



IN THE MATTER OF an application submitted by 446-448 Park Avenue Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-1 District to an M1-4/R6A District property bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue; and
2. establishing a Special Mixed Use District (MX-4) bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue.

as shown on a diagram (for illustrative purposes only) dated July 11, 2022, and subject to the conditions of CEQR Declaration E-681.

This application for a zoning map amendment was filed by the 446 – 448 Park Realty Corp. on March 23, 2022, to change an M1-1 zoning district to an M1-4/R6A zoning district. This application, in conjunction with the related zoning text amendment action (N 210333 ZRK), would facilitate the construction of a new six-story residential building containing 11 dwelling units, three of which would be permanently income-restricted, at 446 – 448 Park Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

RELATED ACTIONS

In addition to the zoning map amendment (C 210332 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 210333 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and establish a new Special Mixed Use District (MX-4) area

BACKGROUND

The applicant requests a zoning map amendment to change an M1-1 zoning district to an M1-

4/R6A zoning district, and a zoning text amendment to create an MIH area and extend a Special Mixed Use District (MX-4) area. The project area is comprised of nine tax lots (Block 1898, p/o Lots 35, 37, 38 and 7501 and Block 1899, p/o Lots 26, 27, 28,29 and 30) along the north-facing frontage of Park Avenue on two blocks at the intersection of Franklin Avenue and bounded by Park Avenue to the north, Skillman Street to the east, Myrtle Avenue to the south, and Kent Avenue to the west. The project area contains the development site (Block 1898, Lots 37 and 38), as well as seven portions or full lots not owned by the applicant.

The project area encompasses a portion of two blocks with a total area of 16,400 square feet. The project area encompasses the northeastern corner of Block 1898 at Park Avenue, a 70-foot-wide corridor and Franklin Avenue, a 60-foot-wide street. The project area has approximately 205 feet of frontage on Franklin Avenue and 80 feet on Park Avenue. On Block 1899, the project area encompasses the northwestern corner of the block at Park Avenue and Franklin Avenue.

The development site is a single zoning lot that contains approximately 3,256 square feet of lot area with 40 feet of frontage along Park Avenue. The development site is currently vacant. Lot 38 was previously improved with a legal non-conforming, three-story residential building originally built in 1905 but demolished in 2014 due to impaired structural integrity. Lot 37 was previously vacant as well. Within the project area outside of the development site, Block 1898, Lot 35 is improved with a legal non-conforming, three-story multi-family residential building with six residential units. Lot 7501 is improved with a six-story, multi-family residential building built in 2006 pursuant to a Board of Standards and Appeals (BSA) variance (96-03-BZ) with seven residential units. On Block 1899, Lots 26, 27, 28, 29 and 30 contain three- to four- story walk-up apartment buildings, ranging from two to three residential units, all of which are pre-existing non-conforming uses under the current zoning. Lot 29 contains a ground floor coffee shop and a fish market, which are conforming uses under existing zoning regulations.

The project area is located in the Northwest Bedford-Stuyvesant neighborhood of Brooklyn. Land uses within the surrounding area consist primarily of multi-family residential buildings with a mix of industrial and commercial uses. Light industrial uses, including warehouses,

furniture and kitchen manufacturing and office supplies, are located northwest of the project area, ranging in height from one to four stories. To the northeast, east, south and west, are primarily multi-family walk-up and elevator buildings ranging from two to seven stories in height. Several commercial buildings and mixed-use residential and commercial buildings are also dispersed within the surrounding area. There are several public and private schools located within the surrounding area.

The project area is located within the Transit Zone and five New York City Transit (NYCT) G-train subway stops are located within one mile. The closest stop is the B48, located within the project area on Franklin Avenue, which provides service to the G,L,J & M train (running from Prospect Lefferts Gardens to East Williamsburg). In addition, several bus lines serve the area, including the B54, B44, B62, B57 and B38 all running within approximately four to five blocks, providing connections to Downtown Brooklyn and surrounding neighborhoods. A Citi Bike station is located approximately 600 feet south of the project area. Approximately 900 feet northwest of the proposed project area is the Brooklyn-Queens Expressway, a major interborough highway that connects North Brooklyn to Queens

The project area is adjacent to the 2001 Flushing-Bedford Rezoning (C 000109 ZMK and N 000110 ZRK), which rezoned 15 blocks from M1-1, M1-2 and M3-1 zoning districts to R7-1 and M1-2/R6A zoning districts and created a new Special Mixed Use District (MX-4) in Brooklyn Community Districts 1 and 3 with the goal of accommodating new housing while allowing industrial and commercial uses in the proposed mixed-use district to continue operating.

The project area is north of the 2012 Bedford-Stuyvesant North Rezoning (C 120294 ZMK, N 120295 ZRK, and N 120296 ZRY) which rezoned all or portions of 140 blocks of Brooklyn Community District 3 to incentivize the development of affordable housing and map contextual residential zoning districts. Within 600 feet of the project area, the Myrtle Avenue commercial corridor was rezoned to an R7A/C2-4 zoning district to facilitate mixed-use medium density housing and to strengthen commercial activities.

The project area is approximately one block to the south of the to the Rose Castle Rezoning (C 160221 ZMK, N 160222 ZRK, May 10, 2017), which rezoned portions of two blocks to the north from an M1-2 zoning district to R7A/C2-4 and M1-2/R6A zoning districts to facilitate the development of two mixed-use buildings with approximately 300 dwelling units.

The area within a 600-foot radius of the project area is zoned M1-1, M1-2, M1-2/R6A (MX-4) and R7A/C2-4. M1-1 and M1-2 districts are manufacturing districts which permit commercial, light industrial, and select community facility uses, generally including retail uses, woodworking shops, repair shops, and wholesale service and storage facilities. All permitted industrial uses must meet M1 performance standards. The maximum permitted floor area ratio (FAR) is 1.0 for industrial and commercial uses and 2.4 for certain community facility uses. Required off-street parking varies by use, but one per 300 square feet is required for general retail uses and may be waived if fewer than 15 spaces are required.

The applicant proposes to develop a new six-story residential building with 11 dwelling units, three of which would be income restricted pursuant to MIH Option 1 and 2. The proposed development would have a built FAR of 3.49, totaling 11,373 square feet of floor area, and would be designed with a base height of 65 feet, followed by a 15-foot setback, before rising to an overall height of 85 feet. No parking is proposed.

To facilitate the proposed development, the applicant requests a zoning map amendment to change an M1-1 zoning district to an M1-4/R6A zoning district, which would encompass a depth of 80 feet south of Park Avenue, which aligns with the lot depths, and extend 105 feet to the west and 100 feet to the east of Franklin Avenue. M1-4/R6A is a mixed-use zoning district that pairs M1-4, a manufacturing district that supports a mix of low-rise commercial and industrial uses, with R6A, a medium density contextual residential district. Mixed-use zoning districts also have special regulations that enable residential and certain industrial uses to be located either side by side or within the same building. When mapped jointly with Inclusionary Housing areas, M1-4/R6A zoning districts allow a maximum FAR of 2.0 for industrial uses, 3.0 for community facility uses, and 3.6 for residential uses. Base heights are permitted to be between 40 and 65

feet, after which buildings must set back either 10 feet on a wide street or 15 feet on a narrow street. The maximum height of buildings is 85 feet (eight stories) with a Qualifying Ground Floor. Parking is generally required for 50 percent of the dwelling units and optional for income-restricted units in the Transit Zone.

In addition to the proposed zoning map amendment, the applicant requests a zoning text amendment to designate the project area as an MIH area mapped with Options 1 and 2 and map an MX-4. Option 1 requires that at least 25 percent of the residential floor area be provided as housing affordable to residents with household incomes averaging 60 percent of the Area Median Income (AMI), including a 10 percent band at 40 percent of the AMI. Option 2 requires that at least 30 percent of the residential floor area be provided as housing affordable to residents with household incomes averaging 80 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 210332 ZMK), in conjunction with the related application for zoning text amendment (N 210333 ZRK), were 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 21DCP094K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on July 11, 2022. 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-681). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 210332 ZMK) was certified as complete by the Department of City Planning

on July 11, 2022 and duly referred to Brooklyn Community Board 3 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 210333 ZRK), which was referred for information in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 3 held a public hearing on this application (C 210332 ZMK) and the related actions for a zoning text amendment (N 210333 ZRK) on October 10, 2022, and on October 10, 2022, by a vote of 23 in favor, nine in opposition, and one abstaining, adopted a resolution recommending approval of the application with the following condition that the project use MIH Option 1.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 210332 ZMK) and the related action for a zoning text amendment (N 210333 ZRK) on October 25, 2022, and on November 2, 2022 issued a recommendation to approve the application with the following conditions:

- "1. That prior to consider by City Council, 446-448 Park Avenue Realty Corp commit to:
 - a. Provide MIH units within the proposed development, with a minimum of 10 apartment reflected in the applicant's filed building plans
 - b. Retain a qualified administering agent for the 446-448 Park Avenue MIH lottery
 - c. Incorporate resiliency and sustainability measures, such as blue/green roofs, passive house design, and/or onsite energy generation
 - d. Coordinate with DEP, DPR, and DOT to install a rain garden on Park Avenue as part of a Builder's Pavement Plan in consultation with CB 3 and the local Council Member
 - e. Retain Brooklyn-based contractors/suppliers, and provide employment opportunities to area residents

Be it Further Resolved

2. That DCP initiate an area-wide study of land use and zoning patterns in this section of Bedford-Stuyvesant with input from CD 3 and local elected officials."

City Planning Commission Public Hearing

On October 26, 2022 (Calendar No. 2), the City Planning Commission scheduled a public hearing on this application (C 210332 ZMK) and the related zoning text amendment (N 210333 ZRK). The hearing was duly held on November 9, 2022 (Calendar No. 9). There were five speakers in favor of the application and none in opposition.

The applicant's attorney spoke in favor of the application, providing an overview of the proposal, development site, and surrounding context. He also described the history of the site, noting past uses and current vacancies.

He stated that the adjacent M1-2/R6A boundaries would be extended to include the project area while pairing an M1-4 zoning district with the R6A district and explained that this boundary expansion will bring all lots included into conformance. He stated that the nine lots that have residential uses would be brought into conformance with the extension of the R6A district, and that all lots would maintain compliance, other than Lot X, which has a BSA variance.

He stated that, given the lot size and proposed square footage, the number of income-restricted units is not mandated, though the applicant has committed to provide three income-restricted housing units. He also stated that the applicant intends to incorporate resiliency and sustainability measures as required to acquire tax abatements and local law 92 and 93.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the zoning map (C 210332 ZMK), in conjunction with the related application for a zoning text amendment (N 210333 ZRK), is appropriate.

Together, these actions will facilitate the development of a new six-story residential building at 446-448 Park Avenue with 11 apartments, three of which will be permanently income-restricted.

The Commission believes that this proposal will facilitate new mixed-income housing in a walkable, transit-accessible area, while complementing the mixed-use character of Park Avenue, and bringing adjacent pre-existing residential uses into conformance with zoning.

The Commission believes the proposed M1-4/R6A zoning district is appropriate given the surrounding context and land use conditions. The project area is a suitable location to accommodate much-needed housing, situated near five subway stations within one mile and along several major bus routes, which provide access to major regional job centers such as Downtown Brooklyn and Long Island City. Park Avenue serves as a primary east-west connection across the northwest portion of Bedford Stuyvesant, linking portions of the neighborhood to the Brooklyn-Queens Expressway and Downtown Brooklyn. The M1-2/R6A zoning district mapped adjacent to the project area has since permitted multi-family residential buildings from four- to eight-stories in height since the 2001 rezoning.

The Commission also recognizes that the uses within the project area are predominantly residential, in divergence with the existing M1-2 zoning district, which does not permit new residential uses. The proposed zoning better matches the current residential character and will bring these homes into compliance with zoning, enabling owners to make much-needed improvements, gain access to financing, and enlarge, or redevelop over time. The remaining non-complying lot within the project area will remain unaffected. Further, the M1-4/R6A zoning will allow an existing coffee shop and fish market within the project area to remain a conforming use, while permitting a wide range of light industrial and commercial uses to either locate side-by-side or in the same building, consistent with the corridor's mixed-use character. The M1-2 zoning mapped across the project area in 1961 did not take into consideration the mixed-use local conditions and any of the residences that pre-date zoning, and it has not been updated in over 60 years. There is a substantial presence of industrial manufacturing uses located east of the project area, between Spencer Street and Nostrand Avenue. The type of developments facilitated by the existing M1-1 zoning district is inconsistent with the small lot sizes located within the project area along the south side of Park Avenue within the primarily residential area.

Regarding the proposed zoning district boundary, the Commission believes that the boundary was carefully drawn to expand the existing MX-4 district boundary to the west while replacing the M1-2 district with an M1-4 district. The M1-2 zoning district is unsuitable for the project area, as the requirements were designed to accommodate the historical auto-centric uses and larger lot sizes that can accommodate these parking requirements.

The Commission believes that the zoning text amendment (N 210333 ZRK) to Appendix F to create a new MIH area coterminous with the project area and establish a Mixed Use District are appropriate. The MIH area will ensure that a portion of future residential development be designated as permanently income restricted. With respect to the community board's recommendation to adjust the MIH option, the Commission notes that the applicant is considering an adjustment to Option 1.

The MIH text amendment is also aligned with citywide objectives outlined in *Housing New York* and *Where We Live*, New York City's HUD-mandated report that outlines goals and strategies to affirmatively further fair housing.

Regarding the borough president's recommendation to provide MIH units within the proposed development, the Commission note that this request is beyond the scope of the application but supports the creation of additional income-restricted housing in this area.

Regarding the borough president's recommendation to retain a qualified administering agent for the 446-448 Park Avenue MIH lottery and for the retention of Brooklyn-based contractors in the proposed development, the Commission supports this recommendation but recognizes it is beyond the scope of the application.

Regarding the borough president's recommendation to incorporate resiliency and sustainability measures and install rain gardens, the Commission notes that the applicant has committed to addressing sustainable and resilient measures but recognizes that is beyond the scope of the application. The Commission appreciates that the applicant has shared their plans to incorporate solar and photovoltaic panels on site, low-flush toilets, LED lighting, investigating the use of renewable energy and providing an all-electric building.

Regarding the borough president's recommendation to coordinate with DEP, DPR, and DOT to install a rain garden on Park Avenue as part of a Builders Pavement Plan in consultation with CB 3 and the local Council Member, the Commission supports interagency coordination to ensure the best rain garden practices but recognizes it is beyond the scope of the application.

Lastly, with respect to the Borough President's recommendation that the Department of City Planning initiate an area-wide study of this industrially-zoned section of Bedford-Stuyvesant, the Commission appreciates the Department's willingness to engage with the community board and initiate conversations to better understand their issues, goals, and priorities for this area.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on April 25, 2022 with respect to this application (CEQR No. 21DCP094K), 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. 12d:

1. changing from an M1-1 District to an M1-4/R6A District property bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue;
2. establishing a Special Mixed Use District (MX-4) bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue.

as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-681.

The above resolution (C 210332 ZMK), duly adopted by the City Planning Commission on December 14, 2022 (Calendar No. 4), 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.

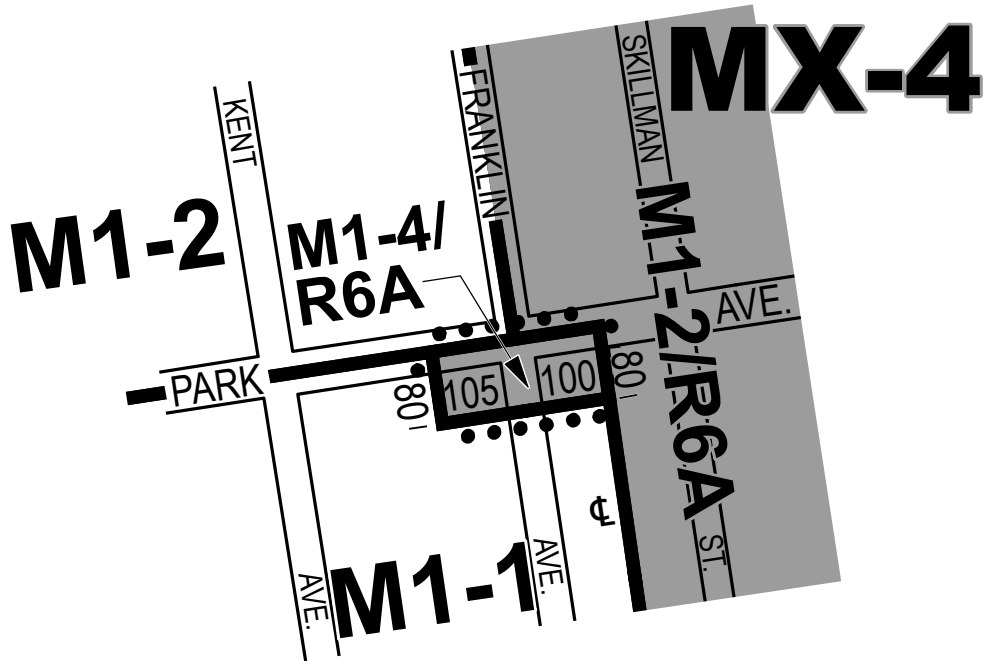
DANIEL R. GARODNICK, Esq., *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

GAIL BENJAMIN, LEILA BOZORG, JUAN CAMILO OSORIO,

ALFRED C. CERULLO, III, JOSEPH I. DOUEK, DAVID GOLD, ESQ., RASMIA

KIRMANI-FRYE, ORLANDO MARIN, RAJ RAMPERSHAD, *Commissioners*

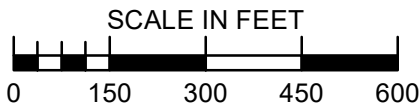


CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
12d
 BOROUGH OF
BROOKLYN



New York, Certification Date:
 July 11, 2022

S. Lenard
 S. Lenard, Director
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is rezoned from M1-1 District to M1-4/R6A (MX-4) District.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 446-448 Park Avenue Rezoning	
Applicant: Yoel Horowitz	Applicant's Primary Contact: Richard Lobel
Application # 210332ZMK	Borough:
CEQR Number: 21DCP094K	Validated Community Districts: K03

Docket Description:
 IN THE MATTER OF an application submitted by 446-448 Park Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d:

- changing from an M1-1 District to an M1-4/R6A District property bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue; and
- establishing a Special Mixed Use District (MX-4) bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated July 11, 2022, and subject to the conditions of CEQR Declaration E-681.

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 23	# Against: 9	# Abstaining: 1	Total members appointed to the board: 34
Date of Vote: 10/3/2022 4:00 AM		Vote Location: Via Web-Ex Video	

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

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: The CB3 Brooklyn Housing & Land Use Committee voted in favor of the application, but with one stipulation. Stipulation- The project must use Option 1.		
Recommendation submitted by	BK CB3	Date: 11/4/2022 9:14 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 446-448 Park Avenue Rezoning	
Applicant: Yoel Horowitz	Applicant's Primary Contact: Richard Lobel
Application # 210333ZRK	Borough:
CEQR Number: 21DCP094K	Validated Community Districts: K03

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 23	# Against: 9	# Abstaining: 1	Total members appointed to the board: 34
Date of Vote: 10/3/2022 4:00 AM		Vote Location: Via Web-Ex Video	

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

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: The CB3 Brooklyn Housing & Land Use Committee voted in favor of the application, but with one stipulation. Stipulation- The project must use Option 1.		
Recommendation submitted by	BK CB3	Date: 11/4/2022 9:14 PM



Brooklyn Borough President Antonio Reynoso
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City Planning Commission
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Uniform Land Use Review Procedure (ULURP) Application
446-448 PARK AVENUE REZONING – 210332 ZMK, 210333 ZRK

An application by 446-448 Park Realty Corp pursuant to sections 197-c and 201 of the New York City Charter affecting nine tax lots on the southeast and southwest corners of Park and Franklin avenues. The applicant seeks a zoning map amendment to change the project area from M1-1 to M1-4/R6A (MX), and a zoning text amendment to establish a coterminous MIH area. These actions would enable a six-story residential development with 11 units (3 affordable pursuant to MIH).

BROOKLYN COMMUNITY DISTRICT 3

RECOMMENDATION

APPROVE
 APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

BROOKLYN BOROUGH PRESIDENT

November 2, 2022

DATE

RECOMMENDATION FOR: 446-448 PARK AVENUE REZONING – 210332 ZMK, 210333 ZRK

An application by 446-448 Park Realty Corp pursuant to sections 197-c and 201 of the New York City Charter affecting nine tax lots on the southeast and southwest corners of Park and Franklin avenues. The applicant seeks a zoning map amendment to change the project area from M1-1 to M1-4/R6A (MX), and a zoning text amendment to establish a coterminous MIH area. These actions would enable a six-story residential development with 11 units (3 affordable pursuant to MIH).

Brooklyn Borough President Antonio Reynoso held a public hearing on this Uniform Land Use Review Procedure (ULURP) application on October 25, 2022. No members of the public testified on this item.

Community Board Position

Community Board 3 (CB 3) approved this application with conditions on October 3, 2022.

Approval Rationale

The proposed actions would facilitate an infill development with one, two, and three-bedroom units in the northwest corner of Bedford-Stuyvesant. The rezoning area, which covers several properties along a semi-industrial stretch of Park Avenue, includes multiple non-conforming buildings, most notably, 86 Franklin Avenue. This condition is prevalent in the underlying M1-1 district, which spans roughly five and a half blocks between Steuben and Skillman streets.

The immediate context is defined by Park Avenue, which functions as a conduit for the Brooklyn Queens Expressway (BQE) up to Classon Avenue, and Brooklyn Navy Yard (BNY), an Industrial Business Zone (IBZ) located a quarter mile northwest of the project site. The neighborhood receives a large volume of (local and through) truck traffic, and pedestrian injuries occur commonly along Park Avenue crossings. These conditions pose a challenge to the safety of area residents, workers, and students.

The surrounding area contains a mix of low-density residential, commercial, and manufacturing uses. Given growing demand for new, income-restricted housing in this section of CD 3, Borough President Reynoso believes the applicant's proposed bulk on Park Avenue is appropriate. Designating the non-residential portion of the block as an MIH area would promote permanently affordable housing in a transit-rich area near major job centers.

While Borough President Reynoso generally supports this application, given the project's limited size, he feels it's important to maximize the development's public purpose. Accordingly, he seeks the following commitments, as a condition of approval: onsite provision of affordable housing, retention of a nonprofit administering agent, incorporation of resilient and sustainable design, and a local hiring campaign.

Ensuring MIH Development

The proposed development's primary public benefit lies in the MIH obligation to provide affordable housing (with the number of units determined by the selected MIH option). However, as the bedroom mix is tilted toward family-sized apartments, the applicant may elect to build fewer units, and thereby avoid triggering the MIH obligation.

Mapping medium-density residential use (even as part of an MX district) where housing is not permitted results in a windfall of development rights. The Borough President does not believe that M1-1 zoning should be sacrificed to facilitate a fully market-rate building. Such an outcome would represent a failure of city planning policy, and a lost opportunity to create income-restricted units. It would also contradict the applicant's racial equity assessment, which claims that this project will affirmatively advance affordable housing. Therefore, the Borough President seeks an enforceable

commitment that 446-448 Park Avenue would be constructed with no fewer than 10 units, reflected in the applicant's filed and approved building plans.

Engaging A Non-Profit Administering Agent

An administering agent is responsible for ensuring that inclusionary housing complies with the regulatory agreement that governs the development's affordable housing plan. Borough President Reynoso believes that affordable housing non-profits are best positioned to maximize local participation in MIH lotteries. CD 3 is served by several entities that regularly act as administering agents for inclusionary housing projects. These organizations have the knowledge and capacity to conduct targeted outreach, marketing, and education in Bedford-Stuyvesant. Therefore, prior to consideration by City Council, 446-448 Park Realty Corp should identify and retain a qualified administering agent for the affordable housing lottery.

Advancing Sustainability and Resiliency

Borough President Reynoso believes that energy-efficient and environmentally sustainable buildings help mitigate climate change. Local Laws 92 and 94 of 2019 require most new construction to incorporate a green roof and/or a solar installation. Developers are increasingly pursuing impactful strategies such as passive house design and onsite energy generation.

Accordingly, 446-448 Park Realty Corp should seek City and State incentives to offset costs associated with the provision of green and solar roofs. The New York State Energy Research and Development Authority (NYSERDA) manages various programs to promote building efficiency. New York City offers the Green Roof Tax Abatement and the Green Infrastructure Grant Program, administered by DEP.

Borough President Reynoso advocates stormwater management practices that support DEP's green infrastructure strategy and reduce burdens on its wastewater treatment plants. The proposed project provide opportunities to install a rain garden, as part of the required Builders Pavement Plan (BPP). Therefore, prior to City Council review, 446-448 Park Realty Corp should seek input from CB 3 and the local Council Member to develop a stormwater management strategy.

Maximizing Local Jobs

According to the NYU Furman Center, double-digit unemployment remains a pervasive reality across Brooklyn, with more than half the community districts reporting poverty rates of 20 percent or higher. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. One way to address the borough's economic crisis is to promote local hiring and Brooklyn-based businesses. Therefore, 446-448 Park Realty Corp should commit to retain area contractors and suppliers to provide employment opportunities to CB 3 residents.

Promoting Comprehensive Planning

The proposed actions would legalize multiple non-conforming properties within the rezoning area. According to the applicant, this result constitutes a beneficial outcome and valid rationale for approval. However, this condition points to a larger issue within the M1-1 district; at the Borough President's hearing, the applicant representative noted that 14 BSA-approved use variances have been issued in the area. Across CD 3, the BSA has granted approximately 60 variances to permit residential use in a manufacturing district. In some cases, such as the noted 86 Franklin Street, subsequent construction violated these approvals with excess bulk or illegal fenestration.

In short, actual land use within the M1-1 district no longer reflects the underlying zoning. The Borough President believes that this should be addressed through a comprehensive look at local development patterns and neighborhood needs, rather than sporadic private rezonings. He therefore calls on the Department of City Planning (DCP) to initiate an area-wide study, in concert with CB 3 and local elected officials, to identify opportunities for affordability, pedestrian improvements, and job creation. Such

examination should seriously weigh the opportunity costs of losing industrial land and increasing residential density in a mixed-use neighborhood.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 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 prior to consideration by City Council, 446-448 Park Realty Corp commit to:
 - a. Provide MIH units within the proposed development, with a minimum of 10 apartments reflected in the applicant's filed building plans
 - b. Retain a qualified administering agent for the 446-448 Park Avenue MIH lottery
 - c. Incorporate resiliency and sustainability measures, such as blue/green roofs, passive house design, and/or onsite energy generation
 - d. Coordinate with DEP, DPR, and DOT to install a rain garden on Park Avenue as part of a Builders Pavement Plan in consultation with CB 3 and the local Council Member
 - e. Retain Brooklyn-based contractors/suppliers, and provide employment opportunities to area residents

Be It Further Resolved

1. That DCP initiate an area-wide study of land use and zoning patterns in this section of Bedford-Stuyvesant with input from CB 3 and local elected officials.