

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION

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**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 #:** 1559-1563 PROSPECT PLACE, WEEKSVILLE NCP UDAAP – 200106 HAK

An application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State, to designate three properties at 1559-1563 Prospect Place as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP), and, pursuant to Section 197-c of the New York City Charter, for the disposition of this site to a developer selected by HPD. Such actions would facilitate the development of an eight-story building with approximately 44 affordable housing units, with a percentage reserved for the formerly homeless, in Brooklyn Community District 8 (CD 8).

COMMUNITY DISTRICT NO. 8

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

February 6, 2020

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: 1559-1563 PROSPECT PLACE, WEEKSVILLE NCP UDAAP – 200106 HAK**

The New York City Department of Housing Preservation and Development (HPD) submitted an application, pursuant to Article 16 of the General Municipal Law of New York State, to designate three properties at 1559-1563 Prospect Place as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP), and, pursuant to Section 197-c of the New York City Charter, for the disposition of this site to a developer selected by HPD. Such actions would facilitate the development of an eight-story building with approximately 44 affordable housing units, with a percentage reserved for the formerly homeless, in Brooklyn Community District 8 (CD 8).

On December 10, 2019, Brooklyn Borough President Eric Adams held a public hearing on these zoning map and text amendments. 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, a representative of the Settlement Housing Fund (the selected co-developer, with The Beechwood Organization) stated that the project would include 26 Affordable Independent Residences for Seniors (AIRS) units. The bedroom mix would consist of 22 studios, eight one-bedroom units, and 15 two-bedroom apartments. Rents for the formerly homeless units would be targeted to households at 30 percent Area Median Income (AMI). Qualifying incomes for the AIRS units would range from \$19,000 to \$32,000, with monthly rents ranging from \$377 to \$683 per month. Eligible households applying for the family units would earn between \$48,000 and \$78,000, with rents ranging from \$1,070 to \$1,623.

In response to Borough President Adams' inquiry as to how long these units are required to be rented at affordable rates, the Settlement Housing Fund representative stated that 1559-1563 Prospect Place would be subject to a 40-year regulatory agreement. The representative emphasized that as an affordable housing non-profit, Settlement Housing Fund would work to maintain long-term affordability of these units.

In response to Borough President Adams' inquiry as to what marketing strategies would be used in the tenant selection process in order to ensure the highest level of participation from CD 8, and whether such marketing strategy would include a financial literacy campaign to assist area residents in becoming lottery-eligible, the Settlement Housing Fund representative stated that the non-profit has direct connections and an established presence in the community. The organization has been an administering agent for both its own developments and outside projects, and has successfully achieved community preference targets in the past. For 1559-1563 Prospect Place, Settlement Housing Fund would work closely with the community board, local partners, and elected officials, thereby ensuring participation from CD 8. While the organization provides one-on-one counseling for applicants, the representative expressed interest in a financial literacy campaign as part of its marketing strategy.

In response to Borough President Adams' inquiry regarding the incorporation of passive house design, blue, green, or white roof coverings, and New York City Department of Environmental Protection (DEP) rain gardens, the Settlement Housing Fund representative stated intent to exceed Enterprise Green Communities Criteria (EGCC) on the project, and to consider solar panels as part of the building's design. The developer installed a DEP rain garden on separate project, but deemed soil permeability unsuitable for a rain garden on this site.

**Consideration**

Brooklyn Community Board 8 (CB 8) approved this application on December 12, 2019.

The proposed land use actions would affect three tax lots on the southwest side of a block bounded by Buffalo Avenue, Prospect Place, and Ralph and St. Marks avenues. Together, the properties comprise approximately 8,340 square feet (sq. ft.) of vacant, City-owned land, with frontage on Prospect Place. The parcel is zoned R6, with a maximum residential floor area ratio (FAR) of 2.2, according to Quality Housing regulations. However, the site may be developed up to 3.90 FAR, with a height limit of 85 feet, with the inclusion of AIRS units.

The requested UDAAP designation and disposition action would result in a 3.81 FAR building with a maximum height of 80 feet. It would also provide approximately 3,450 sq. ft. of outdoor recreation space, and 12 spaces for bicycle storage. The AIRS units, which comprise nearly 60 percent of the development, would be fully accessible according to HPD's 2016 Design Guidelines for Multifamily New Construction & Senior Housing. The selected co-developers, Settlement Housing Fund and The Beechwood Organization, build and manage affordable housing across New York City and on Long Island.

The surrounding context for 1559-1563 Prospect Place consists primarily of two- to three-family homes and four-story apartment buildings. The New York City Public Housing Authority (NYCHA) Kingsborough Houses, a complex of six 16-story buildings, with more than 1,100 units is located two blocks north on Bergen Street.

There are several significant community facility uses on the adjacent blocks, including the Weeksville Heritage Center, the office of CB 8, and the Brooklyn Center for Rehabilitation and Health Care, as well as schools and houses of worship. Settlement Housing Fund manages two properties in the vicinity: St. John's Place Family Center, a transitional housing facility with child care programs and social services, and Prospect Plaza, a development of 37 prefabricated homes built for former NYCHA residents.

1559-1563 Prospect Place is accessible via public transportation. The B15, B45, and B65 buses utilize the Buffalo Avenue/Prospect Place stop around the corner from the site. The B47 bus travels along Ralph Avenue and stops on the east side of the block. The Eighth Avenue Express A and Eighth Avenue Local C trains make two stops seven blocks north of the site, at Ralph and Utica avenues. There is also a Utica Avenue station seven blocks south of the site, served by the Seventh Avenue Express 2 and 3 trains, and the Lexington Avenue Express 4 train.

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 the displacement of longtime residents who can no longer afford to live in their own neighborhoods. In Weeksville, and across New York City, there is a pressing need for permanently affordable housing, particularly for elderly adults, homeless households, and low-income families. Borough President Adams is committed to addressing the ongoing affordable housing crisis through the creation and preservation of units for Brooklynites of various incomes and household types.

Borough President Adams is particularly concerned about the lack of affordable housing for older New Yorkers, who are a rapidly growing segment of the city's population, with 300,000 seniors residing in Brooklyn alone. In its 2016 "Zoning for Quality and Affordability" (ZQA) study, the New York City Department of City Planning (DCP) found that there were 60 applicants for every apartment in HPD's senior housing developments. LiveOn NY estimates 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.

A significant number of elderly households have negligible income and are at risk for displacement. As the federal government moves away from funding affordable housing for seniors, too few apartments that seniors would be able to afford are being built, leaving tremendous demand for age-based low-cost housing. As a result, many elderly households are experiencing increased rent burdens and exhausting their life savings to keep up with day-to-day living costs. Helping area seniors secure affordable housing and remain in their communities is one of Borough President Adams' top policy objectives. He seeks for the City to advance more projects, such as this proposal, that prioritize permanently affordable units for older New Yorkers across Brooklyn.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed land use actions would be consistent with Mayor 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 for affordable housing development. Borough President Adams also seeks for such housing to remain permanently affordable in order to minimize the loss of affordable housing across the borough. Where HPD has designated for-profit companies to develop affordable housing, the duration of such affordable housing is often driven by financial considerations. Standard regulatory agreements used by government agencies typically span 30 or 50 years. When such regulatory agreements expire, and tenants move out, the apartments cease to operate as an affordable housing resource.

It is Borough President Adams' policy to advocate for mission-driven non-profits to play a role in affordable housing development. 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 1559-1563 Prospect Place to Settlement Housing Fund would help ensure that all 44 units remain affordable beyond the 40-year regulatory agreement, as it is their mission to ensure that the development remains affordable in perpetuity.

As the administering non-profit, Settlement Housing Fund would be responsible for ensuring that affordable housing units comply with its regulatory agreement with HPD that governs a project's affordable housing plan. This involves verifying a prospective tenant household's qualifying income and approving the rents of affordable housing units. The administering non-profit is also responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure compliance.

Settlement Housing Fund participates in HPD's Housing Ambassadors Program, which trains local community groups to provide free technical assistance and financial counseling to residents who wish to apply for affordable housing. Housing Ambassadors and other locally-based non-profits have proven track records of successfully marketing affordable housing units, as well as promoting affordable housing lottery readiness through educational initiatives. It is expected that these partners would implement such an outreach process as part of their marketing strategy for 1559-1563 Prospect Place.

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 funding for 1559-1563 Prospect Place includes financing for which HPD contributes no less than \$2 million, Settlement Housing Fund 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).

Borough President Adams supports the proposed development. He calls on the co-developers, Settlement Housing Fund and The Beechwood Organization, to incorporate resilient and sustainable energy and stormwater practices in the project design.

### **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. This UDAAP application offers opportunities to integrate resiliency and sustainability measures such as blue/green/white roof finishes, passive house construction principles, and solar panels across the seven NIHOP sites.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly constructed roofs, as well as existing roofs undergoing renovation (with some exceptions), incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems, and expand the City's highly reflective (white) roof mandate. It should be noted that HPD projects will not be required to comply with the laws for the first five years. This exemption period will allow the agency to study the feasibility of incorporating green roofs into affordable housing developments.

Borough President Adams believes that development on City-owned land should strive for high standards in resiliency and sustainability. Therefore, it is appropriate for the developers to engage

the Mayor's Office of Sustainability, NYSEDA, 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.

As part of his flood resiliency policy, Borough President Adams 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. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces 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. Where it is not advisable to remove existing street trees, there would be opportunities for street tree pit enhancements, which would increase stormwater infiltration and provide additional plantings. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the City's water pollution control plants.

The required Builders Pavement Plan for the proposed development provides an opportunity to incorporate DEP rain gardens at 1559-1563 Prospect Place. The New York City Zoning Resolution (ZR)'s requirement to plant street trees results in the provision of shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment from the landlord or managing entity. 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 Newtown Creek Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams recognizes that on-site water retention can be achieved in a multitude of ways and commends the developers for giving consideration to the inclusion of green infrastructure in the project. He believes that Settlement Housing Fund and The Beechwood Organization should further consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the three required street trees being with a DEP rain garden as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 8 and local elected officials prior to agreeing to take action.

Borough President Adams believes that HPD should codify, in its Land Disposition Agreement (LDA) or Regulatory Agreement with Settlement Housing Fund and The Beechwood Organization, the extent to which such resiliency and sustainability strategies (including green roofs with photovoltaic systems, passive house construction principles, and water-retention measures involving the proposed street tree plantings) would be integrated into the proposed development. He also calls on the developers to coordinate with DEP, DOT, and NYC Parks to explore the feasibility of planting the three required street trees with a DEP rain garden as part of the Builders Pavement Plan, in consultation with CB 8 and local elected officials.

**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 this application.

**Be it Further Resolved:**

That the New York City Department of Housing Preservation and Development (HPD) codify in its Land Disposition Agreement (LDA) or Regulatory Agreement with Settlement Housing Fund and The Beechwood Organization, the extent that the developers would Incorporate additional resiliency and sustainability measures such as incorporating a New York City Department of Environmental Protection (DEP) rain garden, blue/green/white roof treatment, passive house construction principles, and solar panels in the development.