CITY PLANNING COMMISSION

November 2, 2015 / Calendar No. 9 C 150400 PQK

IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services and the Brooklyn Public Library, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1 Clinton Street, aka 280 Cadman Plaza West (Block 239, p/o Lot 16), Community District 2, Borough of Brooklyn, for use as a branch library.

This application (C 150400 PQK) was filed on June 4, 2015 by the NYC Department of Citywide Administrative Services (DCAS) and the Brooklyn Public Library (BPL), which along with the related actions, would facilitate the development of a new Brooklyn Heights Branch Public Library in the base of a new mixed-use development.

RELATED ACTIONS

In addition to the proposed acquisition which is the subject of this report (C 150400 PQK), implementation of the applicants proposal also requires action by the City Planning Commission on the following applications, which are being considered concurrently:

C 150399 PPK	Disposition of city-owned property by the NYC Department of Citywide Administrative Services (DCAS), located at 1 Clinton Street, aka 280 Cadman Plaza West (Block 239, Lot 16).
M 860392(A) ZSK	Modification of a previously-approved special permit by Cadman Associates, LLC c/o Hudson Companies, to update the zoning lot boundaries for Block 239, Lots 1, 3, and 16.

BACKGROUND

A full background discussion and project description appears in the report on the related disposition application (C 150399 PPK).

ENVIRONMENTAL REVIEW

The subject application (C 150400 PQK), in conjunction with the related actions (C 150399 PPK and M 860392 (A) ZSK), was reviewed pursuant to the Rules of Procedure for City Environmental

Quality Review (CEQR) Executive Order No. 91 of 1977, and the State Environmental Quality Review Act (SEQRA) set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00. The designated CEQR number is 15DME005K. The lead is the Deputy Mayor's Office for Housing and Economic Development. A summary of the environmental review appears in the report on the related disposition application (C 150399 PPK).

UNIFORM LAND USE REVIEW

This application (C 150400 PQK), in conjunction with the related disposition application (C 150399 PPK), was certified as complete by the Department of City Planning on June 6, 2015, and was duly referred to Brooklyn Community Board 2 and to the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application on June 17, 2015 and on July 15, 2015, by a vote of 25 in favor, 14 opposed, with 4 abstentions, adopted a resolution recommending approval with conditions. A summary of the vote and recommendations of the Community Board appear in the report on the related disposition application (C 150399 PPK).

Borough President Public Hearing

This application was considered by the Borough President of Brooklyn, who held a public hearing on this application on August 18, 2015 and issued a recommendation to disapprove the application on September 8, 2015, subject to conditions. A summary of the Borough President's recommendations appear in the report on the related disposition application (C 150399 PPK).

City Planning Commission Public Hearing

On September 9, 2015 (Calendar No. 3), the City Planning Commission scheduled September 22, 2015 for a public hearing on this application (C 150400 PQK). The hearing was duly held on September 22, 2015 (Calendar No. 10) in conjunction with the public hearing on the related action. There were a number of appearances, as described in the related report for a disposition application (C 150399 PPK), and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application for the acquisition of property, and the related applications for disposition and modification of a previously approved special permit, are appropriate. A full consideration and analysis of the issues and the reasons for approving this application appears in the report on the related disposition application (C 150399 PPK).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the actions 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 of the New York City Charter that, based on the environmental determination and the consideration described in this report, the application submitted by the Brooklyn Public Library and the NYC Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1 Clinton Street, aka 280 Cadman Plaza West (Block 239, p/o Lot 16), Community District 2, Borough of Brooklyn, for use as a branch library, is appropriate.

The above resolution (C 150400 PQK), duly adopted by the City Planning Commission on November 2, 2015 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, *Chairman*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, RICHARD W. EADDY, CHERYL COHEN EFFRON, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*

MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, *Commissioners,* Recused

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 150400 PQK**	Project Name: **1 Clinton Street**
CEQR Number: 15DME005K	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 #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 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 the Brooklyn Public Library and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1 Clinton Street aka 280 Cadman Plaza West (Block 239, p/o Lot 16) for use as a branch library.

Applicant(s):	Applicant's Representative:
Brooklyn Public Library 10 Grand Army Plaza Brooklyn NY 11238	Kristine Maduro 718-230-2027
Department of Citywide Administrative Services 1 Centre Street 20th floor South NY, NY 10007	Randal Fong 212-386-0618

Recommendation submitted by:
Brooklyn Community Board 2

Date of public hearing: June 17, 2015 Location: Room LC400, NYU Polytechnic School, Brooklyn NY

Was a quorum present? YES [X] 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: July 15, 2015 Location: Founders Hall, St. Francis College, Brooklyn NY

RECOMMENDATION

- [ ] Approve
- [ ] Disapprove
- [X] Approve With Modifications/Conditions
- [ ] Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

In Favor: 25 # Against: 14 # Abstaining: 4 Total members appointed to the board: **49**

Name of CB/BB officer completing this form	*Title*	*Date*
Shirley A. McRae	Chairperson	8/7/2015

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. McRAE
Chairperson

ROBERT PERRIS
District Manager

August 7, 2015

Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street
New York, New York 10007

Dear Chairman Weisbrod:

I am writing to inform you that Community Board 2 has reviewed and made a determination on "1 Clinton Street," which consists of three applications—C 150399 PPK, C 150400 PQK and M 860392(A) ZSK—submitted variously by the Department of Citywide Administrative Services, the Brooklyn Public Library (BPL) and Cadman Associates LLC,

> for the disposition of one city-owned property located at 280 Cadman Plaza West (Block 293, Lot 16) pursuant to zoning
>
> for the acquisition of a condominium unit within the property located at 280 Cadman Plaza West (Block 293, Lot 16) for an improved BPL branch library, and
>
> to modify a special permit for height and setback, previously approved under C 860392 ZSK, located at 300 and 280 Cadman Plaza West (Block 293, Lots 1 and 16),

all in the Borough of Brooklyn, Community District 2.

The community board held a public hearing on these applications on June 17, 2015 in Room LC400 of the Dibner Building at the NYU Polytechnic School of Engineering, 5 MetroTech Center, Brooklyn, New York. Seventeen members of Community Board 2, or almost 35 percent of the 49 members at the time, attended the hearing. Over a two-and-a-half hour period, not quite 60 people testified, with nearly twice as many speakers opposed to the project as those testifying in favor (38:20).

The public hearing was held immediately prior to a regularly scheduled meeting of the community board's Land Use Committee, which discussed the applications following the conclusion of the hearing. Two motions were made on the applications but neither were approved by majority vote.

The committee adjourned without making a recommendation and reconvened on July 6, 2015 in Founders Hall, the auditorium of St. Francis College, 180 Remsen Street, Brooklyn, New York. No further testimony was taken at the second meeting of the Land Use Committee. Upon conclusion of its deliberation, the committee voted eight in favor, four opposed, no abstentions (8-4-0) to recommend Community Board 2 support the applications with the conditions that

1. after the library has been fully constructed and outfitted, a reserve fund of at least $2,000,000 be established for future capital repairs at the Brooklyn Heights branch library;
2. the new branch have the same usable floor space as the existing branch; and
3. a memorandum of understanding and a community benefits agreement be executed as part of the project.

I will elaborate on these three conditions.

Reserve Fund
Whether or not someone opposes or supports BPL's proposal, it is unquestionable that it will be disruptive to the patrons of the Brooklyn Heights branch and the Business & Career libraries. Community Board 2 recommends that a reserve fund be created from the proceeds of this transaction to be used for future capital repairs at the Brooklyn Heights branch library, limiting further interruptions of service.

Usable Space
In the June 17 presentation made by the BPL, the Economic Development Corporation (EDC), Hudson Companies—to which Cadman Associates LLC is affiliated—and Marvel Architects, the Land Use Committee was informed that the existing Brooklyn Heights branch library and the Business & Career Library encompass, respectively, about 15,000 and 12,000 square feet (SF) of space accessible to and for use by the public (see Slide 9 of the presentation).

BPL proposes that a 21,500 SF replacement branch library be created within a new building to be constructed by Hudson Companies, of which 18,500 SF would be "completely accessible to the public" (see Slide 11 of the presentation).

Present-day patrons of the Brooklyn Heights branch library and the Business & Career Library do not make a distinction between the two facilities. In particular, the business library's computer room, containing 20 desktop computers, is overwhelmingly used by the public as a general purpose amenity of what they consider *the neighborhood* library, a single institution.

Accordingly, the second condition, that the new branch have the same usable floor space as the existing branch, should be understood as a requirement for the replacement library to have approximately 27,000 SF of space accessible to the public.

Memorandum of Understanding and Community Benefits Agreement
Many representations were made to the community advisory committee (CAC) formed by BPL prior to the certification of its land use applications. For example, a former library vice president

told the CAC in late-2013, prior to the change in mayoral administration, that BPL would not continue with the proposed project if it was not guaranteed that the sales proceeds would benefit the library system. This agreement, however, was not mentioned as part of the presentation to the community board on June 17.

District Manager Robert Perris asked BPL to prepare a summary of commitments made as part of the project. A copy of the abstract prepared by BPL in response is enclosed for your reference. Community Board 2 encourages the City Planning Commission to codify all commitments in its determination.

Minority Opinion

There were many reasons for the significant opposition to the applications. The issue of greatest concern to the community board is the construction of 139 dwelling units in a neighborhood where the zoned elementary school—P.S. 8, The Robert Fulton School—operated at 142 percent of capacity in 2013-2014. In the spring, 40 percent of the applicants for kindergarten at P.S. 8 were wait-listed.

I have been pleased to read you quoted as saying the Department of City Planning will be working more closely with the Office of Management and Budget (OMB) to ensure schools and other municipal facilities and services are planned for when neighborhoods are rezoned. I applaud this return to a more holistic approach to planning, but it cannot function simply on a going-forward basis. Much of the growth in the zone served by P.S. 8 has occurred in Dumbo, which was rezoned in 2009 without any plans for increased school capacity.

Similarly, the environmental impact statement (EIS) prepared for the 2004 Downtown Brooklyn Development Plan (DBDP) estimated the initiative would generate 979 housing units and 278 elementary school students (above the no-build baseline), which the EIS stated could be accommodated within existing capacity. However, an analysis prepared by the Downtown Brooklyn Partnership on the tenth anniversary of the DBDP reported that almost 5,000 units of housing had been built and another 4,600 units were under construction. That is more than 10 times what the EIS projected.

Many people encouraged Community Board 2 to disapprove these applications solely because of the school overcrowding issue, in some cases suggesting a school be required to be included as part of the project. That requirement was not a part of the request for proposals issued by EDC on behalf of BPL. Further, the School Construction Authority (SCA) informed the community board that the size and shape of the development site did not meet its standards.

I urge you, as director of the Department of City Planning, to work with OMB, SCA and others to ensure that school capacity is increased in Brooklyn Heights and Downtown Brooklyn.

Recommendation

I am submitting herewith the community board recommendation forms for applications

C 150399 PPK and C 150400 PQK. As noted on the forms, Community Board 2 ratified the Land Use Committee's recommendation by a vote of 25 in favor, 14 opposed, four abstentions (25-14-4). As already stated, the recommendation comes with the conditions that

1. after the library has been fully constructed and outfitted, a reserve fund of at least $2,000,000 be established for future capital repairs at the Brooklyn Heights branch library;
2. the new branch have the same usable floor space as the existing branch; and
3. a memorandum of understanding and a community benefits agreement be executed as part of the project.

Thank you for the opportunity to comment.

Sincerely,

Shirley A. McRae

Encl.

cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Stephen Levin
New York City Council
Linda E. Johnson, President and CEO
Brooklyn Public Library
Robert Holbrook, Deputy Director
New York City Economic Development Corporation
Assistant Commissioner Randal Fong
Department of Citywide Administrative Services
David Kramer, Principal
Hudson Companies
Winston Von Engel, Brooklyn Borough Director
Alex Sommer, City Planner
Department of City Planning

SAMC:RP

280 CADMAN PLAZA WEST PROJECT

Developer Commitments & Community Benefits Project Summary

SAFEGUARDS TO ENSURE THAT PROCEEDS WILL BE SPENT ON LIBRARIES

- The Hudson Companies ("Hudson") is paying **$52 million** to Brooklyn Public Library ("BPL") via the City of New York for the acquisition of 280 Cadman Plaza West. A 10% deposit was funded at contract signing.
- BPL has signed a Memorandum of Understanding with the City, through its Office of Management and Budget, by which the City committed to transfer 100% of the sale proceeds to Brooklyn Public Library's account.
- Hudson will build a 21,500 core and shell library condominium on the ground and cellar floors of 280 Cadman Plaza West.
- Hudson will sell the Library condo back to the City of New York for **$1**, so that the library building remains City-owned property.
- BPL will use $8-$12 million of the $52 million acquisition price to fit-out the Brooklyn Heights library interior. The remaining $40+ million will make a significant impact towards reducing BPL's $300 million outstanding capital needs and will address the following critical issues:
    - The Walt Whitman branch will receive approximately $6 million to upgrade infrastructure and modernize its facilities.
    - The Pacific branch will receive approximately $3.5 million to pay for a new entryway and make the building ADA accessible.
    - The Washington Irving branch will receive approximately $4 million to upgrade infrastructure.
    - The Sunset Park branch will receive approximately $8 million to expand its facilities from 12,000 SF to 21,000 SF.
    - BPL will identify additional branch libraries that will receive funding from this project.

SAFEGUARDS TO ENSURE A WELL-MAINTAINED BRANCH LIBRARY GOING FORWARD

- Hudson will provide the central heating and cooling equipment ("HVAC system") for the new Brooklyn Heights branch library and the residential condo will be responsible for the

maintenance of the HVAC system in perpetuity, thereby relieving BPL of the ongoing maintenance and capital costs. This will result in a significant savings to BPL.

- The HVAC equipment will all be placed outside of the library's space, thereby freeing up more space for public use.

SAFEGUARDS TO ENSURE UNINTERRUPTED LIBARARY SERVICE IN BROOKLYN HEIGHTS

- Hudson will rent and fit-out an interim library space to be located in the social hall of Our Lady of Lebanon Church. The interim library space will be fitted out before construction can begin at 280 Cadman Plaza West. To ensure minimal interruption in library service, the existing library will not be relocated until the interim library space is ready.

SAFEGUARDS TO ENSURE PROMPT COMPLETION OF THE PROJECT

- To make sure that construction begins in a timely fashion, contract documents require Hudson to start work no later than 60 days after closing unless BPL requires more time to vacate 280 Cadman Plaza.
- Hudson has 30 months to build the library core and shell and a concurrent 36 months to complete the building.

SAFEGUARDS TO ENSURE QUALITY AFFORDABLE HOUSING UNITS IN CB2

- Hudson will build 114 units of Inclusionary/workforce housing ("the affordable buildings") in Clinton Hill, ranging in affordability from 60% to 165% of the AMI. Hudson will enter in regulatory agreements with HPD that mandates rent stabilization for all the units and require the Inclusionary units be affordable for as long as the building at 280 Cadman Plaza West stands. The affordable buildings will be built without *any* public subsidy.
- The 280 Cadman Plaza West building cannot receive its Temporary Certificate of Occupancy (TCO) until the affordable buildings have received their TCO, meaning the market rate units cannot be occupied until the affordable units are also ready to be occupied.
- Pratt Area Community Council ("PACC") will partner with Hudson to market the apartments per HPD's guidelines. As such, there will be a 50% preference for Brooklyn Community Board 2

residents. PACC will send announcements to residents in Community Board 2 and make outreach efforts to various local community organizations.

- Brooklyn Ecumenical Communities ("BEC") will be Hudson's development partner on the affordable buildings. BEC will form a not-for-profit Housing Development Fund Company (HDFC). BEC will also partner with Hudson to market the affordable units.

SAFEGUARDS TO ENSURE LOCAL, SAFE CONSTRUCTION JOBS

- Hudson has made a commitment to the New York City Economic Development Corporation ("EDC") to work with local stakeholders to identify qualified M/WBE firms to work on this project. Hudson's goal is to award 25% of the total dollar-value of eligible construction contracts to M/WBE firms.
- Hudson will also seek to maximize local hiring, including hosting targeted job fairs prior to the announcement of the new open positions.
- To support NYC-area veterans, many of whom are minorities, Hudson will also reach out to Workforce One, an initiative by the NYC Department of Small Business Services.

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
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 #: ONE CLINTON STREET – 150399 PPK AND 150400 PQK

In the matter of an application submitted by the New York City Department of Citywide Services, Brooklyn Public Library, and Cadman Associates LLC to facilitate redevelopment of One Clinton Street aka 280 Cadman Plaza West, Borough of Brooklyn.

COMMUNITY DISTRICT NO. 2 | BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☐ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☒ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BOROUGH PRESIDENT

September 8, 2015

DATE

RECOMMENDATION FOR ONE CLINTON STREET – 150399 PPK AND 150400 PQK

The Department of Citywide Services (DCAS) and the Economic Development Corporation (EDC) seek authorization for the disposition of City-owned property located at One Clinton Street, in the Brooklyn Heights neighborhood of Community District 2 (CD2), to Cadman Associates, for mixed-use development, and DCAS and Brooklyn Public Library (BPL) seek acquisition of the library condominium, subsequent to completion of redevelopment. The site is located in a C6-4 zoning district and within the special Downtown Brooklyn District.

On August 18th, 2015, the Borough President held a public hearing. There were 72 speakers for this item, with 28 in favor and 44 in opposition. Organizations represented by these speakers include: The Brooklyn Public Library, Citizens Defending Libraries, Friends of Sunset Park, Hudson Companies, Brooklyn Heights Association, Build-Up NY, Center for Urban Future, Fifth Avenue Committee, New York City District Council of Carpenters (L.U. 157), Bridge Harbor Heights Association, UA Institute of Math and Science, Brooklyn Chamber of Commerce, Churches United for Fair Housing, Pratt Area Community Council, Fulton Area Business Alliance, Public School 8 PTA, Atlantic Avenue Betterment Association, Ironworkers Local 361 – Brooklyn, DUMBO Neighborhood Alliance, JAGO Community, Independent Neighborhood Democrats, and Brooklyn for Peace.

Speakers in opposition to this project voiced numerous concerns regarding:

- the lack of long-range planning and mitigation of existing infrastructure capacity, including this area's significant school overcrowding, and traffic and pedestrian congestion attributed to the City's use of zoning versus planning to promote real estate driven development;
- the accuracy of the Environmental Assessment Statement, misrepresenting the potential impacts on the surrounding community;
- the growing demand for library services while their funding is gradually decreasing;
- the BPL's failure to disclose the claimed $300 million of deferred maintenance costs in past financial statements and seemingly intentional lack of library maintenance, considering the renovation completed in 1993;
- the problematic mind-sets of library trustees, solely focused on making a profit, and the BPL's lack of transparency;
- the lack of public involvement, including the creation of the Community Advisory Committee (CAC) too late in the process to properly contribute to the shaping of the Request for Proposals (RFP), and EDC reserving the right to waive, modify, and be the sole judge of the acceptability of proposals, ultimately rendering the CAC moot;
- the selling of a public asset, which sets a bad precedent for future sales of public land, including losing land under the guise to raise money for BPL's capital budget, resulting in a lower offering price as compared to the asset's actual market value;
- the overall decreased size of the proposed library space, premised on replacing books with digital content, forcing the children's section to the sub-cellar level, without natural lighting, constraining the ability to expand in the future, and relocating the Business and Career Library to the Central Branch;
- the interim library space being too small to accommodate current functions;
- the financial gain of a private school from the sale of a public asset;
- the Hudson Companies' track record of using irresponsible contractors, with track records of both health and safety violations and wage and hour violations;
- the inconsistency of Community Board 2's (CB 2) vote on this matter;

- the exclusion of affordable housing on site and the proposed off-site affordable housing Area Medium Incomes (AMI) being too high to accommodate those most in need; and
- the lack of a guarantee that the developer would be held accountable, questioning the ineffectiveness of Community Benefits Agreement (CBA) and Memorandum of Understanding (MOU), in fear of a potential repeat of the Donnell Library.

Speakers in support of this project voiced numerous comments regarding:

- the new library facility being a much needed and fully upgraded state-of-the-art space that will appeal to a variety of age groups, with its publically accessible useable space being actually larger than the existing useable space as well as the majority of other branches;
- the air conditioning system being part of the condo system and the library would not be responsible for repairs;
- the much needed funding being directed towards several other library branches in dire need of repairs and upgrades;
- the outreach efforts by the architect and developer to incorporate the community feedback guiding the design of the interior space, allowing access to the auditorium outside regular library hours, and placing the library and parking entrance on Cadman Plaza West;
- the project contextually fitting-in with the existing neighborhood;
- the same architect designing all developments involved with this plan;
- the off-site affordable housing developments allowing the provision of more housing units then if they were provided on-site.
- the Hudson Companies' record of providing a standard of excellence in their development projects; and,
- the RFP and MOU between BPL and EDC outlining strict terms to provide the public elements.

In addition to the public hearing, numerous testimonies and over 2,000 testimony petitions were submitted in person and by email, outlining concerns mentioned at the public hearing as well as additional concerns and comments from various groups and residents within the community. Additional concerns raised include: shadows generated over Korean War Veteran's Plaza and the Green-streets medians; extent of the duration of the construction phase, which lacks specified criteria in mitigating the air quality, noise, vibration, or rodent issues; separate entrances for the library and the market rate units in the new building; Hudson Companies' failure to submit a Doing Business Data form pursuant to Local Law 34; and, that the interim library space is structurally unsafe and in a general state of disrepair, as well as its location within a religious institution. Additional comments included: the streetscape would be better activated by the project, resulting in a more vibrant atmosphere on both Cadman Plaza West and Clinton Street; the off-site affordable housing developments location within an area that has experienced increase displacement; and, the developer would not be using the 421-a tax abatement.

Consideration

CB 2 approved the application with three conditions, as follow:

- after the library has been fully constructed and outfitted, a reserve fund of at least $2 million be established for future capital repairs at the Brooklyn Heights branch library;
- the new branch have the same usable floor space as the existing branch; and

- a MOU and a CBA be executed as part of the project.

The site is city-owned and operated by the BPL under a long-term agreement and in accordance with the establishment of the Brooklyn Public Library system, located at the corner of Clinton Street and Cadman Plaza, developed with a two-story library building occupied by the Brooklyn Heights branch library, approximately 23,900 sf, and the Business and Career Library, approximately 8,300 sf, collectively comprising approximately 32,200sf of useable space. The remaining 26,940 sf comprise mechanical and utility space with storage, otherwise inaccessible by the public.

The existing branch library building was built in 1962 and was designed to house both a library and Federal fallout shelter. According to an estimate provided by the Department of Design and Construction and verified by a third party consultant, the building has over $9 million in outstanding capital needs. This includes $3.6 million for an HVAC replacement; $4.2 million in upgrades to the boiler, lighting, roof and site drainage; $1 million for a new elevator and $500 thousand for fire safety and security enhancements. The BPL considers the floor plan to be poorly laid out, with too little space for public service and too much space for staff and storage. The spaces inside have low ceilings and little natural light and also have limited adaptability. Moreover, the building lacks the basic functionality of a modern library – collaborative areas, flexible workspaces and the infrastructure to support cutting-edge technology.

This library building is part of a larger zoning lot that was combined pursuant to a Special Permit approval that resulted in One Pierrepont Plaza, a 21-story (19 story plus 2 stories of mechanical space) commercial office building with 601,079 sf of floor area. The remainder of the block contains a six-story building owned and occupied by St. Ann's School with 23,232 sf of floor area. Both the zoning lots containing the library and One Pierrepont Plaza and the lot containing the St. Ann's School are not constructed to the full floor area permitted by their C6-4 zoning district designation.

Approval of the requested actions would enable Cadman Associates, or an affiliated entity, to acquire the city-owned lot and existing library building and develop pursuant to zoning in a manner that would incorporate 21,500 sf condominium unit for a replacement BPL branch acquired by the City for $1. The BPL would continue to operate the library in accordance with the existing long-term operating agreement between the BPL and the City.

The proposed development also includes the creation of: approximately 139 on-site market-rate housing units; approximately 19,800 sf of community facility space; approximately 630 sf of ground floor retail space; and, below-grade parking facility with approximately 45 accessory spaces.

The terms of the disposition and the resulting library replacement space, also include an interim library of 8,000 sf to be located a few blocks away at Our Lady of Lebanon Church, at 95 Remsen Street, 114 off-site affordable housing units (75 units at Atlantic Avenue and 39 units at Fulton Street) within Community District 2 as well as the allocation of $52 million from the sale of the property to the BPL.

The BPL intends to use this allocation to fit-out the branch library condominium and to invest in neighborhood branches with urgent capital needs. Branches receiving proceeds from the sale were apparently selected based on their overall outstanding critical needs, the opportunity for comprehensive upgrades, and their equitable distribution throughout the borough.

The Walt Whitman branch would receive $6 million to upgrade infrastructure and to modernize its facilities. The Pacific branch would receive $3.5 million for a new entryway and to make the building ADA accessible. The Washington Irving branch would receive $4 million to upgrade infrastructure. The Sunset Park branch would receive $8 million to expand its facilities from 12,000 sf to 21,000 sf. The remaining, approximately fifty percent of the funds available to improve additional branch libraries for this project, have not yet been specified as part of the application.

The proposed off-site affordable housing was designated for households at, or just below, the AMIs of 60 percent (23 units), 80 percent (38 units), 100 percent (29 units), and 165 percent (24 units). Evenly distributed among these income tiers are 55 studio apartments, 32 one-bedroom apartments, 22 two-bedroom apartments, and five three-bedroom apartments.

Examples of rents based on the four AMIs are: $850, $1,151, $1,451, and $2,428 for studio apartments; $913, $1,236, $1,558 and $2,605 for one-bedrooms; $1,106, $1,492, $1,879 and $3,135 for two-bedrooms; and $1,278, $1,725, 2,171, and $3,623 for three-bedrooms.

While not in the purview of the Borough President, this proposal also requires an authorization for modification of the previously-approved special permit that resulted in the construction of One Pierrepont Plaza. Approval of this modification would allow the St. Ann's School tax lot to be merged into the zoning lot. This action would facilitate the transfer of approximately 16,700 sf of floor area to be used by the designated developer in the redevelopment of the BPL building.

Given the scarcity of available land for development, it is the policy of the Borough President to promote the use of underutilized municipal rights to the fullest extent practical. Given the rising costs of private property, it is becoming crucial to identify smarter and more creative ways to utilize development rights. The City has a dwindling supply of vacant and open land that allows the City to facilitate its needs with the least financial burden on its citizens. One predominant use of City-owned land has been to develop affordable housing, though such land has been used to provide for schools, public parks and other municipal needs. Without the availability of city-owned land, the City is dependent on the acquisition of private property through fair market value. Understanding the vast need for affordable housing, the Borough President's Office analyzed all city-owned properties in Brooklyn to determine to what extent there may be excess development rights. Some of these rights may be placed in open areas of city-owned land, or transferred through zoning lot mergers, but there are also instances where the most effective means to use such rights are to redevelop the property. In the case of the Brooklyn Heights branch, the issue of cost to upgrade the building to satisfactory condition should not be the primary basis for determining the City's utilization of this site. Even if the necessary work could be achieved at significantly reduced cost, there is still a question of whether the City should be forgoing utilization of significant development rights when its land resources are steadily shrinking. The Borough President believes that it is in the City's best interest to pursue redevelopment as the most effective means to utilize this municipal asset; how and when to use this asset is the main consideration.

The Borough President supports land use actions that are compatible with surrounding land uses and building heights that benefit the neighborhood. He believes the proposed use and height would be compatible, though he believes it is possible to proceed with more community benefit.

The Borough President believes that the proposed development terms are a form of investment in the borough's library system. This would be a positive investment for Brooklynites in ways that are not always visible to the naked eye, including helping to expand and enhance the library system's capacity to provide meaningful programs. Libraries are integral parts of the communities they serve. The Borough President has allocated almost $3.225 million of his Fiscal Year 2016 Capital Budget in order to renovate, restore, and reconstruct many of Brooklyn's most beloved centers of learning. Funds achieved through utilizing unused air rights would play a significant role in fitting out a new Brooklyn Heights branch as well as helping to address physical deficiencies at other branches. However, solutions involving one time strategies also demonstrate deficiencies in the BPL funding structure.

The Borough President supports land use actions that are in accordance with the Mayor's *Housing New York: a Five-Borough, Ten-Year Plan,* which commits to the preservation or new construction of 200,000 units by 2024. The proposed land use actions would facilitate the development of 114 off-site affordable rental housing for low- to middle-income households. The developer intends to generate approximately 40,000 sf of floor area to be utilized off-site in combination with other floor area from these sites to achieve the 114 units, in the neighborhood of Clinton Hill in CD 2. Realizing all of the much needed off-site affordable housing maximizes affordability to neighborhood residents in a section of CD 2 where there is significant risk of displacement due to the many rental units not subject to price regulation. Although, this would waive an opportunity to provide affordable housing in a section of CD 2 where the nearest affordable units have, or are yet to be, located in Downtown Brooklyn and DUMBO.

The Borough President believes that it is appropriate to pursue opportunities to utilize municipal air right assets. However, he has concerns over how the proposed disposition is structured. In addition, the structure of the terms made it clear that library funding is unsustainable and independent operations do not provide sufficient amalgamation with educating Brooklyn's children. To move forward, the Borough President seeks to address the management of public libraries. In addition there needs to be expanded municipal consideration for the utilization of unused development rights, particularly regarding library size and programing, school capacity, affordable housing and the use of City proceeds from the sale of excess municipal development rights. Furthermore, the terms to disposition for remaining air rights warrant consideration of school seat commitment; suitability of interim branch size; generating City income from discretionary actions and heightened real estate markets; job commitments; appropriate provisions for on-site affordable housing; permanency of non-zoning required affordable housing units; and the use of the off-site development's ground-floor, fronting Fulton Street. Finally, the Borough President believes that the library branches identified by BPL for funding from the disposition proceeds, should be maximized as City assets though transferring excess air rights and that the school capacity issue for this section of Community School District 13 (CSD 13) needs to be aggressively addressed by the Department of Education (DOE) and School Construction Authority (SCA).

The following sections outline the Borough President's concerns in more detail.

Agency Status of Public Libraries

Currently, public library operations and maintenance suffer because libraries are not a public agency and government has been inconsistent with its funding stream. Therefore, library maintenance gets deferred and the system's staffing, hours of operation and library operation in general fluctuate between good and bad times. As it stands, the public library system is not a proper working model. The Borough President is concerned that the lack of funding, and ultimate lack of maintenance, of the City's libraries stems from the fragmentation of the libraries' operational systems and management agencies. In order to identify and address the necessary needs of the City's libraries, it is important to incorporate the public library system into the City agency structure.

The Borough President believes that the funding of Library Expense and Capital Budget needs should be responsibly addressed by the tax levy and bonding authority of the City – not a onetime sale of the municipal property. This can be achieved by incorporating the public library system into the agency structure of the City, under Mayoral control. This would require the City to initially convert each library system to a separate City agency. Subject to the results of a cost benefit analysis study, the City should ultimately facilitate a merger of Brooklyn Public Library with the rest of New York's library systems. The Borough President notes the synergy between schools and libraries in terms of promoting educational interests, regardless of the age. Therefore, he believes the whole operation should be placed under the control of a newly established City Library agency or merged with the Department of Cultural Affairs. Furthermore, the library system and the public school system should be placed under the management of the Deputy Mayor as a means to ensure synchronized agendas and supportive programming city-wide.

He urges the Mayor to give prompt consideration to taking on responsibility for the City's libraries.

Utilization of Unused Development Rights

The Borough President believes that excess municipal development rights should not be primarily sold when there is a need for such rights to address area municipal needs.

Existing Branch Library

The Borough President believes that libraries are integral parts of the communities they serve. Investment in libraries is good for Brooklynites in ways that are not always visible to the naked eye; studies show their positive impact on public health, small businesses, civic engagement, and youth development. Investment in the borough's libraries also helps to expand and enhance their capacity to provide meaningful programs. Therefore, it is important that sufficient development rights (floor area) be retained for the Brooklyn Heights branch library to yield an appropriate branch size, reflective of the increased library services demand in this area as well as reflective of the existing branch size. The existing Brooklyn Heights branch library consists of almost 60,000 sf, of which only approximately 32,200 sf is useable, accessible to the public. The 32,200 sf breaks down into approximately 23,900 sf of the branch library and approximately 8,300 sf of the Business and Career Library. The proposal is to decrease the new library branch size to approximately 21,500 sf.

The Borough President shares the concerns of the many members of the community regarding the size of the library. This section of Brooklyn has experienced significant residential population growth that is expected to continue to grow. The Brooklyn Heights branch needs to serve its existing and expanding patron-base and having adequate physical

size is important to ensure sufficient delivery of service. He believes that the size of any reconfigured library within this site should more closely reflect the existing useable library space, closer to approximately 30,000 sf, in order to fully accommodate existing and future library demands.

Business and Career Library

This application proposes to relocate the Business Library from its existing location within the Brooklyn Heights Branch to the Central Branch, at Eastern Parkway and Flatbush Avenue, across from the Grand Army Plaza. Many provided testimony in opposition, siting the convenience and accessibility for the physically impaired.

While physically more central within Brooklyn, accessibility is not defined merely by the location on a map. The majority of neighborhood to neighborhood travel in Brooklyn occurs with the assistance of public transit. Downtown Brooklyn is a hub for the Borough's public transportation, while the Central Branch is served by two subway corridors and a few complimentary bus routes. While the Central Branch improves access by personal vehicle, by providing library users with more affordable parking, this does not compensate for its lack of accessibility by public transit. In addition, consideration should be given to conveniently serving mobility-impaired disabled individuals. The Central Branch is not served at all by Americans with Disabilities Act (ADA) compliant subway stations. In addition, the Borough President's Office analyzed access to both libraries based on the assumption of taking a bus to an ADA compliant subway station near the Brooklyn Heights branch or taking two buses to the Central Branch. Using this methodology, the Brooklyn Heights branch appears to be more ADA accessible.

The Borough President is committed to improving accessibility for people with disabilities through his Access-Friendly NYC initiative and called upon all government facilities to perform an accessibility assessment. In July 2015, the Borough President released his Access-Friendly NYC report to detail policy and standards recommendations for improving accessibility throughout New York City, which built upon a set of guidelines, released in February, developed to advance accessibility of public buildings beyond compliance with ADA. The initiative focuses on how Brooklyn and New York City can lead the way in making improvements to physical, visual, auditory and social access for all of its residents; twelve percent of the borough's population is over the age of 65, while almost ten percent have reported having some form of disability. The report outlines a number of policy recommendations for the public and private sectors alike to advance accessibility, including for DCAS to conduct walkthroughs of all its buildings to see how they can go above and beyond ADA compliance.

The Borough President shares the concerns of the community regarding the relocation of the Business Library. Given the accessibility logistics, including consideration for patrons with physical disabilities, he believes that the Central Branch does not compare with the existing location in terms of being accessible to the majority of the borough. People with disabilities would more than likely find accessing the Business Library's proposed location within the Central Library to be more challenging by public transit.

The Borough President believes that the Business and Career library should remain at the Brooklyn Heights branch library location in order to continue to best serve those who are most in need of its services.

School Capacity

Based on information provided in the environment assessment statement and testimony provided to the Borough President it is clear that there is immediate need to develop CSD 13 public school seats in proximity to PS 8. Currently, Downtown Brooklyn has a large number of new developments in the planning stages as well as already in the construction phase, estimated to accumulatively produce over 1,500 public elementary school students. While on its own, the new development at One Clinton Street is estimated to produce approximately 40 additional students, PS 8 is currently at around 140% capacity and there is simply no room to accommodate these students. The Borough President shares concerns of the community that without proper mitigation, the anticipated development at One Clinton Street, in combination with the other current developments within the area, would result in significantly adverse impacts on the nearby PS 8 as well as on CSD 13 overall.

Possible remediation could include reconfiguring certain existing administrative and support space within PS 8 to create additional classroom space, while providing the said administrative space in the new building of the applicant's site. Another option is to provide new classroom space within the new building. A review of the schematic building plans reveals a possibility for several alternatives to incorporate additional classroom space for CSD 13 above the library, the parking garage and mechanical space, at the floor level depicted for private rooftop open space of the residential tower. In addition, the sub-cellar/cellar spaces delineated as community facility space could adequately serve for gym and support function for a school annex.

The Borough President believes that it is possible to accommodate the PS 8 capacity overflow within the new building by providing additional classroom space. DOE/SCA, in coordination with CSD 13, CB 2, and local elected officials, should secure sufficient floor area, as part of subsequent redevelopment of this site, requiring the developer to incorporate additional classroom space above grade, while also including complimentary functions such as a gymnasium and general assembly/lunch room space within the cellar and sub-cellar space.

Affordable Housing

The Borough President supports the Mayor's goal to achieve 200,000 affordable housing units over the next decade. The Borough President 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. Among numerous strategies and approaches, the Borough President is committed to advancing his affordable housing policy through his role in the Uniform Land Use Review Procedure (ULURP).

He believes that, as part of this agenda, a significant number of these units should be achieved through utilizing excess municipally-owned development rights to facilitate residential development. The development of much needed affordable housing provides opportunities to existing neighborhood residents at risk for displacement. Many residents within CD 2 live in unregulated housing and the continued significant increase in rents has resulted in residential displacement. Therefore, there is a pressing need to provide affordable housing units within this area.

The proposed development would provide for 114 housing units to be located off-site. The developer intends to provide affordable housing, consistent with the Zoning Resolution, that allows affordable housing floor area derived from the zoning bonus to be provided anywhere

within CD 2. On top of the affordable housing pursuant to the Zoning Resolution, the developer intends to provide additional affordable housing units as part of being designated.

The Borough President believes that it would be more appropriate to distribute affordable housing opportunities throughout CD 2. One Clinton Street generates approximately 40,000 sf of inclusionary housing bonus floor area. Based on unit types proposed for the apartment tower, this would equate to approximately 20 affordable housing units, designated as permanent affordable housing. In providing affordable housing off-site, pursuant to the Zoning Resolution, the Borough President believes that discretionary land use actions are appropriate opportunities to advance policies that constrain what would otherwise be permitted as-of-right. For this building it is important to provide the affordable housing floor area generated by the Inclusionary Housing Zoning Floor Area Bonus on-site, even though it would reduce the actual number of affordable housing units proposed through the developer's solution. This provision would guarantee more family-oriented apartments because of requirements to have consistent bedroom counts with both affordable and market rate apartments while also allowing the affordable housing opportunities to be dispersed within CD 2.

Therefore, the Borough President seeks affordable housing floor area generated through zoning regulations for One Clinton Street to be included as part of the site's redevelopment.

Use of City Proceeds From the Sale of Excess Development Rights

The proceeds generated by the disposition and sale of excess development rights from this city-owned property have the potential to generate revenue for the City. The City intends to allocate proceeds from the disposition of this municipal property to BPL. In turn, BPL intends to invest in select neighborhood library branches with urgent capital needs.

While deferred maintenance and capital improvements have resulted in BPL being a worthy candidate for an infusion of funds, there are numerous other pressing needs in the host community, such as significant overcrowding at PS 8, that are also worthy of consideration. Libraries are an integral part of Brooklyn's communities so they are definitely worthy of funding consideration. However, without a broader discussion, other compelling priorities for the community, that should be given the opportunity to be addressed, are at risk of being overlooked. In order to enable such consideration, relevant stakeholders and decisions makers must be included in an open discussion.

In this particular section of CD 2, there needs to be a wider conversation whether the library should be an exclusive priority or a primary priority because there may be a compelling case for considering school funding and/or the development of more affordable housing units. Therefore, the Borough President believes that the use of proceeds generated by the sale of this municipal development rights asset should be determined pursuant to a wider consultation between the City, the affected Community Board and the Local Elected Officials.

Prioritizing Brooklyn Public Library Branches for Capital Improvements

The BPL intends to allocate proceeds from the disposition of this municipal property to invest in select neighborhood library branches with urgent capital needs. The BPL has specified that branches receiving proceeds from the sale were apparently selected based on their overall outstanding critical needs, the opportunity for comprehensive upgrades, and their equitable distribution throughout the borough. Four of these branches have been disclosed in the land use application with anticipated amount of capital budget appropriations. Approximately half of the remaining funds from the proposed sale have not

yet been disclosed, in regard to where the BPL would want to allocate these proceeds. While the BPL's procedures are not being questioned, the Borough President is concerned that there is not a clear understanding of the capital needs across all of the borough's branches.

The Borough President believes that instead of simply adhering to what has been prioritized by the BPL, there should be full disclosure for borough-wide branch capital needs and there should be opportunity for open discussion, inclusive of the relevant local elected officials. The BPL should not be the sole decision maker in prioritizing and allocating capital improvement funding. The process should allow for discussion and feedback from all relevant elected officials on the allocation and prioritization of capital funding. The Borough President believes that the BPL or its successor City agency and relevant local elected officials should comprehensively decide which of the Brooklyn library branches should receive the proceeds, from the sale of this City-owned property, towards capital improvements.

Disposition Requirements for Use of Remaining Air Rights

The Borough President believes that several important steps need to be incorporated into the Regulatory Agreement or Land Disposition Agreement in order for DCAS, EDC and BPL to effectively execute the disposition and redevelopment of this city-owned property, whenever the disposition would be advanced.

Disposition Deferment

Based on information provided in the environmental assessment statement and testimony provided to the Borough President it is clear that there is immediate need to develop CSD 13 public school seats in proximity to PS 8. While it is very clear that this municipal property could be the answer to at least alleviating the school capacity issue in proximity to PS 8, at the moment there is no commitment for funding from DOE and/or SCA. The proposed redevelopment has the potential to accommodate space for approximately 10-12 classrooms above the level of the library, as well as a gymnasium and other multi-purpose spaces. The Borough President shares concerns of the community that if redevelopment of this City asset proceeds without such commitments from the developer of the DOE and/or SCA, there will be a missed opportunity in providing much needed public school seats.

The Borough President believes that appropriate and timely actions are necessary in order to insure this municipal property provides the fullest benefit to the community. In mitigating the school capacity issues, the Borough President believes that the effective date of disposition of excess city-air rights property be deferred until both DOE and/or SCA have entered into a funding arrangement (condominium or long-term lease) with the designated developer.

Whenever this disposition would be advanced, the City Council should obtain such commitment of DOE/SCA funding from DCAS in writing prior to waiving its right to call up the application or otherwise grant its approval.

Interim Branch Size

The developer has identified an 8,000 sf space, to be renovated inside Our Lady of Lebanon Church at 95 Remsen Street, as the interim library location throughout the duration of the project's construction period. The Borough President is concerned that the proposed interim

library space is insufficient to house and accommodate existing library use, in comparison to the existing approximately 30,000 sf of library space at the Brooklyn Heights library branch.

The Borough President believes that in order to minimize interruption in library service for all library users, additional interim library space, accumulatively totaling no less than 20,000 sf, should be provided by the developer. He calls for the designated developer to be required to make market-based competitive offers to secure additional interim library branch space should Brooklyn Heights retail storefronts, office spaces and/or community facility spaces become vacant or otherwise available, anywhere prior to the date of construction and one year prior to the estimated development completion.

The Borough President believes that such provision of additional interim library space should be memorialized in the Land Disposition Agreement or Regulatory Agreement between the developer with EDC and DCAS. Whenever this disposition would be advanced, the City Council should obtain such commitment from the designated developer in writing prior to waiving its right to call up the application or otherwise grant its approval.

Subsequent Opportunity for the Brooklyn Public Library to Obtain Capital Funding

Oftentimes developers realize that there is a stronger market than anticipated towards the completion of a development project. When this happens the developer usually revises the Offering Plan in order to capitalize on the increased value of the development. However, the City does not benefit from this revision and increased profit unless specifically stated in the Land Disposition Agreement or Regulatory Agreement.

The Borough President is concerned that upon the completion of the project the value of the units within the new building will significantly increase while the BPL or successor City Library agency share of sale price remains the same. In order for the BPL or successor City Library agency to ensure an appropriate sale price for the city-owned land, the Borough President believes that any price increase revision to the Offering Plan require for the BPL or successor City Library agency to receive a percentage of the revenue from the developer's sale of the units.

The Borough President believes that obtaining such proceeds should be memorialized in the Land Disposition Agreement or Regulatory Agreement between the developer with EDC and DCAS. Whenever this disposition would be advanced, the City Council should obtain such commitment from the designated developer in writing prior to waiving its right to call up the application or otherwise grant its approval.

St. Ann's Development Rights

The library building, One Clinton Street, is part of a larger zoning lot that was combined pursuant to a Special Permit approval that resulted in One Pierrepont Plaza, a commercial office building. The remainder of the block contains a building owned and occupied by St. Ann's School. The lot containing the St. Ann's School is not constructed to the floor area permitted by the C6-4 zoning district designation. Therefore, the developer has an application before the City Planning Commission (CPC) to modify the existing Special Permit to allow a lot merger that will facilitate the transfer of approximately 16,700sf of St. Ann's floor area to be used by the designated developer in the redevelopment of the BPL building.

The Borough President believes that the excess developments rights to be transferred from St. Ann's School to One Clinton Street are considered valuable because they ultimately allow the new building's height to increase by at least two floors. This increase results in what

would be the top two floors, easily the most valuable floor area in a building. The Borough President sees this value gained through a discretionary approval as being no different than property value gained through rezoning. In such instances, the Mayor is on record seeking 25 percent of the floor area to result in a public purpose, in the form of affordable housing. The Borough President believes that such policy of obtaining public purposes should be no different than the air rights being transferred from the Sty. Ann's zoning lot.

Therefore, the Borough President believes that should St. Ann's excess development rights be incorporated into the library branch redevelopment, the BPL or successor City Library agency should receive 25 percent of the net proceeds above all construction and soft costs from the sale of floor area (housing units) from the uppermost floors. This equates the floor area rights acquired from St. Ann's as a result of the zoning lot merger facilitated by the discretionary modification of the existing special permit by CPC.

The Borough President believes that such proceeds should be memorialized in the Land Disposition Agreement or Regulatory Agreement between the developer with EDC and DCAS. Whenever this disposition would be advanced, the City Council should obtain such commitment from the designated developer in writing prior to waiving its right to call up the application or otherwise grant its approval.

Jobs

The Borough President is concerned that too many residents of Brooklyn are unemployed or underemployed. It is his policy to promote economic development as a means of creating more employment opportunities. Double-digit unemployment is a pervasive reality in many of Brooklyn's neighborhoods, and over half of our community districts have suffered poverty rates of 25 percent or greater, according to averaged data from 2008 to 2012. Prioritizing local hiring is integral to addressing this employment crisis. In addition, promoting Brooklyn-based businesses including those that qualify as MWBE and LBE is a key component of the Borough President's economic development agenda. As potentially new construction, the disposition of these sites provides opportunities for the future developer to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation).

The Borough President understands the concerns of those who provided testimony regarding responsible development, and practices by irresponsible contractors and subcontractors. He believes that workers should be able to work in a non-threatening environment while promoting his agenda for achieving employment for Brooklynites through such discretionary land use actions. The Borough President looks forward to additional avenues that he can advocate in order to bring jobs and careers to borough residents.

Whenever the intended development would be advanced, the Borough President believes that such Administrative Code and Local Law standards should be memorialized in the Land Disposition Agreement or Regulatory Agreement between the developer with EDC and DCAS. Whenever this disposition would be advanced, the City Council should obtain such commitments from the selected developer in writing prior to waiving its right to call up the application or otherwise grant its approval.

Permanent Affordability

It is the Borough President's policy that affordable housing units remain "affordable forever" wherever feasible. The development at One Clinton Street generates approximately 40,000 sf of

the Zoning Resolution's inclusionary housing bonus floor area, approximately 20 housing units when developed on-site, that is required to remain permanently affordable. An additional 20 percent of the floor area at the off-site location is anticipated to be developed according to the same inclusionary housing bonus floor area, thus also obligated to remain permanently affordable up to 80 percent AMI. These housing units are consistent with the Borough President's policies of permanent affordability. The additional affordable housing would have no zoning obligation to remain affordable as the developer's selection by the City included the offer to provide additional floor area to achieve 114 affordable housing units. This provision of additional affordable housing would be above and beyond the zoning requirement, with incomes at 100% and 165% AMI.

For the base floor area units, the Borough President is concerned that the standard regulatory agreement is typically not more than thirty years. The concern is that as tenants move out after the expiration of such regulatory agreement, those units would no longer be an affordable housing resource. He believes that ultimate disposition terms should ensure that all affordable housing units remain permanently affordable.

Whenever this disposition would be advanced, the City Council should obtain such commitments from the designated developer in writing, memorialized in the Land Disposition Agreement or Regulatory Agreement, between the developer with EDC and DCAS, prior to waiving its right to call up the application or otherwise grant its approval.

Bedroom Distribution

In order to achieve 114 affordable housing units the developer proposes a significantly unbalanced number of studio apartments versus two- and three-bedroom apartments which are most in demand for families borough-wide. The preliminary terms with the City propose 55 studio apartments, 32 one-bedroom apartments, 22 two-bedroom apartments, and five three-bedroom. The typical apartment types in non-regulated units, where displacement is ongoing in CD 2, is not likely reflective of this bedroom mix. Less than one-quarter of the proposed units is suitable for families. A recent report identified that the rent-burden households which typically represent those households applying to the City's affordable housing lotteries, are more likely to require family-sized unit types. Therefore, the Borough President shares the concerns of the community regarding the mix of the proposed affordable housing units not reflecting the needs of CD 2's low- to middle-income communities.

The Borough President believes that using the affordable housing floor area for right-sizing the bedroom distribution is more important than maximizing the number of affordable housing units. Regulations pertaining to the Borough President's advisement for building the 40,000 sf of inclusionary floor area from One Clinton Street on site would partially mitigate his concerns. The Borough President believes that the affordable housing units that would remain off-site should be further modified to accommodate more family size units rather than a bedroom distribution that was meant to merely maximize unit count by utilizing smaller unit sizes.

The Borough President also believes that such right-sizing affordable housing bedroom distribution should be memorialized in the Land Disposition Agreement or Regulatory Agreement between the developer with EDC and DCAS. Whenever this disposition would be advanced, the City Council should obtain such commitments from the designated developer in writing prior to waiving its right to call up the application or otherwise grant its approval.

Ground Floor Use Fronting Fulton Street

While the development at One Clinton Street generates approximately 40,000 sf of inclusionary housing bonus floor area, approximately 20 housing units, the developer proposes to provide above and beyond the zoning requirement, a total of 114 affordable housing units. In order to achieve the additional units, the developer proposes two off-site affordable housing developments consisting of 75 units at Atlantic Avenue and 39 units at Fulton Street, a retail street, within CD 2. There are no formal commitments to include ground floor retail use at the Fulton Street site.

The Fulton Street site is located within the Fulton Area Business Alliance BID (FAB) where there have been ongoing efforts to enhance the Fulton Street shopping district. The goal of FAB is to turn Fulton Street into a lively mixed-use retail corridor with a vibrant mix of commercial and community facilities on the ground floor of all new developments. Ground floor retail provides opportunities for pedestrians to look inside at merchandise and activity in a manner that makes a more interesting experience when strolling along a retail corridor. Interesting corridors often result in more foot-traffic that support retailers while providing more eyes on the street as a means to enhance a feeling of being safe in the neighborhood. This is further enhanced when lighting from stores supplements the City's street lights. By providing a more active street front, commercial ground floor space has the potential to not only activate the street but also provide more pedestrian foot traffic and an overall brighter, livelier and safer atmosphere. Therefore, the Borough President shares the concerns of the community regarding the proposed off-site affordable housing development on Fulton Street not having any explicit obligation to include commercial uses on the street level. He believes that the off-site housing developments should be required to provide commercial use at ground floor level, consistent with the standards of the Zoning Resolution's Special Enhanced Commercial District.

With the intended development, the Borough President believes that such standards should be memorialized in the Land Disposition Agreement or Regulatory Agreement between the developer with EDC and DCAS. Whenever this disposition would be advanced, the City Council should obtain such commitments from the selected developer in writing prior to waiving its right to call up the application or otherwise grant its approval.

In addition to project specific recommendation, the following pertain to certain library branch air rights and to the seat-shortage in the western section of Community School District 13.

Strategy for Off-Site Libraries That Were Considered for Disbursement of Air Right Funds by Brooklyn Public Library

It is one of the Borough President's policies to support effective ways to create more affordable housing. The residents of Brooklyn continue to face significant increases in rents, ultimately resulting in residential displacement. Therefore, it is crucial to continue identifying additional, more creative, opportunities for people to affordably remain within their neighborhoods. In response to the Mayor's *Housing New York: a Five-Borough, Ten-Year Plan,* in November 2014 the Borough President produced a report titled the Housing Brooklyn: A Road Map to Real Affordability for Brooklynites. The report discusses key opportunities for affordable housing development throughout Brooklyn in order to help achieve the Mayor's development goals. The report outlines important steps that need to be taken to give more residents the opportunity to secure quality affordable housing. One such method is to identify potential municipally-owned land that can be utilized for private residential development in order to help realize the much needed affordable housing in a manner that maximizes affordability to existing neighborhood residents at risk for displacement.

An example of this method is to leverage the existing unused development rights, from Brooklyn Public Library branches with excess rights, for public purpose. The Brooklyn Public Library has identified Washington Irving Library branch, Pacific Library branch, and Walt Whitman Library branch as those that will benefit from a share of the sales proceeds from the sale and redevelopment of the Brooklyn Heights Library branch. The Borough President believes there are several strategies to utilize the unused development air rights from these existing underbuilt library lots in order to facilitate development of affordable housing.

Washington Irving Library Branch

The Washington Irving Library branch is a non-landmarked Carnegie library, within Bushwick, projected to receive $4 million towards upgrading the existing infrastructure.

The Washington Irving Library branch has excess development rights. The building's footprint does not provide any yard opportunity to use those development rights and it is not appropriate public policy to replace the building as it is a Carnegie Library. The only realistic opportunities to use this branch's development rights are through: a mechanism to would allow a transfer of the development rights across Woodbine Street, through a General Large Scale Plan; landmark building development rights transfer; or through a zoning text change that would allow more opportunities to transfer air rights.

The Borough President believes that there is an opportunity to maximize air rights through transfer to the adjacent neighboring properties by crafting a creative library air rights transfer provision.

The Borough President believes that it is appropriate for the BPL or its successor City Library agency to explore, with the City, the Washington Irving branch air rights transfer. However, the timing of transferring air rights should be deferred until the community has had the opportunity to secure height-based zoning limits. The existing zoning allows developers to build buildings substantially out-of-character. As a resulting, in combination with real estate speculative development, Bushwick has been experiencing transformation where a growing number of properties are being redeveloped according to the maximum permitted zoning for residential development. In response, there is ongoing consideration for rezoning Bushwick as a means to preserve community character while channeling responsible growth that leverages the development of affordable housing.

The Borough President believes that the BPL or its successor City Library agency should proceed with air right transfers subsequent to the City Council adopting a community-wide rezoning proposal for this section of Bushwick.

Across the street from the Washington Irving branch is the Bushwick Educational Complex, housing Bushwick School of Social Justice, Brooklyn School for Math and Research, Academy for Urban Planning, and Academy for Environmental Leadership. As a large site, the excess floor area from the library branch has the potential to be utilized with minimal visual impacts. The BPL or its successor City Library agency should explore this option with the City as the primary option to transfer the library's development rights.

Should consideration determine that the Bushwick Educational Complex is not the ideal location to use the air rights from the branch, then the Borough President believes that a landmark designation for the library would allow more flexibility of receiving sites for the rights transfer. In this instance, the Borough President would advise the BPL or its successor City Library agency to pursue a landmark designation for the building.

Though even with landmark designation, it might still be difficult to succeed in the transfer of the available air rights. The Borough President believes that the Department of City Planning (DCP) should explore developing a zoning text amendment that would provide more flexibility to development rights transfers involving Carnegie libraries. One possible consideration could be to establish a special bulk permit to allow such Carnegie libraries, with or without historic district or individual landmark designations, to transfer air rights to receiving sites, several blocks from the library. He believes that in such instances it might be appropriate to transfer along the street, where such library has frontage along a "wide" street, or perhaps its widest street, for corridors up to 1,000 feet.

The Borough President urges DCP to give consideration to undertaking such a zoning study.

Pacific Library Branch

The Pacific Library branch is a non-landmarked Carnegie library, at the junction of Park Slope and Boerum Hill, projected to receive $3.5 million towards construction of a new entryway and ADA accessibility for the building.

The Pacific branch has excess development rights. The building's footprint does not provide any yard opportunity to use those development rights and it is not appropriate public policy to replace the building as it is a Carnegie Library. The only realistic opportunities to use its development rights are through: a zoning lot merger or a mechanism to allow development right transfer across Pacific Street, through a General Large Scale Plan; landmark building development rights transfer; or incorporation into the Atlantic Yard's General Project Plan (GPP).

The adjacent State building occupied by the City's Human Resource Administration has significant excess development rights. As a corner lot, it has the possibility to accommodate new development in excess of its combined R8A/R6B zoned floor area ratio. Its permitted bulk envelop could accommodate a portion of the air rights from the Pacific branch. The adjacent parcel containing PC Richards and Models has bulk pursuant to the Atlantic Yards General Project Plan. As that block is significantly larger than the Pacific Branch library, the library's air rights could be accommodated by adding just a few floors to what the GPP now permits.

The Borough President believes that it is appropriate for the BPL or its successor City Library agency to explore with the City the Pacific branch air rights transfer to the adjacent building leased to the City's Human Resources Administration and/or Atlantic Yards site across the street.

Walt Whitman Library Branch

The Walt Whitman Library branch is a non-landmarked Carnegie library, within Fort Greene, projected to receive $6 million towards upgrading the existing infrastructure and branch redesign.

The Walt Whitman branch has excess development rights. The building's footprint does not provide any yard opportunity to use those development rights and it is not appropriate public policy to replace the building as it is a Carnegie Library. The only realistic opportunity to use its development rights is through a zoning lot merger.

The adjacent PS 67 has more zoning lot area than is required by zoning, based on the zoning floor area of the school. The portion of yard of the school, fronting Auburn Place, does not appear to be significantly utilized for school purposes and thus might be a candidate for the development of affordable housing in tandem with excess air rights from the Walt Whitman branch library.

The Borough President believes that it is appropriate for the BPL or its successor City Library agency to explore with the City the Walt Whitman Library branch air rights transfer to the adjacent yard area section of PS 67.

Establishment of a School Seat Task Force for Downtown Brooklyn and Neighboring Communities

During the last few years, many schools surrounding Downtown Brooklyn have experienced overcrowding and ultimately lack of available school seats. In response to this problem, Brooklyn parents have organized to expand awareness and work towards advocating a solution. This movement, in collaboration with local elected officials, has led to the formation of the Downtown Brooklyn School Planning Working Group (DBSPWG).

The work of the recently created DBSPWG, which brings many of these stakeholders together, can inform the DOE/SCA. Ultimately, the agencies responsible for the funding and construction of school space must take the lead and ensure that communities have adequate school space to match and anticipate the pace of residential development.

Therefore, the Borough President believes that DOE/SCA should establish a task force inclusive of CEC 13 and 15, Community Boards 2 and 6, and Local Elected Officials to develop a funding and site identification plan in order to solve the public school seat shortage in Downtown Brooklyn and neighboring communities.

Recommendation

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter and Article 16 of General Municipal Law for New York State, recommends that the City Planning Commission and City Council disapprove the land use action requested according to the following conditions:

AGENCY STATUS OF PUBLIC LIBRARIES:

1. The City needs to establish a municipal library system under Mayoral control, placed with the Deputy Mayor overseeing the public school system, to ensure synchronized agendas and supportive programming. This should be accomplished by converting each library system into municipal agency status and then ultimately, subject to a cost benefit analysis study, consolidating the agency that was the Brooklyn Public Library (BPL) with the rest of the City's library systems into unified agency status, as the means to responsibly fund Library Expense and Capital Budget through tax levy and bonding authority of the City – not through one time sale of municipal property.

UTILIZATION OF UNUSED DEVELOPMENT RIGHTS

2. Excess municipal development rights shall not be primarily sold when there is a need for such rights to address area municipal needs as follow:

a. The Brooklyn Heights branch library needs to be provided with approximately 30,000 sf (not 21,500 sf as proposed);

b. The Business Library needs to be maintained with approximately 8,500 sf in this location as part of the approximately 30,000 sf to retain its accessibility to a majority of Brooklyn residents, including mobility-impaired disabled individuals; and,

c. Community School District 13 classroom space needs to be provided with appropriate floor area to develop public school seats (space for 10-12 classrooms as well as gymnasium and multi-purpose spaces need be accommodated), possibly as an annex of PS 8, funded by the Department of Education/School Construction Authority (DOE/SCA), with classroom utilization developed in consultation with Community Education Council 13, Community Board 2 and Local Elected Officials.

3. Affordable Housing needs to be provided on site according to the floor area generated by Inclusionary Housing Zoning Floor Area Bonus (approximately 40,000 sf designated as permanent affordable housing).

USE OF CITY PROCEEDS FROM THE SALE OF EXCESS DEVELOPMENT RIGHTS

4. Use of sales proceeds, generated through the utilization of excess air rights from 280 Cadman Plaza West via disposition, should be determined, for any combination of necessary city facilities (such as to fund to BPL or its successor City Library agency for capital upgrades, provision of school seats, and/or the development of affordable housing, etc.), pursuant to consultation between the City, the affected Community Board and Local Elected Officials;

5. Designation of Brooklyn library branches receiving any allocation of any sales proceeds, and/or any subsequent revenue stream, from an eventual disposition of these City-owned excess development rights, need to be determined pursuant to consultation between the Brooklyn Public Library or its successor City agency with the delegation of Brooklyn's Local Elected officials, to determine Capital funded improvement priorities.

DISPOSITION REQUIREMENTS FOR USE OF REMAINING AIR RIGHTS

6. A Regulatory Agreement or Land Disposition Agreement between the Department of Citywide Administrative Services, Economic Development Corporation and the Brooklyn Public Library, or its successor City Library agency, needs to mandate the following:

   a. The provision of public school space, according to DOE and/or SCA entering into a funding arrangement (condominium or long-term lease) with the designated developer, prior to any effective date of disposition of the City's excess air-rights property;

   b. Additional interim library branch space, subject to availability, needs to be obtained by the selected developer based on market-based competitive offers as a means to secure Brooklyn Heights retail storefronts, office spaces and/or community facility spaces that become vacant or otherwise available, any time prior to the date of construction and one year prior to

the estimated development completion, until at least 20,000 sf of cumulative interim library space is secured;

c. The City receives a percentage of the revenue from any potential price increase revision to the Offering Plan, from the developer's sale of the units, allocating such funding directly to BPL or its successor City Library agency;

d. The City receives 25 percent of the net proceeds, above all construction and soft costs, from the sale of floor area (housing units at the uppermost floors) resulting from the integration of St. Ann's excess development rights into the redevelopment (an action that is made possible as a result of the zoning lot merger facilitated by the discretionary modification of the existing special permit by the City Planning Commission), allocating such funding directly to BPL or its successor City Library agency; and

e. The developer be required to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to coordinate the monitoring of such participation by an appropriate designated City monitoring agency.

7. Additional Affordable Housing
   a. Permanent affordability for all affordable housing units;

   b. Provision of predominantly family size housing units through significant modification of the number of affordable housing units and bedroom distribution that reflects the demands of the community, rather than merely maximizing the number of housing units through smaller unit sizes.

8. Off-Site Development
   a. Provision of ground floor retail for the off-site development fronting Fulton Street, consistent with the standards of the Zoning Resolution's Special Enhanced Commercial District.

And that the City Council incorporates such stipulations into the eventual Regulatory Agreement and/or Land Disposition Agreement prior to granting its approval of any subsequent attempt to dispose of identified excess development rights.

Be it further resolved that:

AIR RIGHT USE STRATEGIES FOR OFF-SITE LIBRARIES THAT WERE CONSIDERED FOR DISBURSEMENT OF FUNDS BY THE BROOKLYN PUBLIC LIBRARY

1. For library branches that BPL discloses as its intent to benefit from a share of the sales proceeds, BPL or its successor City Library agency shall facilitate, with the assistance of appropriate City agencies, the utilizing of unused development (air) rights from existing underbuilt library lots as follows:

   a. For the Washington Irving Library branch air rights transfer:

i. Attempts to transfer development rights, by BPL or its successor City Library agency, must be deferred until the City Council adopts a community-wide rezoning proposal for this section of Bushwick;

ii. That BPL or its successor City Library agency should first explore with the City the development right transfer to the adjacent Bushwick Educational Complex as the receiving site;

iii. That BPL or its successor City Library agency should pursue designation as a landmark building in order to promote added flexibility of receiving sites;

iv. That the Department of City Planning should explore a more flexible approach to development rights transfers involving Carnegie libraries, with or without historic district or individual landmark designation, along library fronting "wide" or widest street corridors up to 1,000 feet.

b. For the Pacific Library branch air rights transfer, BPL or its successor City Library agency should explore with the City the development right transfer to the adjacent building leased to the City's Human Resources Administration and/or the Atlantic Yards site (occupied by PC Richards and Model's) across the street; and,

c. For the Walt Whitman Library branch air rights transfer, BPL or its successor, City Library agency, should explore with the City the development rights transfer to the adjacent yard area section of PS 67.

ADDITIONAL MEASURES FOR COMMUNITY SCHOOL DISTRICT 13 PUBLIC SCHOOLS

2. That the Department of Education/School Construction Authority should establish a task force inclusive of Community Education Councils 13 and 15, Community Boards 2 and 6, and Local Elected Officials to develop a funding and site identification plan to solve the public school seat shortage in Downtown Brooklyn and neighboring communities.