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

840 LORIMER STREET REZONING – 210299 ZMK, N 200336 ZRK

Applications submitted by Zucker Enterprises LLC, pursuant to sections 197-c and 201 of the New York City Charter affecting the north blockfront of Driggs Avenue between Lorimer Street and Manhattan Avenue. The requested zoning map amendment would change the project area from M1-2/R6 (MX-8) and R6/C2-4 to a C4-5D district. The zoning text amendment would establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area. These actions would facilitate a 10-story 83,748 square-foot (sf) mixed development at 840 Lorimer Street in Community District 1 (CD 1). The building would contain 74 apartments and 25,049 sf of commercial space spread over three floors. Approximately 19 units would be affordable to households earning on average, 60 percent of Area Median Income (AMI) pursuant to MIH Option 1. The development would also provide 28 accessory parking spaces.

BROOKLYN COMMUNITY DISTRICT 1

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

March 11, 2022
DATE

RECOMMENDATION FOR: 840 LORIMER STREET REZONING – 210299 ZMK, N 200336 ZRK

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On February 17, 2022, Brooklyn Borough President Antonio Reynoso held a remote public hearing on this Uniform Land Use Review Procedure (ULURP) application. There were no speakers on the item.

Community Board Position

On February 8, 2022, Brooklyn Community Board 1 (CB 1) voted to deny approval unless the applicant agreed to provide sustained funds for McCarren Park, develop 35% of the units as affordable, and remove the Manhattan Avenue lots from the rezoning (among other conditions).

Approval Rationale

Given growing demand for new, income-restricted housing in Greenpoint-Williamsburg, Borough President Reynoso believes it is appropriate to encourage higher density at the intersection of Driggs Avenue and Lorimer Street. Establishing an MIH area over this blockfront would promote permanently affordable residential development. Moreover, this application presents an opportunity to advance multiple policy objectives including deep affordability, sustainable design, and local hiring.

Borough President Reynoso is generally supportive of the proposed development. However, he is concerned that the requested zoning district lacks adequate rationale, and unnecessarily reduces the residential floor area, and the associated MIH obligation. He seeks to maximize the project's public purpose by ensuring the highest provision of affordable units at AMIs that address community needs.

Borough President Reynoso understands the community board's desire to exclude the Manhattan Avenue properties from the rezoning area. 563 Manhattan Avenue is a 4-story commercial and residential building, while 561 on the corner of Lorimer Street will be a new, six-story development. A C4-5D district could produce two high-rise buildings along a narrow, low-rise street. Such development would be as-of-right, and therefore not subject to any discretionary approvals (though it would be required to provide affordable housing pursuant to MIH).

Finally, Borough President Reynoso supports CB 1's historic preservation recommendations and its request for a sustained contribution toward McCarren Park. He believes that a Community Benefits Agreement (CBA) provides the best mechanism to memorialize commitments negotiated with the developer and supports the community board and Council Member's efforts to maximize the project's public purpose.

Mapping an Appropriate Zoning District

The current M1-1/R6 (MX) zoning permits a maximum FAR of 2.2 for residential uses on narrow streets. Commercial and light manufacturing uses are allowed as-of-right at up to 2.0 FAR. The district also

provides 4.8 FAR for community facility uses. Building heights are capped at a base 60 feet and 110 feet after setback.

The requested C4-5D district has a residential equivalent of R7D. This medium-density district permits 4.2 FAR for residential uses, and 5.6 with the inclusionary housing bonus. The maximum height for an R7D MIH building is 115 feet or 11 stories. The primary difference is that C4-5D zoning significantly reduces the parking requirements and permits up to 3 floors of commercial use, including office and retail.

The applicant's proposal for 840 Lorimer Street is a 10-story, 115-foot tall, 5.54 FAR building with 83,748 sf of zoning floor area. According to the applicant, the lower three floors would be subdivided into four retail establishments and the upper seven stories would contain 74 apartments. The cellar and ground floor would accommodate 30 stacked parking spaces accessible via a curb cut on Driggs Avenue.

Borough President Reynoso understands that parking obligations can present a hardship for irregular lots. Replacing two floors of residential use with commercial stores reduces both the required number of spaces and the number of units pursuant to MIH. However, based on the applicant's presentation, the multi-story commercial space is largely speculative. In Brooklyn, C4-5D districts are mapped along sections of Fulton Street near the A train Nostrand Avenue stop, and Broadway Junction. To date, neither area has produced much new regional retail redevelopment. We would encourage the Department to explore other zoning districts for future private and public rezoning applications.

Driggs Avenue is mapped with intermittent C2-4 overlays and is not a major retail corridor in Greenpoint/Williamsburg. A C4-5D district is not appropriate on the corner of Lorimer Street, which is disconnected from other commercial uses and overlooks a park. It is particularly egregious to propose such high-density commercial zoning along Manhattan Avenue, a thriving local retail corridor.

Instead, Borough President Reynoso recommends mapping an R7D district, paired with a C2-4 overlay from the corner of Manhattan and Driggs Avenues to the centerline of Driggs Avenue, which would require provision of a commercial ground floor. This modification would be within scope. An R7D MIH/C2-4 building would yield additional residential floor area, including MIH units, and accommodate CB 1's request for neighborhood retail. Therefore, the City Planning Commission should modify the requested C4-5D district to a more appropriate R7D/C2-4 zone where possible.

Beyond this change, Borough President Reynoso sees no rationale to revise the rezoning area. However, he understands that 11-story buildings would appear non-contextual along Manhattan Avenue, and that the non-applicant sites would receive a windfall of development rights, with an upzoning from R6A to R7D. Therefore, he recommends that future buildings on those properties be capped at 8 stories. This would match the existing built context from a nearby developed 8-story building at on the southeast corner of Manhattan Avenue and Driggs Avenue. As the Department of City Planning is aware, the current zoning resolution allows for limited modifications to a project once it is certified into ULURP. Borough President Reynoso calls for DCP to structure future applications in a way that allows greater flexibility for changes during the process. Conversely, the Borough President calls for DCP to develop a strategy for robust engagement with communities much earlier in the development of rezoning applications.

Ensuring Deep Affordability for a Family-Oriented Development

The primary public benefit of an upzoning is the required provision of affordable housing. Across CD 1 there is a significant need for larger apartments, which are increasingly inaccessible to low and moderate-income families. Borough President Reynoso believes it is important to maximize opportunities for such households in the City's MIH lotteries.

The Department of Housing Preservation and Development (HPD) recently revised its occupancy standards to allow up to three people in a one-bedroom, and up to five in a two-bedroom. However, such

allowances do not mitigate the expense of family-sized units. Therefore, it is also important to mandate deeper affordability for new developments that provide such apartments.

840 Lorimer Street would provide a mix of 12 studios, 20 one-bedrooms, 35 two-bedrooms, and 7 three-bedrooms. As proposed, 19 of these units, including 3 studios, 5 one-bedrooms, 9 two-bedrooms and 2 three-bedrooms would be affordable pursuant to MIH Option 1. Borough President Reynoso appreciates the applicant's efforts to furnish a family-oriented bedroom mix. The Option 1 requirement to set aside 10 percent of the residential floor area at 40% AMI would ensure that a percentage of the two and three-bedroom units are targeted to households at this tier.

Borough President Reynoso believes it is important to maximize the number of deeply affordable units at 840 Lorimer Street. Therefore, the CPC should map MIH Option 1 over the rezoning area. Moreover, by imparting significant development rights, this rezoning will increase property values on this site, due to market conditions in Greenpoint-Williamsburg. Borough President Reynoso strongly supports CB 1's request for additional affordable housing beyond MIH, which is always the floor and never the ceiling.

Engaging A Non-Profit Administering Agent

An administering agent is responsible for ensuring that inclusionary housing complies with the regulatory agreement that governs the development's affordable housing plan. Borough President Reynoso believes that affordable housing non-profits are best positioned to maximize local participation in MIH lotteries. CD 1 is served by several entities that regularly act as administering agents for inclusionary housing projects. These organizations have the knowledge and experience to do targeted outreach, building marketing, and financial education in Greenpoint-Williamsburg.

Therefore, prior to consideration by City Council, Zucker Enterprises LLC should provide written commitments to retain a non-profit administering agent to conduct marketing for the 840 Lorimer Street lottery, including financial literacy training.

Advancing Efficiency, Resiliency, and Sustainability

Borough President Reynoso supports efforts to maximize building efficiency and sustainability as a way to mitigate climate change. Local Laws 92 and 94 of 2019 require most new construction to incorporate a green roof and/or a solar installation. Developers are increasingly pursuing impactful strategies such as passive house design and onsite energy generation.

Accordingly, Zucker Enterprises LLC should seek City and State incentives to offset costs associated with the provision of green and photovoltaic roofs. The New York State Energy Research and Development Authority (NYSERDA) manages various programs to promote efficient buildings. New York City offers the Green Roof Tax Abatement and the Green Infrastructure Grant Program, administered by DEP.

Borough President Reynoso advocates stormwater management practices that support DEP's green infrastructure strategy. The required BPP for 840 Lorimer Street provides an opportunity to install rain gardens consolidated with new street trees along its frontages. Together, these measures would help divert stormwater from the Newtown Creek Wastewater Treatment Plant.

Borough President Reynoso encourages Zucker Enterprises LLC to consult with DEP, DOT and the Department of Parks and Recreation (DPR) about integrating rain gardens with street trees as part of the BPP. These discussions should also involve CB 1 and local elected officials. Therefore, prior to considering the application, the City Council should obtain written commitments from the developer to incorporate sustainability and resiliency features at 840 Lorimer Street.

Providing Local Employment

According to the NYU Furman Center, double-digit unemployment remains a pervasive reality across Brooklyn, with more than half the community districts reporting poverty rates of 20 percent or higher. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. One way to address the borough's economic crisis is to prioritize local hiring and promote Brooklyn-based businesses. Therefore, Zucker Enterprises LLC should commit to retain area contractors and suppliers, and provide employment opportunities to CB 1 residents, when this application comes before the City Council.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application with the following conditions:

1. That the CPC and/or the City Council:

    a. Modify the requested C4-5D district to R7D MIH/C2-4 from the corner of Manhattan Avenue and Driggs Avenue to the centerline of Driggs Avenue

    b. Map only Mandatory Inclusionary Housing (MIH) Option 1 over the rezoning area

2. That prior to consideration by City Council, Zucker Enterprises LLC commit to:

    a. Refraining from locating Use Group 10 "big-box" stores on the first two floors of the proposed development.

    b. Commit to further community engagement with the local Community Board, the Office of the Borough President, and the local Council Member to identify appropriate commercial uses and streetscape improvements at this important intersection where pedestrians enter McCarren Park.

    c. Retain a non-profit administering agent to conduct marketing (including financial literacy training) for the 840 Lorimer Street MIH lottery

    d. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, and/or onsite energy generation

    e. Coordinate with the Department of Environmental Protection (DEP), the Department of Parks and Recreation (DPR) and the Department of Transportation (DOT) to install rain gardens along Driggs Avenue and/or Lorimer Street as part of a Builders Pavement Plan (BPP) in consultation with Community Board 1 (CB 1) and local elected officials

    f. Retain Brooklyn-based contractors/suppliers, and provide employment opportunities to area residents

Be it further resolved:

1. That the applicant makes additional efforts to:

    a. Work with the local Council Member and CB 1 to determine and memorialize affordability commitments beyond MIH Option 1.

    b. Engage DPR to establish a dedicated fund for ongoing contributions to McCarren Park

    c. Develop a contextual façade incorporating the historic sign from the former factory on this site

2. That the Department of City Planning (DCP) work with the Office of the Brooklyn Borough President to expand opportunities for application revisions during the ULURP process.

3. That DCP discourage the mapping of C4-5D zoning districts until a stronger rationale for this zoning district is formulated.