



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 #: 69 Adams Street (200356PPK)

An application submitted by the New York City Department of Citywide Administrative Services (DCAS), on behalf of the New York City Economic Development Corporation (EDC), pursuant to Section 197-c of the New York City Charter, for the disposition of approximately 98,500 square feet (sq. ft.) of development rights from a New York City Department of Transportation (DOT) site located between Front and York streets, under the Manhattan Bridge approach. Such action would facilitate the merger of two City-owned zoning lots with the adjacent privately-owned lot at 69 Adams Street. The requested disposition would result in approximately six floors of commercial office space within a 25-story, as-of-right, mixed-use development in Brooklyn Community District 2 (CD 2). This application also seeks a permanent easement to ensure light and air for residential uses above a certain limiting plane on the DOT site.

BROOKLYN COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITION

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

January 20, 2021

DATE

RECOMMENDATION FOR: 69 Adams Street (200356PPK)

The New York City Department of Citywide Administrative Services (DCAS) submitted an application on behalf of the New York City Economic Development Corporation (EDC), pursuant to Section 197-c of the New York City Charter, for the disposition of approximately 98,500 square feet (sq. ft.) of development rights from a New York City Department of Transportation (DOT) site located between Front and York streets, under the Manhattan Bridge approach. Such action would facilitate the merger of two City-owned zoning lots with the adjacent privately-owned lot at 69 Adams Street. The requested disposition would result in approximately six floors of commercial office space within a 25-story, as-of-right, mixed-use development in Brooklyn Community District 2 (CD 2). This application also seeks a permanent easement to ensure light and air for residential uses above a certain limiting plane on the DOT site.

Brooklyn Borough President Eric Adams held a remote public hearing on this application on November 30, 2020. There were nine speakers in opposition who cited the following issues:

- The lack of reciprocal community benefits such as affordable housing
- An oversupply of new and vacant commercial office space in DUMBO
- The number of residential units under construction in the neighborhood, and inadequate infrastructure to support such development
- Additional strain on the overcrowded York Street station, which has only one entrance and requires capital renovations to ease crowding
- The amount of space that DOT takes up in DUMBO, which should be transitioned to become a community amenity
- The building's scale, which should be mitigated with setbacks at higher floors
- The need for a neighborhood traffic study and improved pedestrian flows

There were two speakers in support, including a representative of the Downtown Brooklyn Partnership (DBP) who noted the project's consistency with the Mayor's New York Works plan, which supports development in emerging commercial centers close to public transit, the developer's ambitious local and minority-owned business enterprise (MWBE) hiring goals, and the potential for trade union jobs on the project.

In response to Borough President Adams' inquiry as to what mechanism would ensure that the proceeds of this disposition would be used to fund enhancements such as improved access to the York Street station and streetscape restoration projects, including DOT perimeter enclosures and property retrenchment, EDC acknowledged the community's concerns and noted that the City's General Fund would target capital improvements in DUMBO. The representative expressed that EDC would investigate specific tangible improvements.

In response to Borough President Adams' inquiry as to whether such proceeds could finance capital improvements of existing housing stock, such as the nearby New York City Housing Authority (NYCHA) David Glasgow Farragut Houses in lieu of affordable housing at 69 Adams Street, the EDC representative noted that the possibility of affordable housing has not been ruled out, and that the City would consider ways for the project to benefit the surrounding community.

In response to Borough President Adams' inquiry as to what consideration has been given to setting aside a portion of the commercial ground floor as affordable spaces for arts and cultural uses, and/or local retail, the developer's representative stated that the tenancing plan involves some arts and cultural uses on the upper commercial floors. The developer would consider setting aside space for short- and long-term occupancy by such uses at below-market rates. Additionally, the ground floor would be leased to small retail businesses, also at discounted rents.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, and/or New York City Department of Environmental Protection (DEP) rain gardens, the developer's representative stated that 69 Adams Street would be a Leadership in Energy and Environmental Design (LEED) Silver building. The design would seek to incorporate building efficiency and sustainability ideas from the New York State Energy Research and Development Authority (NYSERDA) Greening New York State report, including passive house concepts. The building's large roof will also allow integration of solar panels and wind turbines. Finally, the developer would strive to meet Local Law (LL) 97 goals.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the representative clarified that the project would be required to meet local hiring and MWBE participation goals. Working with EDC, the developer would coordinate with the NYCHA Office of Resident Economic Empowerment & Sustainability (REES), 32BJ Service Employees International Union (32BJ SEIU), and other partners.

Prior to the hearing, Borough President Adams received testimony from three DUMBO residents opposed to the requested land use actions, including a member of the DUMBO Action Committee. Subsequently, Borough President Adams received four letters elaborating on concerns expressed during the hearing. Borough President Adams also received a letter in support of the project from the New York City & Vicinity District Council of Carpenters (NYCDCC).

On December 30, 2020, Borough President Adams received a letter from the developer, Rabsky, stating intent to support the creation of a plaza on one of the DOT sites, set aside affordable space for arts and cultural uses, integrate energy efficiency and onsite water retention measures, and seek installation of protected painted areas at crossings to 69 Adams Street.

Consideration

Brooklyn Community Board 2 (CB 2) voted to disapprove this application on December 9, 2020.

The 69 Adams Street application concerns an as-of-right residential development to be constructed on an approximately 17,460 sq. ft. site located under and west of the Manhattan Bridge. The development site is privately-owned and currently vacant. It shares a block bounded by Adams, Front, Pearl, and York streets with an approximately 28,125 sq. ft. municipal site managed by DOT. The property is used primarily for open vehicle storage and contains a one-story accessory building. Together, these parcels comprise a project area of approximately 45,590 square feet in a section of DUMBO zoned M1-5/R9-1. This Special Mixed-Use District (MX-2) permits commercial, community facility, industrial, and residential uses.

As represented, the Rabsky-owned site would be developed into a 25-story, 255,617 sq. ft. mixed-use building with 225 market-rate apartments on floors 12 through 25, comprising approximately 155,905 sq. ft. of residential use, 98,954 sq. ft. of office space on floors three through nine, and approximately 9,000 sq. ft. of ground-floor retail. The 10th and 11th floors are reserved for mechanical equipment and outdoor recreation. The 69 Adams Street location would rise to a base height of 85 feet, with 15-foot setbacks from Adams and Front streets, and a 20-foot setback from the Manhattan Bridge roadway, reaching a final height of 284 feet. The developer would be obligated to provide 90 off-street parking spaces for the 225 units, which would be located on the building's second floor, accessible via a 22-foot curb cut and ramp on the northeast corner of Adams and York streets.

The proposed actions involve the transfer of approximately 98,465 sq. ft. of mostly unusable air rights from the DOT parcel to the development site, to realize commercial use below the building's ninth floor, which would otherwise be constructed as residential floor area. The disposition would

merge the two properties into a single zoning lot coterminous with the project area. The distribution of zoning floor area with attendant use restrictions would be memorialized in a Zoning Lot Development Agreement (ZLDA) recorded against both sites. This document would also codify the City's rights and obligations, as well as those of the developer. After the transaction, the DOT site would retain approximately 154,700 sq. ft. of floor area, including nearly 42,200 sq. ft., which may be used for commercial development.

In addition to the sale of development rights, which is expected to generate nearly \$18 million in City revenues, the application seeks a light and air easement over a portion of the DOT site, extending from the building's lowest occupied floor, which would be located 29 feet above the Manhattan Bridge roadway. Such easement would range from 12.5 to 30 feet in depth and ensure legal provision of light and air for apartments facing that direction. The easement would also be memorialized in the ZLDA. In all, the proposal would facilitate a mixed-use building with uses that are in line with the general character of DUMBO, according to the underlying zoning.

The surrounding context includes a mix of commercial, light industrial, and residential uses. The majority of the buildings are historic in character and higher than six stories. The development site lies at the edge of the DUMBO Historic District, designated by the New York City Landmarks Preservation Commission (LPC) in 2007. South of the site is the New York City College of Technology (City Tech) school of architecture, the High Street A and C train station, and Concord Village, a cooperative development built in the 1950s. The blocks of York Street on either side of the Manhattan Bridge contain several small parks along the Brooklyn-Queens Expressway (BQE). Major open space resources include Manhattan Bridge Small Park on Jay Street; Trinity Park, located by the Manhattan Bridge overpass, and Whitman Park, situated southwest of the site, across Adams Street. There is a significant concentration of institutional buildings occupied by government offices. The Farragut Houses, a complex of 10 NYCHA buildings situated between the Brooklyn Navy Yard and Trinity Park, is located southeast of the site. This community is home to more than 3,000 residents.

In the last decade, DUMBO has seen a spate of new development spurred by the 2009 departure of the Watchtower organization and the subsequent sale and redevelopment of its holdings in the area. The most significant project to date is the Brooklyn Panorama, an \$80 million conversion of a two-acre campus occupied by five interconnected buildings (25, 30, 50, and 58 Columbia Heights as well as 55 Furman Street) for office and retail uses. Much of the demand for commercial space is driven by the recent influx of design and technology companies, which has transformed the neighborhood into an innovation hub.

Borough President Adams supports the development of underutilized land for productive uses that advance City priorities such as the creation of high-quality jobs. Given the scarcity of available land for development, it is Borough President Adams' policy to promote the use of underutilized municipal rights to the fullest practical extent. With rising private property costs, it is crucial to identify creative and smart ways to utilize such development rights. Moreover, the City has a dwindling supply of vacant land to facilitate its needs at minimum cost to its citizens.

One predominant use of City-owned land has been affordable housing development, though such land has also been used for schools, public parks, and other municipal priorities. Without the availability of such land, the City has little recourse but to acquire private property at fair market value. Understanding the vast need for affordable housing, the Office of the Brooklyn Borough President analyzed all City-owned properties in Brooklyn to determine where there may be excess air rights. Some of these rights may be placed on open City-owned land or realized through property redevelopment, but in certain instances the most effective strategy may be disposition to a private entity through a zoning lot merger. In this case, rights would be transferred to promote office development in proximity to a commercial center, while generating funds that would support the

provision of City services, and/or underwrite specific physical improvements. Borough President Adams believes that it is in the City's best interest to pursue transfer of zoning rights as the most effective means to utilize this municipal asset.

Rabsky's purchase of City air rights would ensure the beneficial inclusion of commercial space within what might otherwise be a predominantly residential development. In recent years, many older commercial buildings in Downtown Brooklyn have been converted for residential use, leading to a sharp drop in the availability of such real estate. As a result, there has been growing demand for affordable, Class A office space throughout CD 2. The 69 Adams Street location would increase supply of high-quality commercial space in proximity to Downtown Brooklyn while supporting efforts to redirect such development trends from Midtown Manhattan and Midtown South where there would be additional opportunities to promote residential conversion.

Finally, Borough President Adams believes that it is appropriate to unlock underutilized municipal air rights to facilitate development in proximity to public transportation. The project site is located in a Transit Zone, with access to subways and buses, including the Sixth Avenue Local F train at the York Street station, and the B67 bus, which stops at Jay and York streets, as well as the nearby Eighth Avenue Express A and Local C train at High Street station's Adams Street – Brooklyn Bridge Boulevard entrance.

The intended ZLDA would enable binding the developer to local hiring and MWBE commitments, at levels exceeding what is normally required for a private development. Rabsky's plan to work with 32BJ SEIU and NYCHA REES would help local residents attain a significant share of building service and project construction jobs.

Borough President Adams is concerned that the proposed disposition has been advancing without a reciprocal benefit to the community. Unlike the redevelopment of the Brooklyn Public Library (BPL) Brooklyn Heights branch where proceeds were dedicated to BPL, there has been no representation that revenues from the sale of development rights would address quality-of-life issues in the community. Borough President Adams cannot be fully supportive of this application without guarantees that all proceeds would be used to resolve local concerns such as traffic safety in DUMBO, crowding conditions at York Street station, capital repairs at Farragut Houses, and lack of public access to DOT properties under the Manhattan Bridge. Borough President Adams would also seek commitments consistent with his policies for new development including affordable space for local cultural entities, resiliency and sustainability measures (including rain gardens), and opportunities to advance Vision Zero practices. Finally, Borough President Adams calls on DOT to address community concerns about pedestrian and vehicular conflicts, and on the Metropolitan Transportation Authority (MTA) to study possible access improvements to York Street station.

Realizing DOT-managed Lots Under the Manhattan Bridge as Public Amenity Space

As noted during Borough President Adams' hearing, DOT occupies multiple properties under the Brooklyn and Manhattan bridges that are largely inaccessible to the public. These include 59 Adams Street, 122 Front Street, New Dock Street and Water Street, Old Fulton/Cadman Plaza, Plymouth/Adams Yard, Washington Street Yard, and 82 York Street. The lots are used primarily as shop, storage, and other support space, with some committed to private contractors. Additionally, a portion of the 122 Front Street air rights has been reserved for residential development.

Borough President Adams has heard local concerns about DOT's management of these spaces, and adverse street conditions under the Manhattan Bridge. In its testimony on 69 Adams Street, the DUMBO Action Committee requested that EDC negotiate a written commitment with DOT to vacate the 59 Adams

Street, Plymouth/Adams Yard, and 82 York Street parcels, and facilitate their conversion to open space for enhanced pedestrian circulation and public enjoyment.

Borough President Adams believes that this ULURP application presents an opportunity to advance improved utilization of the DOT sites, and that it is appropriate to seek such action from the agency to maximize the project's public purpose. He agrees that among these under-used spaces should be one or more opportunities to have them returned to the public realm and encourages the developer to actively support such efforts.

In the December 30, 2020 letter to Borough President Adams, Rabsky indicated willingness to sponsor a comprehensive study of DOT sites in DUMBO, with input from the Office of the Brooklyn Borough President, the Council Member, and the community. This document would provide a path to consolidate the agency's footprint in the neighborhood and facilitate public access to those spaces, with specific recommendations and a timeline for implementation.

Therefore, prior to approval of the requested disposition, the Administration should provide the City Council a Memorandum of Understanding (MOU) clarifying how long DOT would be permitted to maintain jurisdiction of the properties at 59 Adams Street, 122 Front Street, New Dock Street and Water Street, Old Fulton/Cadman Plaza, Plymouth/Adams Yard, Washington Street Yard, and 82 York Street. The MOU should also clarify which properties would remain in the agency portfolio and identify one or more that would be surrendered for publicly accessible open space as well as the effective date of such transfer.

Setting Aside Disposition Proceeds for Metropolitan Transportation Authority (MTA) Improvements to the York Street Station

The DUMBO community has repeatedly called on the MTA to address unsafe conditions at York Street station, including inadequate egress and ingress, and crowding at the platform and turnstiles. These issues have grown more pronounced with the ongoing influx of new office and residential development, as well as increased local tourism. There is broad agreement that the current station cannot support DUMBO's continued growth as a cultural and employment hub, as well as a growing residential community. The expected addition of more than 1,000 apartments from pipeline projects including 69 Adams Street would further strain the neighborhood's limited transit infrastructure.

In its Fiscal Year 2020 (FY 2020) needs statement, CB 2 requested that the MTA construct a second mode of egress from the York Street station. In its testimony on 69 Adams Street, the DUMBO Action Committee also called on the MTA to provide a written commitment to prioritize York Street station improvements and renovations, including the construction of a second exit, in its budget.

Borough President Adams supports such advocacy efforts but recognizes that budget constraints are likely to preclude the MTA from undertaking localized capital projects. The expected revenues from the requested transfer of development rights could be used to establish a funding stream for infrastructure improvements in the community. As the acquisition of such air rights would substantially enhance the residential component of 69 Adams Street, Borough President Adams believes that it is appropriate to direct a significant portion of the proceeds toward York Street station improvements.

Such renovations could involve constructing another egress that would lead directly into Susan Smith McKinney Steward Park (Bridge Park) to provide better access for residents in the Farragut Houses and Vinegar Hill, instead of crowding riders at Jay Street. This might provide an important opportunity to reconfigure the placement of turnstiles and emergency exit gates. It might be facilitated in conjunction with tunneling chambers to create widened rooms. Another more costly option would be to create a second exit at the south end of the High Street station platform, integrated with an elevator alongside the Manhattan Bridge Pedestrian Path in proximity to the City Tech campus.

Therefore, prior to approval of the requested disposition, the Administration should provide the City Council an MOU attesting that significant proceeds from the disposition of zoning floor area to Rabsky would be assigned to a Comptroller Fiduciary Account in order to fund community priorities including one or more capital projects to enhance egress and ingress at York Street station, to be identified by the MTA in consultation with CB 2 and local elected officials.

Setting Aside Disposition Proceeds for the New York City Housing Authority (NYCHA) Farragut Houses

One concern raised throughout the ULURP process is that the proposed development would not result in any affordable housing. The developer's property is zoned to allow full utilization of air rights for market-rate residential development. As opposed to fully commercial development, the City could compel the developer to set aside some rights for affordable housing within 69 Adams Street. However, this may not be the best means to maximize the project's public purpose. Hard costs for newly constructed residential buildings range from \$300 to \$500 per sq. ft. and are generally greater for high-rise development. Assuming an average gross apartment size of 800 sq. ft., the City could realize approximately 30 to 40 subsidized apartments in lieu of collecting nearly \$18 million from the sale of development rights. Such a tradeoff would shortchange the surrounding community, by relinquishing the opportunity to realize meaningful improvements for residents of DUMBO, Farragut Houses, and Vinegar Hill.

Borough President Adams agrees that the sale of municipal air rights should in some way advance the City's affordable housing objectives. However, he believes in order to maximize such benefit for low-income households, the proceeds should be used to upgrade existing affordable housing stock. Whenever discretionary land use applications arise in this section of CD 2, Borough President Adams strives to secure benefits for NYCHA residents as a public purpose of private development. Given its proximity to the Farragut Houses, 69 Adams Street presents significant opportunities to realize needed upgrades for this community. Such projects might include improvements to the physical plant to provide adequate heating, addressing weatherization, waterproofing, elevator upgrades, safety enhancements, refurbishing recreational spaces throughout the complex and/or improving the communal grounds, as well as development in consultation with the priorities of the tenants.

Therefore, prior to approval of the requested disposition, the Administration should provide the City Council an MOU attesting that a portion of the proceeds from the disposition of zoning floor area to Rabsky would be assigned to a Comptroller Fiduciary Account in order to fund community priorities such as capital improvements for the benefit of Farragut Houses, to be determined by NYCHA in consultation with the Farragut Houses residents, CB 2, and local elected officials.

Setting Aside Disposition Proceeds for the DOT to Fund Public Realm Improvements at Existing DUMBO Properties

According to local residents, the present use and enclosure of DOT's DUMBO properties, while important to bridge maintenance operations, contributes to a negative pedestrian experience. Borough President Adams concurs that these sites could be re-prioritized to accommodate the area's intensive foot traffic and provide an attractive gateway to Brooklyn Bridge Park. The Archway Under the Manhattan Bridge has been an excellent representation of what future opportunities might be. Recognizing that DUMBO is known for its high-quality open spaces and unique historic streetscape, Borough President Adams believes that the DOT properties should be improved after their surrender, and in the interim, to enhance the public realm.

In the December 30, 2020 letter to Borough President Adams, Rabsky indicated that once the DOT DUMBO sites become available, it would work with DOT to establish a plaza, in lieu of or in addition to City capital funds, to be managed by an appropriate local non-profit, such as the DUMBO Business Improvement District (BID).

Borough President Adams believes that in addition to benefiting the community, such improvements would add substantial value to the 69 Adams Street development. As such, it is appropriate to direct funds from EDC's sale of DOT air rights toward these projects.

Therefore, prior to approval of the requested disposition, the Administration should provide the City Council an MOU attesting that a portion of the proceeds from the disposition of zoning floor area to Rabsky would be assigned to a Comptroller Fiduciary Account in order to fund community priorities including capital projects to advance public realm improvements at DOT's DUMBO properties, including the implementation of aesthetic property enclosures and/or the conversion of one or more such parcels to public space through the NYC Plaza Program.

Setting Aside Disposition Proceeds for the DOT to Undertake a Traffic Study in DUMBO

Borough President Adams has heard concerns about unsafe conditions at DUMBO's major intersections, due to narrow sidewalks unable to accommodate high pedestrian use, mixed with vehicular circulation along its narrow streets. Specific locations in the neighborhood have become iconic photo ops for tourists while the loading needs of local businesses are constrained by non-commercial vehicles and limited street widths. Brooklyn Bridge Park, with its supporting Empire Stores redevelopment, draws tens of thousands to the area on typical days. Borough President Adams believes that given ongoing residential and commercial development, as well as DUMBO's growing status as a regional destination, DOT should conduct a new analysis of the area to identify problematic intersections and develop strategies to address pedestrian and vehicular conflicts.

Therefore, prior to approval of the requested disposition, the Administration should provide the City Council an MOU attesting that some of the proceeds from the disposition of zoning floor area to Rabsky would be assigned to a Comptroller Fiduciary Account in order to fund community priorities including a DOT expense budget-funded traffic study of major DUMBO corridors to determine appropriate mitigation measures including, but not limited to, restrictive curbside signage and expansion of dedicated pedestrian space.

Setting Aside a Portion of the Commercial Space for Local Arts/Cultural and Non-Profit Organizations

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space in the borough. These organizations play an important role in the neighborhoods they serve but often struggle to secure the necessary space to expand and sustain their programs. Many cultural entities have contacted the Office of the Brooklyn Borough President with these concerns. It has been Borough President Adams' policy to review discretionary land use actions for opportunities to promote cultural and non-profit uses.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining challenges for artists in the borough, with accompanying recommendations. The report highlighted the benefits of arts and dance, which include maintaining physical fitness, promoting creative self-expression, and making significant contributions to the vibrant culture of Brooklyn. Among the difficulties faced by the Brooklyn arts community is an absence of diversity — according to 2000 United States Census data, fewer than half the individuals working in dance are people of color. Additionally, public funding for the arts in New York City has shrunk dramatically in recent years: by 37 percent from the New York State Council of the Arts (NYSCA), by 15 percent from the National Endowment for the Arts (NEA), and by 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data shows that cultural programs generate a variety of positive effects, which include combating the borough's high rate of obesity. As of 2016, 61 percent of Brooklyn adults are overweight or obese, according to the New York State Department of Health (NYSDOH). Research by the Citizens' Committee for Children of New York has found that such activities also help children succeed in school. Moreover,

demand for cultural programs continues to grow across Brooklyn. A 2015 report by the Center for an Urban Future (CUF) found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Borough President Adams believes that the proposed development presents an opportunity to provide much-needed affordable space for arts and cultural organizations. The DUMBO neighborhood has traditionally been a hub for arts and cultural activities. Unfortunately, many organizations that provide such programming cannot afford to lease space in the area. Borough President Adams believes that the inclusion of arts and cultural use floor area at 69 Adams Street would be consistent with public benefit intent achieved through residential development pursuant to the New York City Zoning Resolution (ZR)'s Mandatory Inclusionary Housing (MIH) program. Setting aside a portion of the envisioned commercial and/or retail space within the proposed development at affordable rents for such uses would increase the project's benefit to the community.

In the December 30, 2020 letter to Borough President Adams, Rabsky indicated that it would commit approximately 10 percent of the commercial floor area at 69 Adams Street to arts and cultural uses at approximately 50 percent of the market rent.

Borough President Adams believes that the zoning floor area disposition agreement between the SBA/EDC and Rabsky should include written clarification to the City Council of the developer's obligation to set aside commercial space for non-profit and/or arts and cultural organizations, and/or locally-based businesses at below-market lease terms.

Furthermore, to the extent that the City Council seeks to provide below-market rents to accommodate such non-profit and/or arts and cultural organizations, Rabsky should actively solicit such entities, based on reasonable lease terms, in consultation with CB 2 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for the use of environmentally-sustainable development that integrates blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly-constructed roofs, as well as existing roofs undergoing renovation (with some exceptions), incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and the expansion of the City's highly reflective (white) roof mandate. Borough President Adams believes that developers should seek to exceed this mandate by integrating blue roofs with green roof systems.

Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro-wind turbines can provide effective sustainable energy generation. Finally, passive house design achieves energy efficiency while promoting locally-based construction and procurement.

Borough President Adams recognizes that the applicant has expressed intent to achieve an energy-efficient building envelope at 69 Adams Street and seek LEED certification. He believes it is appropriate for Rabsky to engage the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, and consider government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax

Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams' Office is available to facilitate dialogue with the aforementioned agencies and for further coordination on this matter.

As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces can be transformed through the incorporation of rain gardens, which provide environmental benefits such as improved air quality and streetscape beautification through efficient rainwater collection. Moreover, tree plantings can be consolidated with rain gardens as part of a comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, enhanced tree pits can realize stormwater retention benefits while making a site more pleasant for pedestrians. The incorporation of blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would also help divert stormwater from the City's water pollution control plants.

The required Builders Pavement Plan provides an opportunity to install DEP rain gardens along the proposed Adams and Front streets frontages. The ZR requirement to plant street trees results in the provision of shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption. However, the implementation of rain gardens could help advance DEP green water/stormwater strategies, enhancing the operation of the Red Hook Wastewater Treatment Plant during wet weather events. Such rain gardens have the added benefit of serving as a streetscape improvement.

In the December 30, 2020 letter to Borough President Adams, Rabsky indicated that it would explore the possibilities of a blue roof with opportunities for rainwater harvesting, installing solar panels on the building's façades, and incorporating a rain garden along the slope of Adams Street.

Borough President Adams believes that the zoning floor area disposition agreement between the SBA/EDC and Rabsky should include written clarification to the City Council of the developer's obligation to incorporate resiliency and sustainability features at 69 Adams Street.

Advancing Vision Zero Policies

Borough President Adams supports Vision Zero policies, including practices that extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents on Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. With additional curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

As noted during Borough President Adams' hearing, DUMBO presents a number of pedestrian circulation challenges. One reason is that its corridors carry a great deal of interborough and local truck traffic, particularly near the proposed development: Adams, Front, and York streets are all DOT-designated local truck routes. Yet the area also contains multiple childcare centers and public schools including the Imagine Early Learning Centers at 85 Adams Street (adjacent to the proposed development) and PS 7 at 131 York Street. These uses generate significant pedestrian circulation, along with foot traffic from area residents, tourists, and workers. Unsafe conditions along the aforementioned streets also make it difficult to access open spaces such as Susan Smith McKinney Steward Park (Bridge Park) near York Street station, and Brooklyn Bridge Park along the waterfront. For residents of the Farragut Houses, this is an equity issue, as dangerous crossings have long impeded their enjoyment of these resources.

Borough President Adams has advocated for traffic calming measures in DUMBO and Vinegar Hill, such as protected bicycle lanes along Navy Street. Borough President Adams also secured \$10 million in Regional Economic Development Council Downtown Development Revitalization Initiative (REDC/DRI) funding in 2019 to improve safe connectivity in and around the project site. Borough President Adams believes that the proposed development presents a vital opportunity to strengthen pedestrian safety at the southeast corner of Adams and Front streets, via a curb extension and/or painted protected sidewalk. The provision of such enhancement at this key intersection would be consistent with his CROSS Brooklyn initiative and would also enhance the proposed development's benefit to the community.

Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable Rabsky to undertake such improvements after consultation with CB 2, as well as local elected officials, as part of its Builders Pavement Plan at the corner of Adams and York streets. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. Borough President Adams would expect Rabsky to commit to such maintenance as an ongoing obligation for each of its development sites.

In the December 30, 2020 letter to Borough president Adams, Rabsky indicated that it would seek DOT consideration for the installation of protected painted areas near the project site.

Borough President Adams believes that the zoning floor area disposition agreement between the SBA/EDC and Rabsky should include written clarification to the City Council of the developer's obligation to incorporate CROSS Brooklyn implementation with DEP and DOT for the installation of a curb extension at the southeast corner of Adams and York streets either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of Rabsky's commitment to enter into a standard DOT maintenance agreement for both intersections. Finally, DOT should confirm that implementation of such improvements would not proceed prior to consultation with CB 2 and local elected officials.

York Street Station Pedestrian Circulation Enhancement Analysis

Borough President Adams believes that upgrading the York Street station is critical to DUMBO's future growth and development, including the construction of multiple commercial and residential projects that will rely on proximity to public transit. Given the typical timeframe for infrastructure improvements, it is essential that the MTA initiate an analysis of possible capacity and circulation improvements before such developments come online. The agency should therefore undertake engineering feasibility studies to determine appropriate mitigation for pedestrian congestion between the York Street station platform and turnstile levels and then submit requests to the Office of the New York City Comptroller to draw on funds

held in a dedicated fiduciary account for one or more projects, planned in consultation with CB 2 and local elected officials.

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 disapprove this application with the following conditions:

1. That the Administration provide the following to the City Council:
 - a. A Memorandum of Understanding (MOU) clarifying how long the New York City Department of Transportation (DOT) would be permitted to maintain jurisdiction of the following properties:
 - i. 59 Adams Street
 - ii. 122 Front Street
 - iii. New Dock Street and Water Street
 - iv. Old Fulton/Cadman Plaza
 - v. Plymouth/Adams Yard
 - vi. Washington Street Yard
 - vii. 82 York Street

The MOU should also clarify which properties would remain in the agency portfolio and identify one or more that would be surrendered for publicly accessible open space, as well as the effective date of such transfer.
 - b. Assignment of all the proceeds from the disposition of zoning floor area to Rabsky to a Comptroller Fiduciary Account to fund:
 - i. One or more capital projects to enhance egress and ingress at York Street station, to be identified by the Metropolitan Transportation Authority (MTA) in consultation with Brooklyn Community Board 2 (CB 2) and local elected officials
 - ii. Capital projects for the benefit of the Farragut Houses, to be identified by the New York City Housing Authority (NYCHA) in consultation with the Farragut Houses residents, CB 2, and local elected officials
 - iii. One or more capital projects to advance public realm improvements at DOT's DUMBO properties, including the implementation of aesthetic property enclosures and/or the conversion of one or more such parcels to public space through the NYC Plaza Program
 - iv. A DOT expense budget funded traffic study of DUMBO
 - c. That DOT conduct a traffic study of DUMBO to determine appropriate traffic mitigation measures including but not limited to restrictive curbside signage
2. That the zoning floor area disposition agreement between the SBA/EDC and Rabsky clarify in writing to the City Council the developer's obligation to:

- a. Set aside a portion of the commercial space for arts/cultural entities and non-profit organizations, at below-market lease terms, as warranted
- b. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, solar facades, and/or wind turbines
- c. Coordinate with the New York City Department of Environmental Protection (DEP), DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens, as part of the required Builders Pavement Plan along Adams and Front streets fronting the development, in consultation with CB 2 and local elected officials
- d. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP and DOT for the installation of a curb extension at the southeast corner of Adams and Front streets, either as part of a Builders Pavement Plan or as a treated roadbed sidewalk extension
- e. Enter into a standard DOT maintenance agreement for those intersections and coordination with DEP and DOT should there be agency implementation for the provision of protected painted areas at the southeast corner of Adams and Front streets with the understanding that such improvements would not proceed prior to consultation with CB 2 and local elected officials

Be it further resolved:

1. That the MTA undertake engineering feasibility studies to determine appropriate mitigation for pedestrian congestion between the York Street station platform and turnstile levels and then submit requests to the Office of the New York City Comptroller to draw on funds held in a dedicated fiduciary account for one or more projects, planned in consultation with CB 2 and local elected officials.