

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

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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 #: 180 MYRTLE AVENUE TEXT AMENDMENT – 180188 ZRK

In the matter of an application submitted by Red Apple Real Estate, pursuant to Section 201 of the New York City Charter, for an amendment to the New York City Zoning Resolution (ZR), concerning Article X, Chapter 1, Section 11 (Special Ground Floor Use Regulations Within the Special Downtown Brooklyn District). Such actions would modify these requirements in order to allow all non-residential uses permitted by the underlying zoning for buildings fronting Myrtle Avenue between Ashland Place and Fleet Place, in Brooklyn Community District 2 (CD 2).

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

A handwritten signature in black ink, appearing to be "Eric Adams", written over a horizontal line.

BROOKLYN BOROUGH PRESIDENT

August 3, 2018

DATE

RECOMMENDATION FOR: 180 MYRTLE AVENUE TEXT AMENDMENT – 180188 ZRK

Red Apple Real Estate submitted an application, pursuant to Section 201 of the New York City Charter, for an amendment to the New York City Zoning Resolution (ZR), concerning Article X, Chapter 1, Section 11 (Special Ground Floor Use Regulations Within the Special Downtown Brooklyn District). Such actions would modify these requirements in order to allow all non-residential uses permitted by the underlying zoning for buildings fronting Myrtle Avenue between Ashland Place and Fleet Place, in Brooklyn Community District 2 (CD 2).

On July 25, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on this zoning text amendment.

In response to Borough President Adams' inquiry as to what consideration has been given to incorporating community facility uses that would address the needs of nearby New York City Housing Authority (NYCHA) residents, such as an affordable medical care provider or child care services, as has been previously expressed by Brooklyn Community Board 2 (CB 2) as part of a nearby Uniform Land Use Review Procedure (ULURP) request, the representative stated that the applicant has not spoken to NYCHA residents, but has been approached by child care and non-profit medical tenants in the past. The applicant would be happy to reach out to NYCHA tenant associations through the Office of the Brooklyn Borough President in order to secure viable community facility uses that will appeal to area residents.

In response to Borough President Adams' inquiry as to what steps the applicant is prepared to take in order to connect local non-profits to the available commercial ground-floor space for community facility use, the representative expressed that the applicant would make efforts to reach out to local non-profits that may be interested in such space. The applicant would look to the Office of the Brooklyn Borough President for suggestions of any organizations that may be a good fit.

Consideration

CB 2 voted to approve this application on June 25, 2018.

The project area consists of three lots on Myrtle Avenue between Ashland and Fleet places, zoned R7-1/C2-4, and improved by three mixed-use buildings: 81 Fleet Place, 180 Myrtle Avenue, and 218 Myrtle Avenue. The buildings are all owned by the applicant and together provide 35,254 square feet (sq. ft.) of ground-floor commercial space, of which 16,355 sq. ft. is vacant.

The project area is located within and subject to the regulations of the Special Downtown Brooklyn District (SDBD). It is also part of the Myrtle Avenue Business Improvement District (BID) service delivery area, which extends from Classon Avenue to Flatbush Avenue. It is accessible via the B54 bus, which runs along Myrtle Avenue, and the DeKalb Avenue station, located two blocks south of the site, with service by the Central Park West Local/Sixth Avenue Express B, the Queens Boulevard/Broadway/Fourth Avenue Local R, and the Second Avenue/Broadway Express Q trains.

The owner is seeking to occupy the ground-floor commercial space with community facility operators, which is not currently permitted by SDBD Ground Floor Use Regulations. According to ZR Article X, Section 101-11, *Special Ground Floor Use Regulations*, SDBD ground-floor uses within 50 feet of the street line are restricted to commercial uses listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, and 9, as well as libraries, museums, and non-commercial art galleries from Use Group 3.

The proposed text modification to the SDBD would additionally permit all non-residential uses listed in Use Groups 3, 4, 5, 6, 7, 8, 9, and 14 in the project area within 50 feet of the street frontage. Such

action would permit the full range of community facilities listed in Use Groups 3 and 4, including child care centers, medical offices, and non-profit institutions. The applicant expects that such modification would allow it the flexibility to fully lease the ground-floor spaces, and replace approximately 8,200 sq. ft. of presently unoccupied commercial space with community facility uses.

Borough President Adams supports the requested zoning text amendment, as it provides an opportunity to address commercial vacancies at 81 Fleet Street, 180 Myrtle Avenue, and 218 Myrtle Avenue; promote occupancy by community facilities that benefit neighborhood residents, and would moreover result in permanent job creation. He believes that occupying the 16,000 sq. ft. of ground-floor space at this location would activate this portion of Myrtle Avenue and strengthen the thriving Myrtle Avenue retail corridor.

Borough President Adams believes there are opportunities to facilitate engagement with NYCHA residents and local cultural organizations to secure tenants that would contribute to the neighborhood.

Engage Residents of Nearby NYCHA Developments to Determine Appropriate Community Facility Uses for the Ground-Floor Commercial Spaces

With the ability to lease to a full complement of community facility uses, the adjacency of these Fleet Place and Myrtle Avenue buildings to the Raymond V. Ingersoll (Ingersoll) and Walt Whitman houses presents significant opportunities to realize needed services for this community. In a 2017 ULURP application for a proposed development at 202-208 Tillary Street, the developer engaged the Ingersoll Houses Tenants Association (TA) to determine potential uses for more than 13,000 sq. ft. of community facility space. The TA identified affordable child care and medical care as the highest priorities for NYCHA residents. Market research in the Myrtle Avenue BID confirms unmet demand for child care and health care services in the area.

Borough President Adams recognizes the appropriateness for having access to affordable child care facilities in for the residents of the Ingersoll and Walt Whitman houses and neighboring Fort Greene families. He acknowledges that there is a nearby New York City Administration for Children's Services (ACS) facility though it has limited capacity and appears to be fully utilized. In addition, such a facility is oriented nearest to the southwest corner of the Ingersoll Houses, making it more remote for its residents in buildings located near Navy Street and Park Avenue. For residents of Walt Whitman Houses, the distance to the ACS funded facility is even more remote. Therefore, additional child care capacity for households of qualifying lower incomes, being strategically located, may be warranted. The provision of child care services at one of the three Red Apple Real Estate buildings through a lease on behalf of such a provider would be consistent with his policy to promote greater access to child care for families with limited household incomes.

Borough President Adams also recognizes that not all Brooklyn neighborhoods have adequate access to health care services. Among his greatest priorities is to expand accessible, affordable, and state-of-the-art medical services to all communities in the borough. Borough President Adams believes that this consolidated model of medical services represents the future under the Affordable Care Act. The provision of affordable medical services at one or more of these buildings through a lease to a medical care provider would be consistent with his policy of promoting greater access to affordable health care.

Approval by the City Planning Commission (CPC) and City Council would allow the applicant to lease more than 16,000 sq. ft. of the existing commercial space to a child care operator and/or non-profit medical provider. Occupancy by such tenants would generate revenue for the property owner, while fulfilling a demonstrated need in the community. Borough President Adams encourages the Red Apple Real Estate to engage the residents of nearby NYCHA developments to obtain feedback

regarding the type of services that would be beneficial. His office is available to assist in opening dialogue with the TAs of Ingersoll and Walt Whitman Houses in consultation CB 2 and local elected officials.

Study Unmet Need for Affordable Child Care Facilities in the Area

Borough President Adams recognizes that affordable child care facilities are a vital asset in Brooklyn's lower-income communities. Such facilities, often referred to as EarlyLearn NYC Centers, are run by private operators under a contract with ACS. In order to qualify, children must have a parent or guardian with an income of no more than 200 percent of the federal poverty level and a reason for care, which includes working, being in school or at a job training program, seeking work for up to six months, or not having a permanent home.

Within the boundaries of CD 2, such child care facilities are not conveniently situated for some of the residents of Ingersoll Houses and for the residents of Walt Whitman Houses, which, together, house more than 2,000 families. The recent closure of a nearby child care center has left only one EarlyLearn NYC center, located at 101 Fleet Street, in the vicinity. This facility has capacity for 52 children and is currently operating at full enrollment. Other local child care facilities are concentrated west of Flatbush Avenue, while the area east of Ashland Place is substantially lacking in such services.

As all publicly-funded early learning centers in New York City are provided by ACS, Borough President Adams believes that ACS should study the extent of unmet need (child care slots) for subsidized child care in CD 2, particularly in the area occupied by the Ingersoll and Walt Whitman houses, in consultation with CB 2. He also calls on the applicant, Red Apple Group, to consult with ACS soliciting child care tenants for its three properties, particularly 218 Myrtle Avenue, which is also oriented nearest to Ashland Place.

Advancing Affordable Cultural Space in Downtown Brooklyn

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to secure sufficient affordable space to maintain and grow their programming.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlighted the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color, based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — as of 2016, 61 percent of adults are overweight or obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Demand for cultural programs continues to grow across Brooklyn. A 2015 report from the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Many cultural organizations have contacted Borough President Adams seeking assistance securing space to expand and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural and dance activities.

The location of the proposed development at the nexus of Downtown Brooklyn and Fort Greene is well-suited for the inclusion of cultural and/or dance activities, given its proximity to the BAM Cultural District, and would provide improved access for Ingersoll and Walt Whitman houses residents to such community resources. Unfortunately, such uses cannot afford to compete with rents that office and retail uses would likely pay to lease ground-floor space at this location.

As noted, these buildings have more than 16,000 sq. ft. of available ground floor commercial space. Borough President Adams believes that it would be appropriate to set aside some portion of such space to provide a below-market lease to one or more local arts, cultural, or dance organizations based on reasonable lease terms.

Furthermore, to the extent that the City Council seeks to provide for below-market rents to accommodate arts and/or cultural organizations, the property owner, Red Apple Group, should actively solicit arts and/or cultural organizations for ground-floor occupancy, based on reasonable lease terms as determined in consultation with CB 2 and local elected officials.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application.

Be it further resolved that:

In consultation with Brooklyn Community Board 2 (CB 2) and local elected officials:

1. The Red Apple Group should engage residents of the New York City Housing Authority (NYCHA) Raymond V. Ingersoll (Ingersoll) and Walt Whitman houses to determine appropriate community facility uses for the ground-floor commercial space
2. The New York City Administration for Children's Services (ACS) should study the extent of unmet need (child care slots) for subsidized child care in Brooklyn Community District 2 (CD 2), particularly in the area occupied by NYCHA developments

The Red Apple Group should actively solicit arts/or cultural organizations for ground-floor occupancy based on reasonable lease terms as determined