

**Brooklyn Borough President Recommendation**  
CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
[CalendarOffice@planning.nyc.gov](mailto: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#:** EAST NEW YORK NORTH NCP CLUSTER – 190286 HAK

An application submitted by the New York City Department of Housing Preservation and Development (HPD) for the following land use actions: Pursuant to Article 16 of the General Municipal Law of New York State, requesting designation of three properties, located at 223-227 Vermont Street, 190 Essex Street, and 581-583 Belmont Avenue as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) for such area, and pursuant to Section 197-c of the New York City Charter, and convey such City-owned properties to a developer to be selected by HPD. Such actions would facilitate the development of approximately 45 affordable housing units, in the Cypress Hills and East New York sections of Brooklyn Community District 5 (CD 5).

BROOKLYN COMMUNITY DISTRICT NO. 5

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

June 5, 2019

DATE

**RECOMMENDATION FOR: EAST NEW YORK NORTH NCP CLUSTER – 190286 HAK**

The New York City Department of Housing Preservation and Development (HPD) submitted an application for the following land use actions: Pursuant to Article 16 of the General Municipal Law of New York State, requesting designation of three properties, located at 581-583 Belmont Avenue, 190 Essex Street, and 223-227 Vermont Street, as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) for such area, and pursuant to Section 197-c of the New York City Charter, and convey such City-owned properties to a developer to be selected by HPD. Such actions would facilitate the development of approximately 45 affordable housing units in the Cypress Hills and East New York sections of Brooklyn Community District 5 (CD 5).

On May 1, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this disposition request. There were no speakers on the item.

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 noted that there would be 22 one-bedroom units and 19 two-bedroom units. Rents per month for the one-bedroom units are \$472 for qualified households earning up to 30 percent of Area Median Income (AMI), \$666 for up to 40 percent AMI, \$863 for up to 50 percent AMI, \$1,058 for up to 60 percent AMI, and \$1,251 for up to 70 percent AMI. For the two-bedroom units, rents per months for these AMI limits would be \$576, \$810, \$1,044, \$1,280, and \$1,512 per month.

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 5 residents, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the representative stated that East Brooklyn Congregations (EBC) is responsible for the community outreach campaign and has already held information sessions in the community to assist with lottery and will coordinate with churches and other organizations as well as wherever else might be necessary.

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, and/or solar panels, the representative stated that the building would also feature a light-colored roof. The contractor would explore whether it would be within budget to construct the building to be solar-ready and is seeking to identify an appropriate soil subcontractor to explore the possibility of including a DEP rain garden.

**Consideration**

Community Board 5 (CB 5) has not yet taken a position on this application.

The proposed land use actions would affect sites located at the northeast corner of Belmont and Schenck avenues and mid-block sites at 190 Essex Street and 223-227 Vermont Street. Together, these sites account for approximately 39,700 square feet (sq. ft.) of vacant, City-owned land. The designated developer, a partnership with EBC, the Marcal Group, and MLappin & Associates LLC includes a non-profit affordable housing organization with a significant presence in Brownsville and East New York, including the Spring Creek section.

The requested UDAAP designation and disposition action would result in one four-story and two three-story walk-up buildings containing 41 fully affordable housing units targeted to households at 30, 40,

50, 60, and 70 percent AMI. The buildings would have a combined unit mix of 22 one-bedroom units and 19 two-bedroom units.

The surrounding context for the site at the corner of Belmont and Schenck avenues is primarily low-rise homes to mid-scale, multi-family, walk-up apartment buildings, though it also includes a mix of commercial, institutional, public facility, proximity to Passages Academy, open space uses, and residential character of this section of the surrounding blocks, the direct connection to the Sutter ballfields.

The surrounding context for the site at 190 Essex Street is primarily low-rise residential homes to mid-scale, multi-family, walk-up apartment buildings, though it also includes a mix of commercial, industrial, institutional, manufacturing, public facility, and residential uses. Ground-floor retail is often integrated in many of the residential buildings along Atlantic Avenue and Fulton Street. A supermarket is located around the block on Fulton Street.

The surrounding context for the site at 223-227 Vermont Street is primarily low-rise residential homes to mid-scale, multi-family, walk-up and elevator apartment buildings up to six stories, though it also includes a mix of commercial, industrial, institutional, manufacturing, parking, and public facilities, as well as residential uses. Ground-floor retail is often integrated in many of the residential buildings along Liberty Avenue.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The land use actions 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," through the development of affordable and supportive housing for the city's most vulnerable residents.

In areas where new developments can be realized on City-owned sites, Borough President Adams supports the disposition of such sites to be developed for affordable housing in order that they remain permanently affordable and, as such, minimize the loss of such units. Where HPD has designated for-profit companies to develop affordable housing, the duration of such is often driven by financial considerations. Standard regulatory agreements used by government agencies might consist of a minimum of 30 up to 60 years. As tenants move out after the expiration of such a regulatory agreement, those units would no longer be an affordable housing resource.

It is Borough President Adams' policy to advocate for mission-driven affordable housing non-profits to play a role in affordable housing development as such developments are likely to remain permanently affordable. Such organizations are equipped to maximize community participation in affordable housing opportunities, and serve as non-profit administering agents for affordable housing lotteries.

The disposition of the East New York North NCP Cluster properties to a partnership inclusive of a non-profit affordable housing developer provides an expectation that all 41 units remain affordable much longer than the intended 60-year regulatory agreement with HPD, as it is their mission to retain the resulting housing as permanently affordable.

As the housing non-profit, EBC would be expected to be responsible for coordinating the compliance of affordable housing units with its regulatory agreement with HPD, which governs a project's affordable housing plan. This may involve verifying a prospective tenant household's qualifying income, and approving the rents of affordable housing units. There would be responsibility for attesting to HPD that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up to ensure compliance.

It would be expected that EBC coordinates training with local community groups to provide free financial counseling and technical assistance to residents who wish to apply for affordable housing. EBC would have the option of coordinating with other locally-based non-profits that have proven track records of successfully marketing affordable housing units, as well as promoting affordable housing lottery readiness through educational initiatives. Such partners are well-positioned to assist in the implementation of an outreach process as part of the marketing strategy for 581-583 Belmont Avenue, 90 Essex Street, and 223-227 Vermont Street. Examples of other housing groups with a track record in CB 5 that could serve to supplement such efforts include the Cypress Hills Local Development Corp, the Local Development Corporation of East New York, and MHANY.

Though these sites are in a New York City Zoning Resolution (ZR) Transit Corridor, and therefore residents would not have access to on-site parking accommodations, these sites are served by public transit. The site at Belmont and Schenck avenues is three blocks from the Eighth Avenue Local C train Van Sicken Avenue subway station and also served by the B14 bus line, which travels along Pitkin and Sutter avenues. The Essex Street site is three blocks from the Nassau Street Express J/Z train Cleveland Street subway station and the Q24 bus line runs along nearby Atlantic Avenue. The site at 223-227 Vermont Street is two blocks from the Eighth Avenue Local C train station entrance at Liberty and Pennsylvania avenues; it is also served by the B20 and B83 bus lines, which travels along Pennsylvania Avenue, and the Q24 bus line, which runs along nearby Atlantic Avenue. In addition, neighborhood transportation would be complemented by the bicycle parking in each building.

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis.

Additionally, promoting Brooklyn-based businesses, including those that qualify as locally-based enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs), is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

As the development of the properties at 581-583 Belmont Avenue, 190 Essex Street, and 223-227 Vermont Street funding includes financing for which HPD contributes no less than \$2 million, EBC, the Marcal Group, and MLappin & Associates LLC would be required to participate in HPD's MWBE Building Opportunity Initiative's Build Up program and meet the State's additional labor participation requirements. Borough President Adams believes that, based on the Build Up program and State requirements, there would be reasonable opportunities to address demonstrated disparities in LBE/MWBE participation in the affordable housing development process. Development projects that receive HPD subsidies are required to spend at least one-quarter of HPD-supported costs on certified MWBEs during the course of design and construction. Developers may adopt a goal higher than the minimum.

Through HPD's initiative, Borough President Adams believes that the project developer should continue the emphasis to retain Brooklyn-based contractors and subcontractors, especially those who are designated LBEs, consistent with Section 6-108.1 of the City's Administrative Code, and LBE and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation). EBC and the Marcal Group, in its role as general contractor, intend to work with local workforce development partners to secure candidates in Marcal's role as the general contractor and

refer candidates to subcontractors. Employment opportunities would be posted with the New York City Housing Authority (NYCHA)'s Residential Economic Empowerment and Sustainability Department.

Borough President Adams supports the proposed development. He calls on HPD and the developer, EBC, the Marcal Group, and MLappin & Associates LLC, to prioritize outreach to include senior households and formerly homeless families; incorporate resilient and sustainable energy and stormwater practices at both project sites; advance Vision Zero policies that improve pedestrian safety, and advance environmentally-sensitive tree disposal.

### **Targeting Smaller Deeply Affordable Units Toward 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 those units equal to or greater than 50 percent for studios and one-bedrooms.

According to the applicants, 581-583 Belmont Avenue, 190 Essex Street, and 223-227 Vermont Street would provide 12 one-bedroom units at 30, 40, and 50 percent AMI. Borough President Adams believes that there are appropriate means to assist seniors in becoming eligible for the affordable housing lottery to ensure that a greater share of such apartments is awarded to these households.

Therefore, prior to considering the application, the City Council should obtain commitments in writing from HPD that its land disposition agreement (LDA) with EBC, the Marcal Group, and MLappin & Associates LLC would memorialize the inclusion of formerly homeless families, targeting the 12 one-bedroom apartments with rents at 30 and 40 percent AMI for single-person households, and 50 percent AMI for two-person households, to seniors, including those who are formerly homeless.

### **Memorializing Housing Units for Homeless Families**

Because of trending increases in rents as compared to real income and other circumstances, certain households formerly from this neighborhood have become homeless and have had to rely on the City's shelter system. Though it is possible that some of these households are able to return to the neighborhood through interim accommodations in transitional housing accommodations, such housing does not provide long-term stability. As an evolution of the City's homeless policy and practices, HPD established the Our Space Initiative (formerly homeless household set-asides).

This program funds the new construction of rental units affordable to formerly homeless households with incomes at or below 30 percent AMI. Homeless referrals must come from HPD, and rents are underwritten based on public assistance shelter allowance. The Our Space Initiative subsidy is supplementary to funding available through HPD's New Construction Finance programs.

Borough President Adams supports developments that include HPD's Our Space Initiative as a means to provide permanent housing to homeless households. There are three pending developments in Brooklyn expected to include the Our Space Initiative, including Bedford Courts, where 10 percent would be set aside for the formerly homeless families; Ebenezer Plaza, where 20 percent of the units would be set aside for the formerly homeless, and Linden Terrace, with a set-aside of 10 percent. Borough President Adams believes that, given that the assembled site consists of City-owned properties, the Our Space Initiative should be implemented as part of the development to provide for ideally 20 percent of the units to house formerly homeless households.

Borough President Adams believes it would be appropriate to require EBC, the Marcal Group, and MLappin & Associates LLC to participate in the Our Space Initiative for a percentage of the units. Therefore, in order to provide more units for formerly homeless households, HPD should memorialize a commitment in its LDA with EBC, the Marcal Group, and MLappin & Associates LLC, to incorporate HPD's Our Space Initiative for ideally 20 percent of the housing units.

### **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, 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. Development at 379-383 Howard Avenue and 1279 East New York Avenue offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, and solar panels 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 New York City Department of Environmental Protection (DEP) 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.

According to the "NYC Green Infrastructure 2017 Annual Report," green infrastructure plays a role in addressing water quality challenges and provides numerous economic, environmental, and social benefits. The required Builders Pavement Plan provides an opportunity to incorporate rain gardens with tree plantings along both the Belmont Avenue and Schenck Avenue frontages of the 581-583 Belmont Avenue site, as well as along the frontage of the 190 Essex Street, and provide for enhanced tree pits at 223-227 Vermont Street. Such installation could help advance DEP green water/stormwater strategies, enhancing the operation of the 26<sup>th</sup> Ward Wastewater Treatment Plant during wet weather.

Borough President Adams believes it is appropriate for the development team of EBC, the Marcal Group, and MLappin & Associates LLC 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.

Borough President Adams believes that HPD should codify in the LDA or regulatory agreement with EBC, the Marcal Group, and MLappin & Associates LLC to memorialize exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatments, DEP rain gardens, passive house construction principles, and solar panels, or have the development be solar-ready. The City Council should further seek demonstration of the EBC, the Marcal Group, and MLappin & Associates LLC's commitment to coordinate with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan, in consultation with CB 5 and local elected officials.

### **Advancing Vision Zero Policies**

Borough President Adams supports Vision Zero policies, including 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.

Belmont Avenue supplements Atlantic Avenue to facilitate east-west traffic through the neighborhood. Given the mixed commercial, institutional, open space uses, proximity to Passages Academy, public facility, and residential character of this section of the surrounding blocks, and its direct connection to the Sutter ballfields, it is important to advance improvements that promote pedestrian safety at crossings Belmont Avenue.

Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to implement curb extensions at the northeast corner of Belmont and Schneck avenues. 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 would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable the development team of EBC, the Marcal Group, and MLappin & Associates LLC to undertake such improvements after consultation with CB 5, as well as local elected officials, as part of its Builders Pavement Plan. 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 EBC, Marcal Group, and MLappin & Associates LLC to commit to such maintenance as an ongoing obligation.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from HPD that its LDA with EBC, the Marcal Group, and MLappin & Associates LLC would advance coordination of such CROSS Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of curb extensions at the northeast corner at Belmont Avenue and Schneck Avenue either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of EBC, the Marcal Group, and MLappin & Associates LLC's commitment to enter into a standard DOT maintenance agreement for that intersection. Furthermore, DOT should confirm that implementation would not proceed prior to consultation with CB 5 and local elected officials.

### **Site Tree Removal**

The Essex Street and Vermont Street sites contain several mature trees that will need to be removed to facilitate the site's redevelopment. Borough President Adams considers these trees to be a natural resource that should not merely become waste product. He believes that such trees can be processed in an environmentally-appropriate manner by means of mulching and sustainable disposal, which could then be used on-site as part of the landscaping of the yard areas, donated to the area's GreenThumb gardens, or provided to City parkland.

Such tree removal methods should be memorialized in the LDA or Regulatory Agreement between the developer and HPD.

### **Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application.

### **Be it Further Resolved:**

1. That the New York City Department of Housing Preservation and Development (HPD) incorporate in its Land Disposition Agreement (LDA) or Regulatory Agreement with East Brooklyn Congregations (EBC), the Marcal Group, and MLappin & Associates LLC, the extent that the developers would:
  - a. Implement outreach efforts to assist senior 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
  - b. Commit to incorporating HPD's Our Space Initiative for generally 20 percent of the housing units
  - c. Incorporate additional resiliency and sustainability measures such as blue/green/white roof treatment, passive house construction principles, and solar panels in the development of 581-583 Belmont Avenue, 190 Essex Street, and 223-227 Vermont Street
  - d. Coordinate with the New York City Department of Environmental Protection (DEP), the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan at 581-583 Belmont Avenue, along both its Belmont Avenue and Schenck Avenue frontages, 190 Essex Street, and enhanced tree pits at 223-227 Vermont Street, in consultation with CB 5 and local elected officials



- e. Coordinate such Connecting Residents on Safer Streets (CROSS) Brooklyn implementation in coordination with DEP, DOT, and NYC Parks regarding the installation curb extensions at the northeast corner at Belmont and Schenck avenues, either as part of a Builders Pavement
- f. Plan or as treated roadbed sidewalk extensions, with the understanding that DOT implementation would not proceed prior to consultation with CB 5 and local elected officials
- g. If applicable, enter into a standard DOT maintenance agreement for the northeast corner intersection at Belmont and Schenck avenues
- h. Commit to processing the existing site trees to be cleared to enable developing, by means of mulching and sustainable disposal that benefits either the sites' yard area, GreenThumb gardens, City parkland, or other environmentally appropriate use