

**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 #:** DEKALB COMMONS UDAAP – 200155 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, for the designation of the following eight properties as an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP): 633-639 DeKalb Avenue, 648-654 DeKalb Avenue, and 1187 Fulton Street, and pursuant to Section 197-c of the New York City Charter, the disposition of such property to a developer selected by HPD. Such actions would facilitate the construction of three new buildings with a total of 84 affordable units in Brooklyn Community District 3 (CD 3). The 1187 Fulton Street development would also contain approximately 1,470 square feet (sq. ft.) of ground-floor commercial use.

COMMUNITY DISTRICT NO. 3

BOROUGH OF BROOKLYN

**RECOMMENDATION**

- APPROVE 648-654 DeKalb Avenue
- APPROVE 1187 Fulton Street WITH MODIFICATIONS/CONDITIONS

- DISAPPROVE
- DISAPPROVE 633-639 DeKalb Avenue WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

*Eric L. Adams*

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BROOKLYN BOROUGH PRESIDENT

April 3, 2020

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: DEKALB COMMONS UDAAP – 200155 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, for the designation of the following eight properties as an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP): 633-639 DeKalb Avenue, 648-654 DeKalb Avenue, and 1187 Fulton Street, and pursuant to Section 197-c of the New York City Charter, the disposition of such property to a developer selected by HPD. Such actions would facilitate the construction of three new buildings with a total of 84 affordable units in Brooklyn Community District 3 (CD 3). The 1187 Fulton Street development would also contain approximately 1,470 square feet (sq. ft.) of ground-floor commercial use.

On February 12, 2020, Brooklyn Borough President Eric Adams held a public hearing on this special permit request. There was one speaker on the item in opposition, a local business owner who disclosed that he has held the 633-639 DeKalb Avenue site for several decades, primarily for use as a parking lot, and has paid rent and insurance on the property since 1997. The speaker testified that HPD had made representation that it would convey the property to him as soon as it entered the Uniform Land Use Review Procedure (ULURP) process.

In response to Borough President Adams' inquiry regarding Brooklyn Community Board 3 (CB 3)'s vote to disapprove the requested land use actions, HPD clarified that as it has not received any questions from the board, there has been no follow-up regarding the vote. HPD noted that the CB 3 Land Use and Housing Committee supported the project, but that testimony by the former commercial tenant of the 633-639 DeKalb Avenue site may have affected some board members' votes at the board meeting.

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 clarified that a portion of the units would be set aside for the formerly homeless, while the rest would be geared toward households at 40, 50, 70, and 80 percent Area Median Income (AMI). Qualifying formerly homeless households would have a maximum income of \$44,400. Net monthly rents for formerly homeless units would range from \$215 for a studio to \$512 for a three-bedroom unit. Qualifying households at 40 percent AMI would earn between \$23,717 and \$44,400, and pay rents of \$535 for a studio to \$949 for a three-bedroom unit. Qualifying households at 50 percent AMI would earn between \$30,127 and \$55,500, paying rents of \$696 for a studio to \$1,127 for a three-bedroom unit. Qualifying households at 70 percent AMI would earn between \$44,947 and \$77,700, and pay rents of \$1,016 for a studio to \$1,782 for a three-bedroom unit. Qualifying households at 80 percent AMI would earn between \$49,357 and \$88,800, paying rents of \$1,176 for a studio to \$2,059 for a three-bedroom unit.

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 3 residents, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the applicant stated that St. Nicks Alliance (SNA) is an administering agent for many mixed-income projects, and currently manages 1,400 units of low-income housing. Both SNA and the Bedford Stuyvesant Restoration Corporation (BSRC) offer extensive financial literacy campaigns as an ongoing part of their programs. Moreover, SNA has a housing division that helps people navigate HPD's online application system, HousingConnect.

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 applicant stated intent to work with DEP to integrate stormwater retention measures as part of the required Builders Pavement Plan.

In response to Borough President Adams' inquiry regarding a proposal for a low-rise building at the Fulton Street site, given the available zoning floor area and dire need for affordable housing, the applicant stated that the development was constrained by the parcel's 20-foot width, and the requirement to install an elevator above four stories, which would preclude the provision of two-bedroom units. The applicant disclosed that it was unsuccessful in its attempt to purchase the adjacent lot, but has encouraged the City to retain control over the right to sell unused zoning floor area from the site.

### **Consideration**

CB 3 disapproved this application on February 3, 2020.

633-639 DeKalb Avenue assemblage (Development Site 1) is located on the north side of DeKalb Avenue between Marcy and Nostrand avenues. It has a total area of 9,825 sq. ft. and would contain 37 affordable housing units. The 648-654 DeKalb Avenue assemblage, with a total area of 10,983 sq. ft. is across the street, and would accommodate 45 affordable housing units. The 1187 Fulton Street site is a 1,786 sq. ft. lot located 14 blocks southwest of the other sites, and would contain three units. The DeKalb Avenue properties are located in an R6A district, while Development Site 3 is zoned R7D/C2-4.

The project sponsor is DeKalb Commons NY Housing Development Fund Corporation (HDFC), a partnership between BSRC and SNA, two Brooklyn-based non-profits that develop and manage affordable housing. If approved, this application would yield three new developments with a total of 85 permanently affordable units, and one retail store on Fulton Street. The affordability program would set aside 13 units for the formerly homeless, with a mix of studio, one-bedroom, two-bedroom, and three-bedroom apartments. The other units would be targeted to households at 40, 50, 70, and 80 percent AMI.

The surrounding context for the DeKalb Avenue sites includes a mix of residential, commercial, and community facility uses. The dominant housing type is two- to three-story rowhouses, with some elevator apartment buildings. The primary commercial use in the area is a Home Depot at 585 DeKalb Avenue. There is a significant concentration of large institutional buildings on the adjacent blocks, including houses of worship, libraries, schools, and shelters. The 648-654 DeKalb Avenue site is adjacent to the Kosciuszko Pool, operated by the New York City Department of Parks and Recreation (NYC Parks). Other recreational uses in the vicinity include community gardens, playgrounds, and Herbert von King Park. The 1187 Fulton Street site is located along a busy retail thoroughfare, defined by buildings four stories or higher, with mandated commercial ground floors.

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 own neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites.

Moreover, in Bedford-Stuyvesant, and across New York City, there is a pressing need for affordable and stable housing, among elderly adults, homeless households, low-income families, and other populations. Increasing the supply of affordable apartments for a range of incomes and household types in mixed-use buildings is a critical strategy for promoting a sustainable neighborhood and city.

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.

Borough President Adams supports zoning actions that result in a permanently affordable residential floor area. As mission-driven non-profit developers, BSRC and SNA would be expected to ensure capable administration of the proposed development. Their involvement would also help guarantee that the 85 units remain affordable in perpetuity. The DeKalb Commons UDAAP would be consistent with Borough President Adams' policy for new development on City-owned sites to result in permanently affordable housing.

Borough President Adams advocates the creation of permanent housing for those seeking refuge in shelters. He believes that new residential development on City-owned land presents important opportunities to integrate such units with affordable apartments for low- and moderate-income households. Due to 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.

Though DeKalb Commons would not be utilizing the Our Space Initiative, it would provide deeply affordable housing, with approximately 15 percent of the units reserved for the formerly homeless, which is consistent with Borough President Adams' policies to implement such set-asides within developments constructed on city-owned properties.

It is Borough President Adams' policy to advocate for affordable housing non-profits to play a role in the administration and marketing of affordable housing opportunities, as such developments are more likely to remain permanently affordable with the involvement of a mission-driven organization. As represented at Borough President Adams' hearing, the development team would utilize SNA, an HPD housing ambassador with a proven track records of marketing affordable housing units and promoting affordable housing lottery readiness.

Additionally, Borough President Adams seeks for new developments to achieve an affordable unit mix that reflects the needs of low- to middle-income rent-burdened families. As represented, the DeKalb Commons development would provide 10 studios, 30 one-bedroom units, 37 two-bedroom units, and eight three-bedroom apartments. Such unit mix is consistent with Borough President Adams' policy to promote the construction of family-sized affordable housing units.

Borough President Adams believes that given the proximity of the disposition sites to public transportation, it is appropriate to utilize the available zoning floor area and its resulting increased density. The DeKalb Commons sites are convenient to subways and buses. The DeKalb Avenue properties are located two blocks from the Bedford-Nostrand Avenue stop of the Brooklyn-Queens Crosstown Local G train. They are also accessible via the B38 bus, which travels along DeKalb Avenue, and the B44 bus, which makes stops along Nostrand Avenue. The 1187 Fulton Street site is situated one block east of the Eighth Avenue Local and Franklin Avenue Shuttle Franklin Avenue stop. Because of its location at the intersection of two major corridors, Bedford Avenue and Fulton Street, it is also accessible via four buses: the B25, the B44 and B44 Select Bus Service (SBS), and the B49.

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 for development 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 DeKalb Commons includes financing for which HPD contributes no less than \$2 million, DeKalb Commons NY HDFC 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 is satisfied in knowing that the project developer would be required 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).

While Borough President Adams generally supports the proposed development, he is concerned about the unresolved status of 633-639 DeKalb Avenue. In addition, unused zoning rights on the 1187 Fulton Street site should be earmarked to support affordable housing. He also seeks the

implementation of resilient and sustainable energy and stormwater measures. Finally, Borough President Adams believes that the affordable housing lottery preference standards should be extended to homeless families attending local schools, and that the lottery should apply to rent-burdened households.

### **Disposition of 633-639 DeKalb Avenue**

Though HPD has standing to proceed with the disposition for 633-639 DeKalb Avenue, doing so at this time has brought forth interactions between HPD and the former long-term leaseholder concerning obligations and promises that were not sufficiently acted upon. While court determination might have ended the leasehold, it has not realized satisfaction with respect to the individual's emotional and financial connections to the property. Borough President Adams believes that these unresolved sentiments expressed by the former longtime leaseholder, who utilized the property in association with the former leaseholder's nearby restaurant, a Bedford-Stuyvesant institution, warrant consideration in order to achieve a positive outcome. Without sufficient closure, it would be inappropriate to advance a disposition. He believes that HPD and the designated developer, should engage the former tenants to find a satisfactory outcome that can be reported to the City Council. Otherwise, he recommends that City Council disapprove the disposition of 633-639 DeKalb Avenue, unless HPD and/or DeKalb Commons NY HDFC demonstrate satisfactory resolution with regard to the former tenant's representation of investment and rights as a long-standing leaseholder.

### **Planning for the Unused Development Rights of 1187 Fulton Street**

The underlying R7D/C2-4 zoning district permits a 5.6 FAR, 11-story residential building with a maximum height of 115 feet, and a required commercial ground floor. Such height and bulk is partly achieved through a Voluntary Inclusionary Housing (VIH) bonus. The R7D/C2-4 and its commercial equivalent were paired with VIH and mapped along approximately 30 block-fronts of Fulton Street between Classon and Saratoga avenues as part of the 2007 Bedford-Stuyvesant South rezoning. The rationale for adopting such zoning was to promote residential growth and facilitate affordable housing along the Fulton Street retail and transit corridor. The designated developers are not seeking to utilize such development rights for the redevelopment of 1187 Fulton Street based on financial considerations that would achieve apartment rents affordable to qualifying low- to-moderate income households. Borough President Adams accepts the designated developer's rationale for building to a substantially lower floor area and height than what is allowed.

As for the remaining floor area potential, the New York City Zoning Resolution (ZR) allows for such rights to be transferred to any combination of properties that adjoin a lot by not less than ten feet. Borough President Adams believes that the ability to transfer floor area provides an economic opportunity to support City policies that should not be overlooked. In this specific instance, he believes that any transfer of unused air rights on this City-owned lot should be utilized to create or preserve affordable housing in CD 3. Such rights should not be part of the property disposition and should be memorialized in HPD's LDA or Regulatory Agreement with DeKalb Commons NY HDFC. Specifically, all remaining development rights, as established upon the issuance of 1187 Fulton Street's Certificate of Occupancy (C of O), should be retained for an eventual zoning lot merger transfer of development rights. Moreover, proceeds from the sale of such rights should fund the creation and/or preservation of affordable housing in CD 3. Borough President Adams recommends that the City Council approve the disposition of 1187 Fulton Street on the condition that HPD and DeKalb Commons NY HDFC provide written commitment of such intent.

### **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 at each project site 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). 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 DeKalb Commons 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 the law exempts HPD projects for the first five years, to allow the agency to study the feasibility of incorporating green roofs.

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 developer to engage 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.

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 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. Where it is not advisable to remove existing street trees, there would be opportunity for street tree pit enhancements to realize enhanced stormwater retention benefits while including more plantings, which would increase infiltration at this location and also make the site more pleasant for its users. 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 install DEP rain gardens along its DeKalb Avenue frontage. The ZR 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 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 Newtown Creek and Red Hook Wastewater Treatment plants during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams believes that DeKalb Commons NY HDFC should 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 inclusion of rain gardens 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 3 and local elected officials prior to agreeing to take action.

Borough President Adams believes that HPD should codify, in its LDA or Regulatory Agreement with DeKalb Commons NY HDFC, the integration of resiliency and sustainability measures at DeKalb Commons, including DEP rain gardens, green roofs with photovoltaic systems, and passive house construction principles. The City Council should further seek demonstration of the developer's commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens as part of a Builders Pavement Plan, in consultation with CB 3 and local elected officials.

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

New York City's community preference policy requires that 50 percent of affordable units filled through affordable housing lotteries be reserved for residents in the local community. 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. A recent New York University (NYU) study found that during the 2016-2017 school year, nearly one in ten New York City students in kindergarten through fifth grade experienced homelessness.

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 ICPH, there are multiple public schools within several blocks of the proposed development, where the proportion of homeless students is 7 to 27 percent.

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

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

Data shows that more than 80 percent New York City households earning 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.

Within CD 3, a significant number of households residing in unregulated housing and regulated apartments pay too much of their household income toward rent. According to the Association for Neighborhood Housing and Development (ANHD), 52 percent of Bedford-Stuyvesant households are rent-burdened. The Institute for Children, Poverty & Homelessness (ICPH) found that 31 percent of these households spend 50 percent or more of their income on rent, making them severely rent-burdened. CD 3 is also among the top 10 New York City community districts with the highest number of serious housing code violations. Taken together, these facts point to a dual housing affordability and quality crisis, whereby too many Bedford-Stuyvesant households are paying too much of their income for dangerous and substandard accommodations. There is thus a pressing need to increase the supply of permanently affordable housing in the area. Moreover, given the risk of displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

A strict rent-to-income requirement 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 Uniform Land Use Review Procedure (ULURP) recommendation, 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 Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council:

1. Disapprove the disposition of 633-639 DeKalb Avenue, unless HPD and/or DeKalb Commons NY HDFC demonstrate satisfactory resolution with regard to the former tenant's representation of investment and rights as a long-standing leaseholder
2. Approve the disposition of 1187 Fulton Street with the condition that HPD incorporate in its Land Disposition Agreement (LDA) or Regulatory Agreement with DeKalb Commons NY Housing Development Fund Corporation (HDFC), written commitment to retain all unused zoning floor area rights permitted by the underlying R7D/C2-4 district, established upon the issuance of the new building's Certificate of Occupancy (C of O), to facilitate a future zoning lot merger transfer of development rights, with the proceeds earmarked for the creation and/or preservation of affordable housing in Brooklyn Community District 3 (CD 3)
3. Approve the disposition of 648-654 DeKalb Avenue

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 DeKalb Commons NY Housing Development Fund Corporation (HDFC), written commitments to:
  - a. Continue exploration of additional resiliency and sustainability measures such as incorporating rain gardens, blue/green/white roof treatment, passive house construction principles, and solar panels
  - b. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) to install DEP rain gardens as part of a Builders Pavement Plan along DeKalb Avenue, in consultation with CB 3 and local elected officials
2. That HPD modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or -operated shelters
3. That the City Planning Commission (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