



---

**IN THE MATTER OF** an application submitted by Canyon Sterling Emerald, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 5.

---

This application for an amendment of the Zoning Resolution of the City of New York concerning modifications to Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Area) was filed by Canyon Sterling Emerald, LLC (the applicant) on May 17, 2017 to establish a Mandatory Inclusionary Housing (MIH) area on Block 4496 bounded by Linden Boulevard, Amber Street, Loring Avenue and Emerald Street. This application, in conjunction with the application for the related action (C 170430 ZMK), would facilitate the development of four new buildings, ranging in height from eight to twelve stories and containing approximately 521 affordable dwelling units as well as retail and community facility uses, in the East New York neighborhood of Brooklyn, Community District 5

#### **RELATED ACTION**

In addition to the zoning text amendment (N 170431 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**C 170430 ZMK**      Zoning Map Amendment to change R4 and R4/C1-2 zoning districts to R8A/C2-4, R7A and R6A zoning districts.

#### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related action for a zoning map amendment (C 170430 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (N 170431 ZRK), in conjunction with the application for the related action (C 170430 ZMK), 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 City Planning Commission. The designated CEQR number is 17DCP155K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 170430 ZMK).

## **PUBLIC REVIEW**

This application (N 170431 ZRK) was duly referred to Brooklyn Community Board 5 and the Brooklyn Borough President on June 19, 2017, in accordance with the procedures for non-ULURP matters, along with the application for the related action, (C 170430 ZMK), which was certified as complete by the Department of City Planning on June 19, 2017, and was duly referred to Brooklyn Community Board 5 and the Brooklyn Borough President, in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Brooklyn Community Board 5 held a public hearing on this application (N 170431 ZRK) on June 28, 2017, and on that date, by a vote of 26 in favor, one opposed, and with three abstentions adopted a resolution recommending approval of the application with conditions. A summary of the vote and recommendations of Community Board 5 appears in the report for the related action for a zoning map amendment (C 170430 ZMK).

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (N 170431 ZRK) on July 25, 2017, and on August 21, 2017, issued a recommendation to approve the application with conditions. A summary of the Borough President's recommendation and conditions appears in the report of the related action for a zoning map amendment (C 170430 ZMK).

## City Planning Commission Public Hearing

On August 9, 2017 (Calendar No. 11), the Commission scheduled August 23, 2017 for a public hearing on this application (N 170431 ZRK), in conjunction with the application for the related action (C 170430 ZMK). The hearing was duly held on August 23, 2017 (Calendar No. 28).

There were two speakers in favor of the application and none in opposition, as described in the report for the related application for a zoning map amendment (C 170430 ZMK), and the hearing was closed.

## CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 170431 ZRK), in conjunction with the related application for a zoning map amendment (C 170430 ZMK), is appropriate.

A full consideration and analysis of issues, and the reasons for approving this application, appear in the related report for the zoning map amendment (C 170430 ZMK).

## RESOLUTION

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Housing Designated Areas**

\* \* \*

**BROOKLYN**

\* \* \*

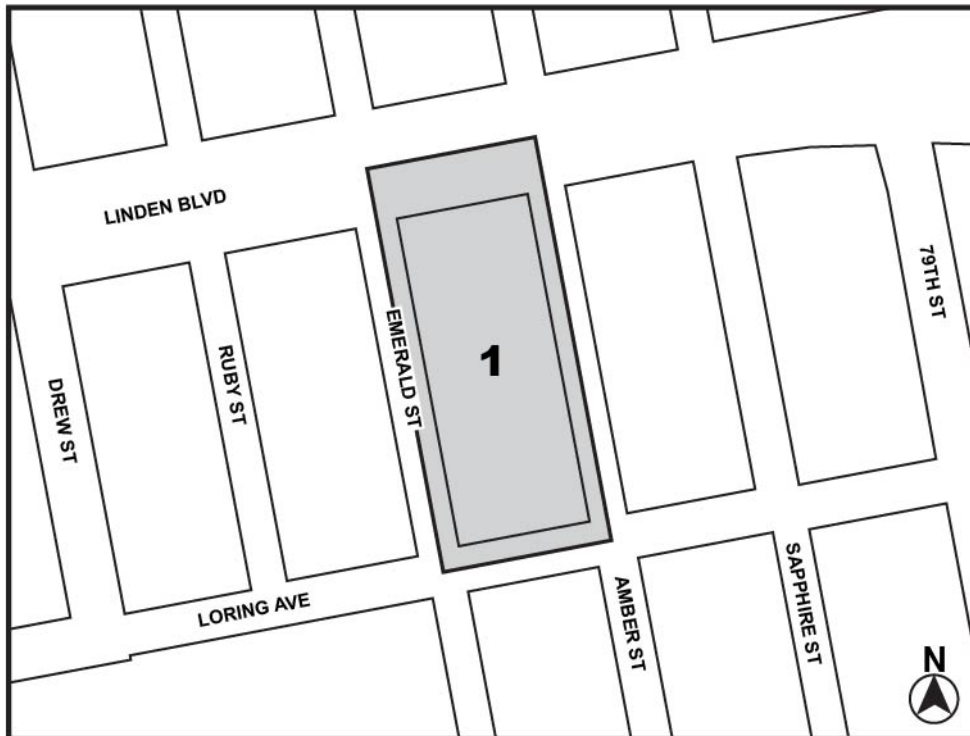
**Brooklyn Community District 5**

\* \* \*

In the R6A, R6B, R7, R7A and R8A Districts within the areas shown on the following Maps 1 and 2:

Map 2 – [date of adoption]

[PROPOSED MAP]



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

Portion of Community District 5, Brooklyn

\* \* \*

The above resolution (N 170431 ZRK), duly adopted by the City Planning Commission on September 19, 2017 (Calendar No. 6), 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. KNUCKLES**, *Esq., Vice-Chairman*

**RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE DE LA UZ,**

**JOSEPH I. DOUEK, CHERYL COHEN EFFRON, HOPE KNIGHT,**

**ANNA HAYES LEVIN, ORLANDO MARIN**, *Commissioners*



# Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 170430 ZMK**

Project Name: **Linden Boulevard Rezoning**

CEQR Number: 17DCP155K

Borough(s): Brooklyn

Community District Number(s): 5

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](mailto: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, 31<sup>st</sup> 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 Canyon Sterling Emerald LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b:

- eliminating from an existing R4 District a C1-2 District bounded by Linden Boulevard, Amber Street, a line 100 feet southerly of Linden Boulevard, and Emerald Street;
- changing from an existing R4 District to an R6A District property bounded by a line 100 feet southerly of Linden Boulevard, Amber Street, a line 100 feet northerly of Loring Avenue, and Emerald Street;
- changing from an existing R4 District to an R7A District property bounded by a line 100 feet northerly of Loring Avenue, Amber Street, Loring Avenue, and Emerald Street;
- changing from an existing R4 District to an R8A District property bounded by Linden Boulevard, Amber Street, a line 100 feet southerly of Linden Boulevard, and Emerald Street; and
- establishing within a proposed R8A District a C2-4 District bounded by Linden Boulevard, Amber Street, a line 100 feet southerly of Linden Boulevard, and Emerald Street;

Borough of Brooklyn, Community District 5, as shown on a diagram (for illustrative purposes only) dated June 19, 2017, and subject to the conditions of CEQR Declaration E-432.

<b>Applicant(s):</b> Canyon Sterling Emerald LLC c/o Radson Development 77 Cuttermill Road Great Neck, NY 11201		<b>Applicant's Representative:</b> Steve Sinacori Akerman LLP 666 Fifth Avenue, 20th Floor New York, NY 10103	
<b>Recommendation submitted by:</b> Brooklyn                  Community Board 5			
<b>Date of public hearing:</b> June 28, 2017		<b>Location:</b> Public School 13 - 557 Pennsylvania Avenue / 112	
<b>Was a quorum present?</b> 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>	
<b>Date of Vote:</b> June 28, 2017		<b>Location:</b> Public School 13 - 557 Pennsylvania Avenue / 112	
<b>RECOMMENDATION</b>			
<input type="checkbox"/> Approve		<input checked="" type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b>			
# In Favor: 26		# Against: 1	
# Abstaining: 3		<b>Total members appointed to the board: 30</b>	
<b>Name of CB/BB officer completing this form</b> Melinda Perkins		<b>Title</b> District Manager	<b>Date</b>



## COMMUNITY BOARD 5, BROOKLYN

404 Pine Street, 3<sup>rd</sup> Floor • Brooklyn, New York 11208

Telephone: 929-221-8261 Fax: 718-827-7374

Email: [Bk05@cb.nyc.gov](mailto:Bk05@cb.nyc.gov)

Website: [www.brooklyn5.org](http://www.brooklyn5.org)

Honorable Eric L. Adams

Brooklyn Borough President

Andre T. Mitchell, Chairman



Melinda Perkins, District Manager

July 11, 2017

NYC Department of City Planning  
Brooklyn Office  
16 Court Street, Suite 705  
Brooklyn, New York 11241

**RE: Linden Boulevard Rezoning  
Application #C 170430 ZMK  
Radson Development  
Project Name: Linden Terrace**

To Whom It May Concern,

This is an official notification of support from Brooklyn, Community Board 5 (CB5) on the Linden Boulevard Rezoning project also recognized as Linden Terrace developed under Radson Development.

The representatives of Radson Development presented to the Land Use Committee and agreed to the following amendments prior to the General Board / Public Hearing and full board vote:

- Additional lighting along the perimeter of the development which includes Linden Boulevard; Loring Avenue; Emerald Street; and Amber Street
- Implement necessary measures to allow for safe access to proposed Day Care facility
- Sub surface parking made available in the amount of 100 parking spaces for the total occupancy at completion of development

The Public General Board Meeting was held on June 28<sup>th</sup>, 2017 at P.S. 13 located at 557 Pennsylvania Avenue in Brooklyn New York. The Board Members of CB5 had a recognized quorum of its membership and voted in favor of the application to rezone the area bounded by Linden Boulevard, Amber Street, Loring Avenue, and Emerald Street – the Linden Boulevard Rezoning with the amendments recommended by the Land Use Committee. The Board vote was as follows:

30 Members Present      **Yes: 26**      **No: 1**      **Abstain: 3**

If you require any additional information, please contact the District Office.

Respectfully Yours,

Andre T. Mitchell

Brooklyn, Community Board 5 Chair Person

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION

120 Broadway, 31<sup>st</sup> 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 #:** LINDEN BOULEVARD REZONING – 170430 ZMK, 170431 ZRK

An application submitted by Canyon Sterling Emerald LLC pursuant to Sections 197-c and 201 of the New York City Charter from an amendment of the Zoning Map, Section No. 18b: eliminating a C1-2 District bounded by Linden Boulevard, Amber Street, a line 100 feet southerly of Linden Boulevard, and Emerald Street from an existing R4 District; changing from an existing R4 District to an R6A District property bounded by a line 100 feet southerly of Linden Boulevard, Amber Street, and Emerald Street; changing an existing R4 District to an R7A District property bounded by a line 100 feet northerly of Loring Avenue, Amber Street, Loring Avenue, and Emerald Street; changing an existing R4 District to an R8A District property bounded by Linden Boulevard, Amber Street, a line 100 feet southerly of Linden Boulevard and Emerald Street; and establishing within a proposed R8A District bounded by Linden Boulevard and Amber Street, a line 100 feet southerly of Linden Boulevard, and Emerald Street.

Such actions would facilitate the construction of four mixed-use residential buildings with space for commercial use and community facilities. The total development would consist of 521 dwelling units with at least 130 affordable units pursuant to Mandatory Inclusionary Housing (MIH) zoning, 17,214 gross square feet (gsf) of commercial use, 24,535 gsf of community facilities, and 100 parking spaces accessed by four new curb cuts on Emerald and Amber streets.

COMMUNITY DISTRICT NO. 5

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

AUGUST 21, 2017

DATE



**RECOMMENDATION FOR: LINDEN BOULEVARD REZONING – 170430 ZMK, 170431 ZRK**

Canyon Sterling Emerald LLC submitted applications pursuant to Sections 197-c and 201 of the New York City Charter to seek a zoning map amendment to change the existing R4 District, partially inclusive of a C1-2 District bounded by Linden Boulevard, Amber and Emerald streets, and Loring Avenue, to a combination of R6A, R7A, and R8A/C2-4 districts, and a zoning text amendment to establish an MIH area of one block in the City Line neighborhood of Brooklyn Community District 5 (CD 5). Such actions would facilitate the development of four buildings varying in height from eight to 12 stories, with a maximum height of 132 feet on Linden Boulevard. The buildings may contain 521 dwelling units of affordable housing, 17,200 square feet (sq. ft.) of commercial use, 24,500 sq. ft. of community facility use, and 100 parking spaces accessed by four new curb cuts on Emerald and Amber streets.

On July 25, 2017, Borough President Adams held a public hearing on the zoning map amendment request. There was one speaker on the item — a representative from the Loring Estates Homeowners Association who spoke in opposition. The speaker cited existing congestion and parking problems in the area and expressed concern that Linden Terrace would exacerbate traffic and sanitation issues, as well as strain the local school system and police precinct. The speaker noted that Canyon Sterling Emerald LLC has not met with Loring Estates homeowners regarding this development.

In response to Deputy Brooklyn Borough President Diana Reyna's inquiry regarding the qualifying income range for prospective households based on household size, the applicant's representative stated its intent to develop the project under Mix/Match and Extremely Low & Low-Income Affordability (ELLA) term sheets with 27, 37, 47, 57, and 80 percent Area Median Income (AMI) income brackets applied to all 521 units. This includes the 30 percent permanently affordable units, which will be distributed among the income brackets. The developer does not anticipate going above 90 percent AMI in any of the buildings. The representative noted that the income range distribution across the entire development has not been calculated, but the developer is pursuing MIH Option 2. In order to secure approval from the New York City Department of Housing Preservation and Development (HPD), the applicant will have to achieve a blend of 80 percent AMI.

In response to Deputy Borough President Reyna's inquiry regarding the anticipated rents based on the number of bedrooms and the distribution of units by bedroom size, the representative noted that accurate information is only available for Building 1, which will contain 235 of the 521 units. Of these, 37 are studio units, 99 are one-bedroom units, 76 are two-bedroom units, and 22 are three-bedroom units (with one superintendent's apartment). One-bedroom units will account for 42 percent of the total units.

In response to Deputy Borough President Reyna's inquiry as to how long the non-MIH units are required to be rented at affordable rates, the applicant's representative stated that the affordability terms will be subject to regulatory agreements with HPD. Typically, the minimum duration is 35 years. However, due to the generous upzoning requested by the applicant, HPD may seek a longer agreement.

In response to Deputy Borough President Reyna's inquiry as to what marketing strategies will be used to ensure maximum community participation in the Linden Terrace affordable housing lottery, the representative stated that the developer has not identified an affordable housing administrator or property manager but intends to work with the community board to locate nonprofit partners who will provide marketing and financial readiness services.

In response to Deputy Borough President Reyna's inquiry as to whether a supermarket had been considered as part of the development, given its location in a Food Retail Expansion to Support Health (FRESH) zone, the representative noted that their analysis found insufficient demand citing an underutilized Foodtown at Linden Center, located directly across Linden Boulevard. Furthermore, the project does not benefit from FRESH zone designation due to the zoning being sought. Deputy Borough President Reyna noted that CD 5 is a high-density neighborhood underserved by supermarket access, and requested that the developer reach out to affordable supermarkets that may want to locate in East New York.

In response to Deputy Borough President Reyna's inquiry regarding what steps the developer is willing to take to connect local non-profits to community facility space, the representative expressed that the developer will work to identify such tenants and provide longer leases for their occupancy.

In response to Deputy Borough President Reyna's inquiry regarding what stormwater management strategies would be implemented at Linden Terrace given known sewer problems in the neighborhood, the representative stated that the developer plans to mitigate flooding on Amber Street via green roofs and underground stormwater detention. The representative noted that green roofs will comprise 60 percent of the development's roof area and may also be utilized as blue roofs.

In response to Deputy Borough President Reyna's inquiry regarding the integration of Passive House design principles, the representative clarified that the project is pursuing Enterprise Green certification and incorporating Passive House elements via a super-insulated building envelope, high-efficiency mechanical systems, and lighting fixtures. The applicant has engaged a consultant who will undertake commissioning and energy modeling to demonstrate code compliance. The consultant will also monitor construction for the development.

In response to Deputy Borough President Reyna's inquiry regarding the use of permeable pavers and/or bioswales, solar panels, and wind turbines, the applicant's representative stated that bioswales were determined to be inappropriate for the site due to the low permeability of its soils. The representative also cited an ongoing investigation that may support the installation of tree pits along the Linden Terrace frontage.

In response to Deputy Borough President Reyna's inquiry regarding the inclusion of Local Business Enterprises (LBEs) and Minority- and Women-Owned Business Enterprises (MWBEs), the representative noted that the developer currently works with a number of MWBEs and will hire directly from the community for onsite construction jobs. The developer has also discussed retaining a local management group with Brooklyn Community Board 5 (CB 5). The representative expressed that the developer will track its MWBE commitment and further noted that this project will likely utilize an Industrial and Commercial Abatement Program (ICAP) tax abatement, which requires strict MWBE compliance.

Subsequent to the hearing, Borough President Adams received a letter in opposition from the Loring Estates Homeowners Associations I & II and the Homeowners of Howard Beach. The group expressed concern over the scale of the proposed development and its potential adverse impacts on a neighborhood perceived as overcrowded. The group believes that the Linden Terrace project would place added strain on physical infrastructure and community facilities that are currently operating over capacity including health and recreational facilities, public transportation, roads, and schools. Echoing its testimony at the hearing, the Loring Estates Homeowners Association noted that this zoning change, if approved, will result in greater density and limit parking in an area not easily accessible by mass transit.

## **Consideration**

On June 28, 2017, CB 5 approved this application on the condition that the developer add lighting along the perimeter streets, implement safe access measures to the requested day care facility, and commit to providing 100 parking spaces.

The surrounding context is primarily low-density residential with some large commercial uses (i.e. a cinema and diner). The area is zoned predominantly R4, with pockets of R6 areas that contain large housing developments with C4-1 and commercial overlays containing retail establishments. There is also an M3-1 zone, which contains the regional mail distribution facility. The site is not well served by public transit, which leads residents to rely on automobiles for getting around. The closest subway stop is the Grant Avenue station served by the Eighth Avenue Express A train, though the New Lots Avenue station served by the Seventh Avenue Express 3 train is connected to the site via a transfer from the B15 bus. The BM5 bus, which travels along Linden Boulevard, provides express bus service to Midtown Manhattan.

The developer, Canyon Sterling Emerald LLC, is seeking financing for this proposal to be occupied as a 100 percent affordable housing development. Some of the dwelling units would be occupied by formerly homeless households according to HPD's Our Space Initiative, which funds new construction of rental units affordable to formerly homeless households whose incomes are at or below 30 percent of AMI. The applicant is also seeking funding under the Mixed Income Program: Mix & Match, which funds new construction of mixed-income multi-family rental projects in which 50 percent of the units are offered at low-income rents affordable to households earning up to 60 percent AMI. The other 50 percent permits rents affordable to moderate and/or middle-income households earning up to 130 percent AMI. The applicant clarified that it would limit income bands for occupancy to 90 percent AMI. In addition, the applicant is seeking funding under HPD's and HDC's ELLA program. Out of 521 dwelling units, approximately 157 apartments or 30 percent of the residential floor area will be designated affordable pursuant to MIH Option 2.

The community expressed concern that, by adding this amount of density to the neighborhood, the project would result in the overcrowding of area schools. Borough President Adams acknowledges this possibility but notes that, according to the New York City Department of Education's (DOE) Enrollment Capacity and Utilization Report for the 2015-2016 school year, PS 224 Hale A. Woodruff has available capacity for nearly 300 students, which would accommodate the approximately 150 anticipated elementary school students.

The community also expressed concern that this extent of density being added to the neighborhood would further strain the ability to secure on-street parking. Based on the images provided in the project's Environmental Assessment Statement (EAS), available curbside parking will be reduced by half (accommodating approximately 10 fewer cars on Loring Avenue) because residents will no longer be able to park perpendicularly on the unpaved sidewalk on Loring Avenue. This loss of parking would be offset by the extent that Amber Street would be properly constructed with curbs along the east side of Linden Terrace resulting in approximately 25 parking spaces. The development will contain approximately 100 parking spaces.

In all, there would be approximately 115 available parking spaces to accommodate 521 new households. Outside of the New York City Zoning Resolution (ZR) Transit Areas (TAs), the requested zoning districts require on-site parking for 15 percent of the households based on a low expectation of car ownership for households with less household income. Oftentimes, comparable affordable housing developments where funding has been provided through public financing have resulted in underutilization of the provided parking. Given that this area is not directly served by mass transit, it

is not certain that these car ownership patterns would be replicated at the development. However, to the extent that Linden Terrace would be a phased development, it may be feasible for the developer to make modifications before the project is complete.

The community also expressed concern that the project would affect vehicular traffic in the area. Borough President Adams notes that under reasonable worst-case assumptions described in the EAS parking facility analysis, 36 cars might be entering or exiting the proposed parking garage during the weekday 5 PM hour as part of the projected 129 vehicles moving to and from the site, and 33 cars might be entering or exiting during the 8 AM hour as part of the estimated 101 vehicles moving to and from the site. This analysis was based on a surrounding census tract journey to work analysis which found that 22 percent of households were in single-occupancy vehicles. The EAS disclosed that traffic analysis does not warrant additional consideration based on standard protocol.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. He supports facilitating such development through the mapping of height-based zoning districts as a means to promote certainty within the host community of how many stories would be permitted.

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. He further supports developments where such funding is inclusive of HPD's Our Space Initiative. This program funds the new construction of rental units affordable to formerly homeless households whose incomes are at or below 30 percent of AMI. Homeless referrals to Linden Terrace must come from HPD and rents will be underwritten based on public assistance shelter allowance. The Our Space Initiative subsidy is in addition to the HPD funding available through HPD New Construction Finance programs.

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 creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites.

The 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 some permanent affordable housing according to MIH as well as units remaining affordable for at least 35 years of the regulatory agreement. 30 percent of the residential unit zoning floor area is intended to be constructed pursuant to MIH program with its generated bonus floor area. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing development to remain permanently affordable.

Borough President Adams is generally supportive of the proposed development. However, he is concerned that the proposed building height along Loring Avenue is not contextual to the existing development on the south side of Loring Avenue. He also believes that there are opportunities to

improve the proposal while furthering his policies. Such opportunities include advancing his policies regarding achieving a more family-oriented bedroom mix; enhancing opportunities for community preference including access to these units for homeless families; accommodating child care and community cultural service providers; providing access to fresh food and jobs; advancing resilient energy and sustainable and stormwater management policies, and improving transportation options.

### **Impacts on Loring Avenue Estates**

According to the EAS, the Linden Terrace development would not result in a building with substantially different bulk, size, and scale than that of existing buildings in the area, as taller buildings are present to the north, with numerous towers ranging in height between eight and 17-stories. While the EAS has determined that the buildings' massing will not have significant impacts on neighborhood character, residents of Loring Estates have expressed otherwise.

Loring Estates is a recently-built three-story condominium building represented by two homeowners associations. The developer, Canyon Sterling Emerald LLC, is proposing to rezone the section of Linden Terrace fronting Loring Avenue opposite Loring Estates from R4 to R7A MIH. This Linden Terrace building, referred to as Building 3, would have nine stories with a height of 98 feet plus rooftop mechanical bulkhead. The zoning for this section of the block would permit 92,000 sq. ft. of development rights. This building would have approximately 6,600 sq. ft. of community facility floor area.

Borough President Adams agrees that the scale of this building would dwarf the Loring Estates condominiums. He sees a need for better transition of building heights extending along Amber and Emerald streets to Linden Boulevard. He believes such transition would be best accommodated by reducing the zoning change from R4 to R6B, with a maximum building height of 55 feet for complying ground floor heights, in lieu of the requested R7A zoning change. Such a modification would reduce the project's development rights by 48,000 sq. ft. With an assumed average gross unit size of approximately 800 sq. ft., and retention of the proposed community facility floor area, the reduction in floor area would decrease the number of units at Linden Terrace from 521 to 461. This 12 percent reduction in overall density would also increase the parking accommodation to 22 percent of the units, which may mitigate anticipated challenges for area residents with regard to the availability of neighborhood parking.

Therefore, in order to facilitate appropriate consideration of the scale of the development to its immediate neighbors, Borough President believes that the City Planning Commission (CPC) or City Council should consider rezoning the section of the lot fronting Loring Avenue to R6B instead of R7A.

### **Achieving a Family-Sized Affordable Housing Unit Mix**

On July 21, 2017, Borough President Adams received a letter from the developer, Canyon Sterling Emerald LLC, providing information about the project's proposed unit mix for Building 1 which will utilize the Mix & Match Program. Out of a total of 235 dwelling units, 16 percent will be studio units, 42 percent will be one-bedroom units, 32 percent will be two-bedroom units, and 9 percent will be three-bedroom units. However, the qualifying income ranges and unit distributions have not yet been determined and/or shared with Borough President Adams.

Two of the buildings are expected to use the Mix & Match Program, while the other two will utilize HPD's ELLA program. The developer cannot state definitively how long the non-MIH units are required to be rented at affordable rates because the terms of its regulatory agreement with HPD have not yet been finalized.

A recent report has identified that rent-burdened households, which typically represent those households applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams is concerned that the proposed affordable unit mix would not adequately reflect the needs of CD 5's low- to middle-income rent-burdened families. Borough President Adams believes in this case that right-sizing the bedroom distribution is a higher priority than maximizing the number of affordable housing units.

Borough President Adams believes that discretionary land use actions are appropriate opportunities to advance policies that constrain what would otherwise be permitted as-of-right. He believes that Linden Terrace presents an opportunity to achieve more family-sized units for the non-elderly, and advocates increasing the minimum threshold for non-independent residences for senior housing to accommodate family-sized apartments, particularly for the HPD ELLA-financed units. Borough President Adams ideally supports having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units, consistent with the zoning text for Inclusionary Housing floor area, pursuant to ZR Section 23-96(c)(1)(ii).

Borough President Adams believes that the Linden Terrace residential floor area should be designed to provide more two- and three-bedroom dwelling units to accommodate a greater percentage of families with children, with rents targeting households qualifying at 30, 40, 50, and 60 percent AMI. In addition, he believes that such floor area should have an expanded number of studio units with rents at 30, 40, and 50 percent AMI to accommodate a greater percentage of senior households, including formerly homeless seniors, according to HPD's Our Space Initiative.

Therefore, Borough President Adams requests that HPD provide a commitment in writing to the City Council clarifying the extent that it would work with the developer to enable dwelling units financed by the ELLA and Mix & Match programs to provide as near to 50 percent two- and three-bedroom units as possible, and enable as many studio units at 30, 40, 50, and 60 percent AMI to accommodate seniors including those who are formerly homeless.

### **Maximizing Community Participation of the MIH Affordable Housing**

The ZR requires the affordable housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by HPD. Such administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verifying a prospective tenant household's qualifying income, and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure conformity.

Various non-profits have proven track records of successfully marketing affordable housing units within the host community of this development, as well as promoting affordable housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for such affordable housing non-profits to play a contributing role toward the success of community participation in accessing neighborhood affordable housing opportunities. Borough President Adams recognizes that CD 5 has multiple non-profit entities that are entrenched in the community they serve, and whose core missions include being providers and strong advocates of affordable housing. For this section of

CD 5, these include Cypress Hills Community Development Corporation (CHLDC) and the Local Development Corporation of East New York (LDCENY). The Mutual Housing Association of New York (MHNY) has also been active in CD 5.

On August 3, 2017, Borough President Adams received a letter from the applicant's representative stating that the applicant is prepared to assist in educating community residents about their eligibility for the Linden Terrace affordable housing lottery. The applicant will contact the CB 5 district manager to obtain the names of local affordable housing non-profits qualified to conduct these efforts.

Borough President Adams believes that prior to considering the application, the City Council should obtain in writing from the developer, Canyon Sterling Emerald LLC, commitments that clarify how it would memorialize utilizing a combination of locally-based affordable housing development non-profits to serve as the administering agent, and also have one or more of such entities play a role in promoting affordable housing lottery readiness.

### **Enhancing Access to Fresh Food**

It is one of Borough President Adams' policies to review all appropriate land use applications to determine whether it is appropriate to include a supermarket within the plans. He is concerned about limited access to affordable fresh food stores in many Brooklyn neighborhoods. In order for all of Brooklyn to flourish, it is imperative that the borough's residents have an adequate supply of grocery stores and supermarkets in their neighborhoods providing fresh and affordable foods. Access to healthy food options, whether achieved by creating more options and/or maintaining access to healthy food options, is a top priority for Borough President Adams.

The East New York community, a designated food desert, is significantly underserved by fresh, quality food options. In response, the ZR recently established FRESH program incentives and the City has made financing available through its FRESH initiative. In addition, the location of this site makes it eligible for these financing and zoning initiatives, and the proposed retail footprint is an opportunity to establish a supermarket in the development.

While there are four supermarkets in the vicinity, including the newly opened Foodtown in the nearby Linden Center, as well as Cherry Valley, Fine Fare, and Foodland, it is possible that this area would benefit from a conveniently accessible and locally affordable supermarket located at Linden Terrace.

On August 3, 2017, Borough President Adams received a letter from the applicant's representative noting that a supermarket would be a desirable amenity for the community. The applicant will be receptive to supermarket tenants who seek space at Linden Terrace.

Borough President Adams believes it is appropriate to memorialize the developer's commitment to seek a supermarket operation in a manner consistent with the FRESH program as part of the HPD financing regulatory agreement.

Therefore, prior to the City Council vote, HPD should memorialize the extent and duration of effort made in securing a FRESH supermarket of its equivalent based on reasonable lease terms in the financing regulation agreement with the developer.

### **Meeting Demand for Child Care Services**

The proposed development will contain over 24,000 sq. ft. of community facility space, divided across three ground-floor spaces. According to the EAS, the affordable housing units might result in 93 children residing in the development that would be eligible for publicly-funded child care, which will

increase local demand for such services. The nearest child care center has 19 slots available. According to the EAS, the 1.5 mile radius study area around Linden Terrace contains 144 unused child care slots. However, these facilities are not very convenient to Linden Terrace households. Therefore, this section of CD 5 would benefit from a portion of the community facility space at Linden Terrace being set aside for a New York City Administration for Children's Services (ACS)-contracted facility.

Borough President Adams believes that it would be appropriate to obligate the developer to first offer the community space to ACS prior to targeting other community facility uses for a subsidized early learning child care center. ACS should respond to the developer within 90 days indicating its interest in leasing such space during each phase containing community facility use floor area.

Therefore, Borough President Adams calls on the City Council to obligate the developer, Canyon Sterling Emerald LLC, to first offer the community facility space to ACS prior to seeking other community service providers at Linden Terrace. In its funding regulatory agreement with the developer, HPD should memorialize that a portion of the proposed community facility space be developed in consultation with ACS, CB 5, and local elected officials prior to approval of the requested land use actions through a legally binding mechanism. Such mechanism should require that for each project phase containing community facility floor area, the developer solicit ACS' interest in establishing a subsidized early learning center and allow the agency no fewer than 90 days to express interest in the space prior to marketing such floor area for other uses.

### **Accommodating Cultural Uses**

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 benefits 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.

Borough President Adams recognizes that there are disparities in access to cultural programs across Brooklyn. Given the demonstrated benefits for young people, it is worth noting that CD 5 has few school programs and recreational opportunities for children. According to the Loring Estates Homeowners Association, "the community is presently underserved in the areas of a good children's park, children's library and recreation facilities for swimming." Borough President Adams believes that the proposed location for Linden Terrace provides an opportunity to accommodate cultural and/or dance programs, among other community uses, given the site's proximity to the B14, B15 and B20 bus lines. As proposed, Linden Terrace will contain over 24,000 sq. ft. of community facility space, divided across three ground floor spaces. Borough President Adams believes that portions of the proposed community facility space not needed to accommodate a child care operation could be marketed to local arts and cultural groups, and/or community organizations that serve CD 5.

Borough President Adams believes that the developer should actively solicit cultural and dance organizations along with other community uses as potential building occupants. In its funding regulatory agreement with the developer, HPD should memorialize that a portion of the proposed community facility space not utilized as a child care center be marketed to arts and cultural groups, and/or local community organizations in consultation with CB 5 and elected officials. Furthermore, prior to the City Council vote, the applicant, Canyon Sterling Emerald LLC, should provide in writing the extent of commitments to include cultural space within the building.

#### **Advancing Resilient and Sustainable Energy and Stormwater Management Policies**

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, 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 tend to increase energy efficiency and reduce a development's carbon footprint. Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish bioswales that advance the New York City Department of Environmental Protection (DEP) green infrastructure strategy. 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 economic, environmental, and social co-benefits.

Borough President Adams believes it is 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 to further coordinate on this matter.

The proposed development, particularly the 12-story building, offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, Passive House construction principles, solar panels, and wind turbines in the development. Though the

representative noted that the soil type might impact the incorporation of a bioswale, Borough President Adams believes that consideration should be given to excavating soil that drains poorly and replacing such soil below the planting area with engineered fill to achieve a functioning bioswale along the development block perimeter.

On August 3, 2017, Borough President Adams received a letter from the applicant's representative stating that stormwater retention facilities will be installed onsite and may include bioswales, if appropriate, as part of the DEP approval process.

Therefore, prior to considering the application, the City Council should obtain in writing from the developer, Canyon Sterling Emerald LLC, commitments that clarify how it would memorialize integrating these resiliency and sustainability features at Linden Terrace.

### **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).

As the funding for Linden Terrace includes financing and subsidies from HPD of no less than two million dollars, the developer must 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.

To meet the MWBE participation requirement, borrowers and developers are required to complete a preliminary plan to identify MWBEs either under consideration or in contract and describe what steps they will take to meet the project's MWBE participation goals. The construction loan closing document contains a set dollar value for the MWBE participation goals, and requires the developer to adhere to all program stipulations. During construction, HPD requires quarterly submissions documenting progress and payments made to eligible MWBE firms. HPD provides staff and resources to help borrowers and developers as well as general contractors identify MWBEs and meet MWBE participation goals.

Borough President Adams believes that the developer of Linden Terrace should continue efforts to 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 MWBE firms in order to meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Therefore, prior to considering the application, the City Council should obtain commitments in writing from the developer, Canyon Sterling Emerald LLC, 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. This would be undertaken to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as comply with the requirements of HPD's Build Up program.

### **Promoting the Use of Car Sharing Vehicles**

Borough President Adams supports the establishment of Transit Zones in the ZR for the purpose of enabling construction of affordable housing developments without a requirement to provide car-parking accommodations. However, he acknowledges that access to automobiles would enhance mobility for the lives of the area residents. The costs associated with individual car ownership can be very challenging for households of limited financial means, particularly in instances where such vehicles are not used on a daily basis for commuting to places of employment. However, there can be moments throughout the year when affordable access to automobiles would be considered a quality-of-life enhancement based on the type of mobility that an automobile can provide. Though Linden Terrace is not in the Transit Zone, it is an affordable housing development in the proposed zoning districts and has to satisfy a parking requirement based on merely 15 percent of apartments. Due to retail zoning requirements, there would be enough parking to accommodate 19 percent of the development's households. Furthermore, it is likely that most of the remaining households would not have a private automobile.

To some extent, rental car services enhance mobility for certain trips though it is not as flexible as having direct access to a car for a set amount of time and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. Car-sharing membership provides another alternative though these beneficial services have not been extended to neighborhoods such as East New York. In addition, research suggests that car-share availability reduces automobile use for individuals who already own cars, creating environmental benefits and reducing congestion. Given the more than 500 households that would be residing at Linden Terrace that are less likely to own cars, Borough President Adams believes that a portion of the parking spaces in the Linden Terrace underground garage could be set aside for a limited number of car-sharing vehicles. The staging of these vehicles within the garage should be pursued through dialogue with car-sharing companies. In addition, Borough President Adams believes that car-sharing entities should open dialogue with the New York City Department of Transportation (DOT) for the purposes of setting up car-share facilities in immediate proximity to the development.

Prior to its vote, the City Council should obtain commitments in writing from the developer, Canyon Sterling Emerald LLC, clarifying how it would memorialize engaging car-sharing companies to increase the number of available vehicles at and around the site. In addition, locations for the placement of car-sharing vehicles should be established through a direct consultation process between DOT, CB 5, and local elected officials, in conjunction with car-sharing companies.

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

New York City's community preference policy for affordable housing lotteries provides a pathway for reaching 50 percent or more of applicants residing in the community district where affordable housing is built. There are additional pathways for priority lottery selection such as United States Armed Forces veteran status, certain disabilities, and other categories. Given the significant increase in the number of homeless families with school-aged children entering the public shelter system, Borough President Adams believes it is appropriate for HPD to extend local lottery preference to include the school zone attended by children of households residing at immediate and neighboring City-funded or -operated homeless shelters.

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 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 schools with more than 18 percent of the enrollment categorized as STH.

Research indicates that students living in temporary accommodations are most challenged in attaining academic success. These 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 assignments and study for exams. In addition, commuting between a school and shelter requires significantly more time for many students. These commutes often make it difficult to participate in extracurricular school activities, which might otherwise enhance the students' academic and community experiences.

Many parents and students find it important to maintain school continuity despite the circumstances faced by households dependent on the City's homeless shelter system. Borough President Adams believes that it should be the City's responsibility to take action that would eliminate or reduce such hardships. One such action would be to enable economically-challenged households with children in public schools to qualify for community local preference based on where the children attend school.

According to an interactive map provided by the Institute for Children, Poverty, and Homelessness (ICPH), there are three elementary schools within several blocks of the proposed Linden Terrace development, which are located in New York City Community School District (CSD) 19. This area contains a combined total of approximately 200 homeless students. Such students and their families should be considered as part of the 50 percent local preference for the Linden Terrace housing lottery.

Borough President Adams believes that HPD should modify its affordable housing 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 strategies and approaches, Borough President Adams is committed to advancing his affordable housing policy through his role in the Uniform Land Use Review Procedure (ULURP) process. The development of much-needed affordable housing provides opportunities for existing neighborhood residents at risk of displacement or increased rent-burden.

Data show that more than 80 percent of those earning 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest-income citizens or those making 30 percent of AMI or less — \$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 — over two million people —

earn less than \$25,000 a year and almost 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, particularly senior citizens.

Many residents living in rented apartments within CD 5 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 rent, at lease renewal, according to the legal amount permitted. For ZIP codes 11207, 11208 and 11239 data disclosed by the New York City Rent Guidelines Board (RGB) in June 2017 list 2,375 such units, representing 35 percent of all rent-stabilized units. Moreover, data show that too many households in proximity to the proposed Linden Terrace development fall into low- and very low-income categories and are often rent-burdened. Therefore, there is a pressing need to provide more affordable housing units in CD 5. 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 an affordable 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 mold of families that are already paying too much rent for substandard dwellings being disqualified from affordable housing lotteries in new buildings. Borough President Adams seeks to qualify rent-burdened households to be eligible for selection through the housing lottery process. Such eligibility would ensure rent-burdened households receive maximum opportunities to secure regulated affordable housing units, thus expanding the number of households eligible for government-administered affordable housing lotteries.

One means to address pervasive rent burden involves amending the ZR to adjust AMI qualifications to include households that would maintain or reduce their rent burden. For MIH housing lotteries, the Department of City Planning (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 would be eligible to live in new affordable housing.

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

### **Improving Transit Access**

Borough President Adams is aware of significant deficiencies in the area's public transportation infrastructure and growing community concerns around additional strain on overburdened transit services. Seventy percent of East New York residents rely on public transportation to get to their jobs and, in most cases, their commute times exceed 60 minutes. Overall north/south connectivity is very challenging in this area and results in traffic jams, unsafe pedestrian conditions and air and noise pollution. The closest stations to Linden Terrace are the A and C trains at the Grant and Euclid Avenue stations, which are located north of the development site. However, these trains are beyond

a reasonable walk to the site and are not served by a bus connection. Further to the west is the New Lots Avenue terminus of the 3 train accessible via the B15 bus.

Borough President Adams believes there are opportunities to better serve the southern section of CD 5 by extending the terminus of the IRT 3 train on existing track that connects to the Livonia Yard. A new station could be integrated as part of the rail decking over Linden Boulevard between Elton and Linwood streets. This would bring rapid transit an additional half-mile east into the community already served by the B20 bus line. The construction of this new station would warrant consideration for adjusting the routes of the B6 bus line. Therefore, Borough President Adams requests that New York City Transit (NYCT) investigate the feasibility of extending the terminus of the IRT 3 train service to a newly-constructed station that would be integrated as part of the Livonia Yard rail decking over Linden Boulevard between Elton and Linwood streets.

### **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 approve this application with the following conditions:

1. That the section of the proposed development lot fronting Loring Avenue be rezoned from R4 to R6B (rather than R7A) to facilitate contextual development of a more appropriate scale.
2. That the New York City Department of Housing Preservation and Development (HPD) incorporate the following in the funding regulatory agreement and in writing to City Council:
  - a. The extent to which it would work with the developer, Canyon Sterling Emerald LLC, to enable the constructed Extremely Low and Low-Income Affordability (ELLA) and Mix & Match financed dwelling units, through its project financing, to provide as near to 50 percent two- and three-bedroom units as feasible in order to accommodate a greater percentage of families with children; and enable more studio units with rents at 30, 40, 50, and 60 percent AMI, in tandem with an enhanced percentage of studio units that might provide opportunities for senior households including formerly homeless seniors according to HPD's Our Space Initiative
  - b. That one or more locally-based housing development non-profits will be utilized to serve as the administering agent, and play a role in promoting affordable housing lottery readiness
  - c. That the developer, Canyon Sterling Emerald LLC, commit to an explicit duration and demonstration effort based on reasonable lease terms:
    - i. To securing a Food Retail Expansion to Support Health (FRESH) supermarket tenant or an equivalent tenant in the ground-floor commercial space
    - ii. To securing a child care provider through demonstrated outreach to area providers in consultation with Brooklyn Community Board 5 (CB 5) and local elected officials, as well as documented coordination with the New York City Administration for Children's Services (ACS). For each project phase containing community facility floor area, the developer would solicit ACS' interest in establishing a subsidized early learning center, and allow the agency no fewer than 90 days to express its interest prior to marketing community facility space for other uses

- iii. To securing space for community organizations including arts and cultural groups by actively soliciting such occupants for any portion of community facility space not otherwise set aside for a child care center, in consultation with CB 5 and local elected officials
- d. The extent that the developer, Canyon Sterling Emerald LLC, pursue:
- i. Resiliency and sustainability measures such as Passive House, green/blue/white roofs, solar panels and wind-turbines, and advancing the New York City Department of Environmental Protection (DEP) green-water/storm-water strategies
  - ii. Retention of 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 consistent with the requirements of HPD's Build Up program
  - iii. A dialogue with car-sharing companies to stage the placement of rental automobiles in the development's parking garage.

Be It Further Resolved:

1. That the New York City Department of Transportation (DOT), in consultation with CB 5 and local elected officials, facilitate a dialogue with car-sharing companies to stage the placement of automobiles in proximity to Linden Terrace.
2. That HPD modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or -operated shelters.
3. The City Planning Commission (CPC) and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or more rent than what the housing lottery offers) to qualify for such affordable housing units pursuant to MIH.
4. That New York City Transit (NYCT) investigate the feasibility of extending the terminus of the IRT 3 train service to a newly constructed station that would be integrated as part of the Livonia Yard rail decking over Linden Boulevard between Elton and Linwood streets.



Lisa Orrantia

Akerman LLP  
666 Fifth Avenue  
20th Floor  
New York, NY 10103  
Tel: 212.880.3800  
Fax: 212.880.8965

Dir: 212.259.6409  
Dir Fax: 212.905.6493  
lisa.orrantia@akerman.com

August 3, 2017

Eric L. Adams  
Brooklyn Borough President  
Borough Hall  
209 Joralemon Street  
Brooklyn, NY 11201

**Re: Linden Boulevard Rezoning; Application No. C 170430 ZMK**

Dear Borough President Adams:

Thank you and your staff for the opportunity to present Canyon Sterling Emerald LLC's application at the July 25, 2017 public hearing. The application seeks a zoning map amendment and text amendment to facilitate the development of a vacant block with four new buildings containing residential, commercial and community facility uses.

As discussed at the hearing, the applicant is prepared to assist with educating community residents as to their eligibility for affordable units and will contact the District Manager of Community Board 5 to obtain the names of local affordable housing non-profit organizations that conduct these efforts. The applicant recognizes that a supermarket is a desirable amenity and is receptive to potential tenants seeking space for such use. Storm water detention facilities will be installed at the site, which may include bioswales if appropriate, as part of the Department of Environmental Protection site connection approval process.

We respectfully request a favorable recommendation of this application that will benefit the area by creating 521 affordable housing units as well as much-needed commercial space and community services.

Sincerely,

Lisa Orrantia

[akerman.com](http://akerman.com)