



# Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
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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 #: 080089 MMK – 090078 HUK – 090079 ZMK – 090081 ZSK - 090082 HAK  
Gateway Estates II

In the matter of applications submitted by the Department of Housing Preservation and Development pursuant to a) Sections 197-c and 199 of the New York City Charter and Sections 5-430, et seq., of the New York City Administrative Code for an amendment to the City Map (with Gateway Center Properties Phase II LLC, the NYC Department of Parks and Recreation, and the NYC charter); b) Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Third Amended Fresh Creek Urban Renewal Plan; c) Sections 197-c and 201 for the New York City Charter for an amendment of the Zoning Map and the grant of a special permit; and, d) Article 16 of the General Municipal Law of New York State for designation of property as an Urban Development Action Area and pursuant to Section 197-c of the New York City Charter for the disposition of such property to facilitate development of a mixed use community, containing residential, commercial, community facility and open space uses, tentatively known as Gateway Estates II within the Fresh Creek Urban Renewal Area.

COMMUNITY DISTRICT NO. 5

BOROUGH OF BROOKLYN

## RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE

BOROUGH PRESIDENT

December 18, 2008

DATE

**RECOMMENDATION FOR THE PROPOSED CITY MAP AND ZONING MAP  
AMENDMENT, SPECIAL PERMIT AND LAND DISPOSITION OF CITY-OWNED  
PROPERTY FOR A MIXED-USE DEVELOPMENT  
080089 MMK – 090078 HUK – 090079 ZMK – 090081 ZSK –  
090082 HAK**

**PUBLIC HEARING**

On November 6, 2008 Brooklyn Borough President Marty Markowitz held a public hearing on applications by the Department of Housing Preservation and Development (HPD) and Gateway Center Properties Phase II, LLC for the following actions: amendment to the Urban Renewal Plan, City and Zoning Maps; grant of a special permit; and land disposition. Approval of these actions are being sought in order to facilitate the development of a 630,000 sq. ft. expansion of Gateway Plaza and a mixed-use community which will include open space, community facility, local retail and residential uses. The residential component of the proposal will provide at least 2,206 housing units, offering both rental and homeownership options. The applicant has stated that some of the rental to be developed is expected to be affordable to households earning up to 60 percent of area median income.

**CONSIDERATIONS**

The borough president is aware that unforeseen challenges with developing the Gateway site's infrastructure have substantially impeded facilitating much of what was approved as part of the initial 1996 plan. This proposal takes advantage of additional funding for the infrastructure while retaining the housing component and allowing a near doubling of the successful regional retail center.

A commitment to construct a new combined intermediate and high school was presented to the community board, and the Department of Education is currently seeking community input to determine the usage of the building prior to construction completion.

In a letter to HPD dated October 17, 2008 the borough president expressed concerns with regards to this proposal. The borough president sought clarification from HPD on the commitment to proceed with this new vision for Gateway with a clear expectation of how development will be phased. HPD provided the borough president with a response detailing that the first two residential phases are currently under construction. Phases 3 – 5 are projected to begin by 2011. Infrastructure for Phases 1 and 2 is also under way with Phase 1 95 percent complete.

HPD addressed the borough president's concern about what qualifying incomes will be needed by potential families seeking rental or home ownership units. Rental units, ranging from studios to three bedrooms, will be available to families earning approximately \$29,700 to \$44,200. The one, two, three family homes and co-op units will be sold to families with annual incomes of approximately \$49,665 to \$105,224.

In addition, HPD responded to the borough president's request for more information in terms of parking by providing a chart listing the number of parking spaces made available per site. Highlighted in the response was ground floor parking spaces that will be made available within the residential buildings; each

home-ownership lot will contain one off-street parking spot per building (for a total of 1,140 off-street spaces); and, 960 on-street spaces will be created through this plan.

The borough president has a number of other concerns with this proposal that he wants addressed by HPD. These include permanent affordable housing along the Elton Street corridor; the need for a supermarket; an increase in the number of housing units earmarked for senior citizens; the possibility that the developer could lease space to retailers that have had questionable employment practices; and, extending outreach to local entrepreneurs for their inclusion in the operation of the locally-based retail spaces.

### Housing Affordability

This project will provide a range of affordable housing options, from one-, two-, and three-family homes; co-op opportunities; senior housing; and, low-, moderate- and, middle-income rental units. Based on the requirements of the affordable housing programs available to the developers, the rental units offered will likely be required to remain affordable for at least 30 years. Homeownership units will be subject to penalties on resale within the first 15 years of purchase.

There is a great demand for affordable housing borough-wide, as many individuals and families are unable to afford to live here. The potential sale of Starrett City characterizes the fragility of affordable housing options that currently exist. The borough president does not endorse creating situations where affordable homes would be lost as a resource for future generations.

In order to avoid the lost of affordable housing options for future generations, the borough president seeks assurances that units offered in this project can remain affordable permanently. He believes that the applicant should provide an appropriate plan to ensure that some or all of Elton Street can obtain permanent affordability. There are a number of mechanisms that can accomplish this such as: the recording of a deed restriction on property; incorporating a guarantee of affordability into the HPD Land Disposition Agreement; and/or, remapping the proposed R7A zoning designation to R7A Inclusionary.

### Site 4 on Flatlands Avenue

#### Senior Housing

The borough president believes that the increasing demand for senior citizen housing should be addressed where appropriate. The borough president notes that unlike the approved 1996 plans for this site, that proposed a set aside of two buildings for senior housing, the current application called for one senior citizen building with 80 units. As this area has a senior population in need of affordable housing options, the borough president urges the applicant to pursue the addition of a second senior citizen building. If HUD ultimately does not fund such a site after two or more funding request cycles, the borough president believes that it would then be appropriate to seek out additional funding sources for other forms of affordable housing.

### Supermarket

The borough president notes the limited access to affordable fresh food stores in many neighborhoods. He understands that supermarkets receive no incentives to open and that rental prices continue to hamper their existence. In light of this, the borough president has been seeking to establish more supermarkets throughout Brooklyn. Among his policies is the review of all appropriate land use applications to determine whether it is appropriate to include a supermarket within the plans.

The borough president believes that Site 4 is a suitable location to develop a supermarket. During his hearing, a representative for the Related Companies stated that it was feasible to accommodate a store of up to 30,000 sq. ft. Subsequently, in a letter dated December 1, 2008, HPD stated to the borough president that Related and the Hudson Companies are willing to work towards the development of a supermarket. After the borough president's public hearing, representatives of the Hudson Companies met with the Brooklyn Economic Development Corporation (BEDC) to open discussions concerning the incorporation of a supermarket at Gateway. As such, the borough president calls upon HPD and the Hudson Companies to continue working with BEDC and his office towards developing a plan to bring a quality supermarket to Site 4.

### Large Retail Uses

The borough president supports the expansion of quality retail stores for Brooklyn residents. At his public hearing, the borough president expressed strong opposition to allowing retailers into the borough that have had questionable employment practices. Plans for the signage approvals (drawings Z11.1 – Z11.4) for the retail space appear to include one two-story space that appears to exceed 150,000 sq. ft. The borough president has sought assurances from the developers that a lease would not be executed with such retailers. In a letter to the borough president, dated December 1, 2008, HPD stated that the Related Companies are not yet in a position to decide on potential retail tenants and thus are unable to commit on the inclusion or exclusion of any specific retailer. The borough president does not find this response adequate enough to address his concern. He believes that this can be achieved by limiting the maximum square footage to 120,000 sq. ft. per establishment.

### Local Entrepreneurs

The borough president commends the inclusion of retail opportunities to local businesses as part of the design for this project. In a letter from HPD dated December 1, 2008, HPD stated that the Related Companies will continue to work with elected officials and the community to devise a plan for entrepreneurs to lease spaces along the Elton Street corridor. The borough president urges the applicant to also include local development corporations, merchant associations, and area business improvement districts as a means to obtaining an extensive outreach.

### Traffic mitigation

The traffic analysis conducted for the proposed project identifies many intersections that currently are defined as unsatisfactory. At these intersections

(located in Brownsville, East Flatbush, and East New York), the delay per vehicle lasts for one minute or more. This means that traffic is circulating poorly. The identified mitigation ranges from simple measures such as modifying the amount of stop and go time for various traffic lights; to establishing turning lanes, restriping lanes, installing traffic signals; and, in a few cases, reconstructing raised concrete medians – a time-consuming and complicated measure to implement. The unreasonable delays and congestion issues at these intersections need to be evaluated concurrently with this plan, rather than wait for the construction of the Gateway expansion and more than 2,000 housing units.

#### **RECOMMENDATION**

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends the approval of these applications by the City Planning Commission and the City Council subject to the following conditions:

1. That all of the housing units along the Elton Street corridor be “affordable forever” (permanently affordable) through an enforceable mechanism.
2. Funding be sought from the Department of Housing and Urban Development for the inclusion of a second building for low-income housing for senior citizens as part of the development of Site 4.
3. That HPD continues to work with the developer, BEDC, and the borough president’s office to develop a supermarket on Site 4.
4. That the Urban Renewal Plan be modified to incorporate a size limitation control that will limit the maximum size per retail establishment to 120,000 sq. ft.
5. That the outreach effort being extended to local entrepreneurs, as per the letter from HPD to the borough president dated December 1, 2008, include the East New York Local Development Corporation, area business improvement districts, and merchant associations to maximize the possibility of leasing space along the Elton Street corridor to such entrepreneurs.