Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
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 #: 3133-3135 EMMONS AVENUE

In the matter of the applications, submitted by STGG Realty, LLC for the grant of a special permit to modify the floor area requirements, the location of use requirements, the height requirement, and the parking requirements for a privately owned property located at 3133-3135 Emmons Avenue, within the Special Sheepshead Bay District, Community District 15. Approval will facilitate a one-story enlargement, consisting of 11,051 square feet, of an existing two-story commercial building.

COMMUNITY DISTRICT NO. 15 | BOROUGH OF BROOKLYN

RECOMMENDATION

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

SEE ATTACHED

BOROUGH PRESIDENT

January 12, 2016
DATE

RECOMMENDATION FOR 3133-3135 EMMONS AVENUE – 150343 ZSK/ 150342 ZRK

STGG Realty, LLC (STGG), pursuant to Sections 197-c and 201 of the New York City Charter seeks the grant of a special permit pursuant to Section 94-096 of the Zoning Resolution to modify the floor area requirements of Sections 94-092 (Maximum floor area ratio (FAR)), to modify the location of use requirements of Section 32-421 (Limitation on floors occupied by commercial use) and, the modify the height requirements of Section 36-21 (General Provisions). Such actions would facilitate a one-story enlargement, consisting of 11,050 square feet, of an existing two-story commercial building, on the property located at 3133-3135 Emmons Avenue, within the Special Sheepshead Bay District (SSBD) in Community District 15.

On December 22, 2015, the Borough President held a public hearing on the special permit request. There were no speakers on this item.

The representative of STGG stated that the special permit that will be created in order to achieve the height increase, the floor area increase, and the parking reduction would be applicable only to buildings on zoning lots at least 10,000 square feet, within Section G of the SSBD. Addressing concerns raised by the Sheepshead Bay - Plumb Beach Civic Association that the proposed special permit might apply to too broad a section of the SSBD about which the Borough President also inquired, the representative provided a map demonstrating that the minimum lot size requirement would apply to only four other properties. These four properties would not be able to accommodate any enlargements as the three residential buildings are fully built out and the one commercial building already contains more floor area than permitted by the proposed special permit.

In response to the Borough President's concern about this building's location within the flood zone, the representative stated that the entire ground floor consists of the parking garage and that the building was undamaged during Hurricane Sandy. The developer also stated that as part of this application the mechanical equipment will be raised higher within the building, therefore, the developer anticipates no damage in floods.

Responding to the Borough President's efforts to advance sustainable and renewable energy resources, the representative stated that STGG intend to provide a white roof to reflect some of the heat from the sun. The developer also stated that in order to increase energy efficiency, all the lighting within the building will be replaced with LED lighting, a new boiler will be installed, and the new second floor will feature refractive, double-paned windows. The representative committed to looking into incorporating some additional sustainable and resilient elements. The representative expressed the intention to accommodate bioswales that would be incorporated with the street trees. The representative was amenable to possibly providing sustainable measures and practices for stormwater runoff above and beyond the standard.

In response to the Borough President's policy of maximizing job opportunities for Brooklyn residents, the representative stated that its tenant, Prime Home Health Services, currently employs a large workforce of local residents and would reach out to the community to share future employment opportunities. The representative stated the intention to ensure the participation of Minority and Women-Owned Business Enterprises and Local Business Enterprises in the process of construction at this development site. The developer would be more than willing to work with any non-for-profit training programs that may provide skilled workers for the business at this location.

Following the public hearing, the applicant's representative submitted the attached letter dated January 12, 2016 outlining their commitment to incorporate sustainable design elements, to consider retaining Brooklyn-based subcontractors, and to source materials from local suppliers, and implement dry flood proofing measures.

Considerations

Community Board 15 (CB 15) voted to approve this application with a condition that there would not be a sale of the remaining air rights.

Prime Home Health Services, a business providing home health aides and medical therapy, is the tenant in a two-story 25 feet high building, covering 100 percent of an approximately 11,670 square foot lot. The building contains approximately 12,300 square feet of floor area, including a 44-car garage. The building is wholly located within an R5/C2-2 district within SSBD, on the north side of Emmons Avenue between Coyle and Ford streets.

Although the area in which the site is located has a growing need for the type of health care services provide by Prime Home Health Services, the building cannot be expanded under the current zoning because an expansion would exceed the permitted floor area ratio (FAR) and height limit for commercial uses. The expansion would necessitate providing fewer parking spaces than would be required for such additional floor area. In response, the landlord proposes a zoning text amendment that would create a special permit to allow for enlargement of the building, adding a full second and a partial third floor, increasing the height to nearly 35 feet, increasing the floor area to approximately 23,350 square feet, and reducing the number of parking spaces to 32.

The proposed text amendment will modify the Zoning Resolution (ZR) Sections 94-064, 94-092 and 94-114, and create Section 94-096, all within the SSBD. The newly created ZR Section will make a special permit available to lots that are at least 10,000 square feet, in Area G of the SSBD. The special permit would allow such lots to be enlarged with commercial uses of up to 2.0 FAR, provided that such use would be located above two stories or 30 feet in height. The special permit would also allow for the reduction or waiver of the parking requirements associated with such enlargements.

The Borough President generally supports land use actions that allow for the expansion of local businesses and creation of local employment. Granting of the proposed special permit would allow Prime Home Health Services, a long standing local business, to expand its operations to nearly double the existing capacity through added floor area consisting of new office and circulation space, allowing the business to support additional home care aides. The company would hire an additional 150 workers, for a total of 350 employees, approximately 111 of whom would work on site daily, compared with 100 daily employees currently on site. In addition, this business serves an important role in the local community by providing the frail-elderly and the disabled with the ability to remain at home, as opposed to being reliant on nursing home care. Home health care services are a growing need in Brooklyn, considering the aging of the Borough's population, and provide a more affordable solution to manage the financial demands on Medicaid.

The Borough President supports the proposed special permit. He is encouraged by the applicant's letter committing to explore the participation of locally-based enterprises and local hiring, in the construction of the building enlargement.

Jobs

The Borough President is concerned that too many residents of Brooklyn are currently unemployed or underemployed. It is his policy to promote economic development to create more employment opportunities. Double-digit unemployment remains a pervasive reality in many of Brooklyn's neighborhoods, and more than half of our community districts have experienced poverty rates of 25 percent or greater, according to averaged data from 2008 to 2012. Prioritizing local hiring will address this employment crisis. In addition, promoting Brooklyn-based businesses including those that qualify as MWBE and LBE is central to the Borough President's economic development agenda. As an enlargement of an existing building, this site provides opportunities for the developer to 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 MWBE establishments, as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation). The Borough President looks forward to additional opportunities that he could support to bring jobs and careers to borough residents.

The Borough President encourages responsible development and good practices by contractors and subcontractors. He believes that workers should be able to work in a non-threatening environment while promoting his agenda for achieving employment for Brooklynites through discretionary land use actions.

The Borough President believes that where development in Brooklyn would provide significant opportunity to add permanent jobs, tenants should be encourage to maximize the employment of borough residents. As Prime Home Health Services anticipates growing its staff to potentially 150 additional employees in some combination with home-health aide and office support staff, the Borough President believes it is appropriate for the tenant to establish relationships with community-based development organizations that offer candidate placements as well as job-training for such skilled labor. In additional, it should promote awareness in the surrounding community, including the nearby public housing complexes, of such qualified training programs.

In a letter to the Borough President, dated January 12, 2016 (attached), the owner will ask its contractor to use commercially reasonable efforts to pursue the hiring of Brooklyn residents and prioritize the retaining of Brooklyn-based subcontractors, especially those designated "MWBE' to meet or exceed Local Law 1, and to update the Borough President periodically in the event that such contractors are used. In addition, the owner shall use reasonable efforts to source materials from local suppliers.

Recommendation

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve the land use actions requested.

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January 12, 2016

Hon. Eric L. Adams
Brooklyn Borough President
209 Joralemon Street
Brooklyn, New York 11201

Re: Sustainable and Resilient Energy and Storm Water Management Efforts
Proposed Zoning Text Amendment and Zoning Special Permit
ULURP No. 150342ZRK & 150343ZSK
Block 8804, Lot 75
3133-3135 Emmons Avenue New York (the "Premises")

Dear Borough President Adams;

Our office represents STGG Realty LLC, the owner of the above-referenced Premises. The owner has filed applications at the Department of City Planning which seek to allow for the enlargement of the two-story building on the subject Premises, occupied by Prime Home Health Services. The application requests two actions: (1) a zoning text amendment, which would create a new zoning special permit which would allow the modification of the height and parking requirements of the Sheepshead Bay Special District Area G; and (2) an application for the new special permit. If approved, the existing building will be enlarged with a full second floor and partial third floor mezzanine. In addition, the parking will be reduced from the 48 existing parking spaces to the proposed 32 parking spaces.

The project architect intends to design the proposed building to advance sustainable and resilient energy and storm water management policies where possible. The owners have considered installing a white roof design, as a renewable energy feature and will use LED lighting throughout.

In constructing the proposed development, the owner will request that its contractor use commercially reasonable efforts to pursue the hiring of Brooklyn residents and prioritize the retaining of Brooklyn-based subcontractors, especially those designated "MWBE' to meet or exceed Local Law 1 and would update the Borough President periodically in the event such contractors are used. In addition, the owner shall use reasonable efforts to source materials from local suppliers.

The owner will also undertake dry flood proofing measures on the lower level to ensure compliance with the zoning text and building code resiliency standards. The owner will locate all mechanicals and electrical equipment on the first floor and upper floors, *which will be* designed to prevent flooding or water damage. Other measures to dry flood proof the Premises on the cellar level include a proposed aluminum panel flood resiliency compliant gate at the garage level that will resist water from entering through the garage door. In the event of a storm, flood resistant aluminum panels will be placed in front of the two exit doors at the cellar level.

Further, the owner will incorporate all nine (9) zoning required trees along the zoning lot at the Premises. There are two (2) existing trees, which will be preserved, and seven (7) new trees that will be planted.

We thank you for taking the time to review this matter. Please do not hesitate to contact our office should you have any questions or concerns.

Sincerely,

Eric Palatnik, Esq.