



August 8, 2018 / Calendar No. 13

C 170213 ZMK

IN THE MATTER OF an application submitted by 57 Caton Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16d:

1. changing from a C8-2 District to an R7A District property bounded by Ocean Parkway, a line 150 feet northeasterly of East 8th Street, Caton Place, a line 50 feet northeasterly of East 8th Street, the southeasterly boundary line of a park and its southwesterly prolongation, and East 8th Street; and
2. establishing within the proposed R7A District a C2-4 District bounded by Ocean Parkway, a line 150 feet northeasterly of East 8th Street, Caton Place, and a line 50 feet northeasterly of East 8th Street;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of the CEQR Declaration E-461.

This application for a zoning map amendment was filed by 57 Caton Partners, LLC on December 27, 2016 to change a C8-2 zoning district to an R7A zoning district and to map a C2-4 overlay over a portion of the rezoning area. This application, in conjunction with the related action, would facilitate a mixed-use development at 57 Caton Place in the East Windsor Terrace neighborhood of Community District 7, Brooklyn.

RELATED ACTION

In addition to the zoning map amendment (C 170213 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 170214 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant proposes to change a C8-2 zoning district to an R7A zoning district on two adjacent lots located between Ocean Parkway and Caton Place, east of East 8th Street and west of Coney Island Avenue (Block 5322, Lots 1 and 4) and to establish a C2-4 overlay over one of those lots (Lot 4), in the Windsor Terrace neighborhood of Brooklyn Community District 7.

The existing C8-2 district was mapped in 1961 to reflect the mix of warehouse, auto-oriented commercial, and community facility uses that existed along Coney Island Avenue at that time. Parts of this commercial corridor still contain many automotive-related and warehouse uses, as well as some non-conforming residences.

The rezoning area is located at the northern end of the existing C8-2 district, adjacent to residential areas zoned R7A to the west and R8B to the north. Lot 1, located at the corner of East 8th Street and Ocean Parkway, consists of mapped parkland and contains a ramp leading to the East 8th Street/Sherman Street pedestrian overpass which spans Ocean Parkway. The lot is under the jurisdiction of New York City Department of Parks and Recreation (NYC Parks). No development is proposed on Lot 1, and it will remain as mapped parkland. Lot 4, the proposed development site, is located at 57 Caton Place and is a through lot with frontage on Caton Place and Ocean Parkway. Lot 4 contains a three-story building originally constructed as a roller-skating rink and was most recently used as a warehouse with three curb cuts and loading berths on Caton Place.

C8-2 districts permit commercial uses, including the existing warehouse, up to a floor area ratio (FAR) of 2.0 and some community facility uses including medical and religious facilities up to a 4.8 FAR. C8-2 districts are generally mapped in areas with automotive and other heavy commercial services that often require large amounts of land, including automobile showrooms and repair shops, warehouses, gas stations and car washes. No new residential uses are permitted in C8-2 districts. Bulk regulations allow buildings to be built to the front and side lot lines, with a 20-foot rear yard. Building heights are regulated by a sky exposure plane beginning at 60 feet, or four stories, above the street line. Off-street parking and loading facilities are required in C8-2 districts according to the type and size of the use.

The rezoning area is bordered to the west, across East 8th Street, by an R7A zoning district. The application would extend the existing R7A district eastward, across East 8th Street, over the project area (Block 5322, Lots 1 and 4). R7A is a medium-density district that allows residential buildings with a maximum FAR of 4.0 (4.6 with MIH) and a 90-foot height limit (95 feet if the building meets the qualifying ground floor condition, in which the start of the second story is 13 feet or more above sidewalk level). Off-street parking is required in R7A districts for 50 percent of all dwelling units, except for income-restricted housing units. A C2-4 commercial overlay is mapped to the south along Caton Avenue, allowing commercial retail uses on the ground floors of residential buildings up to 2.0 FAR.

The rezoning area is located within the Special Ocean Parkway District, which spans blocks surrounding Ocean Parkway between Coney Island and the project block. This special district was established in 1977 (CP-23284) for the purposes of preserving the historic intent and park-like character of Ocean Parkway as a connection between Prospect Park and the Atlantic Ocean.

The proposed zoning map amendment would map R7A and R7A/C2-4 districts over the project area. The C2-4 district would be mapped over Lot 4 only with frontage on Caton Place and Ocean Parkway's local access road, and it would allow for the development of local retail serving the East Windsor Terrace community such as a grocery store or café. The rezoning would facilitate the development of a nine-story, mixed-use building with approximately 107 residential units and approximately 10,000 square feet of ground floor local retail or community facility space fronting on Caton Place. As proposed, the development would include a qualifying ground floor of at least 13 feet, and the building would rise to a height of 95 feet with setbacks above the seventh story (a 10-foot setback along Ocean Parkway, a wide street, and a 15-foot setback along Caton Place, a narrow street). Twenty-five percent of apartments, or approximately 27 units, would be permanently affordable, pursuant to MIH Option 1. The building would also include below-ground off-street parking for approximately 74 cars. The development would include a 60-foot rear yard equivalent between two residential wings.

The surrounding neighborhood has been the subject of some other rezonings in recent years. In 2008, two lots to the west of the proposed project area (Block 5320, Lot 55 and a portion of Lot 46), were rezoned from R6 to R7A (C 050203 ZMK), facilitating the development of a seven-story residential building. In 2009, the East Windsor Terrace Rezoning (C 090197 ZMK) mapped R5B, R6A, and C2-4 overlay districts over five blocks immediately to the south of the subject block to reflect existing rowhouse and semi-detached development within East Windsor Terrace and the medium-density mixed-use character along Caton Avenue.

The neighborhood around the rezoning area is predominately developed with residential and community facility uses. The parcel immediately to the west of the rezoning area contains Kensington Stables, which provides equestrian instruction on-site and within Prospect Park. The stable facility was sold in early 2018 to a new private owner as part of a bankruptcy agreement. The new owner has stated a commitment to continue operating the stables for at least five years. There is a church and religious school to the east of the site and another church building, with accessory parking, immediately to the south. Residential buildings on the surrounding blocks include six- to eight-story elevator apartment buildings as well as low-rise multi-family housing and single-family homes. Coney Island Avenue and sites fronting on Machate (Park) Circle, to the east of the project area, contain some local commercial uses including a bank and gas station.

The rezoning area is well-served by public transit via the F and G subway lines. The closest subway station, the Fort Hamilton Parkway station, is located across the Prospect Expressway one block to the west and is accessible via a pedestrian path that rises from the north side of Ocean Parkway to cross a bridge over the Prospect Expressway. The area is also served by major arterial streets, including Ocean Parkway, a six-lane arterial street running from the project area to Coney Island, and the six-lane Prospect Expressway, running north to the Hugh Carey (Brooklyn Battery) Tunnel connecting Brooklyn and Manhattan.

Prospect Park provides access to 585 acres of open space within one block of the rezoning area and its Parade Grounds are located to the east. The Greenwood Playground is located across the Prospect Expressway, at East 5th Street and the Fort Hamilton Parkway, and is accessible via the pedestrian path described above. The Greenwood Cemetery is located seven blocks to the west.

In addition to the proposed rezoning, the applicant is proposing a zoning text amendment to modify Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) and Article 11, Chapter 3 (Special Ocean Parkway District) to designate an MIH area mapped with Option 1 coterminous with the rezoning area. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 170213 ZMK), in conjunction with the application for the related action (N 170214 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 17DCP100K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on March 12, 2018. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to air quality (E-461), as described below:

The (E) designation requirements related to air quality would apply to the following sites:

Block 5322, Lot 4 (Project Site)

The (E) designation text related to air quality is as follows:

Block 5322, Lot 4 (Project Site)

Any new residential and/or commercial development on the above referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) systems, and ensure that the northern wing HVAC stack is at least 129 feet away

from the lot line facing Caton Place, and the southern wing HVAC stack is at least 155 feet away from the lot line facing Ocean Parkway, to avoid any potential for significant air quality impacts.

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

UNIFORM LAND USE REVIEW

This application (C 170213 ZMK) was certified as complete by the Department of City Planning (DCP) on March 12, 2018, and was duly referred to Brooklyn Community Board 7 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 action (N 170214 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 7 held a public hearing on this application (C 170213 ZMK) on May 9, 2018. On May 16, 2018, by a vote of 26 in favor, none opposed, and one abstention, the Community Board voted to recommend approval of the application with the following conditions:

1. “The developer shall commit to limiting ground floor commercial overlay uses to neighborhood retail and service establishments. The developer shall not allow high vehicle traffic-generating uses to occupy the commercial space.
2. “We urge the Borough President, City Planning Commission and City Council to consider offering only MIH Options 1 and 3 for compliance with the affordable housing requirement, and to remove from consideration MIH Options 2 and 4, in order to create deep affordability across income bands down to 40% AMI.
3. “The developer shall commit to utilizing universal and inclusive design principles and shall ensure full accessibility and accommodations to seniors and persons with mobility, vision or hearing impairments.
4. “The developer shall commit to incorporating sustainable design practices and responsible landscape design, including bioswales, landscape water management, reduced stormwater sewer outflow and green infrastructure improvements. The committee would like the developer to consider a vegetative green roof to help reduce urban heat island effects.
5. “The developer shall commit to improving the pedestrian bridge plaza at East 8th [Street] and Ocean Parkway in terms of new lighting, paving, and street furniture, and continued

maintenance thereof, and support for streetscape and safety improvements related to the horse path from Kensington Stables to Park Circle.

6. “The developer shall encourage local resident use of its garage for vehicle parking through monthly discounts and provide facilities for bike storage and charging stations for low-emission and electric vehicles. The developer shall support street enhancements such as traffic calming, pedestrian refuges, and streetscape designs that restrict traffic and encourage safety.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 1700213 ZMK) and the related action (N 170214 ZRK) on May 17, 2018, and on June 22, 2018 issued a recommendation of approval of the application with the following conditions:

1. “That 57 Caton Partners, LLC, engage in negotiations with the new owner of Kensington Stables to achieve a newly constructed horse stables on a portion of the Ocean Parkway frontage nearest to Prospect Park, either as a fee simple property acquisition or a street-level condominium
2. “That prior to consideration by the City Council, the applicant, 57 Caton Partners, LLC, take steps to incorporate language clarifying the extent that it would:
 - a. “Limit ground-floor commercial overlay uses to low-vehicle traffic-generating community facility uses [including] arts and/or cultural entities or neighborhood retail and service establishments, through excluding medical uses
 - b. “Engage the New York City Department of Education (DOE) to determine interest in establishing a universal pre-K facility in the ground-floor non-residential space
 - c. “Provide below-market space for arts and/or cultural entities and actively solicit arts and/or cultural organizations for ground-floor occupancy, based on reasonable lease terms as determined in consultation with Brooklyn Community Board 7 (CB 7) and local elected officials
 - d. “Provide approximately 74 enclosed accessory parking spaces according to a legally binding mechanism, and engage car-sharing companies to lease multiple spaces within the garage, in consultation with CB 7, the New York Department of Transportation (DOT), and local elected officials
 - e. “Utilize one or more locally-based non-profits to play a role in promoting affordable housing lottery readiness and marketing the affordable housing
 - f. “Continue exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, passive house construction principles, rain gardens, and solar panels in the development
 - g. “Retain Brooklyn-based contractors and subcontractors, especially those that are designated locally-owned business enterprises (LBEs) consistent with

Section 6-108.1 of the City’s Administrative Code and minority- and women-owned business enterprises (MBWEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agent

“Be it Further Resolved:

1. “That the New York City Department of Transportation (DOT) undertake a traffic investigation of horseback ridership, as well as pedestrian and vehicular use for navigating around Machate Circle, with specific emphasis on the horseback route between the Kensington Stables and Prospect Park, and develop roadway enhancements that advance Vision Zero and streetscape improvements in consultation with CB 7, the New York City Department of Parks and Recreation (NYC Parks), the New York City Police Department (NYPD), and local elected officials
2. “That the New York City Department of Environmental Protection (DEP) investigate the cause of reported flooding, including undertaking a camera investigation of existing sewer conditions and capacity in the eastern portion of Windsor Terrace as follows: the northwest corner of Caton Avenue at Ocean Parkway/Prospect Expressway, the northwest corner of Caton Place and Coney Island Avenue, around Machate Circle including its connecting streets, Coney Island Avenue, Ocean Parkway, Parkside Avenue, and Prospect Park Southwest
3. “The New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or operated shelters
4. “That 57 Caton Partners, LLC, should commit to a building service workforce that is recruited from the local population and paid prevailing wages with appropriate benefits”

City Planning Commission Public Hearing

On June 27, 2018, (Calendar No. 1), the City Planning Commission scheduled July 11, 2018 for a public hearing on this application (C 170213 ZMK), in conjunction with the related application (N 170214 ZRK). The hearing was duly held on July 11, 2018 (Calendar No. 28). Three speakers testified in favor of the application.

Speakers testifying in favor of the application included two members of the project team. The applicant’s representative presented an overview of the application and the land use rationale for the proposed zoning districts, and described the proposed development. The applicant’s representative addressed questions about the Borough President’s and Community Board’s recommended conditions in her testimony. She stated the applicant’s intention to provide affordable units at AMI bands that provide deeper levels of affordability than required under MIH

Option 1. The applicant representative stated that the proposed development does not make use of any air rights from adjacent properties, and that the development would meet all requirements for providing street trees on both Caton Place and the Ocean Parkway frontage. She noted that the applicant has not yet determined a final number of parking spaces the development would provide but that the applicant is considering a car-sharing component as requested by the Borough President. She stated that it is the applicant's intent to rent the building's ground floor space to a type of retail or community use needed in the neighborhood, and that the applicant has not been engaged directly with NYC Parks regarding any plans for the pedestrian overpass ramp site within the rezoning area.

The applicant's architect also spoke in favor of the application. He described the existing neighborhood context and the proposed building, site plan, and apartment unit mix. He noted that the design includes lot line windows intended to minimize appearance of blank walls. He said that the pedestrian bridge ramp would be separated by about twelve feet from the western side of the proposed building and would rise to about the level of the second story, but noted that the lot line condition would allow minimal window views from the ramp to apartments. In response to recommendations from the Community Board, the architect stated that all units would meet the standards and requirements of adaptable design to accommodate mobility impairment, and that shared spaces would be fully accessible. He noted that the proposed building includes sustainable design elements such as low-albedo rooftop pavers and maximum feasible planting area, and that the applicant would discuss the potential for sidewalk bioswales with City agencies.

A representative of service union 32BJ SEIU testified in favor of the project, noting that the applicant has stated a commitment to providing building service workers with high quality jobs and wages.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application for a zoning map amendment (C 170213 ZMK) and the related application for a zoning text amendment (C 170214 ZMK) are appropriate.

The proposed zoning map amendment will extend an existing R7A zoning district boundary across East 8th Street and map an R7A/C2-4 zoning district on the adjacent lot. The action will facilitate the redevelopment of an underutilized warehouse property with a new mixed-use building, facilitating development consistent with the surrounding uses and of a similar bulk and height as other buildings along Ocean Parkway and Coney Island Avenue. While the rezoning boundary would extend over a site containing City parkland, no development or other changes on that site are anticipated as a result of this action.

Regarding the adjacency and proposed redevelopment of Kensington Stables, the Commission notes that this property is not subject to the requested actions but understands that the applicant has been engaged with the owner of the stable property and with the local City Council Member to ensure that the proposed development is designed so as not to conflict with the equestrian uses in the area. In a the letter addressed to the Commission Chair on July 9, 2018, the applicant's representative shared that the applicant is evaluating and considering retail, service, and community facility uses that support the needs of the surrounding community.

Regarding the conditions of the Community Board and the Borough President concerning the proposed building's accessibility and sustainable design, these matters are outside the scope of the requested actions, but the Commission notes that the applicant has stated commitments to exploring opportunities to enhance both.

Regarding the conditions of the Community Board and Borough President concerning use of parking spaces provided within the proposed development, this matter is outside the scope of the requested actions, but the Commission notes that the applicant representative stated in the July 9 letter an interest in potentially providing permitted accessory parking to address the needs of neighborhood residents. The Commission notes that the Borough President's recommendations

for modifications to the MIH program and affordable housing community preference procedures are also beyond the scope of this application.

The proposed zoning text amendment (N 170214 ZRK) is appropriate. As applied here, the proposed development is expected to provide approximately 27 permanently affordable apartments on site under MIH Option 1.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on March 12, 2018 with respect to this application (CEQR No. 17DCP100K), 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 as subsequently amended, is further amended by changing the Zoning Map, Section 16d:

1. changing from a C8-2 District to an R7A District property bounded Ocean Parkway, a line 150 feet northeasterly of East 8th Street, Caton Place, a line 50 feet northeasterly of East 8th Street, the southeasterly boundary line of a park and its southwesterly prolongation, and East 8th Street; and
2. establishing within the proposed R7A District a C2-4 District bounded by Ocean Parkway, a line 150 feet northeasterly of East 8th Street, Caton Place, and a line 50 feet northeasterly of East 8th Street;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of the CEQR Declaration E-461.

The above resolution (C 170213 ZMK), duly adopted by the City Planning Commission on August 8, 2018 (Calendar No. 13), 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.

MARISA LAGO, *Chair*

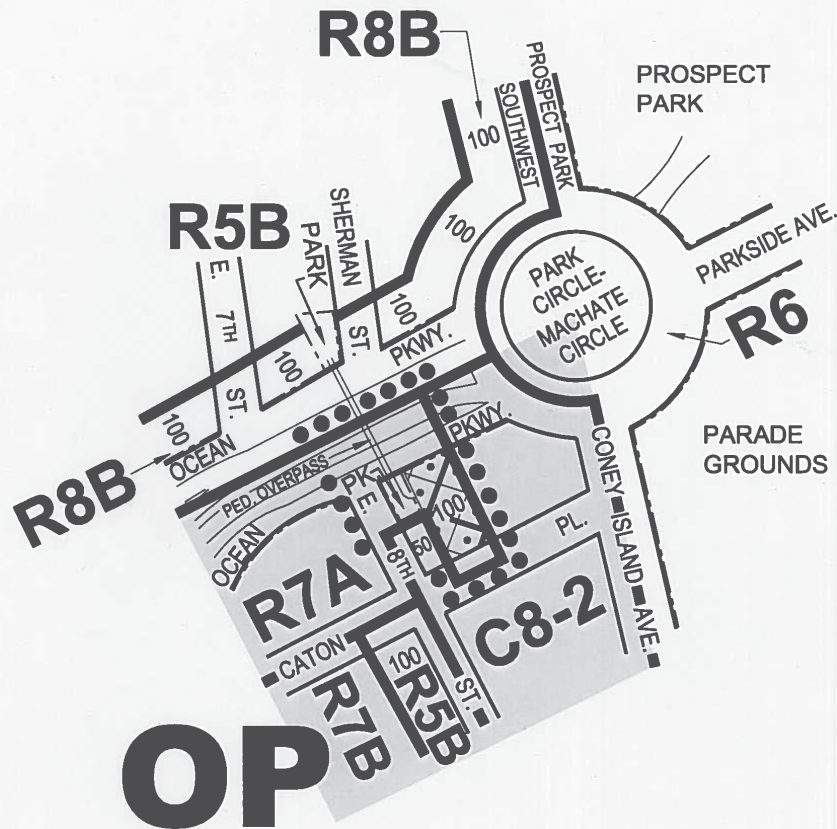
KENNETH J. KNUCKLES, *Esq.*, *Vice-Chairman*

ALLEN CAPPELLI, **ALFRED C. CERULLO, III**, **MICHELLE DE LA UZ**,

JOSEPH I. DOUEK, **RICHARD W. EADDY**, **CHERYL COHEN EFFRON**,

HOPE KNIGHT, **ANNA HAYES LEVIN**, **ORLANDO MARIN**,

LARISA ORTIZ, *Commissioners*



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

16d

BOROUGH OF
BROOKLYN

New York, Certification Date
MARCH 12, 2018

S. Lenard
S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary.
- ● ● ● The area enclosed by the dotted line is proposed to be rezoned by changing an existing C8-2 District to an R7A District and by establishing a C2-4 District within the proposed R7A District.
- Indicates a C2-4 District.
- Indicates a Special Ocean Parkway District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Application #: **C 170213 ZMK**

Project Name: **57 Caton Place Rezoning**

CEQR Number: 17DCP100K

Borough(s): **Brooklyn**

Community District Number(s): **7**

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

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by 57 Caton Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16d:

- changing from a C8-2 District to an R7A District property bounded by Ocean Parkway, a line 150 feet northeasterly of East 8th Street, Caton Place, a line 50 feet northeasterly of East 8th Street, the southeasterly boundary line of a park and its southwesterly prolongation, and East 8th Street; and
- establishing within the proposed R7A District a C2-4 District bounded by Ocean Parkway, a line 150 feet northeasterly of East 8th Street, Caton Place, and a line 50 feet northeasterly of East 8th Street;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of the CEQR Declaration E-461.

Applicant(s): 57 Caton Partners, LLC 1110 42nd Street Brooklyn, NY 11219		Applicant's Representative: Gary R. Tarnoff, Esq. Marcie Kesner, AICP Kramer Levin Naftalis & Frankel LLP 1177 Avenue of the Americas New York, NY 10036
Recommendation submitted by: Brooklyn Community Board 7		
Date of public hearing: <u>5/9/18</u>		Location: <u>PS 130, Caton Ave, bet. E 7th & E 8th Sts Brooklyn</u>
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
Date of Vote: <u>5/16/18</u>		Location: <u>4201 4th Ave, Brooklyn</u>
RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting # In Favor: <u>26</u> # Against: <u>0</u> # Abstaining: <u>1</u> Total members appointed to the board: <u>36</u>		
Name of CB/BB officer completing this form <u>Jeremy Lawler</u>	Title <u>District Manager</u>	Date <u>5/21/18</u>

Community Board 7/Brooklyn approves of ULURP Application # C170213 ZMK, 57 Caton Place, contingent on several stipulations:

1. The developer shall commit to limiting ground floor commercial overlay uses to neighborhood retail and service establishments. The developer shall not allow high vehicle traffic-generating uses to occupy the commercial space.
2. We urge the Borough President, City Planning Commission and City Council to consider offering only MIH Options 1 and 3 for compliance with the affordable housing requirement, and to remove from consideration MIH Options 2 and 4, in order to create deep affordability across income bands down to 40% AMI.
3. The developer shall commit to utilizing universal and inclusive design principles and shall ensure full accessibility and accommodations to seniors and persons with mobility, vision or hearing impairments.
4. The developer shall commit to incorporating sustainable design practices and responsible landscape design, including bioswales, landscape water management, reduced stormwater sewer outflow and green infrastructure improvements. The committee would like the developer to consider a vegetative green roof to help reduce urban heat island effects.
5. The developer shall commit to improving the pedestrian bridge plaza at East 8th St and Ocean Parkway in terms of new lighting, paving, and street furniture, and continued maintenance thereof, and support for streetscape and safety improvements related to the horse path from Kensington Stables to Park Circle.
6. The developer shall encourage local resident use of its garage for vehicle parking through monthly discounts and provide facilities for bike storage and charging stations for low-emission and electric vehicles. The developer shall support street enhancements such as traffic calming, pedestrian refuges, and streetscape designs that restrict traffic and encourage safety.

Lastly, we urge the Borough President, City Planning Commission and City Council to engage in a comprehensive review of zoning surrounding the development site to avoid additional spot zoning applications in the near future. This development will prompt several undeveloped sites nearby to apply for their own upzoning. The Windsor Terrace community can not and should not suffer from overdevelopment due to a lack of planning and the exclusion of community input to overall land use decisions.

Brooklyn Borough President Recommendation**CITY PLANNING COMMISSION**120 Broadway, 31st Floor, New York, NY 10271

CalendarOffice@planning.nyc.gov

**INSTRUCTIONS**

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

APPLICATION

57 CATON PLACE REZONING –170213 ZMK, 170214 ZRK

In the matter of an application submitted by 57 Caton Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments to change from C8-2 to R7A a portion of a block bounded by Caton Place, East 8th Street, and Ocean Parkway, establish a C2-4 district within the rezoning boundary, and designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a nine-story, mixed-use building with approximately 99,000 square feet (sq. ft.) of residential space and 10,000 sq. ft. of commercial space in Brooklyn Community District 7 (CD 7). The development would result in approximately 107 dwelling units. According to MIH Option 1, 25 percent of the residential floor area or an estimated 27 units would be affordable to households earning an average 60 percent of the Area Median Income (AMI). The building will have frontage on Caton Place and Ocean Parkway, and comply with the 30-foot front yard requirement of the Ocean Parkway Special District. The development would include 74 accessory parking spaces.

BROOKLYN COMMUNITY DISTRICT NO. 7

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

June 22, 2018

DATE

RECOMMENDATION FOR: 57 CATON PLACE REZONING –170213 ZMK, 170214 ZRK

This application submitted by 57 Caton Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments to change from C8-2 to R7A a portion of a block bounded by Caton Place, East 8th Street, and Ocean Parkway, establish a C2-4 district within the rezoning boundary, and designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a nine-story, mixed-use building with approximately 99,000 square feet (sq. ft.) of residential space and 10,000 sq. ft. of commercial space in Brooklyn Community District 7 (CD 7). The development would result in approximately 107 dwelling units. According to MIH Option 1, 25 percent of the residential floor area or an estimated 27 units would be affordable to households earning an average 60 percent of the Area Median Income (AMI). The building will have frontage on Caton Place and Ocean Parkway, and comply with the 30-foot front yard requirement of the Ocean Parkway Special District. The development would include 74 accessory parking spaces.

On May 17, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There were two speakers on the item, in opposition, who cited the need for a comprehensive community plan in Windsor Terrace, and a study to better understand the effects on local infrastructure including schools, sewers, and transportation.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the representative quoted AMI bands of 40 percent, 60 percent, and 130 percent. For a single-person household, studios at 57 Caton Place would rent for \$424 at 40 percent AMI, \$837 at 60 percent AMI, and \$979 at 130 percent AMI. For a family of four, two-bedrooms would rent for \$810 at 40 percent AMI, \$1,280 at 60 percent AMI, and \$2,193 at 130 percent AMI. As currently configured, the development will contain 12 studio units, 45 one-bedroom units, 38 two-bedroom units, and 12 three-bedroom units.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from CD 7, the representative stated that the applicant would look to established affordable housing organizations serving CD 7, such as the Fifth Avenue Committee (FAC). The applicant will also seek to increase community preference for residents of the district.

In response to Borough President Adams' inquiry regarding the applicant's marketing strategy, and whether it would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the representative expressed intent to work with an administering agent on various informational initiatives.

In response to Borough President Adams' inquiry as to what mechanism would memorialize the applicant's stated commitment to provide 74 parking spaces, in excess of what would be required by the requested zoning district, the representative expressed that while there is no such mechanism in the rezoning, the applicant would seek to maximize the number of spaces and revenue generation through parking rents.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, rain gardens, solar panels, and/or wind turbines, the representative stated intent to address stormwater retention and the heat island effect using blue and green roofs. The applicant would also look to implement rain gardens on the building's Ocean Parkway side, which will have a landscaped front yard in its required setback.

In response to Borough President Adams' inquiry regarding the inclusion and participation of minority- and women-owned business enterprises (MWBEs) and locally-owned business enterprises (LBEs) in the construction process, the representative expressed that the developer will seek to utilize a locally-based general contractor and maximize MBWE goals by partnering with local nonprofits as well as the New York City Department of Small Business Services (SBS) in its hiring program.

Consideration

Brooklyn Community Board 7 (CB 7) approved this application on May 16, 2018 on the condition that the developer commit to the following: limiting ground-floor uses to neighborhood retail and service establishments, excluding high vehicle traffic-generating uses; utilizing universal design principles to ensure accessibility for impaired persons and seniors; incorporating green infrastructure and sustainable design practices including a vegetative green roof; improving and maintaining the pedestrian bridge plaza at East 8th Street and Ocean Parkway; supporting safety and streetscape improvements for the horse path from Kensington Stables to Machate Circle; encouraging local resident use of the garage through monthly discounts and providing facilities for bicycle storage; providing charging stations for low-emission and electric vehicles; and supporting traffic calming measures such as pedestrian refuges and streetscape designs that promote safety.

The proposed rezoning covers two adjacent zoning lots, including an approximately 23,700 sq. ft. through-lot with frontage on Caton Place and Ocean Parkway, intended as a mixed-use building site. The other lot is mapped as City-owned parkland, and contains a ramp leading to the East 8th Street/Sherman Street Pedestrian Overpass.

The current C8-2 commercial district does not permit residential uses. The development lot is occupied by a three-story warehouse building. Adjacent uses include the Kensington Stables and the International Baptist Church and parking lot. The site is served by the 6th Avenue Local F and the Brooklyn-Queens Crosstown Local G trains at Fort Hamilton Parkway, as well as the B68 bus.

The proposed development would be constructed as two interconnected wings, facing Caton Place and Ocean Parkway, and separated by a 60-foot open space. The Caton Place frontage would contain the entrance to the ground-floor commercial space, while the residential entrance would be located on Ocean Parkway. The buildings would have a shared garage below-grade, with 74 parking spaces.

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

57 Caton Place would utilize MIH Option 1, which would require that 25 percent of the floor area be affordable to households earning an average of 60 percent AMI. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing development to remain permanently affordable.

In a letter to Borough President Adams dated June 12, the applicant, 57 Caton Partners, LLC provided revised affordability tiers, with 10 percent of the units reserved for households at 40 percent AMI, another 10 percent reserved for households at 50 percent AMI, and the remaining five percent to be targeted toward households at 120 percent AMI.

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. For new developments pursuant to MIH, Borough President Adams ideally supports having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units, consistent with the zoning text for MIH floor area, pursuant to New York City Zoning Resolution (ZR) Section 23-96(c)(1)(ii).

According to the applicant, over 80 percent of the 107 apartments at 57 Caton Place would be one-bedroom units or larger, with 45 percent configured as two- and three-bedroom units. As required, this distribution would be reflected in the bedroom mix for the estimated 27 affordable units. Therefore, 57 Caton Partners, LLC has presented a family-oriented affordable housing bedroom mix consistent with Borough President Adams' policies.

Brooklyn is one of the fastest-growing communities in the New York metropolitan area, and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of needed affordable housing units for very low- to middle-income Brooklynites. Borough President Adams, therefore, supports developments that provide housing opportunities to a diverse range of household incomes, allowing a wide range of households to qualify for affordable housing through the City's affordable housing lottery.

The affordability options of the MIH program provide a range of opportunities to address the need for housing that serves a broad range of diverse incomes, consistent with Borough President Adams' objectives to provide affordable housing to households through various income band targets. As a result, the redevelopment of 57 Caton Place would target units to households at multiple income tiers through the affordable housing lottery.

Borough President Adams is generally supportive of the proposed development. However, he believes that there are opportunities to seek a new and improved horse stables facility and to improve the proposal while furthering a range of his policies, such as maximizing community participation to obtain the affordable housing units, implementing Vision Zero enhancements, realizing opportunities for community and cultural organizations, as well as advancing resilient and sustainable energy and stormwater practices, while promoting a high level of LBE/MWBE hiring. Furthermore, he seeks memorialization of the represented off-street parking, improved access to affordable housing for rent-burdened households, and an analysis of sewer system conditions in the eastern portion of Windsor Terrace.

Achieving a New and State-of-the Art Kensington Stables

The Kensington Stables is a unique amenity that enhances quality-of-life for Brooklyn by providing accessible and affordable equestrian activities for New Yorkers and visitors through children's programs, lessons, pony rides, teen horsemanship, and trail rides. It is the only riding stables near Prospect Park, whose original 1860s design included bridle paths and meandering carriage drives. The current barn building built in 1930, is what remains of a riding academy founded in 1917.

Facing bankruptcy, the longtime owners of Kensington Stables recently sold the business to a local entity that intends to maintain the stables for at least five years. The new owner intends to make the stables a more active operation and to partner with community groups. Reported commitments include improving the bridle path to the park with the City's help, and refurbishing the barn structure. Consideration has been given to obtaining a zoning variance that would allow the owner to build residential units atop the stables of up to seven or eight floors with state-of-the-art equipment such as

odor elimination ventilators that would allow the stables to operate without creating a nuisance for nearby residences.

Borough President Adams strongly supports the retention of a horse stables by Prospect Park as well as the continuation of public programming provided at the Kensington Stables. Unfortunately, the new investor's vision would require the stables to be temporarily displaced in order to accommodate reconstruction as a state-of-the-art facility with residential development. In addition, keeping the stables at the existing site would deny opportunities to correct less-than-desirable aspects associated with the current location. Such aspects include the need to use the street at Caton Place and East 8th Street as a mobilizing area and the requirement for horseback riding activity to navigate East 8th Street to the Ocean Parkway service road before passing the 57 Caton Place development site.

Borough President Adams believes that the proposed rezoning provides an opportunity to reconcile these concerns. If the Kensington Stables were to be developed within the 57 Caton through-lot, it would be possible to construct the replacement stables on the development site while maintaining the existing stables until the replacement facility is able to accommodate such operations. This would allow the stables to maintain programming without a multi-year break in service. In addition, there is an opportunity to reduce impacts on the adjacent eastern portion of the Windsor Terrace community, and to minimize exposure to vehicular traffic incorporating the stables where it would be developed in proximity to the Ocean Parkway service road. Doing so would increase the line of sight for drivers exiting the Ocean Parkway service road curve and decrease travel on the roadway by relocating the stables entrance several hundred feet closer to Prospect Park.

Borough President Adams recognizes that a new horse stables facility is not an as-of-right use in the requested R7A/C2-4 zoning district, though it can be allowed through a special use permit by the New York City Board of Standards and Appeals (BSA) according to ZR section 73-18, Riding Academies or Stables. Such permit would need to be reconsidered by BSA every five years and would have to meet the following criteria: a) use is so located as to not impair the essential character of the surrounding area; b) adequate horseback riding facilities are available on the lot or within 600 feet; and c) location and operation would not result in any serious traffic hazards or conflicts on nearby streets.

Based on the premise that BSA would grant the required special use permit, Borough President Adams believes that there is an opportunity for 57 Caton Partners, LLC to negotiate with the new owner of the Kensington Stables to either incorporate the construction of a replacement stables as a street-level condominium within the residential building or as a land swap, subject to a rezoning of the Kensington Stables site to allow residential development where 57 Caton Partners, LLC would be able to proceed with development after a new riding stables is constructed on land that would be transferred to the new owner of the Kensington Stables.

Borough President Adams believes that 57 Caton Partners, LLC should engage in negotiations with the new owner of Kensington Stables as a means to achieve a newly constructed horse stables on a portion of the Ocean Parkway frontage nearest to Prospect Park, as either a street-level condominium or fee simple property acquisition. He urges the City Council, as part of its consideration of the requested rezoning, to seek disclosure of the status of such negotiations from 57 Caton Partners, LLC.

Utilization of the Non-Residential Ground Floor Space Fronting Caton Place

Borough President Adams has heard concerns about increased vehicular traffic on Caton Place, a narrow local street, that would stem from this development. He concurs with the community board that commercial and community facility uses that generate a high volume of vehicular traffic would not be appropriate for ground-floor occupancy at 57 Caton Place. Such uses include certain medical facilities, chain retail stores, and supermarkets. Medical facilities, in particular, are associated with drop-off and pick-up operations including ambulettes, that might result in double parking and associated congestion.

The community has expressed a preference for neighborhood retail and service establishments. Subdividing the non-residential ground floor into smaller units would make such space more affordable to small, independent businesses. Conversely, marketing the commercial space in its entirety would make renting it feasible primarily to large, non-local chain businesses. Creating multiple retail stores in the commercial ground floor at 57 Caton Place would therefore achieve the dual objectives of attracting local retail and minimizing vehicular traffic related to the development.

Alternatively, the commercial ground floor at 57 Caton Place could provide opportunities to realize a community use that might also benefit from below-market leases.

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to secure sufficient affordable space to grow and maintain their programming. Many cultural organizations have contacted Borough President Adams seeking assistance in securing space to expand and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural activities.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlighted the benefits of the arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color, based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — 59 percent of adults as of 2013 are obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Demand for cultural programs continues to grow across Brooklyn. A 2015 report from the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Unfortunately, such arts and/or cultural uses cannot afford to compete with rents that office and retail uses would likely pay to lease ground-floor space at this location. Borough President Adams believes that it would be appropriate to set aside some portion of the commercial space to provide a below-market lease to one or more local arts, cultural, or dance organizations based on reasonable lease terms.

As an alternative to local arts, cultural, or retail uses, the commercial space provides an opportunity to accommodate a universal pre-kindergarten (pre-k) facility. Such facilities adequately located in the community would be beneficial for local residents.

Borough President Adams also believes that prior to consideration by the City Council, 57 Caton Partners LLC should clarify how it would limit commercial uses to low-vehicle traffic-generating neighborhood retail and service establishments, and community facility uses such as arts and/or cultural entities. Simultaneously, the development should rent non-residential space at below market-rate, retail rents to accommodate community arts and/or cultural groups, with restrictions on annual rent increases. However, such community facility space would exclude medical uses. Additionally, 57 Caton

Partners, LLC should clarify how it would engage the New York City Department of Education (DOE) to determine interest in establishing a universal pre-K facility in this non-residential space.

To the extent that the City Council seeks to provide for below-market rents to accommodate arts and/or cultural organizations, the developer should actively solicit arts and/or cultural organizations for ground-floor occupancy, based on reasonable lease terms as determined in consultation with CB 7 and local elected officials.

Provision of Accessory Parking Spaces

Residents of Windsor Terrace have expressed concerns about recent reductions in parking resources in the area, and the potential for increased demand for on-street parking as a result of the proposed development. The application indicates that the number of off-street parking spaces at 57 Caton Place, would be in excess of the 54 required for the 107 market-rate units by zoning.

The proposed 74 accessory garage spaces represent a significant source of revenue for the development. Such revenue generation can be maximized by allowing the spaces to be rented by non-residents in accordance with ZR Section 36-46(a), which stipulates that off-street parking spaces may be rented for persons who are not occupants of the residences to which such spaces are accessory to accommodate private passenger motor vehicles or car sharing vehicles. Additionally, according to Section 36-46(a)(1), car-sharing vehicles are permitted to occupy up to five parking spaces though not more than 20 percent of all parking spaces in group parking facilities. If the proposed commercial overlay were to be a C1 as opposed to a C2 district, there would be an additional restriction per Section 36-46(a)(1), where such rentals would be for periods of not less than one week and not more than one month. If more parking spaces were provided than required by R7A zoning, such rentals by non-resident private car drivers and car-share operators (based on reasonable pricing) would facilitate utilization of the 57 Caton Place parking spaces and reduce competition for street parking in the vicinity of the development.

Borough President Adams supports the establishment of Transit Zones in the ZR for the purpose of enabling construction of affordable housing developments without a requirement to provide car-parking accommodations. However, he acknowledges that access to automobiles would enhance mobility for the lives of the area residents. The costs associated with individual car ownership can be very challenging for households of limited financial means, particularly in instances where such vehicles are not used on a daily basis for commuting to places of employment. However, there can be moments throughout the year when affordable access to automobiles would be considered a quality-of-life enhancement based on the type of mobility that an automobile can provide. While the development site at 57 Caton Place is located in a Transit Zone, the eastern portion of Windsor Terrace is not well served by adequate access to grocery stores or supermarkets, and its nearest train station is not adjacent to local businesses. As a result, access to motor vehicles is likely to enhance quality-of-life.

To some extent, a rental car can enhance mobility for certain trips, though it is not as flexible as having direct access to a car for a set amount of time and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. In addition, research suggests that car-share availability reduces automobile use for individuals who already own cars, creating environmental benefits and reducing congestion. Given that a percentage of households that would be residing at 57 Caton Place are less likely to own cars, and that parking is already a challenge for residents of the eastern portion of Windsor Terrace, Borough President Adams believes that a subset of the parking spaces in the parking garage could be set aside for a limited number of car-sharing vehicles. The staging of these vehicles within the garage should be pursued through dialogue with car-sharing companies.

It would therefore be beneficial for both the applicant and the community to have the envisioned 74 off-street parking spaces provided within the development. However, as the proposed zoning would not assure that such extent of parking would be provided, Borough President Adams believes such intent should be memorialized through a legally binding mechanism.

Borough President Adams believes that prior to consideration by the City Council, the applicant, 57 Caton Partners, LLC, should take steps to provide approximately 74 enclosed accessory parking spaces according to a legally binding mechanism, and engage car-sharing companies to lease multiple spaces within the garage, in consultation with CB 7, DOT, and local elected officials.

Maximizing Community Participation of the MIH Affordable Housing

The ZR requires the affordable housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by the New York City Department of Housing Preservation and Development (HPD). Such administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verifying a prospective tenant household's qualifying income, and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure conformity.

Various non-profits have proven track records of successfully marketing affordable housing units within the host community of this development, as well as promoting affordable housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for affordable housing non-profits to play a contributing role in maximizing community participation in neighborhood affordable housing opportunities, including serving as non-profit administering agents for new developments involving affordable housing. Borough President Adams recognizes that CD 7 is served by several non-profit housing advocates with a proven track record of marketing affordable housing units and promoting affordable housing lottery readiness through educational initiatives.

In a letter to Borough President Adams dated June 12, the applicant, 57 Caton Partners, LLC, expressed intent to seek out a locally-based affordable housing non-profit to act as the administering agent for the MIH affordable housing units at 57 Caton Place.

Borough President Adams believes that prior to considering the application, the City Council should obtain in writing from the developer, 57 Caton Partners, LLC, commitments that clarify how it would memorialize utilizing a combination of locally-based affordable housing non-profits to serve as the administering agent, and having one or more of such entities play a role in promoting affordable housing lottery readiness.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability (Mayor's Office of Sustainability), the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish rain gardens that advance the New York City Department of Environmental Protection's (DEP) green infrastructure strategy. Rain gardens, blue/green

roofs, and permeable pavers would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2016 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social benefits.

Borough President Adams believes it is appropriate for the developer to engage government agencies such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square-foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and to further coordinate on this matter.

The proposed development offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, solar panels, and wind turbines in the development.

In a letter to Borough President Adams dated June 12, the applicant, 57 Caton Partners, LLC, expressed intent to meet or exceed the requirements of the New York City Building Code and Energy Conservation Code. Furthermore, the applicant will seek to incorporate bioswales (rain gardens) and utilize a combination of green roofs, landscaping, and reflective pavers.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 57 Caton Partners, LLC, to memorialize exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, passive house construction principles, rain gardens, and solar panels in the development.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this economic crisis. Additionally, promoting Brooklyn-based businesses including those that qualify as locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the developer, 57 Caton Place, LLC, that clarify how it would memorialize the extent that it would retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs. This would be undertaken to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as comply with the requirements of HPD's Build Up program.

In a letter to Borough President Adams dated June 12, the applicant, 57 Caton Partners, LLC, expressed intent to create an estimated 75 construction jobs. The applicant will seek to meet or exceed the 25 percent MWBE contracting goal and partner with workforce organizations to maximize local hiring.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 57 Caton Partners, LLC, that memorialize retention of Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code and MWBEs as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

Vision Zero Enhancements to Machate Circle

Borough President Adams has heard concerns about safety at Machate Circle, stemming from the interaction of horseback riders, pedestrians, and vehicular traffic. Machate Circle is a high-volume traffic circle that provides access to Fort Hamilton Parkway, Ocean Parkway and the Prospect Expressway from Coney Island Avenue, Parkside Avenue, and Prospect Park Southwest. In 2009, at the request of Stable Brooklyn, DOT conducted a design workshop with Brooklyn Community Boards 7, 12, and 14 to determine appropriate traffic-calming measures at the site. Subsequently, DOT added crosswalks, pavement markings, pedestrian refuges, signage, and signals, and reconfigured intersections at Machate Circle. The agency also installed a new, safe bridle path for horseback riders accessing Prospect Park.

However, maneuverability and safety issues persist and may be related to the configuration and timing of traffic lights. Vehicles are now forced out into the circle and motorists find it difficult to make turns onto Coney Island Avenue. Additionally, since the closure of Prospect Park to vehicular traffic earlier this year, there has been a higher volume of cars on Prospect Park Southwest.

As noted by CB 7, 57 Caton Place presents opportunities to address safety and traffic issues in Windsor Terrace. As a supporter of Vision Zero, Borough President Adams believes that where safety issues are reported, even recent improvements may warrant re-evaluation. Therefore, he believes that DOT should undertake a traffic investigation of horseback ridership, as well as pedestrian and vehicular use for navigating around the Machate Circle, with specific emphasis on the horseback rider route between the Kensington Stables and Prospect Park, to develop roadway enhancements that advance Vision Zero and streetscape improvements in consultation with CB 7, the New York City Department of Parks and Recreation (NYC Parks), the New York City Police Department (NYPD), and local elected officials.

Addressing Storm Sewer Capacity

Borough President Adams has heard concerns that intense rain storms overload storm sewer capacity throughout Windsor Terrace. With such occurrences, significant ponding results at multiple intersections. In addition, it is possible for individual buildings to be impacted when sanitary sewer waste cannot be received by the combined sewers.

There is an apparent lack of information regarding the condition of the combined sewer system east and west of Machate Circle. Without investigation, the actual sewer capacity could become diminished due to a reduction in the pipe cross-section area, resulting in a damming effect on the flow of stormwater and regular street flooding.

In order to ensure that the sewers in proximity to 57 Caton Place are functioning at optimal capacity, Borough President Adams believes that it would be appropriate for 57 Caton Partners, LLC to engage DEP on a camera investigation of sewer capacity and its current conditions surrounding the block bounded by Caton Place, Coney Island Avenue, East 8th Street, and Ocean Parkway. Borough President

Adams believes it would also be appropriate for DEP to undertake such an investigation for sewer lines under major streets surrounding the proposed development.

Therefore, DEP should investigate the cause of reported flooding, including undertaking a camera investigation of the existing sewer condition and capacity in the eastern portion of Windsor Terrace, as follows: the northwest corner of Caton Avenue at Ocean Parkway/Prospect Expressway; the northwest corner of Caton Place and Coney Island Avenue, and around Machate Circle including its connecting streets such as Coney Island Avenue, Ocean Parkway, Parkside Avenue, and Prospect Park Southwest.

Community Preference: Inclusion of Homeless Shelter Student Population by School Zone

New York City's community preference policy for affordable housing lotteries provides a pathway for reaching 50 percent or more of applicants residing in the community district where affordable housing is built. There are additional pathways for priority lottery selection such as United States Armed Forces veteran status, certain disabilities, and other categories. Given the significant increase in the number of homeless families with school-aged children entering the public shelter system, Borough President Adams believes it is appropriate for HPD to extend local lottery preference to include the school zone attended by children of households residing at neighboring City-funded or operated homeless shelters.

This is especially important given the number of students living in homeless shelters. The New York City Independent Budget Office (IBO) recently produced a report analyzing homeless rates in schools. School student registration data identifies those residing in public shelters as Students in Temporary Housing (STH). Using data from the 2014-2015 school year, a review of the 50 schools in Brooklyn with the highest percentage of STH enrollment identifies approximately 4,300 students attending such schools, with more than 18 percent of the enrollment categorized as STH.

Research indicates that students living in temporary accommodations are most challenged in attaining academic success. These students are more likely to lack access to technology such as computers that would aid with homework and research assignments, as well as access to a quiet space to complete assignments and study for exams. In addition, commuting between a school and shelter requires significantly more time for many students. These commutes often make it difficult to participate in extracurricular school activities, which might otherwise enhance the students' academic and community experiences.

Many parents and students find it important to maintain school continuity despite the circumstances faced by households dependent on the City's homeless shelter system. Borough President Adams believes that it should be the City's responsibility to take action that would eliminate or reduce such hardships. One such action would be to enable economically-challenged households with children in public schools to qualify for community local preference based on where the children attend school.

According to an interactive map provided by the Institute for Children, Poverty, and Homelessness (ICPH), there are three elementary schools within several blocks of the proposed development, which are located in New York City Community School District 15 (CSD 15). This area contains a total of approximately 438 homeless students. Borough President Adams believes it would be appropriate for such students and their families to be considered part of the 50 percent local preference for the 57 Caton Place housing lottery.

Borough President Adams believes that HPD should modify its affordable housing lottery community preference standards to include the school zone attended by a child of a household residing at a City-funded or operated homeless shelter.

Prevailing Wages and Local Hiring for Building Service Workers

Jobs within the building service and industrial sector have long served as a pathway to middle-class living for lower-income individuals, including immigrants and people of color. Similar to industrial jobs, building service jobs have low barriers to entry and real career prospects. When compensated at prevailing wage standards, such jobs provide average wages twice that of the retail sector. Additionally, building service opportunities are often filled through local hiring.

Borough President Adams believes that it is appropriate to advocate for economic opportunities that allow families to remain in their neighborhoods, by securing sufficient income to alleviate their rent burdens. He further believes that building service positions often result in locally-based employment. Therefore, Borough President Adams strongly encourages 57 Caton Partners, LLC to commit to hiring locally for building service jobs and paying prevailing wages to this workforce.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve of the land use action requested subject to the following conditions:

1. That 57 Caton Partners, LLC engage in negotiations with the new owner of Kensington Stables to achieve a newly constructed horse stables on a portion of the Ocean Parkway frontage nearest to Prospect Park, either as a fee simple property acquisition or a street-level condominium
2. That prior to consideration by the City Council, the applicant, 57 Caton Partners, LLC, take steps to incorporate language clarifying the extent that it would:
 - a. Limit ground-floor commercial overlay uses to low-vehicle traffic-generating community facility uses includes arts and/or cultural entities or neighborhood retail and service establishments, though excluding medical uses
 - b. Engage the New York City Department of Education (DOE) to determine interest in establishing a universal pre-K facility in the ground-floor non-residential space
 - c. Provide below-market space for arts and/or cultural entities and actively solicit arts and/or cultural organizations for ground-floor occupancy, based on reasonable lease terms as determined in consultation with Brooklyn Community Board (CB 7) and local elected officials
 - d. Provide approximately 74 enclosed accessory parking spaces according to a legally binding mechanism, and engage car-sharing companies to lease multiple spaces within the garage, in consultation with CB 7, the New York City Department of Transportation (DOT), and local elected officials
 - e. Utilize one or more locally-based non-profits to play a role in promoting affordable housing lottery readiness and marketing the affordable housing
 - f. Continue exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, passive house construction principles, rain gardens, and solar panels in the development
 - g. Retain Brooklyn-based contractors and subcontractors, especially those that are designated locally-owned business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code and minority- and women-owned business enterprises

(MWBES) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agent

Be It Further Resolved:

1. That the New York City Department of Transportation (DOT) undertake a traffic investigation of horseback ridership, as well as pedestrian and vehicular use for navigating around Machate Circle, with specific emphasis on the horseback route between the Kensington Stables and Prospect Park, and develop roadway enhancements that advance Vision Zero and streetscape improvements in consultation with CB 7, the New York City Department of Parks and Recreation (NYC Parks), the New York City Police Department (NYPD), and local elected officials
2. That the New York City Department of Environmental Protection (DEP) investigate the cause of reported flooding, including undertaking a camera investigation of existing sewer conditions and capacity in the eastern portion of Windsor Terrace as follows: the northwest corner of Caton Avenue at Ocean Parkway/Prospect Expressway, the northwest corner of Caton Place and Coney Island Avenue, around Machate Circle including its connecting streets, Coney Island Avenue, Ocean Parkway, Parkside Avenue, and Prospect Park Southwest
3. The New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or operated shelters
4. That 57 Caton Partners, LLC, should commit to a building service workforce that is recruited from the local population and paid prevailing wages with appropriate benefits

57 Caton Partners, LLC
c/o Aview Equities
1110 42nd St
Brooklyn NY 11219

June 13, 2018

Hon. Eric Adams
Borough President
Brooklyn Borough Hall
209 Joralemon Street
Brooklyn NY, 11201

Re: Caton Place Rezoning (C 170213 ZMK; C170214 ZRK, Project ID P2015K0450)

Dear Borough President Adams,

57 Caton Partners, LLC, is seeking a zoning map amendment to rezone the project area (Block 5322, Lots 1 and 4) from a C8-2 to an R7A District with a C2-4 overlay on the proposed development site (Lot 4). This will facilitate the development of a mixed-use residential and commercial building to be developed as a matter of right. This building would consist of two wings (nine stories each) on a shared base which would contain approximately 109,029 square feet of floor area, containing approximately 99,285 zoning square feet of market rate and affordable residential space (up to 107 units), approximately 9,744 zoning square feet of ground floor retail, and up to 74 accessory below-grade parking spaces. The rezoning area will also be mapped within an Mandatory Inclusionary Housing (MIH) Area.

The development team intends to provide affordable units MIH Option 1, but our area median income (AMI) bands will go beyond what is required to provide deeper affordability. We propose to provide 10% of the residential floor area to families earning 40% of AMI, 10% to households earning 50% AMI, and only 5% to households earning 120% of AMI. A chart detailing the proposed AMI breakdown is enclosed. The team intends to seek a locally-based nonprofit housing organization to help choose the administering agent for the lease up of the affordable units, but at this preliminary stage a specific administering agent has not yet been selected.

This project will create an estimated 75 construction jobs. It is our objective to meet or exceed the 25% M/WBE contracting goal set forth by the city with our subcontractors and construction of the site. We will work with local workforce organizations to maximize local hiring for skilled and unskilled labor.

Our team is committed to advancing sustainability and protecting our environment. 57 Caton Place will be designed to meet or exceed the requirements of the most current NYC Building

Code and Energy Conservation Code and the team will endeavor to incorporate additional sustainable features. For example, to further manage and filter stormwater we will work with the appropriate City agency (Department of Transportation and/or Department of Environmental Protection) to investigate, consistent with the timing of the completion and occupancy of the project, incorporating bioswales into the City right of way adjacent to the site.

To mitigate the heat island effect we will utilize a combination of light-colored, reflective pavers, green roofs, and landscaping.

Regarding the ground floor commercial use, it is in our interest to locate some type of neighborhood retail amenity that serves the immediate community, such as a grocery store or co-op, while we are also open to other retail options. Community facility uses such as an early childhood learning center would also be of interest. Given the early stage this project is in, with lease up a few years out, it is premature to say definitively what the commercial use will be.

Please contact us with any additional questions regarding this project. We thank you for your consideration and we look forward to your support for this rezoning.

Sincerely,

Abraham Leifer
Abe Leifer
57 Caton Partners, LLC

cc:

Richard Bearak
Inna Guzenfeld