



SPECIAL HARLEM RIVER WATERFRONT DISTRICT AMENDMENTS & EXPANSION AREA

October 24th, 2017



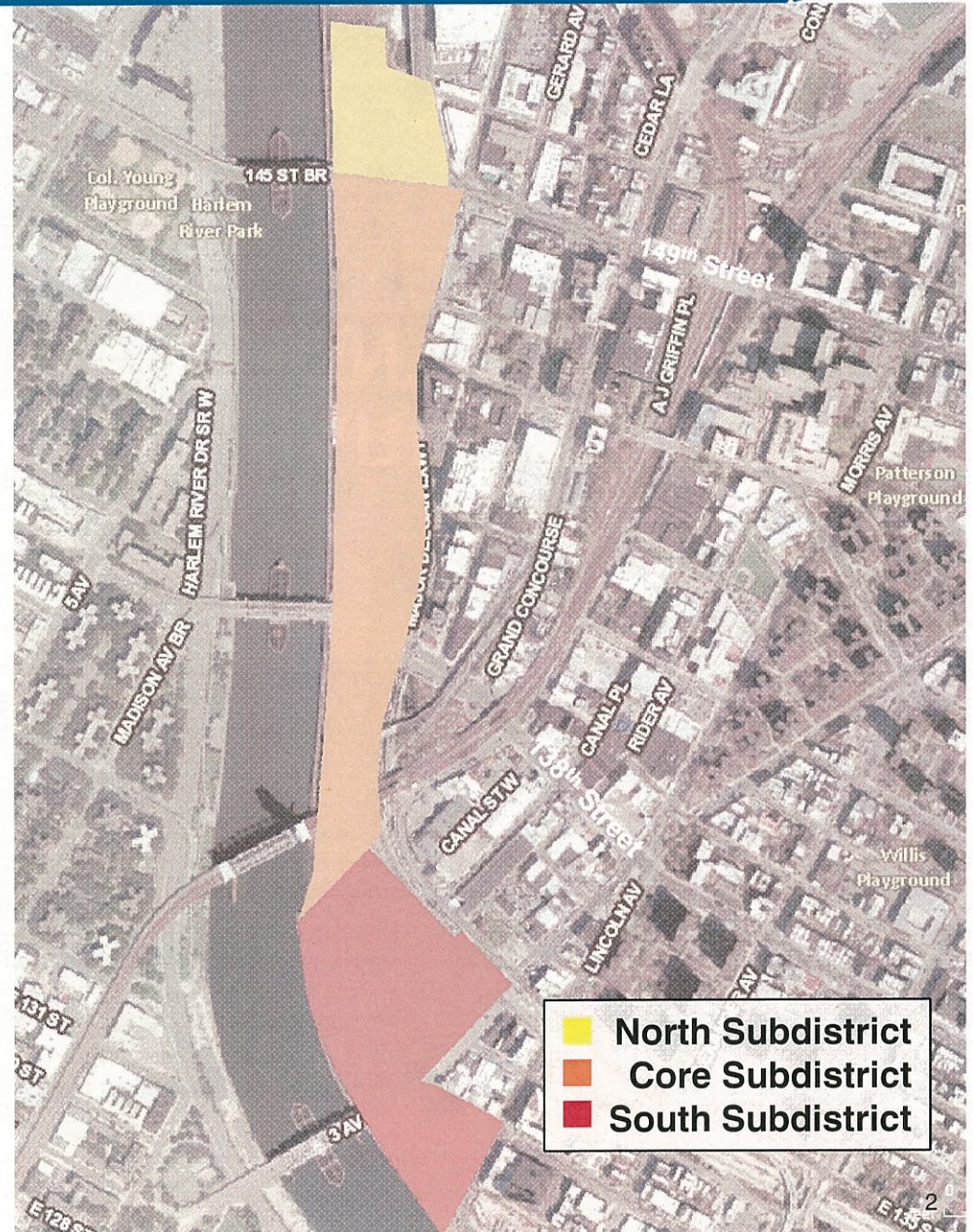
Overview Location and Actions

Community District 1
Lower Concourse area in the Bronx



The New York City Department of City Planning is proposing zoning map and text amendments to:

- **Update** the 2009 **Special Harlem River Waterfront District (HRW)** regulations
- **Expand** Special District to extend the **Waterfront Access Plan (WAP)** to the south



HRW **Update** and **Expand**



The GOALS of the **zoning map amendment** and **zoning text amendments** are to:

- **Update** the existing Special Harlem River Waterfront District (HRW) to:
 - Create flexible building forms to encourage the development of affordable housing
 - Address easements and other restrictions
 - Meet flood resiliency needs
- **Expand** the special district to encompass two waterfront blocks to the south to:
 - Address unique conditions to ensure lively accessible waterfront open space

Core and South Subdistrict



Challenges Infrastructure

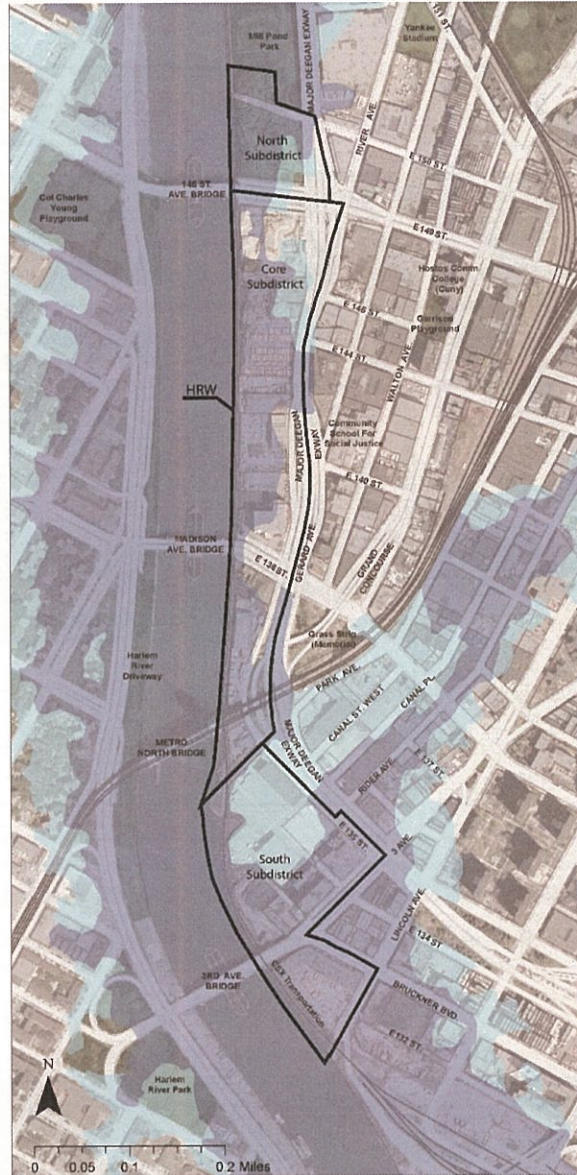


Elevated Major Deegan Expressway



Oak Point Rail Link waterside

Challenges Resiliency



The majority of the existing and proposed HRW is in the 1% annual flood risk zone

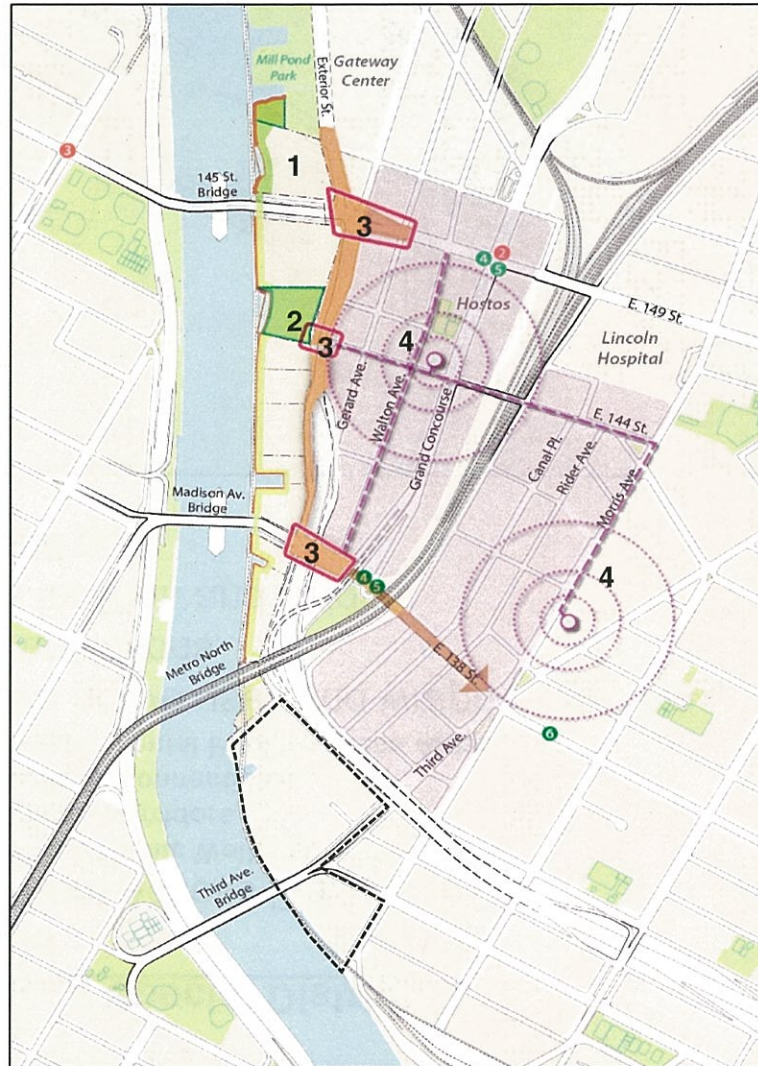
0.2% risk
1% risk

Opportunities Lower Concourse Investment Strategy

Mayor de Blasio allocated **\$194M** for the area in 2015 as part of an

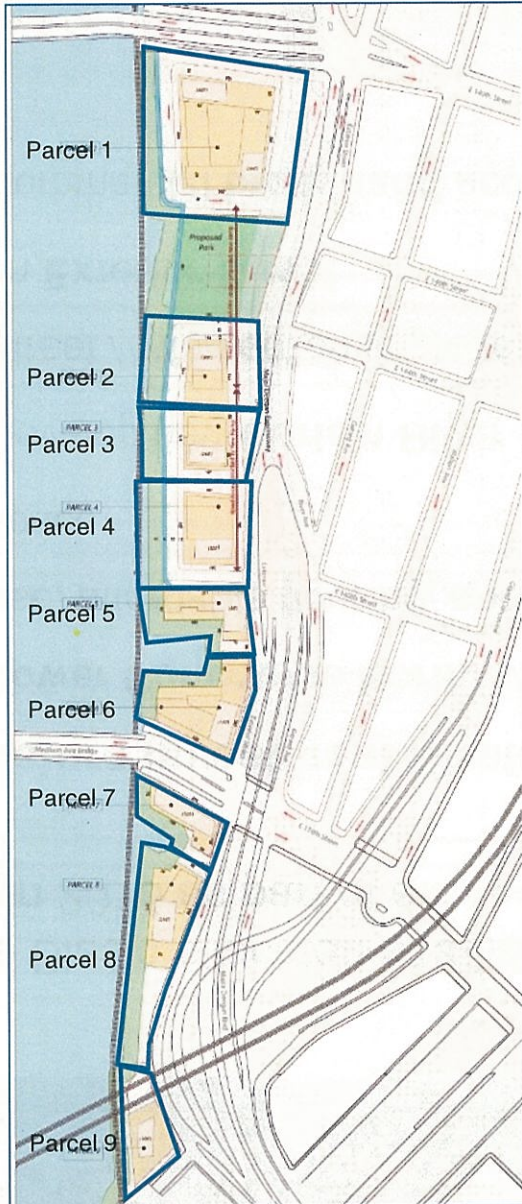
Infrastructure Investment Strategy:

1. **Lower Concourse North:** Mixed use, affordable housing, and open space
2. Develop new **Harlem River Park**
3. Street / intersection improvements on **Exterior Street**
4. Commercial **broadband** access



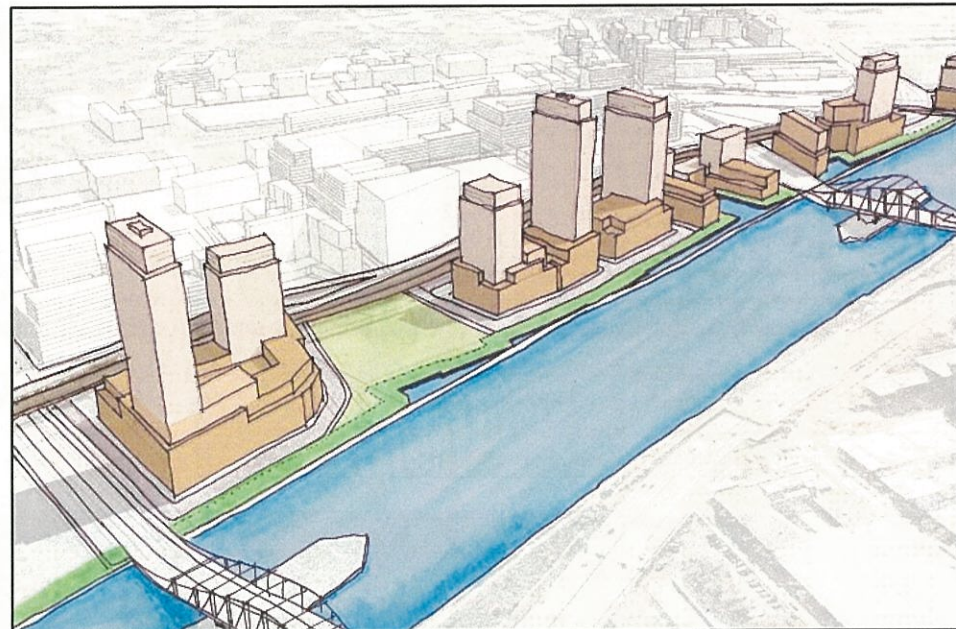
Catalysts for affordable housing, improved access and job growth

2009 Special Harlem River Waterfront District (HRW)



Overview of Special District:

- Parcels
- Waterfront Access Plan
 - Shore Public Walkway
 - Visual Corridors
 - Upland Connections
 - Supplemental Public Access Areas
- Require active uses and wrapped parking
- Bulk regulations
- Tower location and height
- Mapped park



Core Subdistrict Update



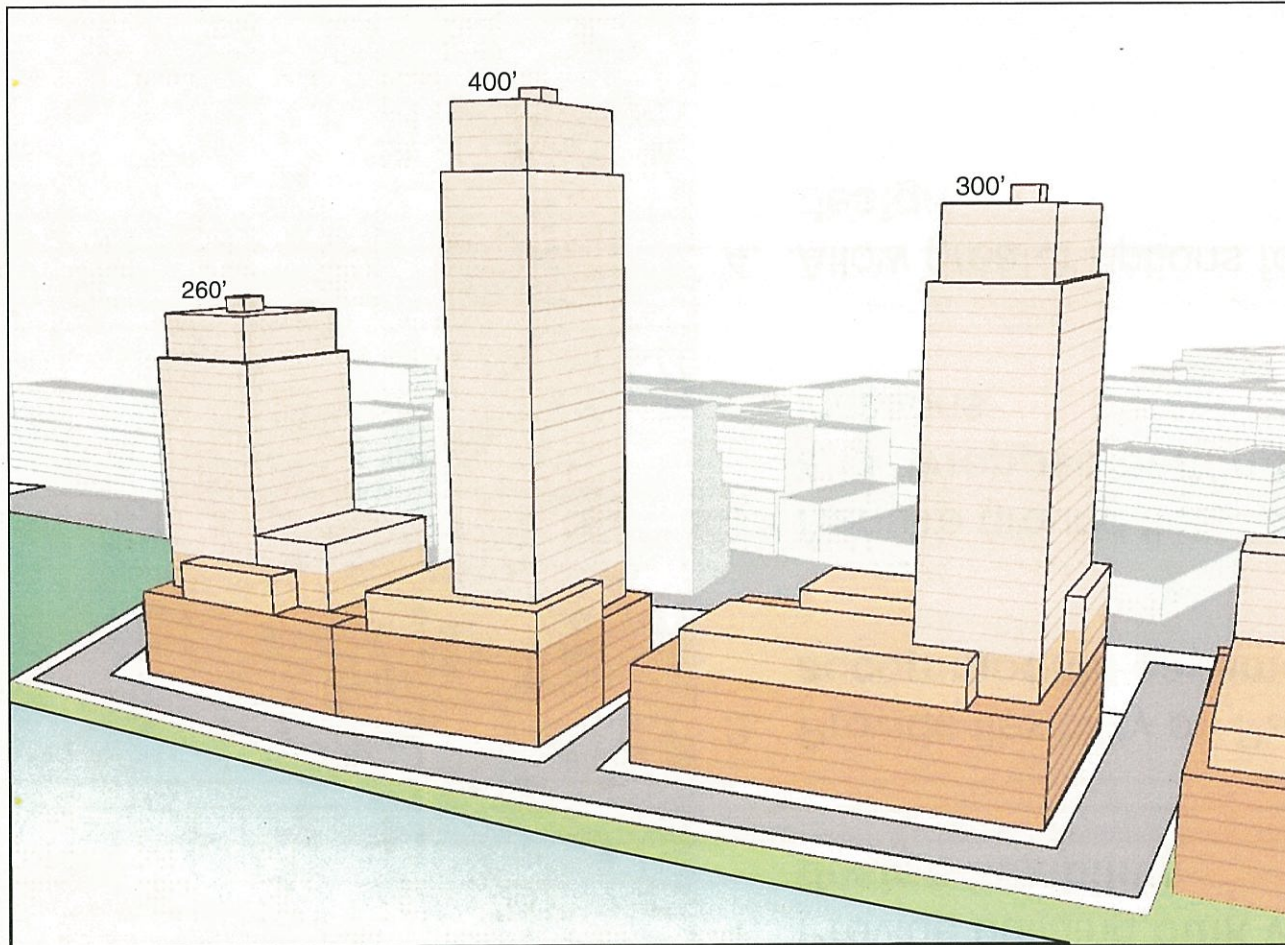
1. Provide building **bulk variety** and **design flexibility**
2. Provide flexibility on Parcel 1 to **accommodate easements**
3. Require ground floor “**active use**” and “**wrapped parking**” only on key locations
4. Allow greater options for **resiliency design**

- North Subdistrict
- Core Subdistrict
- South Subdistrict

Core Subdistrict Existing Bulk



Parcels 2, 3 and 4

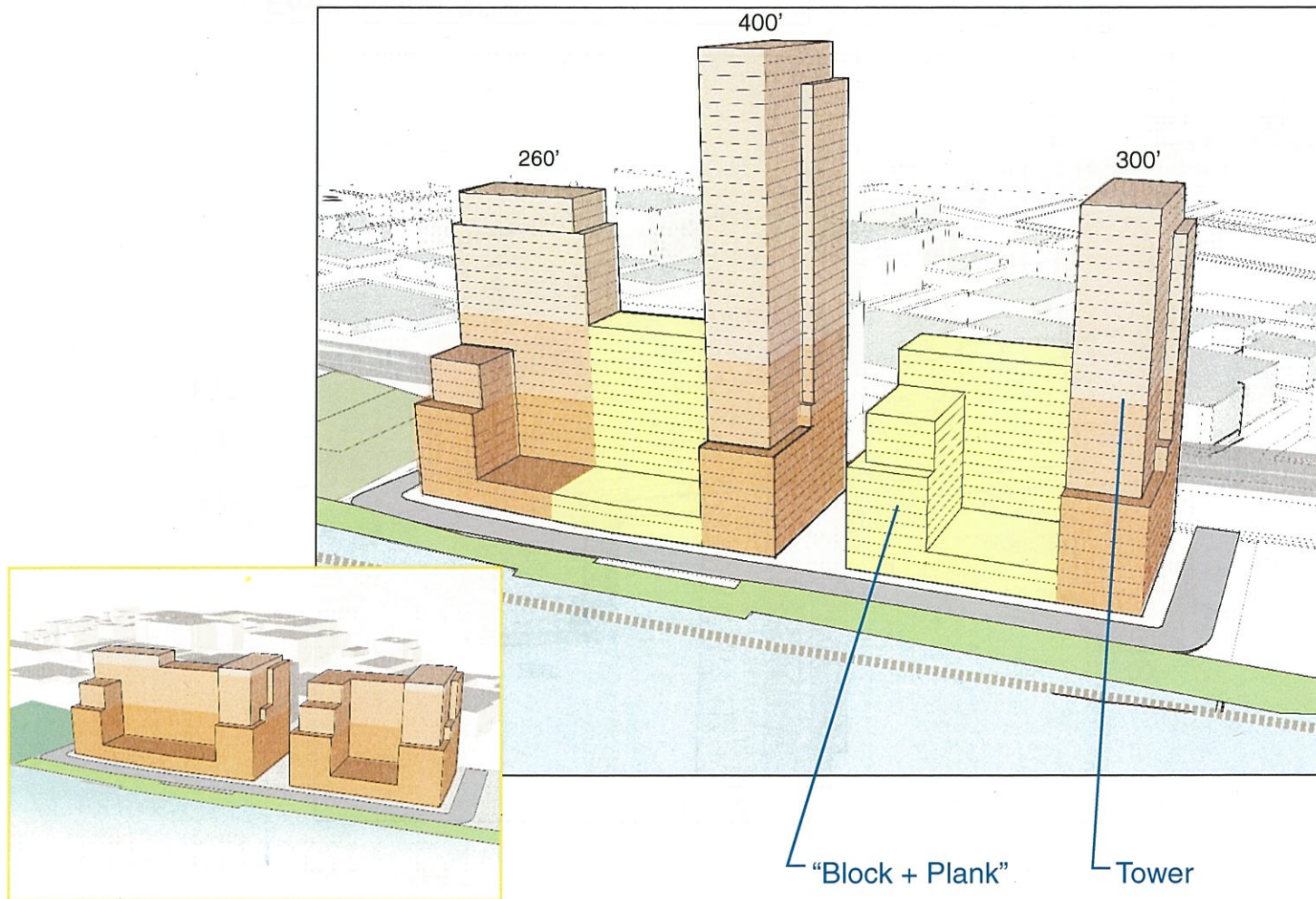


- 60' – 85' Base, Tower above
- Required variation of street wall height

Core Subdistrict Bulk Amendments



Parcels 2, 3 and 4

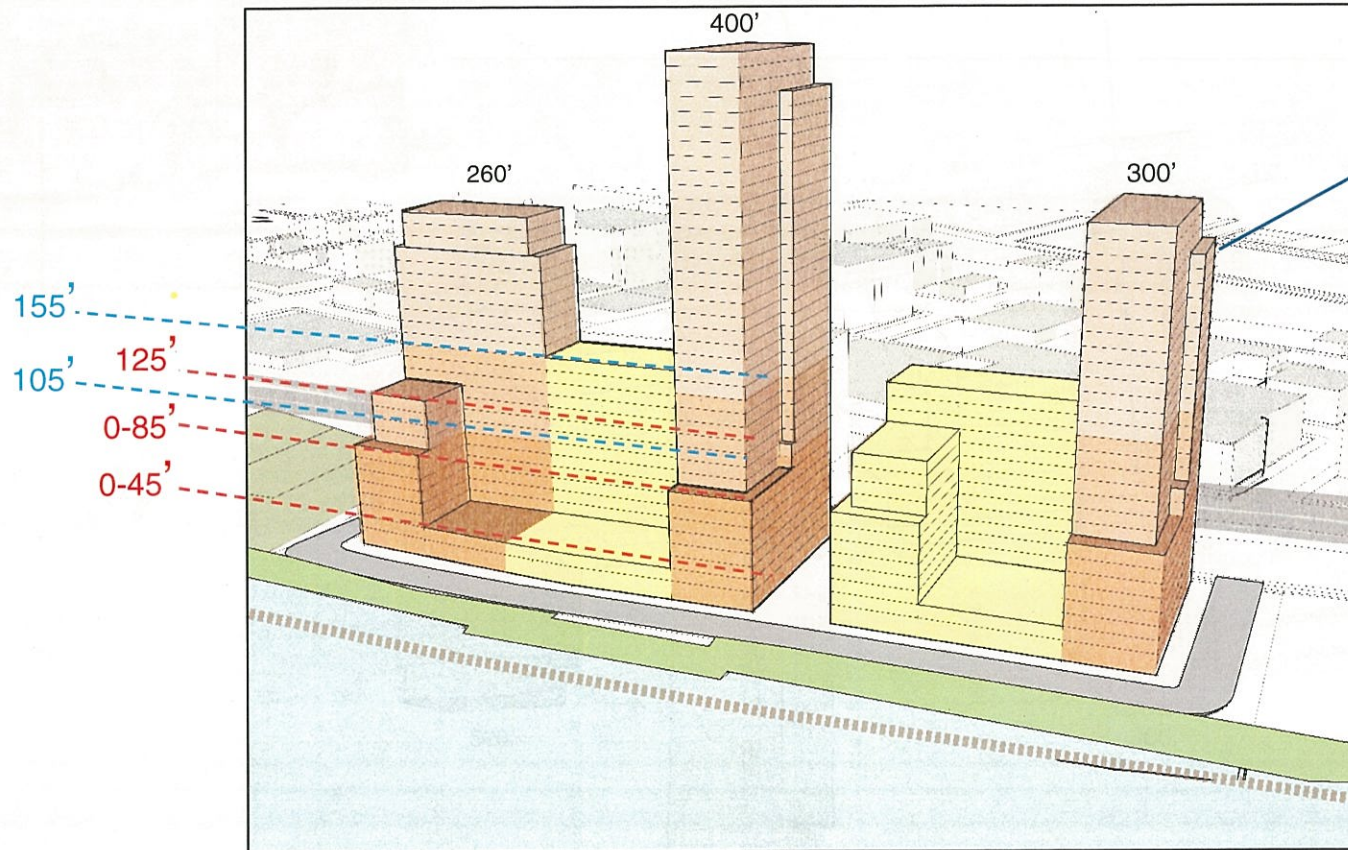


- Lowers height along the shoreline
- Maximizes views of the waterfront
- Provides the flexibility to support the development of affordable housing

Core Subdistrict Bulk Amendments



Parcels 2, 3 and 4



Simplified tower rules and design flexibility

(tower heights are not changed)

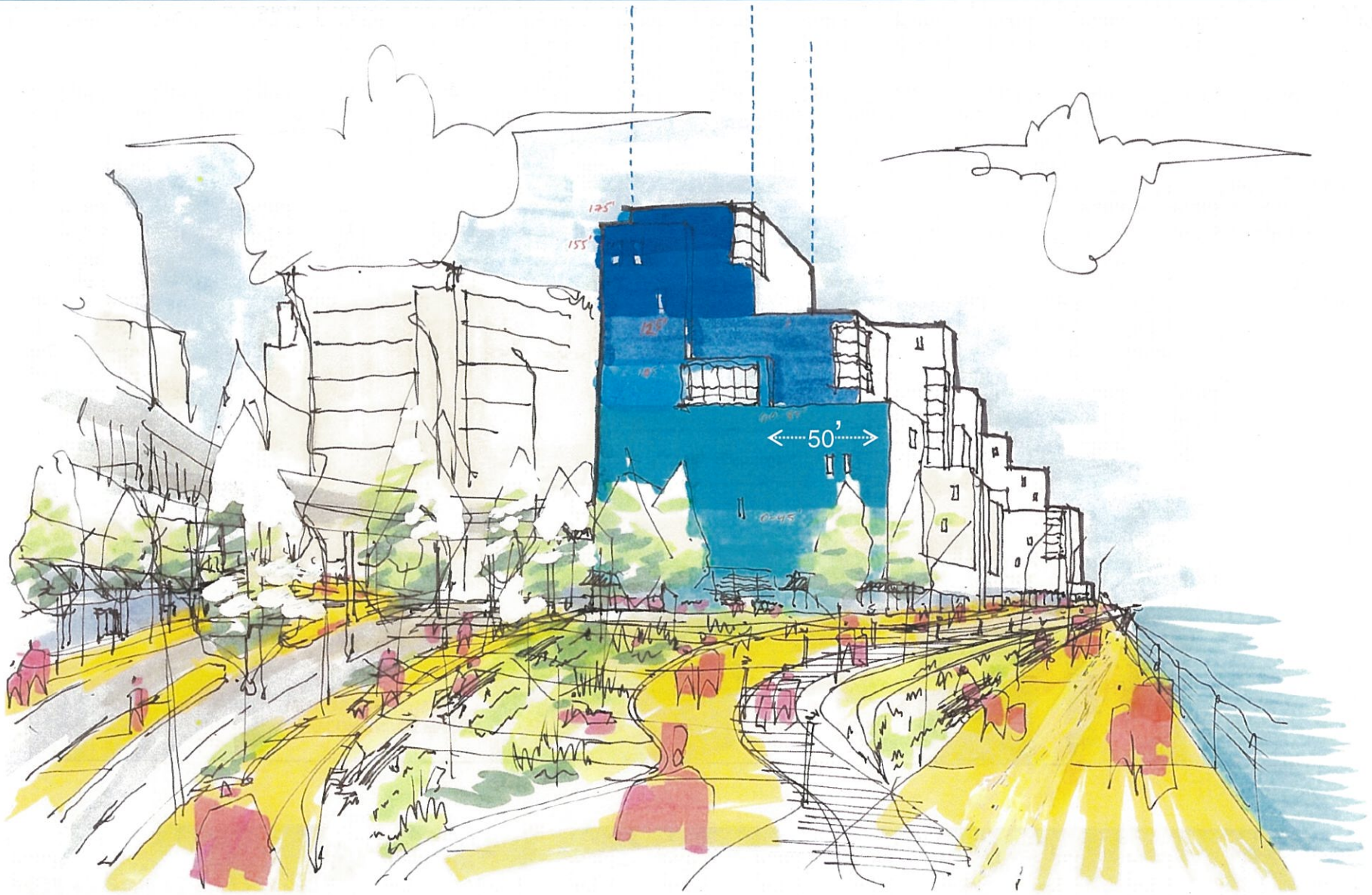
Fronting the SPW:

- 0 – 85' Base
- 0 – 45' Required Opening
- 125' Max Transition Height

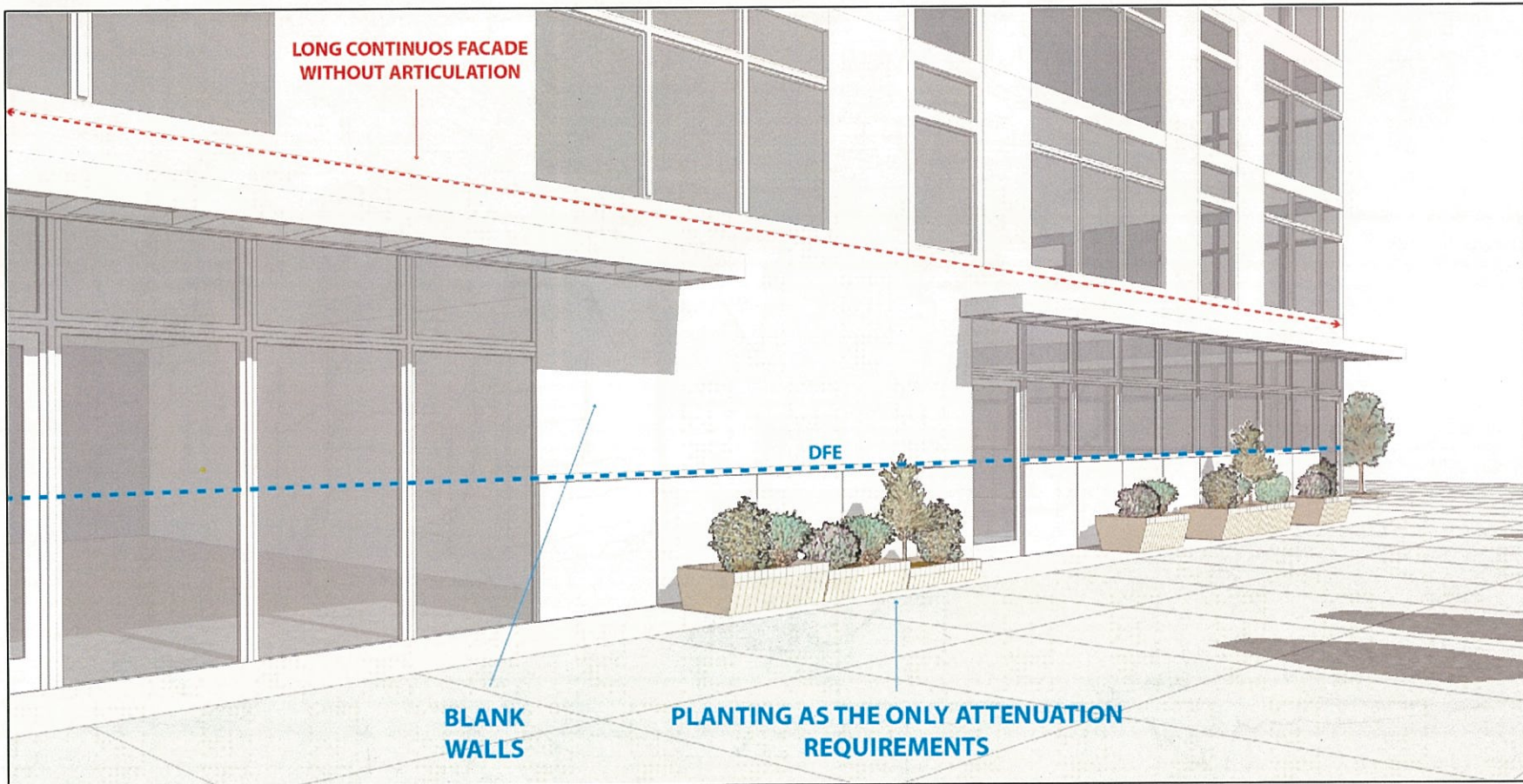
50' from the SPW:

- 60 – 105' Base
- 155' Max Transition Height

Core Subdistrict Bulk (view from mapped park)

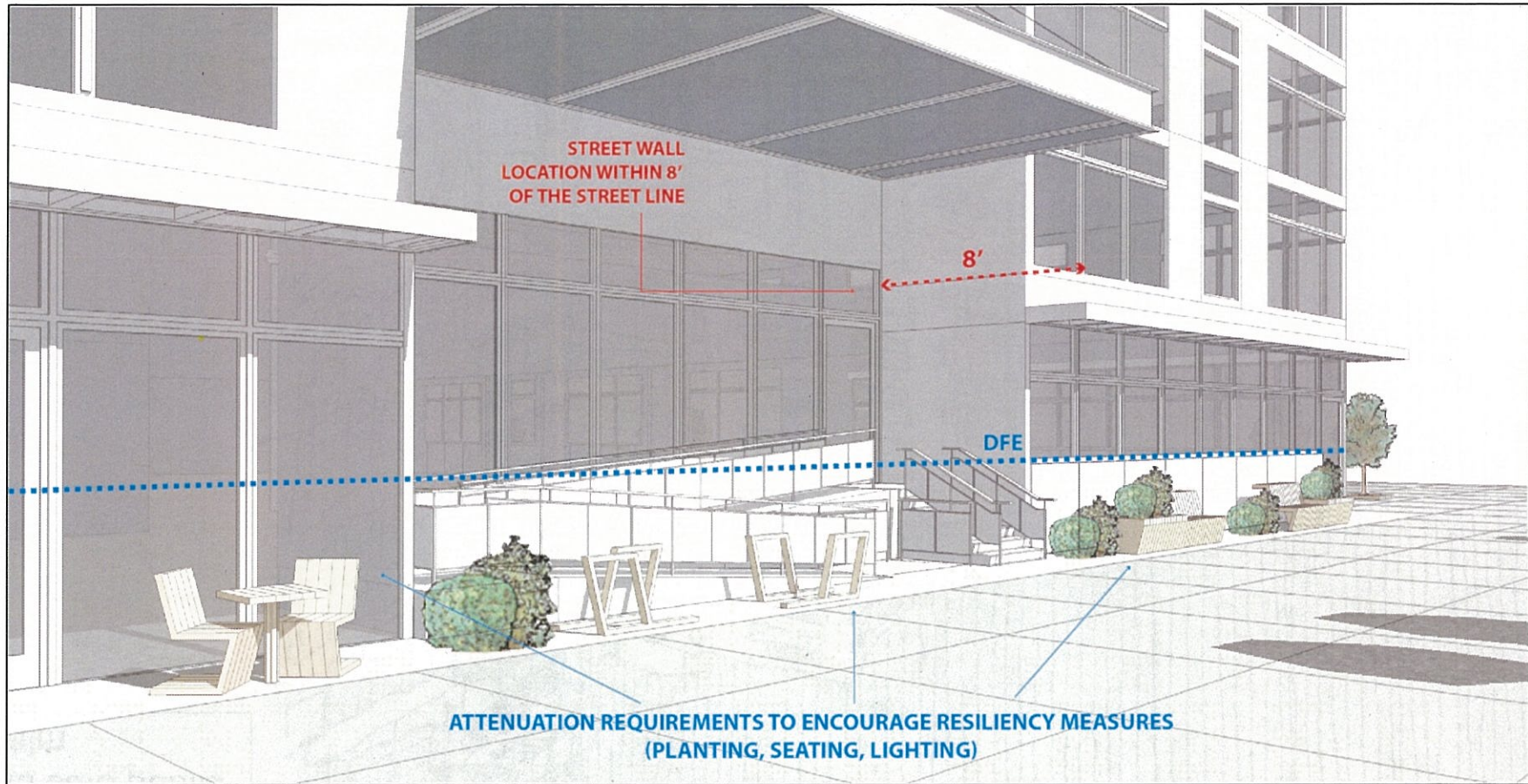


Core Subdistrict Resiliency Design Measures



- Design Flood Elevation (DFE) ranges from 2' to 11' in the special district area
- Very likely that they raise the building for flood protection

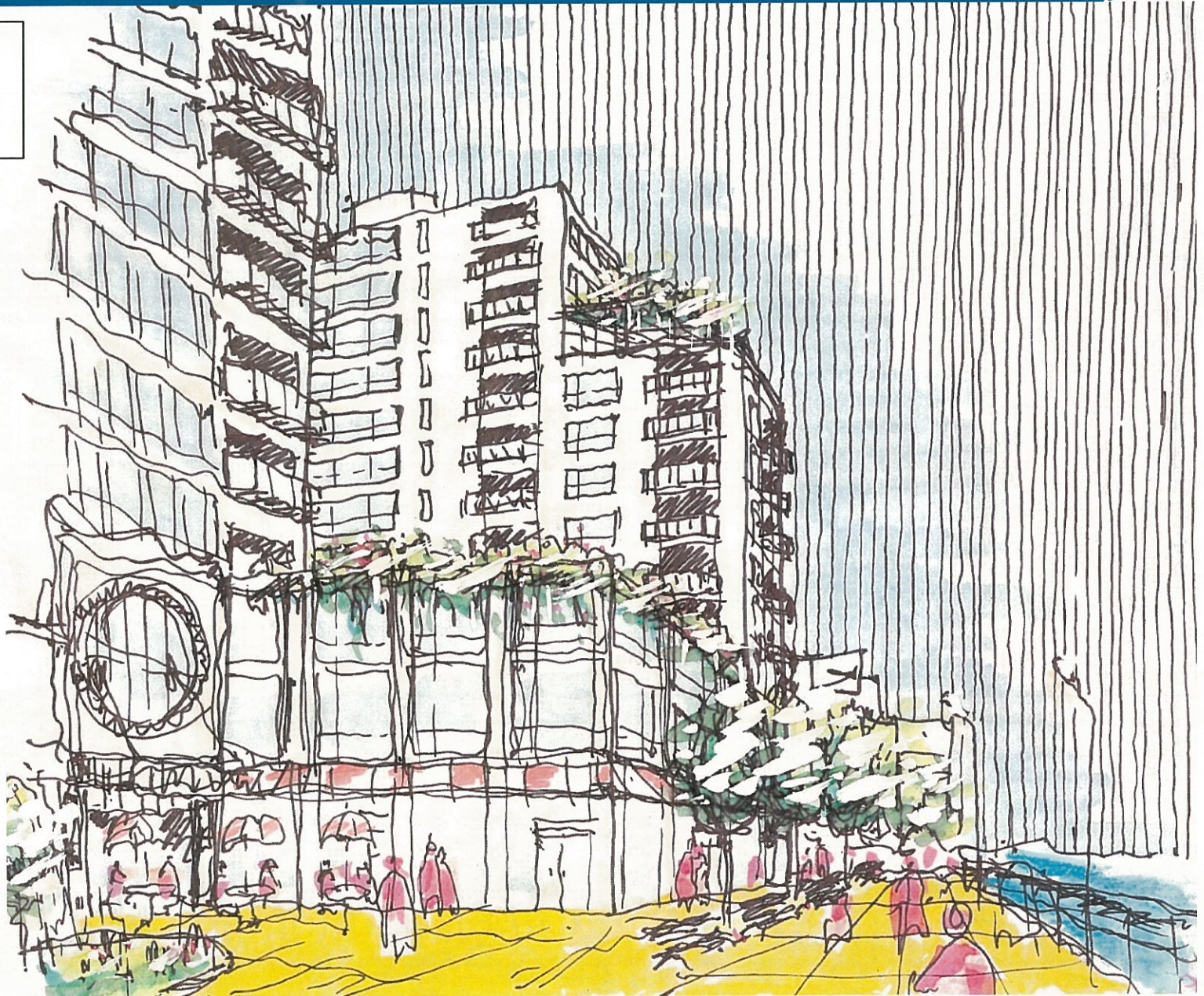
Core Subdistrict Resiliency Design Measures



Provides room and requires design elements for blank walls taller than 4 feet

Core Subdistrict Ground Floor (view from SPW)

Active, resilient
and safe public
realm



South Subdistrict Expansion Area



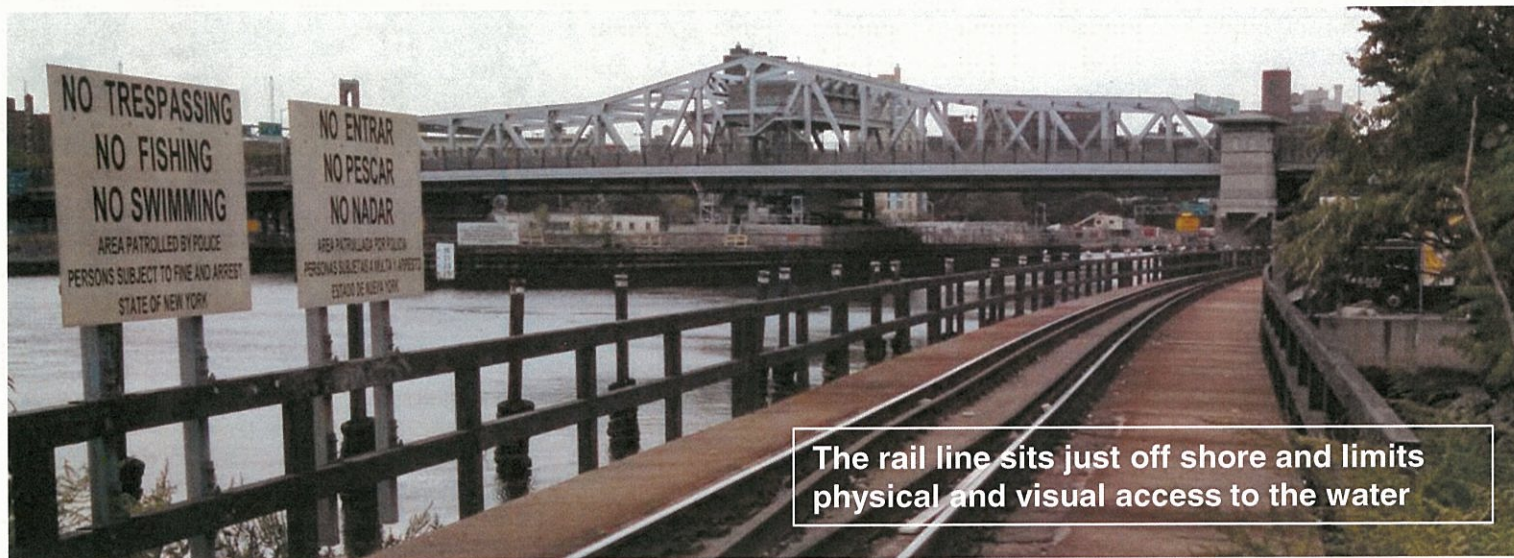
Address unique conditions to ensure lively accessible waterfront open space

- North Subdistrict
- Core Subdistrict
- South Subdistrict

Challenges Infrastructure



The Major Deegan Expressway limits access to upland streets



The rail line sits just off shore and limits physical and visual access to the water

Challenges Accessibility

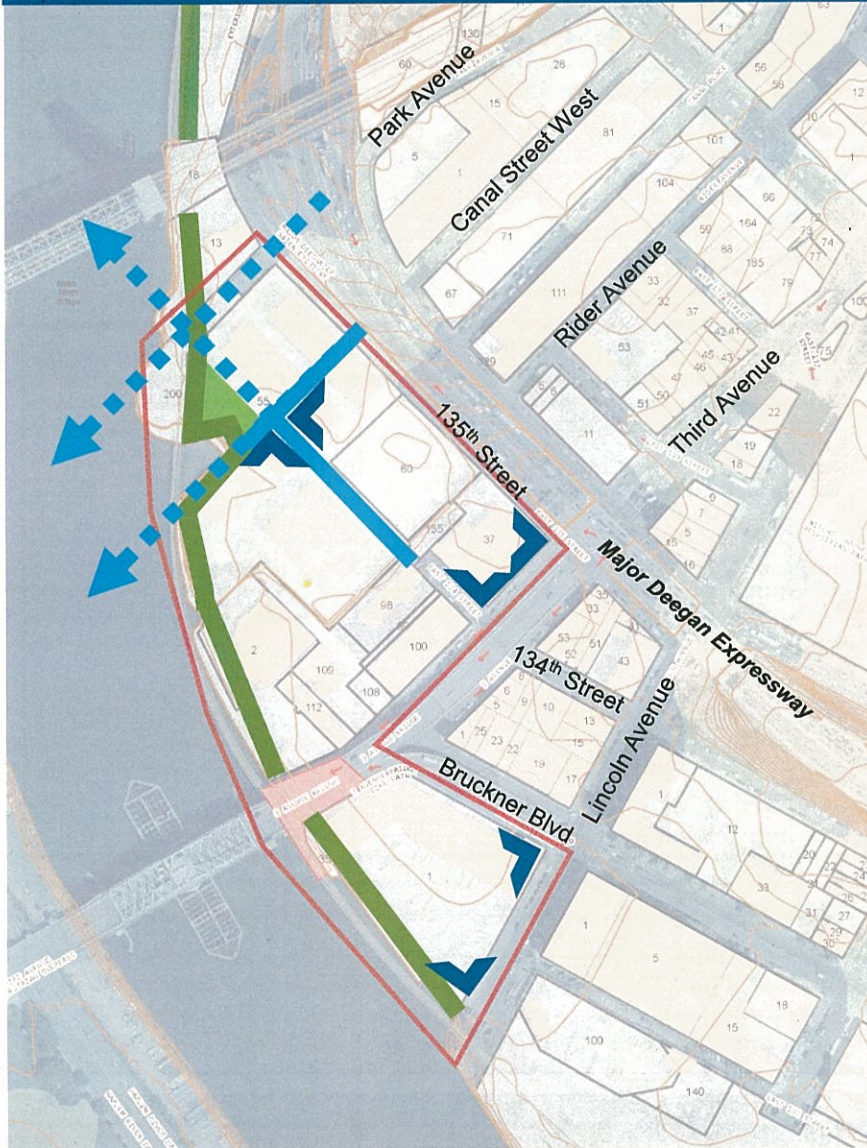


The expansion area is a large waterfront block composed of multiple independently owned lots.

A Waterfront Access Plan will allow us to customize access to address unique conditions



South Subdistrict Waterfront Access Plan



A shore public walkway is a linear public access area running alongside the shore.



An **upland connection** is a pedestrian way between a public place (a street, a sidewalk or a park, for example) and a shore public walkway. Upland connections may be provided along a private road.

- 134TH Street
- 200' east of Park Avenue



A **supplemental public access area** is a public access area required in order to fulfill the minimum percentage of WPAA required on a waterfront zoning lot, once a shore public walkway and upland connection have been provided. – around 3,000 to 4,000 SF



Visual Corridors are areas that provide an unobstructed view from upland streets through a waterfront zoning lot to the shoreline. Intended to extend existing views to the shore from the upland communities.

- 134TH Street
- Park Avenue



Active uses will be required on key corners to help the access areas feel public and inviting once redevelopment occurs.

HRW CB + BP Public Hearing



Community Board 1 held a **public hearing** on June 29th, 2017. The recommendation was to **approve** the application:

- In Favor: 10
- Against: 4
- Abstaining: 4

No modifications/conditions were stated.

The Bronx Borough President held a **public hearing** on August 3rd, 2017. The recommendation was to **approve** the application.

No modifications/conditions were stated.

HRW CPC Modifications



- Active Corners: Elimination of some of the locations for the required ground floor non-residential use. Limit requirement to frontage of the park and shore public walkway and streets where other commercial uses are already present.
- Major Deegan: Required setback on Parcels 2-4 was added. The current HRW includes a setback from the Deegan on Parcel 1. SDOT has not yet registered the easements; and we want to ensure new development does not preclude future improvements to the Deegan exit ramp at 138th Street.
- Grandfathering: Extending the vesting period for filed applications in the expansion area or South Subdistrict. Similar to HRW, with the caveat that we would gain public space and access on the SPW where currently it is not required.

HRW Summary



The proposed changes to the Special Harlem River Waterfront area and its expansion area to the south will create a **welcoming lively area** and encourage **greater connectivity** to the waterfront and surrounding community.

- Encourage the development of affordable housing by creating flexible building form
- Address easements and other restrictions
- Meet flood resiliency needs
- Address unique conditions to ensure lively accessible open space on the Harlem River waterfront in the Bronx

723-733 MYRTLE AVENUE REZONING



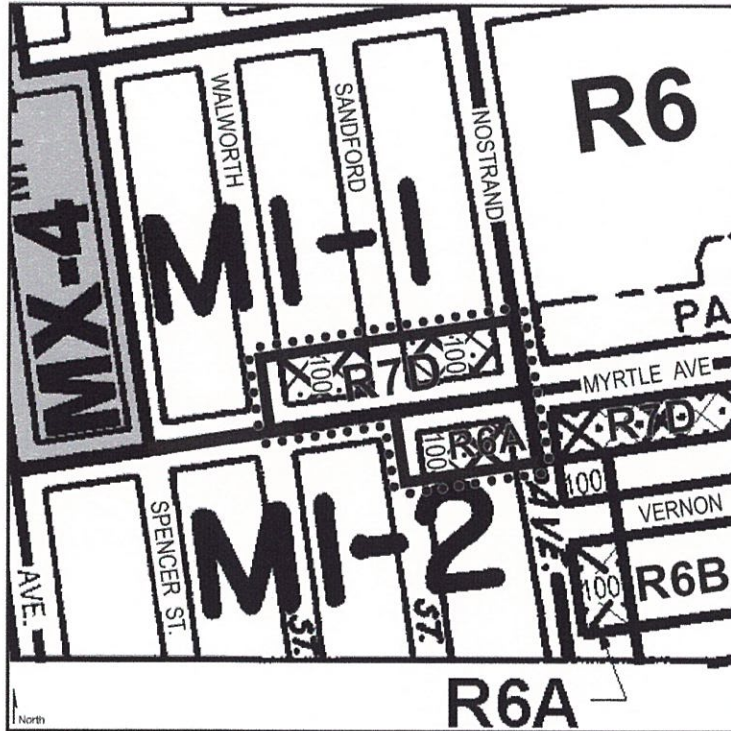
COMMUNITY DISTRICT 3
BROOKLYN, NEW YORK
N 170025 ZMK, N 170026 ZRK

APPLICANT: JMS REALTY CORP
APPLICANT REPRESENTATIVE: SHELDON LOBEL, P.C.

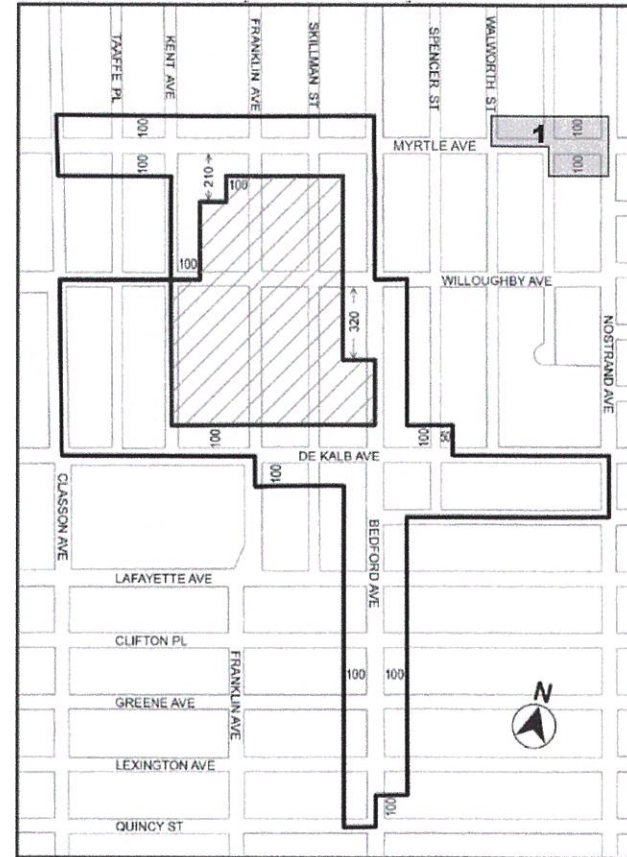





723-733 MYRTLE AVENUE REZONING

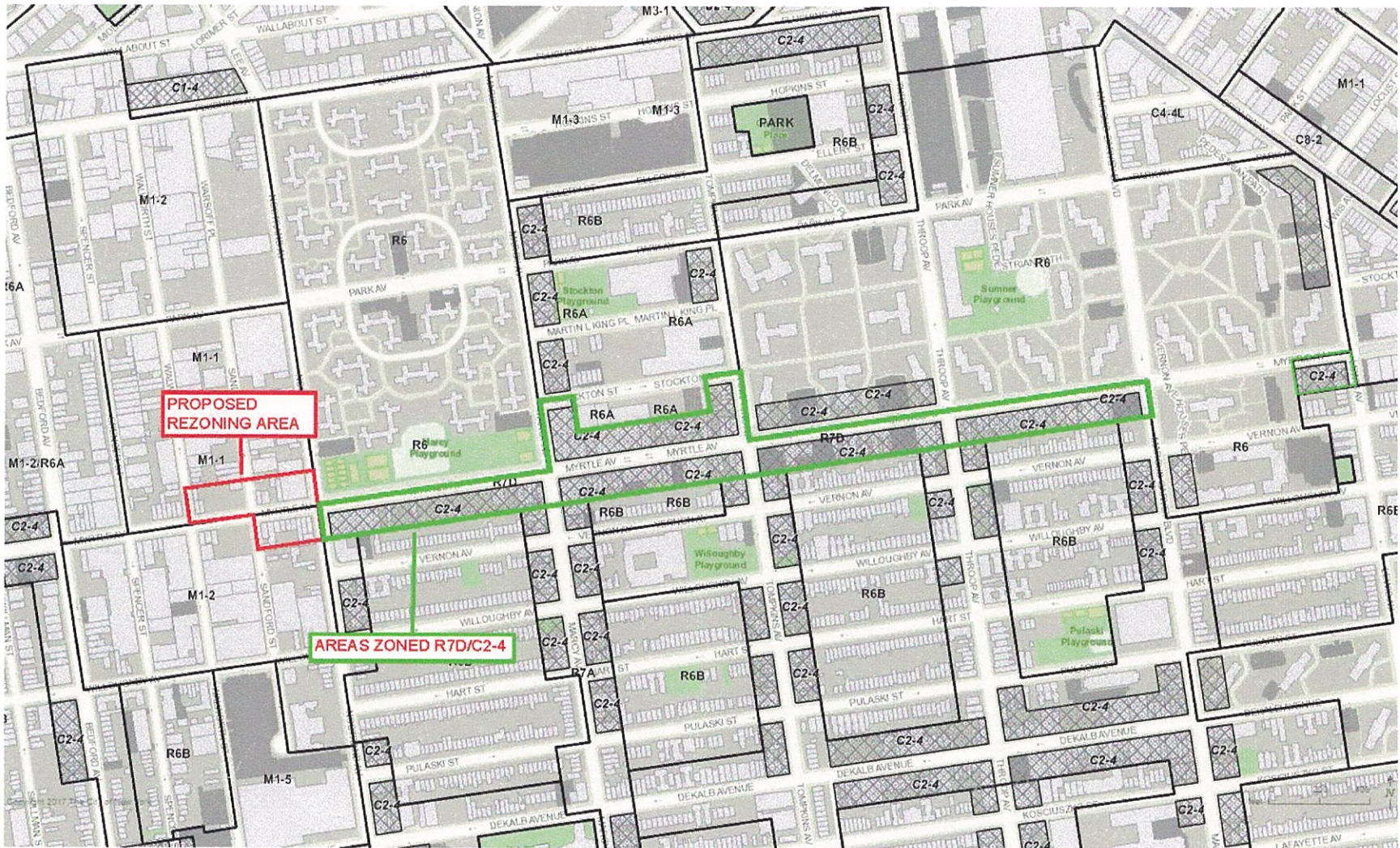
ZONING MAP AMENDMENT



ZONING TEXT AMENDMENT



-  Inclusionary Housing Designated Area
-  Mandatory Inclusionary Housing area *see Section 23-154(d)(3)*
Area 1 — [date of adoption] — MIH Program Option 1 and Option 2
-  Excluded Area



The Bedford-Stuyvesant North Rezoning (2012) mapped an R7D/C2-4 zoning district on Myrtle Avenue extending east from Nostrand Avenue for several blocks directly to the east of the proposed rezoning.



- - - - - Development Site
- Area Proposed to be Rezoned
- Zoning District Line
- M1-1** Existing Zoning District
- R7D** Proposed Zoning District
- Existing C2-4 Commercial Overlay
- Proposed C2-4 Commercial Overlay

Area Map

Myrtle Avenue-Sandford Street Rezoning
 Project ID #: P2015K0203

Project Information

- 600' Radius
- Development Site
- Project Area
- Zoning Districts
- Special Districts

Existing Commercial Overlays

- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4 (Proposed in Project Area)
- C2-5

● Subway Entries

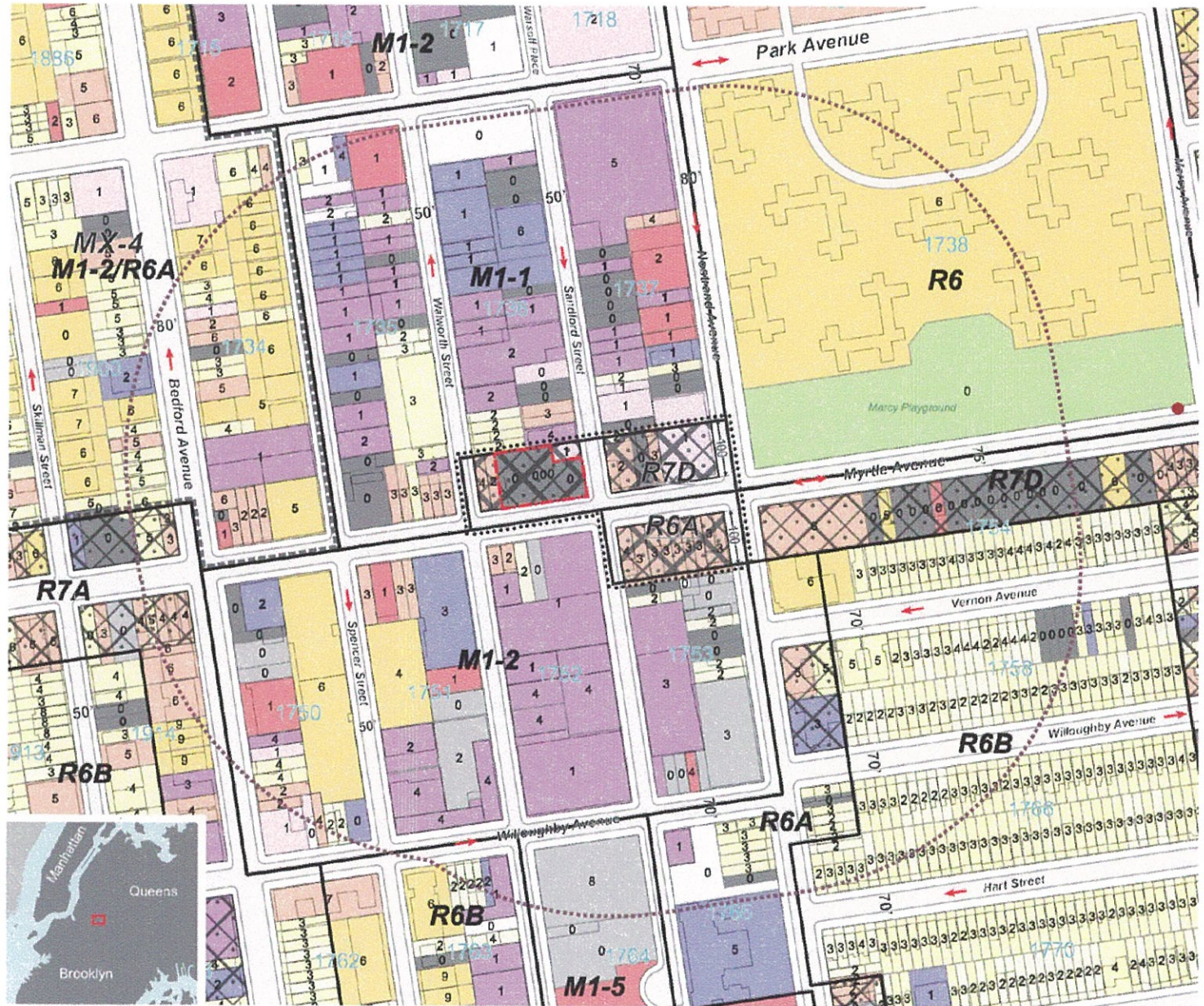
5037 Block Numbers

Property Lines

5 Number of Floors

Land Uses

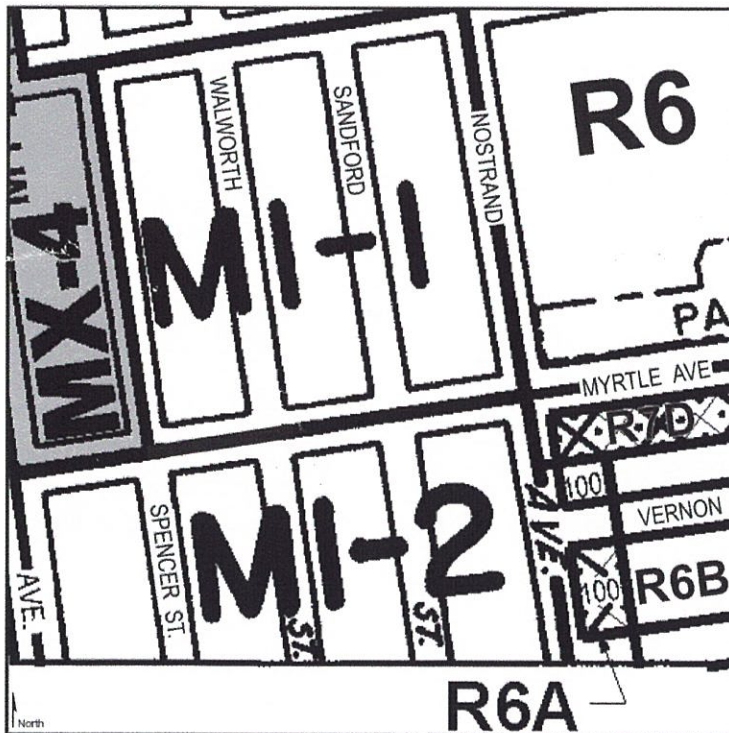
- One & Two Family Residential Buildings
- Multi-Family Residential Buildings (Walk-up)
- Multi-Family Residential Buildings (Elevator)
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land



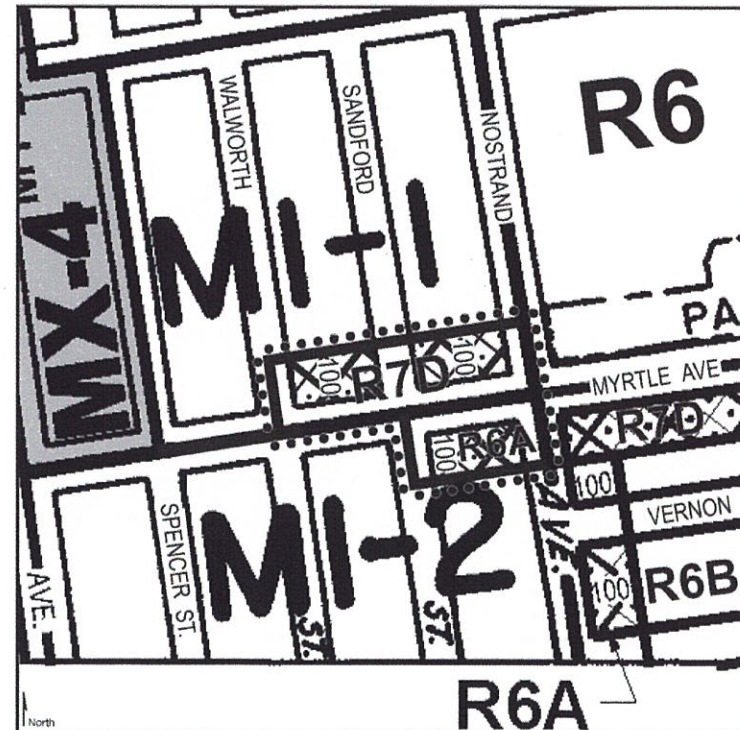
723-733 MYRTLE AVENUE REZONING

ZONING MAP AMENDMENT

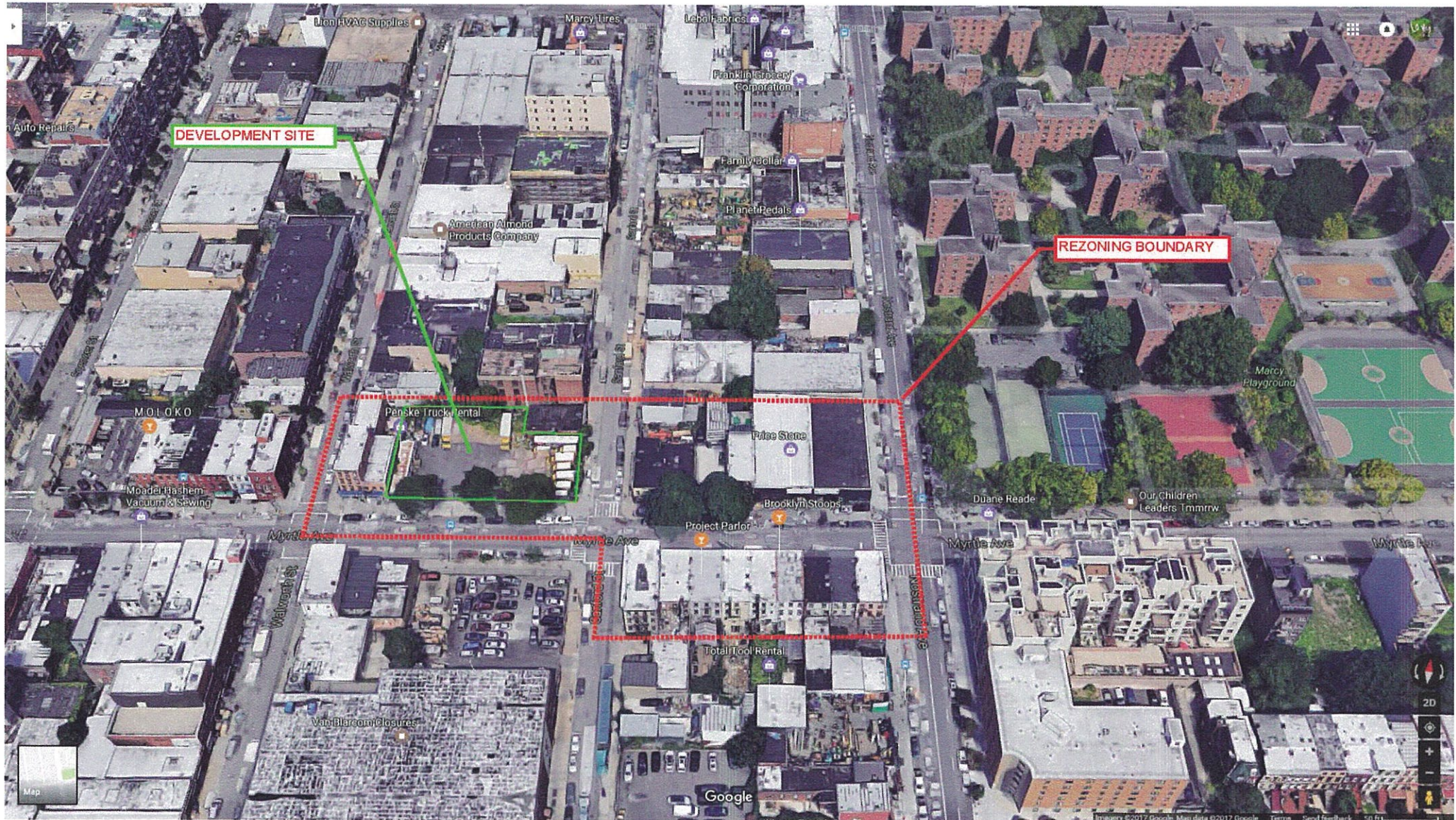
- M1-1 to R7D/C2-4 on north side of Myrtle Avenue between Walworth St. & Nostrand Ave.
- M1-2 to R6A/C2-4 on south side of Myrtle Avenue between Sandford St. & Nostrand Ave.



Current Zoning Map (13b)



Proposed Zoning Map (13b) - Project Area is outlined with dotted lines





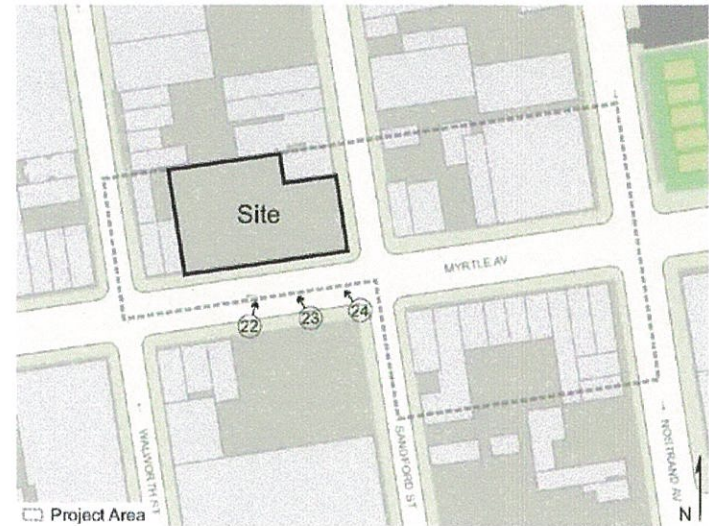
22. View of the Site facing north from Myrtle Avenue.

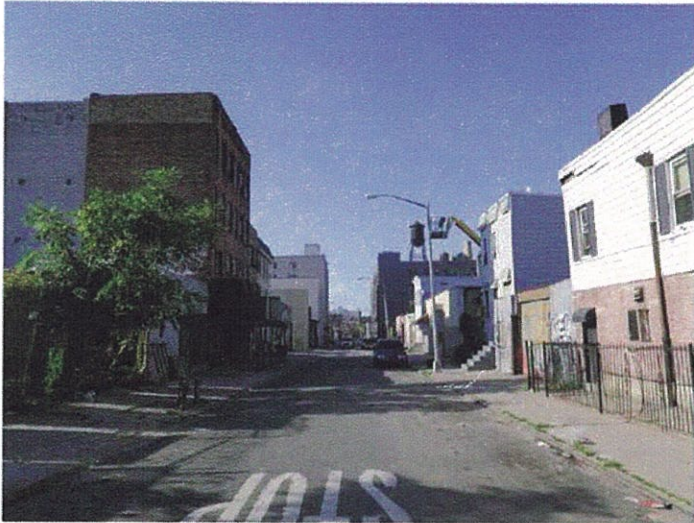


23. View of the Site facing northwest from Myrtle Avenue.



24. View of the Site facing northwest from Myrtle Avenue.





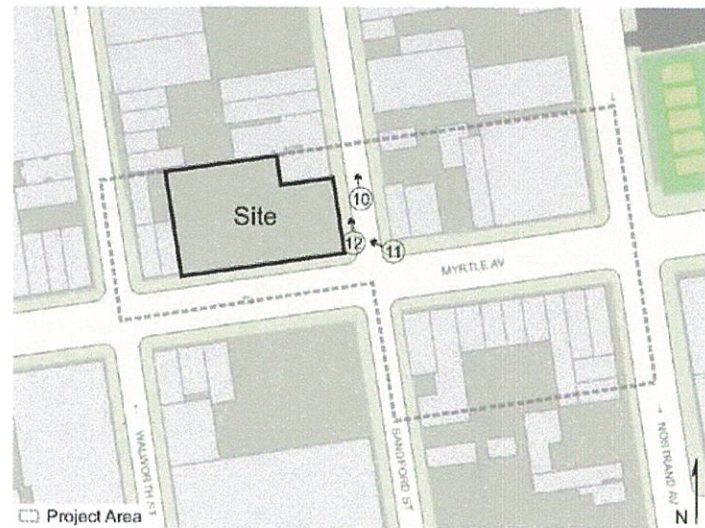
10. View of Sandford Street facing north from Myrtle Avenue (Site at left).



11. View of the Site facing northwest from Sandford Street.



12. View of the sidewalk along the west side of Sandford Street





4. View of the sidewalk along the south side of Myrtle Avenue facing east from Sandford Street.



5. View of the side of Nostrand Avenue facing southeast from Myrtle Avenue.



6. View of Myrtle Avenue facing west from Nostrand Avenue.



723-733 MYRTLE AVENUE REZONING

PROPOSED R7D/C2-4 ZONING DISTRICT

- Responds to the increased demand for new housing in the area
- Allows medium-density apartment buildings (5.6 FAR) with mandatory affordable housing through MIH Program
- Requires active non-residential ground floor uses per ZR § 32-434
- Creates consistency with the existing R7D/C2-4 zoning along Myrtle Avenue mapped in the 2012 Bedford-Stuyvesant North Rezoning
- Permits mixed-use development on Myrtle Avenue with the same bulk regulations approved in the Bedford-Stuyvesant North Rezoning
- Strengthens the character of Myrtle Avenue as a retail and service corridor with new mixed-use development
- Activates and enlivens Myrtle Avenue and benefits businesses and the community by creating a more engaging experience for pedestrians

723-733 MYRTLE AVENUE REZONING

PROPOSED DEVELOPMENT

- New eight-story mixed-use building with **66 units (reduced from 75)**
- **17** permanently affordable units (50% preference to CD 3)
- 81,951 sq. ft. (5.58 FAR) 90 ft. height
- 14,170 sq. ft. of ground floor retail
- 14,670 sq. ft. 2nd floor medical offices
- 52,212 sq. ft. of residential floor area
- 68-space cellar parking garage
- Updated unit distribution:
 - 24 studios (36%);
 - 29 one-bedrooms (44%) ;
 - 8 two-bedrooms (12%); and
 - 5 three-bedrooms (8%)





ZONING DISCREPANCY
 ZONING DISTRICT: R7D / C2-4
 BLOCK: 1738
 LOTS: 35, 37, 137, 38, 39
 TOTAL LOT AREA = 14,570.00SF

MAX FAR
 ZR23-952: MAX RESIDENTIAL FAR (R7D) = 5.60
 ZR23-121/ZR24-11: MAX COMMERCIAL FAR
 COMMUNITY FACILITY FAR (COMMUNITY C) = 4.70
 ZR33-121(c): MAX COMMERCIAL FAR SHALL NOT EXCEED THAT ADJUNCT PERMITTED FOR ZONING LOTS CONTAINING ONLY COMMERCIAL USES SET FORTH IN COLUMN A = 2.00
MAX LOT COVERAGE
 ZR23-121: MAX LOT COVERAGE ON CORNER LOT - 80%
 ZR35-33/ZR35-34: THE LOT COVERAGE SHALL BE DEEMED TO BE THAT PORTION OF THE ZONING LOT THAT WOULD BE COVERED BY RESIDENTIAL PORTION OF BUILDING
 PROPOSED RESIDENTIAL LOT COVERAGE: 60%

ZONING CALCULATIONS
 MAX FA COMMERCIAL: 29,340.00SF
 MAX FA COMMUNITY FACILITY: 61,614.00SF
 MAX FA RESIDENTIAL: 82,102.00SF
 MAX FA FOR MIXED USE: 61,614.00SF

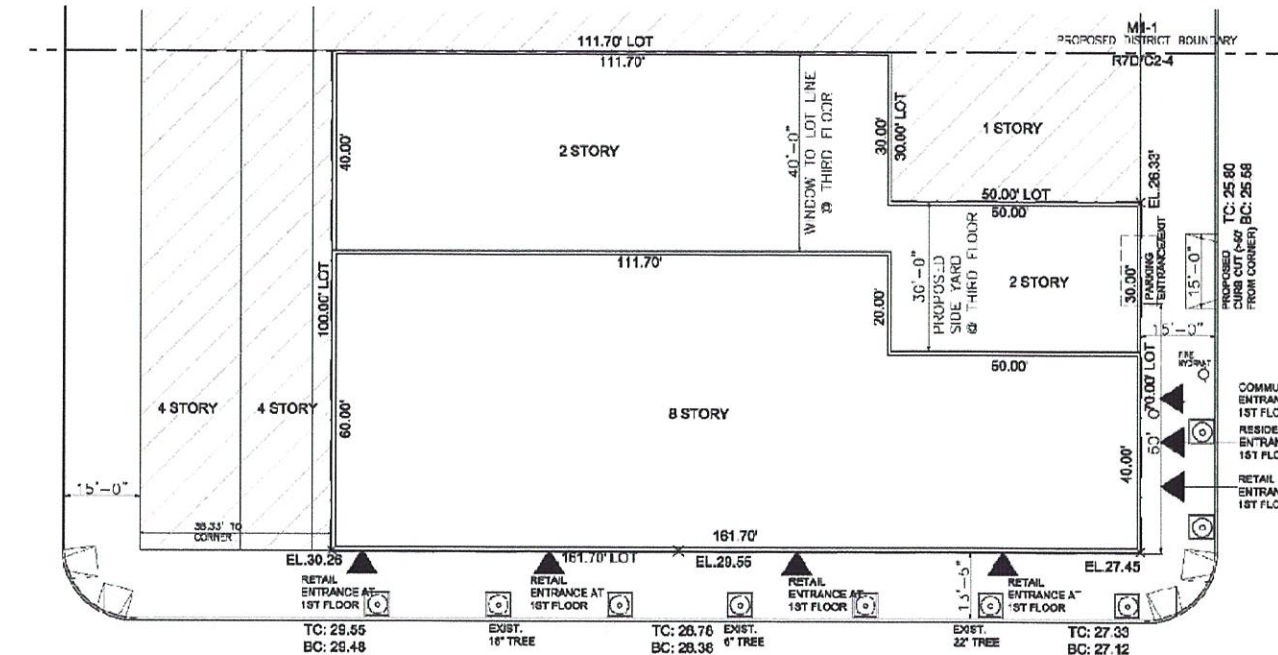
PROPOSED FA

1st FL. - COMMERCIAL	FA: 13,670.00SF
2nd FL. - COMMUNITY FACILITY	FA: 14,670.00SF
3rd FL. - RESIDENTIAL	FA: 5,935.00SF
4th FL. - RESIDENTIAL	FA: 5,935.00SF
5th FL. - RESIDENTIAL	FA: 5,935.00SF
6th FL. - RESIDENTIAL	FA: 5,935.00SF
7th FL. - RESIDENTIAL	FA: 5,935.00SF
8th FL. - RESIDENTIAL	FA: 5,935.00SF
TOTAL FA:	81,950.00SF

TOTAL PROPOSED COMMERCIAL: 13,670.00SF
 TOTAL PROPOSED COMM. FACILITY: 14,670.00SF
 TOTAL PROPOSED RESIDENTIAL: 53,911.00SF

MAXIMUM DWELLING UNITS
 ZR23-22: R7 FACTOR FOR DWELLING UNITS: 660
 MAX RES FA: 82,162.00SF - 29,340.00SF = 52,822.00SF / 680 = 76.78 ~ 76 DWELLING UNITS

PROPOSED DWELLING UNITS
 53,911.00SF / 680 = 78.8 ~ 79 DWELLING UNITS



← TRAFFIC FLOW

**MYRTLE (75') AVE
 (WIDE STREET)**

HEIGHTS & SETBACKS
 ZR23-632/ZR35-24: MINIMUM BASE HEIGHT = 60'
 MAXIMUM BASE HEIGHT = 85'
 MAXIMUM BUILDING HEIGHT = 100'
 ZR23-662(b)(1): SETBACK ON NARROW STREET: 15'
 SETBACK ON WIDE STREET: 10'

REQUIRED YARDS
 ZR23-633(c)(1): STREET WALL ALONG WIDE STREET SHALL BE LOCATED NO CLOSER TO THE STREET LINE THAN THE 10.00' STREET WALL OF AN EXISTING BUILDING TO SUCH STREET LINE, LOCATED ON THE SAME BLOCK AND WITHIN 150.00' TO EXCEED 15'-0".
 MIN. REQUIRED FRONT YARD: 0'-0"
 ZR23-482(c): MINIMUM SIDE YARD = 0'-0"
 HOWEVER IF ANY OPEN AREA EXTENDING ALONG A SIDE LOT LINE IS PROVIDED AT ANY LEVEL, IT SHALL MEASURE 8'-0" FOR THE ENTIRE LENGTH OF THE SIDE LOT LINE.
 ZR23-542/ZR33-302: NO REAR YARD REQUIRED WITHIN 100' OF LOT LINE ALONG SHORT DIMENSION OF BLOCK (<250' BETWEEN TWO INTERSECTING STREETS)
 ZR23-861: MINIMUM DISTANCE BETWEEN LOT LINE AND LEGAL WINDOW SHALL BE 30'-0" MINIMUM.
 ZR33-25: MIN REQUIRED SIDE YARD: NOT REQUIRED
 HOWEVER IF AN OPEN AREA EXTENDING ALONG A SIDE LOT LINE IS PROVIDED THAN 8'-0" MIN ALONG SIDE LOT LINE

PARKING
 ZR26-23: RESIDENTIAL - CRCLP PARKING FACILITIES: 1 SPACE PER 50% OF DWELLING UNITS
 ZR36-21: COMMERCIAL PARKING (GENERAL RETAIL): 1 SPACE PER 1,000SF
 ZR36-21: COMMUNITY FACILITY PARKING (MEDICAL): 1 SPACE PER 1,000SF
 ZR36-21: MINIMUM 200SF PER PARKING SPACE WITH ATTENDED PARKING (ATTENDED PARKING TO INCLUDE 2-CAR LIFTS)
 MAX COMMERCIAL PARKING SPACES REQUIRED: 20,340.00SF / 1,000SF = 20.34 ~ 20 PARKING SPACES
 MAX COMMUNITY FACILITY PARKING (MEDICAL) PARKING SPACES REQUIRED: 14,670.00SF / 1,000SF = 14.67 ~ 15 PARKING SPACES
 PROPOSED COMM. SPACES: 14,670.00SF / 1,000SF = 14.67 ~ 15 PARKING SPACES
 PROPOSED COMM. FACILITY SPACES: 14,670.00SF / 1,000SF = 14.67 ~ 15 PARKING SPACES
 PROPOSED RESIDENTIAL SPACES: 75 DWELLING UNITS / 50% = 38 PARKING SPACES
 TOTAL PROPOSED PARKING SPACES: 68 SPACES @ 200SF EACH






LOADING BERTHS
 ZR30-52: 1 LOADING BERTH REQUIRED BETWEEN 25,000SF AND 40,000SF OF RETAIL AREA

STREET TREE REQUIREMENTS
 ZR26-41: 1 STREET TREE (3" @ MIN) FOR EVERY 25' OF STREET FRONTAGE
 TOTAL STREET FRONTAGE 231.70LF
 231.70LF / 25' PER TREE = 9.268 ~ 9 TREES

QUALITY HOUSING
 ZR28-21: MIN. DWELLING UNIT SIZE: 400SF
 ZR28-21: MIN. WINDOWS IN RESIDENTIAL PORTION TO BE DOUBLE GLAZED
 ZR28-23: REFUSE DISPOSAL ROOM REQUIRED IF 9 OR MORE UNITS PER VERTICAL CIRCULATION CORE
 ZR28-24: LAUNDRY FACILITY - 1 WASHING MACHINE PER 20 DWELLING UNITS
 ZR28-31: RECREATION SPACE SHALL BE MIN 3.3% OF RESIDENTIAL FLOOR AREA.
 52,611SF x 3.3% = 1,736.16SF MINIMUM
 ZR28-32: RECREATION SPACE MINIMUM DIMENSION = 15'-0" - OUTDOOR RECREATION SPACE SHALL BE MIN. 225SF AND OPEN TO SKY - ONLY ACCESSIBLE FROM RESIDENTIAL PORTION OF BUILDING
 ZR28-33: PLANTING AREAS REQUIRED BETWEEN STREET LINE AND SIDEWALK = N/A

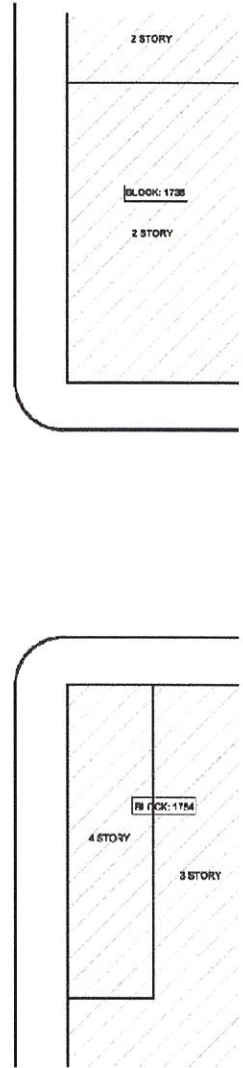
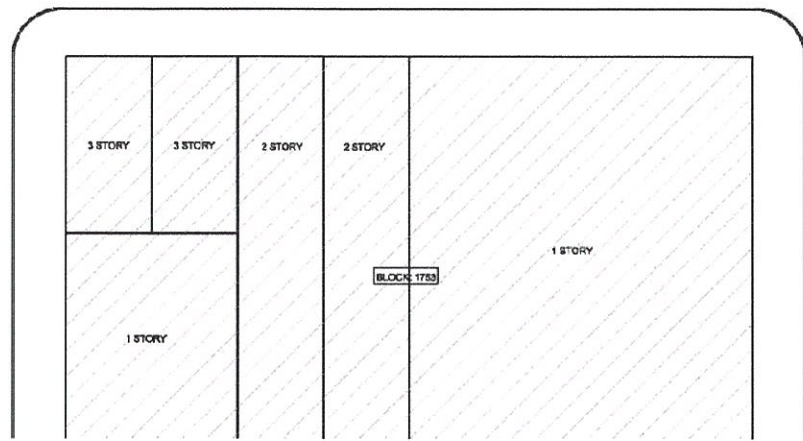
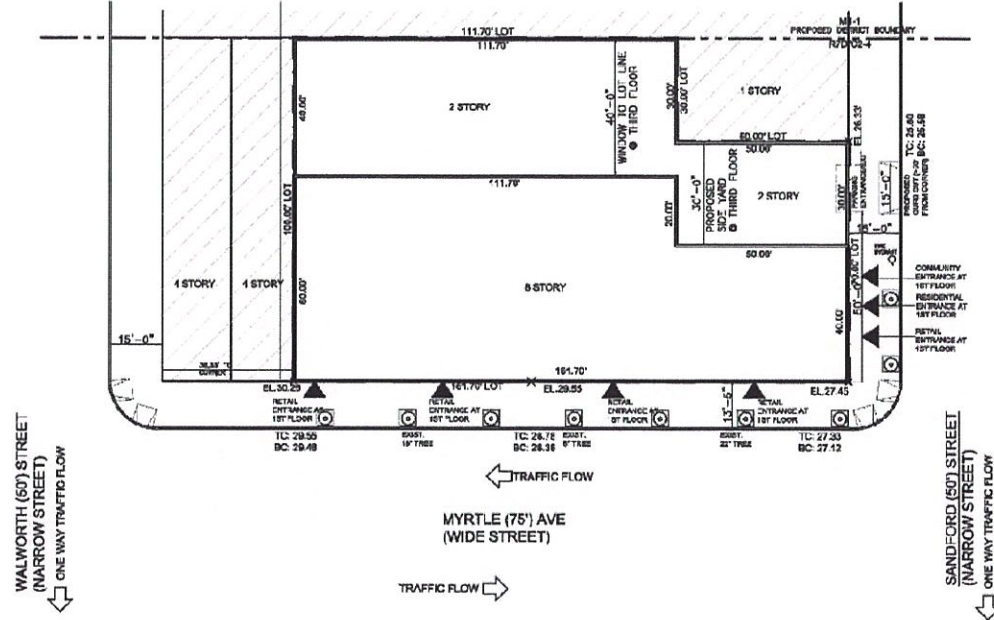
SITE DATA
 BLOCK: 1736
 LOTS: 36, 37, 137, 38, 39
 STREET ADDRESS: 723-733 MYRTLE AVENUE
 PROPOSED ZONING: R7D / C2-4
 ZONING SECTION MAP NO.: 13B
 ZONING LOT AREA: 14,670 SF
 NUMBER OF STORIES: 8

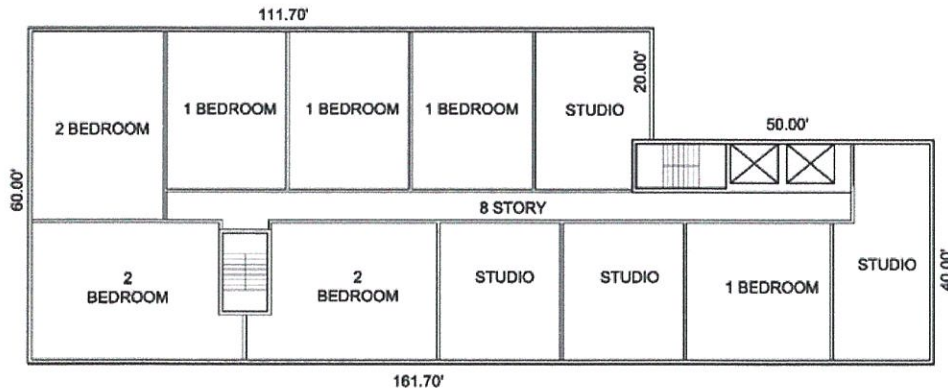
LEGEND

-  ZONING LOT
-  ADJACENT BUILDINGS
-  BUILDING ENTRANCE
-  NEW STREET TREE
-  EXISTING FIRE HYDRANT

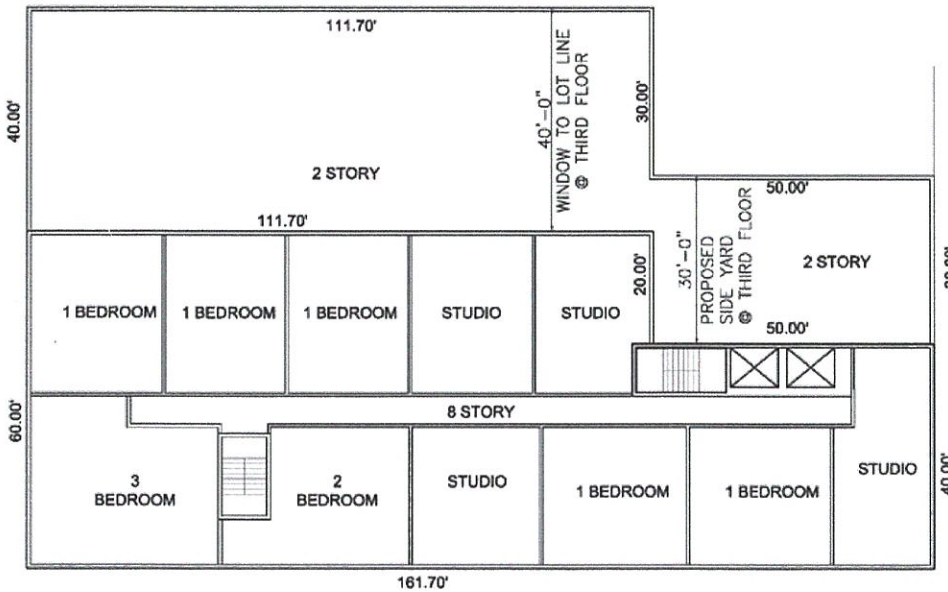
BASE PLANE = $(33.28 \times 29.65 + 27.45 \times 29.33) \div 4 = 29.39'$

NOTE:
 INFORMATION OUTSIDE OF THE BOUNDRIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT INFORMATION ON SURROUNDING PROPERTIES.





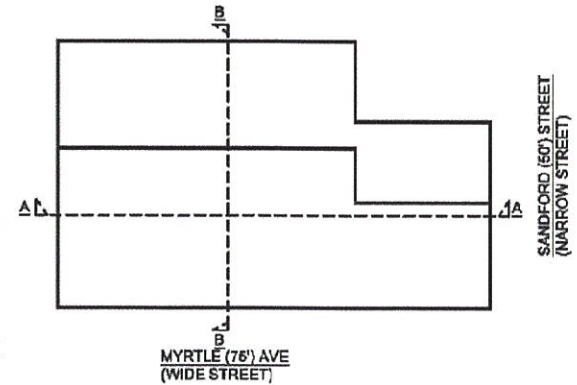
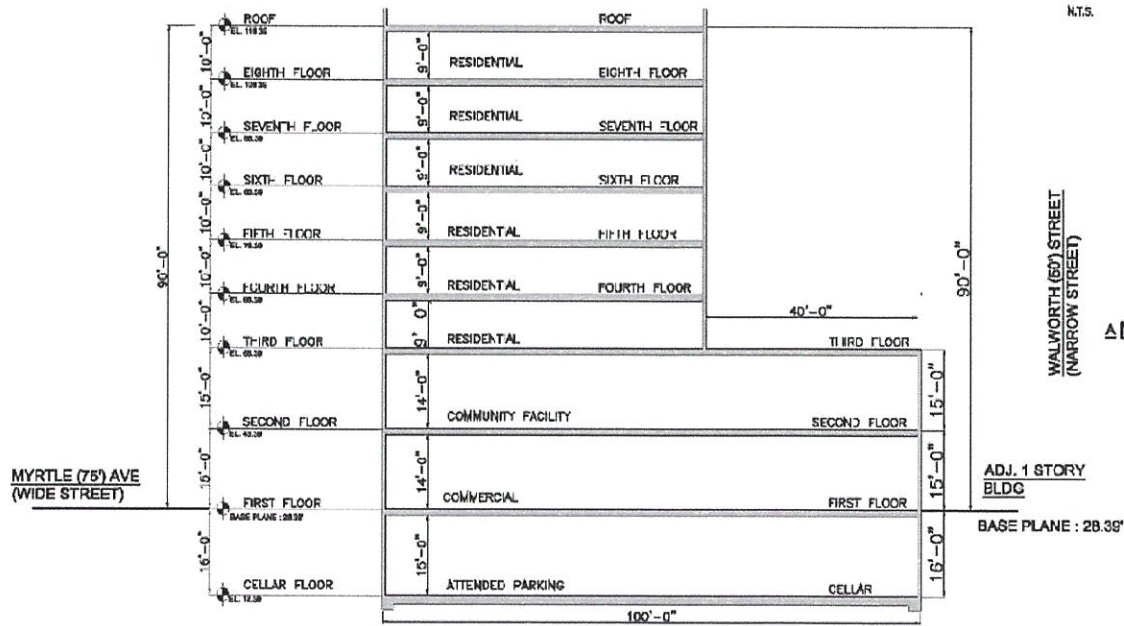
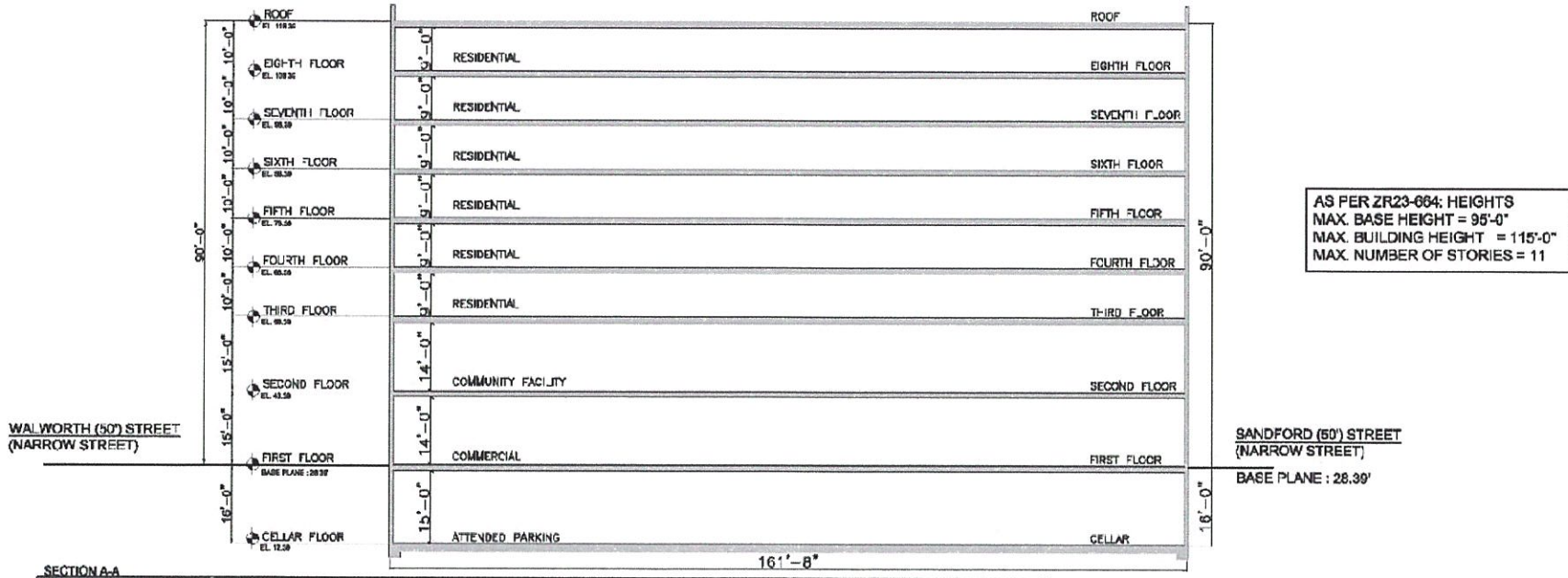
8TH FLOOR - RESIDENTIAL



3RD - 7TH FLOOR - RESIDENTIAL

Updated unit distribution:
66 total (from 75)

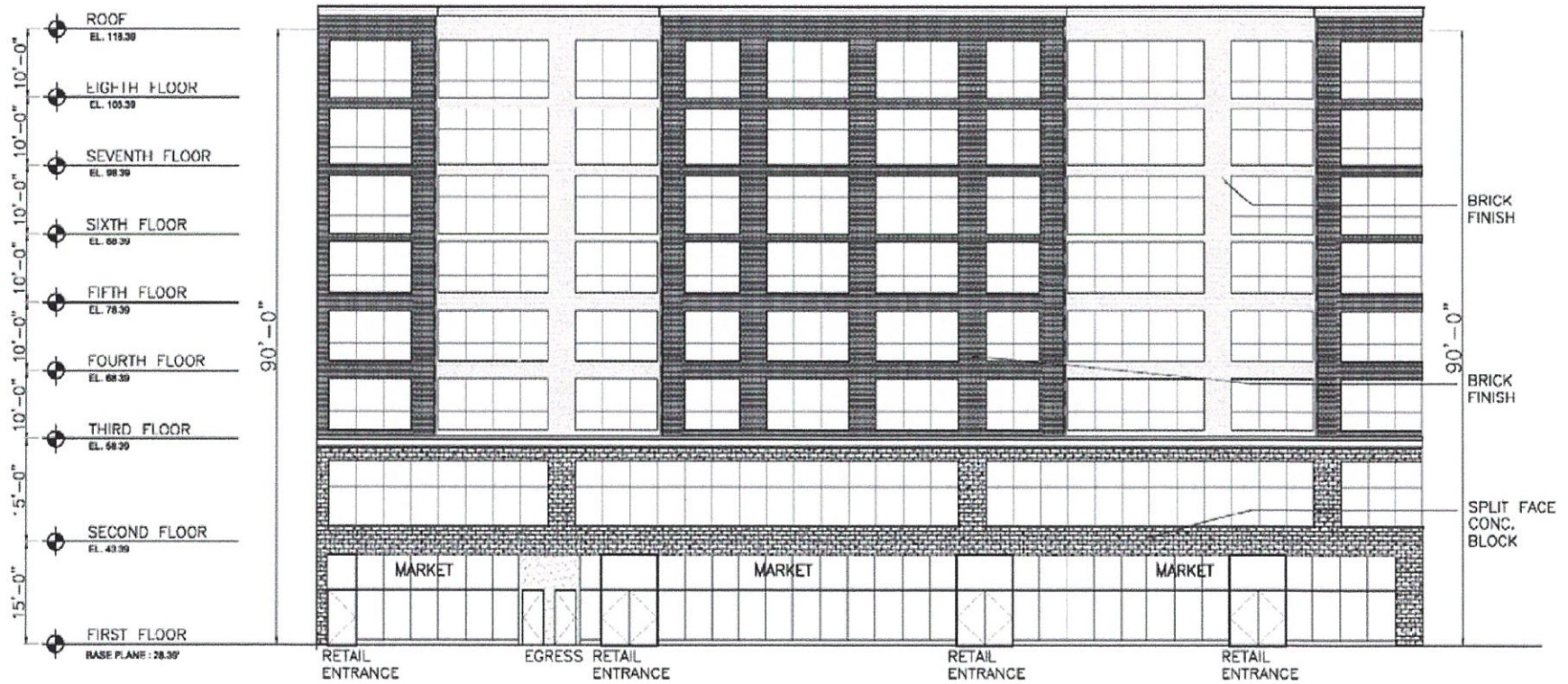
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- 5 three-bedrooms (8%)

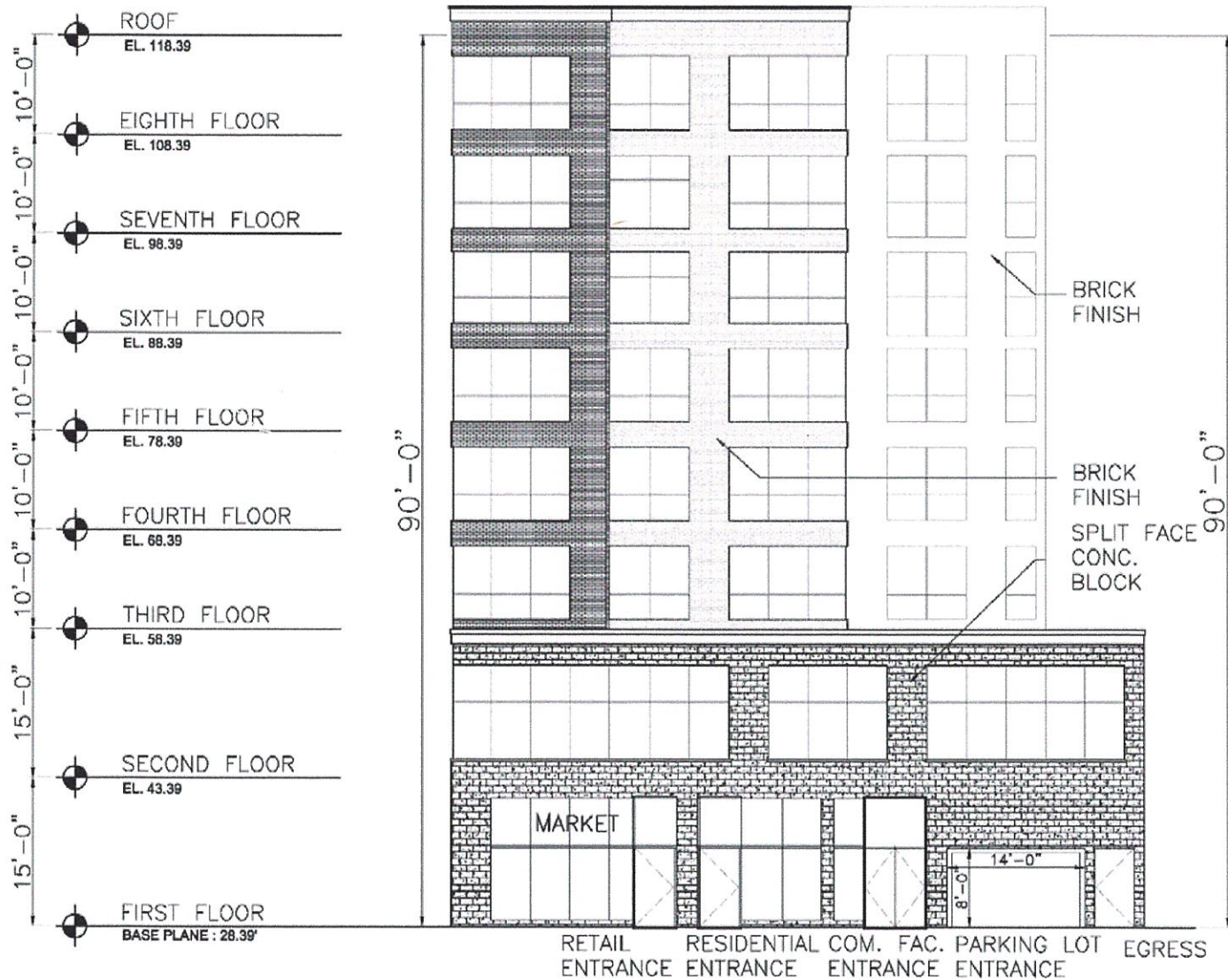


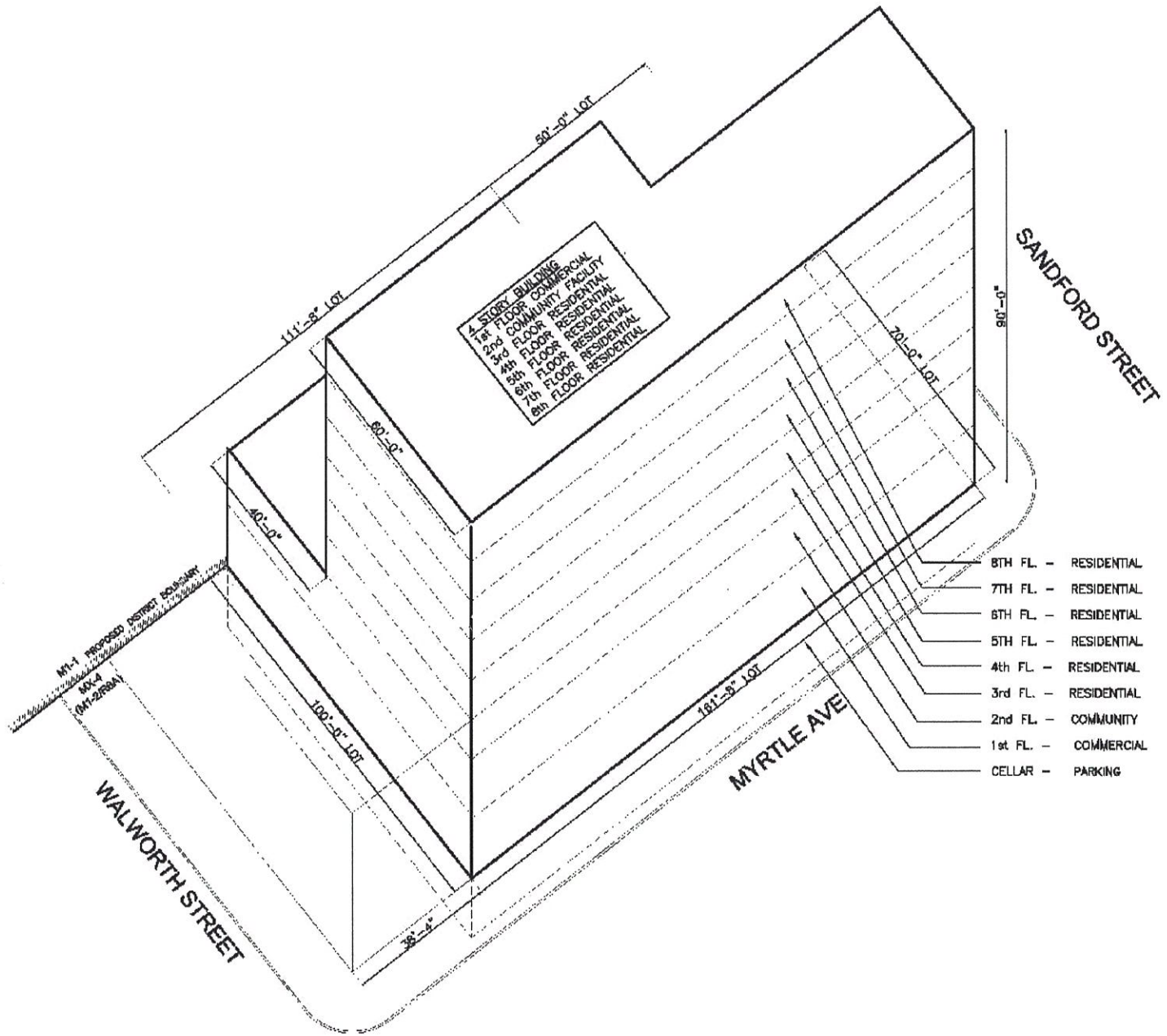
SECTION A-A

SECTION B-B

N.T.S.









Sheldon Lobel PC
ATTORNEYS AT LAW

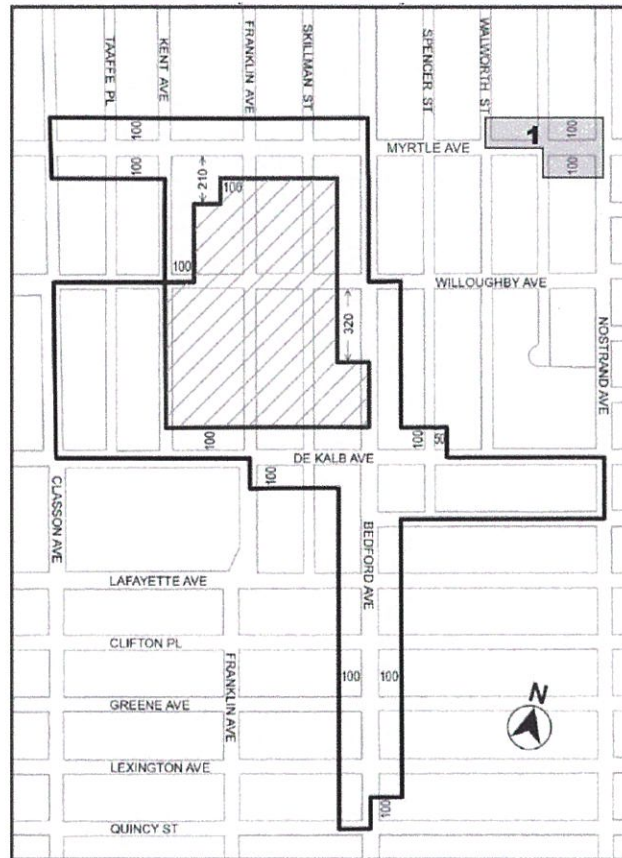





Sheldon Lobel P.C.
ATTORNEYS AT LAW

723-733 MYRTLE AVENUE REZONING

ZONING TEXT AMENDMENT

- Establishes a Mandatory Inclusionary Housing (“MIH”) Area



-  Inclusionary Housing Designated Area
-  Mandatory Inclusionary Housing area *see Section 23-154(d)(3)*
Area 1 — [date of adoption] — MIH Program Option 1 and Option 2
-  Excluded Area

Affordable Housing

Housing is considered affordable when a household spends no more than 30% of its income on rent. *Housing New York* aims to create and preserve housing for people earning a wide range of incomes.

Area Median Income (“AMI”)

The median income for all cities across the country is defined each year by U.S. Department of Housing and Urban Development (HUD). The 2017 AMI for the New York City region is \$85,900 for a three-person family (100% AMI).

Source: [NYC Department of Housing Preservation and Development](#)

2017 New York City Affordable Monthly Rents by Rental Tier

Source: [NYC Department of Housing Preservation and Development](#)

Unit Size	30% of AMI	40% of AMI	50% of AMI	60% of AMI	70% of AMI	80% of AMI	100% of AMI	130% of AMI
studio	\$331	\$475	\$618	\$761	\$947	\$1,091	\$1,377	\$1,807
1 BR	\$426	\$605	\$784	\$963	\$1,196	\$1,375	\$1,733	\$2,270
2 BR	\$521	\$736	\$951	\$1,166	\$1,445	\$1,660	\$2,089	\$2,733
3 BR	\$594	\$843	\$1,091	\$1,339	\$1,661	\$1,910	\$2,406	\$3,150

2017 New York City Income Limits by Household Size

Source: [U.S. Department of Housing and Urban Development](#)

Family Size	30% of AMI	40% of AMI	50% of AMI	60% of AMI	70% of AMI	80% of AMI	100% of AMI	130% of AMI	165% of AMI
1	\$20,040	\$26,720	\$33,400	\$40,080	\$46,760	\$53,440	\$66,800	\$86,840	\$110,220
2	\$22,920	\$30,560	\$38,200	\$45,840	\$53,480	\$61,120	\$76,400	\$99,320	\$126,060
3	\$25,770	\$34,360	\$42,950	\$51,540	\$60,130	\$68,720	\$85,900	\$111,670	\$141,735
4	\$28,620	\$38,160	\$47,700	\$57,240	\$66,780	\$76,320	\$95,400	\$124,020	\$157,410
5	\$30,930	\$41,240	\$51,550	\$61,860	\$72,170	\$82,480	\$103,100	\$134,030	\$170,115

Mandatory Inclusionary Housing

Option 1

25% of the residential floor area at average of 60% AMI (10% at 40% AMI)

Option 2

30% of the residential floor area at average of 80% AMI

Permanently affordable units by lottery

50% Community District 3 preference

The Applicant has selected **MIH Option 1** resulting in approx. **17 permanently affordable units** (of 66) at an average of 60% AMI.

Local non-profit organization, **IMPACCT Brooklyn**, will administer the affordable housing component of the proposed development.

City Planning Commission Approval

- “would facilitate new affordable housing to help address the dire need for more housing in Brooklyn and in the City overall, consistent with City objectives for promoting housing production and affordability”
- “would help redevelop underutilized sites with excellent transit access, within two blocks of the Myrtle-Willoughby G train station and with access to the B54 bus line serving Downtown Brooklyn and the B44 SBS running along Nostrand Avenue”
- “proposed densities and uses would be more consistent with existing densities and uses along the Myrtle Avenue corridor and allowed by the R7D/C2-4 zoning district, mapped in 2012 as part of the Bedford-Stuyvesant rezoning that begins directly to the east of the project area”
- “proposed zoning districts would bring the residential uses into conformance, allowing improvements to these buildings and easing the ability of property owners to seek financing”
- “[d]esignation of this MIH area is consistent with City objectives promoting production of affordable housing”



449 BROADWAY / 26 MERCER STREET

Special Permit Application

October 24, 2017



NYC Digital Tax Map

Effective Date : 07-22-2008 16:02:40

End Date : Current

Mannhattan Block:231

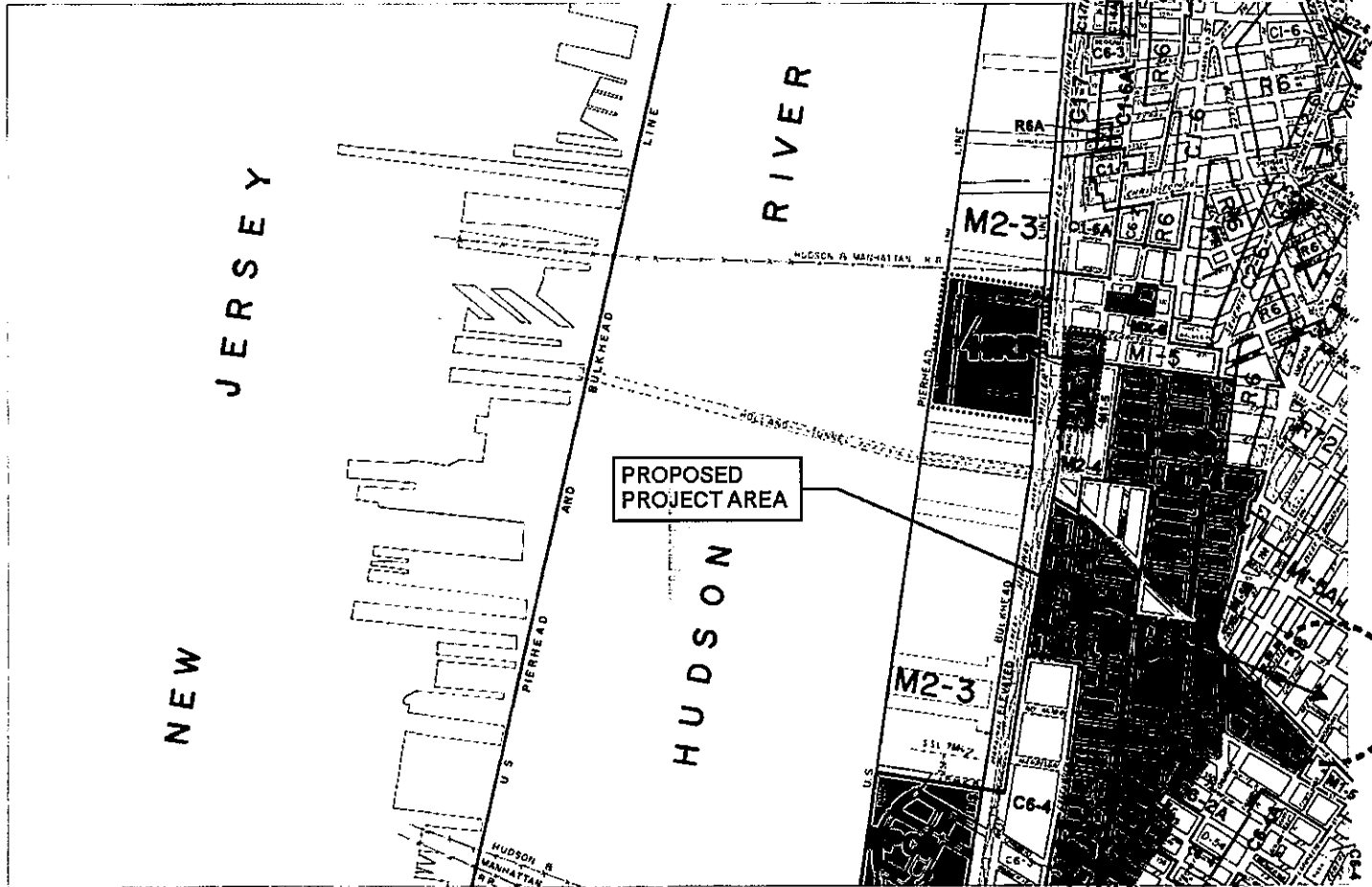
Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Development Site



PROJECT SITE:
448 BROADWAY / 38 MERCER ST
NEW YORK, NY 10013

Scale: Feet
0 510 20 30 40



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
 The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT
 The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.
- AREA(S) REZONED

Effective Date(s) of Rezoning:
 12-15-2016 C 160309 ZMM

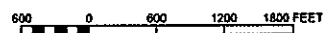
Special Requirements:
 For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
 For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
 For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

MAP KEY

	8b	8d
	12a	12c
	12b	12d

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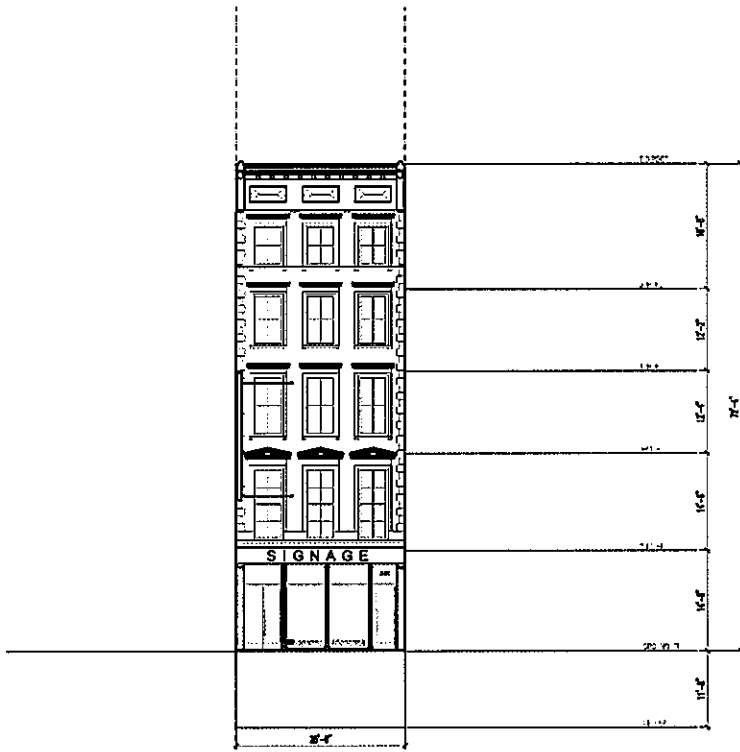
ZONING MAP 12a



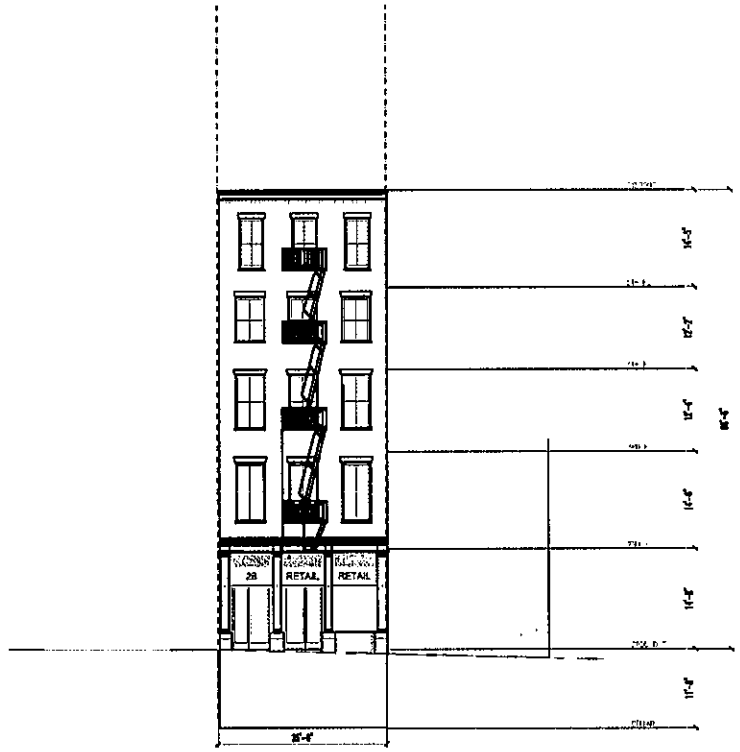
C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

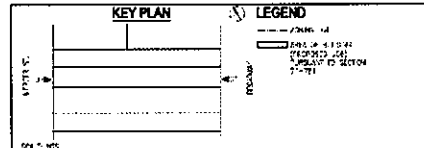
NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/landuse or contact the Zoning Information Desk at (212) 720-3291.



01 BROADWAY ELEVATION
1/8" = 1'-0"



02 MERCER STREET ELEVATION
1/8" = 1'-0"



NOTE: APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES IS FOR ILLUSTRATIVE PURPOSE ONLY.

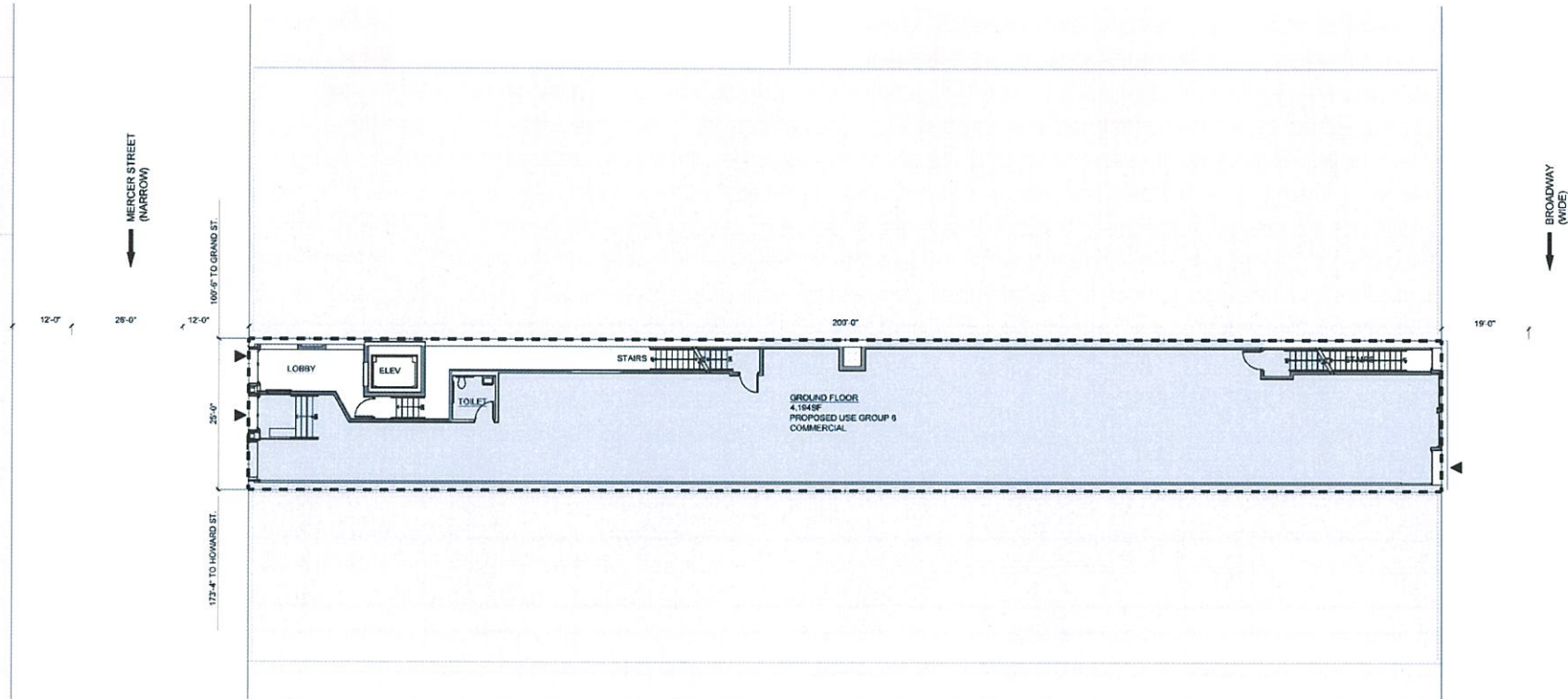
EXISTING AND PROPOSED FLOOR AREA

FLOOR	FLOOR AREA BY USE		GROSS SF	DEDUCTIONS	ZONING FLOOR AREA
	UG 5	LOBBY			
GROUND	4,194 SF**	808 SF	5,000 SF	0 SF	5,000 SF

** AREA SUBJECT TO CPC SPECIAL PERMIT PURSUANT TO SECTION 74-781

LEGEND

- LOT LINE
- ▭ AREA OF BUILDING (PROPOSED UG6) PURSUANT TO SECTION 74-781



02 FIRST FLOOR PLAN
 1/8" = 1'-0"

EXISTING AND PROPOSED FLOOR AREA

FLOOR	FLOOR AREA BY USE		GROSS SF	DEDUCTIONS	ZONING FLOOR AREA
	UG 6	BOILER & ELEC			
CELLAR	4,091 SF**	1,050 SF	5,141 SF	5,141 SF*	0 SF

* RETAIL AREA AT CELLAR EXCLUDED FROM ZONING FLOOR AREA
 ** AREA SUBJECT TO CPC SPECIAL PERMIT PURSUANT TO SECTION 74-781

LEGEND

- • • LOT LINE
- ▭ AREA OF BUILDING (PROPOSED U06) PURSUANT TO SECTION 74-781

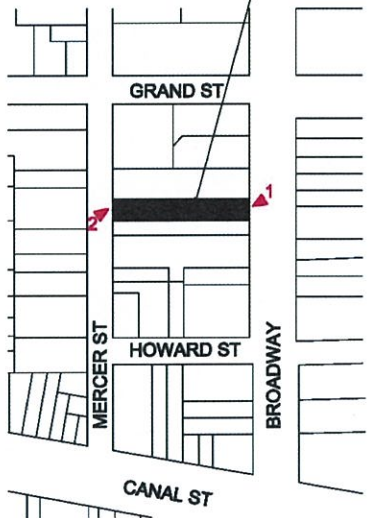


01 CELLAR FLOOR PLAN
 1/8" = 1'-0"



KEY MAP

PROJECT SITE:
449 BROADWAY
NEW YORK, NY 10012



PROJECT SITE



01 VIEW NORTHEAST OF BROADWAY TOWARDS BUILDING FACADE

PROJECT SITE



02 VIEW SOUTHWEST OF MERCER ST. TOWARDS BUILDING FACADE

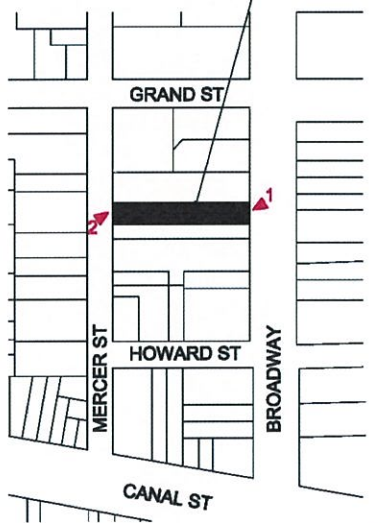
P K
S B

449 BROADWAY AKA 26 MERCER ST, NEW YORK, NY
KEY MAP & PROJECT PHOTO 1

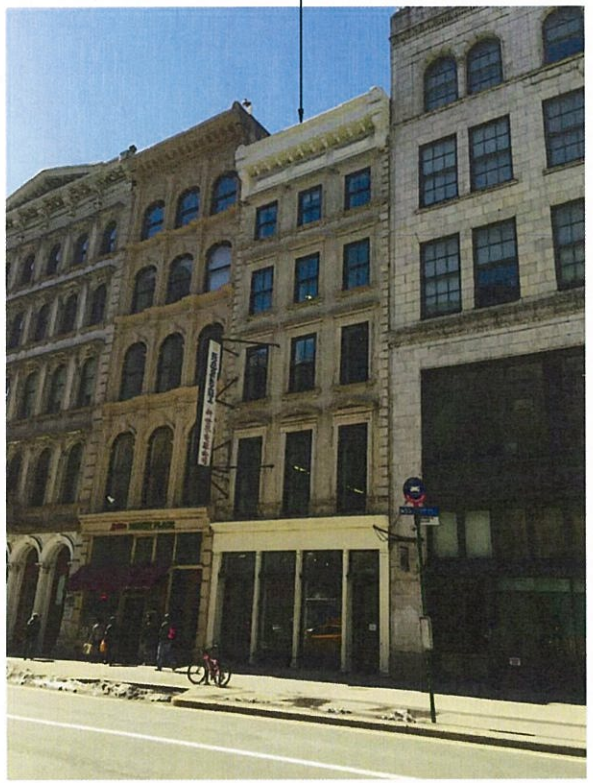
*PHOTOGRAPHS TAKEN AUGUST 27, 2010

KEY MAP

PROJECT SITE:
449 BROADWAY
NEW YORK, NY 10012



PROJECT SITE



PROJECT SITE



01 VIEW NORTHEAST OF BROADWAY TOWARDS BUILDING FACADE

02 VIEW SOUTHWEST OF MERCER ST. TOWARDS BUILDING FACADE

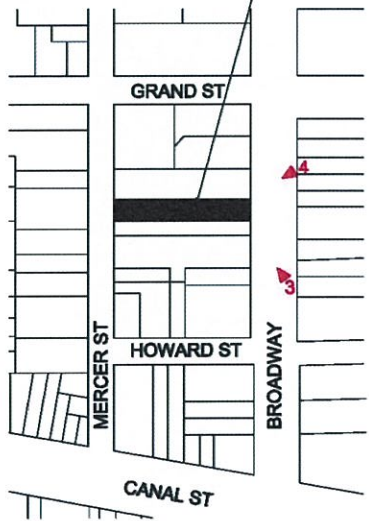
P K
S + B

449 BROADWAY AKA 26 MERCER ST, NEW YORK, NY
KEY MAP & PROJECT PHOTO 1

*PHOTOGRAPHS TAKEN MARCH 22, 2017

KEY MAP

PROJECT SITE:
449 BROADWAY
NEW YORK, NY 10012



PROJECT SITE



03 VIEW SOUTHEAST OF BROADWAY
TOWARDS BUILDING FACADE

PROJECT SITE



04 VIEW NORTHEAST OF BROADWAY
TOWARDS BUILDING FACADE

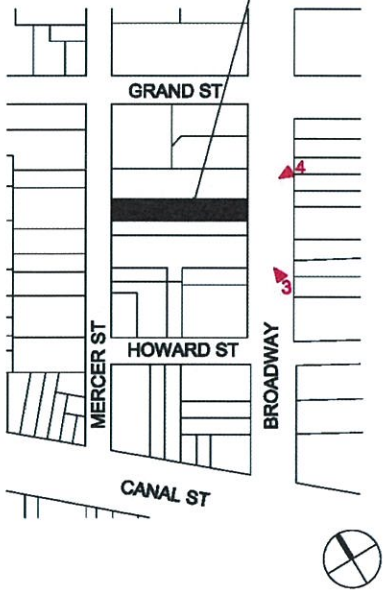
P K
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449 BROADWAY AKA 26 MERCER ST, NEW YORK, NY
PROJECT PHOTO 2

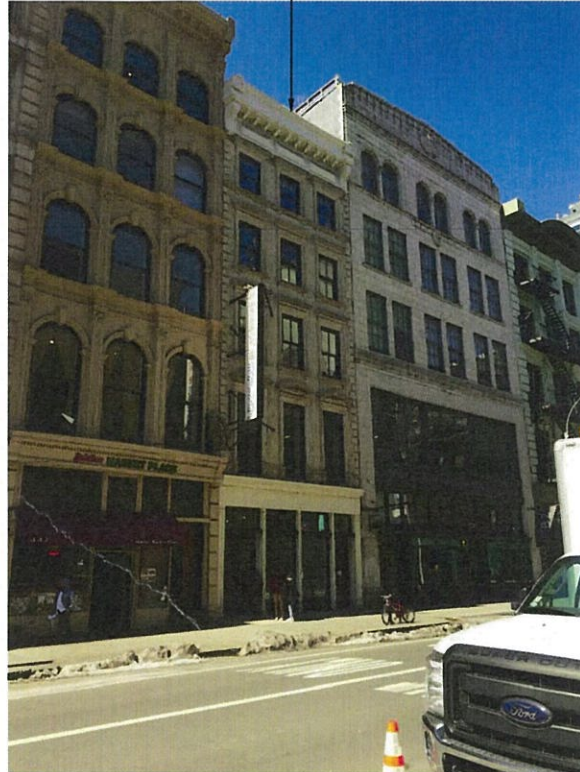
*PHOTOGRAPHS TAKEN AUGUST 27, 2010

KEY MAP

PROJECT SITE:
449 BROADWAY
NEW YORK, NY 10012



PROJECT SITE



03 VIEW SOUTHEAST OF BROADWAY
TOWARDS BUILDING FACADE

PROJECT SITE



04 VIEW NORTHEAST OF BROADWAY
TOWARDS BUILDING FACADE

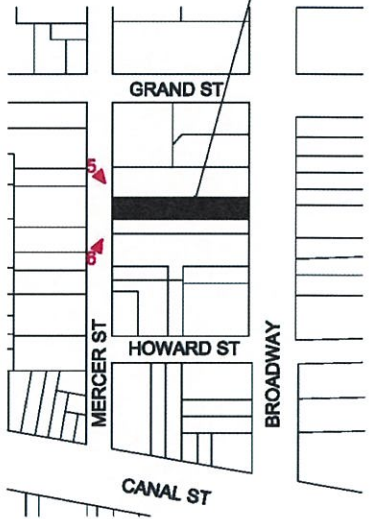
P K
S + B

449 BROADWAY AKA 26 MERCER ST, NEW YORK, NY
PROJECT PHOTO 2

*PHOTOGRAPHS TAKEN MARCH 22, 2017

KEY MAP

PROJECT SITE:
449 BROADWAY
NEW YORK, NY 10012



PROJECT SITE



05 VIEW NORTHWEST OF MERCER ST.
TOWARDS BUILDING FACADE

PROJECT SITE



06 VIEW SOUTHWEST OF BROADWAY
TOWARDS BUILDING FACADE

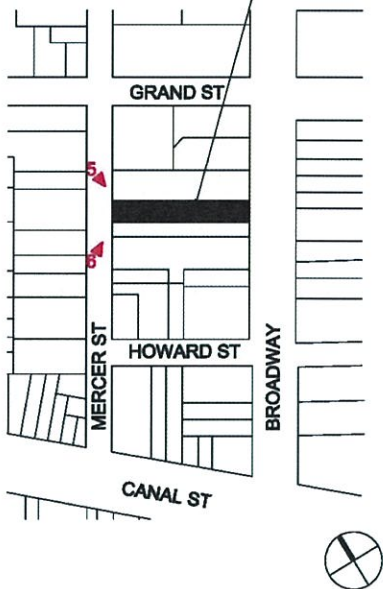
P K
S + B

449 BROADWAY AKA 26 MERCER ST, NEW YORK, NY
PROJECT PHOTO 3

*PHOTOGRAPHS TAKEN AUGUST 27, 2010

KEY MAP

PROJECT SITE:
449 BROADWAY
NEW YORK, NY 10012

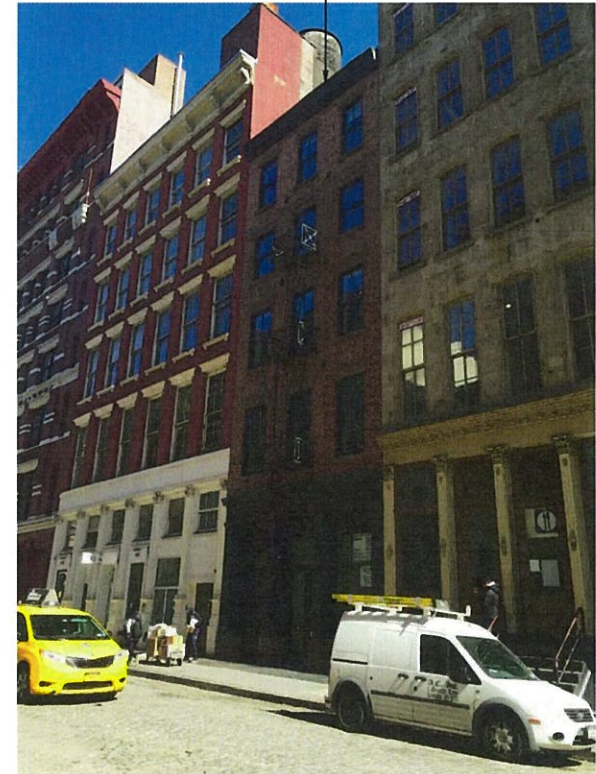


PROJECT SITE



05 VIEW NORTHWEST OF MERCER ST.
TOWARDS BUILDING FACADE

PROJECT SITE



06 VIEW SOUTHWEST OF BROADWAY
TOWARDS BUILDING FACADE

P K
S + B

449 BROADWAY AKA 26 MERCER ST, NEW YORK, NY
PROJECT PHOTO 3

*PHOTOGRAPHS TAKEN MARCH 22, 2017

New York City Council
Subcommittee on Zoning and Franchises
Public Hearing, October 24, 2017
LU No. 0786-2917
Testimony of James P. Power, Kramer Levin Naftalis & Frankel LLP

Good afternoon. I'm Jim Power from Kramer Levin Naftalis & Frankel LLP, on behalf of Pantheon Properties.

Pantheon is the owner of the "Parcel 2" development site under the Special Harlem River Waterfront District regulations.

Pantheon is planning to develop Parcel 2 with an affordable housing project.

We would like to raise two issues with the proposed text amendment – the requirement that a loop road be provided around the northern and western perimeter of the property and the requirement that the building be set back a full 74 feet from its front lot line, with landscaping and other amenities provided in that 74-foot open area. As will be discussed further by Marvel Architects, these requirements severely constrain our client's site, and they make it very difficult to develop the site for affordable housing.

This property has already been subject to multiple condemnation actions in recent years, and is already subject to a requirement that the western portion be landscaped and made publicly accessible under the waterfront zoning regulations. We believe that the loop road and 74-foot open area requirements are unfair in light of the other burdens that have been placed on the property, and that the 74-foot setback requirement – which is intended to preserve land for future State Department of Transportation use - would rise to the level of an inverse condemnation and justify additional compensation to our client.

That open area requirement is attributable to a hypothetical expansion of the Deegan Expressway in the future, but there are significant questions about whether the State DOT is even interested in an easement for that purpose.

We ask that you consider removing these two requirements from the zoning text, or modifying them so as to provide flexibility to achieve a larger building footprint and more affordable housing.



SEIU 32BJ Member Testimony
Testifying in Opposition to 723-733 Myrtle Avenue ULURP
Subcommittee on Zoning and Franchises
City Council Hearing
October 24th, 2017

Good afternoon. I am here today testifying on behalf of my union. 32BJ is the largest property service workers union in the country. 32BJ represents 85,000 building service workers in New York City. Nearly 3,000 of us live in Community District 3 and over 35,000 of us work in residential buildings like the one JMS Realty is proposing to develop. I am here to tell you just how important it is that JMS Realty commit to creating high quality jobs at 723-733 Myrtle Avenue.

The development at 723-733 Myrtle Avenue should provide the community with high quality building service jobs. These jobs at the building will affect the wellbeing of the community for years to come. Developments that pay building service workers the industry standard prevailing wage and benefits allow workers to stay in the City and support their families.

Building service jobs can be jobs that pay \$10.50 an hour with no benefits, or they can be good quality jobs that pay wages that allow people to afford to put a roof over their head, save for retirement and access health benefits. My union brothers and sisters and I have been able to stay in the city and support our families because we are lucky to have these kinds of jobs. We need to make sure that 723-733 Myrtle Avenue is creating good jobs, not poverty jobs, for Brooklyn residents.

This is why I am calling on the subcommittee to ensure that JMS Realty commits to creating high quality, family sustaining jobs at 723-733 Myrtle Avenue.

Thank you.

Khe-Yo Café Hours and Patron Regulations

CB1 Agreed to Total of 3 tables and 6 chairs

The stated hours will be the only hours guests are permitted to dine in the café. **Once the café is closed, guests will be escorted to an indoor table, no exceptions.** Guests will be explained this before they sit, when within 2 hours of “café closing time.” The café hours will be posted with all the following regulations.

Hours:

Monday:	11:30am to 10:00pm (CB1 stipulation 9pm)
Tuesday:	11:30am to 10:30pm (CB1 stipulation 9:30pm)
Wednesday:	11:30am to 11:00pm (CB1 stipulation 10pm)
Thursday:	11:30am to 11:00pm (CB1 stipulation 10pm)
Friday:	11:30am to 11:30pm (CB1 stipulation 10:30pm)
Saturday:	11:00am to 11:30pm (CB1 stipulation 10:30pm)
Sunday:	11:00am to 10:00pm (CB1 stipulation 9pm)

- Guests are **not permitted to smoke or use a vaporizer/e-cigarette.**
- Guests are **not permitted to be louder than speaking volume.** They will be told that if they want to speak at a volume louder than speaking, to respect of our Duane St neighbors.
- **Full Lunch or Dinners only.** Guests are not permitted to drink alcoholic beverages without ordering a main dish per person.
- **Music will not be permitted** in the café.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 785-786 Res. No. _____

in favor in opposition

Date: 10-24-17

(PLEASE PRINT)

Name: Oscar Oliver-Didier

Address: _____

I represent: Dept of City Planning

Address: Bronx Office

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 785-786 Res. No. _____

in favor in opposition

Date: 10-24-17

(PLEASE PRINT)

Name: Carol Samol

Address: _____

I represent: Dept of City Planning

Address: Bronx Office

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: JUSTIN SINCLAIR

Address: 25 W. 18th St

I represent: 32BT SEIV

Address: _____

785-733 AVE.
Myrtle Ave
(CJMS)

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. LU0784-2017 Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: LISA ORRANTIA AKERMAN LLP

Address: 666 FIFTH AVE 20 FL NY NY 10103

I represent: 449 BROADWAY LLC

Address: 449 BROADWAY, MANHATTAN

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. LU0784-2017 Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: CASEY MARTINEZ

Address: 73 STRING ST, 6TH FL, NY NY 10012

I represent: 449 BROADWAY LLC

Address: 449 BROADWAY, NY NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0786 Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: Kenneth Golden

Address: 719 W. 57th St., 79 10018

I represent: Pantleon Properties

Address: 119 W. 57th St PH50

Please complete this card and return to the Sergeant-at-Arms

MYRTLE AVE REZONING

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: RICHARD LOBEL

Address: C/O SHELDON LOBEL PC

I represent: APPLICANT (JMS REALTY)

Address: 723-733 MYRTLE AVENUE, BKLYN

Special Hudson
River Text
Amendment

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0786 Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: James P. Power

Address: 1177 Avenue of the Americas

I represent: Pantheon Properties

Address: 119 W. 57th St.

Special Hudson
River Text
Amendment

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0786 Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: Lissa So

Address: 145 Hudson St.

I represent: Pantheon Properties

Address: 119 W. 57th St.

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Linden Terrace

Appearance Card

I intend to appear and speak on Int. No. Pre-Consid. Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: Ken Spillberg, Director of Mixed

Address: 100 Gold St Income programs

I represent: HPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Linden Terrace

Appearance Card

I intend to appear and speak on Int. No. Pre-Consid. Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: Arttimeche (Artie) Pearson, Director of Land Use

Address: 100 Gold St

I represent: HPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Sentido Verde
Art. XI

Appearance Card

I intend to appear and speak on Int. No. 790 Res. No. _____

in favor in opposition

Date: 10/24/2017

(PLEASE PRINT)

Name: Arttimeche Pearson, Director of Land Use

Address: 100 Gold Street

I represent: HPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

sendido verde
Art. XI

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. 790 Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: Ken Spillberg, Director of Mixed Income

Address: 100 Gold Street programs

I represent: HPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Kio Restaurant LLC
Cafe App.

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nick Bradley

Address: 157 Duane St. NY, 10013

I represent: Kio Restaurant

Address: 157 Duane St. NY, NY 10013

THE COUNCIL
THE CITY OF NEW YORK

Khe-Yo Restaurant
Sidewalk Cafe

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. 789 Res. No. _____

in favor in opposition

Date: 10/24/17

(PLEASE PRINT)

Name: Megan Brosterman

Address: 157 Duane St. Apt 2, NY NY 10013

I represent: Duane Street Park Corp (leaseholder)

Address: 157 Duane St. Apt. 2, NY NY 10013

▶ Please complete this card and return to the Sergeant-at-Arms ◀