



MEMORANDUM

To: The Chairperson and Members

From: Eric Enderlin *E.E.*
President

Date: March 31, 2025

Re: Resolution of Declaration of Intent
Coney Island Phase 3
1709 Surf Avenue
Brooklyn, New York 11224
Block: 7061 Lots: 14, 16, 20, 21, 27

Attached is a Resolution of Declaration of Intent (the “Resolution”) for a proposed new construction project located at 1709 Surf Avenue, Brooklyn, New York, which is currently under review by the Corporation. The developer will be a single purpose entity to be formed and owned by BFC Coney Island Associates Phase 3 LLC (“BFC”), whose principals include Winthrop Wharton, Donald Capoccia and Joe Ferrara; TKGG Coney Island Associates Phase 3 (“Taconic”), whose principals include Charlie Bendit and Paul Pariser; and L&M Coney Island Phase 3 LLC (“L&M”), whose principals include Ronald Moelis, Lisa Gomez, Gerald Miceli, Carrie Van Syckel and Matthew Seiden. The developer has requested that the Members adopt the Resolution on the project’s behalf. Should HDC utilize tax-exempt bond proceeds to provide financing for the proposed project, it will be operated in accordance with the restrictions of the Internal Revenue Code.

As indicated in the attached project summary sheet, the developer intends to construct one, 12-story building with 420 units located at 1709 Surf Avenue in Brooklyn.

The Resolution is an official intent of the Corporation for tax code purposes which can enable certain expenditures incurred as early as 60 days prior to the date of adoption of Resolution to qualify for reimbursement from proceeds of tax-exempt bond financing. However, the Corporation’s agreement to issue bonds may only be authorized by further action by the Members.

A fact sheet with a brief description of the project is attached (see “Exhibit A”).

**RESOLUTION OF DECLARATION OF INTENT TO REIMBURSE FROM THE
PROCEEDS OF TAX-EXEMPT REVENUE BONDS TO BE ISSUED BY
THE NEW YORK CITY HOUSING DEVELOPMENT CORPORATION**

WHEREAS, Article 12 of the Private Housing Finance law, constituting the New York City Housing Development Corporation Act (the “Act”), authorizes the New York City Housing Development Corporation (the “Corporation”) to encourage the investment of private capital and provide dwelling accommodations for occupancy by persons and families for whom the ordinary operations of private enterprise cannot provide an adequate supply of safe, sanitary and affordable housing accommodations, or for units located in an area certified or designated as blighted; and

WHEREAS, the Corporation may be requested to provide all or part of the construction and/or permanent financing of a residential development known as Coney Island Phase 3 located at 1709 Surf Avenue, Brooklyn (the “Project”) as more fully described in Exhibit A. A portion of the Project is expected to provide dwelling accommodations for occupancy by persons and families for whom the ordinary operations of private enterprise cannot provide an adequate supply of safe, sanitary, and affordable housing accommodations and/or provide housing accommodations in an area certified or designated as blighted; and

WHEREAS, the Corporation is desirous of assisting in the financing of such Project, to the extent permitted by law, if such assistance will either increase or assure the availability of dwelling accommodations for occupancy by persons and families for whom the ordinary operations of private enterprise cannot provide an adequate supply of safe, sanitary, and affordable housing accommodations and/or provide housing accommodations in an area certified or designated as blighted, and

WHEREAS, the Corporation, in the course of assisting the proposed mortgagor entity of the Project (the “Borrower”) in the financing of the Project expects that the Borrower has paid or may pay certain expenditures (the “Reimbursement Expenditures”) in connection with the Project within 60 days prior to the adoption of this Resolution and prior to the issuance of indebtedness for the purpose of financing costs of the Project; and

WHEREAS, Section 1.142-4 and Section 1.150-2 of the Treasury Regulations require the Corporation to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing.

NOW THEREFORE, the Corporation does hereby resolve as follows:

1. The Corporation may provide tax exempt and/or taxable financing for the Project and pursuant to that intention the staff of the Corporation is authorized to develop a program for financing of the Project to the extent permitted by law, and for such purpose may consult with the Borrower of the Project, and such others as may be deemed appropriate, subject in all events to the final approval of the terms of any financing by the Members of the Corporation.

2. The Corporation expects to finance all or a portion of the costs of the Project by the issuance of on one or more dates its obligations in an aggregate principal amount presently anticipated not to exceed \$155,000,000 (the “Obligations”) all or a portion of which would be issued on a tax-exempt basis.

3. The Corporation hereby states its intention and reasonably expects to reimburse costs of the Project incurred prior to the issuance of the Obligations with proceeds of the Obligations.

4. This resolution shall constitute official intent of the Corporation with respect to such Project for purpose of the Internal Revenue Code and otherwise. This Resolution is being adopted by the Corporation for purposes of establishing compliance with the requirements of Section 1.142-4 and Section 1.150-2 of the Treasury Regulations. In that regard, the Corporation hereby declares its official intent to use proceeds of the Obligations to reimburse the Reimbursement Expenditures. Notwithstanding the foregoing, this resolution does not bind the Corporation to make any expenditure, incur any indebtedness, or proceed with the Project.

5. This resolution shall be effective immediately.

This resolution shall be effective immediately.

“Exhibit A”

**Coney Island Phase 3
Brooklyn, NY**

Project Location: 1709 Surf Avenue
Brooklyn, New York 11224
Block: 7061 Lot: 14, 16, 20, 21, 27

Expected HDC Program: Mix and Match (NYC 15/15)

Project Description: The Project will consist of the new construction of one 12 story building containing 420 residential units, approximately 111,000 square feet of retail space, 9,000 square feet of community facility space and 79 on-grade parking spaces in the Coney Island neighborhood of Brooklyn. 100% of the residential rental units will be affordable to households earning at or below 90% AMI and will include additional tiers of deeper affordability so that the total tax credit unit mix will reflect an average of units affordable to households earning at or below 60% AMI.

Expected Total Units:	<u>Unit Size</u>	<u>No. of Units</u>
	Studio	107
	1 Bedroom	108
	2 Bedroom	174
	<u>3 Bedrooms</u>	<u>31</u>
	Total Units*	420

* Total Units includes one superintendent unit.

Expected Tax Abatement type: Article XI - residential portion
ICAP - commercial portion

Estimated Tax-Exempt Bonds: \$155,000,000

Developer: A single purpose entity to be formed by BFC Coney Island Associates Phase 3 LLC, whose principals are Winthrop Wharton, Donald Capoccia and Joe Ferrara, TKGG Coney Island Associates Phase 3, whose principals are Charlie Bendit and Paul Pariser, and L&M Coney Island Phase 3 LLC, whose principals are Ronald Moelis, Lisa Gomez, Gerald Miceli, Carrie Van Syckel and Matthew Seiden.

Expected Architect: S9 Architecture

Expected General Contractor: Coney Island Phase 3 Builder LLC