

**Brooklyn Borough
President
Recommendation**



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

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 090413 ZMK – 090414 ZRY – 090415 HUK – 090416 HAK
Broadway Triangle

In the matter of applications submitted by the NYC Department of Housing Preservation and Development pursuant to: a) Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map and Text; b) Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the First Amended Broadway Triangle Urban Renewal Plan for the Broadway Triangle Urban Renewal Area; and, c) Article 16 of the General Municipal Law of New York State select properties as an Urban Development Action Area and Section 197-c of the New York City Charter. These actions would facilitate: residential development on private and city-owned sites; the acquisition of privately-owned property and the disposition of city-owned property to facilitate the development of multiple sites for affordable housing development. The project, tentatively known as Broadway Triangle, will consist of approximately 1,850 residential units, including the potential for approximately 900 affordable units, with commercial and community facility uses.

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

BOROUGH PRESIDENT

August 20, 2009

DATE

**RECOMMENDATION FOR THE PROPOSED
AMENDMENT OF THE
ZONING MAP AND ZONING TEXT, BROADWAY TRIANGLE URA
AND UDAAP DESIGNATION
090413 ZMK – 090414 ZRY – 090415 HUK – 090416 HAK**

This application by the Department of Housing Preservation and Development (HPD) seeks approval for various actions in order to facilitate the redevelopment of a nine block portion of the Broadway Triangle area in the Williamsburg community.

Public Hearing

On August 5, 2009 the borough president held a public hearing for the Broadway Triangle proposal by HPD. Approximately 130 people attended, including 32 who provided testimony.

Eight speakers were in favor of the application and 24 speakers testified against the application.

Proponents for the application commented on the importance of providing affordable housing to the community. They stressed that this plan presents an opportunity to realize more affordable housing options, and that delaying the process would have no benefit to the community.

Generally, opponents to the proposal believed the plan was developed in a flawed, exclusionary process, which led to this flawed plan. Speakers urged the borough president to vote no on this project, despite the plan's emphasis on affordable housing. Although speakers expressed a desire for more affordable housing, it was not warranted at the expense of ignoring all of the neighborhoods interests.

Consideration

The applications before the borough president are intended to facilitate the development of 1,851 housing units in six- to eight-story buildings. Urban renewal sites and a vacant city-owned building are projected to result in 489 affordable housing units under the assumption that all units developed on these sites would be affordable. It is unclear how the city would guarantee that these units would all be affordable. The Zoning Resolution's Inclusionary Housing program's (IHP) floor area zoning bonus would require that not less than 20 percent of the floor area be affordable forever. For the four scattered city-owned lots, the application assumes that the entire assemblage would be developed as affordable housing. The borough president believes that this is an overly optimistic expectation given that market-rate housing is typically more lucrative than developing affordable housing. For the remaining privately-owned sites and these few city-owned lots, if the IHP floor area bonus is fully utilized, 1,362 units are projected. With that, 20 percent of those units (272 units) are likely to be permanently affordable. Therefore, the plan has the potential to result in 751 affordable units based on an assumed unit size of 1,000 square feet (sf) as opposed to the approximately 900 affordable units represented in the application documents. If developers do not make use of the IHP zoning bonus, the plan would result in approximately 1,400 units of which 489, primarily on urban renewal sites, would be affordable.

CB1 voted to approve these applications on the condition that a number of concerns are addressed as the process moves forward. CB1 called for the City to provide sufficient funds and resources to assist in the relocation of existing businesses and to increase the amount of open space offered within the area surrounding the Broadway Triangle. In terms of affordable housing, the board resolved that the City should amend the IHP regulations to limit or eliminate the off-site option for providing affordable housing. For future land dispositions by the City, CB1 should be included early in the process, both through the review of sole-source dispositions or advisory letters as well as the method of disposition. It was called for sites to be designated in a competitive and transparent Request for Proposal (RFP) process.

The borough president supports proposals that provide an increase to the supply of housing for Brooklyn residents, especially when the result yields more affordable housing. He is concerned that too many of the borough's residents leave because they can no longer afford to live in Brooklyn. In light of this, the borough president believes that it is appropriate to require new developments to include permanent affordable housing units. For city-owned lots, it is generally the policy of the borough president to seek at least 50 percent of the generated units to be affordable.

The borough president generally agrees with the intent to facilitate six- to seven-story buildings north of Walton Street as the privately-owned sites are not very large and because of the built context as a result of use variances and the surrounding existing R6 zoning. For the blocks south of Walton Street, he generally accepts the limit of eight-stories as the streets are narrow and the requested density rivals that of what had been approved for the Greenpoint and Williamsburg waterfront. He does not believe that significantly taller buildings such as the nearby Mitchell-Lama Development (Lindsay Park) and New York City Housing Authority developments (Sumner, Tompkins, Bushwick and Marcy Houses) provide suitable references for how the neighborhood should develop because these were built on super blocks where the underutilized area between Wallabout and Whipple streets have much fragmented ownership. In addition, these developments have a lot of area devoted to parking lots and landscaped areas that have resulted in much less floor area than what is being proposed.

The borough president was not a participant in the initial charette that was the basis for the development of these applications. The borough president's office has the capacity to assist in the development of such comprehensive planning initiatives. The borough president had the opportunity to comment on the scope of work and his staff received a briefing from HPD. He would have welcomed the opportunity to contribute more to the plan before him. The borough president believes that an involved role by his office during all stages of the development of this proposal is to the benefit of all concerned. The borough president acknowledges the devotion of the involved city agencies towards developing the best plan possible, working within the realities that affect development. With all that said, the borough president seeks to address how the plan can be improved for the benefit of area stakeholders.

The borough president desires to see that there are improvements to the plan in areas including: affordable housing; disposition of city-owned property; business displacement; and, the amount of open space. He believes that the City Planning Commission (CPC), City Council and the Administration can significantly improve this plan by acting to address and incorporate the following concerns and recommendations.

Affordable Housing

Properties within the Broadway Triangle project area are governed by C8-2, M1-2 or M3-1 zoning districts, all permitting double the amount of floor area as compared to lot size for commercial and industrial uses. The major difference is that C8-2 permits the widest range of uses while the M3-1 is the most restrictive. It is likely that property values are relatively equal under the existing zoning. The proposed rezoning creates more development value for the blocks proposed for R7A as compared to those proposed for R6A. The borough president believes that property owners should all similarly benefit financially from a public action that is intended to leverage affordable housing as a public benefit.

The plan assumes that eight-story development at a 25 percent or higher density is appropriate for the blocks southeast of Walton Street. Under this scenario, a developer might build 3.45 times the property size without providing affordable housing and 3.68 times the property would be devoted to market rate housing if the 20 percent affordable housing is provided. For the remaining blocks between Walton and Lynch streets, where residential buildings are interspersed on the blocks with potential lots for redevelopment, the plan would restrict development to seven-stories. It is here where a developer might build 2.7 times the property size without providing affordable housing and 2.88 times the property would be devoted to market rate housing if the 20 percent affordable housing is provided. Thus, the rezoning would make development sites in the R7A nearly 30 percent more valuable than the blocks in the proposed R6A, without any added public benefit.

The borough president believes that it is appropriate to address this inequity in a manner that provides more certainty that the voluntary affordable housing bonus would be utilized while yielding even more affordable housing. First, he believes that there should be a higher percentage of affordable housing in R7A districts as compared to R6A districts. Second, the as-of-right base floor area ratio (FAR) should be reduced to the ratio permitted by the existing zoning, substantially increasing the bonus segment of the floor area from 33 percent for all zoning districts to 80 percent in the R6A and 130 percent in the R7A. And, third, the portion of the affordable housing floor area should be increased from 20 percent to 25 percent for R6A and 30 percent for R7A.

Under this scenario, if developers do not choose to include affordable housing, development in R6A or R7A would be equal. By linking a substantial amount of market rate floor area to the bonus, it provides a much greater incentive for a developer to use the zoning bonus and thus provide the publicly desired affordable housing. The existing standard provides seven percent more market rate floor area when providing affordable housing. Having 35 percent more market rate housing in R6A and 60 percent in R7A is a much more substantial incentive to see that the affordable housing is achieved. With 272 affordable units at stake on primarily privately-owned sites in the City's plan and 392 units possible with these modifications, these units represent a significant component of the affordable housing that could be achieved through the proposed rezoning. Therefore, incentivizing use of the affordable housing bonus is critical.

The table below further clarifies how the Zoning Resolution's 23-922 "Inclusionary Housing Program" should be further modified to increase the percentage of affordable housing and decrease the proportion of market-rate floor area that can be developed on the sites within the proposed rezoning. Such changes would provide the opportunity to achieve 120 additional affordable housing units.

Zone	Base FAR	a) BBPO Base FAR	Bonus Affordable FAR (20%)	Bonus FAR	b) BBPO Bonus Affordable FAR
R6A	2.7	2.0	.72	3.6	.9 (25%)
R7A	3.45	2.0	.92	4.6	1.38 (30%)

Maximizing Opportunity to Create Permanent Affordable Housing

The IHP provides three methods to satisfy the affordable housing floor area requirement. The options are to include the units either on site or off-site in newly-constructed buildings, or through the preservation of existing units. The off-site units must be either in the same community district or within one-half mile of the new development site that would benefit from the additional floor area bonus. The preservation option of IHP provides an important opportunity to keep tenants from being displaced. In addition, the existing rents at the time apartments become part of the IHP allow the program to benefit households of lesser financial means.

Maximizing Community Benefit

In addition to the narrow eligible income bands based on household size, there are many other factors that could lead to an application for the anticipated newly constructed affordable housing (489 units alone just based on the urban renewal sites and the building rehabilitation of Block 2269 Lot 52) to be rejected. In order to maximize community placement in this newly created affordable housing stock, the City should provide resources to neighborhood-based affordable housing advocacy organizations. The goal would be to assist area residents improve their eligibility to comply with standards for affordable housing lotteries.

Based on HPD practice, the 50 percent local preference would not extend beyond Flushing Avenue. The northern boundary of community districts 3 and 4 is Flushing Avenue. Residents of these neighborhoods in proximity to the Broadway Triangle area deserve equal consideration for qualifying for affordable housing units to be created. The borough president believes that HPD should expand the 50 percent local preference to the 11206 zip code within community districts 3 and 4.

City-Owned Property

The borough president is pleased that the application is assuming that the city-owned sites would be developed entirely as affordable housing. Creating and maintaining affordable housing continues to be a challenge in New York City. The trend of losing affordable units to the lure of privatization has resulted in an increased demand for such housing. The borough president believes that without actively trying to meet this demand, the city will consist of those who are either poor or very affluent.

The borough president believes that HPD should memorialize, through site by site land disposition agreements (LDA), that development on these sites be required to be 100 percent affordable.

When new affordable units are created, it is always a concern of the borough president regarding the number of years they can be kept affordable. In areas where new developments can be realized on city-owned sites, it should be a policy of the City to minimize the loss of affordable housing. Measures need to be put in place in order to ensure that these residents can remain as affordable options for the city's residents. The borough president believes that as the City goes about disposing of its land to developers,

the LDA would be an appropriate mechanism to ensure that the affordable housing remains affordable in perpetuity. Therefore, stipulations should be placed that guarantee those units marked as affordable shall remain affordable for the life of the development.

The borough president understands that URP Site 2, Block 2269 Lots 25-36 (97 units, Throop Avenue between Gerry and Bartlett streets) and Block 2269, Lot 52, a 20-unit gut-rehabilitation fronting Bartlett Street would be ready to proceed soon after the City Council would act on the Broadway Triangle land use actions. The borough president believes that it is appropriate to begin the phasing of development given the dire need in the community for affordable housing. The borough president expects that when completed, these sites will have many times over the number of applicants as compared to the number of units being created. The remaining URP sites require completion of the assemblages through acquisition, identification of funding, and designation of developers. Given the challenge to fund other city-owned sites in the area that were previously the subject of request for proposals, etc., it is not clear how promptly that HPD would be in a position to move towards the development of these sites.

There are four additional city-owned lots, Block 2245, Lot 149 and Block 2266 Lots 18, 20 and 36, that would need to be disposed of to facilitate development with adjacent privately-owned properties. The City assumes that these lots would be developed entirely as affordable housing. As with other city-owned sites, the borough president believes that the resulting affordable housing units should be affordable forever.

In order to dispose of these URP sites, private property will have to be acquired. This has an effect on businesses such as Excellent Bus Service and Shanghai Stainless as they would need to vacate certain properties to facilitate development. The borough president seeks such disposition to have minimal impact on businesses that appear willing to relocate. Disposition should be done in a manner that allows for the successful relocation of Excellent Bus Service and Shanghai Stainless before URP Sites 1 (129 affordable housing units), 3A (95 affordable housing units) and 3B (40 affordable housing units) become developed.

Another issue is whether URP Sites 4A (89 affordable housing units) and/or 4B (19 affordable housing units) should become part of an expanded Bartlett Street playground (see open space section below) in lieu of being used for housing. If the City Council agrees partially or fully with the borough president, it would affect whether there would be a need to dispose of these lots.

In circumstances where private sites are combined with city-owned sites, the borough president is concerned that without appropriate restrictions, these lots might merely be used to satisfy the IHP bonus as a combined property. The borough president would like to see the city-owned sites be excluded from the calculation of these bonuses.

Retaining Businesses

The borough president believes that it is in the interest of Brooklyn to see that Excellent Bus Service, Service Smoked Fish and Shanghai Stainless remain in business. Owners of these businesses had met with the borough president on August 11 to discuss possible solutions that would allow them to continue operating their businesses while having minimal impact on the Broadway Triangle proposal.

Excellent Bus Service and Shanghai Stainless own land on Block 2269 that had been designated for acquisition as part of the 1989 Broadway Triangle URP. In addition, Excellent Bus Service leases city-owned property within URP Site 2 which, as noted above,

the borough president supports for disposition to facilitate affordable housing development. Shanghai Stainless also rents property that had been designated in 1989 for acquisition. Service Smoke Fish owns the property where it is located and is not proposed for acquisition.

Interim Arrangements

In order to assure that Excellent Bus Service can operate continuously, it may be necessary for HPD to provide for an interim rental arrangement for storage of its buses elsewhere on Block 2269. This is because in order for the designated housing developer to develop URP Site 2, Excellent Bus Service would need to stop utilizing Lots 25 and 36 at a date not yet determined. The other URP sites on Block 2269 are dependent on the acquisitions being completed before parcels would be disposed of to designated developers. Therefore, some of the unused city-owned lots within these URP sites should be made available by HPD to Excellent Bus Service in a timely manner as to not delay the production of these 97 affordable housing units. HPD should consult with Excellent Bus Service to determine the appropriate combination of city-owned lots 14-18, 41, 45-50 that would facilitate the operation of this company on an interim basis.

Financial Settlements

While urban renewal law and HPD policies and procedures typically govern financial settlements, the borough president believes that additional financial consideration is warranted. Apparently Excellent Bus Service and Shanghai Stainless purchased their lots around the time that the urban renewal plan became effective in June of 1989. Given the then blighted nature of the Broadway Triangle and the cloud of acquisition, it is likely that the cost to obtain these sites would have been much less than the cost to obtain comparably sized properties. This likely presents an added challenge to finding replacement sites. In recognition of the financial challenges, the City should extend itself above and beyond standard settlement procedure by committing sufficient funding and resources, in a manner comparable to what was committed to businesses affected by the City's Willets Point plan. For Willets Point, extensive efforts were apparently made to facilitate business relocation, property swaps and providing of cash settlements. These attempts were extended not only to owner occupied businesses, but to tenant occupied businesses as well. Excellent Bus Service and Shanghai Stainless are both owners and tenants of the properties they utilize.

Deferring Acquisition and Providing Relocation Resources

As Excellent Bus Service and Shanghai Stainless understand the need to be relocated to continue business, HPD should consider taking certain steps to assure successful relocation in a manner that would result in minimum impact on these and other established businesses. HPD should defer acquisition proceedings for Block 2269, Lots 19 (part of URP Site 1), 39 and 40 (part of URP Site 3B) until relocation logistics have been set in place. Once these properties are acquired by HPD, it should allow these firms to remain in place as tenants until adequate relocation sites have been secured. The necessary improvements and financial resources should all be in place to facilitate the relocation and re-establishment of the business. HPD should work expeditiously with the Economic Development Corporation (EDC) in its inventory review of sites for possible relocation opportunities for the Shanghai Stainless and Excellent Bus Service. If suitable property can be identified, the City should provide for a seamless relocation of these businesses.

Similar to the City's efforts prompted by the rezoning of the Greenpoint and Williamsburg waterfront areas, the City should commit to funding area nonprofits industrial development corporations towards their acquisition of additional property to be developed

as a relocation resource. Such action could provide additional relocation options to both Excellent Bus Service and Shanghai Stainless as it may be feasible to facilitate the development of these industrial safe-havens prior to eventual designated developers being ready to proceed with construction on URP Sites 1 and 3B.

HPD should consult with Pfizer to explore the feasibility of whether its industrial building might serve as a relocation resource.

Retaining Some of the Existing Zoning

Service Smoked Fish is one of the last three businesses of its kind in New York City. It owns the property along the southwest side of Throop Avenue between Walton and Wallabout streets where the business operates. Though it is not proposed for designation to be acquired by HPD, the owner believes that the proposed rezoning would lead to a point in time that the business could no longer successfully operate at this location. Delivery trucks serve this business directly opposite recent residential development, apparently resulting in conflicts between the quality-of-life of these residents and the needs to successfully operate the business. The expanding presence of new residential development in proximity to the business has resulted in a substantial increase in calls to 311 complaining about the firm's operation. The owner also believes that the business must be able to periodically expand to remain vibrant. Adjacent underutilized parcels were envisioned to serve that function, though if those properties were rezoned to R7A, BSA approval would still be necessary to use them for industrial purposes and it would likely be uneconomical to acquire those lots based on what they might be worth as residential development sites.

In order to ensure the continued operation of Service Smoked Fish, the owner believes that the zoning map amendment should be modified to retain the M1-2 zoning to a depth of 125 feet along the southwest side of Throop Avenue between Walton and Wallabout streets. He believes that this would assure that residential development would not occur adjacent to his business and it would provide the business with the opportunity to expand. In recognition that this is one of the last of three serving businesses of its type in New York City, the borough president would support retaining the M1-2 zoning for this block front.

If the City Council does not agree with the borough president, then other steps would need to be taken to assure the survival of Service Smoked Fish. It is not reasonable to assume that selling the property to a market-rate residential developer would yield sufficient financial resources given the special equipment and customized constructed building space that support the operation of this business. Apparently much of the improvements are relatively recent, so life-cycle value further compromises funding re-establishment solely from the proceeds of a sale to a developer.

Therefore, in order ensure the continued operation of Service Smoked Fish, (if retaining the existing Manufacturing District as referenced above is not adopted by the City Planning Commission and City Council) the business should be given the opportunity to be designated an urban renewal site for acquisition. This can be accommodated through a subsequent amendment of the Broadway Triangle URP. Benefits derived from urban renewal in combination with the other considerations, as noted in regard to Excellent Bus Service and Shanghai Stainless, provide the best possibility for sufficient resources to become available to facilitate a relocation that allows businesses to thrive.

Open Space

The project's Environmental Impact Statement (EIS) disclosed that the increase of an estimated 5,500 new residents to the area would result in a significant adverse impact to the area's open space resources. It noted that potential measures to mitigate this significant adverse impact would be explored as part of the Final EIS. This document would be available to the CPC before it makes its determination. The borough president believes that it is important for him to lend his guidance to CPC and the City Council for measures that would diminish the potential adverse impact. He believes that the following warrants strong consideration.

The Bartlett Street Playground appears to be well-positioned to be enlarged by through street demapping and by being extended onto adjacent underutilized/vacant property. It might be feasible to eliminate Whipple Street as a through street between Throop and Flushing Avenues. If that is the case, then Whipple Street should be demapped for not less than the frontage of the playground and possibly all the way to Throop Avenue. Other properties fronting Whipple Street are either corner lots or interior through lots with frontage on Throop or Flushing Avenues. Though, at least one existing business uses rear access on Whipple Street, with the anticipated transformation of this block due to the proposed rezoning to C4-3, the potential for conflict may be short-lived.

The western section of the Bartlett Street Playground consists of benches, swings and playground equipment. The borough president believes that these recreational elements could be re-incorporated into a redesign based on extending the playground towards Harrison Avenue. The adjacent underutilized/vacant properties are either already designated urban renewal sites or would become designated as part of the proposed action. URP Site 4A along Bartlett Street (Block 2272, Lot 11) is already city-owned, though it is assumed for residential development of 19 affordable housing units. URP Site 4B along Whipple Street includes an area of lots to be designated for acquisition (Lots 45, 46 and 147) that is assumed to result in 46 affordable housing units, and city-owned lots (Lots 49-53 and 108) are assumed for an additional 43 affordable housing units.

The choice between choosing between 108 affordable housing units and 25,000 sf of open space is difficult given the neighborhood residents' desperate need for both. The borough president's recommendation for affordable housing would result in approximately 150 additional affordable housing units, more than enough to compensate for the opportunity to expand the Bartlett Street Playground to the maximum extent. However, he understands that CPC and/or City Council might seek a solution somewhere in between.

Depending on the extent of the expansion of the playground, HPD would need to modify the Broadway Triangle URP to change the land use of Site 4A and/or all or part of Site 4B from the proposed residential to open space. The Department of Parks and Recreation would need to map as a public park the area of Whipple Street appropriate for street demapping and the portion of the urban renewal sites where the land use would be changed to open space.

The City should allocate sufficient funds and resources for the above sites to be acquired/developed as parkland. The borough president also supports the recommendation of CB1 in terms of having the City identify other sites as a means to increase the current ratio of open space with a half-mile radius of the rezoning area. When the adjacent, vacant land owned by Pfizer is eventually considered for rezoning, some of that area might warrant consideration for addressing the area's open space deficiencies. The City should set aside funding to develop additional open space, should be identified.

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 the following conditions:

INCREASED AFFORDABLE HOUSING

1. That in order to increase the amount of realized floor area for affordable housing, the Zoning Text Change Amendment 090414 ZRY regarding section ZR 23-922 “Inclusionary Housing Program” (the affordable housing floor area bonus) be further modified (as per the table below) to:
 - a. Have a higher percentage of affordable housing in R7A districts as compared to R6A districts.
 - b. Increase the percentage of affordable housing and decrease the proportion of market-rate floor area that can be developed to achieve 120 additional affordable housing units.

Zone	Base FAR	a) BBPO Base FAR	Bonus Affordable FAR (20%)	Bonus FAR	b) BBPO Bonus Affordable FAR
R6A	2.7	2.0	.72	3.6	.9 (25%)
R7A	3.45	2.0	.92	4.6	1.38 (30%)

2. That in order to achieve more affordable housing where additional height is appropriate, Zoning Map Change 090413 ZMK be further modified to change the proposed zoning for the portion of Block 2269 for the north side of Bartlett Street opposite the playground from R7A to R7D (an estimated minimum of 30 additional units, based on 10-stories) or a denser district if warranted.

GUARANTEE AFFORDABLE FOREVER

DISPOSITION OF CITY-OWNED PROPERTY – BUSINESS RELOCATION

3. That in order to ensure that the affordable housing remain in perpetuity, and that there be adequate public input regarding the disposition of city-owned property and that such disposition have minimal impact on businesses willing to relocate, Property Disposition 090416 HAK be modified as follows:
 - a. HPD’s Land Disposition Agreement shall guarantee that development on these sites be required to be 100 percent affordable and that such units remain “affordable forever.”
 - b. Pending the resolution of the relocation of Excellent Bus Service and Shanghai Stainless (see conditions 3d and 4), URP Sites 1 (129 affordable housing units), 3A (95 affordable housing units) and 3B (40 affordable housing units) and whether 4A (89 affordable housing units) and/or 4B (19 affordable housing units) should become part of an expanded Bartlett Street Playground (see condition 6) in lieu of housing, these sites shall be disposed subject to their own separate ULURPs.

- c. That for the resolution of the relocation of Excellent Bus Service HPD shall provide an interim rental arrangement for Excellent Bus Service to store its buses elsewhere on Block 2269 (appropriate combination of city-owned lots 14-18, 41, 45-50) prior to transferring lots 25 and 36 to the designated developer for URP Site 2, but in a timely manner as to not delay the production of these 97 affordable housing units.

BUSINESS RETENTION

- 4. That in order to ensure property acquisition have minimal impact on established businesses such as Excellent Bus Service and Shanghai Stainless, acquisition according to the First Amendment to the Broadway Triangle Urban Renewal Plan 090415 HUK shall be in accordance to the following:
 - a) HPD shall defer acquisition proceedings for Block 2269, Lots 19 (part of URP Site 1), 39 and 40 (part of URP Site 3B) until relocation logistics have been set in place.
 - b) For acquired sites with active uses, HPD shall allow these firms to remain in place as tenants until adequate relocation sites have been secured with necessary improvements and that all financial resources are in place to facilitate the relocation and re-establishment of the business.
 - c) HPD shall work expeditiously with the Economic Development Corporation in the review of its inventory of sites for possible relocation opportunity for the Shanghai Stainless and Excellent Bus Service, and if suitable property can be identified, provide for a seamless relocation.
 - d) The City shall commit sufficient funding and resources, in a manner comparable to what was committed to businesses affected by the City's Willets Point development initiative, above and beyond standard settlement according to urban renewal law, policies and procedures, to relocate existing businesses within the Broadway Triangle, and that these funds and resources be eligible to businesses operated without regard to whether the business is a tenant or the owner of the property.
 - e) The City shall commit to funding non-profits towards their acquisition of additional property to be developed as a relocation resource.
 - f) HPD shall explore the feasibility of relocation to the Pfizer industrial building.
- 5. That in order ensure the continued operation of Service Smoked Fish, Zoning Map Change 090413 ZMK should be further modified (alternatively see further resolve item 5) to retain the M1-2 zoning to a depth of 125 feet along the southwest side of Throop Avenue between Walton and Wallabout streets as a means to minimize conflicts with potential area residents.

MORE OPEN SPACE

- 6. That in order to ensure expanded area for open space, the acquisition according to the First Amendment to the Broadway Triangle Urban Renewal Plan 090415 HUK should be modified as a means to expand the Bartlett Street Playground (see further resolve item 5) by changing the proposed land use from residential to open space for URP Site 4A (lot 11 for 19 affordable housing units) and/or part or all of 4B (Acquisition lots 45, 46 and 147 for 46 affordable housing units – and possibly also city-owned lots 49-53 and 108 for 43 affordable housing units).

Be it Further Resolved

GUARANTEE MORE PERMANENT AFFORDABLE HOUSING

1. That in order to increase the amount of realized floor area for affordable housing and to achieve more affordable housing where additional height is appropriate, the City should provide resources to neighborhood-based affordable housing advocacy organizations towards encouraging owners of existing residential buildings to have the building registered to become part of the City's Inclusionary Housing Plan as a means to permanently preserve existing housing as "affordable forever.
2. That in order to increase the amount of realized floor area for affordable housing and to achieve more affordable housing where additional height is appropriate, Harrison Avenue fronts opposite land owned by Pfizer which should be reconsidered for upzoning as part of the rezoning efforts for the Pfizer sites (50 or more housing units – based on 10-stories)
3. That in order to maximize community placement in newly created affordable housing stock:
 - a) The City should provide resources to neighborhood-based affordable housing advocacy organizations towards assisting area residents improve eligibility to comply with standards for affordable housing lotteries.
 - b) HPD should expand local preference to the 11206 zip code within Community Districts 3 and 4.

AFFORDABLE FOREVER – COMPETITIVE LAND DISPOSITION

4. That in order to ensure that the affordable housing remain in perpetuity, and that there be adequate public input regarding the disposition of city-owned property and that such disposition have minimal impact on businesses willing to relocate, the City should commit to the following:
 - a) All sites to be disposed for housing development shall be 100 percent affordable and that such units shall remain "affordable forever.
 - b) Subsequent disposition of city-owned property by the HPD, including the URP Sites and Block 2245, Lot 149 (5 affordable units), and Block 2266 Lots 18 (10 affordable units), 20 (10 affordable units) and 36 (10 affordable units), be subject to ULURP, (with exception to sole-source dispositions).
 - c) Land disposition agreements for Block 2245, Lot 149 and Block 2266 Lots 18, 20 and 36, shall not permit these units to count towards meeting the Inclusionary Housing Program floor area bonus if these lots are combined with private properties.

BUSINESS RETENTION

5. That in order to ensure the continued operation of Service Smoked Fish, if retaining the existing Manufacturing District as referenced above in condition 5 to the approval of Zoning Map Amendment 090413 ZMK is not adopted by the City Planning Commission and City Council, Service Smoke Fish should be given the opportunity to be designated an urban renewal site for acquisition through a follow-up action as a means to provide sufficient resources to facilitate a relocation that allows for the business to expand.

MORE OPEN SPACE

6. That in order to ensure expanded area for open space, the City shall consider the following:
 - a) Mapping additional area to enlarge the Bartlett Street Playground by either:
 - 1) Partially (opposite the Bartlett Street Playground) or fully demapping Whipple Street from Flushing Avenue and Throop Avenue.
 - 2) And/or acquiring URP Site 4A (lot 11 – 19 affordable housing units) and/or part or all of 4B (Acquisition lots 45, 46 and 147 for 46 affordable housing units – and possibly city-owned lots 49-53 and 108 for 43 affordable housing units)
 - b) Commit sufficient funds and resources for the above sites to be developed as parkland and others (including vacant land owned by Pfizer) that might be identified as a means to increase the amount of open space within the Broadway Triangle and to increase the current ratio of open space with a half-mile radius of the rezoning area.