



IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 1555 Bedford Avenue (Block 1274, Lot 1), pursuant to zoning, Borough of Brooklyn, Community District 9.

This application (C 170420 PPK) for the disposition of City-owned property was filed by the NYC Department of Citywide Administrative Services (DCAS) on May 16, 2017. In addition to the proposed disposition, the NYC Economic Development Corporation (EDC) submitted applications for four related actions: a zoning map amendment (C 170416 ZMK), a zoning text amendment (N 170417 ZRK), a special permit to create a large-scale general development (LSGD) (C 170418 ZSK), and a special permit to modify parking requirements (C 170419 ZSK) on May 16, 2017. The proposed actions would facilitate a mixed-use development located at 1555 Bedford Avenue (Block 1274, Lot 1) in the Crown Heights neighborhood of Brooklyn, Community District 9.

RELATED ACTIONS

In addition to the proposed disposition which is the subject of this report (C 170127 PPK), implementation of the proposed project also requires action by the City Planning Commission on the following applications submitted by EDC, which are being considered concurrently with this application:

- C 170416 ZMK Zoning map amendment to change the project area from an R6 district to R7-2 and R7-2/C2-4 districts; and

- N 170417 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; and

- C 170418 ZSK Special permit to create an LSGD; and

- C 170419 ZSK Special permit to modify parking requirements.

BACKGROUND

The project area (Block 1274, Lot 1) and development site are coterminous and located at 1555 Bedford Avenue in Brooklyn's Crown Heights neighborhood. Block 1274 is bounded by 80-foot-wide Bedford Avenue, a major thoroughfare, to the west; 70-foot-wide President Street to the south, 70-foot-wide Rogers Avenue to the east, and 70-foot-wide Union Street to the north. Lot 1, the project area, comprises approximately 122,156 square feet and is located on the western end of Block 1274, with frontages along Bedford Avenue, President Street, and Union Street.

The project area is currently improved with the 171,482-square-foot Bedford Union Armory. The Bedford Union Armory was originally constructed between 1904 and 1908 and was credited as the first "Art Nouveau" style building in Brooklyn. The armory was operated and maintained by the New York National Guard until it was decommissioned in 2011. It has been vacant since that time and is currently owned by the City.

The armory was designed to meet the needs of a cavalry unit and included a firing range, administrative offices, and horse stables. It covers the entire lot and comprises four components: the drill shed, the head house, the stables, and a parking garage.

The drill shed is a 57,450-square-foot, barrel vaulted, single-story hall with a curved roof reaching a height of approximately 90 feet with a floor area ratio (FAR) of approximately 0.47 fronting on Union Street. The head house, previously used by the military as an administrative space, is a three-story, 60-foot high, 54,487-square-foot building with an FAR of approximately 0.47 fronting on Union Street, Bedford Avenue and President Street. The stables are a two-story, approximately 28-foot-tall, 28,990-square-foot building located along the southern edge of the site on President Street. It previously supported various military functions, including a shooting range, classrooms, and storage. The parking garage is a two-story, 30-foot-high, 30,555-square-foot building originally constructed in three phases between 1917 and 1931. It is located on the eastern end of the site and stretches the length of the project area with frontages and curb cuts on both Union and President streets.

The remainder of the lots on Block 1274 (Lots 29, 32-42, and 44) are privately owned and are located along the eastern edge of the block, with frontage along Rogers Avenue. These parcels are improved with three- to four-story rowhouses, some with ground floor retail.

In 2011, the Brooklyn Borough President initiated the Bedford Union Armory redevelopment, which included an EDC-led community engagement and visioning process to help determine priorities and potential uses for the armory prior to the release of a Request for Proposals (RFP) for the project.

In 2013, New York State transferred ownership of the armory to the City, and EDC subsequently issued a RFP to redevelop the vacant armory into a facility that would serve as a neighborhood anchor while providing local amenities and community facility space to area residents. The objective was to preserve the armory's historical character and serve the community's needs while also being financially feasible and economically viable. In 2015 EDC announced the selection of Bedford Courts, LLC as the developer of the current armory project.

The project area is near major cultural institutions, community facilities, and open spaces. The Brooklyn Museum, the main branch of the Brooklyn Public Library at Grand Army Plaza, the 526-acre Prospect Park and the Brooklyn Botanic Gardens are all located two blocks west of the project area. Two blocks south is Medgar Evers College, located at Bedford Avenue and Crown Street. Two blocks north of the project area is Eastern Parkway, a 210-foot-wide east-west boulevard connecting Grand Army Plaza to Broadway Junction, which was completed in 1870 and designated a scenic landmark by the New York City Landmarks Preservation Commission in 1978.

Land uses in the surrounding area are primarily residential, multi-family walk-up and elevator buildings ranging in height between two to six stories. The Ebbetts Field Houses (seven buildings, 25 stories, 1,321 units) and Tivoli Towers (33 stories, 321 units) are three blocks south and two blocks west of the site, respectively. Nearby commercial corridors include Franklin Avenue to the west, Bedford Avenue to the east and Rogers Avenue to the south.

The project area and the majority of the surrounding blocks are mapped with an R6 zoning district. R6 districts generally permit residential uses up to a maximum FAR of 2.43 and community facility uses up to an FAR of 4.8. R6 is a height factor district; residential and community facility uses are

permitted with no fixed height limits and building envelopes are regulated by a sky exposure plane and open space ratio after a maximum base height of 60 feet. Residential development under the optional Quality Housing program has a maximum building height of 55 feet and FAR of 2.2 on narrow streets and a maximum building height of 75 feet and FAR 3.0 on wide streets, with a qualifying ground floor. Off-street parking is required for 70 percent of market-rate dwelling units. This requirement is lowered to 50 percent if the lot area is less than 10,000 square feet or if Quality Housing provisions are used. If fewer than five spaces are required, the off-street parking requirement can be waived.

A C8-2 zoning district is mapped directly west of the project area along Bedford Avenue. C8-2 districts are generally low-density, auto-oriented commercial districts with height governed by a sky exposure plane that begins 30 feet above the street line. They allow an FAR of up to 2.0 for commercial and some light industrial uses and 4.8 for community facility uses, and they have high parking requirements.

R6/C2-3 and R6/C1-3 districts are mapped along portions of Bedford, Rogers, and Nostrand avenues to a depth of 150 feet. These districts allow up to 2.0 FAR for local retail and service uses, and most retail uses require one accessory parking space per 400 square feet of commercial floor space.

The area north of Eastern Parkway was rezoned in 2013 as part of the Crown Heights West rezoning (C 130213 ZMK) with medium-density contextual residential districts mapped throughout the neighborhood and with a higher-density contextual district and a Voluntary Inclusionary Housing program area mapped over a portion of Bedford Avenue. This is currently the only area nearby where the Inclusionary Housing program, which incentivizes the inclusion of permanently affordable housing in return for a floor area bonus, is available. Two projects participating in the program and providing permanently affordable housing are currently under construction along Bedford Avenue.

The area is well served by public transit and is within a Transit Zone. The 2, 3, 4, and 5 subway lines have stops at Franklin Avenue and Eastern Parkway, one block west and one block north of the project area, and at Eastern Parkway and Nostrand Avenue, one block to the east. The 2 and 5 trains also stop at President Street and Nostrand Avenue, one block east of the project area. The Franklin Avenue Shuttle “S” train is one block west and one block north of the project area and runs from

Franklin Avenue to Prospect Park. In addition, several bus lines run adjacent to and near the project area, including the B44, B44 Select Bus Service (SBS), B45, B48, and B49 routes.

The proposed development would adaptively reuse and redevelop portions of the Bedford Union Armory site into a three-building mixed-use community recreational facility, commercial, and residential development. In total, the proposed development would contain approximately 496,000 square feet of floor area (4.06 FAR), of which approximately 108,000 square feet (0.89 FAR) would be community facility, 25,000 square feet (0.20 FAR) would be commercial, and 362,000 square feet (2.97 FAR) would be residential. A 118-space parking garage, accessory to the residential portion, would be located below grade.

The two predominantly residential buildings combined would contain approximately 390 apartments, containing 177 affordable apartments, including approximately 122 permanently affordable apartments, and provide housing for individuals and families at a mix of incomes between \$34,360 and \$94,490 for a household of three, or 40 percent and 110 percent of the Area Median Income (AMI).

The existing drill shed and head house along Bedford Avenue and Union Street would be repurposed into a 107,745-square-foot recreational and community facility center (“Building 1”). Building 1 would contain 25,019 square feet of commercial space and 82,726 square feet of community recreational facility use, including three multi-sport courts, a turf field, a 25-meter, six-lane indoor swimming pool, fitness areas, and accessory administrative and support uses. The applicants have proposed that Building 1 be managed by the Brooklyn-based not-for-profit CAMBA, and that non-profit service providers for sports, youth counseling, culture, and technology occupy the commercial space designated for non-profit office use. Potential tenants include organizations such as Brooklyn Pride, Central Brooklyn Soccer Club, Digital Girls, INC., Ifetayo, Imagine Swimming, James E. Davis Stop the Violence, Kings County Tennis League, New Heights, Team First, and the Western Indian American Day Carnival Association (WIADCA).

The existing stable structure along President Street would be demolished to facilitate the development of a new 72,567-square-foot residential building (“Building 2”) and would contain 60 homeownership units, including 12 units (20 percent) designated as permanently affordable

homeownership units. Building 2 would have a street wall height of 16 feet and two stories, after which a setback of 15 feet would be provided. The building would then rise six stories to a total height of 76 feet.

The existing parking structure would be demolished to allow for the development of a new 315,599-square-foot mixed-use residential and community facility building. The proposed building would be 16 stories tall with an initial base height of 97 feet and maximum base height of 127 feet at President and Union streets. After 10-foot setbacks along Union and President streets, the building would rise to a maximum height of 180 feet. The building's first floor would comprise almost 25,500 square feet of community facility space. The floors above would contain 330 apartments, 50 percent of which would be income-restricted affordable housing and 100,579 square feet or 122 units (37 percent) of which would be permanently affordable pursuant to the City's MIH Option 2 requirements. All remaining affordable units would be affordable to households at 110 percent of the AMI.

To facilitate the proposed development, DCAS seeks the disposition of City-owned property (Block 1274, Lot 1) in conjunction with four related actions submitted by EDC: a zoning map amendment (C 170416 ZMK); a zoning text amendment (N 170417 ZRK) to designate the proposed rezoning area as an MIH area; a special permit pursuant to ZR Section 74-743 to create an LSGD seeking height and setback waivers (C 170418 ZSK); and a special permit pursuant to ZR Section 74-532 for a reduction of required accessory parking spaces (C 170419 ZSK).

Disposition of City-owned Property - C 170410 PPK

DCAS intends to dispose of the site to the New York City Land Development Corporation, which would dispose it to the New York City Economic Development Corporation, which would in turn dispose to Bedford Courts, LLC pursuant to Sections 197-c(10) and 384(b)(4) of the New York City Charter. The 14,607-square-foot portion of the site on which the condominium building would be built would be disposed of through a land sale. The remainder of the site – 107,549 square feet, including the existing drill shed, head house, and garage, would be disposed of through a long-term ground-lease between the City and Bedford Courts, LLC.

Zoning map amendment - C 170416 ZMK

EDC is seeking a zoning map amendment to change the project area from an R6 zoning district to R7-2 and R7-2/C2-4 zoning districts.

Development in R6 districts utilizing height factor provisions is permitted a maximum residential FAR of 2.43, or 4.8 for buildings containing community facility uses. Buildings in R6 districts using these regulations have no fixed height limits; building envelopes are regulated by a sky exposure plane after a maximum base height of 60 feet. Developments using the optional Quality Housing program regulations are permitted a maximum residential FAR of 3.0, or up to 3.6 in MIH areas. The minimum base height is 40 feet, and the maximum base height is 65 feet for buildings with qualifying ground floors, above which a building must set back at least 10 feet on a wide street and 15 feet on a narrow street. The maximum building height is 75 feet (seven stories) for buildings with qualifying ground floors that are at least 13 feet high. For buildings providing inclusionary housing units, the maximum height is increased to 85 feet (eight stories) with a qualifying ground floor. Off-street parking is required for 70 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 square feet or if Quality Housing provisions are used.

The zoning map amendment would change the current R6 zoning district to R7-2 and R7-2/C2-4 districts. Development in R7-2 districts utilizing height factor provisions is permitted a maximum FAR of 3.44 and buildings in R7-2 districts using these regulations have no fixed height limits; building envelopes are regulated by a sky exposure plane after a maximum base height of 60 feet. Quality Housing developments are permitted a maximum residential FAR of 4.0, or up to 4.6 in MIH areas. The minimum base height is 40 feet and the maximum base height is 75 feet, above which a building must be set back at least 10 feet on a wide street and 15 feet on a narrow street. The maximum building height is 85 feet (eight stories) for buildings with a qualifying ground floor. For buildings providing affordable housing units in MIH areas, the maximum height is increased to 95 feet (nine stories) with a qualifying ground floor. Off-street parking is required for 50 percent of all dwelling units. As part of the proposed zoning change, the C2-4 overlay would span eastward from Bedford Avenue to a point 220 feet west of the Rogers Avenue street line, capturing the entirety of the head house in order to accommodate commercial office uses and allow for greater flexibility. C2-4 commercial overlay districts are typically mapped along streets that serve local retail needs and are found throughout lower- and medium-density areas. C2 commercial overlay districts allow a

wider range of commercial uses, including grocery stores, restaurants, beauty parlors, funeral homes, and repair services. In mixed buildings, commercial uses are limited to one or two floors and must be located on floors below the residential use.

Zoning text amendment (N 170417 ZRK)

EDC proposes a zoning text amendment to designate the project site as an MIH area. This action would require a portion of new housing on the site to be provided as permanently affordable to low- or moderate-income households. The applicants have requested to incorporate Option 2, which requires that at least 30 percent of the residential floor area be provided as housing affordable to households at an average of 80 percent of the AMI.

Special Permit - C 170418 ZSK

Pursuant to ZR Section 74-743, EDC is seeking approval of a special permit to create an LSGD. The LSGD would allow the selected developer to address the unique circumstances created by preserving the existing armory's drill shed and head house; to meet the project goals of providing approximately 50 percent of the proposed rental dwelling units as affordable, including 30 percent as permanently affordable; and to create a large recreation center, a community multi-purpose space, and community office space.

Specifically, EDC is seeking four waivers pursuant to ZR Section 74-743(a)(2) to allow the location of buildings without regard for height, setback, and rear yard requirements. This special permit would establish an envelope for the proposed buildings granting specific modifications to height and setback regulations as described below:

1. Building base and building height relief pursuant to ZR Section 74-743(a)(2): ZR Sections 23-664 and 35-654 require new developments in R7-2 and R7-2/C2-4 districts built to Quality Housing regulations to have a minimum base height of 40 feet. The proposed condominium building (Building 2) contemplates a base height of a minimum of eight feet. This waiver would allow Building 2 to be developed in a manner that respects both the historical nature of the stable buildings it is replacing and the lower-rise residential nature of the buildings opposite on President Street.

2. Building base and building height relief pursuant to ZR Section 74-743(a)(2): ZR Sections 23-664 and 35-654 require new developments in R7-2 and R7-2/C2-4 districts built pursuant to Quality Housing regulations to have a maximum base height of 75 feet. The applicants are proposing a mixed-income rental building (Building 3) to have a base height of up to 127 feet. This waiver is being requested to allow Building 3 to be developed in a manner that allows for sufficient density while containing the overall building height. Shorter base heights for the rental building would require a taller building. Allowing a maximum base height increase would facilitate a design that reduces the impact of the overall bulk on the surrounding buildings.

3. Setback relief pursuant to ZR Section 74-743(a)(2): ZR Sections 23-664 and 35-654 require new developments in R7-2 and R7-2/C2-4 districts on narrow streets built pursuant to Quality Housing regulations to have a minimum initial setback of 15 feet. The proposed rental building (Building 3) contemplates an initial setback after the base height of 10 feet on both the Union and President streets frontages. This waiver would allow Building 3 to be developed in a manner that allows for sufficient density while limiting overall building height. Shallower setbacks allow the overall height of Building 3 to be as limited as possible while simultaneously facilitating a building envelope able to contain 330 housing units. Preservation of the majority of the armory, coupled with project goals on density and affordability, require a building envelope that is wider than the as-of-right R7-2 zoning envelope. The proposed condo building (Building 2) contemplates an envelope with the potential for an initial setback of five feet after the base height. This waiver would also allow Building 2 the flexibility of having a shallower initial setback over a complying base height. The proposed Building 2 envelope limits the as-of-right base height to 55 feet, which would create a building form that is more consistent with the four-story buildings across President Street. This 55-foot base height limitation necessitates the requested initial setback waiver to ensure sufficient depth for all floors in Building 2. The existing structures to remain on the zoning lot, the need to provide sufficient housing with acceptable floor plates, and the desire to ensure a respectful built form require an envelope that allows for a shallower initial setback on Building 2.

4. Maximum number of stories relief pursuant to ZR Section 74-743(a)(2): ZR Sections 23-664 and 35-654 require new developments in R7-2 and R7-2/C2-4 districts without qualifying ground floors built pursuant to Quality Housing regulations to have a maximum building height of 90 feet. The proposed rental building (Building 3) contemplates an overall building height of up to 180 feet. This waiver is being requested to allow Building 3 to be developed in a manner that allows for sufficient density while limiting the overall height of the building to the minimum necessary to provide the desired amount of housing units. With the existing armory covering 76,882 square feet of the development site, the remaining footprint on the lot requires the additional height to accommodate 330 housing units. ZR Sections 23-664 and 35-654 require new developments in R7-2 and R7-2/C2-4 districts built pursuant to Quality Housing regulations to have a maximum of nine stories. The proposed rental building (Building 3) contemplates up to 16 stories and a basement.

Special permit pursuant to ZR Section 74-532 (C 170419 ZSK): Pursuant to ZR Section 74-532, EDC is requesting approval of a special permit to reduce the parking requirements for accessory group parking facilities. The reduction in accessory residential off-street parking spaces would allow the proposed development to maximize on-site affordable housing while preserving and maintaining the existing drill shed and head house to the largest extent practicable. The applicants are requesting a reduction of parking spaces from the required 129 to 118, for a total reduction of 11 spaces.

ENVIRONMENTAL REVIEW

This application (C 170420 PPK), in conjunction with the applications for the related actions (C 170416 ZMK, N 170417 ZRK, C 170418 ZSK, and C 170419 ZSK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Office of the Deputy Mayor for Housing and Economic Development. The designated CEQR number is 16DME005K.

It was determined that the proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on December 23, 2016, and distributed, published, and filed. Together with the Positive Declaration, a

Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on December 23, 2017. A public scoping meeting was held on the Draft Scope of Work on March 7, 2017.

A Final Scope of Work, reflecting the comments made during the scoping, was issued on May 19, 2017.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on May 19, 2017. Pursuant to SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on September 19, 2017, in conjunction with the public hearing on the related applications (C 170420 PPK, C 170416 ZMK, N 170417 ZRK, C 170418 ZSK, and C 170419 ZSK). A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing was completed and a Notice of Completion for the FEIS was issued on October 19, 2017.

The FEIS includes an (E) designation (E-428) related to hazardous materials, air quality and noise to avoid the potential for significant adverse impacts. The (E) designation requirements related to hazardous materials, air quality and noise would apply to Brooklyn, Block 1274, Lot 1.

The (E) designation requirement for hazardous materials is as follows:

Task 1-Sampling Protocol

The Selected Developer submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER. If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The Selected Developer must complete such remediation as determined necessary by OER. The Selected Developer should then provide proper documentation that the work has been satisfactorily completed. A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

The (E) designation requirement for air quality is as follows:

Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) use natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

The (E) designation requirement for noise is as follows:

To ensure an acceptable interior noise environment of 45 dBA, future residential and community facility uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on the façade of Building 1 that faces west (Bedford Avenue), 28 dBA window/wall attenuation on the façade of Building 2 that faces west (Bedford Avenue) and a minimum of 33 dBA window/wall attenuation on the façade of Building 3 that faces east (Rogers Avenue) to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation (AMV) must also be provided. The window/wall attenuation should be based on Outdoor-Indoor Transmission Class (OITC) attenuation ratings. Alternate means of ventilation can be achieved by installing double-glazed windows on a heavy frame for masonry structures, or with windows consisting of laminated glass, along with AMV such as central air conditioning, throughwall sleeve fitted air conditioners, packaged terminal air conditioning (ptac) units, or trickle vents integrated into window frames. Based on the projected noise levels, these design measures

would provide sufficient attenuation to satisfy both CEQR and HUD requirements. With the specified attenuation measures in place, the Proposed Actions would not result in any significant adverse noise impacts and would comply with all CEQR and HUD noise requirements.

The FEIS identified significant adverse impacts with respect to Historic and Cultural Resources, Transportation (Traffic) and Construction (Transportation - Traffic and Noise). The identified significant adverse impacts and proposed mitigation measures are summarized below. The mitigation measures related to significant adverse Historic and Cultural Facilities' impacts will be memorialized in a Restrictive Declaration.

Historic and Cultural Resources

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined the Project Site, which contains the historic Bedford Union Armory, is eligible for State and National Historic listing, and the New York City Landmarks Preservation Commission (LPC) has determined the site is eligible for City landmark designation. Consequently, OPRHP and LPC will be consulted throughout the development process. Even though the Head House and Drill Shed components, the most dominant of the existing historic Armory structures, would be preserved and all new structural components on the Project Site would be designed to complement the existing historic structure. OPRHP has determined that modifications to the Armory would result in a significant adverse impact on this historic resource. Measures to mitigate the impacts on the historic Bedford Union Armory were developed in consultation with OPRHP and LPC, and were formalized as project commitments in an executed Letter of Resolution (LOR). The LOR was signed by OPRHP, LPC, HDC, and the Selected Developer. Since the dominant features of the existing Armory will be preserved, the measures provided in the executed LOR will fully mitigate the significant adverse impact on this historic resource. Mitigation measures outlined in the executed LOR will be incorporated in the appropriate documents prior to the disposition of the property to the Selected Developer.

Transportation (Traffic)

The Proposed Actions are forecast to result in significant adverse traffic impacts at the following locations and time periods in the 2020 analysis year:

Weekday AM Peak Hour (3 locations):

Bedford Avenue and President Street
Bedford Avenue and Eastern Parkway
Bedford Avenue and Eastern Parkway (westbound service road)

Weekday MD Peak Hour (2 locations):

Bedford Avenue and Eastern Parkway
Bedford Avenue and Eastern Parkway (westbound service road)

Weekday PM Peak Hour (3 locations):

Bedford Avenue and President Street
Bedford Avenue and Eastern Parkway
Bedford Avenue and Eastern Parkway (westbound service road)

Saturday MD Peak Hour (1 location):

Bedford Avenue and Eastern Parkway

The significant adverse impact at the intersection of Bedford Avenue and President Street could be fully mitigated by modifying traffic signal timing. The significant adverse impact at the intersection of Bedford Avenue and Eastern Parkway would remain unmitigated during the Weekday AM peak hour. It would be partially mitigated during the Weekday MD and Weekday PM peak hours by modifying traffic signal timing. The impact at the intersection of Bedford Avenue and Eastern Parkway Westbound Service Road would remain unmitigated during all peak hours during which impacts have been identified.

Construction (Transportation - Traffic)

Significant adverse traffic impacts are expected at the intersections of Bedford Avenue and President Street and Bedford Avenue and Eastern Parkway Westbound Service Road during the Weekday AM peak hour and at the intersection of Bedford Avenue and Eastern Parkway during the Weekday AM and Saturday PM peak hours during the peak construction period. The construction-related traffic impacts at these intersections will be mitigated during the Weekday AM and Saturday PM peak hours by advancing the implementation of proposed mitigation measures for these intersections, with the exception of the impact at the intersection of Bedford Avenue and Eastern Parkway Westbound

Service Road, which would remain unmitigated during the peak construction period during the Weekday AM peak hour.

Construction (Noise)

Consistent with guidance in the CEQR Technical Manual, further analysis was carried out for construction noise because construction-related activities would exceed two years. The analysis was based on the Selected Developer's commitment to use equipment with noise levels quieter than typical noise levels for such equipment, as well as path controls placed between the equipment and specific sensitive receptors. As a result, with the implementation of noise control measures, including noise path and source controls, construction of the Proposed Development would not result in significant adverse noise impacts on existing sensitive receptors in the surrounding areas, including open space resources. While interior noise levels at existing nearby residential buildings would, during some time periods, exceed the 3 dBA impact criterion, such exceedances would be temporary, lasting less than two years, and, in most cases, would not be of a significant magnitude (i.e., an increase of 18 dBA or an absolute Leq of 85 dBA). However, construction noise level increases at the southwest corner of Rogers Avenue and Union Street (Receptor Group 14) would range from 14.7 to 17.6 dBA for six consecutive quarters during 2018-19.

As disclosed in the DEIS, this would result in a significant adverse construction period noise impact. Field surveys conducted between the DEIS and FEIS indicated that Receptor Group 14 has double-glazed windows. The existence of double-glazed windows in these dwelling units was not considered in the construction period noise impact assessment included in the DEIS. Though the field surveys indicated the presence of alternate means of ventilation for the line of windows closest to Union Street, alternate means of ventilation were not identified for the line of windows on the southern portion of the rear façade of this building. Without alternative means of ventilation, construction-generated noise would result in significant construction period noise impacts at these dwelling units during warm months when windows are likely to be open. This is due primarily to the construction of the mixed-income rental building and the difficulty of providing shielding for the upper floors of the nearby residences due to their proximity and direct line of sight to the construction site. While construction equipment noise source and path controls would mitigate this significant adverse impact to the greatest extent practicable, it cannot be fully mitigated. Therefore, the significant adverse impact would remain unmitigated and would constitute a temporary unavoidable significant adverse

impact.

UNIFORM LAND USE REVIEW

This application (C 170420 PPK), in conjunction with the applications for the related actions (C 170416 ZMK, C 170418 ZSK, and C 170419 ZSK), was certified as complete by the Department of City Planning (DCP) on May 22, 2017 and was duly referred to Community Board 9 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 170417 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 9 held a public hearing on this application (C 170316 PCK) and the related applications on June 19, 2017, and on June 27, 2017, by a vote of none in favor, 35 opposed, and with one abstention, recommended disapproval of the project with modifications. A revised Community Board recommendation was received on September 21, 2017 to reflect Community Board 9's accurate recommendation to disapprove without modifications. Community Board 9 provided the following comments:

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1. Developing the armory as a separate/standalone project from any housing associated with the site. Explore establishing the armory as a land trust or conservancy (e.g., Prospect Park Alliance, Central Park Conservancy, Brooklyn Bridge Park, etc.). Any housing component should not be built on the existing footprint of the armory.
2. Commissioning an independent feasibility study to determine the long-term sustainability and economic viability of the revised plan.
3. Maintaining the current goal of developing a “first in class” recreation/athletic facility.
4. Replacing the proposed President Street condominiums with a commercial corridor featuring goods and services needed in the community.
5. Dedicating a significant percentage (15-20 percent) of the brick and mortar to seniors, and at-risk youth, while identifying organizations that would program these spaces specifically for these audiences.
6. Thoroughly evaluating the veracity of Juan Blanco's alternate proposal, and consider incorporating elements that enhance the project.

7. To the extent that the project needs a housing component, developing it as 100 percent affordable based on the AMI of Community District 9.
8. Landmarking the building.
9. Stopping the ULURP process and re-starting it from the beginning, once a new plan for the armory is established.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 170316 PCK) and the related applications on July 10, 2017, and on September 1, 2017, issued a recommendation disapproving the application with the following conditions:

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1. Eliminate condominium ownership and repurpose the building as affordable rental housing, and therefore modify ULURP application number 170420 PPK to retain ownership of the entire site by restricting all disposition to a 99-year ground lease.
2. To the extent economically practical, repurpose floor area for the maximum additional number of affordable housing units.
3. That prior to the City Council’s public hearing, BFC, and/or EDC provide to the City Council multiple assumptions of the number of units at variations of middle- and moderate-income affordable housing that might assist with covering the operating costs of the drill shed and head house.
4. That prior to the City Council’s public hearing, BFC and/or EDC provide to the City Council:
 - a. The construction costs and annual projected operating cost differential for the drill shed and head house both with and without the swimming pool.
 - b. Multiple assumptions of the number of units at various AMIs of middle-moderate- and/or moderate-income affordable housing that might cross subsidize the operating cost of the drill shed and head house that repurposes some or all of the market-rate floor area, with and without inclusion of the swimming pool.
 - c. Detailed assumptions to assist in understanding the number of annual users who should benefit from low-cost and subsidized individual utilization of the recreational facilities.

5. Based on the disclosure of user assumptions, the City Council shall consider the extent of cumulative subsidy credit provided to the non-profit users in terms of the adequate availability of the recreation center for free, low-cost, and highly subsidized non-affiliated entry/utilization of the facility.
6. That prior to the Council's public hearing, BFC and/or EDC provide the City Council:
 - a. Language incorporated in either the regulatory agreement or the LDA to ensure that non-MIH housing units remain permanently affordable.
 - b. A written commitment to the extent that the dwelling units would reflect a greater percentage of two- and three-bedroom apartments more consistent with having at least 50 percent of two- or more bedroom affordable housing units and at least 75 percent of one- or more bedroom affordable housing units, consistent with zoning text for Inclusionary Housing floor area pursuant to ZR 23-96(c)(1)(ii).
 - c. The extent that the development would be incorporating HPD's Our Space Initiative (20 percent preferred).
 - d. The extent that it would coordinate with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) as follows:
 - i. Commit to implement curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions, with developer commitment to enter into a standard DOT maintenance agreement for the following intersections: Union Street and Bedford Avenue, President Street and Bedford Avenue, Union Street and Rogers Avenue, and President Street and Rogers Avenue.
 - ii. Commit to the installation of bioswales as part of its Builders Pavement Plan. With the understanding of DOT confirming that implementation would not proceed prior to consultation with CB 9 and local elected officials.
 - e. Continue to explore additional resiliency and sustainability measures in the development such as incorporating blue/green/white roof finishes, Passive House construction principles, solar panels, and wind turbines.
 - f. Retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code, and Minority- and Women-Owned Business Enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no

less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency.

Be It Further Resolved:

1. That New York State Housing and Community Renewal (HCR) should advance rulemaking modifications regarding Section 9 NYCRR 2524.5 of the Rent Stabilization Code that would close the loophole that now allows rent-stabilized buildings to be vacated to facilitate demolition that may result in the buildings being re-occupied as legal non-regulated apartments.
2. That the New York State Legislature should introduce a bill pertaining to legally permitted regulatory rent (preferential rent) that mandates such a rent adjustment be phased in based on the establishment of an annual cap on the percent of annual increase.
3. That the City should commit the resources of the Mayor's "Housing New York: A Five-Borough, Ten-Year Plan" preservation component to set aside funding to refinance such buildings as a means to extend regulatory agreements, followed by subsequent engagement with owners of area properties with expiring regulatory agreements by the New York City Department of Housing Preservation and Development (HPD).
4. That HPD modify its affordable housing apartment lottery community preference standards to be inclusive of the school zone attended by a child of a household residing at a City-funded or operated homeless shelter.
5. That the CPC and/or the City Council, in order to establish AMI equivalent affordable housing eligibility as a qualifier for those rent-burdened households that would be able to pay the same or have a reduction in their rent by leasing an MIH lottery units, should advocate for the modification of the MIH section of the ZR pertaining to MIH-designated areas, to be adopted with a requirement that provides eligibility while taking into account rent-burdened status."

City Planning Commission Public Hearing

On September 6, 2017 (Calendar No. 10), the City Planning Commission scheduled September 19, 2017, for a public hearing on this application (C 170420 PPK), in conjunction with the related applications. The hearing was duly held on September 19, 2017 (Calendar No. 22). There were 23 speakers in favor of the application and 14 in opposition.

Three members of the applicant team testified in support of the application. The vice president of

real estate transaction services for EDC briefly described the history of the development site, the RFP process and details, and the proposed development. The representative stated that prior to selecting the developer in response to the RFP, EDC engaged in robust outreach to better understand the community's interest and what they wanted to see included in the redevelopment. EDC co-hosted round table discussions with leaders from 23 local community organizations and also hosted two open public forums, attended by approximately 250 residents of Crown Heights. The project manager for the developer stated that a majority of the armory would be held under a 99-year ground lease, which would allow them to provide up to \$1.5 million in community benefits during the first year. Community benefits would be tied directly to rent levels, so that community benefits would grow as the rent grows in subsequent years. He noted that these community benefits would come in many different forms, including free or discounted access to the recreational portion of the project, sports and recreational programming for senior citizens, or deeply discounted office space for local non-profits that would provide educational, cultural, and vocational services to the local communities. He said the community recreational center would be outfitted with three full-size wood basketball courts, multi-sport surfaces capable of accommodating multiple sports and recreation teams, and a six-lane 25-meter indoor swimming pool. He noted that the community recreational center would be managed by Brooklyn based non-profit CAMBA as well as a director of operations. The developer's representative stated that the condominium portion would have 60 units available for homeownership. Of these, 12 units or 20 percent of the condo units would be set aside as affordable for middle-income households earning 120 percent of AMI. He said the mixed-income rental building would include 330 dwelling units, of which 165 or 50 percent of the apartments would be set aside as affordable to low- and middle-income households with incomes of up to 110 percent of AMI. The representative stated that MIH Option 2 would be proposed for the site, and described how 122 units would be permanently affordable to low- and middle-income households with incomes between 40 and 110 percent of AMI. The representative described how the proposed commercial overlay would allow approximately 25,000 square feet of non-profit office use within the head house portion of the armory. The project architect described the rationale behind the design, stating that the intent was to balance the historic character of the armory building and the housing associated with the proposed development. He noted that the rental building would occupy the central portion of the

site and that it would be buffered by the proposed base heights, which would keep the building in scale with the drill shed and surrounding residential buildings. He also explained that the condos were designed to mimic the rhythm of the stable structure that they would be replacing.

The CEO of By the Numbers Consulting, a compliance firm based in Brooklyn, New York, spoke in favor of the application. He stated that the developer engaged By the Numbers Consulting approximately two years ago to conduct outreach to minority- and women-owned business enterprise (MWBE) firms in the Crown Heights area. He said that his firm held multiple informational sessions for city-certified MWBEs; including MWBE firms located within two miles of the project site. He said that they also contacted over 300 non-certified local contractors in an attempt to determine which firms were minority- or woman-owned. He stated that the workforce goals were established by the City through the Hire NYC program, which requires that 30 percent of all new hires come from within the community.

The executive director of the Ifetayo Arts Academy, a community-based arts and cultural organization dedicated to supporting the educational and professional development of youth in Central Brooklyn and surrounding areas, spoke in favor of the application. She stated that Ifetayo serves over 2,000 students annually through their on-site in-school programs, and an additional 5,000 youth and families through its programs and public performances. She stated that the Bedford Union Armory was an example of an upcoming development where local community-based organizations should be housed in order to offer programs for residents in the community. Ifetayo has been seeking a permanent home within the communities it serves for the past 20 years and is proposed to operate within a space comprising approximately 4,500 square feet in the armory.

One speaker who identified himself as a representative of the Local Development Corporation of Crown Heights, a development corporation that has developed low-income senior and affordable housing in Crown Heights since 1987, testified in favor of the application. He stated that the Local Development Corporation of Crown Heights would partner with the developer and CAMBA to operate the proposed low-income housing.

The founder of the James E. Davis Stop the Violence Foundation spoke in favor of the application. He stated that his organization has been in existence for approximately 25 years, addressing

violence in this particular community and abroad through the arts, education, GED programs, peace walks, and concerts. He stated that this particular community lost a substantial amount of programs over the years and that the recreational center would be an opportunity to address violence and improve community engagement.

One speaker who identified himself as a representative of Imagine Swimming, a swimming school operating out of over 14 locations in Brooklyn and Manhattan, teaching approximately 4,000 children for the past 15 years in the New York City area, testified in favor of the application. He stated that Crown Heights was a prime example of a neighborhood in which there are not nearly enough pools and quality aquatic instruction available for the community. He noted that his group had worked with Medgar Evers College for a number of years and had recently partnered with them to provide free swimming lessons to approximately 60 children from the Ebbetts Field Houses. He said that the organization was working with PS161 and Medgar Evers High School to arrange swim lessons for their students.

The Executive Director of New Heights, an organization operating for 12 years with a mission to educate and empower inner city youth by developing the skills necessary for success in high school, college, and life through basketball, mentorship, and academic support, testified in favor of the application. He stated that New Heights currently operated out of more than 15 sites and that finding space to run its program was increasingly difficult. He noted that the opportunity to use space within the armory and to partner with the developer and local community would make an impact on the organization's operations and a deeper impact in the Crown Heights community, including families in the surrounding area.

Five other speakers testified in favor of the application. Two speakers who identified themselves as associated with the not-for-profit CAMBA, one identified as a resident of CAMBA Gardens, a sustainable, permanent, affordable and supportive housing building developed on the campus of Kings County Hospital, expressed her gratitude for the opportunity to leave the homeless shelter system for an apartment in a CAMBA-operated building. The other speaker identified herself as a representative of CAMBA and stated that CAMBA encompasses over 160 programs at 90 locations throughout New York City and operates community centers throughout the five boroughs, including nine located in NYCHA facilities across Brooklyn. She stated that CAMBA

has operated the Human Resources Administration-owned Bedford-Stuyvesant multi-service center, which is a 150,000 square foot facility, with 13 non-profit tenants, and a school, serving approximately 4,000 clients every month, since 2012. A representative of the 32BJ union testified in favor of the application, stating that the development team had committed to providing good quality building service jobs. One speaker who identified himself as the president of the West Indian Day Carnival Association testified in support of the application, describing the benefits of the proposed non-profit office space. One speaker who identified himself as the vice president of the Brooklyn Chamber of Commerce testified in support of the application, stating that this proposal would address local challenges in Central Brooklyn and transform the armory space into a neighborhood anchor, offer new community programs, create good jobs, provide quality housing and office space for non-profits, and generate new investments that residents need and deserve.

The Assembly Member representing the adjacent Assembly District 43 spoke in opposition to the proposal and stated that, while the proposed development was not located in her district, a large number of her constituents, including herself, lived near the proposed development. The Assembly Member stated concerns about the development including the use of federal affordability levels calculations to determine the affordable housing AMI configuration, which, she stated, do not represent the AMI in the local community, causing further displacement to area residents. The Assembly Member also stated that the community was in dire need of a community center, but that this site provided an opportunity to meet the high demand for affordable housing in Crown Heights, which has been particularly affected by the housing crisis and has the second-highest eviction rate in Brooklyn.

Twelve other speakers testified against the application. Three speakers who identified themselves as residents and members of New York Communities for Change expressed concern about rising housing costs and the potential displacement of long-term residents in the neighborhood, stating that more affordable housing was needed. One speaker who identified herself as an area resident testified in opposition, stating that luxury apartments did not belong on public land and that the Commission should investigate using a community land trust model. Five area residents testified in opposition, expressing concern about the costs of the proposed market-rate units and the lack of clarity over the legal obligations to provide subsidized access to the recreational center. They

stated concerns about the possible presence of asbestos in the armory and the potential for heightened harassment and displacement of area residents. One speaker, who identified herself as the Republican candidate for the 35th Council District, expressed concern about the high rate of homelessness in the neighborhood and said that a community land trust would be an effective alternative. One speaker, who identified herself as a representative for the organization Movement to Protect the People, testified in opposition, expressing concerns regarding the legality of Community Board 9's recommendation. One speaker, who identified himself as a candidate for the 35th Council District, testified in opposition, expressing concern about rising housing costs and the displacement of area residents. One speaker representing Laborer Local 79 expressed concern about the lack of local hiring provisions or details on labor and safety standards and the need for the developer to commit to hiring union workers who have undergone safety training, as well as the lack of affordable housing in the current proposal. One speaker, who identified himself as legal counsel for the New York Environmental Law Justice Project, testified in opposition based on the alleged insufficiency of the environmental assessment and the proposed remediation for the construction, renovation, and demolition phases.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a disposition of City-owned property (C 170420 PPK), in conjunction with the related applications (C 170416 ZMK, N 170417 ZRK, C 170418 ZSK, and C 170419 ZSK), is appropriate.

The requested actions would preserve and redevelop the currently-vacant Bedford Union Armory into a 83,000-square-foot, state-of-the-art indoor community recreation center with an indoor swimming pool, 25,000 square feet of affordable office space dedicated to local not-for-profits and businesses, 25,000 square feet of community facility space, and 390 apartments, half of which (177 apartments) would be affordable, with 122 apartments permanently affordable, in three mixed-use buildings.

The proposed actions would help to address the dire need for more housing, including affordable housing, particularly in transit-accessible areas of Brooklyn. The proposed project is consistent with the City's policy objectives for promoting housing production and affordability across the city, and would facilitate the redevelopment of an historic, vacant, and complex site. In addition, the proposed development would include a community recreation center, including three full-sized basketball courts, multi-sport courts, a turf field used for soccer and tennis, a six-lane, 25-meter indoor swimming pool, a fitness area, and an approximately 5,000-square-foot community flex room in a neighborhood that sorely lacks active recreational space, especially at a price affordable to area residents. Furthermore, the project's proposed 25,000-square-foot commercial component along the active Bedford Avenue corridor has the potential to support area businesses and not-for-profits with affordable office space, proposed to be rented at significantly below-market rates of \$6 per square foot, serving and employing local residents and businesses.

The Commission notes that the redevelopment of the armory is predated by a robust and inclusive public outreach process that began in 2011 when the Brooklyn Borough President initiated community engagement and visioning process together with EDC to help determine priorities and potential uses for the armory prior to the release of an RFP for the project.

The proposed zoning text amendment (N 170417 ZRK) would designate an MIH area coterminous with the rezoning area, requiring any new residential development on the site to provide permanent affordability for 30 percent of the residential floor area pursuant to Option 2. This action would ensure that any proposed development on this site would be required to include nearly 100,000 square feet, or approximately 122 units, of permanently affordable housing.

The Commission believes that the proposed zoning map amendment (C 170416 ZMK), changing an R6 zoning district to R7-2 and R7-2/C2-4 zoning districts, is appropriate. The proposed rezoning would facilitate a development that would leverage scarce City-owned property for a wide variety of public benefits, including a new community recreational center, community facility space, non-profit office space, and new housing, including sorely needed permanently affordable housing. Furthermore, the allowed density would help achieve the proposed mix of uses by

reinvigorating a vacant parcel and preserving the historic head house and drill shed portions of the armory.

The Commission notes that the increase from R6 to R7-2, when mapped in MIH areas, results in an additional 1.0 FAR, producing approximately 122,000 square feet of residential floor area, or approximately 122 new, permanently affordable housing units.

The extension of the proposed C2-4 commercial overlay would facilitate the development of nearly 25,000 square feet of non-profit office space throughout the entire head house, fronting Bedford Avenue. The resulting office services would help create additional activity along this portion of Bedford Avenue, providing an invigorated pedestrian connection to Eastern Parkway. The proposed change to allow residential, commercial, and community facility uses here is appropriate given the site's proximity to residential neighborhoods, nearby community facilities, its excellent transit access, and opportunity to relieve pressure on a neighborhood that continues to grow, increasing pressure on a limited housing supply. Much of the surrounding area is developed with medium-density residential, commercial, and community facility buildings interspersed with several larger towers. The project area takes up the entire lot frontage along Bedford Avenue, a wide street and major thoroughfare, from President to Union Streets, and is close to mass transit.

The zoning special permit to modify height and setback regulations within a large-scale general development (C 170418 ZSK), and accompanying height and bulk waivers, are appropriate. The preservation of the existing armory building, covering approximately 77,000 square feet of the project area (63 percent), reduces the potential footprint for the development, necessitating a narrower but taller building. The remaining footprint on the lot requires rising vertically in order to incorporate more housing, a community recreational center, community event space, and non-profit office space.

R7-2 Quality Housing regulations would regulate the development's envelope, requiring a base height before setback of 40 to 75 feet with a maximum building height of 90 feet. Because the development is consolidating floor area from across the site to preserve the existing buildings, it has to puncture the allowable envelope of the rental building's minimum base height by 52 feet,

and the maximum building height by 90 feet. Additionally, the applicants propose to exceed the maximum number of allowable stories for the rental building by seven stories. In response to site constraints and to reduce the impact of the overall bulk on the surrounding buildings, the condo portion's envelope required a deduction in the allowable minimum base height by 32 feet and a reduction of the building's initial setback by 10 feet.

The Commission applauds the creative reuse of the existing structures and recognizes the need to redistribute the allowable floor area into a smaller footprint. While the neighborhood is punctuated with some existing 33-story and 25-story towers built pursuant to height factor envelopes, large portions of the neighborhood are dominated by three- to four-story rowhouses and six- to eight-story apartment buildings. The proposed development's 16 stories would be located toward the center of the block, preserving large portions of the armory while simultaneously setting back from the surrounding neighborhood. The Commission recognizes that, to facilitate a building design that reduces the impact of the overall bulk on the surrounding area and minimizes the overall height of the rental building, waivers are needed to exceed the maximum allowable base height of the building. Additionally, the Commission recognizes that the requested minimum base height for the lower-rise condominium building would be configured in a manner that respects both the current articulation and rhythms of the stable buildings that it is replacing and the lower-rise residential nature of the buildings opposite on President Street.

Finally, the Commission believes the requested actions would produce a predictable site plan, massing, and form, and would result in a development with densities and heights responsive to the existing drill shed's bulk that would be superior to what would be permitted as-of-right. The Commission further believes that the proposed approvals would facilitate a development that would reuse a vacant site in a manner consistent with the mixed-use context of the area and preserve an historic building and would contribute to the revitalization of the area. Occupants of the development, the neighborhood, and the City as a whole would benefit.

The proposed special permit pursuant to ZR 74-532 for a reduction of parking requirements for accessory group parking facilities (C 170419 ZSK) is appropriate. The parking requirement for

the proposed residential uses is 129 spaces. Meeting the requirement would require expanding the proposed parking footprint, which would impact the developer's ability to preserve the armory and maximize on-site affordable housing. Given the site's proximity to public transit, and the constraints associated with the preservation of the drill shed and head house, the Commission believes that the reduction of 11 required accessory off-street spaces would further the creation of affordable housing by reducing the costs associated with providing the amount of parking that would otherwise be required.

Regarding the recommendation by the Borough President that the applicant eliminate the 60 homeownership opportunities on the site pursuant to the proposed disposition (C 170420 PPK), including the 12 affordable condominiums, the Commission notes that the approximately 73,000-square-foot homeownership program is an important part of the cross-subsidy supporting the redevelopment of the drill shed and head house into an affordable community recreational center and non-profit office space. These market-rate and affordable homeownership opportunities account for only 11 percent of the City-owned land, and only 14 percent of the overall total development, yet they allow the project to be structured to deliver significant public benefits without any public subsidy.

Regarding the recommendation by the Borough President that the applicant increase the number of affordable units across the site, the Commission encourages the development team to accommodate additional affordable housing if possible, but recognizes that the current program and mix of units requires no public subsidy. The applicants are proposing a total of approximately 173,000 square feet of affordable housing, or 45 percent of the total residential floor area across the site. This includes MIH Option 2, which would be mapped across the site and requires 100,000 square feet, or 30 percent, to be permanently affordable without subsidy at an average of 80 percent of the AMI. The applicants also propose an additional 31,600 to 39,500 square feet, or 20 to 25 percent of the units, to be affordable pursuant to an HPD regulatory agreement at an average of 110 percent of the AMI. While the regulatory agreement for the non-MIH apartments would last a minimum of 30 years, the Commission notes that the proposed ground lease requires the

developer to renew these additional affordable apartments after 30 years, or be subject to paying fair market ground rent for the property.

The Borough President recommends that the applicant provide the assumptions and breakdown of how much cross-subsidy the apartments provide to the recreational center and the non-profit office space prior to the City Council's public hearing. The Commission acknowledges that this is an important factor in understanding the proposed development, and supports asking the applicant to determine an appropriate range of middle- and moderate-income affordable housing scenarios that meets the needs of the widest range of New Yorkers as part of the public review process. The Commission is aware that, as the project is currently proposed, the recreational center would also provide low-cost memberships of approximately \$10 a month, which is similar to or less expensive than YMCAs in the area. While not a direct land use matter, the Commission puts great weight on the affordability and access to all parties of the recreational center and encourages EDC to be vigilant in ensuring that the facility will truly serve the entire community and most especially low-income community members, through affordable rates for all portions of and activities at the recreational center that the community demands for the duration of the lease.

Regarding the Borough President's recommendation that the applicant explore additional resiliency and sustainability measures, hire locally, and use minority- and women-owned businesses, the Commission notes that this is outside the scope of the proposed actions, but encourages the applicant to use best practices for building construction, management, and maintenance. Specifically regarding project sustainability, the applicant is proposing to increase housing density in an area that has excellent transit access. With subway stations located one block north of the proposed development site, this is clearly a transit-oriented development, an inherently "green" form of development for an underutilized site. Additionally, the applicant has expressed a commitment to sustainable design elements, such as the incorporation of solar panels and an on-site co-generation plant that would supply the development with electricity and chilled water. The applicant stated that the proposed development's rental building seeks LEED standards with efficient insulation, windows, plumbing, lighting, and other sustainable design elements.

Regarding the recommendation by the Borough President that the applicant coordinate with the NYC Department of Transportation (DOT) and the NYC Department of Environmental Protection (DEP) to develop streetscape and pedestrian-safety improvements and construct bioswales, the Commission notes that these are outside the scope of the proposed actions, but encourages these improvements where feasible and in coordination with DOT and DEP.

Regarding the Borough President's recommendation that the Department of City Planning pursue a new zoning text amendment to modify the MIH regulations, the Commission notes that MIH is a recently-approved, citywide policy that requires affordable housing to be built as part of new residential developments. Modifying citywide requirements would require significant policy development and public review, and would be outside the scope of the proposed actions.

Regarding the public hearing testimony in opposition provided by the Assembly Member representing District 43, that the proposal should be denied because there are too few affordable apartments, the Commission notes that the applicants are proposing to provide 173,000 square feet, or about 177 units, of affordable housing on a site that is currently underutilized and has no housing on it today. This proposal will bring sorely needed affordable apartments to a neighborhood that has limited opportunities for voluntary- or mandatory-inclusionary housing, and overall, has a limited supply of two- to four-story rowhouses and small, four- to six-story apartment buildings. The inclusion of market rate apartments in the proposal helps to cross-subsidize the affordable apartments, as well as the low-cost recreational center and office space, and the increase in market-rate and affordable apartments provides additional housing supply in a neighborhood with a strained supply of lower-scale row house blocks.

The Commission is sympathetic to the concerns raised during the public review process and at the public hearing regarding the potential affordability levels of the project, and the inclusion of market rate apartments in the proposed development. As currently proposed, the development does not require the use of any public subsidies for the affordable housing or for the low-cost recreational center. The Commission notes that members of the public have raised concerns about the potential for secondary displacement across the neighborhood if market rate units are included

in the proposal. While the proposed actions would result in more intensive land uses on the project site, it is not anticipated that the resulting development would generate significant secondary impacts, nor would it alter land use patterns. The resulting population of the new housing would be less than five percent of the total population in the socioeconomic study area; this population would not be large enough to significantly affect real estate market conditions.

To address the Commission's concerns and questions at the public hearing, EDC provided a letter to the Commission dated October 13, 2017, responding to three areas of concern: community facilities, housing, and due diligence. EDC stated that, to ensure the timely delivery to the community of the recreation facility, community event space, and non-profit office space, the City's lease requires Bedford Courts to complete construction in the drill hall and head house prior to the completion of the residential building. EDC further stated that Bedford Courts, as a requirement of the lease with the City, must provide \$500,000 in community benefits and is incentivized through rent credits to provide up to \$1.5 million in community benefits. EDC noted that Bedford Courts would need to provide specific evidence of benefits that the community received, as opposed to free programs offered but not attended, in order to receive rent credits, and that this process would be monitored through annual reports reviewed by independent auditors, CAMBA, and EDC. In addition, the letter stated that Bedford Courts has agreed to consult with a community advisory committee on an ongoing basis to gather input on how service may be improved.

Furthermore, EDC stated that proposed lease terms for the non-profits located in the head house range from five to 30 years and that while individual lease terms may expire, the underlying ground lease requires Bedford Courts to lease space in the head house to non-profit organizations at discounted rates for the life of the 99-year lease to ensure that the head house remains available to support local organizations and deliver programs to the community.

Finally, the Commission values the written testimony submitted by Brooklyn's Community Board 9, received on September 21, 2017, stating their concerns and recommendations as they relate to these applications. Regarding the Community Board's recommendations on landmarking the

armory and maintaining the goal of developing a first-class recreation/athletic facility offering a significant percentage of space for organizations that would offer programs targeted for at-risk youth and seniors, the Commission notes, as described earlier, that the applicants would be preserving the majority of the drill shed and head house portions of the armory. Additionally, approximately 108,000 square feet and approximately 25,000 square feet of the project are dedicated for community facility and non-profit office space, respectively, that would inherently provide opportunities for organizations to program these spaces specifically for youth and seniors as well as the entire community.

Furthermore, Community Board 9 stated that to the extent that the project needs a housing component, developing it as 100 percent affordable based on the AMI of Community District 9. As not earlier, the Commission encourages the development team to accommodate additional affordable housing if possible, but recognizes that the current program and mix of units requires no public subsidy. The Commission notes that the applicants are proposing to provide 173,000 square feet, or about 177 units, of affordable housing on a site that is currently underutilized and has no housing on it today. This includes MIH Option 2, which would be mapped across the site and requires 100,000 square feet, or 30 percent of units, to be permanently affordable without subsidy at an average of 80 percent of the AMI. This proposal will bring sorely needed affordable apartments to a neighborhood that has limited opportunities for voluntary- or mandatory-inclusionary housing.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 19, 2017, with respect to this application (CEQR No. 16DME005K) the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A hereto, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 1555 Bedford Avenue (Block 1274, Lot 1), Community District 9, Borough of Brooklyn, pursuant to zoning , is approved.

The above resolution (C 170420 PPK), duly adopted by the City Planning Commission on October 30, 2017 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKES, ESQ., *Vice Chairman*

**RAYANN BESSER, ALFRED C. CERULLO, III, JOSEPH DOUEK,
RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

MICHELLE R. DE LA UZ, *Commissioner*, voting “No”



COMMUNITY BOARD NO. 9

September 21, 2017

Eric Adams
Borough President
Musa Moore
Chairman
Vacant
District Manager

Marisa Lago
Director, NYC Department of City Planning
and Chair, City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271
calendaroffice@planning.nyc.gov

Reference: CEQR Number 16DME005K, Bedford Union Armory

Dear Director Lago:

The purpose of this letter is to correct the record on Brooklyn CB9's recommendation on the Bedford Union Armory. The attached forms are changed to reflect CB9's accurate recommendation: DISAPPROVE not disapprove with modifications/conditions.

In addition, please note that my August 11 letter to you with a list of recommendations did not mention the one abstention. The vote was 35 no, 0 yes, and 1 abstaining. I've included in today's submission a revised letter incorporating this one change.

Thank you.

Michael Liburd

Chair, Brooklyn CB9 ULURP/Land Use Committee

cc: Lydia Downing, EDC
Kenyada McLean, EDC
Lincoln Restler, Mayor's Office
Don Capoccia, BFC Partners
John Valladares, BFC Partners
Winston Von Engel, Brooklyn City Planning
Kevin Kraft, Brooklyn City Planning
Brooklyn Borough President Eric L. Adams
Richard Bearak, Brooklyn Borough President's Office
Council Member Laurie Cumbo
State Senator Jesse E. Hamilton, III
Assemblywoman Diana C. Richardson
Assemblyman Walter T. Mosley
CB9 Members
CB9 Land Use/ULURP Committee



COMMUNITY BOARD NO. 9

Eric Adams
Borough President

Musa Moore
Chairman

Vacant
District Manager

August 11, 2017 (revised 9/21/17 to reflect accurate vote)

Marisa Lago
Director, NYC Department of City Planning
and Chair, City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271
calendaroffice@planning.nyc.gov

Dear Director Lago:

Good Day. This letter outlines Brooklyn Community Board 9's recommendation on the Bedford Union Armory ULURP application.

Brooklyn Community Board 9 recommends not supporting the Bedford Union Armory ULURP application. The board's vote consisted of 35 no, 0 yes, and 1 abstaining. This recommendation is based on thoroughly evaluating BFC/EDC's plan, touring the site, and countless hours of feedback from the community that the board has received since this project was conceived several years ago.

Local stakeholders want the armory to become a vibrant "town square," primarily catering to the needs of the immediate community, while appealing to and drawing residents from neighboring areas (e.g., Prospect Lefferts, Prospect Heights, Crown Heights North, East NY, etc.) to ensure its success. If done thoughtfully, the armory should also become a catalyst for increasing revenues of existing businesses by bringing an influx of people to the blocks surrounding the armory.

The board also recommends:

- 1) Developing the armory as a separate/standalone project from any housing associated with the site. Explore establishing the armory as a land trust or conservancy (e.g., Prospect Park Alliance, Central Park Conservancy, Brooklyn Bridge Park, etc.). Any housing component should not be built on the existing footprint of the armory
- 2) Commissioning an independent feasibility study to determine the long-term sustainability and economic viability of the revised plan
- 3) Maintaining the current goal of developing a "first in class" recreation/athletic facility
- 4) Replacing the proposed President Street condominiums with a commercial corridor featuring goods and services needed in the community
- 5) Dedicating a significant percentage (15-20%) of the brick and mortar to seniors, and at-risk youth, while identifying organizations that would program these spaces specifically for these audiences

Marisa Lago
Director, NYC Department of City Planning
and Chair, City Planning Commission
Page Two

- 6) Thoroughly evaluating the veracity of Juan Blanco's alternate proposal, and consider incorporating elements that enhance the project
- 7) To the extent that the project needs a housing component, developing it as 100% affordable based on the AMI of Community District 9
- 8) Landmarking the building
- 9) Stopping the ULURP process and re-starting it from the beginning, once a new plan for the armory is established

We would like an opportunity to sit with you, EDC, BFC, City Council, the Mayor's office, and any other decision makers to help revise the Bedford Union Armory plan. We're willing, able, and available to contribute to the process in a substantive way. For next steps, I can be reached via the community board office (718-778-9279) or miliburd@griffinward.net. Finally, we reserve the right to add to these recommendations.

Thank You,



Michael Liburd
Chair, Brooklyn CB9 Land Use/ULURP Committee

cc: Lydia Downing, EDC
Kenyada McLean, EDC
Lincoln Restler, Mayor's Office
Don Capoccia, BFC Partners
John Valladares, BFC Partners
Winston Von Engel, Brooklyn City Planning
Kevin Kraft, Brooklyn City Planning
Brooklyn Borough President Eric L. Adams
Richard Bearak, Brooklyn Borough President's Office
Council Member Laurie Cumbo
State Senator Jesse E. Hamilton, III
Assemblywoman Diana C. Richardson
Assemblyman Walter T. Mosley
CB9 Members
CB9 Land Use/ULURP Committee

Application #: **C 170416 ZMK**

Project Name: **Bedford Union Armory**

CEQR Number: 16DME005K

Borough(s): Brooklyn

Community District Number(s): 09

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

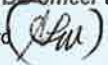
- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17b:

- changing from an R6 District to an R7-2 District property bounded by Union Street, a line 100 feet westerly of Rogers Avenue, President Street, and Bedford Avenue; and
- establishing within the proposed R7-2 District a C2-4 District bounded by, Union Street, a line 220 feet westerly of Rogers Avenue, President Street, and Bedford Avenue;

Borough of Brooklyn, Community District 9, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-428.

Applicant(s): NYC Economic Development Corporation 110 William Street New York, NY 10038		Applicant's Representative: Robert Holbrook NYC Economic Development Corporation 110 William Street New York, NY 10038	
Recommendation submitted by: Brooklyn Community Board 9			
Date of public hearing: June 19, 2017		Location: M.S. 61, 400 Empire Blvd., Brooklyn, NY 11225	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: June 27, 2017		Location: M.S. 61, 400 Empire Blvd., Brooklyn, NY 11225	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor:		# Against: 35 # Abstaining: 1 Total members appointed to the board: 36	
Name of CB/BB officer completing this form Michael Liburd 		Title Chair, ULURP/ Land Use Com	Date 9/21/2017

Application #: C 170418 ZSK	Project Name: Bedford Union Armory
CEQR Number: 16DME005K	Borough(s): Brooklyn Community District Number(s): 09

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

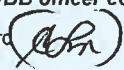
- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) and 35-65 (Height and Setback Requirements for Quality Housing Buildings) to facilitate a proposed mixed use development, within a large scale general development, on property bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2* and R7-2/C2-4* Districts, Borough of Brooklyn, Community District 9.

* Note: The site is proposed to be rezoned by changing from an R6 District to R7-2 and R7-2/C2-4 Districts under a concurrent related application for a Zoning Map change (C 170416 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Applicant(s): NYC Economic Development Corporation 110 William Street New York, NY 10038		Applicant's Representative: Robert Holbrook NYC Economic Development Corporation 110 William Street New York, NY 10038	
Recommendation submitted by: Brooklyn Community Board 9			
Date of public hearing: June 19, 2017		Location: M.S. 61, 400 Empire Blvd., Brooklyn, NY 11225	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: June 27, 2017		Location: M.S. 61, 400 Empire Blvd., Brooklyn, NY 11225	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>			
Voting			
# In Favor:		# Against: 35 # Abstaining: 1 Total members appointed to the board: 36	
Name of CB/BB officer completing this form Michael Liburd 		Title Chair, ULURP/Land Use Com	Date 9/21/2017

Application #: **C 170419 ZSK**

Project Name: **Bedford Union Armory**

CEQR Number: 16DME005K

Borough(s): Brooklyn

Community District Number(s): 09

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
 - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to reduce the number of required accessory residential off-street parking spaces from 129 to 118 spaces, in connection with a proposed mixed used development, within a large scale general development, in the Transit Zone, on property generally bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2* and R7-2/C2-4* Districts, Borough of Brooklyn, Community District 9.

* Note: The site is proposed to be rezoned by changing from an R6 District to R7-2 and R7-2/C2-4 Districts under a concurrent related application for a Zoning Map change (C 170416 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Applicant(s): NYC Economic Development Corporation 110 William Street New York, NY 10038		Applicant's Representative: Robert Holbrook NYC Economic Development Corporation 110 William Street New York, NY 10038	
Recommendation submitted by: Brooklyn Community Board 9			
Date of public hearing: June 19, 2017		Location: M.S. 61, 400 Empire Blvd., Brooklyn, NY 11225	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: June 27, 2017		Location: M.S. 61, 400 Empire Blvd., Brooklyn, NY 11225	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>			
Voting			
# In Favor:		# Against: 35 # Abstaining: 1 Total members appointed to the board: 36	
Name of CB/BB officer completing this form Michael Liburd <i>(Signature)</i>		Title Chair, ULURP/Land Use Com	Date 9/21/2017

Application #: **170420PPK**

Project Name: **Bedford Union Armory**

CEQR Number: 16DME005K

Borough(s): Brooklyn

Community District Number(s): 9

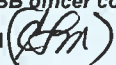
Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
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 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 1555 Bedford Avenue (Block 1274, Lot 1), pursuant to zoning.

Applicant(s): NYC Department of Citywide Administrative Services/Division of Real Estate Services One Centre Street, 20th Floor New York, NY 10007		Applicant's Representative: Robert Holbrook NYC Economic Development Corporation 110 William Street New York, NY 10038 212.312.3706	
Recommendation submitted by: Brooklyn Community Board 9			
Date of public hearing: June 19, 2017		Location: M.S. 61, 400 Empire Blvd., Brooklyn, NY 11225	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: June 20, 2017		Location: M.S. 61, 400 Empire Blvd., Brooklyn, NY 11225	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor:		# Against: 35 # Abstaining: 1 Total members appointed to the board: 36	
Name of CB/BB officer completing this form Michael Liburd 		Title Chair, ULURP/Land Use Com	Date 9/21/2017

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

calendaroffice@planning.nyc.gov



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

BEDFORD UNION ARMORY – 170416 ZMK, 170417 ZRK, 170418 ZSK, 170419 ZSK, 170420 PPK

Applications submitted by the New York City Economic Development Corporation (EDC), pursuant to Sections 197-c and 201 of the New York City Charter, seeking: a zoning map amendment to change an existing R6 district to an R7-2 district with a C2-4 commercial overlay; a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area; a special permit to modify the height and setback requirements, and a special permit to reduce the number of required accessory, off-street, residential parking spaces from 129 to 118. Additionally, the New York City Department of Citywide Administrative Services (DCAS), pursuant to Sections 197-c and 201 of the New York City Charter, seeks the disposition of City-owned property at 1555 Bedford Avenue in the Crown Heights neighborhood of Brooklyn Community District 9 (CD 9).

Such actions would facilitate the redevelopment of the Bedford Union Armory into mixed-use development. The armory shed and head house would contain 57,700 square feet (sq. ft.) of recreational facilities, 25,000 sq. ft. of commercial office space, 25,000 sq. ft. of community facility space, two new residential buildings, including a condominium building along President Street in place of the stables that would contain 60 dwelling units, with 20 percent of the units set aside as affordable homeownership residences, and a through-block, multi-family, mixed-income rental building on the site of an existing garage building, containing 330 dwelling units, with 50 percent of the units affordable to households earning on average 80 percent of area median income (AMI).

BROOKLYN COMMUNITY DISTRICT NO. 9

BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS

- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

Epi L. Adams

BROOKLYN BOROUGH PRESIDENT

September 1, 2017

DATE

RECOMMENDATION FOR: BEDFORD UNION ARMORY – 170416 ZMK, 170417 ZRK, 170418 ZSK, 170419 ZSK, 170420 PPK

Applications submitted by the New York City Economic Development Corporation (EDC), pursuant to Sections 197-c and 201 of the New York City Charter, seeking a zoning map amendment to change an existing R6 district to an R7-2 district with a C2-4 commercial overlay; a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area; a special permit to modify the height and setback requirements, and a special permit to reduce the number of required accessory, off-street, residential parking spaces from 129 to 118. Additionally, the New York City Department of Citywide Administrative Services (DCAS) seeks the disposition of City-owned property at 1555 Bedford Avenue in the Crown Heights neighborhood of Brooklyn Community District 9 (CD 9).

Such actions would facilitate the redevelopment of the Bedford Union Armory (Armory) for mixed-use. The Armory shed and head house would contain 57,700 square feet (sq. ft.) of recreational facilities, 25,000 sq. ft. of commercial office space, and 25,000 sq. ft. of community facility space. Additionally, the proposed actions would facilitate the construction of two residential buildings; a condominium building along President Street in place of the stables that would contain 60 dwelling units, with 20 percent of the units set aside as affordable homeownership residences, and a through-block, multi-family, mixed-income rental building on the site of an existing garage, containing 330 dwelling units, with 50 percent of the units affordable to households earning on average 80 percent of Area Median Income (AMI).

On July 10, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on the proposed zoning map amendment and disposition. Twenty-three individuals signed up to speak on this item, eight in favor, and 15 opposed.

The applicant did not have the opportunity to present and no speakers had the opportunity to testify because the hearing was closed as a public safety precaution.

Subsequent to the hearing, Borough President Adams received written testimony in opposition from local residents citing the potential for displacement, and advocating a community land trust for the Armory. Some expressed concerns about BFC Partners' (BFC)'s construction and hiring practices, while others cited the presence of asbestos and other contaminants at the site, as well as its future use by children and families. In particular, written testimony in opposition co-authored by an architect and a professor emeritus of Pratt Institute stated that the environmental review carried out by the developer does not address the presence of asbestos and other contaminants at the Armory, particularly the roof of the drill shed. He advocated for the site to be developed into a state-of-the-art micro energy station and urban farm capable of generating annual revenues of nearly \$20 million.

Subsequent to the hearing, Borough President Adams received an online petition in opposition to the proposal that has been signed by approximately 250 individuals, as of August 28, 2017. The petition advises New York City Council Member Laurie Cumbo that the disposition of the site to the developer for \$1 constitutes a misappropriation of City-owned land.

Subsequent to the hearing, Borough President Adams received written testimony in support from the First Baptist Church of Crown Heights noting the need for affordable housing and community facilities in Crown Heights, and expressing concern that if the proposed development does not proceed, the Armory will remain vacant for decades to come.

Additionally, written testimony in support was received from two non-profit organizations that plan to occupy space in the redeveloped Armory. The Brooklyn Community Pride Center intends to serve vulnerable populations in Crown Heights, including LGBT individuals and low-income people of color. New Heights Youth, Inc., a sports-based youth development and education non-profit that works with children citywide is seeking to expand its Brooklyn-based programs. Several of the organization's employees submitted letters in support of new community and recreational facilities at the Bedford Union Armory.

Finally, subsequent to the hearing, Borough President Adams received written testimony in support from 400 area residents, citing the need to redevelop a vacant City-owned property and provide housing and community facilities in Crown Heights. The letters noted the area's lack of quality athletic spaces for youth, and expressed support for redeveloping the Armory as a fitness and sports center for Crown Heights residents.

Consideration

On June 27, 2017, Brooklyn Community Board 9 (CB 9) disapproved these applications. On August 11, 2017, Borough President Adams received a letter clarifying CB 9's recommendation on the Bedford Union Armory. CB 9 seeks a revised plan that will primarily serve the local community, while drawing residents of nearby neighborhoods, in order to generate revenue for area businesses. CB 9 recommended enhancing the commercial and recreational aspects of the proposal, building 100 percent affordable units instead of market-rate housing, and targeting Armory programs to seniors and youth.

The Bedford Union Armory site, located at 1555 Bedford Avenue in the Crown Heights neighborhood of CD 9, is owned by the City of New York and occupies the majority of a block bounded by Bedford and Rogers avenues, and President and Union streets. The area containing the project site is zoned R6, with a C8-2 zoning district mapped across the street on Bedford Avenue. The surrounding context is defined by two- to six- story multi-family residential buildings. There are several significant cultural and educational institutions in close proximity including the Brooklyn Museum and Medgar Evers College.

The Armory is a historic building, constructed in 1907 and decommissioned in 2011. It is not a designated New York City landmark. The project site has a total lot area of 122,180 sq. ft. consisting of the drill shed and head house, the former stables, and an accessory garage. The drill shed and head house comprise approximately 107,750 sq. ft.; the two-story stables are original to the Armory and occupy approximately 29,000 sq. ft. The parking garage dates to 1917-1931. All of these structures are currently vacant.

The Armory proposal calls for the rehabilitation and reuse of the drill shed and head house into a recreational facility and a mixed commercial/community facility. The City intends to ground-lease these structures to the designated developer, BFC. The stables would be sold and demolished to facilitate the construction of a condominium of approximately eight stories and 60 units, 12 offered as affordable homeownership residences. The garage would be replaced with Bedford Courts, a mixed-use rental building of approximately 16 stories and 330 units (165 affordable), on the eastern portion of the site. The development will generate a total of 108,000 rentable sq. ft. of community, education, and recreation space.

The construction of the condominium is intended to support the development of the recreational facility and its commercial and community facility space. Though the land beneath the stables would be sold for \$1, proceeds from the sale of the market-rate condominiums would be underwriting a significant portion of the developer's nearly \$12 million contribution to the anticipated \$31 million capital investment of the drill shed and head house. The annual operating cost of the recreational facility would be supported by the market-rate rentals at Bedford Courts. The remaining 50 percent of the units will be designated affordable pursuant to an agreement with the New York City Department of Housing

Preservation and Development (HPD). Bedford Courts will participate in MIH Option 2 with 50 percent of the units made affordable to households earning a blended 80 percent AMI. Overall, 20 percent of the 330 units would target households at 40 and 50 percent AMI, while 30 percent would target households at 110 percent AMI. The other 50 percent will be market-rate apartments. The bedroom mix favors studios and one-bedrooms, which comprise 70 percent of the apartments. The proposal also includes 118 parking spaces, a reduction from the 129 spaces required for a development of this size. The reduction in accessory group parking facilities is intended to allow the developer to maximize affordable housing at the site.

Recognizing the lack of quality recreational space in CD 9, EDC seeks to provide affordable access to community facilities for local residents. As a large community facility, the Armory has significant potential to house local non-profits and social services. EDC has engaged more than a dozen such organizations to occupy 25,000 sq. ft. of community facility space. BFC would make lower lease payments to EDC in exchange for providing the community discounted access to the recreational facility and auditorium, and subsidized space for non-profit organizations and/or educational institutions. BFC will contract with CAMBA to operate the recreational facilities and manage relationships with athletic and education sub-operators.

Elected officials have called for 100 percent affordable housing at the site, citing the AMI bands as too high for residents of CD 9. Officials have also suggested establishing the Armory as a community land trust, an idea supported by CB 9.

Borough President Adams has heard concerns regarding asbestos and other contaminants at the Armory and the need for proper mitigation as part of the building's rehabilitation, given the number of young people expected to use the recreational facilities. Phase I and Phase II Environmental Site Assessments (ESAs) have been conducted as part of the Draft Environmental Impact Statement (DEIS) prepared for the project. The ESAs established the presence of several contaminants at the site, including asbestos and petroleum. A Remedial Action Plan (RAP) and an associated Construction Health and Safety Plan (CHASP) will be prepared prior to construction to address these findings.

Borough President Adams supports the development of underutilized land and vacant properties for productive uses that address the City's need for additional affordable housing. The redevelopment of the Armory would address the need for additional affordable housing and community space, as well as an improved City University of New York (CUNY) facility.

Brooklyn is one of the fastest growing communities in the New York metropolitan area and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites.

The proposed rezoning would be consistent with Mayor Bill de Blasio's goal of achieving 200,000 affordable housing units over the next decade according to "Housing New York: A Five-Borough, Ten-Year Plan," through the development of affordable and supportive housing for the City's most vulnerable residents.

It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible. This development would result in a 30 percent permanent affordable housing floor area according to MIH as well as units remaining affordable for at least 35 years of the regulatory agreement. Development adhering to the MIH program is

consistent with Borough President Adams' policy for affordable housing to remain permanently affordable.

Borough President Adams supports developments that provide housing opportunities to a diverse range of household incomes, allowing a wide range of households to qualify for affordable housing through the City's affordable housing lottery.

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

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report that examines the challenges artists face in the borough, with accompanying recommendations. The report highlights the benefits of arts and dance, including physical fitness and creative self-expression, as well as contributions to Brooklyn's vibrant culture.

Data show that such cultural activities create a variety of positive externalities, including combating the borough's high rate of obesity — 59 percent of adults as of 2013 are obese, according to the New York State Department of Health (NYSDOH). These activities also help children succeed in school, a finding supported by research from the Citizens' Committee for Children of New York, Inc. Moreover, dance has been a significant part of the arts' contribution to economic development in Brooklyn; a 2015 report from the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006. The report also found that dance and the arts benefit the borough's business community. Borough President Adams' findings also detail many challenges facing local arts groups, such as a lack of diversity — United States Census data from 2000 reveal that fewer than half of the individuals working in dance in Brooklyn are people of color. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Many cultural and dance organizations have contacted Borough President Adams seeking assistance in securing space to grow and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness in promoting cultural and dance activities. The community space would be inclusive of affordable recreational activities and provide affordable space to sustain local community organizations, including those that promote access to arts and culture consistent with Borough President Adams' policies.

It is also Borough President Adams' policy to support the enhancement of Brooklyn's institutes of higher learning. Medgar Evers College, a senior college of CUNY, has been given an option to build out the first-floor space in the mixed-income rental building. BFC has been in an ongoing discussion with Medgar Evers College and CUNY about 25,000 sq. ft. of space within the lowest Union Street level of the residential apartment building. With this floor space, Medgar Evers would enable CUNY to advance college programming.

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the New York University (NYU) Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of our community districts experiencing poverty rates of nearly 25 percent or greater. Promoting Brooklyn-based businesses, including those that qualify as Local Business Enterprises (LBEs) and Minority- and Woman-Owned Business Enterprises

(MWBEs) is central to Borough President Adams' economic development agenda. It is expected that the redevelopment of the Armory, once completed, would yield approximately 88 direct jobs, including 77 employees to operate and maintain the drill shed and head house facilities, and 11 employees to service the mixed-income Bedford Courts, which has committed to use HireNYC to fill those jobs. All available and feasible positions would be listed with the New York City Department of Small Business Services (SBS)' Workforce1. BFC will also conduct local marketing and outreach throughout the development process, including community events and job fairs. BFC will seek referrals from local organizations, members of CB 9, and the offices of elected officials.

Jobs in the building service sector have long served as a gateway to middle class living for lower-income individuals, including immigrants and people of color. With low barriers to entry and real career prospects, building service jobs, when compensated at prevailing wage standards, provide average wages at twice that of the retail sector and are often filled through local hiring. Borough President Adams believes that building service positions often result in locally-based employment. He notes that BFC has committed to paying a living wage for all permanent jobs at the Armory. BFC is reportedly negotiating a partnership with 32BJ Service Employees International Union (SEIU) for residential building service personnel.

Borough President Adams recognizes that the Armory is a community asset. He supports its redevelopment for a range of commercial, recreational, and residential uses. Though he is generally supportive of developing the site, he shares the concern expressed by local elected officials that City-owned assets in this section of Brooklyn should not leverage market-rate housing to realize the community's cultural and recreational opportunities.

Borough President Adams believes this project should incorporate several major modifications prior to receiving approval from the City Council. Such modifications include no sale of the property, in lieu of condominium construction— repurposing the intended building for affordable rental housing, maximizing and preserving affordable housing opportunities, balancing more affordable housing with appropriate building heights, reducing construction and operating costs to achieve enhanced affordability, accounting for community benefits toward individual users, achieving 100 percent permanent affordability along with a more family-oriented bedroom mix, leveraging affordable housing to cross-subsidize the operation of the drill shed and head house, setting aside affordable housing units for formerly homeless households, promoting pedestrian safety improvements, as well as advancing resilient energy, sustainability, and stormwater management policies.

In addition, the City and State should undertake initiatives to preserve the area's affordable housing stock. Consistent with Borough President Adams' policies, the City should enhance community preference for homeless families and provide access to affordable housing for rent-burdened households. As a prelude to any consideration of a comprehensive rezoning in the area, the City should initiate a community engagement process in concert with CB 9.

Proceeding without Market-Rate Ownership Housing

The redevelopment of the Bedford Union Armory would preserve 84 percent of the existing structure, excluding the stables, which would be demolished to build a 60-unit condominium configured in a building form intended to be contextually sensitive. Unlike the majority of the property that is intended to be disposed pursuant to a ground lease with the property retained in City-ownership, condominium ownership requires disposition of this 266-foot section of the lot along President Street, at a depth of 55 feet, to BFC. According to the DEIS, EDC received a determination from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) that there are no reasonable alternatives to the demolition of the stables that would allow the project to move forward as planned.

Of the building's 60 units, 12 will be offered as affordable condominium apartments. The construction of the other 48 market-rate housing units does not appear to have locally-based support. In addition, there are those who have voiced concern with regard to the sale of any segment of the property to a private developer and to the demolition of the stables. These concerns were documented in the transmittal letter for CB 9's disapproval of the entire package of ULURP applications for the Armory site.

Borough President Adams concurs that there is no place for luxury condominiums in a development project on City-owned property. He does not support luxury condominiums in this development and that, as such, there should be no need to sell the property to BFC. Given local concern about the appropriateness of utilizing this approximately 14,500 sq. ft. section of the City-owned site for market-rate housing and conveying a portion of the property to a private developer, the future of the land under the stables warrants greater consideration in EDC and BFC's plan.

Borough President Adams believes that repurposing the condominium to rental housing would allow the entire Armory redevelopment to be incorporated into the 99-year ground lease, which covers the Armory's drill shed and head house, and garage building (rental apartment building site), resulting in the City retaining site ownership.

The removal of the market-rate condominiums would require consideration of identifying alternative funding sources and/or cost-cutting measures pertaining to cross-subsidizing the re-activation of the drill shed and head house as a recreation center, as presented by BFC, that would both be transformative and truly affordable for all Crown Heights residents. To the extent that such resources are not identified the proposed recreation center would have to be scaled back.

Recognizing that the Armory is a unique, City-owned property and an architectural and community asset, Borough President Adams calls on the City to retain ownership of the entire site. Therefore, the disposition ULURP needs to be modified to eliminate the sale of the stables' footprint of approximately 14,500 sq. ft. and be further modified to restrict disposition to a 99-year ground lease. In addition, the development plans should repurpose the proposed condominium building as affordable rental housing.

Pursue Affordable Rental Housing

The proposed rezoning from R6 to R7-2 maintains the same building envelope while adding additional floor area to facilitate a rental apartment building made up of half the units being market-rate housing and the other half at various bands of affordable housing. These districts permit the street wall to extend to a height of 60 feet and require a setback of 20 feet from the street line until additional height meets the zoning lot's sky exposure plane at a cumulative height of 114 feet (because President and Union streets are classified as narrow streets). At that point, the zoning regulations require the building to stay within a sky exposure plane line of a 2.7 vertical to 1.0 horizontal ratio. The sky exposure planes from President and Union streets intersect at a height of approximately 400 feet, with a maximum practical building height of approximately 380 feet to achieve a minimally constructible top floor. These regulations were established to bring light and air to the street below.

Given that the building's footprint is limited by the retention of the drill shed and head house, the majority of the residential floor area would be developed in place of the existing garage. This building would be constructed according to a special permit that seeks to exceed the 60-foot street wall height restriction along both President and Union streets by achieving a height of 97 feet adjacent to the buildings fronting Rogers Avenue and 127 feet abutting the drill shed along Union Street and the proposed condominium building along President Street. At those heights, the building would achieve a setback of 10 feet and rise to a maximum height of 180 feet. Waivers of the zoning regulations allow for the retention of proposed residential density while

containing the overall building height. The resulting apartment building encloses its floor area at a height of 16 stories.

This height results from the inclusion of 164 market-rate housing units which lacks locally-based support. In addition to seeking not to include market-rate condominiums, Borough President Adams concurs that an affordable housing development would be most beneficial. Given local concern about the appropriateness of utilizing this City-owned site for market-rate housing, it is important to consider what should happen to the floor area proposed for the 164 market-rate rental units. Low- to mid-rise buildings ranging from two to six stories constitute the prevailing building form in the Armory's immediate surroundings. There are a few exceptions to this pattern such as Crown Heights Gardens, Ebbets Field Houses, and Tivoli Towers buildings. The redevelopment of the Armory, as proposed, would contribute another such building. This would run contrary to CB 9's advocacy for a neighborhood rezoning that would better reflect the area's built context. Without the market-rate floor area, Bedford Courts' 165 affordable housing rental apartments would likely be contained in eight to nine stories, depending on the treatment of street wall setbacks, though the recreation aspect would then need a replacement source to cover operating costs and discounted users fees that BFC was to provide through a portion of the revenue attributed to the rental income of those market-rate apartments.

While a reduced height would be more in line with the area's built character, it would impede the goal of increasing the number of affordable housing units as a means to achieve a combination of more deeply-affordable housing units. Moreover, having more upper-tier affordable housing units would offer some form of financial compensation in lieu of cross-subsidy intended to cover a portion of the annual operating costs and user subsidies for the drill shed and head house from units with higher rents. To the extent that floor area for with higher rents is not replaced by affordable housing floor area, Borough President Adams acknowledges that any combination of the following strategies: reducing overall building height and reducing/eliminating deviation from the required street wall height and setback regulations, might be pursued. However, the priority should be to achieve more affordable housing opportunities to the extent practical.

Therefore, to the extent economically practical, Borough President Adams calls for repurposing such floor area for the maximum additional number of affordable housing units.

Armory Operating Budget Needs Through Upper-Tier Affordable Unit Bands

Given the extent of opposition to market-rate housing at the Bedford Union Armory site, and the level of support for high-quality recreational facilities, it is necessary to identify alternative funding sources to the market-rate housing for the project's operating costs. Revenue sources would be needed to realize and support the development. Introducing upper tier affordable units at Bedford Courts, including within a rental building in lieu of the proposed condominium structure, could generate sufficient revenue to permanently finance the residential section of the site and the operating costs for the affordable housing. Any excess revenue could then be used to cross-subsidize a portion of the drill shed and head houses' operating costs and/or subsidize user fees.

In neighboring Flatbush, the Caton Flats development has been approved for development with affordable apartments targeted toward middle-income households. Caton Flats is a new 14-story, mixed-use, 100 percent affordable building with approximately 229,000 sq. ft. of floor area and 251 units of affordable housing. It also provides approximately 19,800 sq. ft. of commercial retail floor area, including a new 9,370 square-foot Flatbush Caton Market, and approximately 11,300 sq. ft. of community facility floor area with 4,220 sq. ft. of incubator space. Twenty percent of the units will go to households qualifying for rents pegged to 47 percent AMI, 30 percent of the units will go to households qualifying for rents pegged to 80 percent AMI, and 50 percent of the units will go to households qualifying for rents pegged to 130 percent AMI. There would be a marketing

band of approximately three percent for the 47 percent AMI tier, but as the qualifying income increases, the band expands. For the 80 percent AMI, the marketing band might reach between 90 and 100 percent AMI, and for 130 percent AMI, the marketing band likely expands to 145 percent, though technically households up to 165 percent AMI would be able to qualify if the band were maximized.

The Flatbush area has a dense concentration of rent-stabilized buildings with many apartments that could be subject to preferential rent increases. There is likely a high number of tenants at risk for displacement, and accordingly, active entities assisting tenants in responding to bad landlord practices. Given the surrounding concentration and density of such rental stock, it is probable that the risk of displacement is more substantial in the vicinity of Caton Flats than that of the Bedford Union Armory. It should be noted that Caton Flats has the complete support of its elected officials.

Regarding the Bedford Courts' affordable housing component of 165 rental apartments, 10 percent of the units would be restricted to households earning up to 40 percent of AMI, 30 percent would be restricted to households earning up to 50 percent of AMI, and 60 percent would be restricted to an income band starting at 110 percent of AMI. Compared to Caton Flats, Bedford Courts reaches more households at lower income bands. Therefore, without market-rate housing at Bedford Courts, it's important to consider not just how much floor area designated for market-rate apartments should be retained, but how many such units should exceed moderate income affordability (in excess of 130 percent AMI), and whether it makes sense to shift some apartments at 110 percent AMI to the Caton Flats 130 percent AMI. The remainder of what was to be market-rate apartment floor area could then be repositioned at very low- and low-income AMIs to the extent that the community does not wish to retain the proposed building height of 14 stories or allow the waiver of otherwise required street wall setback above 60/85 feet in height.

Therefore, Borough President Adams believes that prior to approval by the City Council, the BFC and/or EDC should furnish several models of AMI variations that show how repurposing some or all of the market-rate floor area might assist with cross-subsidizing the operating costs and subsidizing of user fees of the drill shed and head house.

Value Engineering to Balance Construction and Operating Costs with Degree of Housing Affordability

The rehabilitation and operation of the drill shed and head house require significant funding sources. As proposed, the project would rely on proceeds from the sale of 48 market-rate condominium units to fill a construction cost gap, and a portion of the revenue from 165 market-rate rental units to guarantee the cost of annual operation. Therefore, proceeding without market-rate housing, and/or an identified subsidy to replace these revenue sources, requires serious consideration for balancing construction and operating costs with the introduction of a percentage of upper-tier affordable housing units.

Proportionally, the provision of an enclosed swimming pool accounts for the greatest share of the recreation center's construction and operating costs. In addition to a pool, a state-of-the-art swimming facility requires accessory spaces, such changing rooms and a separate climate control building in the drill shed. Maintaining climate control and compliant water quality at all times requires equipment and labor far exceeding the needs of other facilities proposed for the drill shed and head house. Therefore, in order to proceed with the envisioned swimming pool, the applicant would need to identify and allocate maximum funding to replace revenues diverted from the 48 market-rate condominium units and 165 market-rate rental units.

Though the swimming pool provides a valuable resource for swimming lessons and in-water recreation, such benefits must be balanced with the community and elected officials' desire for 100 percent affordable housing in the development. While the pool operator would be paying rent that would go toward standard operating costs and the subsidized use of the pool, the pool's high operating costs may necessitate that a greater percentage of Bedford Courts' affordable units be built as market-rate apartments, or rented at the threshold of what qualifies as affordable housing in New York City (typically up to 165 percent AMI).

In order for the City Council to make an informed determination, Borough President Adams believes that BFC and/or EDC should furnish the construction cost and annual projected operating cost differential for the drill shed and head house with and without the swimming pool. Based on such disclosure, both entities should offer multiple assumptions as to the number of affordable units at moderate- and/or middle-income variations that might offset the operating cost of the drill shed and head house with and without the swimming pool.

Accounting for the Community Benefits Contribution

As part of the regulatory agreement, the developer is required to provide an annual minimum of \$500,000 in community benefits. However, BFC is striving to provide a benefit of \$1.5 million. At the Armory, such benefits will include free and/or deeply discounted access to recreational facilities such fitness areas, multi-sport courts, a swimming pool, and a turf field. The courts will have non-designated hours to maximize community use, and swimming lessons will be offered at deeply-discounted rates, based on need. Non-profits slated to occupy administrative space at the site will receive rental subsidies for floor area leases in the head house. Benefits will be reviewed annually for compliance by EDC.

The developer or operator would set up a computerized entry system to account for individual entries as a means to accurately calculate the extent of subsidized admissions. In addition, subsidized entry fees for specialized programming would count as a deduction against the base rent. The difference between a fair rent developed in conjunction with EDC versus the discounted rents for non-profits would function as an additional measure to meet the annual rent.

To date, there has been no detailed disclosure as to how many yearly users would have to be accommodated in order to meet the annual rent waiver subsidy. Without such information, it is impossible to estimate the percentage of the Armory's annual rent that would be offset by user fees and how that might translate into a projected number of individual daily users. Therefore, the exact composition of the community benefits is unknown.

Subsequent to the hearing, Borough President Adams received written clarification from EDC regarding the number of daily subsidized visits to the recreation center necessary to realize the annual \$500,000 community benefit. EDC stated that BFC hopes to provide \$1.5 million in community benefits and is negotiating with sports operators who are expected to be providing athletic programs at the Armory. The letter noted that the community benefits composition is designed to be adaptable to changing community needs. The agency's response does not portray any projection of individual utilization necessary toward meeting the minimum financial community benefit.

In order to best inform the process, Borough President Adams believes that detailed assumptions should be provided to the City Council to clarify the number of annual users projected to benefit from low-cost and subsidized access to the recreational facilities. Based on such disclosure, the City Council should consider the extent of cumulative subsidy credit provided to the non-profit users in terms of the adequacy of the availability of the recreation center for free and/or highly subsidized non-affiliated utilization of the facility.

Permanent Affordability

The trend of losing affordable housing to deregulation continues to exacerbate the challenge of maintaining an adequate supply of affordable housing. Today, more and more housing units are at risk of becoming deregulated as they approach the end of their affordability agreements and looser regulations kick in, allowing landlords more leeway to raise rents. In many cases, even before those restrictions are up, landlords are looking to buy affordable housing portfolios with the intention of removing current low-income tenants before the agreements run out.

It is Borough President Adams' policy that affordable housing units remain "affordable forever," wherever feasible. He is concerned that too many affordable units are created with a limited regulatory term, which effectively limits the number of years that these units remain affordable. In his 2014 housing report, Borough President Adams called on HPD to implement affordable-forever strategies so that future generations can benefit from sound housing policy decisions of the current administration. In areas where new developments can be realized on City-owned sites, it should be the City's policy to minimize the loss of affordable housing by requiring such units to remain permanently affordable.

The portion of the 165 residential units that would result directly from the zoning floor area constructed pursuant to the MIH program would be consistent with Borough President Adams' policy for permanently affordable housing development. The bonus floor area thus generated results in 30 percent of the residential floor area being set aside for low- and moderate-income households, where median rents would average 80 percent AMI. For the remaining 70 percent of the residential floor area, there is no known formal commitment that would guarantee the duration that these housing units remain affordable. Regulatory agreements used by HPD have not exceeded 60 years, though they have specified a lesser term. The concern is that, as tenants move out after the expiration of such regulatory agreement, those units would no longer be an affordable housing resource. The non-MIH units are intended to be subject to an HPD regulatory agreement that would last a minimum of 30 years. HPD structures its financing to require a balloon payment at the end of the regulatory term to induce developers to seek refinancing from the City, with an obligation to extend the duration of affordability.

Specific regulatory measures, when implemented, can ensure that units remain as affordable housing options for the City's residents. Borough President Adams believes that it is reasonable that residential floor area developed on City-owned land leased to private developers remain permanently affordable. As the City conveys its land to developers — even through 99-year ground-leases — it should utilize the land disposition agreement (LDA) as a mechanism to ensure that affordable housing is preserved in perpetuity.

Therefore, prior to consideration by the City Council, EDC should incorporate language in either the regulatory agreement or the LDA to ensure that non-MIH housing units remain permanently affordable.

Achieving a Family-Sized Affordable Housing Unit Mix

According to the application, the Bedford Courts rental apartments would contain 48 studio units, 182 one-bedroom units, 52 two-bedroom units, and 50 three-bedroom units, with a total of 330 units. One-bedroom apartments would comprise approximately 55 percent of the bedroom mix, with the remaining 45 percent divided evenly among studio-, two-bedroom, and three-bedroom apartments. The 30 percent blend of two- and three-bedroom units is compliant with HPD's term sheets.

A recent report has identified that rent-burdened households, which typically represent households applying to the City's affordable housing lotteries, are more likely to require family-sized unit types. Therefore, Borough President Adams is concerned that the mix of the proposed housing units would not adequately reflect the needs of CD 9's low- to middle-income rent-burdened families. He believes that right-sizing the bedroom distribution is more important than maximizing the number of affordable housing units in this development.

Borough President Adams believes that discretionary land use actions are an appropriate mechanism to advance policies that constrain what would be otherwise permitted as-of-right. He believes that the Bedford Courts tower, where apartment rents are based on 40, 50, and 110 percent AMI, provides an opportunity to achieve family-sized units for the non-elderly. He seeks to require a minimum threshold for accommodating family-sized apartments at those rents. Borough President Adams supports having at least 50 percent of the development be comprised of two- or more bedroom housing units and at least 75 percent one- or more bedroom housing units, consistent with zoning text for Inclusionary Housing floor area pursuant to the Zoning Resolution (ZR) Section 23-96(c)(1)(ii).

Therefore, Borough President Adams seeks that BFC and/or EDC provide a commitment in writing to the City Council to the extent that the dwelling units would reflect a greater percentage of two- and three-bedroom apartments.

Setting Aside Housing Units for Homeless Families

Because of trending increases in rents as compared to real income and other circumstances, certain households formerly from this neighborhood have become homeless and have had to rely on the City's shelter system. Though it is possible that some of these households are able to return to the neighborhood through interim accommodations in transitional housing accommodations such as the facility at 267 Rogers Street, such housing does not provide long-term stability. As an evolution of the City's homeless policy and practices, HPD established the Our Space Initiative (formerly homeless household set-asides). This program funds the new construction of rental units affordable to formerly homeless households with incomes at or below 30 percent AMI. Homeless referrals must come from HPD, and rents are underwritten based on public assistance shelter allowance. The Our Space Initiative subsidy is supplementary to funding available through HPD's New Construction Finance programs.

Borough President Adams supports developments that are inclusive of HPD's Our Space Initiative as a means to provide permanent housing to homeless households. There are two pending developments in Brooklyn expected to include the Our Space Initiative, including Ebenezer Plaza, where 20 percent of the units would be set aside for the formerly homeless, and Linden Terrace, with a set-aside of 10 percent. Borough President Adams believes that the Armory is an ideal site to include the Our Space Initiative, given that it is a substantially-sized City-owned property.

Borough President Adams believes it would be appropriate to require BFC to utilize the Our Space Initiative for preferably 20 percent of the units. Therefore, prior to the City Council's public hearing, EDC should provide a written commitment to the City Council to the extent that the development would be incorporating HPD's Our Space Initiative.

Advancing Vision Zero Policies

Borough President Adams is a supporter of Vision Zero, one component of which involves extending sidewalks into the roadway to shorten the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, increase drivers' awareness 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 improve five dangerous intersections in Brooklyn. Subsequent funding included \$2.2 million in Fiscal Year 2017 (FY17) and \$600,000 in FY18. Installing more curb extensions benefits seniors because more of their commute is spent on sidewalks, especially near dangerous intersections. At the same time, all roadway users benefit from safer streets.

Consistent with his CROSS Brooklyn initiative, Borough President Adams believes that redevelopment of the Armory should be followed by the implementation of curb extensions at the block corners. Where such improvement is not feasible, there should be a commitment to pursue and to maintain protected painted sidewalk extensions.

Borough President Adams believes that prior to receiving consideration for the proposed rezoning by City Council, the developer should consult the New York City Department of Transportation (DOT) regarding the provision of curb extensions, either built or painted, across the following intersections: Union Street and Bedford Avenue, President Street and Bedford Avenue, Union Street and Rogers Avenue, and President Street and Rogers Avenue.

Borough President Adams recognizes that the costs associated with 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 urges DOT to explore the implementation of protected painted sidewalk extensions until capital resources are secured. If the implementation meets DOT's criteria, the agency should undertake such improvements after consultation with CB 9, as well as local elected officials. Painted extensions require 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 BFC to commit to such maintenance as an ongoing obligation.

BFC has represented that it would work with DOT and other City agencies to determine whether curb extensions are appropriate, how they can be paid for upfront, and the ongoing maintenance.

Therefore, prior to considering any rezoning, the City Council should seek a demonstration of coordination with DOT and the New York City Department of Environmental Protection (DEP), and a resulting commitment to implement curb extensions either as part of a Builders Pavement Plan or as protected painted sidewalk extensions. The City Council should further seek demonstration of the designated developer's commitment to enter into a standard DOT maintenance agreement for the intersections of Union and President streets with Bedford and Rogers avenues. Furthermore, DOT should confirm that implementation will not proceed prior to consultation with CB 9 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize solar panels, wind turbines, and/or blue/green/white roofs, as well as Passive House construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications would increase energy efficiency and reduce the development's carbon footprint. Furthermore, as part of his flood resiliency policy, Borough President Adams encourages developers to incorporate permeable pavers and/or install bioswales that advance DEP's green infrastructure strategies. Bioswales, blue/green roofs, and permeable pavers would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2016 Annual Report," green infrastructure

plays a critical role in addressing water quality challenges and provides numerous environmental, social, and economic co-benefits.

It is, therefore, appropriate for the developer to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to 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 encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordinating on this matter.

At the Bedford Courts building, BFC has proposed to incorporate a co-generation plant that would supply the building with electricity as well as hot and chilled water and solar panels on the roof.

Prior to considering the application, the City Council should obtain commitments in writing from BFC that clarify how it would memorialize so as to incorporate additional resiliency and sustainability measures such as incorporating blue/green/white roof finishes, Passive House construction principles, solar panels, and wind turbines in the development.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of our community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses including those that qualify as LBEs and MWBEs is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

The construction of both the community and residential components of the Armory will result in 679 direct jobs and 460 additional indirect jobs. BFC has committed to 25 percent MWBE participation and has hired By The Numbers Consulting to manage the MWBE hiring process. The developer is also working with the Brooklyn Chamber of Commerce (BCC) and the New York State Association of Minority Contractors (NYSAMC) to promote MWBE contracting opportunities. Other outreach strategies will include engagement with elected officials, local partnerships, and public information events. BFC expressed intent to utilize MWBE suppliers by all contractors retained on the project.

Borough President Adams believes that BFC efforts implemented to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, should be consistent with section 6-108.1 of the City's Administrative Code, and MWBE firms in order to meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Should BFC elect to seek financing from HPD or the New York City Housing Development Corporation (HDC), the developer will be required to participate in HPD's MWBE Building Opportunity Initiative's Build Up program. For Build Up projects, at least one-quarter of HPD-supported costs are to be spent on certified MWBE construction contractors and service providers. Developers may adopt a higher goal and all payments to certified MWBEs involved in design and construction count toward the goal.

Borough President Adams believes that the Build Up program offers reasonable opportunities to address disparities in MWBE participation in affordable housing development.

Therefore, prior to considering the application, the City Council should obtain commitments in writing from the developer, BFC, that clarify how it would memorialize the extent to which it would retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs.

Preserving the Supply of Affordable Housing

Borough President Adams has heard a great deal of concern regarding the proposed market-rate aspect of the project, specifically its potential to exacerbate gentrification and induce displacement of existing residents. Without regard to whether this development were to be advanced with market-rate housing, when landlords are presented with an opportunity to raise rents in the neighborhood, this typically results in tenant displacement, and the influx of new tenants at increased rents. For non-regulated housing stock there is little recourse beyond targeted downzoning, which may slow the pace of property turnover and redevelopment through the reduction of development rights. For rent-regulated housing, government has taken many steps to combat landlord harassment tactics. However, additional measures can be taken to reduce landlord opt-out based on expiring regulatory agreements, temper preferential rent increases, and thwart legal demolition eviction.

According to the DEIS, to the extent that the proposed development may alter the area's socioeconomic characteristics, the new residential units are not expected to cause indirect displacement either by accelerating or introducing a condition that would potentially displace vulnerable residents. Property values and rents in the socioeconomic study area have been increasing over time, similar to housing costs across Brooklyn and New York City. According to the NYU Furman Center's "State of New York City's Housing and Neighborhoods in 2015" report, the median rent has increased from \$949 to \$1,241 (31 percent) from 2000 to 2014 in the Crown Heights and Prospect-Lefferts Gardens neighborhoods of CD 9. By comparison, there was a 30 percent increase in median rent for the entire borough of Brooklyn during this time period. While the estimated average median income levels of the proposed development across all units are expected to be somewhat higher than the average median household income of the socioeconomic study area, 71 of the rental dwelling units would be affordable to households with incomes consistent at or below the AMI in the socioeconomic study area (\$44,263). While the DEIS concludes that the project would not exacerbate the trending risk of displacement, Borough President Adams believes that this is an issue that should not be overlooked.

Regarding legal demolition eviction, rent-stabilized unit status is not a legal deterrent to lawful demolition. There is at least one known example of a development site along Fourth Avenue in Park Slope where rent stabilized tenants were evicted to allow the demolition of a multi-unit development. In this case, the zoning floor area utilization was less than half of the permitted floor area. Therefore, stabilization alone is not a legal deterrent to lawful demolition, especially for structures in areas with rising property values that are significantly underbuilt.

Section 9 NYCRR 2524.5 of the Rent Stabilization Code allows a property owner of a rent-stabilized building not to renew the rent-stabilized leases on the grounds that the property owner intends to demolish the building. This strategy was well-publicized at a June 2016 real estate summit in Brooklyn. A landlord can legally take such steps even when the building does not have excessive development rights. Approval from the New York State Division of Housing and Community Renewal (HCR) is subject to approved plans for future development and proof of financial ability to complete the project, as well as a commitment to pay tenant relocation expenses and stipends according to established formulas.

However, HCR does not require proof of building demolition and such buildings are eventually lawfully reoccupied without rent-regulated status.

A related concern arises from the fact that regulated apartments often include units for which legally permitted regulatory rents (preferential rents) have been established. This occurs when there is a substantial gap between the terms of a tenant's expiring lease and the allowable rent that a landlord might seek as part of a lease renewal, based on the legal amount permitted. A significant increase in such rents would leave tenants rent-burdened and at risk for displacement.

Finally, this section of Brooklyn includes dozens of buildings and hundreds of units with regulatory agreements that expire in the next decade. Though these units remain rent-regulated, for some apartments, tenants might be left without the subsidies that allowed them to afford such rents. Other tenants might face challenging preferential rent adjustments, while others might still be subject to lawful demolition eviction, if regulatory agreements are not extended.

In addition to enhanced strategies to minimize displacement, Borough President Adams believes that steps should be taken to preclude displacement to a practical extent. With regard to lawful demolition eviction, HCR should advance rules to close the loophole for buildings that are not demolished. To lessen the extent of preferential rent implementation, the State should advance legislation that mandates phasing in such rent adjustments similar to the approach used for real property tax increases based on an adjustment of assessed value. In this case, Class 2 residential properties are limited to an increase of eight percent per year and no more than 30 percent over five years. Finally, regarding the issue of expiring regulatory agreements, the City should commit the resources of the preservation component in the Mayor's "Housing New York: A Five-Borough, Ten-Year Plan" to refinance such buildings as a means of extending regulatory agreements. HPD should then engage area property owners to extend expiring regulatory agreements.

Community Preference: Inclusion of Homeless Shelter Student Population by School Zone

The City's housing lottery selection preference policy includes a pathway for achieving a preference of 50 percent or more for applicants residing in the community district where such affordable housing is being provided. There are additional pathways identified for priority lottery selection to become the tenant for such affordable housing units, such as United States Armed Forces veteran status, qualified disabilities, and more. Given the extent of the increase in homeless families with school-age children entering the public shelter system, Borough President Adams believes it is appropriate for HPD to also extend local lottery preference to include the school zone and any nearby neighboring school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

This is especially important given the number of students living in homeless shelters. The New York City Independent Budget Office (IBO) recently produced a report analyzing homeless rates in schools. School student registration data identifies those residing in public shelters as Students in Temporary Housing (STH). Using data from as recent as the 2014-2015 school year, a review of the 50 schools in Brooklyn with the highest percentage of STH enrollment identifies approximately 4,300 students attending such Brooklyn schools with more than 18 percent of the enrollment categorized as STH.

Research indicates that students managing such living accommodations are most challenged in achieving optimum academic performance. Such students are more likely to lack access to technology, such as computers, that would aid with homework and research assignments, as well as access to a quiet space to complete such assignments and study for exams. In addition,

commuting from the shelter to and from the school for many students consumes significantly more time. Such commutes often make it difficult to participate in extracurricular educational and/or social school activities, which might otherwise enhance the school academic and community experience.

Many parents and students find it important to retain school continuity despite the circumstances that require the household to be dependent on the City's homeless shelter system. Borough President Adams believes that it should be the policy of the City to take actions that would eliminate such hardships. One such action would be to enable the working income-challenged households with children attending public schools to qualify for community local preference on the basis of where the child is enrolled in school.

According to the interactive map provided by the Institute for Children, Poverty, and Homelessness (ICPH), there are six elementary schools within a few blocks of the proposed Bedford Courts development site, in New York City Community School District (CSD) 17, containing a combined total of approximately 500 homeless students. Such students and their families should be considered as part of the 50 percent local preference.

Borough President Adams believes that HPD should modify its affordable housing apartment lottery community preference standards to include the school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

Accommodating Rent-Burdened Households in Lieu of Strict Area Median Income Standards

Borough President Adams supports Mayor Bill de Blasio's goal of achieving 200,000 affordable housing units over the next decade. Brooklyn is one of the fastest growing communities in the New York City metropolitan area and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites. Among numerous approaches and strategies, Borough President Adams is committed to advancing his affordable housing policy through his role in the ULURP. The development of much-needed affordable housing provides opportunities to existing neighborhood residents at risk for displacement or increased degree of being rent-burdened.

Data show that more than 80 percent of those making 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest-income citizens, e.g. those making 30 percent of AMI or less, currently \$23,310 for a family of three. Among this population, well over 50 percent pay more than half of their income toward rent. More than a fifth of New York City households — more than two million people — earn less than \$25,000 a year and nearly a third earn less than \$35,000. As the City's housing crisis gets worse, the burden falls most heavily on these low-income households, including senior citizens.

Many residents of CD 9 live in unregulated housing, or regulated apartments subject to a legal regulated rent increase in which landlords have been renting below the legally permitted regulatory rent (preferential rent) and have been seeking to increase such rent to the permitted legal amount. For ZIP code 11225, data disclosed by the New York City Rent Guidelines Board (RGB) in June 2017 list 2,550 such units, representing 20 percent of all rent-stabilized units. Moreover, data show that too many households in proximity to the proposed development fall into low- and very low-income categories and are often rent-burdened. There is, therefore, a pressing need to provide more affordable housing units

in CD 9. Given the risk of displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

A strict rent-to-income requirement not exceeding 30 percent of income for annual rent payments ends up disqualifying many income-challenged households from the affordable housing lotteries. As a result, these rent-burdened households do not meet a housing lottery's minimum household rent-to-income requirement. Such households are often already paying the same rent, or are in excess of the rent stated for the affordable housing unit. Thus, the requirement to pay no more than 30 percent of household income is actually hurting people who are already living in substandard housing and are paying more than 30 percent of their income toward housing.

As first noted in his East New York Community Plan ULURP recommendations, Borough President Adams believes that it is time to break the cycle in which families that are already paying too much rent for substandard dwellings are disqualified from affordable housing lotteries in new buildings. Borough President Adams seeks to qualify rent-burdened households for selection through the housing lottery process. Such eligibility would ensure rent-burdened households receive the maximum opportunity to secure regulated affordable housing, thus expanding the number of households eligible for government-regulated affordable housing lotteries.

One means to address pervasive rent burden involves amending the ZR to adjust AMI qualifications to include such households that would maintain or reduce their rent burden. For MIH housing lotteries, DCP should amend the ZR to allow exceptions to the 30 percent of income threshold so that rent-burdened households paying the same or greater rent than the lottery unit rent would be eligible to live in affordable, new, and quality housing.

Borough President Adams believes that the CPC and/or the City Council should echo his call to seek modifications to the MIH section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status to qualify for such affordable housing units pursuant to MIH. Such modifications would allow exceptions to the 30 percent of income threshold for households paying equal or higher rent than those offered by the housing lottery.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c of the New York City Charter, recommends that the City Planning Commission (CPC) and the City Council disapprove these applications with the following conditions:

1. Eliminate condominium ownership and repurpose the building as affordable rental housing, and therefore modify ULURP application number 170420 PPK to retain ownership of the entire site by restricting all disposition to a 99-year ground lease.
2. To the extent economically practical, repurpose floor area for the maximum additional number of affordable housing units.
3. That prior to the City Council's public hearing, BFC, and/or EDC provide to the City Council multiple assumptions of the number of units at variations of middle- and moderate-income affordable housing that might assist with covering the operating cost of the drill shed and head house.
4. That prior to the City Council's public hearing, BFC and/or EDC provide to the City Council:

- a. The construction cost and annual projected operating cost differential for the drill shed and head house both with and without the swimming pool
 - b. Multiple assumptions of the number of units at various AMIs of middle-moderate- and/or moderate-income affordable housing that might cross-subsidize the operating cost of the drill shed and head house that repurposes some or all of the market-rate floor area, with and without inclusion of the swimming pool
 - c. Detailed assumptions to assist in understanding the number of annual users who should benefit from low-cost and subsidized individual utilization of the recreational facilities.
5. Based on the disclosure of user assumptions, the City Council shall consider the extent of cumulative subsidy credit provided to the non-profit users in terms of the adequate availability of the recreation center for free, low-cost, and highly subsidized non-affiliated entry/utilization of the facility.
6. That prior to the Council's public hearing, BFC and/or EDC provide to the City Council:
- a. Language incorporated in either the regulatory agreement or the LDA to ensure that non-MIH housing units remain permanently affordable
 - b. A written commitment to the extent that the dwelling units would reflect a greater percentage of two- and three-bedroom apartments more consistent with having at least 50 percent of two- or more bedroom affordable housing units and at least 75 percent of one- or more bedroom affordable housing units, consistent with zoning text for Inclusionary Housing floor area pursuant to ZR 23-96(c)(1)(ii)
 - c. The extent that the development would be incorporating HPD's Our Space Initiative (20 percent preferred)
 - d. The extent that it would coordinate with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) as follows:
 - i. Commit to implement curb extensions as part of a Builders Pavement Plan and/or as protected painted sidewalk extensions, with developer commitment to enter into a standard DOT maintenance agreement for the following intersections: Union Street and Bedford Avenue, President Street and Bedford Avenue, Union Street and Rogers Avenue, and President Street and Rogers Avenue
 - ii. Commit to the installation of bioswales as part of its Builders Pavement Plan

With the understanding of DOT confirming that implementation would not proceed prior to consultation with CB 9 and local elected officials

- e. Continue to explore additional resiliency and sustainability measures in the development such as incorporating blue/green/white roof finishes, Passive House construction principles, solar panels, and wind turbines
- f. Retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code, and Minority- and Women-Owned Business Enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency.

Be It Further Resolved:

1. That New York State Housing and Community Renewal (HCR) should advance rulemaking modifications regarding Section 9 NYCRR 2524.5 of the Rent Stabilization Code that would close the loophole that now allows rent-stabilized buildings to be vacated to facilitate demolition that may result in the buildings being re-occupied as legal non-regulated apartments.
2. That the New York State Legislature should introduce a bill pertaining to legally permitted regulatory rent (preferential rent) that mandates such a rent adjustment be phased in based on the establishment of an annual cap on the percent of annual increase.
3. That the City should commit the resources of the Mayor's "Housing New York: A Five-Borough, Ten-Year Plan" preservation component to set aside funding to refinance such buildings as a means to extend regulatory agreements, followed by subsequent engagement with owners of area properties with expiring regulatory agreements by the New York City Department of Housing Preservation and Development (HPD).
4. That HPD modify its affordable housing apartment lottery community preference standards to be inclusive of the school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.
5. That the CPC and/or the City Council, in order to establish AMI equivalent affordable housing eligibility as a qualifier for those rent-burdened households that would be able to pay the same or have a reduction in their rent by leasing an MIH lottery unit, should advocate for the modification of the MIH section of the ZR pertaining to MIH-designated areas, to be adopted with a requirement that provides eligibility while taking into account rent-burdened status.