



A DECADE LATER IN DOWNTOWN BROOKLYN

A REVIEW OF THE 2004 REZONING

BROOKLYN-USA.ORG



ERIC L. ADAMS
BROOKLYN BOROUGH PRESIDENT



Eric Adams



@BPEricAdams

Background

The 2004 Downtown Brooklyn Rezoning sought to change the way Downtown Brooklyn would grow in the next century by reinforcing the area's role as a regional central business district, and to capture the regional employment growth and businesses that considered relocating from Manhattan and beyond. The plan also sought to strengthen Brooklyn's job base by increasing opportunities for commercial headquarters development as well as exploring the addition of residential, cultural and academic centers to the area. The goals of the rezoning plan were to:

- Encourage a mix of uses that complemented a commercial and residential core
- Capture future economic growth and new jobs by creating new office development
- Foster new and varied retail opportunities to meet the needs of workers, residents and visitors to Downtown Brooklyn
- Establish a strong cultural district and foster growth in education centers
- Integrate new development and both vehicular and pedestrian circulation planning along Flatbush Extension, Willoughby Street and adjacent side streets

The Downtown Brooklyn rezoning plan passed the New York City Council 47-0 with one abstention. The plan projected the construction of 4.6 million square feet of office space, roughly 850,000 square feet of retail, and approximately 1,000 units of housing over ten years. The centerpiece of the plan was the proposed creation of three new office towers located next to a planned 1.5 acre park above a parking garage.

The plan would also allow for the condemnation of seven acres of private property, including 130 residential units and 100 businesses in the downtown area to provide for office development.

In many ways the rezoning was a success, helping inject public and private funding into the neighborhood, and in the eleven years since the 2004 Downtown Brooklyn Rezoning it is clear that Downtown Brooklyn has become a hub of economic activity. According to a February 2015 analysis conducted by the Downtown Brooklyn Partnership, the plan successfully leveraged \$400 million in public funding into \$4 billion of private sector investment.

Moreover, in a time when our City faces a major housing crisis, the rezoning led to the creation of 6,700 new apartments, including 530 affordable homes according to Downtown Brooklyn Partnership. Given the neighborhood's rich transit infrastructure, Downtown Brooklyn makes an ideal location for the development of housing.

Furthermore, in recent weeks, major commercial space announcements have been made in the Downtown Brooklyn area, including the 420,000 square foot office-tower slated for development at 420 Albee Squareⁱ and the Economic Development Corporation's commitment to issuing requests for proposals (RFP's) for commercial space in the future.

Unfortunately, much of the premise for the rezoning has not been met, namely making Downtown Brooklyn a 21st Century business and commercial district, and Downtown Brooklyn is bearing a burden of unanticipated new residential development without a comparable level of infrastructure to sustainably support a growing 24-hour community.

Methodology

Unlike the broader Downtown Brooklyn Partnership analysis, our analysis looked strictly at the area that was rezoned in 2004 to determine if the goals of the rezoning were being met.ⁱⁱ

The Brooklyn Borough President’s Office reviewed the development analysis of the Special Downtown Brooklyn Development District’s (SDBD) 2004 Environmental Impact Statement (EIS). The review focused on identifying whether the “projected” sites (sites analyzed for being developed within ten years of the adoption of the SDBD and analyzed for area-based assessments such as school seats, open space utilization, transit utilization, etc.) as well as “potential” sites (sites likely not developed in the first ten years with analysis limited to site impacts such as soil, archeological, air quality, shadows, etc.) in the EIS matched up with the actual development that has occurred over the course of the past decade (Image 1).

**Map of Projected and Potential Development Sites:
Tracking Development Trends Following the 2004 Downtown Brooklyn Rezoning**

-  New Development following 2004
-  No Development following 2004
-  Possibilities for New Development (i.e. lot assemblages, Demo permits)



Image 1: Map of Projected and Potential Development Sites in Special Downtown Brooklyn Development District

Analysis

The EIS focused upon office building development, where 4.6 million square feet of commercial space was analyzed and another 2 million square feet was assumed to be developed in the years following 2014. In reality, only 1.3 million square feet of commercial space has been developed in the SDBD to date, approximately 3.3 million square feet *less* than anticipated, while 9.8 million square feet of residential space has been developed, or 8.9 million square feet *more* than anticipated.

In terms of raw numbers of housing units, it was estimated that 979 projected units of housing would be built over the course of a decade, but the reality is that over 11,000 housing units have been developed or are in the pipeline.

In addition, the area has become much more of a hotel sector than originally imagined. With the exception of the New York Marriott at the Brooklyn Bridge, hotels were not assumed to be built within the first ten years after the rezoning, while there was the potential for close to 1,400 rooms at full build out. In reality, to date, there are approximately 1,700 rooms that exist or are being developed.

Retail development is also occurring at a pace that is 20 percent greater than what the EIS projected, though remains 300,000 square feet less when potential sites are included. With unannounced properties that could one day redevelop, it is reasonable to assume that the nearly 1,400,000 square feet disclosed in the EIS would be met (Graph 1).

Post-2004 Projected/Potential Development vs. Actual Post-2004 Development

		Office (sf)	Retail (sf)	Residential (sf)	Community Facility (sf)	Other (sf)	Hotel (sf)	ResUnits	Hotel Rooms	Total Floor Area (sf)
Projection:	Projected	4,611,000	844,000	979,000	220,000	40,000 (Cultural)		979		6,694,000
	Potential	2,047,000	533,000	2,535,000	1,338,000		445,000	2,535	1369*	7,343,000
	Projected and Potential	6,658,000	1,377,000	3,513,000	1,558,000	40,000	445,000	3,514	1369*	13,591,000
Actual	Post-2004 Development (on Projected and Potential)	262,565	797,388	5,463,449	45,648	240,663	525,306	6,845	888	7,092,174
	All Post-2004 Development (Projected, Potential, and Non-Projected/Potential)	1,322,143	1,036,623	9,880,719	108,701	413,322	705,350	10,889	1,291	12,785,327
	Difference between Proj/Pot and actual (x = actual - proj/pot)	(5,335,857)	(340,377)	6,367,719	(1,449,299)	373,322	260,350	7,375	(78)	(805,673)

*assuming the average hotel room size of 325-square-feet, 13' x 25' space

Graph 1: Post-2004 Projected/Potential Development vs. Actual Post-2004 Development

Post-2004 projected versus actual summary:

- Residential Floor Area, Residential Units, and Hotel Floor Area reached and surpassed the Downtown Brooklyn development projections
- Office and Community Facility Floor Area, however, fell very short of the Downtown Brooklyn development projections

As a result of our analysis, I can definitively say that development of Downtown Brooklyn over the past 11 years has been centered on the creation of a residential enclave proximate to the surrounding Brownstone Brooklyn neighborhoods. In fact, according to the Department of City Planning, from 2000-2010 alone the population in the census tracts that were included, at least in part, in the rezoning district grew by nearly 2,500.ⁱⁱⁱ In addition, according to the Downtown Brooklyn Partnership, commercial vacancy rates are 3.4 percent.^{iv}

Based on the EIS analysis in 2004, there were few, if any, disclosed mitigation strategies to accommodate new development. According to the Final EIS, no additional measures were put in place to accommodate increased energy demands because it was assumed that these new demands would fall within the capacity of existing energy provisions.^v Similar assumptions were made for the necessary levels of sanitation and waste management provisions.^{vi}

The EIS did suggest that there would be increased strain on water provision. However, as a result of New York City's comprehensive water conservation program, which seeks to reduce water use by implementing metering programs and requiring that all new fixtures in existing and new structures are low-flow designs, no additional measures would be needed to accommodate the primarily commercial development projected.^{vii}

Capital Budget commitments were made, including a connection between Borough Hall - MetroTech and Lawrence Street A, C, F and R subway service as well as streetscape improvements to Flatbush Avenue and Fulton Street. In addition, further streetscape improvements to Tillary Street were to be completed in 2009 but unfortunately the project has fallen behind schedule.

These past mitigation strategies were proposed and modeled on the assumption that the SDBD would be more commercially focused and less of a 24-hour community neighborhood. The additional strain on community resources and infrastructure is an issue that, regardless of your position on the aforementioned development, should be a concern to all.

Real World Examples

In various sectors, the gap between the planned versus the reality has far outmatched the capacity for accommodation.

For example, subway ridership from 2002^{viii} - 2014^{ix} (2002 being the data year that the EIS used in its study) grew by about 24 percent across the entire Metropolitan Transportation Authority (MTA) system, but grew by roughly 30 percent at the stations in the Downtown Brooklyn area – almost 37,000 more trips.^x As a result of the additional residential development, more strain has been added to our subway system at more hours of the day rather than just during the traditional workday of nine-to-five.

In addition, school attendance has grown in schools that draw students from within and around the rezoned area. The four elementary schools in the catchment area have all seen increased enrollment in recent years. From the 2007-08 school year through the 2014-15 school year:

- PS 38's enrollment increased from 470 to 540 (14.9 percent);
- PS 261 increased from 800 to 803 (.003 percent); and
- PS 287 increased from 173 to 199 (15.0 percent).^{xi}

These increases bring PS 38 and PS 261 to 88 and 115 percent capacity, respectively. Furthermore, the Department of Education expects that growth will continue at PS 287 as more residential units come online in the heart of that catchment area, which is perhaps one reason why PS 287 is currently operating at only 58 percent capacity. In fact, this assumption has been reflected in recent statements made by the DOE when discussing the pending school district rezoning in 2016. According to the DOE's own Frequently Asked Questions document, "P.S. 287 was ultimately not included in the proposed rezoning proposal because there is substantial upcoming residential construction in the P.S. 287 zone; thus, increasing the zone size now could create an unsustainable zone size for the school in the near future."^{xii}

My office has long called for additional school seats in the Downtown Brooklyn area.^{xiii} This call helped lead to the recent news, announced by the New York City Department of Education, of the inclusion of more than 3,000 seats in the School Construction Authority's updated 2015-2019 capital plan for Downtown Brooklyn. This is a long overdue development, and I look forward to working with stakeholders and the DOE to identify existing locations and new sites to accommodate the influx of students, including at the new Brooklyn Heights Library, and throughout the rezoned and surrounding areas.

Finally, according to *Governing Magazine*, there are 41.7 officers per 10,000 residents in New York City.^{xiv} As mentioned above, from 2000-2010 the population in the census tracts within the rezoned area alone grew by nearly 2,500 people.^{xv} This growth, however, does not take into account the additional residential development that has likely occurred in the subsequent five years, nor does it account for the growth in surrounding areas that still impact the Downtown

Brooklyn area. As the population in Downtown Brooklyn and its surrounding area grows, comparable increases in NYPD, FDNY and DSNY capacity must be also achieved.

Recommendations for a Sustainable Downtown Brooklyn

The gap between what was assumed for the 2004 analysis and what has been developed warrants a fresh look at how to accommodate past and future growth and direct necessary capital budget investment.

Any such review, however, must also consider surrounding land use actions that have taken place which also impacted Downtown Brooklyn despite having not been included in the original EIS.

For example, the Schermerhorn corridor developed through State property dispositions, the Brooklyn Law School dormitory rezoning, the dispositions of the Department of Education headquarters at 110 Livingston Street, the Court-Atlantic municipal parking garage, the Bridge Plaza rezoning north of Tillary Street, and the Downtown Brooklyn Cultural District/BAM Cultural District dispositions, which yielded additional development rights, all impacted the neighborhood of Downtown Brooklyn despite not having been analyzed in the 2004 EIS.

To ensure that the infrastructure needed to accommodate growth in Downtown Brooklyn is created, New York City should take concrete steps to improve the diversity of uses and update needed infrastructure, including actions to:

- **Investigate the need for a Zoning Text Amendment to encourage more commercial development**
- **Revisit infrastructure needs in rezoned area:**
 - New York City Department of City Planning and the Economic Development Corporation should convene a task force to revisit infrastructure needs including, but not limited to:
 - A fully built-out Strand open space project
 - Additional transit infrastructure
 - Safer pedestrian and cycling connections
 - Appropriate locating of additional school seats
 - Identification of additional available school sites
 - Improved access to health care facilities
 - And other potential staffing and infrastructure needs as necessary
 - Each instance of a discretionary land use action in the rezoned area should include recommendations for additional school seats and infrastructure
- **Free up commercial space in Downtown Brooklyn:**
 - Relocate city agency functions to places like Broadway Junction

- Fast-track the Economic Development Corporation's Request for Proposals for building additional commercial space in Downtown Brooklyn
- **Expand affordable housing opportunities**
 - Link reduction of parking to use of the voluntary affordable housing bonus
 - Map remaining of Downtown Brooklyn areas for the voluntary affordable housing bonus

Conclusion

It is clear that Downtown Brooklyn has become a residential destination, and commercial space continues to be at a premium. As a result, the area feels the strain of different impacts than those that were initially studied. Without additional infrastructure investment to accommodate an increasingly 24-hour community, will Downtown Brooklyn be able to handle both residential and commercial developments? We must work to adequately identify the necessary infrastructure needs to accommodate the current and future growth, and identify additional measures to free up necessary space for commercial tenants, the original goal of the 2004 rezoning.

Brooklyn has become a destination, and we must continue to encourage and accommodate the businesses that want to locate here, but we must also ensure that growth is done responsibly and with the necessary infrastructure to support it. Brooklyn's brand must translate to prosperity for all, and I look forward to ensuring that occurs.

Endnotes

- ⁱ Joe Anuta, *Downtown Brooklyn's first new office tower in more than a decade will rise*, Crain's, 11/9/2015, http://www.craigslist.com/article/20151109/REAL_ESTATE/151109867/downtown-brooklyns-first-new-office-tower-in-more-than-a-decade-will-rise.
- ⁱⁱ Downtown Brooklyn Partnership, *Downtown Brooklyn 10 Year Report*, 2015, <http://assets.downtownbrooklyn.com/documents/Downtown-Brooklyn-10-Year-Report.pdf>.
- ⁱⁱⁱ New York City Department of City Planning, *Brooklyn Community District 2 Profile*, 2011, <http://www.nyc.gov/html/dcp/pdf/lucds/bk2profile.pdf>.
- ^{iv} Rey Mashayekhi, *Office vacancy rate in Downtown Brooklyn is insanely low*, 8/20/2015, <http://therealdeal.com/blog/2015/08/20/downtown-brooklyn-office-vacancy-remains-at-city-low-3-4-report/>.
- ^v New York City Office of the Deputy Mayor for Economic Development and Rebuilding, *Downtown Brooklyn Development Final EIS*, page 13-1, 4/30/2004.
- ^{vi} New York City Office of the Deputy Mayor for Economic Development and Rebuilding, *Downtown Brooklyn Development Final EIS*, page 12-3, 4/30/2004.
- ^{vii} New York City Office of the Deputy Mayor for Economic Development and Rebuilding, *Downtown Brooklyn Development Final EIS*, page 11-4, 4/30/2004.
- ^{viii} New York City Office of the Deputy Mayor for Economic Development and Rebuilding, *Downtown Brooklyn Development Final EIS*, page 15-2, 4/30/2004.
- ^{ix} Metropolitan Transportation Authority, *Introduction to Subway Ridership*, 2015, <http://web.mta.info/nyct/facts/ridership/>.
- ^x Metropolitan Transportation Authority, *2003 Annual Report*, page 28, 12/31/03, http://web.mta.info/mta/investor/pdf/2003_annual_report.pdf.
- ^{xi} Statistics from NYC DOE Demographic Snapshots available at: <http://schools.nyc.gov/Accountability/data/default.htm>.
- ^{xii} See document page 4 at: http://schools.nyc.gov/NR/rdonlyres/7A66A394-27EF-4D6B-ACF4-3B35D4F73720/0/RezoningFAQ_D13_vFinal2.pdf.
- ^{xiii} Brooklyn Borough President Recommendation to the City Planning Commission, 9/8/2015, <http://brooklyn-usa.org/wp-content/uploads/2015/09/CD-2-One-Clinton-Street-150399-PPK-150400-PQK.pdf>
- ^{xiv} Governing Magazine, *Police Employment, Officers Per Capita Rates for U.S. Cities*, October 2012, <http://www.governing.com/gov-data/safety-justice/police-officers-per-capita-rates-employment-for-city-departments.html>.
- ^{xv} *Ibid, supra 4.*