



IN THE MATTER OF an application submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5 Districts, Borough of Brooklyn, Community District 2.

This application for the special permit was filed by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC on August 27, 2018. The special permit seeks to waive the required accessory off-street residential parking spaces pursuant to Section 74-533 of the Zoning Resolution (ZR). Approval of this action, in conjunction with the related actions, would facilitate a 29-story mixed use development at 809 Atlantic Avenue in the Fort Greene/Clinton Hill neighborhood of Brooklyn, Community District 2.

RELATED ACTIONS

In addition to the special permit (C 190073 ZSK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 190071 ZMK** Zoning Map Amendment to rezone R7A/C2-4, R7A and R6A districts to an R9/C2-5 district and to rezone an R7A/C2-4 district to an R6A district.
- C 190072 ZSK** Special Permit pursuant to the ZR Section 74-711 to modify use and bulk requirements.
- N 190074 ZRK** Zoning Text Amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

A description of this application, the surrounding area and the proposed project is included in the

report for the related special permit (C 190072 ZSK).

ENVIRONMENTAL REVIEW

This application (C 190073 ZSK), in conjunction with the applications for the related actions (C 190071 ZMK, N 190074 ZRK and C 190073 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 is the City Planning Commission. The designated CEQR number is 18DCP179K.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 24, 2018 and a revised version issued on February 22, 2019. A full description of the environmental review is included in the report for the related special permit (C 190072 ZSK).

UNIFORM LAND USE REVIEW

This application (C 190073 ZSK), in conjunction with the applications for the related actions (C 190071 ZMK and C 190072 ZSK), was certified as complete by the Department of City Planning on September 24, 2018, and was duly referred to Community Board 2 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 zoning text amendment (N 190074 ZRK), which was referred in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

Brooklyn Community Board 2 held a public hearing on this application (C 190073 ZSK) on October 17, 2018. On November 14, 2018, by a vote of 31 in favor, seven opposed, and with no abstentions, the Community Board adopted a recommendation to approve the application with conditions. A summary of the Community Board's recommendation appears in the report for the related special permit (C 190072 ZSK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application this application (C 190073 ZSK) on November 27, 2018, and issued a recommendation approve this application on December 28, 2018 with conditions. A summary of the Borough President's recommendation appears in the report for the related special permit (C 190072 ZSK).

City Planning Commission Public Hearing

On January 9, 2019 (Calendar No. 10), the City Planning Commission scheduled January 30, 2019 for a public hearing on this application (C 190073 ZSK) and the applications for the related actions (C 190071 ZMK, N 190074 ZRK and C 190072 ZSK). The hearing was duly held on January 30, 2019 (Calendar No. 32).

Seven speakers at the hearing in favor of the application, as described in the report for the related special permit action (C 190072 ZSK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit (C 190073 ZSK), in conjunction with the applications for the related actions (C 190071 ZMK, N 190074 ZRK, C 190072 ZSK), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related special permit (C 190072 ZSK).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-533 of the Zoning Resolution:

- (a) that such waiver or reduction will facilitate such #development# or #enlargement. Such finding shall be made in consultation with the Department of Housing Preservation and Development;

- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses, or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

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 Sections 197-c and 201 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, that the application submitted by the 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5 Districts, Borough of Brooklyn, Community District 2, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 190073 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Morris Adjmi Architects filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	Zoning Analysis	08/27/2018
Z-010	Site Plan	09/07/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 190073 ZSK), duly adopted by the City Planning Commission on

February 25, 2019 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

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

**ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO III, MICHELLE R. de la UZ,
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARÍN,
RAJ RAMPERSHAD**, *Commissioners*



CITY OF NEW YORK
Community Board No. 2

350 JAY STREET - 8TH FL.

BROOKLYN, N.Y. 11201

(718) 596-5410

FAX (718) 852-1461

cb2k@nyc.rr.com

ERIC ADAMS
Borough President

SHIRLEY A. M^oRAE
Chairperson

ROBERT PERRIS
District Manager

November 26, 2018

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

via mail and calendaroffice@planning.nyc.gov

Dear Chair Lago:

I am writing to inform you that Community Board 2 (CB2) has reviewed and made a determination on the "809 Atlantic Avenue Rezoning," four applications submitted on behalf of 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC for an irregularly shaped development site at the southern end of the block bounded by Fulton Street and Clinton, Atlantic and Vanderbilt avenues, in Brooklyn.

The four applications consist of a zoning map change (C 190071 ZMK); two special permits (C 190072 ZSK and C 190073 ZSK) pursuant respectively to Section 74-711, "Landmark preservation in all districts," and Section 74-533, "Reduction of parking spaces to facilitate affordable housing," of the Zoning Resolution; and a zoning text amendment (N 190074 ZRK) establishing a Mandatory Inclusionary Housing (MIH) Area.

The community board held a public hearing on these applications on October 17, 2018 in the Dibner Building at the NYU Tandon School of Engineering, 5 Metrotech Center, in Brooklyn. Twelve of the 48 members of Community Board 2 on that date, or 25 percent, attended the hearing. (The two vacancies were filled after the hearing but prior to the community board's November general meeting.)

Following the hearing and discussion, the CB2 Land Use Committee voted seven in favor, four opposed, two abstention (7-4-2) to recommend that Community Board 2 support the applications on the conditions that the below-market rate apartments be affordable to households earning no more than 60 percent of Area Median Income (AMI) and that the developer apply to the Department of Transportation for a loading zone for the planned retail establishments.

On November 14, 2018, the community board voted 31 in favor, seven opposed, no abstentions (31-7-0) to ratify the Land Use Committee's conditional recommendation. Although the

Marisa Lago, Chair
City Planning Commission
November 26, 2018
Page 2

community board did not express itself this way, I note that a cap of 60 percent of AMI is consistent with Option 1 as set forth in Section 23-154(d)(3) of the Zoning Resolution, "Inclusionary Housing."

Community Board 2 did not receive digital copies of the Community/Borough Board Recommendation forms for C 190071 ZMK, C 190072 ZSK and C 190073 ZSK. I am submitting herewith the paper forms executed by hand.

Thank you for the opportunity to comment.

Sincerely,



Irene Janner
Acting Chairperson

Encl.

cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Laurie Cumbo
New York City Council
Winston Von Engel, Brooklyn Borough Director
Anand Amin, City Planner
Department of City Planning
Deirdre A. Carson, Shareholder
Greenberg Traurig, LLP

IJ:RP

Application #: **C 190071 ZMK**

Project Name: **809 Atlantic Avenue Rezoning**

CEQR Number: 18DCP179K

Borough(s): **Brooklyn**

Community District Number(s): **2**

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:

SEE ATTACHED

Applicant(s): 550 Clinton Partners LLC 475 Park Avenue South, Suite 1206 New York, NY 10016		Applicant's Representative: Jay A. Segal Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166	
Recommendation submitted by: Brooklyn Community Board 2			
Date of public hearing: OCTOBER 17, 2018		Location: NYU TANDON SCHOOL, DINER BUILDING 5 METROTECH CTR., BROOKLYN NY	
Was a quorum present? YES <input checked="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: NOVEMBER 14, 2018		Location: INGERSOLL COMMUNITY CENTER 177 MYRTLE AVENUE, BROOKLYN NY	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input checked="checked" type="checkbox"/> Approve With Modifications/Conditions	
<input 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: 31		# Against: 7	
# Abstaining: 0		Total members appointed to the board: 50 48	
ON NOVEMBER 14, 2018			
Name of CB/BB officer completing this form IRENE JANNER		Title ACTING CHAIRPERSON	Date NOVEMBER 26, 2018

809 Atlantic Avenue Rezoning

CD 02

C 190071 ZMK

IN THE MATTER OF an application submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. eliminating from within an existing R7A District a C2-4 District bounded by a line 100 feet northerly of Atlantic Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue;
2. changing from an R7A District to an R6A District property bounded by a line 100 feet northerly of Atlantic Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measure along the street line) from the point of intersection of northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, and a line midway between Vanderbilt Avenue and Clinton Avenue;
3. changing from an R6A District to an R9 District property bounded by:
 - a. a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line 100 feet northerly of Atlantic Avenue, and a line 80 feet easterly of Vanderbilt Avenue; and
 - b. a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measure along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, Clinton Avenue, and a line 100 feet northerly of Atlantic Avenue;
4. changing from an R7A District to an R9 District property bounded by a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line 80 feet easterly of Vanderbilt Avenue, a line 100 feet northerly of Atlantic Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measure along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, a line 100 feet northerly of Atlantic Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue; and
5. establishing within the proposed R9 District a C2-5 District bounded by a line perpendicular to the easterly street line of Vanderbilt Avenue distant 135 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the easterly street line of Vanderbilt Avenue, a line midway between Vanderbilt Avenue and Clinton Avenue, a line perpendicular to the westerly street line of Clinton Avenue distant 100 feet northerly (as measure along the street line) from the point of intersection of the northerly street line of Atlantic Avenue and the westerly street line of Clinton Avenue, Clinton Avenue, Atlantic Avenue, and Vanderbilt Avenue;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated September 24, 2018, and subject to the conditions of CEQR Declaration E-499.

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190072 ZSK**

CEQR Number: 18DCP179K

Project Name: **809 Atlantic Avenue Rezoning**

Borough(s): **Brooklyn**

Community District Number(s): **2**

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 #C10000ZSQ"
 - **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 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the zoning lot divided by district boundaries regulations of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution) and Section 77-22 (Floor Area Ratio);
2. the lot coverage regulations of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas);
3. the rear yard regulations of Section 23-52 (Special Provisions for Shallow Interior Lots), Section 33-26 (Minimum Required Rear Yards), and Section 33-29 (Special Provisions Applying along District Boundaries);
4. the tower-on-a-base regulations of Section 23-651(a) (Tower regulations) and Section 23-651(b) (Building base regulations);
5. the inner court regulations of Section 23-851 (Minimum dimensions of inner courts) and the inner recess regulations of Section 23-852 (Inner court recesses); and
6. the minimum distance between legally required windows and lot line regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines)

in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5* Districts, Borough of Brooklyn Community District 2.

*Note: The site is proposed to be rezoned by eliminating a C2-4 District from within an existing R7A District, by changing from R6A and R7A Districts to R6A and R9 Districts, and by establishing a C2-5 District within the proposed R9 District, under a concurrent related application for a Zoning Map change (C 190071 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): 550 Clinton Partners LLC 475 Park Avenue South, Suite 1206, New York, NY 10016 539 Vanderbilt Partners LLC 475 Park Avenue South, Suite 1206, New York, NY 10016	Applicant's Representative: Jay A. Segal Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166
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Recommendation submitted by:
 Brooklyn Community Board 2

Date of public hearing: **OCTOBER 17, 2018** **Location:** **NYU TANDON SCHOOL, DIBNER BUILDING, 5 METROTECH CTR., BROOKLYN NY**

Was a quorum present? YES NO *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: **NOVEMBER 14, 2018** **Location:** **INGERSOLL COMMUNITY CENTER, 177 MYRTLE AVENUE, BROOKLYN NY**

RECOMMENDATION

<input type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve With Modifications/Conditions
<input 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: **31** # Against: **7** # Abstaining: **0** Total members appointed to the board: **50**

Name of CB/BB officer completing this form IRENE JANIER <i>Irene Janier</i>	Title ACTING CHAIRPERSON	Date NOVEMBER 26, 2018
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Application #: **C 190073 ZSK**

Project Name: **809 Atlantic Avenue Rezoning**

CEQR Number: 18DCP179K

Borough(s): **Brooklyn**

Community District Number(s): **2**

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 #C10000ZSQ"
 - 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 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5* Districts, Borough of Brooklyn, Community District 2.

*Note: The site is proposed to be rezoned by eliminating a C2-4 District from within an existing R7A District, by changing from R6A and R7A Districts to R6A and R9 Districts, and by establishing a C2-5 District within the proposed R9 District, under a concurrent related application for a Zoning Map change (C 190071 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): 550 Clinton Partners LLC 475 Park Avenue South, Suite 1206, New York, NY 10016 539 Vanderbilt Partners LLC 475 Park Avenue South, Suite 1206, New York, NY 10016	Applicant's Representative: Jay A. Segal Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166
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Recommendation submitted by:
 Brooklyn Community Board 2

Date of public hearing: **OCTOBER 17, 2018** Location: **NYU TANDON SCHOOL, DINER BUILDING
5 METROTECH CTR., BROOKLYN NY**

Was a quorum present? YES NO *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: **NOVEMBER 14, 2018** Location: **INGERSOLL COMMUNITY CENTER
177 MYRTLE AVENUE, BROOKLYN NY**

RECOMMENDATION

<input type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve With Modifications/Conditions
<input 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: **31** # Against: **7** # Abstaining: **0** Total members appointed to the board: **50**

Name of CB/BB officer completing this form: IRENE JANNER <i>Irene Janner</i>	Title: ACTING CHAIRPERSON	Date: NOVEMBER 26, 2018
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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 #: 809 ATLANTIC AVENUE – 190071 ZMK, 190074 ZRK, 190072 ZSK, 190073 ZSK

Applications submitted by 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments affecting a portion of block bounded by Atlantic, Clinton, and Vanderbilt avenues, and Fulton Street, in Brooklyn Community District 2 (CD 2). The zoning map amendments would rezone the development site and portions of adjacent properties from R6A, R7A, and R7A/C2-4 districts to R9/C2-5 and downzone portions of adjacent properties from R7A/C2-4 to R6A. The zoning text amendment would designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. Additionally, the applicant seeks two special permits. The special permit pursuant to the New York City Zoning Resolution (ZR) Section 74-111 would transfer approximately 70,000 square feet (sq. ft.) of floor area to the development site, of which 60,000 sq. ft. would come from the landmarked Church of St. Luke & St. Matthew, and would allow for modification of height and setback, inner court, lot coverage, window to lot line, and yard regulations. The special permit pursuant to ZR Section 74-533 would waive the residential parking requirements of ZR Section 25-23. The proposed actions would facilitate the two distinct developments on two separate lots: a four-story building and a 29-story tower. The proposed development would contain a total of approximately 237,150 sq. ft. of floor area, with 34,035 sq. ft. of commercial use, and 204,115 sq. ft. of residential floor area, with primary frontage on Atlantic Avenue. The two buildings would contain approximately 286 units, of which 20 percent, or approximately 58 units, would be affordable to households earning an average 80 percent of Area Median Income (AMI), according to MIH Option 2, and an additional 10 percent or approximately 28 units, would be affordable to such households pursuant to the New York State Affordable New York program.

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

December 28, 2018

DATE

RECOMMENDATION FOR: 809 ATLANTIC AVENUE – 190071 ZMK, 190074 ZRK, 190072 ZSK, 190073 ZSK

550 Clinton Partners LLC and 539 Vanderbilt Partners LLC submitted applications pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments affecting a portion of block bounded by Atlantic, Clinton, and, Vanderbilt avenues, and Fulton Street, in Brooklyn Community District 2 (CD 2). The zoning map amendments would rezone the development site and portions of adjacent properties from R6A, R7A, and R7A/C2-4 districts to R9/C2-5 and downzone portions of adjacent properties from R7A/C2-4 to R6A. The zoning text amendment would designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. Additionally, the applicant seeks two special permits. The special permit pursuant to New York City Zoning Resolution (ZR) Section 74-111 would transfer approximately 70,000 square feet (sq. ft.) of floor area to the development site, of which 60,000 sq. ft. would come from the landmarked Church of St. Luke & St. Matthew, and would allow for modification of height and setback, inner court, lot coverage, window to lot line, and yard regulations. The special permit pursuant to ZR Section 74-533 would waive the residential parking requirements of ZR Section 25-23. The proposed actions would facilitate the two distinct developments on two separate lots: a four-story building and a 29-story tower. The proposed development would contain a total of approximately 237,150 sq. ft. of floor area, with 34,035 sq. ft. of commercial use, and 204,115 sq. ft. of residential floor area, with primary frontage on Atlantic Avenue. The two buildings would contain approximately 286 units, of which 20 percent, or approximately 58 units would be affordable to households earning an average 80 percent of Area Median Income (AMI), according to MIH Option 2, and an additional 10 percent, or approximately 28 units, would be affordable to such households pursuant to the New York State Affordable New York program.

On November 27, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on these zoning map and text amendments. There were three speakers on the item in opposition including a representative of 32BJ Service Employees International Union (32BJ), who noted the need for a commitment to well-paying building service jobs, a local homeowner who expressed concern about the potential for displacement and the impact of new development on historic properties, as well as a neighborhood activist who called attention to the limited capacity of local infrastructure and cited the need for deeply affordable housing, local jobs, and opportunities for youth.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the applicant's representative stated that the 86 affordable units would consist of 28 studios, 30 one-bedroom apartments, 24 two-bedroom apartments, and four three-bedroom apartments. In addition to MIH, the applicant intends to seek benefits through the New York State Affordable New York program, with an option that would make 30 percent of the units affordable to households at an average of 80 percent AMI. If the applicant is successful, the affordable units will be targeted at 60, 80, and 100 percent AMI. In that case, the maximum qualifying income would be \$43,860 for a one-person household at 60 percent AMI, and \$112,700 for a five-person household at 100 percent AMI. At these affordability tiers, a studio unit at 60 percent AMI would rent for \$837 per month, while a three-bedroom unit at 100 percent AMI would rent for \$2,638 per month, according to New York City Department of Housing Preservation and Development (HPD) guidelines.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from CD 2, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the representative stated intent to rely on an administering agent, which has not yet been identified. The

applicant plans to engage organizations such as Breaking Ground, the Fifth Avenue Committee (FAC), and Mutual Housing Association of New York (MHANY), and would seek to undertake a financial literacy campaign as part of the marketing strategy.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, New York City Department of Environmental (DEP) rain gardens, solar panels, and/or wind turbines, the representative expressed intent to seek Leadership in Environmental Energy and Design (LEED) certification, but clarified that 809 Atlantic Avenue would not be a passive house project. The design would utilize white roof materials and implement stormwater management strategies, including rain gardens. The applicant would propose to deepen the existing tree pits by installing such rain gardens, in consultation with DEP.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and women-owned business enterprises (MWBEs) in the construction process, the representative stated intent to hire By The Numbers (BTN) consultants to assist with the applicant's MWBE outreach program. The applicant is also in the process of negotiating a contract with 32BJ for the anticipated building service jobs.

Subsequent to the hearing, Borough President Adams received a letter from the applicant's representative, dated December 13, 2018, affirming the developer's intentions regarding maximizing community participation in the affordable housing, dedicated cultural space within the development, incorporation of sustainable design elements, and local hiring for construction jobs.

Consideration

On November 14, 2018, Brooklyn Community Board 2 (CB 2) voted to approve this application, with the following conditions: that the affordable housing units be targeted to households earning an average of 60 percent AMI, and that the developer apply to the New York City Department of Transportation (DOT) to establish a loading zone for the planned retail establishments.

The 809 Atlantic Avenue site and block were rezoned as part of the 2007 Clinton Hill-Fort Greene contextual rezoning, which replaced an extensive R6 district with R6A and R7A contextual districts, designed to control out-of-scale development and preserve the area's historic character. The requested zoning map change would upzone the development site and parts of other lots from R7A to R9/C2-5, increasing the maximum permitted floor area ratio (FAR) from 4.6 to 8.0, with a mandatory affordable housing requirement and the opportunity to provide two floors of local commercial use. In addition to the development site, the rezoning area includes portions of four contiguous lots on Clinton Avenue. The rear portions of these lots adjacent to the development site will be zoned C9/C2-5. However, two of the lots, which fall within the R7A/C2-4 district, would be rezoned to R6A, for consistency with the others. As the site is located in a transit zone, no accessory parking would be required for the affordable housing component.

The requested actions would enable the redevelopment of 809 Atlantic Avenue, a property consisting of two lots presently occupied by automotive and parking uses. In order to realize the project, the applicant seeks to transfer 70,000 sq. ft. of unused development rights from five lots on the development block. The landmarked Church of St. Luke & St. Matthew would provide 60,000 sq. ft. of such development rights, while four lots improved with residential buildings of two to seven stories, (including a recently-constructed condominium) would transfer a combined 10,000 sq. ft. of excess rights. Use of these transferred rights would be according to a special permit that allows such transfers across zoning district boundary lines. If granted, together with the proposed rezoning, this would enable the applicant to accommodate much greater bulk and density than what would be permitted as-of-right.

The development site is situated in the Clinton Hill neighborhood, several blocks east of Atlantic Terminal, and the Special Downtown Brooklyn District (SDBD). North of Atlantic Avenue, the surrounding context is defined by large commercial and community facility uses, and low-rise residential buildings, including the Clinton Hill and Fort Greene historic districts, situated beyond Fulton Street. South of Atlantic Avenue, which forms the boundary between CD 2 and CD 8, the context is more industrial, with a substantial M1-1 zone slated for redevelopment as part of the Pacific Park project.

Borough President Adams generally supports land use actions that provide affordable housing, broaden opportunity for office development, and support the rehabilitation of a faith-based institution. Granting approval of the requested actions would allow the developer to construct a mixed-use commercial and residential tower that would help meet demand for new affordable housing, while activating Atlantic Avenue through ground floor retail space, as well as enable the Church of St. Luke & St. Matthew to preserve its building to a state of good condition.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed development would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible.

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 needed affordable housing units for very low- to middle-income Brooklynites. Borough President Adams, therefore, 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.

The affordability options of the MIH program provide a range of opportunities to address the need for housing that serves a broad range of diverse incomes, consistent with Borough President Adams' objectives to provide affordable housing to households through various income band targets. According to MIH Option 2, development rights generated from rezoning the two sites would result in, at minimum, 30 percent of the residential zoning floor area made permanently affordable.

As a result, the development of 809 Atlantic Avenue would target units to households at multiple income tiers through the affordable housing lottery. Development adhering to the MIH program is also consistent with Borough President Adams' policy for affordable housing developments to remain permanently affordable.

The Church of St. Luke & St. Matthew is one of many faith-based organizations in Brooklyn with air rights that could be used to develop affordable housing in combination with a height-based rezoning. Borough President Adams supports the use of such rights to create affordable housing and generate other community benefits. His Faith-Based Development Initiative connects local houses of worship with information and resources to explore opportunities for affordable housing development. As a result of its involvement in the proposed development, the Church of St. Luke & St. Matthew would obtain resources that would legally require improvements to the building's exterior, according to the special permit that allows the transfer of its unused development rights. In addition, the church

would have to secure financial resources to support its mission-driven activities and services while ensuring the upkeep of its facilities in the future.

Borough President Adams believes the proposed height and density at this site is appropriate as the proposed zoning is essentially an extension of the density permitted by the existing C6-3A district across Clinton Street, is proximate to the high-rise Pacific Park development, and allows the transfer of rights from the Church of St. Luke & St. Matthew. The development site has sufficient access to public transit as it is served by the Eighth Avenue Local C train and multiple bus lines. The Clinton-Washington subway stop is located on the Fulton Street side of the development block. The B69 bus runs along Vanderbilt Avenue and stops on Atlantic Avenue, across from the project site. The B45 bus travels along Atlantic Avenue and stops half a block away. 809 Atlantic Avenue is also accessible via the B25 and B26 buses, which operate along Fulton Street. Finally, there are two large Citi Bike docking stations on Fulton Street, at Clermont and Waverly avenues.

Borough President Adams is generally supportive of the proposed development at 809 Atlantic Avenue. However, he believes that the requested zoning floor area increase should be achieved through the realization of additional public benefits pertaining to the provision of additional affordable housing that would target lower AMIs, present a more family-oriented bedroom mix, and achieve deeper affordability to accommodate seniors. In addition, the intended development should promote a range of his policies such as maximizing community participation to obtain the affordable housing units, providing affordable commercial space for local arts and cultural groups, advancing Vision Zero policies to improve pedestrian safety, incorporating resilient and sustainable energy and stormwater practices, and promoting local hiring for the project's construction. He also calls on the applicant to provide quality building service jobs, implement a rat baiting plan prior to demolition, and work with DOT to clarify loading issues on Atlantic Avenue. With regard to the affordable housing lottery, Borough President Adams believes that HPD should modify its community preference standards to include the local homeless student population, and, for this project, extend local preference for affordable housing units to residents of CD 2 and CD 8. Additionally, he calls on the City Planning Commission (CPC) and City Council to modify MIH regulations so as to qualify rent-burdened households for affordable housing developed pursuant to MIH.

Appropriate Provision of Affordable Housing

Borough President Adams believes that market-rate residential development without affordable housing is not in the best interest of the Clinton Hill community. The site's existing R7A zoning is designated as a Voluntary Inclusionary Housing (VIH) district that provides a floor area bonus based on 80 percent of such floor area being dedicated for permanent affordable housing for households with incomes not exceeding 80 percent of AMI. However, such designation does not assure affordable housing would be constructed.

If the site were not rezoned and if it were developed pursuant to R7A VIH, it is reasonable to assume that it would yield 35 affordable housing units (1.15 FAR) along with 82 market-rate units (2.686 FAR) with the same 16,291 sq. ft. (0.764 FAR) of ground floor and 10,186 sq. ft. of cellar retail as proposed, if the 41 otherwise required parking spaces were waived according to a CPC special permit for new developments associated with landmark preservation. The remaining R7A (based on the remainder of 3.45 FAR) 17,857 sq. ft. transferred would result in 26 market-rate dwelling units, though per R7A VIH, there would be 14,331.5 sq. ft., representing 20 affordable housing units and 3,583 sq. ft., representing five market-rate housing units. If the R6A 41,691 sq. ft. of rights were transferred, the result would be 60 dwelling units, though 30 parking spaces would have been required unless otherwise part of the waiver.

Therefore, according to the existing zoning combined with the landmark special permit, there would be 35 to 55 permanently affordable housing units (50 to 52 would be required to qualify for the

Affordable New York program Affordability Option B) with 168 to 173 market rate units. Affordability Option B stipulates that at least 30 percent of the units must be affordable with a minimum of 10 percent set at up to 70 percent AMI, and 20 percent set at up to 130 percent AMI. It should be noted that the program does not require that rents remain affordable after the benefit expires.

The developer is seeking to modify a portion of the R7A VIH that would increase the 3.45 as-of-right FAR, with the option of 4.6 FAR based on 20 percent of the floor area being mandated as permanently affordable housing, to 8.0 FAR pursuant to R9 MIH. The resulting development proposes 58 permanently affordable housing units, according to MIH Option 2, from the segment of the zoning lot within the proposed R9 zoning district. This assumption precludes the availability of additional permitted floor area because the proposal is not assuming participation in the VIH program for the transferred R7A development rights. Nevertheless, as represented, participation through Affordable New York Affordability Option B would result in 86 initially affordable units, with the remaining 200 of the proposed 286 units being market rate. Therefore, through the adoption of the proposed rezoning and requested special permit, there might be a net increase of three to 23 permanently affordable housing units, 55 to 60 additional market-rate units (through which 27-32 of these units would comply with Affordable New York's program), with 18,940 sq. ft. of commercial office space.

Borough President Adams believes that targeting the affordable apartments at 809 Atlantic Avenue to such AMI levels would not realize appropriate benefit for residents of CD 2 in need of stable affordable housing. He believes that households with incomes below the proposed AMI tiers would not be able to utilize the housing lottery for 809 Atlantic Avenue to reduce their risk of displacement and/or rent-burdened status, or to remain in the neighborhood.

The Affordable New York housing program, formerly known as 421-a, provides developers with several affordability options, ranging from 25 to 30 percent of the units within a development that utilizes the program. If the affordable housing at 809 Atlantic Avenue developed pursuant to the Affordable New York program were restricted to Affordability Option A, rather than Affordability Option B, the AMI distribution would lead to 10 percent of the total number of units being offered at up to 40 percent AMI, 10 percent at up to 60 percent AMI, and five percent at up to 130 percent AMI, with the remainder being market rate.

The ZR specifies four options for new construction subject to MIH regulations. Only two of the options require making units available to very low-income households, which are more likely to be rent-burdened than households with greater earnings. MIH Option 2 requires that 30 percent of the MIH floor area be marketed at rents affordable to households earning an average of 80 percent AMI, whereas MIH Option 1 sets aside 40 percent of the units for households at up to 40 percent AMI, while mandating 25 percent of the total floor area as affordable housing.

While the median household income in CD 2 has increased in response to the significant number of new housing starts for the higher end of the marketplace, demographic trends suggest a great need for apartments affordable to low-income households. According to a recent study, the Fort Greene and Clinton Hill sections of CD 2 saw one of the largest rent increases in New York City between 2010 and 2018. Such increases are indicative of ongoing displacement pressure, including aggressive tactics by landlords, which include taking lawful advantage of preferential rent when there is a significant gap between charged rent and the legally-permitted regulatory rent at the time of lease renewal. Given these trends, Borough President Adams believes that the applications before him do not adequately benefit area residents who are at the greatest risk of displacement.

As Affordable New York Affordability Option A and MIH Option 1 provide affordable units at lower AMIs, Borough President Adams believes that it would be appropriate to designate these options in

place of what has been proposed by the applicant, in order to extend deeper affordability to lower-income households and provide more permanent affordable housing opportunities.

Mandating Affordable New York Option A in tandem with MIH Option 1 would better address the community's affordable housing needs and redirect the resulting public benefits to residents most in need of such affordable housing. Targeting some apartments to very low-income households also allows seniors, especially those in one-person households, to qualify for such studio and some one-bedroom units as part of affordable housing lotteries. Borough President Adams believes that providing affordable housing opportunities inclusive of very low-income households serves an important public purpose toward achieving a just and righteous city.

It should be acknowledged that MIH Option 1, based on the represented average apartment size, would reduce the number of permanently affordable housing units to 48 apartments, while Affordability Option A would reduce the total number of affordable apartments to 72 units. Based on the extent of public benefit achieved through MIH in itself, the amount of affordable housing that would be realized is not sufficient to support an increase in market-rate floor area from the current 3.45/4.6 FAR, according to R7A VIH zoning, to 8.0 FAR under R8 MIH.

Borough President Adams believes that significant upzonings should yield more affordable housing and, where appropriate, deeper levels of affordability, than upzonings that do not provide a comparable increase in density. As this inequity cannot be rectified directly through MIH, Borough President Adams believes that maximizing the number of affordable units while lowering the levels of household affordability could be achieved by blending what is required, according to the proposed MIH Option, with the establishment of a voluntary special bulk permit. However, in the absence of such a special permit within the ZR, he believes that applicants could achieve such policy through a legally binding mechanism.

Borough President Adams believes that such mechanism is justified by the extent of private benefits derived from the nearly 75 percent increase in floor area for the portion of the assembled site that would be rezoned to R9 in comparison to the R7A inclusionary zoning rights and the reduction in costs achieved by waiving the standard requirement to provide structured parking, as well as the fact that 55 permanently affordable units could be achieved without a rezoning (under VIH), compared to the 58 proposed MIH units. He therefore believes it would be appropriate to request a commitment that would require the provision of the represented 86 affordable housing units pursuant to Affordable New York Affordability Option A and MIH Option 1 and specify that all such units be permanently affordable.

While this would reduce rent collection for the affordable housing units from an average of 80 percent AMI to an average of 60 percent AMI, the financial benefit from the additional zoning rights and the removal of the otherwise required parking appears to justify the increased public benefit represented by the proposed affordable housing.

Therefore, in lieu of MIH Option 2 and Affordable New York Affordability Option B, Borough President Adams believes that, prior to considering the application, the City Council obtain commitments in writing from the developer, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, that provide a legally binding mechanism, committing to a substantial increase in affordable housing floor area and reduction of the average rent for such units according to MIH Option 1 and Affordability Option A, while maintaining the ratio of affordable units to 30 percent of the total number of dwelling units, and that all such units would be permanently affordable.

Bedroom Mix

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately reflect the needs of low- to middle-income rent-burdened families.

Borough President Adams believes that right-sizing the bedroom distribution of affordable housing units should be a higher priority than merely the number of affordable housing units itself. 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.

As presented by the applicant, the proposed bedroom mix at 809 Atlantic Avenue is heavily weighted toward studio and one-bedroom apartments. Floor area developed pursuant to MIH would result in 19 studios, 20 one-bedroom units, 16 two-bedroom units, and three three-bedroom units. The Affordable New York program would yield an additional nine studios, 10 one-bedroom units, eight two-bedroom units, and one three-bedroom unit.

The requested land use actions present an opportunity to ensure that such representation of accommodations for family-sized apartments would be more consistent with Borough President Adams' policy of advocating for 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 MIH floor area, pursuant to ZR Section 23-96(c)(1)(ii).

In order to ensure that there be an increase of the number of family-sized units provided in the development, Borough President Adams believes that, prior to considering the application, the City Council obtain commitments in writing from the developer, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, that clarify how it would memorialize a bedroom mix having more family-sized affordable housing units.

Achieving Deeper Affordability for Smaller Units to Improve Affordability for Senior Households

In addition to addressing the need for family-sized units, there is a pressing need for affordable apartments for the aging population, many of whom have limited financial means. Older New Yorkers are a rapidly growing segment of the city's population, with more than 300,000 seniors residing in Brooklyn alone. As noted in DCP's "Zoning for Quality and Affordability" (ZQA) study, New York's senior population is expected to grow 40 percent by 2040. According to the study, there were 60 applicants for every apartment in lotteries conducted by HPD for senior housing developments. A recent study by LiveOn NY found that there are 200,000 New Yorkers aged 62 and older on the City's affordable housing waiting lists, with an average wait of seven years.

As a significant number of elderly households have negligible income, providing opportunities for area seniors to secure quality affordable housing and remain in their communities is a priority for Borough President Adams. In an era in which the federal government has moved away from funding affordable housing for seniors, too few affordable apartments for seniors are being produced, leaving tremendous demand for age-based affordable housing in Brooklyn. As a result, many elderly households are experiencing increased rent burden to remain in their homes, exhausting their life savings just to keep up with day-to-day living until they are unable to remain in the area where they have lived for many years.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedrooms, two-bedrooms, and three-bedrooms, he believes that when studio and one-bedroom apartments are rented at 40 percent AMI or below, such apartments might be more affordable to senior households.

Therefore, it is acceptable to set aside a portion of the units equal to or greater than 50 percent for studio and one-bedroom units.

Moreover, development pursuant to Affordable New York Affordability Option A would ensure that a percentage of units at 809 Atlantic Avenue are available to senior households, including those that are formerly homeless. Additionally, Borough President Adams believes that there are appropriate means to assist senior citizen households in becoming eligible for the affordable housing lottery. With such efforts, it is reasonable to expect that a greater share of such apartments would be awarded to senior households.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, that would incorporate language clarifying the extent that they would conduct outreach to provide opportunities for senior households, including those that are formerly homeless, with regard to studio and one-bedroom apartments affordable to one- or two-person households with rents at 40 percent AMI.

Maximizing Community Participation of the Affordable Housing

The ZR requires inclusionary housing 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, as well as following up with annual affidavits to ensure compliance.

Various non-profits in Brooklyn have proven track records of successfully marketing affordable housing units, as well as promoting affordable housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for affordable housing non-profits to play a contributing role in maximizing community participation in neighborhood affordable housing opportunities, including serving as non-profit administering agents for new developments involving affordable housing. Borough President Adams recognizes that CD 2 is served by several non-profit housing advocates, such as FAC, IMPACCT Brooklyn, and MHANY, with proven track records of marketing affordable housing units and promoting affordable housing lottery readiness through educational initiatives.

In the December 13, 2018 letter to Borough President Adams, the applicant's representative reiterated the developer's intent to work with an affordable housing administering agent and engage the community in a financial literacy campaign, in order to meet and/or exceed 50 percent local preference for the affordable housing units. The letter also confirmed that 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC has initiated discussions with FAC and IMPACCT Brooklyn.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, clarifying how it would memorialize utilizing one or more locally-based affordable housing development non-profits to serve as the administering agent, and/or have such entities play a role in promoting affordable housing lottery readiness.

Set Aside Portion of Commercial Space for Local Cultural Entities

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they

serve, though it is too often a challenge to secure sufficient affordable space to grow and maintain their operations. Many cultural organizations have contacted Borough President Adams seeking assistance in securing space to expand and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural activities.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlighted the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 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).

Data show that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — as of 2016, 61 percent of adults are overweight or obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Demand for cultural programs continues to grow across 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.

Many cultural and dance organizations have contacted Borough President Adams seeking assistance with 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 to promote cultural and dance activities.

Given the site's proximity to the Brooklyn Cultural District, and its accessibility via public transit, Borough President Adams believes that 809 Atlantic Avenue is well-suited for inclusion of arts and cultural activities as well as other community uses. At Borough President Adams' public hearing, the applicant's representative stated that the developer intends to provide space to accommodate the Jack Theater Company, an experimental arts group based in Clinton Hill. It was subsequently clarified that somewhere between 1,600 and 2,000 sq. ft. would be provided for this use in the building's cellar. Borough President Adams believes that such commitment should be memorialized prior to the approval of the requested land use actions. One possible means might be to include appropriate references in the drawings that are part of the requested special permit actions. In addition, it should be noted that the requested rezoning would enable the developer to provide 18,940 sq. ft. of second floor office space while the requested special permit to remove the parking requirement enables the cellar floor to accommodate 10,018 sq. ft. of retail floor area, including the 1,600 to 2,000 sq. ft. intended to house a locally-based cultural entity. Borough President Adams believes that in addition to the stated intent to house the Jack Theater Company, based on the nearly 29,000 sq. ft. of developer benefit that would result from the requested land use actions, 809 Atlantic Avenue should provide an increased public benefit by making a portion of one or more floors, including of the cellar currently intended for commercial use, available to other local arts and cultural groups, and/or locally-based community organizations, at reduced rents.

In the December 13, 2018 letter to Borough President Adams, the applicant's representative affirmed the developer's commitment to provide space for the Jack Theater Company within 809 Atlantic Avenue.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, from the applicant, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, such as through modifications of the special permit application drawings being revised where appropriate, to notate a commitment to provide not less than 1,600 sq. ft. for space as cultural use floor area as part of the plans filed, inclusive of Schedule A, with the New York City Department of Buildings (DOB). In addition, the City Council should consider increasing the amount of designated community facility or cultural use floor area provided at below-market rents to accommodate such additional arts and/or cultural organizations.

Advancing Vision Zero Policies

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

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

In the vicinity of 809 Atlantic Avenue, Atlantic Avenue is a designated New York City through truck route with multiple intersections lacking traffic controls such as stop signs or traffic lights. Given the mixed commercial, manufacturing, and residential character of Atlantic Avenue, as well as the foot traffic stemming from the Atlantic Terminal, the residents expected to occupy the proposed development, together with potential users of its retail establishments, it is important to advance improvements that promote pedestrian safety at crossings along Atlantic Avenue.

Borough President Adams believes there is an opportunity to implement the provision of a curb extension, either as a raised extension of the sidewalk or as a protected area as defined by the installation of temporary perimeter bollards bordering a section of roadbed where gravel and/or paint is applied, per his CROSS Brooklyn initiative, where Clinton and Vanderbilt avenues intersect Atlantic Avenue. This is particularly important as the proposed development will have retail entrances on all three streets.

Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams urges DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of the Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC to undertake such improvements after consultation with CB 2, as well as local elected officials, as part of its Builders Pavement Plan. Where that is not feasible, as the implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner, Borough President Adams would expect 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC to commit to such maintenance as an ongoing obligation.

Therefore, prior to considering any rezoning, the City Council should seek a demonstration from 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC of their implementation of CROSS Brooklyn in

coordination with DEP and DOT to install curb extensions either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of the developer's commitment to enter into a standard DOT maintenance agreement for the intersections of Clinton and Vanderbilt avenues with Atlantic Avenue. Furthermore, DOT should confirm that implementation would not proceed prior to consultation with CB 2 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 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. The proposed development 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.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to introduce best practices to manage stormwater runoff such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. Borough President Adams believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. In addition, blue/green roofs, permeable pavers, and rain gardens would divert stormwater from the City's water pollution control plants.

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 further coordination on this matter.

The proposed developments offer 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. The required Builders Pavement Plan provides an opportunity to incorporate DEP rain gardens along the site's Atlantic, Clinton, and Vanderbilt avenue frontages. Planting street trees on Atlantic and Vanderbilt avenues would provide shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits, whereas existing tree pits on Clinton Avenue could be integrated with new rain gardens. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption. However, the implementation of rain gardens could help advance DEP green water/stormwater strategies, enhancing the operation of the Red Hook Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

In the December 13, 2018 letter to Borough President Adams, the applicant's representative stated intent to explore integration of the following sustainability features at 809 Atlantic Avenue: "Zone Green," deeper tree pits to support the long-term growth of street trees; "blue roofs" to capture and slowly release rainwater to mitigate runoff impact; vegetative "green roofs" to absorb rainwater and provide insulation, which will be planted with native plantings and irrigated with a high-efficiency irrigation controller to reduce baseline water consumption; a high-efficiency HVAC system; high-efficiency water fixtures; utility sub-metering; regionally-sourced construction materials; implementation of a construction waste management program; use of materials designed to reduce carbon emissions; utilization of energy modelling software to create an overall more efficient building; full building commissioning to ensure all equipment and controls are operating as designed and as efficiently as possible, and pursuit of LEED Silver certification.

Borough President Adams believes that 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC should consult with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the inclusion of a rain garden with integration of street trees as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 2 and local elected officials prior to agreeing to take action.

Therefore, prior to considering the application, the City Council should obtain in writing from the applicant, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, commitments that clarify how it would memorialize integrating resiliency and sustainability features. The City Council should further seek demonstration of 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC's commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens and tree plantings, and/or the provision of sidewalk extensions, as part of a Builders Pavement Plan, for development site intersections in consultation with CB 2 and local elected officials.

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 2017," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 20 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 who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

At Borough President Adams' public hearing, the applicant's representative stated intent to work with a compliance firm, BTN Consulting, to ensure that 809 Atlantic Avenue meets the City's MWBE hiring goals.

In the December 13, 2018 letter to Borough President Adams, the applicant's representative noted that the developer has met with New York City Department of Small Business Services (SBS)'s representatives to ensure LBE and MWBE participation in the construction of 809 Atlantic Avenue. The applicant will also make reasonable efforts to prioritize and pursue retention of LBE subcontractors, especially those who are designated as MWBE, to meet or exceed City hiring goals.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code and MWBE as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

Prevailing Wages and Local Hiring for Building Service Workers

Jobs within the building service and industrial sector have long served as a pathway to middle-class living for lower-income individuals, including immigrants and people of color. Like industrial jobs, building service jobs have low barriers to entry and real career prospects. When compensated at prevailing wage standards, such jobs provide average wages twice those of the retail sector. Additionally, building service opportunities are often filled through local hiring.

Borough President Adams believes that it is appropriate to advocate for economic opportunities that allow families to remain in their neighborhoods, by securing sufficient income to alleviate their rent burdens. He further believes that building service positions often result in locally-based employment. Therefore, Borough President Adams strongly encourages 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC to commit to hiring locally for building service jobs and paying prevailing wages to this workforce.

Implementing a Rat Mitigation Plan in and Around the Development Site to Address Known Infestation Issues in Clinton Hill

In Clinton Hill and nearby neighborhoods, recent construction has disturbed rat colonies and dens, creating a public health and quality-of-life issue for local residents. Recently, Borough President Adams met with those living in the vicinity of the Pacific Park development to observe the problem firsthand. He has since engaged with City Council representatives on proposed legislation that would enforce rat abatement standards during construction phases when rat colonies and their dens are most likely to be disturbed. These include site preparation activities such as borings and drilling followed by excavation, underpinning, and preparation for pouring concrete foundations and footings. Borough President Adams hopes that City Council involvement will lead to certification of rat abatement mitigation procedures at multiple stages of development projects.

However, as such standards are not in place today, Borough President Adams believes that it is appropriate to utilize his advisory role in the ULURP process to secure rat abatement mitigation procedures in order minimize quality-of-life issues for the development's Clinton Hill neighbors. Without adequate abatement and mitigation measures, demolition and excavation at 809 Atlantic Avenue may create ground disturbances that exacerbate the existing rodent problem in Clinton Hill. Therefore, Borough President Adams urges the developers to create a rat mitigation strategy including, but not limited to, a robust baiting plan, rat-related enforcement measures, and other pest control measures in and around the proposed development site.

Therefore, Borough President Adams believes that 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC should commit to a rat mitigation plan implemented prior to and during demolition that includes site excavation and foundation preparation, in consultation with CB 2 and local elected officials.

Facilitating Loading on Atlantic Avenue

Borough President Adams acknowledges the concern held by several members of CB 2 deliveries to the 809 Atlantic Avenue's commercial tenants via street loading, given the extent of the ground-floor retail frontage on Atlantic Avenue. As the proposed development is not expected to provide a loading

berth, commercial and residential deliveries would be made via street loading. As depicted, the building's retail entrances would be located along three street frontages, though the extensive Atlantic Avenue frontage and its truck route status might likely result in more deliveries along this street. Given the extensive volume of traffic using this route, loading activities could result in unfavorable consequences.

Borough President Adams concurs with members of CB 2 that it is important to clarify how deliveries and refuse removal for the building's occupants would be conducted on these streets. He believes that the applicant, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, should at minimum coordinate with DOT to evaluate curbside signage and determine to what extent this section of Atlantic Avenue and/or Clinton and Vanderbilt avenues should be delineated as a loading zone during specific hours, including consideration for garbage pickup, in consultation with CB 2 and local elected officials.

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 the Institute for Children, Poverty, and Homelessness (ICPH), there are multiple public schools within several blocks of the proposed development, in Community School District (CSD) 13, where the proportion of homeless students is eight to 20 percent. Should the City Council obligate the developer, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, to provide units according to MIH Option 1, Borough President Adams believes it would be appropriate for such students and

their families to be considered part of the 50 percent local preference for the 809 Atlantic Avenue 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.

Community Preference: Proximity to Community District Boundary

City local preference policy is at times unfair to community residents who live just beyond the border of a community district. The proposed development is located just north of the boundary between CDs 2 and 8. Community members living on nearby blocks south of Atlantic Avenue and within CD 8 are also in need of quality affordable housing, and the new development would not only be apparent, but consequential for residents of both districts. Given the site's proximity to the border shared with CD 8, Borough President Adams believes that HPD should extend the local preference to both CDs 2 and 8. This is particularly important given that the residential neighborhoods of Clinton Hill and Prospect Heights both include small buildings that are not subject to rent protection laws. Borough President Adams believes that, in tandem with his recommendations for deeper affordability, 809 Atlantic Avenue could serve as a relocation resource to those at risk for displacement. Therefore, prior to the vote of the City Council, HPD should provide a written commitment advising that local preference be given to community residents of both CDs 2 and 8.

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

Borough President Adams supports Mayor de Blasio's goal of achieving 300,000 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 own 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 process. The development of much-needed affordable housing provides opportunities to existing neighborhood residents at risk for displacement or increased degree of being rent-burdened.

In 2017, 56 percent of New York City's renter households were rent-burdened (defined as paying at least 30 percent of gross household income for rent and monthly utility costs). Such rent burdens can result in unstable tenancy and eviction for non-payment if an unforeseen event, such as a job loss or health issue, occurs in a household.

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, 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 one-fifth of New York City households — over two million people — earn less than \$25,000 a year and almost one-third earn less than \$35,000. As the City's housing crisis grows worse, the burden falls most heavily on these low-income households, many of them senior citizens.

There are residents living in unregulated rental units within CD 2 and CD 8 or regulated apartments subjected 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. Between 2008 and 2015, the median gap between monthly

preferential and legal maximum rents increased 55 percent citywide, from \$286 to \$444, according to an analysis conducted by IBO for ProPublica. In 2017, six percent of all apartments in Brooklyn — 64,611 units — had preferential rent leases.

For ZIP code 11238, disclosed data from the New York City Rent Guidelines Board (RGB) dated June 1, 2017 list 1,850 such units, representing 29 percent of all rent-stabilized units. The continued significant increase in rents has resulted in an increased rent burden and/or residential displacement. Therefore, there is a pressing need to provide more affordable housing units in this area.

In this section of CD 2, too many households fall into low- and very low-income categories and are often rent-burdened. Given the risk for 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 of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged households from the affordable housing lotteries. As a result, these rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are 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 response, Borough President Adams believes that it is time to break the mold in which families that are already paying too much rent for substandard housing are disqualified. 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 the maximum opportunity to secure regulated affordable housing units, expanding the number of eligible households for government-regulated affordable housing lotteries.

One means to address rent burden should be achieved by amending the ZR to adjust the AMI qualifications so they include such households that would maintain or reduce their rent burden. For such lotteries resulting from MIH housing lottery offerings, the New York City Department of City Planning (DCP) needs to amend the ZR to allow for exceptions to the 30 percent of income threshold so that households that are burdened, though paying the same or more rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, and quality housing accommodations.

Borough President Adams believes that the CPC and/or the City Council should echo his call to seek the modification of 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.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve these applications with the following conditions:

1. That prior to considering such applications, the City Council shall obtain commitments in writing from the developer, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, that clarify how it would memorialize the extent that it would:

- a. In lieu of MIH Option 2 and the Affordable New York Affordability Option B, provide a binding mechanism committing to Mandatory Inclusionary Housing (MIH) Option 1 and Affordability Option A, while maintaining the ratio of affordable units at 30 percent of the total number of dwelling units, and ensuring that all such units would be permanently affordable
 - b. Memorialize a bedroom mix with an increase in the number of family-sized affordable housing units
 - c. Implement outreach efforts to assist seniors households earning up to 40 percent AMI for single-person households, and 50 percent AMI for two-person households, as a means to maximize participation in the affordable housing lottery for the resulting very-low income eligible studio and one-bedroom units
 - d. Utilize any combination of locally-based affordable housing development non-profits to serve as the administering agent, and have one or more such entities play a role in promoting affordable housing lottery readiness
 - e. Revise special permit application drawings Z-011 Illustrative Ground Floor Plan, and, Z-151 and Z-152 Bulk Waiver Sections to notate a commitment to provide not less than 1,600 square feet (sq. ft.) of space as cultural use floor area as part of plans to be filed, inclusive of the Schedule A, with the New York City Department of Buildings (DOB)
2. That the City Council should consider increasing the amount of designated community facility or cultural use floor area as a means to maximize opportunity for locally-based arts and dance entities
 3. That prior to considering such applications, the City Council shall obtain commitments in writing from the developer, 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC, that clarify how it would memorialize the extent that it would:
 - a. Commit to Connecting Residents on Safer Streets (CROSS) Brooklyn coordination with the New York City Department of Transportation (DOT) and the New York City Department of Environmental Protection (DEP) to implement curb extensions as part of a Builders Pavement Plan and/or as treated roadbed sidewalk extensions, with a developer commitment to enter into a standard DOT maintenance agreement for the northern intersections of Clinton and Vanderbilt avenues with Atlantic Avenue, with the understanding that DOT implementation would not proceed prior to consultation with Brooklyn Community Board 2 (CB 2) and local elected officials
 - b. Integrate additional resiliency and sustainability measures such as incorporating rain gardens, blue/green/white roof treatment, and/or solar panels
 - c. Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it Further Resolved:

1. That 550 Clinton Partners LLC and 539 Vanderbilt Partners LLC:
 - a. Commit to the following:
 - i. A building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits
 - ii. A rat baiting plan implemented prior to and during demolition that includes site excavation and foundation preparation, in consultation with CB 2 and local elected officials
 - b. Coordinate with DOT to evaluate curbside signage and determine to what extent this section of Atlantic Avenue should be delineated as a loading zone during specific hours, including consideration for garbage pickup, in consultation with Community Board 2 (CB 2) and local elected officials
2. Should the City Council determination result in the project proceeding according to MIH Option 1, that the New York City Department of Housing Preservation and Development (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. That HPD extend local preference to include residents of both Brooklyn Community Districts 2 and 8 (CDs 2 and 8), in writing, to City Council
4. That the CPC and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the New York City Zoning Resolution (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

550 CLINTON PARTNERS LLC
539 VANDERBILT PARTNERS LLC
475 PARK AVENUE SOUTH 1206
NEW YORK, NEW YORK 10016

December 13, 2018

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

Re: 809 Atlantic Avenue (a/k/a 550 Clinton Avenue)
Brooklyn Block 2010, Lots 1 and 59 (the "Property")
Rezoning and Sections 74-711 and 74-533 Special Permit Application (the
"Application")
Application Nos. 190071 ZMK, 190072 ZSK, 190073 ZSK and N1900742 ZRK
CEQR No. 18DCP179K

Dear Borough President Adams:

This letter summarizes the information provided by the applicant team during the public hearing on the Application held on November 27, 2018, and amplifies some of that information.

550 Clinton Partners LLC and 539 Vanderbilt Partners LLC (the "Applicant"), the ground lessees of the Property, have filed an application for (i) a zoning map amendment to rezone the Property and portions of adjacent Lots 53, 56, 57 and 58 from an R7A/C2-4 district to an R9/C2-5 district (the "Rezoning Area"), and to rezone portions of Lots 57 and 58 to an R6A district (ii) an amendment to the text of the New York City Zoning Resolution (the "Zoning Resolution" or "ZR") to designate the Rezoning Area as a Mandatory Inclusionary Housing ("MIH") Area (Appendix F), (iii) a special permit pursuant to Section 74-711 of the Zoning Resolution in connection with the restoration of the Church of St. Luke and St. Matthew (the "Church") to modify (a) the zoning lots divided by district boundaries regulations of ZR 77-02 and the floor area ratio regulations of ZR 77-22 to allow floor area to be transferred across district boundary lines from Lots 10 (the Church), 51, Lots 1001-1010 (f/k/a/ Lots 7 and 8) & 1101-1118 (f/k/a Lot 5) to the Property, (b) the commercial rear yard regulations of ZR 33-292, (c) the residential rear yard regulations of ZR 23-52(b)(2), (d) the inner court regulations of ZR 23-851, (e) the window to lot line regulations of ZR 23-861, (f) the lot coverage regulations of ZR 23-16(a), (g) the minimum street wall height regulations of ZR 23-651(b)(2), (h) the tower floor area regulations of ZR 23-651(a)(3), and (i) the inner court recess regulations of ZR 23-852(b), and (iv) a special permit pursuant to ZR 74-533 to waive the residential parking requirements of ZR 25-23.

The Application would facilitate the construction of two new mixed-use buildings on the Property, one having a height of 4 stories and the other reaching 29 stories, which would collectively contain a total of up to 237,148 square feet of floor area, including approximately 58

permanently affordable housing units, subject to MIH, and approximately 33,000 square feet of commercial space (collectively, the “Project”).

1. Affordable Housing

The Project would contain approximately 286 total units, of which approximately 86 or 30% would be subject to the Affordable New York Program. Of these, 58 would be permanently affordable under the MIH Program. The permanently affordable MIH units total 30% of the residential floor area generated by the rezoned development site. The ULURP application proposes that these units be affordable to households with incomes averaging 80% of AMI (“MIH Option 2”), but the income bands have not yet been selected. The chart attached as Exhibit A summarizes the preliminary unit mix and distribution. The affordable housing unit mix would be proportional to the unit mix of the market rate units and would be distributed on 65% of the residential floors. This information is subject to change as apartment layouts are finalized and as the result of the Applicant’s negotiation of a regulatory agreement with HPD.

The Applicant intends to work with its affordable housing administering agent, which has not yet been selected, to make best efforts to lease at least 50% of the affordable housing units to residents of the community, to the extent permitted by HPD guidelines (and the pending federal lawsuit), and to engage the community in a financial literacy campaign regarding the availability of and process of applying for the affordable housing units. We have had discussions with the Fifth Avenue Committee and intend to speak with IMPACCT Brooklyn about serving as the project’s administering agent.

2. M/WBE and LBE Participation

The Applicant has met with representatives of the Department of Small Business Services regarding participation of minority-owned and women-owned business enterprises (“M/WBEs”) and locally-based enterprises (“LBEs”) in the construction of the Project. We will ask our contractor to use commercially reasonable efforts to pursue the hiring of and prioritize retaining LBEs as subcontractors, especially those that are designated as M/WBE, to meet or exceed standards per Local Law 1 of 2013 (not less than twenty percent participation).

3. Sustainability

It is the Applicant’s intention that the Project be developed and operated in an environmentally sustainable manner. Measures being considered include: “Zone Green;” deeper tree pits to support the long-term growth of street trees; “blue roofs” to capture and slowly release rainwater to mitigate runoff impact; vegetative “green roofs” to absorb rainwater and provide insulation, which will be planted with native plantings and irrigated with a high-efficiency irrigation controller reducing the baseline water consumption; high-efficiency HVAC system; high-efficiency water fixtures; utility sub-metering; regionally-sourced construction materials; implementation of a construction waste management program; designing the Project with materials to reduce carbon emissions; utilization of energy modelling software which will allow the design team to make informed design decisions and to create an overall more efficient building; full building commissioning to ensure all equipment and controls are operating as designed and as efficiently as possible; and achieving LEED Silver certification.

4. Community Use

The Applicant has committed to including in the Project a home for the Jack Theater Company. Jack states that they “present over 200 theater, music and dance performances a year and hold community forums on racial justice, gentrification, and police/community relations.” Their mission is to “fuel experiments in art and activism, collaborating with adventurous artists and our neighbors to bring about a just and vibrant society.”

[SIGNATURE PAGE FOLLOWS]

Borough President Eric Adams
December 13, 2018

With this statement of the Applicant's plans regarding the Project, we respectfully request a favorable recommendation of the Applications to the City Planning Commission. Thank you for your attention and consideration.

Sincerely,

550 CLINTON PARTNERS LLC

By: 
Name: Jeffrey Gershon
Title: Manager

539 VANDERBILT PARTNERS LLC

By: 
Name: Jeffrey Gershon
Title: Manager

cc: Richard Bearak, Land Use Director (via e-mail)
Inna Guzenfeld, Land Use Coordinator (via e-mail)
Deirdre A. Carson, Esq. (via e-mail)