



E-mail/ Fax transmittal

TO Community District 6 Distribution	FROM Borough President Marty Markowitz
DATE February 20, 2008	CONTACT Kevin Parris, Land Use & Community Coordinator Phone: (718) 802-3856 E-Mail: kparris@brooklynbp.nyc.gov
RE: ULURP Recommendation 080115 HUK; 080116 ZMK; 080117 HDK Columbia Hicks Project	5 NO. PAGES, INCLUDING COVER

Attached is the recommendation report for ULURP applications 080115 HUK; 080116 ZMK; 080117 HDK.

If you have any questions, please contact Kevin Parris at (718) 802-3856.

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**Brooklyn Borough President
Recommendation**

CITY PLANNING COMMISSION
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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 # 080115 HUK; 080116 ZMK; 080117 HDK

In the matter of an application submitted by the Department of Housing Preservation and Development and Columbia Hicks Associates LLC pursuant to: a) Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map changing from an M1-1 District to an R6A District properly bounded by Congress Street, the northwesterly street line of Brooklyn Queens Connecting Highway, a line midway between Congress Street and Warren Street, a line 100 feet southeasterly of Columbia Street, Warren Street, and Columbia Street; changing from M1-1 Districts to an R6B District property bounded by a line midway between Congress Street and Warren Street, the northwesterly street line of Brooklyn Queens Connecting Highway, Warren Street, and a line 100 feet southeasterly of Columbia Street, and changing from M1-1 District to an R7A District property bounded by Warren Street, the northwesterly street line of Brooklyn Queens Connecting Highway, Baltic Street, and a line 150 feet southeasterly of Columbia Street; b) Section 197-c of the New York City Charter, for the disposition to a developer selected by HPD of City-owned property comprising Site 27 within the Columbia Street Urban Renewal Area; c) Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 3rd Amendment to the Columbia Street Urban Renewal Plan for the Columbia Street Urban Renewal Area.

COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE

EXPLANATION OF RECOMMENDATION – MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW



BOROUGH PRESIDENT

February 20, 2008

DATE

**RECOMMENDATION FOR THE PROPOSED
AMENDMENT OF THE ZONING MAP AND
LAND DISPOSITION FOR
RESIDENTIAL DEVELOPMENT
080115 HUK / 0801116 ZMK / 080117 HDK**

PUBLIC HEARING

On January 3, 2008 Brooklyn Borough President Marty Markowitz held a public hearing on applications by the Department of Housing Preservation and Development and Columbia Hicks Associates LLC to amend the Zoning Map and dispose of city-owned property. At the hearing, a representative for the applicant explained that these actions would facilitate various residential developments including a rental building, two condominium buildings, and townhouses. The total project consists of three sites located on eight lots, seven of which are privately-owned by the applicant.

Four speakers testified in favor of this project noting that it has since been voluntarily modified by the developer. It reflects many of the concerns and issues that community residents held including garage entrance, setbacks, building materials and height. The developer was praised for how responsive he was to the community.

CONSIDERATION

It is the borough president's policy to support projects which increase the supply of affordable housing options to area residents. Many individuals and families are unable to afford to live within the borough. With the increasing demand by Brooklyn residents for affordable housing, he believes that every attempt should be made to provide for these opportunities.

Community Board 6 approved the application with multiple conditions. One of them is for the city and the developer to continue to work with CB6 and the community on issues related to design such as height, aesthetics and building setbacks. Another called for a change in the distribution of affordable units. Instead of half of the units being set for families earning up to 60 percent Area Median Income (AMI), the board calls for this to be raised to three-quarters while one-quarter of the units will be set for families earning not less than 130 percent AMI (households with incomes up to 175 percent of AMI are eligible for tenancy). Additionally, the board would like to see these units remain affordable in perpetuity. CB 6 also recommended that the developer use responsible contractors based on meeting multiple standards. Finally, the board requested that the Department of Transportation undertake an area parking survey to determine whether additional opportunities for legal on-street parking exist in the area surrounding the project.

At meetings sponsored by CB6, the concept of maintaining the affordable units in perpetuity was brought forth by members of the community. The developer responded that after the 30 year obligation to retain the units as affordable ceased, he intended to seek market-based rents. In the recommendation of CB6, it called for these units to remain affordable in perpetuity. This is consistent with the borough president's "Affordable Forever" agenda. This

agenda is in recognition of the need to stem the tide of affordable units that are being lost through such circumstances as Mitchell Lama and Section 8 opt outs; HUD foreclosures; vacancy decontrol of rent stabilized units; as well as the type of phased-out limitations placed on the resale of affordable homeownership units on formerly city-owned land. City-owned underutilized land has been rapidly diminishing with the successful efforts of the Department of Housing Preservation and Development (HPD) to implement the mayor's ambitious housing plan. Therefore, it is essential to use the remaining resources wisely. For affordable rental properties, the city's Housing Development Corporation (HCD) and HPD provide a financing mechanism that allows properties to be upgraded subject to extending the term of the affordability obligation.

In response to concerns from area residents, the developer, L&M Equities, expressed intent to modify the aesthetics of the three residential apartment buildings, while modifying the massing of the development parcel between Warren and Baltic Streets. Townhouses would be limited to the Warren Street frontage. The Hicks Street frontage would be reduced in height from eight-stories to six. Height would be increased along the Baltic Street frontage from four-stories to six. In addition, the parking garage entrance would be relocated from the side street to Hicks Street and the building would be set back along Warren and Baltic Streets. The overall number of units would likely decrease from 170 to 166 units, while the number of affordable units would remain.

Part of the proposed site consists of a city-owned lot providing 58,000 sf of the overall 172,000 sf of development. The developer is proposing 41 affordable rental housing units. This represents 25 percent of the overall project. It is the policy of the borough president to obtain a commitment of not less than 20 percent affordability from private sites. If the development is to be considered meeting this threshold, then the affordable contribution from the city's site will be 35 percent. This ratio appears to be less than what the city seeks to obtain based on recent Request for Proposals (RFP) for sites such as the former Navy Brig and Public Place where the goal was not less than 50 percent. Often such RFP's seek 30 percent of the units to be affordable to middle-incomes and at least 20 percent affordable for low- or moderate-incomes. In order to meet the combined thresholds, which averages to 30 percent, the development would need an additional nine affordable units.

If the developer had not been responsive to community concerns in terms of redistributing the bulk, modifying the building aesthetics and relocating the garage access, the borough president would seek nine additional middle-income housing units and that the portion of the affordable units generated from the city lot (28 units) become affordable forever. The borough president believes that developers should be applauded for working with communities early in the development process. Too often, communities must rely on efforts made through community boards, borough presidents, the City Planning Commission and ultimately the City Council to see projects become modified to address community concerns. Some developers make no concessions unless the City Council becomes an obstacle. This developer began engaging with community residents prior to the certification of this rezoning. Such methods should be rewarded and embraced.

In recognition of the demonstration of good will displayed by the developer and of the community to readily welcome an additional 166 housing units into the Columbia Street Waterfront district, the borough president is willing to deviate

from his standard policies. Therefore, the borough president fully supports the project as modified through working closely with the community, provided that the developer either: changes nine of the market rate rentals to middle-income rentals; or, that the developer agrees to a Land Disposition Agreement with HPD that requires the developer to refinance through an instrument such as those provided by HDC or HPD to continuously extend the affordability of not less than 28 units to be "Affordable Forever."

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends the approval of these applications by the City Planning Commission and City Council subject to either of the following conditions:

- a) Nine of the market rate rental units are converted to middle-income rentals;
or,
- b) A Land Disposition Agreement is made between the developer and HPD requiring the developer to refinance through a mechanism such as those provided by HDC or HPD to continuously extend the affordability of not less than 28 units to keep them "Affordable Forever."