Brooklyn Borough President Antonio Reynoso
Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Uniform Land Use Review Procedure (ULURP) Application

341 10TH STREET REZONING AND LSGD SPECIAL PERMITS – C230337ZMK, N230338ZRK, C230339ZSK, C230340ZSK, N230341LDK

IN THE MATTER OF an application submitted by Stellar 341 LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment, zoning text amendment, and special permits to facilitate a 245,296 sq ft mixed use development with 305 residential units and ground floor community facility and retail space at 341 10th Street in the Park Slope neighborhood of Brooklyn, Community District 6.

BROOKLYN COMMUNITY DISTRICT 6

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 341 10TH STREET REZONING AND LSGD SPECIAL PERMITS – C230337ZMK, N230338ZRK, C230339ZSK, C230340ZSK, N230341LDK

The project area is a 69,000-sf site anchored by an 18-story residential tower built in 1968 and surrounded by a garage and surface parking with 115 spaces for private vehicle storage. The project area is currently zoned as R6A and R6B and has 154 residential units, formerly regulated under the Mitchell-Lama program.

The project area directly abuts the MTA's 4 Av-9 St station, which services the F, G, and R trains. The project area is located directly above a tunnel, where the MTA Culver Line (which carries the F and G trains) transitions from below grade to an elevated viaduct. The project area is also near several bus lines along 3rd, 4th, and 5th Avenues and 9th Street, including the B37, B103, B63, and B61. The MTA's Brooklyn Bus Network Redesign proposes to add a B81 service to join the B61 along 9th Street.

The applicant proposes to zoning map amendment from R6A and R6B to R7-3 with a C2-4 commercial overlay; zoning text amendments to establish bulk regulations applicable to R7-3 within Mandatory

Inclusionary Housing (MIH) areas and to map an MIH area; and zoning special permits to reduce parking requirements and establish a Large Scale General Development (LSGD) to modify base heights, overall heights, and setbacks for the new buildings and allow structural trusses that straddle the MTA tunnel on site.

During the certification hearing at the City Planning Commission (CPC), the Department of City Planning (DCP) stated that the Department intends to being using the R7-3 district beyond the special districts currently prescribed in the Zoning Resolution. To that end, several applications currently in the ULURP pipeline include the zoning text amendment to facilitate the wider mapping of this district, and this application is the first to reach public review.

These actions would facilitate the construction of a 245,000 sf mixed use development, with 234,000 sf of residential, 6,500 sf of commercial, and 4,500 sf of community facility uses. The new development would consist of two new mixed used towers—a 17-story tower facing 9th Street and a 19-story tower facing 10th Street.

The 9th Street building is proposed as a 100% income-restricted mixed-use tower financed through the Department of Housing Preservation and Development's (HPD) SARA and ELLA programs and includes approximately 100 dwelling units with units restricted to seniors and families with incomes up to 50% Area Median Income (AMI). The 10th Street building is proposed to have approximately 205 dwelling units, with 62 income-restricted units through MIH Option 4 (also known as "Workforce"). The existing building on the southeast corner of the site will remain and will be partially re-regulated as rent-stabilized housing through Article XI, which is a tax exemption approved by City Council and requires at least two-thirds of the units to be affordable.

The proposal includes an open space between the towers, accessible by a ramp from 10th Street and a staircase from 9th Street. The proposal would preserve 39 parking spaces, a reduction from the existing 115 spaces. The proposal is seeking to waive the parking requirement for the new towers. During their presentation, the applicant stated that the existing parking lot has a 50% utilization rate. Tenants from the existing building submitted testimony contesting that this estimate is too low.

The Borough President held a public hearing on this application on Monday, December 18th. Eight individuals testified on this item at the hearing. The Borough President received written testimony from 12 individuals, including a signed petition in opposition to the project and Stellar Management's performance as a property manager. During the hearing, the applicant presented two letters of support from community-based organizations and a packet of signed letters from tenants declaring satisfaction with buildings managed by Stellar.

Community Board Position

Community Board 6 voted to conditionally disapprove this application on December 13, 2023, with the condition that the developer enters into a Community Benefits Agreement (CBA) to protect the interests of current tenants and ensure the affordability of new affordable units covered by HPD programs and the units in the existing building.

Approval Rationale

Borough President Reynoso believes the applicant's proposed zoning districts of R7-3 and C2-4 overlay are appropriate to facilitate additional residential density and activating the street front with community facility and retail uses along 9th and 10th Streets. The Borough President believes that the proposed height is appropriate given the context with the existing building, the proximity to transit at the 4 Av-9 St Station and nearby bus routes, and presence along 9th Street, which is 108 feet wide.

The Borough President believes the Large Scale General Development Special Permits are appropriate to facilitate the construction of structural trusses to straddle the MTA tunnel and provide predictability in

building height and bulk. Building around the MTA tunnel in a safe, responsible manner is a necessity, and zoning should not restrict essential engineering measures that ensure the integrity of both the train tunnel and the new towers. The applicant inquired with the MTA about reserving an easement for accessibility upgrades per the Zoning for Accessibility Program and received a determination that an easement was not needed at this site.

Transit-oriented development and preserving 100% affordable housing are priorities in the Borough President's Comprehensive Plan for Brooklyn. This proposal is in alignment with the Plan's Housing Growth & Parking Demand Management framework and specific recommendations such as supporting transit-oriented development (Obj. 2.2), pursuing a parking waiver to maximize housing unit production (Rec. 2.2.4), including deeper affordability than required through MIH (Rec. 2.1.2), preserving affordable housing (Rec. 2.3.1), and adding density in areas where housing production is lagging (Rec. 2.1.1.b). Since 2014, the census tracts on the western edge of Prospect Park have lost housing units (see "Housing Unit Change," p. 69) as brownstones have been converted from multi-family to single-family homes. Fewer housing units and skyrocketing rents mean fewer opportunities for people to live within a feasible walking distance of Prospect Park. The proposed towers would add 100 units of affordable and senior housing within a 15-minute walk and help establish a precedent that a short walk to Prospect Park is not limited to the wealthy or those who got their foot in the door decades ago.

While the Borough President was discouraged that the existing building was removed from the Mitchell-Lama program, the proposal is re-regulating the units through Article XI and as such is in alignment with Rec. 2.3.1 of the Comprehensive Plan. The Borough President does not approve of mapping MIH Option 4, and requests that the City Planning Commission and City Council remove Option 4 from the application.

Active streetscapes and lively open spaces are also a priority in the Comprehensive Plan for Brooklyn. In addition to providing a publicly accessible open space, this proposal reduces the total number of curb cuts on site from eight to two, and would add community facility and retail spaces along areas that are currently either surface parking or underused. This proposal is in alignment with the Plan's Healthy Streets & Environment framework and specific recommendations relating to providing open space and improving access to existing open space (Rec. 4.2.4).

The Borough President believes that the proposed parking is appropriate. The project area directly abuts three train lines and is an excellent case for transit-oriented development. Most residents in the surrounding area commute to work by transit (see "Commute to Work by Transit," p. 91), few commute by driving ("Commute to Work by Driving," p. 92), and between 42% - 62% of households report having no vehicles available ("Households with no Vehicles Available," p. 94). Total vehicle miles traveled in the area is also very low, suggesting that vehicles are not often used for non-commuting trips either ("Vehicle Miles Traveled," p.93). However, the Borough President recognizes that some current residents already have a vehicle and use the existing parking. As such, preserving some of the existing spaces for continued use is appropriate.

The Borough President is concerned about Stellar Management's record as a property manager at this site. Current residents raised significant concerns about delinquent repairs and maintenance in the rent-stabilized units in particular. Discriminatory treatment of rent-stabilized housing is unacceptable. The Borough President echoes Community Board 6's condition that Stellar Management enter into a Community Benefits Agreement to monitor timely repairs and maintenance of the existing building, and delivery of all proposed new and preserved affordable housing units.

Ultimately, this application highlights a core weakness of the Uniform Land Use Review Procedure (ULURP). During the Borough President's public hearing, many current residents of the building testified that Stellar Management does not "deserve" to build and subsequently reap the benefits of new housing.

Given the allegations, complaints filed, and reporting of mismanagement both at this site and others operated by Stellar across the city, this well may be true. Unfortunately, ULURP is designed to be reactive rather than proactive. A citywide comprehensive planning process would allow the public to plan transit-oriented development as suggested here in Park Slope based on land use rationale rather than the initiative of individual applications. In this recommendation, the Borough President has referenced his own Comprehensive Plan for Brooklyn to demonstrate how such a process could look. Given this site's strong suitability for transit-oriented development and the complicated technical aspects of building above the MTA tunnel, the Borough President recommends approval of this application with the conditions that Stellar Management be held accountable to deliver sorely needed repairs and the proposed affordable housing.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the conditions that:

1) Stellar Management enter into a Community Benefits Agreement to monitor timely repairs and maintenance for the existing building and the delivery of proposed new affordable housing units.
2) MIH Option 4 be removed from the application and replaced with MIH Option 1 or 2.

BROOKLYN BOROUGH PRESIDENT

January 10, 2024

DATE