

**Brooklyn Borough
President
Recommendation**



CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

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 #: 090441 ZMK – 090442 ZRY – 090443 ZSK

470 Vanderbilt Avenue

In the matter of applications submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for: a.) an amendment of the Zoning Map eliminating from an existing R6 District a C2-3 District and changing from an R6 District property bounded by Fulton Street, Vanderbilt Avenue, and a line 100 feet southeasterly of Fulton Street and Clermont Avenue; and, changing from an M1-1 District to a C6-3A District property bounded by a line 100 feet southeasterly of Fulton Street, Vanderbilt Avenue, Atlantic Avenue, and Clermont Avenue, b.) the grant of a special permit pursuant to Section 74-743(a) of the Zoning Resolution to modify the requirements of Section 23-145, Section 23-852, and Section 35-24 to facilitate a mixed use development on property located at 470 Vanderbilt Avenue.

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

BOROUGH PRESIDENT

July 17, 2009

DATE

**RECOMMENDATION FOR THE PROPOSED
ZONING MAP & TEXT CHANGE, AND SPECIAL PERMIT
FOR RESIDENTIAL DEVELOPMENT
090441 ZMK – 090442 ZRY – 090443 ZSK**

PUBLIC HEARING

The borough president held a public hearing on June 30, 2009.

The applicant proposes to develop the site known as 470 Vanderbilt Avenue in accordance with a special permit that modifies the bulk requirements to address specific site conditions so long that the site is built in accordance with the submitted plans. The rezoning would allow for more categories of retail use for the entire site, greatly improving the marketability of the block's retailing potential. 376 housing units are intended for the Fulton Street section of the site. The applicant advised the borough president that 24 percent of the project's residential development would be affordable housing, with the vast majority (20 percent of the floor area) being required for the life of the building due to its floor area being granted according to the City's Inclusionary Housing Program's (IHP) zoning bonus. The remaining units would remain affordable for the term of the subsidies.

In response to the borough president's concern of what guarantees that the affordable housing component would be built, no representative for the applicant could respond with any formal assurances that the affordable housing would be developed. The representative noted that the commitment was made publicly to Community Board 2 and to Council Member Letitia James.

CONSIDERATION

It is the borough president's policy to support land use changes that provide enhanced economic development opportunities and increases the supply of housing for Brooklyn residents, especially when such projects result in affordable housing. The borough president is concerned that too many of the borough's residents leave because they can no longer afford to live in Brooklyn. Therefore, the borough president's policy is that all new residential developments subject to ULURP provide a minimum of 20 percent affordable units for the maximum benefit of area residents.

In the past decade the Fort Greene and nearby Clinton Hill neighborhoods have evolved into highly desirable neighborhoods. As more affluent households have moved in, long-time residents that do not own their residence continue to be displaced or have been finding it more challenging to remain in the neighborhood. This area also contains a significant number of rental apartments within the row house housing stock. Such units are not protected by rent stabilization. As lease terms come up for renewal in these unregulated units, too often rent increases are not within the means of the existing tenant, thus, displacement occurs. In order to appropriately provide opportunities for displaced residents to return to the neighborhood, and for those at risk for being displaced, the borough president believes that 470 Vanderbilt Avenue provides a wonderful opportunity as long as it includes the promised affordable housing.

For 470 Vanderbilt, most of the affordable housing is linked to the City's IHP, a voluntary program that results in at least 20 percent of the units being affordable to households earning up to 80 percent AMI. The IHP permits the financing of the affordable housing construction to be enhanced with the government subsidies, though subsequent to the

borough president's hearing, a representative for the applicant advised that the inclusion of affordable housing was not dependent on the award of discretionary government financial assistance.

The applicant indicated intent to file a "lower income housing plan" acceptable to the commissioner of the Department of Housing Preservation and Development, pursuant to Zoning Resolution Section 23-93, as part of the building approval documents. Despite, such oral assurances, there remains a question of whether the affordable housing would actually happen if circumstances dictate a change in the developer's stated intent. It is the borough president's policy to obtain a written commitment or explanation of what ensures that the affordable housing is built. Due to complications regarding the applicant's property ownership interests, the applicant expressed a concern to provide a written commitment or proceed in any other manner that makes the commitment legally binding.

While oral statements might be honored, it leaves a degree of uncertainty. It would be unfortunate if circumstances prevented the applicant from honoring this oral commitment, especially given the community's need for affordable housing is only increasing. The borough president believes that the City Council should seek out the best means to codify the developer's commitment to include affordable housing prior to making its determination. Residential construction should proceed only according to a building permit that includes the floor area bonus according to an Inclusionary Housing Plan approved by the commissioner of the Department of Housing Preservation and Development.

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends the approval of these applications by the City Planning Commission and City Council subject to the condition that the affordable housing commitment of not less than 20 percent be adequately memorialized.