Market Rate Parking Requirement for High-Density Districts (C5-2A, C5-4, C6-4, C6-4.5) from 40% parking rate to 30%, retroactive to establishment of the Special Downtown Brooklyn District, where bicycle parking standards have been increased by 50 percent.

Zoning Resolution Should Be Modified As-Follows:

- For ZR 101-51 “Minimum Parking Requirements” sub-section (a) pertaining to accessory parking spaces be restricted to C5-2A, C5-4, C6-4, C6-4.5 Districts and shall require accessory off-street parking spaces for at least 30 percent of the total number of new dwelling units provided that bicycle parking pursuant to ZR Section 36-711 is increased by 50 percent.
 - For ZR 36-71 “Required Bicycle Parking Spaces” as further clarified by ZR 36-711 “Enclosed bicycle parking spaces,” bicycle parking spaces required in relationship to the specified unit of measurement should be modified by a new section within Article 10, Chapter 1, which would require one bicycle parking space for every 1.5 dwelling units in C5-2A, C5-4, C6-4, C6-4.5 Districts and where the parking rate is decreased due to the provision of qualifying affordable housing in C6-1; C6-1A, R7-1/C2-4 and R8A/C2-4 Districts.
 - For ZR 101-51 “Minimum Parking Requirements” that a development obtaining an initial construction permit from the Department of Buildings subsequent to the July 26, 2001 establishment of the Special Downtown Brooklyn District, such developments would be permitted to re-file to reduce accessory off street parking spaces that were required under the applicable provisions of the zoning district regulations in effect prior to (date of adoption) provided that zoning standards established on (date of adoption) are met and that parking spaces in excess to remain are eligible to satisfy off-site requirements for new developments pursuant to the Joint-facilities section.
2. Broaden applicability of off-site parking opportunities through Joint-facilities being expanded to any Commercial Zoning District within the Special Downtown Brooklyn District but for the Atlantic Avenue sub-district

Zoning Resolution Should Be Modified As-Follows:

- For ZR 36-42 “Off-Site Spaces for Residences” as further clarified by ZR 36-421, the maximum distance from zoning lot to where off-site accessory parking would be permitted to locate, should be modified by a new section within, Article 10, Chapter 1, which would permit off-site parking opportunities through Joint-facilities being expanded to any Commercial Zoning District within the Special Downtown Brooklyn District but for the Atlantic Avenue sub-district.
 - For ZR 101-542 “ Off-site accessory parking spaces in public garages,” Section 36-57 (Accessory Off-Street Parking Spaces in Public Garages) shall be further modified to permit, as required, off-site accessory off-street parking spaces for any development within the Special Downtown Brooklyn District, such public parking spaces may be located in any public parking garage, including such public parking garages established where a development obtained an initial construction permit from the Department of Buildings subsequent to the July 26, 2001 establishment of the Special Downtown Brooklyn District and, re-filed to reduce accessory off street parking spaces, re-classifying such existing spaces as public parking.
3. Allow above grade public parking pursuant to City Planning Commission Chair Certification in lieu of Special Permit and unify reservoir space standards.

Zoning Resolution Should Be Modified As-Follows:

- For ZR 101-546 “Special permit for public parking garages” should be modified to be a Certification by the Chairperson of the City Planning Commission.
 - For ZR 101-53 “Reservoir Spaces” subsection (a) “Attended parking facilities” sub-sub-sections 1-4 should be combined to require the number of reservoir spaces to be five percent of the total number of parking spaces up to a maximum of 50 reservoir spaces.
4. Allow further reduction to a 20 percent accessory parking rate; and for C6-1; C6-1A, R7-1/C2-4 and R8A/C2-4 to 30 percent, where bicycle parking standards have been increased by 50 percent when development includes at least 20 percent affordable housing.

Zoning Resolution Should Be Modified As-Follows:

- For ZR 101-51 “Minimum Parking Requirements” include a new subsection (c) pertaining to accessory parking spaces being able to be permitted to be further decreased provided that 20 percent of the residential floor area be developed consistent with provisions of the Inclusionary Housing requirement of ZR 23-90, the percentage as follows: C5-2A, C5-4, C6-4, C6-4.5 Districts shall be reduced to 20 percent; and C6-1; C6-1A, R7-1/C2-4 and R8A/C2-4 where bicycle parking standards have been increased by 50 percent, reduced to 30percent.

Be it further Resolved that:

1. The Department of City Planning should proceed with an application for a zoning text amendment to establish Inclusionary Housing designated areas for the existing C6-1, C6-1A, C6-2, R7-1/C2-4, R8A/C2-4, C5-2A, C5-4, C6-4 and C6-4.5 Zoning Districts within the Special Downtown Brooklyn District, pursuant to ZR 23-952.
2. The Department of City Planning to undertake a study to establish a zoning bonus to promote development for those 55 and over, consistent with the affordable housing bonus, though without regard for affordability, as a means to entice developers to build active mature adult housing stock.
3. The Administration shall commit to the City Council to have the Department of City Planning certify, within one year, applications to amend the zoning map and text in order for The City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President that are technically beyond the scope of review for application number 120384 ZRK.