



IN THE MATTER OF an application submitted by YYY Brooklyn NY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d:

1. changing from an R6 District to a C6-4 District property bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly of Prince Street, the easterly prolongation of a line 200 feet southerly of Tillary Street, and Prince Street; and
2. establishing a Special Downtown Brooklyn District bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly of Prince Street, the easterly prolongation of a line 200 feet southerly of Tillary Street, and Prince Street;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated June 19, 2017, and subject to the conditions of CEQR Declaration E-437.

This application for a zoning map amendment was filed by YYY Brooklyn NY LLC (the applicant) on May 5, 2017. The applicant is proposing to change an R6 zoning district at the northeast corner of Tillary Street and Prince Street (Block 2050, Lots 100, 104, and part of Lot 1) to a C6-4 zoning district. This application, in conjunction with the related action (N 170401 ZRK), would facilitate a new, approximately 234,000-square-foot mixed residential development with ground floor retail, located at 202-208 Tillary Street and 67-73 Prince Street in the Downtown Brooklyn neighborhood of Community District 2, Brooklyn.

RELATED ACTION

In addition to the zoning map amendment (C 170400 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 170401 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, and to extend the Special Downtown Brooklyn District (SDBD).

BACKGROUND

The applicant is proposing a zoning map amendment to change an R6 district to a C6-4 district to facilitate a new, 21- to 23-story, 234,285-square-foot mixed-use development to be located at 202-208 Tillary Street and 67-73 Prince Street (Block 2050, Lot 100). The project area is located on a superblock bounded by 150-foot-wide Tillary Street to the north, 58-foot-wide Navy Street to the east, 75-foot-wide Myrtle Avenue to the south and 50-foot-wide Prince Street to the west. The project area consists of two tax lots (Lots 100 and 104) and a small portion of Lot 1.

Lot 104 is located at the northwest corner of the superblock, at the intersection of Tillary Street and Prince Street, and is improved with an eight-story, 80-foot-high, approximately 65,000-square-foot community facility with sleeping accommodations that is currently overbuilt to a floor area ratio (FAR) of 7.5 and is non-complying in floor area. The existing building includes a 200-bed “Tillary Street Women’s Shelter” operated by Institute for Community Living and a 62-bed “Opportunity House” men’s shelter operated by Church Avenue Merchant Block Association. Both operators are mission-driven, non-profits under nine-year renewable funding agreements with the New York City Department of Homeless Services (DHS) and maintain a 20-year lease with the private property owner. The existing building will remain and stay in use.

The development will occur on Lot 100. Lot 100 is an irregular “L”-shaped lot with 79 feet of frontage along Tillary Street and approximately 88 feet of frontage on Prince Street. It is improved with an existing five-story, 56-foot-high, 114,500-square-foot public storage facility (Use Group 16) that is currently overbuilt to a FAR of 5.86 and is non-conforming and non-complying with the existing R6 zoning district. The existing building will be demolished to facilitate the new development.

Lot 1 is the site of New York City Housing Authority’s (NYCHA) Ingersoll Houses campus, which contains 12 residential buildings ranging from six to 11 stories in a tower-in-a-park setting. A small, irregular “L”-shaped portion of the lot that is adjacent to the development site (Lot 100) is included in the rezoning area and comprises approximately 13,700 square feet. This small portion includes an underutilized, fenced-off open space and a surface loading area that is

currently used by the public storage facility, controlled by the applicant, under a license agreement with NYCHA.

The project area (Block 2050, Lots 100, 104, and part of Lot 1) is currently within an R6 zoning district that covers the entirety of Block 2050. The Special Downtown Brooklyn District (SDBD) is immediately to the west of the project area, across Prince Street. R6 districts allow residential uses with maximum FAR of 2.43 pursuant to Height Factor (HF) regulations or 3.6 pursuant to Quality Housing (QH) regulations, and up to 4.8 FAR for community facility uses. Buildings developed under HF regulations have maximum base heights of 60 feet and maximum building heights governed by the sky exposure planes. Under QF regulations, R6 zoning districts have minimum base heights of 40 feet, maximum base heights of 65 feet, and maximum heights that can rise to 70 feet (75 feet for MIH projects).

The applicant is proposing to change the existing R6 district to a C6-4 district within the SDBD. The proposed zoning change would extend the C6-4 district and the SDBD eastward across Lots 100, 104 and a small portion of Lot 1, creating a rectangular-shaped project area, measuring 210 feet by 200 feet. A C6-2 district is mapped to the northwest of the project area, across Tillary Street, which is outside of the SDBD, while a C6-4 district, located immediately to the west, is within the SDBD. The C6-4 zoning district is also within the SDBD's Flatbush Avenue Extension Height Limitation Area, which limits building height to 400 feet.

C6-4 districts within the SDBD allow a mix of commercial, community facility, and residential uses. Commercial and community facility uses have a maximum FAR of 10, or up to 12 with a public plaza, arcade, or subway stair improvement bonus. Residential use has a maximum FAR of 10, or up to 12 under the R10 Inclusionary Housing or MIH program. The R10 Inclusionary Housing program requires approximately 5- to 13-percent of floor area for affordable housing units, depending on the use of public subsidy, while the MIH program mandates 25- to 30-percent of floor area for affordable housing within MIH designated areas.

Building bulk in these districts is governed by either the SDBD's "standard" or "tower" regulations. Buildings developed under the "standard" regulations in C6-4 districts may have a

minimum base height of 60 feet, and a maximum base height of 125 feet along a narrow street or 150 feet along a wide street, with a maximum building height limit of 250 feet. Under the “tower” regulations, above a base of 85 feet, residential buildings have to set back 15 feet along a narrow street and 10 feet along a wide street, with no maximum height limit; however, a height limitation area supersedes the C6-4 height regulations. Accessory parking requirements are also governed by the SDBD, which requires parking for 20 percent of a development’s dwelling units. There are, however, no minimum parking requirements for affordable units.

The proposed zoning change would facilitate a new 234,285-square-foot mixed-use building with 220,552 square feet of residential use and 13,723 square feet of ground floor retail, for a total FAR of 12. The proposed development would consist of two residential towers atop a one-story retail podium. A new, 21-story, 212-foot-high residential tower would front on Prince Street and a new, 23-story, 235-foot-high residential tower would front on Tillary Street. The proposed development would contain approximately 262 dwelling units with approximately 25 percent of the units (79 units totalling about 55,138 square feet of floor area) reserved for households at an average of 60 percent of the area median income (AMI). The proposed unit mix would include approximately 26 percent studios, 44 percent one-bedroom units and 30 percent two- and three-bedroom units. Additionally, the development would include underground parking for 44 cars and 132 bikes. The development would comply with C6-4 QH bulk regulations and the Flatbush Avenue Height Limitation Area maximum height limit of 400 feet.

The project area is near three major economic centers: Downtown Brooklyn, DUMBO and the Brooklyn Navy Yard. This area is developed with a mix of medium- and high-density residential, commercial, hotel and community facility uses, consistent with their location adjacent to Downtown Brooklyn. The area to the north is the mixed residential and commercial neighborhood of Bridge Plaza, with a diverse character including two- to five-story residences, eight- to twelve-story commercial and residential loft buildings and scattered vacant lots. To the east is the mixed residential, commercial and industrial neighborhood of Wallabout, consisting of row houses, medium-density apartment buildings, medium-scale industrial lofts and low-rise industrial buildings; and the primarily residential neighborhood of Fort Greene, consisting of three- to five-story brownstones, medium-density apartment buildings and a modicum of

community facilities. To the south and west is Downtown Brooklyn, the City's third-largest Central Business District.

The surrounding area also includes three NYCHA campuses: Farragut Houses three blocks to the north (1390-units), Walt Whitman Houses two blocks to the east (1659-units) and Ingersoll Houses on the same block as the project area (1826-units).

The project area is well-served by transit, including access to subway lines at the Dekalb Avenue B, Q, R, N, and D station four blocks south and the Nevins Street 2, 3, 4, and 5 station six blocks south. The B 54, 62, and 69 bus routes run along Tillary Street. Moreover, the New York City Department of Transportation (DOT) is currently undertaking a reconstruction of Tillary Street, which would improve safety, enhance the pedestrian and bicycle experience, provide wider medians and neck downs, and upgrade the visual appearance of Tillary Street.

In addition to the proposed zoning map amendment, the applicant proposes zoning text amendments to extend the SDBD boundary and SDBD's Flatbush Avenue Height Limitation Area over the project area and to revise Appendix F in the Zoning Resolution to designate the project area as an MIH area with Option 1. Option 1 requires that 25 percent of residential floor area must be reserved for housing units affordable to residents with household incomes averaging 60 percent of AMI. Within that 25 percent, at least 10 percent of the square footage must be affordable for households at 40 percent of AMI.

ENVIRONMENTAL REVIEW

This application (C 170400 ZMK), in conjunction with the application for the related action (N 170401 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 17DCP176K.

After a study of the potential environmental impact of the proposed actions, a Conditional Negative Declaration (CND), signed by the Applicant, was issued on June 16, 2017. The CND was

published in the City Record on June 27, 2017 and in the New York State Environmental Notice Bulletin on June 28, 2017. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received.

On September 15, 2017, a Revised EAS and Revised CND were issued. The Revised EAS and Revised CND reflect revisions to the air quality analysis completed after the issuance of the CND on June 16, 2017 and incorporates modifications to the E-designation for air quality regarding the stack location of Building B. The Applicant signed the Revised Conditional Negative Declaration on September 15, 2017.

In connection with the Proposed Actions, an (E) designation (E-437) would be assigned to sites within the Development site (Block 2050, Lot 100) to avoid potential significant adverse impacts related to hazardous materials, air quality and noise.

The (E) designation text related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

With the assignment of the above-referenced (E) designation for hazardous materials, the Proposed Actions would not result in significant adverse impacts.

The (E) designation text related to air quality is as follows:

Building A (Block 2050, Lot 100): Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 238 feet above grade to avoid any potential significant adverse air quality impacts.

Building B (Block 2050, Lot 100): Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stack is located at the highest tier or at least 218 feet above grade and the stack is located at 41 feet

from the lot line facing Prince Street and at least 42 feet from lot line facing Tillary Street to avoid any potential significant adverse air quality impacts.

With the assignment of the above-referenced (E) designation for air quality, the Proposed Actions would not result in significant adverse impacts.

The (E) designation related to noise would apply to the following site:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with minimum of 31 dB(A) window/wall attenuation along northern and western facades, in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

With the assignment of the above-referenced (E) designation for noise, the Proposed Actions would not result in significant adverse impacts.

In addition, the City Planning Commission has determined that the Proposed Actions will have no significant effect on the quality of the environment, once it is modified as follows:

The Applicant agrees to contact the New York City Department of Transportation, prior to the issuance of the first temporary or permanent certificate of occupancy for any portion of the Proposed Development, to inform them of the need to implement the following traffic mitigation measures:

- a) Transferring one second of green time at the intersection of Tillary Street and Flatbush Avenue from the northbound/southbound signal phase to the eastbound/westbound through-right phase in the weekday AM and PM peak hours;
- b) Transferring one second of green time at the intersection of Tillary Street and Prince Street from the eastbound phase to the northbound phase in the weekday AM hour; and
- c) Transferring one second of green time at the intersection of Tillary Street and Gold Street, which operates on the same signal controller as the Tillary Street and Prince

Street intersection, from the eastbound/westbound phase to the southbound phase in the weekday AM hour.

Since certification of the Proposed Actions, the provision of the above traffic mitigation measures has been incorporated into a restrictive declaration (the “Restrictive Declaration”) that has been recorded against the Project Site on August 23rd, 2017. The Restrictive Declaration restricts the manner in which the Project Site may be developed or redeveloped by requiring the Declarant to notify the New York City Department of Transportation (“DOT”) prior to filing any builder’s pavement plan with the New York City Department of Buildings in connection with an application for a permit for the Proposed Development, and also to notify DOT prior to issuance of the first temporary or permanent certificate of occupancy for any portion of the Proposed Development. In consultation with DOT, the proposed traffic mitigation measures were deemed to be reasonable and appropriate. Consequently, no significant adverse impacts related to traffic would occur.

UNIFORM LAND USE REVIEW

This application (C 170400 ZMK) was certified as complete by the Department of City Planning (DCP) on June 19, 2017 and was duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the application for the related action (N 170401 ZRK), which was duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President on June 19, 2017, in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

At the general meeting on June 14, 2017, Brooklyn Community Board 2 unanimously (37-0-0) authorized its Executive Committee to act on the board’s behalf while on summer recess. Community Board 2 held a public hearing on this application (C 170400 ZMK) on June 21, 2017. On June 26, 2017, by a vote of eight in favor, one opposed, and with no abstentions, the Executive Committee adopted a recommendation in favor of the application with a condition requesting that the applicant provide a letter of commitment for the amenities requested by the Ingersoll Houses’ Tenants Association. On June 22, 2017, the applicant provided written commitment to Community Board 2 for the following:

- Ensure that the proposed landscaped open space adjacent to the proposed development is open to and accessible by Ingersoll Houses residents;
- Provide an enclosure and refrigerated trash containers to accommodate the Ingersoll Houses' refuse, in order to eliminate the unsightly garbage and control odor; and
- Include commercial uses in the proposed development that will be beneficial to the Ingersoll Houses, including a daycare facility and medical offices, likely urgent care.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 170400 ZMK) on July 25, 2017, and on August 16, 2017 issued a recommendation to approve the application with the following conditions:

1. “The requested C6-4 should be limited to C6-2 MIH unless the developer files a legal mechanism that provides for the following:
 - a. A demonstration by the developer of a framework with an agreement with the NYCHA of the following:
 - b. Construction of an enclosed collection room with refrigerated refuse containers of sufficient size to replace the existing refuse collection station
 - c. Landscaping of the Ingersoll Houses open space between the developer's property and the adjacent Ingersoll Houses campus, based on a design developed in consultation with NYCHA and the Ingersoll Houses’ Tenants Association, and such space made freely available to residents of Ingersoll Houses
2. Require that prior to the issuance of a building permit that evidence be filed with the New York City Department of Buildings (DOB) that:
 - a. An amount, to be determined by the City Council in consultation with NYCHA, has been placed in the New York City Comptroller's Office fiduciary account, pursuant to Directive 27, dated April 9, 2013, for the benefit of NYCHA to be

used toward the construction of the enclosed refuse collection room, and the implementation of a landscaping plan approved by NYCHA and Ingersoll Houses' Tenants Association

- b. The design of any building facade along the shared property boundary with Ingersoll Houses not exceeding 23 feet in height plus parapet height be developed and executed in consultation with the Ingersoll Houses' Tenants Association pursuant to a written letter of affirmation from the same
- c. Require that, prior to the issuance of a Temporary and/or Final Certificate of Occupancy, the developer submit evidence to DOB attesting that the enclosed refuse collection room and landscaping on the adjacent NYCHA property have been completed and that the perimeter wall constructed in accordance with the agreed-upon design
- d. That DOB issue a Schedule A and Final Certificate of Occupancy restricting the 13,723 square feet of ground-floor commercial area to community facility use, according to the following priorities: child care center, affordable urgent care, and local arts or cultural uses, based on reasonable lease terms, and determined in consultation with the Ingersoll Houses' Tenants Association, Brooklyn Community Board 2 (CB 2), and local elected officials
- e. That furthermore, the developer provide in writing to the City Council, prior to its vote, the extent of the following commitments: engagement with Brooklyn Community District 2 (CD 2) area child care operators that serve its public housing population, affordable medical care providers, and locally-based arts or cultural organizations
- f. That, in order to ensure available space for the New York City Administration for Children's Services (ACS) to secure daycare slots, a requirement that ACS be offered a portion of the retail space first, prior to affordable medical care and/or arts and cultural groups, and that ACS be given 90 days to respond with intent to lease such space

- d. Continue to explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, Passive House construction principles, solar panels, and wind turbines in the development
- e. Facilitate a dialogue with car-sharing companies to increase the number of available car share vehicles to accommodate additional demand that would be generated by this development and stage the placement of automobiles in the development's parking garage
- f. Retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code and Minority-and Women-Owned Business Enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it Further Resolved:

1. That the CPC and/or the City Council, in order to establish AMI-equivalent affordable housing eligibility as a qualifier for those rent-burdened households that would be able to pay the same rate or achieve a reduction in their rent by leasing an MIH lottery unit, should advocate for the modification of the MIH section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that extends eligibility while taking into account rent-burdened status
2. That the New York City Department of Transportation (DOT) investigate the feasibility of adding one or more bicycle stations along the perimeter of the development block and review existing Citi Bike stations to determine appropriateness of adding bicycle docks, in consultation with CB 2 and local elected officials
3. That the developer commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits.”

City Planning Commission Public Hearing

On August 7, 2017 (Calendar No. 8), the CPC scheduled August 23, 2017 for a public hearing on this application (C 170400 ZMK), in conjunction with the related application (N 170401 ZRK). The hearing was duly held on August 23, 2017 (Calendar No. 25). There were four speakers in favor of the application and none in opposition.

The applicant's representative described the project and the actions requested. The applicant's development consultant discussed the applicant's proposed workforce development program that would target residents from NYCHA's Ingersoll Houses. The project architect described the design of the building and the aspects of the design that he said would be finalized in coordination with NYCHA's Ingersoll Houses' Tenants Association. These aspects include the eastern façade of the building that faces NYCHA, the proposed landscaped open space improvement and the proposed enclosure for new refrigerated refuse containers.

The Vice President of Ingersoll Houses' Tenants Association spoke in favor of the application and described the applicant's engagement with the group. The Vice President said it was helpful that the applicant had approached NYCHA early in the development process and that NYCHA would benefit from the proposed development.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 170400 ZMK), in conjunction with the related application for a zoning text amendment (N 170401 ZRK), is appropriate.

Together these actions would facilitate a new, 21- to 23-story, 234,285-square-foot mixed-use building, with approximately 220,552 square feet of residential use, including 55,138 square feet of permanently affordable residential floor area, and 13,723 square feet of ground floor retail space in Downtown Brooklyn.

The proposed rezoning would result in the development of 236 new apartments at this location, including an estimated 79 permanently affordable apartments, helping address the dire need for

more housing, including affordable housing in the city. Additionally, this location is an extremely transit-rich area of Brooklyn with multiple subway and bus lines within a few blocks. The Commission believes that this proposal is consistent with the City's policy objectives for promoting housing production and affordability across the city, and would facilitate the redevelopment of a public self-storage facility within a growing, mixed-use neighborhood.

The Commission believes that extending the existing C6-4 district across Prince Street is appropriate. C6-4 districts permit a wide range of high-density uses and are predominantly mapped in Central Business Districts (CBD) in Manhattan, Brooklyn and Queens. The Commission believes that the proposed development is consistent in size and scale to other recent developments in the surrounding area, including the 35- to 42-story residential buildings along the Prince and Gold Street corridors, which rise up to 400 feet in height and the 12- to 14-story hotels along Tillary Street, which rise up to 222 feet in height. Given the area's proximity to Brooklyn's growing CBD, access to mass transit, and its adjacency to a multitude of retail, office jobs, and cultural facilities within Downtown Brooklyn, the Commission believes that the proposed zoning change to allow a mix of high density residential, commercial and community facility uses here, is appropriate.

Furthermore, the proposed C6-4 zoning district would facilitate the development of approximately 13,723 square feet of local retail on the ground floor of the proposed development. The proposed uses along the ground floor would help activate the streetscape and anchor the eastern end of Tillary Street, adding eyes-on-the-street, creating space for much-needed neighborhood services and amenities, and helping draw pedestrians towards Prince Street. The ground floor retail entrances along the eastern side of the building, fronting NYCHA, described as part of the proposed development during the public review process, would enliven and activate the pedestrian paths at this corner of NYCHA's campus and provide Ingersoll Houses' residents with direct access to the proposed local retail. By thoughtfully considering all faces of the building, the proposed development would create a better urban design condition that would seamlessly integrate the NYCHA campus to the urban fabric and would align with DOT's Tillary Street Reconstruction project. Additionally, through discussions with Ingersoll Houses' Tenants Association, the applicant has expressed a willingness to investigate the

feasibility of including a daycare, medical facility, or cultural uses in the base of the new development.

The proposed C6-4 rezoning boundary would also include Lot 104 and a portion of Lot 1. Lot 104 contains two homeless shelters that operate under funding agreements with DHS. This site is overbuilt by approximately 2.7 FAR, above the permissible 4.8 FAR, and does not comply with the existing R6 zoning. The proposed rezoning would generate approximately 39,000 square feet of additional floor area, creating a 62 percent built out condition, and bringing the building into compliance. The small portion of Lot 1, included in the rezoning boundary, is owned by NYCHA, and used by applicant under a licensing agreement. The proposed rezoning would generate approximately 162,600 square feet of additional floor area for NYCHA, which could potentially be purchased by the applicant. The Commission believes that the inclusion of both Lot 104 and the small portion of Lot 1 allows for a rational rezoning boundary that would provide NYCHA with additional development rights and would not put the homeless shelters (Lot 104) at risk of market pressures.

The proposed zoning text amendment to Appendix F would establish a new MIH area coterminous with the rezoning area, requiring any new residential development on the site to provide permanent affordability for 25 percent of the residential floor under Option 1. This action would ensure that the proposed development generates 55,138 square feet of permanently affordable housing, or approximately 79 apartments, in a neighborhood with rising rents. The Commission notes that this development would bring much-needed permanent affordable housing to Downtown Brooklyn, without public subsidy, and is a significantly higher set-aside than is currently required by the R10 Inclusionary Housing program across the SDBD.

The proposed zoning text amendment to Article X, Chapter 1 would extend the SDBD and the SDBD's Flatbush Avenue Extension Height Limitation Area, placing a maximum height limit of 400 feet over the project area. This action gives the Commission confidence that any new development within the rezoning area would remain consistent with the intent of the original SDBD height limitation area and create a step-down in heights to the 11-story Ingersoll Houses.

The Commission appreciates the applicant's early engagement with the Ingersoll Houses' Tenants Association prior to and during the formal public review process, and the applicant's

stated willingness to include improvements to NYCHA's land, create a workforce development plan for Ingersoll Houses' residents, and consider Ingersoll Houses' Tenants Association's requested community facility uses for the ground floor, although it recognizes that these stated commitments are outside the purview of the requested actions. The Commission encourages NYCHA to memorialize the proposed improvements.

Regarding the recommendation by Community Board 2, the Commission notes that the applicant stated, in a letter to the Community Board on June 22, 2017, that it would create a landscaped open space along the eastern lot line to be open and accessible to the public, including the adjacent Ingersoll Houses residents; it would provide an enclosed and refrigerated storage area for NYCHA's refuse along the southern lot line, which is currently used as an open storage area today; and, at the request of Ingersoll Houses residents, that it would explore opportunities to include community facility uses such as a daycare facility and medical offices in the base of the proposed development.

Regarding the Borough President's recommendation that the Department of City Planning pursue a new zoning text amendment to modify the citywide MIH regulations to increase incrementally in relationship to requested increases in density, and that the City Planning Commission and City Council modify MIH applicability to account for the rent-burdened status of households, the Commission notes that MIH is a recently approved, citywide policy that requires affordable housing be provided as part of new residential developments. Modifying these broad, citywide requirements would require significant policy development and public review and would be outside the scope of the proposed actions for this site.

Regarding the recommendation by the Borough President that the proposed development provide a greater percentage of two- and three-bedroom units as compared to the market rate apartment mix, the Commission notes that the applicant, in a letter sent to the Borough President dated August 8, 2017, stated the importance of family-sized housing in this neighborhood, and that the proposed project would include a higher percentage (30 percent) of two- and three-bedroom units than the overall Downtown Brooklyn market. However, the Commission encourages the applicant to further consider the Borough President's request and reach out to HPD to discuss potential ways to increase two- and three-bedroom units within the development.

Regarding the recommendation by the Borough President that the proposed development provide studio and one-bedroom units for seniors with household incomes at an average between 30 and 40 percent of AMI, the Commission notes that the project is not seeking public subsidy for the proposed development and therefore a crucial number of market rate units are necessary to subsidize the permanently affordable units. Furthermore, Downtown Brooklyn is a strong market neighborhood where MIH policy is especially effective in yielding new affordable housing, while still allowing a sufficient financial return to support new market-rate development. In contrast, in many other parts of Brooklyn the market conditions are not strong enough to support affordable housing development without public subsidy. Nevertheless, the Commission encourages the applicant to reach out to HPD to discuss means to reach deeper affordability at lower AMI bands to promote senior housing within the development.

Regarding the recommendation by the Borough President that the applicant utilize a local not-for-profit administering agent, the Commission notes that pursuant to MIH regulations, a developer participating in the inclusionary housing program is required to utilize a not-for-profit entity, vetted and approved by HPD, to manage the affordable housing lottery and units, and that marketing of those units must be conducted by a third-party entity in an open and public way, also monitored by HPD and advertised on HPD's Housing Connect electronic application portal.

Regarding the recommendation by the Borough President that the applicant demonstrate a framework with an agreement with NYCHA for the proposed improvements, the Commission notes that the applicant, in a letter sent to the Chair of NYCHA dated August 7, 2017, has stated a commitment to providing the proposed improvements subject to approval by NYCHA.

Regarding the recommendation by the Borough President that the New York City Department of Buildings restrict the ground-floor commercial area to community facility uses, prioritizing child care center, affordable urgent care, and local arts or cultural uses, the Commission supports bringing these types of uses to the area to serve the NYCHA Ingersoll residents and the greater neighborhood. The Commission notes, however, that ground floor commercial use should strike a balance between these uses and more active ground floor uses, and that the request is outside the scope of the requested actions.

Regarding the recommendation by the Borough President that the applicant explore additional resiliency and sustainability measures, hire locally, and use minority- and women-owned businesses, the Commission notes this is outside the scope of the proposed actions, but encourages the applicant to use best practices for building construction, management, and maintenance. Specifically regarding project sustainability, the Commission notes that the applicant, in a letter sent to the Borough President dated August 8, 2017, stated that it would seek Enterprise Green Communities certification and New York State Energy Research and Development Authority (NYSERDA) certification for the building, provide a mix of green roof features and/or solar panels, and review the viability of bioswales adjacent to the development site.

Regarding the recommendation by the Borough President that the applicant approach car-sharing companies to increase the number of available car-share vehicles on-site, the Commission notes that this is outside the scope of the proposed actions, but encourages the applicant to explore opportunities to provide car-shares within the development's parking garage.

Regarding the recommendation by the Borough President that DOT investigate the feasibility expanding Citi Bike stations and docks to the perimeter of the development block, the Commission notes that this is outside the scope of the proposed actions, but encourages DOT to explore this endeavor.

Regarding the recommendation by the Borough President that the applicant commit to building a service workforce that is recruited locally, the Commission notes that the applicant stated at the public hearing that it would develop a local employment and jobs training program in conjunction with the development to provide employment opportunities, including construction and permanent jobs, to the local community and Ingersoll Houses' residents. The Commission welcomes the applicant's statement, but recognizes that this is outside the scope of the requested actions.

RESOLUTION

Therefore, the City Planning Commission, deeming the actions herein to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which the Conditional Negative Declaration (CND) was issued on June 16, 2017, and a revised CND

was issued on September 15, 2017, with respect to this application (CEQR No. 17DCP176K), the City Planning Commission finds that the action described herein will have no significant impact on the environment as described above; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d:

1. changing from an R6 District to a C6-4 District property bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly of Prince Street, the easterly prolongation of a line 200 feet southerly of Tillary Street, and Prince Street; and
2. establishing a Special Downtown Brooklyn District bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly of Prince Street, the easterly prolongation of a line 200 feet southerly of Tillary Street, and Prince Street;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated June 19, 2017, and subject to the conditions of CEQR Declaration E-437.

The above resolution (C 170400 ZMK), duly adopted by the City Planning Commission on September 19, 2017 (Calendar No. 3), 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.

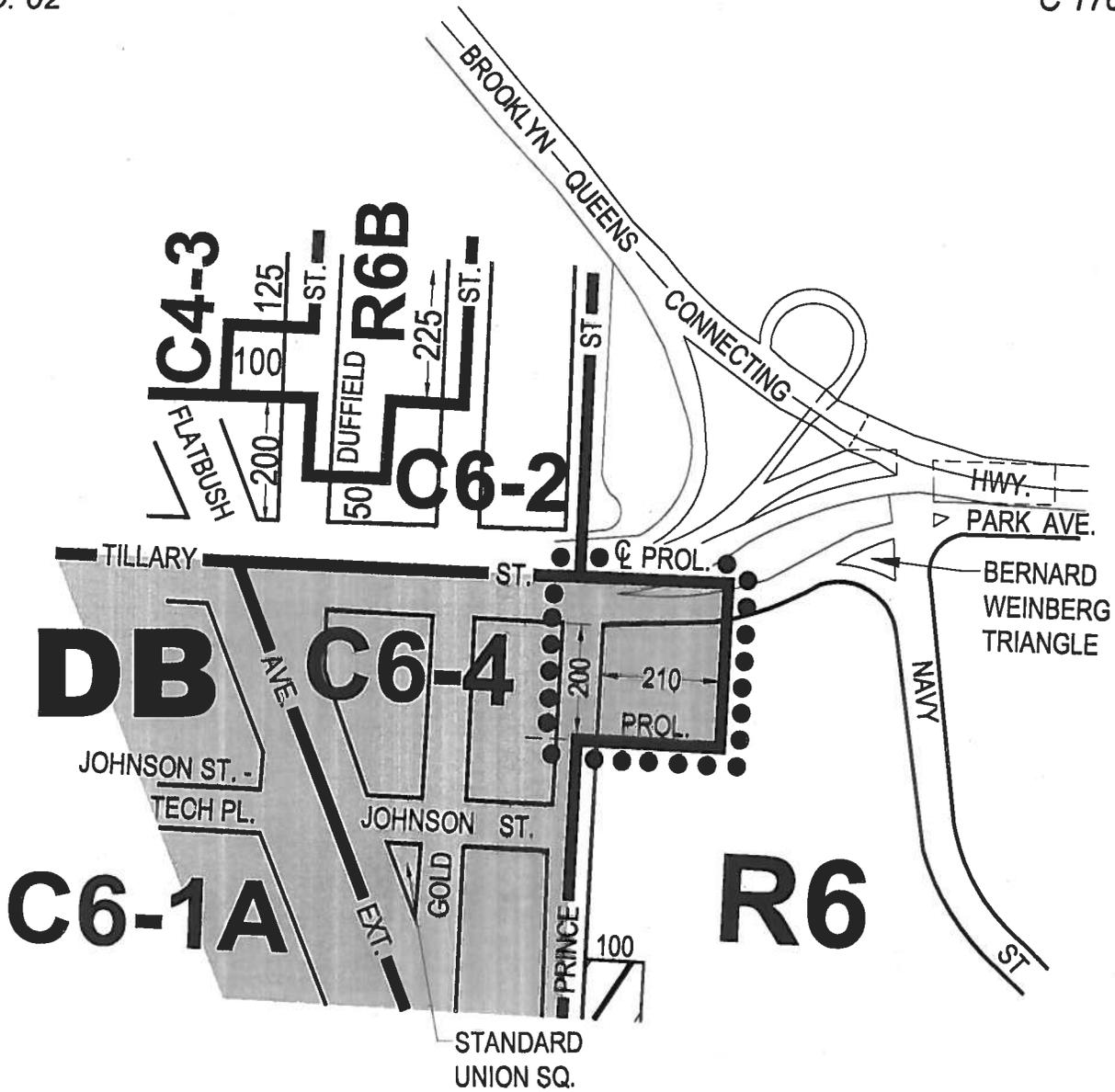
MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

RAYANN BESSER, ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, JOSEPH DOUEK, CHERYL COHEN EFFRON,

HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

12d

BOROUGH OF
BRookLYN



New York, Certification Date
JUNE 19, 2017

[Signature]
 S. Lenard, Director
 Technical Review Division



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing from an R6 District to a C6-4 District and by establishing a Special Downtown Brooklyn District.
-  Indicates a C1-3 District.
-  Indicates a Special Downtown Brooklyn District (**DB**).



CITY OF NEW YORK
Community Board No. 2

350 JAY STREET - 8TH FL.

BROOKLYN, N.Y. 11201

(718) 596-5410 FAX (718) 852-1461
cb2k@nyc.rr.com

ERIC ADAMS
Borough President

SHIRLEY A. M^oRAE
Chairperson

ROBERT PERRIS
District Manager

July 10, 2017

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

Dear Chair Lago:

I am writing to inform you that Community Board 2 has reviewed and made a determination on the "Tillary and Prince Street Rezoning," two applications submitted by YYY Brooklyn NY LLC. The primary application (C 170400 ZMK) seeks to rezone 202-208 Tillary Street in Brooklyn (Block 2050, Lot 100) from an R6 district to C6-4. The application will if approved also result in the rezoning of 194 Tillary Street (Block 2050, Lot 104).

The second application (C 170401 ZRK) seeks to amend the Zoning Resolution of the City of New York to map the rezoned lots as a Mandatory Inclusionary Housing Area and to include them within the Special Downtown Brooklyn District.

The community board held a public hearing on these applications on June 21, 2017 in Room LC400 of the Dibner Building at the NYU Tandon School of Engineering, 5 Metrotech Center, Brooklyn, New York. Eight members of Community Board 2 (CB2) attended the hearing and therefore the community board did not meet quorum as defined by the Uniform Land Use Review Procedure (ULURP), 20 percent of the membership or 10 members on that date.

Four people testified at the public hearing. A self-described 62-year resident of Fort Greene spoke in favor of the project, in particular the possibility of a day care center on the ground floor. Mr. Anthony Sosa and Mr. Darold Burgess, respectively the president and vice president of the Ingersoll Tenant Association, also testified in favor and provided a written statement, a copy of which is attached.

A representative of 32BJ SEIU read a statement encouraging "the Land Use Committee to vote no on this project" and "to make a recommendation that Madd Equities and any development partners commit to creating good jobs that pay the family-sustaining prevailing wage...."

During its presentation, applicant's representatives proposed several amenities, including ground floor commercial that would be beneficial to the surrounding community (e.g.: a day care

Marisa Lago, Chair
City Planning Commission
July 10, 2017
Page 2

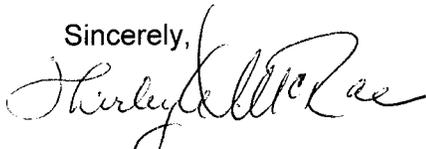
center or urgent care clinic), a refrigerated garbage room for the refuse from the 12 Ingersoll buildings between Prince and Navy streets, and a landscaped area that would be freely available to the residents of the Ingersoll Houses.

The tenants association statement references these amenities and the members of the CB2 Land Use Committee asked what guarantees there would be that the features would be provided. Applicant's representatives offered to provide a letter of commitment and the committee moved to recommend Community Board 2 support the ULURP application and zoning text amendment on the condition that applicant do so. The motion was approved by a vote of seven in favor, one opposed, one abstention (7-1-1). A signed letter from YYY Brooklyn NY LLC, committing to provide the amenities, was subsequently provided and is also attached.

On June 26, 2017, the CB2 Executive Committee voted eight in favor, one opposed, no abstentions (8-1-0) to ratify the Land Use Committee's conditional recommendation for approval. Community Board 2 voted unanimously (37-0-0) at its June 14, 2017 general meeting to authorize the Executive Committee to act on the board's behalf while it is on summer recess.

I have provided herewith a copy of the community board recommendation form for application C 170400 ZMK, which has also been submitted electronically to the Department of City Planning's Calendar Office. Thank you for the opportunity to comment.

Sincerely,



Shirley A. McRae

Attachments: Letter of Support from the Ingersoll Houses Tenant Association
Letter of Commitment from YYY Brooklyn NY LLC
Department of City Planning Community Board Recommendation Form

cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Laurie Cumbo
New York City Council
Winston Von Engel, Brooklyn Borough Director
Anand Amin, City Planner
Department of City Planning
Anthony Sosa, President
Darold Burgess, Vice President
Ingersoll Tenant Association
Steven M. Sinacori, Partner
Eleanore C. Martins, Associate
Akerman LLP
Neil Weisbard, Partner
Pryor Cashman LLP

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

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

Hon. Laurie A. Cumbo
Councilmember, District 35
55 Hanson Place, Suite 778
Brooklyn, NY 11217

Hon. Shirley McRae, Chair
Brooklyn Community Board 2
350 Jay Street, 8th Floor
Brooklyn, NY 11201

Re: 202-208 Tillary Street
67-73 Prince Street
Block 2050, Lot 100

Dear Distinguished Officials:

The Tenant Association of Ingersoll Houses has reviewed the proposed above-referenced project and is in support of the development project. This project will transform an old self-storage building that provides no tangible community benefits with a new mixed-use development project that will complement and be integrated into the fabric of the Ingersoll Houses campus.

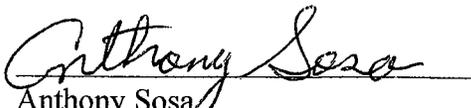
Specifically, we believe that the project will benefit the residents of Ingersoll Houses in the following manner:

- It will enhance the street vitality and walkability of the area. The development will have new sidewalks with street trees. The façade will be pedestrian friendly with ground floor retail uses (currently it's an intimidating brick façade) that will enliven both streets, especially Prince Street which is very dark and uninviting.

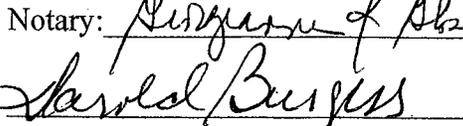
- Further, it will enhance the security of the area with additional street level lighting from the building and will have security cameras monitoring outside activity – all excellent deterrents to negative behavior.
- As proposed by the developer, the rear portion of the building fronting along the Ingersoll campus boundary will be designed to be attractive to the Ingersoll campus and not just a “blank wall”. The developer also indicated that they would be willing to provide landscaping along the Ingersoll frontage so that it blends in with our open space.
- The developer also indicated their willingness to provide an enclosure for the Ingersoll refuse containers along the Prince Street frontage. This will greatly benefit Ingersoll residents by eliminating the view of the refuse and more importantly controlling the odor – especially during the warm summer months.
- The building itself will have targeted ground-floor commercial uses that will be beneficial to the residents of Ingersoll Houses.
- The development will also provide approximately 70-80 units of permanently affordable housing to Low Income families, providing an opportunity for residents of Ingersoll Houses who are overcrowded or looking for new housing to remain close to existing family and friends.
- Finally, the developers have committed to working with the Ingersoll Houses Tenant Association in identifying residents who could be able to fill a variety of construction trade jobs throughout the construction process.

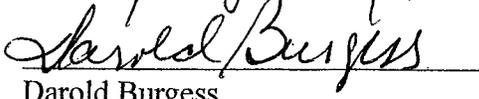
For these reasons, along with the developer’s long track record of successful development projects that are respectful to the local communities where they build, we support this project and look forward to establishing a working relationship with them.

Sincerely,

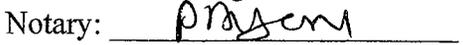

 Anthony Sosa

President, Ingersoll Houses Tenants Association

Notary:  Date: 13 June 2017


 Darold Burgess

Vice President, Ingersoll Houses Tenants Association

Notary:  Date: 6/14/2017

PIYUSH B. SONI
 Notary Public, State of New York
 No. 01SO6038647
 Qualified in Kings County
 Commission Expires March 20, 2018

*State of NY County of Kings
 Subscribed before me this
 13 June 2017.*

GEORGIANNA I. GLOSE
 NOTARY PUBLIC-STATE OF NEW YORK
 No. 01GL6122725
 Qualified In Kings County
 My Commission Expires 02-22-2021

YYY BROOKLYN NY LLC
15 Verbena Avenue, Suite 200
Floral Park, New York 11001

June 22, 2017

Hon. Shirley McRae, Chair
Brooklyn Community Board 2
350 Jay Street, 8th Floor
Brooklyn, NY 11201

Re: ULURP Nos. 170400 ZMK and 170401 ZRK
202-208 Tillary Street
Block 2050, Lot 100

Dear Chair McRae and Community Board Members:

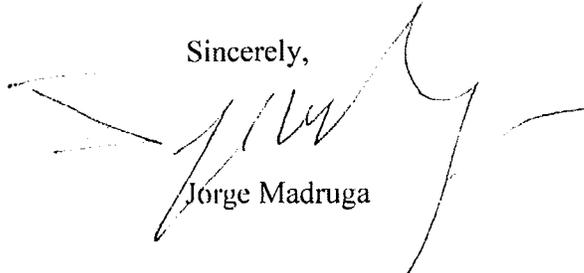
As you may be aware, we presented the above-referenced land use application to the Land Use Committee at its public hearing this past Wednesday, June 21st. The land use application seeks a rezoning and related text amendments to facilitate construction of a mixed-use commercial and residential development, including approximately 80 permanently affordable housing units, in Downtown Brooklyn. The proposed development will benefit the adjacent Ingersoll Houses for the reasons outlined in their letter of support, a copy of which is attached.

In response to a request made by the Land Use Committee, as a condition of their recommendation to approve the application, we are hereby providing in writing the following commitments that have been discussed with the Ingersoll Houses:

1. Ensure that the proposed landscaped open space adjacent to the proposed development is open to and accessible by Ingersoll Houses residents;
2. Provide an enclosure and refrigerated trash containers to accommodate the Ingersoll Houses' refuse, in order to eliminate the unsightly garbage and control odor; and
3. Include commercial uses in the proposed development that will be beneficial to the Ingersoll Houses, including a daycare facility and medical offices, likely urgent care.

We thank Community Board 2 for your consideration of this land use application.

Sincerely,



Jorge Madruga



Email/Fax Transmittal

TO: Brooklyn Community District 2 Distribution	FROM: Brooklyn Borough President Eric L. Adams
DATE: August 16, 2017	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: inna.guzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: 202-208 TILLARY STREET – 170400 ZMK, 170401 ZRK	NO. Pages, Including Cover: 21

Attached is the recommendation report for ULURP application C 170400 ZMK, 170401 ZRK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

NAME	TITLE	OFFICE	EMAIL
Marisa Lago	Chair, City Planning Commission (CPC)	(212) 720-3356	ygruel@planning.nyc.gov
Melissa Mark-Viverito	Speaker, City Council	(212) 788-7207	mviverito@council.nyc.gov
Winston Von Engel	Director, Brooklyn, New York City Department of City Planning (DCP)	(718) 780-8280	wvoneng@planning.nyc.gov
Alex Sommer	Deputy Director, Brooklyn, DCP	(718) 780-8271	asommer@planning.nyc.gov
James Merani	Director, Land Use Review, DCP	(212) 720-3356	jmerani@planning.nyc.gov
Raju Mann	Director, Land Use Division, City Council	(212) 788-7207	rmann@council.nyc.gov
Amy Levitan	Land Use Division, City Council	(212) 788-7207	alevitan@council.nyc.gov
Laurie Cumbo	Council Member, District 35	(718) 260-9191	lcumbo@council.nyc.gov
Shirley McRae	Chair, Brooklyn Community Board (CB 2)	(718) 596-5410	cb2k@cb.nyc.rr.com
Robert Perris	District Manager, CB 2	(718) 596-5410	cb2k@cb.nyc.rr.com
Eleanore Martins	Akerman, LLP	(212) 880-3800	eleanore.martins@akerman.com
Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

202 Tillary Street Brooklyn, New York 11212

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 #: 202-208 TILLARY STREET – 170400 ZMK, 170401 ZRK

An application submitted by YYY Brooklyn NY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, section No. 12d: changing from an R6 District to a C6-4 District property bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly of Prince Street, the easterly prolongation of a line 200 feet southerly of Tillary Street, Prince Street; and establishing a Special Downtown Brooklyn District bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly prolongation 200 feet southerly of Tillary Street and Prince Street. The zoning text amendment would designate the Project Area a Mandatory Inclusionary Housing (MIH) Area.

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

August 16, 2017

DATE

RECOMMENDATION FOR: 202-208 TILLARY STREET – 170400 ZMK, 170401 ZRK

An application submitted by YYY Brooklyn NY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map changing from an R6 District to a C6-4 District property east and south of the intersection of Prince and Tillary streets, and establishing a Special Downtown Brooklyn District (SDBD) bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly prolongation 200 feet southerly of Tillary Street and Prince Street. The developer has opted to comply with Option 1 of the MIH program.

On July 25, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on these zoning map and text amendments. There was one speaker in opposition to this item, representing 32BJ SEIU, who raised concerns over the developer's commitments to local hiring and providing building service jobs that pay the prevailing wage.

In response to Deputy Borough President Diana Reyna's inquiry regarding qualifying income ranges based on household size, and the distribution of units by bedroom size, the applicant's representative stated that the proposed development will use Option 1 of the MIH program and described the bedroom mix as follows: 26 percent studios, 44 percent one-bedroom units and 30 percent two- and three-bedroom units. The distribution of MIH units will be proportional to the distribution of market-rate units in the development.

In response to Deputy Borough President Reyna's inquiry as to the feasibility of achieving a 50/50 ratio of studios and one-bedrooms to two- and three-bedrooms among the MIH units, the applicant's representative stated that with the proposed bedroom mix, the project will provide a more generous percentage of two- and three-bedrooms than most market-rate developments. A representative from the New York City Department of Housing Preservation and Development (HPD) noted that the agency requires a minimum of 30 percent two- and three-bedroom units for developments that access HPD loan programs. However, this project is not requesting public funds, and its MIH units will be cross-subsidized by the market rate units.

In response to Deputy Borough President Reyna's inquiry regarding steps that the applicant has taken to designate a local affordable housing nonprofit in order to ensure 50 percent participation from Brooklyn Community District 2 (CD 2), including residents of Ingersoll Houses, the applicant's representative stated that while the developer has not selected a community partner at this time, it will ensure that preference is given to CD 2 residents for 50 percent of the units and will also aggressively market those units to Ingersoll Houses.

In response to Deputy Borough President Reyna's inquiry regarding consideration of Brooklyn Community Board 2's (CB 2) request for desired amenities, such as a daycare center or urgent care clinic, the applicant's representative noted that the project provides nearly 14,000 available square feet (sq. ft.) of ground-floor retail space, and that the developer discussed the desired retail uses with CB 2 and the Ingersoll Houses Tenants Association. The representative confirmed that the project will not include additional community facility space as there is no Floor Area Ratio (FAR) bonus for community use in the zoning district (C6-4).

In response to the Deputy Borough President Reyna's inquiry as to what steps the applicant will take to enhance the open space between the proposed development and the adjacent Ingersoll Houses, the applicant's representative stated that the developer has agreed to enclose and refrigerate refuse at the rear of the building and landscape the open space as well as the building's Tillary Street frontage. However, the representative noted that the Tillary Street frontage is owned by the New York City Housing Authority (NYCHA) and used by the storage facility under a licensing agreement. The developer intends to provide ground-floor retail to establish a connection to the Ingersoll Houses

campus, as well as to provide passive recreation opportunities, though all actions are subject to approval by NYCHA.

In response to Deputy Borough President Reyna's inquiry regarding whether improvements will be made at the cost of the applicant and the status of the applicant's discussions with NYCHA, the applicant's representative confirmed that all improvements will be undertaken at the applicant's cost. The representative noted that the developer has committed in writing to incorporate improvements and amenities requested by the Ingersoll Houses Tenants Association. Deputy Borough President Reyna requested that the applicant send a written proposal to NYCHA and include CB 2 and the Office of the Brooklyn Borough President in the correspondence.

In response to Borough President Adams' policy of maximizing job opportunities for Brooklynites and procuring supplies locally through the inclusion of Local Business Enterprises (LBE) and Minority- and Women-Owned Business Enterprises (MWBE), the applicant's representative introduced the workforce development consultant on this project, Team Brown Consulting, who was present at the hearing. Team Brown Consulting will work with the general contractor to fill skilled and non-skilled trade jobs, recruiting primarily from Ingersoll Houses but also Farragut Houses and WaltWhitman Houses for these positions. Team Brown Consulting is not facilitating or tracking MWBE participation in this project. However, the developer (who is also the general contractor) is an MWBE and will seek participation to the greatest extent possible, while focusing on maximizing local hiring.

In response to the Deputy Borough President's inquiry regarding the anticipated number of construction jobs and opportunities post-construction on this project, the representative stated that this has not yet been determined by the general contractor.

One speaker representing 32BJ SEIU employees testified in opposition to the development urging Deputy Borough President Reyna to request that Team Brown Consulting reach out to 32BJ SEIU for training in building services to target residents of Ingersoll Houses.

Subsequent to the hearing, Borough President Adams received letters from the applicant's representative clarifying issues regarding the bedroom mix, sustainability features, and improvements to NYCHA property proposed as part of this application.

Consideration

CB 2 voted to approve this application on June 26, 2017. The approval was conditioned on the submission by the developer, YYY Brooklyn NY LLC, of a written commitment to provide improvements and amenities requested by the Ingersoll Houses Tenants Association. Such commitments included: landscaping along the Ingersoll Houses campus boundary and frontage that complements the existing NYCHA open space, refrigerated enclosure of Ingersoll Houses refuse containers placed along Prince Street, and beneficial ground-floor commercial uses that prioritize community needs such as child care and urgent care facilities. YYY Brooklyn NY LLC provided the requested letter on June 22, 2017.

The proposed land use actions seek to construct two mixed-use buildings with approximately 220,500 sq. ft. of residential space and 13,723 sq. ft. of commercial or community space on a block on frontages east and south of the intersection of Prince and Tillary streets. The buildings would consist of 21 and 23 stories with a total of approximately 262 dwelling units (at least 79 affordable) and parking for 44 vehicles and 132 bicycles in an enclosed garage. The proposed action would require an upzoning from a permitted FAR of 3.00 within 100 feet of Tillary Street and up to 2.43 beyond that line to an FAR of 12 for residential use.

The site is currently occupied by a non-conforming and non-complying five-story self-storage facility of 114,500 sq. ft. on a lot area of 19,450 sq. ft, with frontage on both Prince and Tillary streets. The building is operated by American Self Storage, which has another location at 45 Clinton Avenue. The proposed actions would involve the demolition and displacement of a self-service storage facility, and the development would be built in its footprint.

The adjacent lot is occupied by 65 Prince Street, an eight-story building operated by CAMBA as a 62-bed homeless shelter for single men. The site is bounded to the east and south by Ingersoll Houses, a NYCHA property comprising 19 residential buildings with over 4,300 residents.

The property is located just outside the SDBD and the Flatbush Avenue Height Limitation Area, with a height limit of 400 feet. The proposed development is also located within a Food Retail Expansion to Support Health (FRESH) program area that provides discretionary tax and zoning incentives.

On July 25, 2017, Borough President Adams received a letter from the developer clarifying the intended unit mix for the proposed two-building development. Building A, with frontage on Tillary Street, will comprise 178 units with 45 studios (25 percent), 79 one-bedrooms (45 percent), and 54 two- and three-bedrooms (30 percent). Building B, with frontage on Prince Street, will comprise 84 units with 21 studios (25 percent), 37 one-bedrooms (45 percent) and 26 two- and three-bedrooms (30 percent). The developer has opted to comply with Option 1 of the MIH program. The buildings will have a shared retail floor area and underground parking garage.

Borough President Adams supports developments that address the City's objectives by facilitating redevelopment of land for more productive uses. Borough President Adams also supports development that addresses the City's affordable housing objectives by facilitating development of land for productive uses that deliver additional affordable housing. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing development to remain permanently affordable.

Borough President Adams supports rezoning when paired with the New York City Zoning Resolution's (ZR) MIH program as a means to achieve permanently affordable housing units. The affordability options of the MIH program provide a range of opportunities to address the need for housing that serves a broad range of diverse incomes, consistent with Borough President Adams' objectives to provide affordable housing to households through various income band targets.

This proposed development would result in some permanent affordable housing according to MIH. The rezoning would be consistent with Mayor Bill de Blasio's goal of achieving 200,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," through the development of affordable housing. It would provide housing opportunities to a diverse range of household incomes to apply for apartments through the affordable housing lottery.

Borough President Adams is generally supportive of the proposed development. He believes that there are opportunities to improve the proposal while furthering a range of his policies. Borough President Adams seeks to codify improvements requested by the Ingersoll Houses Tenants Association pertaining to securing refrigerated refuse containment, landscaping, child care and/or urgent medical care. In addition, there should be consideration for including arts, cultural and/or dance space; expanding the affordable housing floor area; including more family-sized affordable housing units; creating deeply affordable units earmarked for senior households; maximizing community participation with the affordable housing lottery; advancing resiliency, sustainability, and stormwater management as well as improving access to affordable housing for rent-burdened households, local transportation options, and jobs.

Improvements Requested by Residents of Ingersoll Houses

The proposed development's adjacency to Ingersoll Houses presents significant opportunities to realize needed improvements and amenities for this community. Borough President Adams acknowledges commitments made by the developer to provide refrigerated refuse containers and landscaping along the Ingersoll Houses campus, as well as beneficial commercial uses for the community. However, such commitments lack certainty to effectuate the proposed physical improvements, given the need for approvals from the New York City Housing Authority (NYCHA), and the developer's lack of communication with the agency to date. Borough President Adams urges the developer to engage with NYCHA on commitments made to Ingersoll Houses that require its authorization, to ensure that the necessary agreements and permits are secured prior to the start of construction.

As an initial step, Borough President Adams believes that YYY Brooklyn NY LLC should obtain written confirmation from NYCHA that the Tillary Street frontage, currently licensed to American Self Storage would be redeveloped at the developers expense to house a refrigerated refuse collection room of sufficient size to replace the existing station, and be reconfigured as a landscaped open space with opportunities for recreational use. Such redesign should be based on a landscaping plan, funded by YYY Brooklyn NY LLC in consultation with NYCHA and the Ingersoll Houses Tenants Association, with the understanding that this amenity will be freely available to residents of Ingersoll Houses.

Such developer-provided funding should be placed in the New York City Comptroller's Office fiduciary account pursuant to Directive 27 dated April 9, 2013 for the benefit of NYCHA toward the construction of the enclosed refrigerated refuse collection room, and the implementation of a landscaping plan approved by NYCHA and Ingersoll Houses Tenants Association.

As the developer is likely to utilize zoning provisions that permit construction on the entire footprint of its zoning lot, it is permissible to construct a blank wall up to 23 feet in height plus additional height to accommodate a parapet. Borough President Adams is concerned that no regulations govern the articulation of such a wall that would border the requested landscaped open space. He believes that it is appropriate for the developer to design and construct the section of any wall exposed to the intended landscape area to a height of 23 feet, in consultation with the Ingersoll Houses Tenants Association.

Finally, in order to assure that all of the above referenced improvements are evidenced, YYY Brooklyn NY LLC's receipt of a building permit from the New York City Department of Buildings (DOB) should be conditioned on the following: the allocation of a sum to be specified by the City Council and NYCHA, for the construction of the refrigerated refuse room and Ingersoll Houses landscaping; a letter from the Ingersoll Houses Tenants Association approving the design of any façade along the campus boundary up to a height of 23 feet plus parapet height; and a Certificate of Occupancy based on evidence of construction of the refrigerated refuse room and Ingersoll Houses landscaping.

On August 9, 2017, Borough President Adams received a letter from the applicant's representative reiterating commitments made to the Ingersoll Houses Tenants Association. The developer further stated an intent to work with NYCHA to receive approval for and provide landscaped open space and enclosed/refrigerated refuse containers on NYCHA property.

Borough President Adams believes that unless the developer adequately memorializes in writing to City Council that the above will be achieved, the requested C6-4 should be limited to C6-2 MIH.

Child Care Facility

Borough President Adams acknowledges the need for affordable daycare facilities in densely-populated NYCHA communities such as Ingersoll Houses. The provision of child care services at 202-

208 Tillary Street through a lease on behalf of such a provider, as requested by the Ingersoll Houses Tenants Association, is consistent with his policy to promote greater access to child care.

The recent closure of a nearby child care center has left only one New York City Administration for Children's Services (ACS) EarlyLearn NYC center in the vicinity of Ingersoll Houses. As all publicly-funded early learning centers in New York City are provided by ACS, Borough President Adams believes that the City and ACS in particular should study the extent of unmet need (daycare slots) for subsidized child care in CD 2, in consultation with CB 2.

As noted, the application for this development includes 13,723 sq. ft. of ground-floor commercial space, with frontage on both Prince and Tillary streets. Borough President Adams acknowledges that it appears to be the priority of the Ingersoll Houses Tenants Association for this space to be occupied by a child care operation and/or affordable medical provider. Borough President Adams believes the space should be prioritized for occupancy by a child care provider.

Therefore, the developer should commit to filing the 13,723 sq. ft. of ground-floor commercial space as community facility occupancy, and renting the space to a child care operator based on reasonable lease terms as determined in consultation with the Ingersoll Houses Tenants Association, CB 2, and local elected officials.

To seek such occupancy, YYY Brooklyn NY LLC should offer retail space to ACS, prior to targeting other uses. ACS should respond to the developer within 90 days to express its interest in leasing such space. Furthermore, the developer should commit to engaging private child care providers in the CD 2 area with a view toward affordability, as a child care facility would serve both residents of Ingersoll Houses and 202-208 Tillary Street.

Prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize the extent that it would market a portion of the proposed retail space to ACS on behalf of a child care provider, in consultation with CB 2 and local elected officials.

Affordable Medical Care Space

Borough President Adams recognizes that not all Brooklyn neighborhoods have adequate access to health care services. Among his priorities is to expand accessible, affordable, and state-of-the-art medical services to all communities in the borough. Borough President Adams believes that this consolidated model of medical services represents the future under the Affordable Care Act.

The provision of urgent care services at 202-208 Tillary Street through a lease to a medical care provider, as requested by the Ingersoll Houses Tenants Association, is consistent with his policy to promote greater access to affordable health care.

As noted, the application for this development includes 13,723 sq. ft. of ground-floor commercial space with frontage on both Prince and Tillary streets. Borough President Adams acknowledges that it appears to be the priority of the Ingersoll Houses Tenants Association for this space to be occupied by a child care operator and/or affordable medical provider. To the extent that a child care facility does not occupy the commercial space, Borough President Adams believes the space should be occupied by an affordable medical care provider in consultation with the Ingersoll Houses Tenants Association.

Furthermore, the developer should commit to filing the 13,723 sq. ft. of ground-floor commercial space as community facility occupancy, and to leasing the space to a medical tenant, if it is not used for a child care operation based on reasonable lease terms.

Prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize the extent that it would designate the ground-floor commercial space for community facility use and to market a portion of such space to affordable health care providers, determined in consultation with the Ingersoll Houses Tenants Association, CB 2, and local elected officials.

Advancing Cultural Space in Downtown Brooklyn

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to secure sufficient affordable space to maintain and grow their programming.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlighted the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color, based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — 59 percent of adults as of 2013 are obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Demand for cultural programs continues to grow across Brooklyn. A 2015 report from the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Many cultural organizations have contacted Borough President Adams seeking assistance securing space to expand and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural and dance activities.

The location of the proposed development in Downtown Brooklyn is well-suited for the inclusion of cultural and/or dance activities, given its proximity to the BAM Cultural District, as well as the numerous subway and bus lines that serve the area. Unfortunately, such uses cannot afford to compete with rents that retail and office uses would likely pay to lease ground-floor space at this location. Moreover, there is no zoning incentive for the developer to provide cultural use at the requested C6-4 zoning district when MIH requirements are being satisfied.

As noted, the application for this development includes 13,723 sq. ft. of ground floor commercial space, with frontage on both Prince and Tillary streets. Borough President Adams acknowledges that it appears to be the priority of the Ingersoll Houses Tenants Association for this space to be occupied by a child care operator and/or affordable medical care provider. Borough President Adams believes that any portion of the commercial space not leased by such uses should be occupied by one or more local arts or cultural organizations. Therefore, the developer should actively solicit arts/cultural and/or dance organizations for ground-floor occupancy.

There should be a commitment from the developer that the 13,723 sq. ft. of ground-floor commercial space would be filed for community facility occupancy, and to the extent that it is not used for a child care operation and an affordable medical care provider, that the space be tenanted by a cultural use based on reasonable lease terms as determined in consultation with the Ingersoll Houses Tenants Association, CB 2, and local elected officials.

Prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize the extent that a portion of the proposed retail space be marketed to locally-based community arts, cultural and/or dance groups, in consultation with CB 2 and local elected officials.

Greater Affordability

In order to have MIH withstand constitutional challenges, it must have consistency for advancing a public purpose. However, in doing so, the proposed MIH rezoning falls well short of recapturing the added value of such a drastic proposed increase in floor area because it creates more development opportunity through the tripling of the market rate floor area when compared to more modest upzonings, such as the C6-2 district that is diagonally adjacent to the site. Given the area's recent zoning history, any assumption of securing zoning change would be purely speculative. Thus, any zoning district in excess of C6-2 lacks leverage to induce more affordable housing as a public benefit pursuant to MIH. The proposed rezoning would therefore substantially enrich the development site with market-rate floor area without the public benefit of extra affordable housing, compared to a lesser upzoning.

Borough President Adams believes that significant upzonings should yield more affordable housing and, where appropriate, at deeper levels of affordability than upzonings that do not provide as much of an increase in density. As rectifying this inequity cannot be achieved directly through MIH, he believes that equity can be advanced in a manner that blends the voluntary inclusionary designated area affordable housing bonus to achieve the maximum permitted floor area. Borough President Adams believes that maximizing the number of affordable units while lowering the levels of household affordability can be achieved by blending what is required, according to the proposed MIH, with a voluntary special bulk permit.

Specifically, under this request, Borough President Adams believes that if developers do not choose to exceed the MIH requirements, the site should be developed according to C6-2 MIH regulations 7.2 FAR. As proposed to be mapped, the C6-4 zoning represents approximately 19,524 sq. ft., of lot area with approximately 176,000 sq. ft. of additional development rights, of which 117,500 sq. ft. would be used for market rate housing. These rights are nearly 94,000 sq. ft. in excess of what is permitted in the C6-2 MIH district. Borough President Adams believes that some portion of these rights might reasonably be considered to further public benefit. For the developer to seek to use the additional 4.8 FAR, such additional floor area should have a requirement that 40 percent of its floor area be affordable based on rents averaging 60 percent of AMI. Linking a substantial amount of market rate floor area in excess of the 7.2 FAR at an increased percent of the affordability requirement between 7.2 FAR and 12.0 FAR from 25 percent to 40 percent would produce approximately 14,000 sq. ft. of additional floor area for affordable housing. By linking a substantial amount of market-rate floor area (4.8 FAR) to the bonus, it provides a much greater incentive for a developer to use the zoning bonus and thus provides the publicly desired affordable housing.

Therefore, unless there is adequate demonstration by the developer of a commitment to pursue a zoning text amendment for a voluntary affordable housing bonus permitting C6-4 bulk and FAR (provided that of the additional 4.8 FAR, 40 percent is affordable to no less than 60 percent AMI average rent), it would not be appropriate for any zoning of this site to exceed C6-2 in order to provide affordability to more households. The City Planning Commission (CPC) and/or City Council

should set forth that the requested C6-4 zoning district be conditioned on such a text change to create a special permit affordable housing bonus or other legal mechanism that commits an additional 14,000 sq. ft. of affordable housing at an average rent based on 60 percent AMI. Otherwise, the CPC or City Council should modify the proposed C6-4 to C6-2 MIH. However, to the extent that the City Council deems that public benefit accommodations are satisfied by the developer in its commitments to improve the Ingersoll Houses campus and bring in a daycare center, affordable medical facility, or cultural organization, Borough President Adams supports the discretion of the City Council to reduce the additional affordable housing requirement.

Achieving a Family-Sized Affordable Housing Unit Mix

A recent report identified that rent-burdened households, which typically represent those households applying to the City's affordable housing lotteries, are more likely to require family-sized apartments. Therefore, Borough President Adams is concerned that the proposed mix of affordable housing units would not reflect the unique needs of CD 2's low- to middle-income rent-burdened families, who are not seeking senior housing units.

The developer had represented that the unit mix would consist of 25 percent studio apartments, 45 percent one-bedroom apartments, and 30 percent two- and three-bedroom apartments, divided among the two buildings. The developer is prepared to provide affordable housing pursuant to the MIH regulations, consistent with ZR section 23-96(c)(1)(i), bedroom mix for affordable housing units, which allows the affordable housing bedroom mix to be consistent with the mix for the market rate housing units. The proposed development would comply with Option 1 of the MIH program.

Borough President Adams 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. Though pursuant to MIH in and of itself, there is not sufficient leverage to provide for a greater number of bedrooms for the affordable units as part of this development.

Borough President Adams believes that discretionary land use actions are appropriate opportunities to advance policies that constrain what would otherwise be permitted as-of-right. He believes that 202-208 Tillary Street presents an opportunity to achieve family-sized units for the non-elderly. Borough President Adams seeks to require a minimum threshold for non-independent residences for seniors housing to accommodate family-sized apartments.

The ZR allows for an unequal distribution of affordable and market-rate units when the percentage of affordable family-sized units exceeds the minimum of 30 percent. Borough President Adams believes that that is a potential avenue for exploration given that more family-sized affordable units might better the community's housing needs than a greater number of affordable studios and one-bedrooms.

The existing zoning text allows for at least 50 percent of the affordable housing units to contain two or more bedrooms, and at least 75 percent of the affordable housing units to contain one or more bedrooms. For this building, it is important to mandate based on the average rent being set as affordable to households earning 60 percent of AMI that the developer provide affordable housing pursuant to ZR 23-96(c)(1)(ii). This would require at least 50 percent of the units to be two- or three-bedrooms and at least 75 percent of the units to be one or more bedrooms.

On August 9, 2017, Borough President Adams received a letter from the applicant's representative addressing the bedroom mix at 202-208 Tillary Street. The letter notes the developer's intent to seek a tax exemption pursuant to the 421-a program, which requires a certain percentage of affordable residential units, as opposed to residential floor area, as set forth by MIH requirements.

Prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize the extent that it would realize a greater percentage of affordable two- and three-bedroom units as compared to the market-rate apartment mix, in order to accommodate a greater percentage of families with children consistent with ZR 23-96(c)(ii).

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

In addition to addressing the need for family-sized units, there is a pressing need for affordable apartments for the aging population with limited financial means. Older New Yorkers are a rapidly growing segment of the City's population, with more than 300,000 individuals residing in Brooklyn. As noted in the New York City Department of City Planning (DCP) Zoning for Quality and Affordability (ZQA) study, New York's senior population is expected to grow 40 percent by 2040. The study noted that there were 60 applicants for every senior apartment for housing lotteries conducted by HPD for senior housing developments. As a significant number of elderly households have negligible income, providing opportunities for area seniors to secure quality affordable housing and remain in their communities is a priority for Borough President Adams. In an era in which the federal government has moved away from funding affordable housing for seniors, too few affordable apartments for seniors are being produced, leaving tremendous demand for age-based affordable housing in Brooklyn.

Elderly residents living without rent stabilization protection in the surrounding Boerum Hill, Brooklyn Heights, Clinton Hill, DUMBO, Fort Greene, and Vinegar Hill neighborhoods have not been immune to the rise in real estate prices, as more people discover that these communities are great places to live. As a result, many elderly households are experiencing increased rent-burden to remain in their homes, exhausting their life savings just to keep up with day-to-day living until they are unable to remain in the area where they have lived for many years.

Low-income seniors often have some form of disability, so living in an accessible location such as 202-208 Tillary Street would increase their ability to maintain an independent lifestyle. Developing this site with deeply affordable studio and one-bedroom units would provide an opportunity for low-income seniors, who are most at risk of being displaced, to attain safe, decent, and affordable housing with access to a rich array of public transportation, shopping, and cultural amenities in Downtown Brooklyn and surrounding communities.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedrooms, two-bedrooms, and three-bedrooms, he believes that when studio and one-bedroom apartments are rented at 40 percent AMI or below, such apartments might be more affordable to senior households. Therefore, it is acceptable to set aside a portion of the units equal to or greater than 50 percent, but fewer than 70 percent of the affordable units (as indicated by the developer) for studios and one-bedrooms. It appears that MIH regulations provide an adequate opportunity to create studio and one-bedroom apartments affordable to senior households at 30 to 40 percent AMI as long as the average rent character is 60 percent AMI. Borough President Adams believes that having a number of the other apartments exceed 80 percent AMI is an appropriate means to set aside a greater share of apartments for a significant number of senior citizen households to become eligible through the lottery, as well as for subsequent opportunities to occupy such units.

Therefore, Borough President Adams seeks a greater percentage of affordable housing floor area to be set aside for two- and three-bedroom units than stipulated in the current apartment mix, as a means to accommodate a greater percentage of families with children. In addition, such agreement should establish a rent structure for a number of studio and one-bedroom apartments to rents

affordable to one- or two-person households, ranging from 30 percent to 40 percent of AMI, as a means to capture a greater percentage of senior households.

Prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that qualify how it will pursue a greater number of larger apartments in the bedroom mix, and deeper affordability for smaller apartments to increase the number of qualified senior citizens.

Maximizing Community Participation of the MIH Affordable Housing

The ZR requires the affordable housing units to be overseen by a non-profit administering agent that is unaffiliated with the for-profit developing entity, except when otherwise approved by HPD. Such administering non-profit becomes the responsible entity to ensure that the affordable housing remains in compliance with its regulatory agreement, which governs the development's affordable housing plan. The non-profit entity's tasks include verifying a prospective tenant household's qualifying income and approval of the rent of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, followed up with annual affidavits to ensure conformity.

In addition to the stated requirements, various non-profits have proven track records of successfully marketing affordable housing units within the host community of the particular development, as well as promoting housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for such affordable housing non-profits to play a contributing role toward maximizing community participation in neighborhood affordable housing opportunities. Borough President Adams recognizes that CD 2 has multiple non-profit entities that are entrenched in the communities they serve, and whose core missions include providing and advocating for affordable housing. For this section of CD 2, these include IMPACCT Brooklyn and the Mutual Housing Association of New York (MHANY).

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize a commitment to use a locally-based affordable housing non-profit to serve as the administering agent, and also have one or more such entities promote local awareness and readiness for the affordable housing lottery.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities for blue/green/white roofs, solar panels, and/or wind turbines, as well as Passive House construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications would increase energy efficiency and reduce the development's carbon footprint. Furthermore, as part of his flood resiliency policy, Borough President Adams encourages developers to incorporate permeable pavers and/or establish bioswales that advance New York City Department of Environmental Protection (DEP) green-water/stormwater strategies. Bioswales, blue/green roofs, and permeable pavers would divert stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2016 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous environmental, social, and economic benefits.

It is appropriate for the developers and property owners to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of

this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square-foot of green roof up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for assistance in opening a dialogue with the aforementioned agencies and further coordination on this matter.

On August 9, 2017, Borough President Adams received a letter from the applicant's representative reiterating the developer's intent to seek Enterprise Green Communities and NYSERDA certification, and to integrate green roof and solar panel elements into the development. In addition, the developer intends to assess the viability of installing tree pit bioswales on Prince and Tillary streets.

Prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize to provide green roofs and solar panels, as well as additional sustainability measures such as blue/green/white roof finishes, Passive House construction principles, and wind turbines at 202-208 Tillary Street.

Promoting the Use of Car-Sharing Vehicles

While Borough President Adams supports the establishment of Transit Zones in the ZR for the purpose of enabling affordable housing developments to be constructed without a requirement to provide car-parking accommodations, he acknowledges that access to automobiles could enhance mobility for residents of the dedicated affordable housing units provided in the development as well as nearby residents of Ingersoll Houses.

The costs associated with individual car ownership can be very challenging for households of limited financial means, particularly where such vehicles are not required for daily uses such as commuting to places of employment. However, there are instances where affordable access to automobiles may be considered a quality-of-life enhancement based on the type of mobility that an automobile can provide. Furthermore, research suggests that car-share availability reduces individual automobile ownership, creating environmental benefits and reducing congestion. Given that more than 80 percent of the households expected to reside at this development would not be provided with on-site parking, and are less likely to own private automobiles, Borough President Adams believes that car-sharing entities should be engaged to set up car placements in immediate proximity to the development.

Given the number of affordable housing units proposed for this development as well as its proximity to residents without cars who reside in Ingersoll Houses, Borough President Adams believes that a portion of the parking spaces in the buildings' underground garage could be set aside for a limited number of car-sharing vehicles accessible to both residents of 202-208 Tillary Street and Ingersoll Houses. The placement of car-sharing vehicles within the garage should be pursued through dialogue with car-sharing companies.

Prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize the extent that it would engage car-sharing companies to increase the number of available vehicles at and around the site.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that will create more employment opportunities. According to the New York University 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 our community districts experiencing

poverty rates of nearly 25 percent or higher. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses and including those that qualify as an LBE and/or MWBE is central to Borough President Adams' economic development agenda. As the blocks subject to this rezoning application contain minor building improvement, the anticipated construction activities provide opportunities for retaining Brooklyn-based contractors and subcontractors, especially those who are designated LBEs, consistent with section 6-108.1 of the New York City Administrative Code, and MWBEs as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation).

Borough President Adams recognizes the developer's efforts to create jobs for local residents by engaging a local workforce development entity with strong ties to the area's NYCHA communities. In recent years, CD 2 has seen an influx of new development, particularly around the Farragut Houses, Ingersoll Houses, and Walt Whitman Houses campuses. Team Brown Consulting has provided workforce development services on several construction projects in the area, training NYCHA residents for skilled-trade and non-skilled trade jobs. The firm's principal is a former president of the Ingersoll Houses Tenants Association. Borough President Adams believes that Team Brown Consulting will ensure that a significant portion of the construction jobs created by this development will go to local and NYCHA residents. However, he feels it is important to ensure that YYY Brooklyn NY LLC hire LBE and MWBE contractors and subcontractors for 202-208 Tillary Street.

Therefore, prior to considering the application, the City Council should obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize the extent that it would 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 MWBEs. This would be done as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as to coordinate the oversight of such participation by an appropriate monitoring agency.

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

Borough President Adams supports Mayor de Blasio's goal of achieving 200,000 affordable housing units over the next decade. Brooklyn is one of the fastest growing communities in the New York City metropolitan area and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their own neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites. Among numerous strategies and approaches, Borough President Adams is committed to advancing his affordable housing policy through his role in the ULURP. The development of much-needed affordable housing provides opportunities to existing neighborhood residents at risk for displacement or increased degree of being rent-burdened.

Data show that more than 80 percent of those making 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest income citizens, those making 30 percent of AMI or less, currently \$23,310 for a family of three. Among this population, well over 50 percent pay more than half of their income toward rent. More than one-fifth of New York City households — over two million people — earn less than \$25,000 a year and almost one-third earns 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.

Many residents living in rented apartments within CD 2 live in unregulated housing, or regulated apartments subjected to a legal regulated rent increase in which landlords have been renting below the legally permitted regulatory rent (preferential rent) and have been seeking to increase rent at

lease renewal according to the legal amount permitted. For ZIP code 11201, disclosed data from the New York City Rent Guidelines Board (RGB) dated June 1, 2017 list 3,667 such units, representing 51 percent of all rent stabilized units. The continued significant increase in rents has resulted in an increased rent burden and/or residential displacement. Therefore, there is a pressing need to provide more affordable housing units in this area.

In this section of CD 2 too many households fall into low- and very low-income categories and are often rent-burdened. Given the risk for displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

A strict rent-to-income requirement of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged households from the affordable housing lotteries. As a result, these rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same rent, or are in excess of the rent stated for the affordable housing unit. Thus, the requirement to pay no more than 30 percent of household income is actually hurting people who are already living in substandard housing and are paying more than 30 percent of their income toward housing.

As first noted in his East New York Community Plan ULURP response, Borough President Adams believes that it is time to break the mold in which families that are already paying too much rent for substandard housing are disqualified. Borough President Adams seeks to qualify rent-burdened households to be eligible for selection through the housing lottery process. Such eligibility would ensure rent-burdened households receive the maximum opportunity to secure regulated affordable housing units, expanding the number of eligible households for government-regulated affordable housing lotteries.

One means to address rent burden should be achieved by amending the ZR to adjust the AMI qualifications so they include such households that would maintain or reduce their rent burden. For such lotteries resulting from MIH housing lottery offerings, 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 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.

Citi Bike Station Expansion

Citi Bike has expanded in popularity as it offers a cheap and environmentally-friendly option for mobility around New York City. Currently, Citi Bike is in the midst of a rapid expansion, with the promise of 700 stations and 12,000 bikes by 2017. Furthermore, Citi Bike has made a concerted effort to attract NYCHA residents, by offering \$5 per month Citi Bike memberships to individuals 16 and older, with annual commitment. With the intended development subject to this rezoning, Borough President Adams believes that it is appropriate for New York City Department of Transportation (DOT) to take new destinations into account while considering how to best serve Citi Bike members, as well as to encourage membership growth. He calls on DOT to investigate the feasibility of adding one or more Citi Bike stations along the perimeter of the development block in order to accommodate the proposed building's tenants as well as residents of Ingersoll Houses. Implementation should proceed based on consultation with CB 2 and local elected officials.

Prevailing Wages and Local Hiring for Building Service Workers

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

Borough President Adams believes that it is appropriate to advocate for economic opportunities that allow families to remain in their neighborhoods, by providing securing sufficient income to alleviate their rent burdens. He further believes that building service positions often result in locally-based employment. Therefore, Borough President Adams strongly encourages the developer to commit to hiring locally for building service jobs and paying prevailing wages with benefits to such workforce.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c of the New York City Charter, recommends that the City Planning Commission (CPC) and the City Council approve this application with the following conditions:

1. The requested C6-4 should be limited to C6-2 MIH unless the developer files a legal mechanism that provides for the following:
 - a. A demonstration by the developer of a framework with an agreement with the New York City Housing Authority (NYCHA) of the following:
 - i. Construction of an enclosed collection room with refrigerated refuse containers of sufficient size to replace the existing refuse collection station
 - ii. Landscaping of the Ingersoll Houses open space between the developer's property and the adjacent Ingersoll Houses campus, based on a design developed in consultation with NYCHA and the Ingersoll Houses Tenants Association, and such space made freely available to residents of Ingersoll Houses
 - b. Require that prior to the issuance of a building permit that evidence be filed with the New York City Department of Buildings (DOB) that:
 - i. An amount, to be determined by the City Council in consultation with NYCHA, has been placed in the New York City Comptroller's Office fiduciary account, pursuant to Directive 27, dated April 9, 2013, for the benefit of NYCHA to be used toward the construction of the enclosed refuse collection room, and the implementation of a landscaping plan approved by NYCHA and Ingersoll Houses Tenants Association
 - ii. The design of any building façade along the shared property boundary with Ingersoll Houses not exceeding 23 feet in height plus parapet height be developed and executed in consultation with the Ingersoll Houses Tenants Association pursuant to a written letter of affirmation from the same
 - c. Require that, prior to the issuance of a Temporary and/or Final Certificate of Occupancy, the developer submit evidence to DOB attesting that the enclosed refuse collection room and landscaping on the adjacent NYCHA property have been completed and that the perimeter wall constructed in accordance with the agreed-upon design

- d. That DOB issue a Schedule A and Final Certificate of Occupancy restricting the 13,723 square feet of ground-floor commercial area to community facility use, according to the following priorities: child care center, affordable urgent care, and local arts or cultural uses, based on reasonable lease terms, and determined in consultation with the Ingersoll Houses Tenants Association, Brooklyn Community Board 2 (CB 2), and local elected officials
 - e. That furthermore, the developer provide in writing to the City Council, prior to its vote, the extent of the following commitments: engagement with Brooklyn Community District 2 (CD 2) area child care operators that serve its public housing population, affordable medical care providers, and locally-based arts or cultural organizations
 - f. That, in order to ensure available space for the New York City Administration for Children's Services (ACS) to secure daycare slots, a requirement that ACS be offered a portion of the retail space first, prior to affordable medical care and/or arts and cultural groups, and that ACS be given 90 days to respond with intent to lease such space
 - g. A demonstration by the developer to pursue a zoning text amendment to permit a voluntary affordable housing bonus permitting C6-4 bulk and FAR, provided that the additional 4.8 FAR (in excess of C6-2 MIH), contain affordable housing floor area at a rate of 40 percent, affordable at no less than 60 percent Area Median Income (AMI) average rent. Otherwise, the City Planning Commission (CPC) and/or City Council should set forth that the requested C6-4 zoning district should be conditioned on such a text change to create a special permit affordable housing bonus or other legal mechanism that commits an additional 14,000 sq. ft. of affordable housing at an average rent based on 60 percent AMI. If such condition is not met, the CPC or City Council should modify the proposed C6-4 to C6-2 MIH. However, to the extent that the City Council deems that public benefit accommodations are sufficiently met by the developer's commitments to improve the Ingersoll Houses campus and accommodate child care centers, affordable medical care facilities and/or arts/cultural entities, Borough President Adams supports the City Council's discretion to reduce additional requirements for affordable housing
2. That prior to considering the application, the City Council obtain commitments in writing from the developer, YYY Brooklyn NY LLC, that clarify how it would memorialize the extent that it would:
 - a. Provide for a greater percentage of affordable two- and three-bedroom units as compared to the market rate apartment mix, as a means to accommodate a greater percentage of families with children, consistent with ZR 23-96(c)(ii)
 - b. Provide for a segment of studio and one-bedroom units with rents set between 30 percent and 40 percent of AMI, as a means to accommodate senior citizen households that would not otherwise qualify for these units
 - c. Utilize one or more locally-based housing development non-profits to serve as the administering agent, and promote affordable housing lottery readiness, in order to meet the 50% lottery preference for residents of CD 2
 - d. Continue to explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, Passive House construction principles, solar panels, and wind turbines in the development

- e. Facilitate a dialogue with car-sharing companies to increase the number of available car-share vehicles to accommodate additional demand that would be generated by this development and stage the placement of automobiles in the development's parking garage
- f. Retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code and Minority- and Women-Owned Business Enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it Further Resolved

1. That the CPC and/or the City Council, in order to establish AMI-equivalent affordable housing eligibility as a qualifier for those rent-burdened households that would be able to pay the same rate or achieve a reduction in their rent by leasing an MIH lottery unit, should advocate for the modification of the MIH section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that extends eligibility while taking into account rent-burdened status
2. That the New York City Department of Transportation (DOT) investigate the feasibility of adding one or more bicycle stations along the perimeter of the development block and review existing Citi Bike stations to determine appropriateness of adding bicycle docks, in consultation with CB 2 and local elected officials
3. That the developer commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits.



Eleanore C. Martins

Akerman LLP
666 Fifth Avenue
20th Floor
New York, NY 10103
Tel: 212.880.3800
Fax: 212.880.8965

Dir: 212.259.6456

August 8, 2017

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

**Re: ULURP Nos. 170400 ZMK and 170401 ZRK
202-208 Tillary Street
Block 2050, Lot 100 (the "Development Site")**

Dear Borough President Adams:

On behalf of YYY Brooklyn NY LLC, the applicant for the above-referenced land use application, we thank you and your staff for the opportunity to present this application at your public hearing on July 25, 2017. We write in response to certain comments made by Deputy Borough President Diana Reyna at that public hearing.

Bedroom Mix

The proposed mixed-use development at the Development Site that would be facilitated by the subject land use application includes approximately 262 dwelling units. Approximately 79 of those units will be permanently affordable for households at or below an average AMI of 60%, pursuant to Option 1 of the Mandatory Inclusionary Housing ("MIH") program. The anticipated bedroom mix for the proposed development includes 26% studios, 44% one-bedrooms and 30% two- and three-bedroom units. The bedroom mix for the MIH units would be proportional to the bedroom mix for the market rate units.

Section 23-96(c)(1) of the MIH regulations in the Zoning Resolution provides that the bedroom mix for market rate units and MIH units must be proportional, or, alternatively, not less than 50% of the MIH units shall contain two or more bedrooms and not less than 75% shall contain at least one bedroom. Deputy Borough President Reyna asked that the applicant review the feasibility of providing a bedroom mix with 50% two- and three-bedroom units, particularly for the MIH units. The applicant understands the importance of family-sized housing, and in recognition of this need, the proposed development includes a high percentage of two- and three-bedroom units compared to the overall Downtown Brooklyn market.

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It is important to note that the applicant is not seeking public subsidy for the proposed development. A critical number of units is therefore necessary to make the project financially feasible, as the market rate units are subsidizing the permanently affordable MIH units. Further, while the Zoning Resolution does permit a disproportionate number of two- and three-bedroom MIH units, the proposed development would likely seek a tax exemption pursuant to the 421-a program. Unlike the MIH regulations, which require a certain percentage of residential floor area to be affordable, the 421-a regulations require a certain percentage of the overall number of units to be affordable. Therefore, changing the currently proportional bedroom mix between the market-rate units and the MIH units would be very difficult.

However, the applicant will, in consultation with HPD's Inclusionary Housing staff, make every effort to include the highest feasible percentage of two- and three-bedroom units in the proposed development, given the foregoing constraints.

Sustainability

With regard to sustainability, we reiterate the following commitments discussed at the public hearing, which included: seeking Enterprise Green Communities certification and NYSERDA certification, providing a mix of green roof features and/or solar (PV) panels, and reviewing the viability of bioswale tree pits in the sidewalks adjacent to the Development Site.

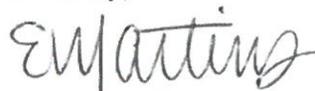
Improvements to NYCHA Property

The applicant has committed, at their expense and subject to approval by NYCHA, to make certain improvements to the portion of NYCHA's Ingersoll Houses campus that is adjacent to the proposed development and included within the proposed rezoning. As requested by Deputy Borough President Reyna, attached is a copy of the letter sent by certified mail to NYCHA Chair Shola Olatoye to formally notify NYCHA regarding the proposed improvements.

The proposed development facilitated by the subject land use application would transform this corner of Downtown Brooklyn, replacing a self-storage facility with a new mixed-use development that enlivens the streetscape, establishes local commercial and community facility uses, supplies nearly 80 units of permanently affordable housing without public subsidy, and provides employment opportunities (construction and permanent jobs) to the local community.

On behalf of the applicant, we thank you for your consideration of this application and respectfully request that you recommend approval to the City Planning Commission.

Sincerely,



Eleanore Martins



Eleanore C. Martins

Akerman LLP
666 Fifth Avenue
20th Floor
New York, NY 10103
Tel: 212.880.3800
Fax: 212.880.8965

August 7, 2017

Dir: 212.259.6456

Hon. Shola Olatoye, Chair
New York City Housing Authority
250 Broadway
New York, NY 10007

**Re: ULURP Nos. 170400 ZMK and 170401 ZRK
202-208 Tillary Street
Block 2050, Lot 100 (the "Development Site")**

Dear Chair Olatoye:

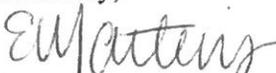
We are land use counsel to YYY Brooklyn NY LLC, the applicant for a land use application that seeks a rezoning and related text amendments to facilitate construction of a mixed-use commercial and residential development, including approximately 80 permanently affordable housing units, in Downtown Brooklyn. In addition to the above-referenced Development Site, the proposed rezoning area includes a small portion of the Ingersoll Houses campus adjacent to the east and south of the Development Site (the "NYCHA Property").

Subsequent to discussions with the Ingersoll Houses Tenants Association, the applicant has committed to provide the following improvements on the NYCHA Property:

1. Landscaped recreation/open space on the adjacent parcel to the east (currently used for parking by the Development Site pursuant to a license agreement); and
2. Enclosed and refrigerated trash containers to accommodate the Ingersoll Houses' refuse on the adjacent parcel to the south.

The applicant understands that these improvements are subject to approval by NYCHA, and should the proposed rezoning be approved, looks forward to working with NYCHA to provide these improvements for the benefit of the Ingersoll Houses.

Sincerely,


Eleanore Martins

cc: Brooklyn Borough President Eric L. Adams

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