Marcus Garvey Village Rezoning
Community District 16
Brooklyn, NY
June 6, 2018

1. Introduction

Brownsville Livonia Associates LLC (the "Applicant"), with co-applicants NYC Department of Housing Preservation and Development ("HPD"), NYC Department of Parks and Recreation ("DPR"), and NYC Department of Citywide Administrative Services ("DCAS"), proposes a series of land use actions to facilitate a Large Scale General Development ("LSGD") of seven new eight- and nine-story mixed-use buildings with approximately 724 affordable housing units. The proposed infill development would replace existing underutilized surface parking lots in Marcus Garvey Village in the Brownsville neighborhood within Brooklyn Community District 16.

The proposed Project Area is contiguous with the existing Marcus Garvey Village, which is generally bounded by Blake Avenue to the north, Rockaway Avenue to the east, Thomas S. Boyland Street to the west, and Newport Street to the south, and consists of Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12 (the "Project Area"). The property within the proposed Project Area is currently zoned R6 and R6/C2-3. The LSGD boundary is contiguous with the Project Area, except that a portion of Block 3559, Lot 1 (tentative Lot 1A (the "Acquisition Site")) is excluded from the LSGD boundary and would be acquired by the City, per the land use action described below. The City will also acquire an easement over a strip of land adjacent to the Acquisition Site within the Project Area and LSGD (the "Easement Area") for use as a community garden.

Within the Project Area are seven vacant development sites: Development Site A (Block 3589, Lot 21); Development Site B (Block 3574, p/o Lot 1); Development Site C (Block 3588, Lots 27, 32-36); Development Site D (Block 3573, p/o Lot 1); Development Site E (Block 3587, p/o Lot 1, lot 27); Development Site F (Block 3602, Lot 12); and Development Site G (Block 3560, Lot 1) (collectively, the "Development Sites").

The Applicant proposes the following actions:

1. a zoning map amendment to change portions of the existing R6 district to R7-2 districts and to R7-2/C2-4 districts;

2. a zoning text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 16, Brooklyn to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") Area;

3. a special permit pursuant to ZR § 74-743 (Special provisions for bulk modification) to allow within a LSGD the distribution of total allowable lot coverage without regard for zoning lot lines, and the location of buildings without regard for the applicable regulations regarding height and setback and distance between buildings;

4. a special permit pursuant to ZR § 74-532 (Reduction or waiver of parking requirements for accessory group parking facilities) to waive the existing parking requirement within the LSGD of 294 accessory off-street parking spaces;

5. Urban Development Action Area Project ("UDAAP") designation, project approval, and disposition of City-owned property including Block 3587, Lot 27 and Block 3588, Lots 32, 33, 34, 35, and 36 (the "Disposition Area") (the co-applicant is HPD); and

6. acquisition of property and site selection by the City of the Acquisition Site, Block 3559, portion of Lot 1 (tentative Lot 1A pending a tax lot subdivision) and the Easement Area (the co-applicants are DPR and DCAS) for use as a community garden.

2. Background

In the 1880s, the Brownsville neighborhood was initially developed as a residential area of low-scale, wood-frame homes. By the 1940s, Brownsville's housing stock had fallen into severe disrepair, with high vacancy rates and poor sanitation. Urban renewal policies were implemented in the neighborhood in an effort to address poverty and blight. Tenements were replaced with public housing towers in the 1950s and 1960s, which remain prominent features in the neighborhood. By the 1970s, many academics and public officials hypothesized that the architecture of public housing was sometimes a cause of social isolation, and that a new design solution was needed. This led to the idea of "defensible space," and a prototype for lower-scale buildings with private entrances were situated around open spaces. In Brownsville, Marcus Garvey Village was developed based on these principles.

The New York State Urban Development Corporation ("NYS UDC") (now the Empire State Development Corporation) developed the existing Marcus Garvey Village apartments pursuant to the Marcus Garvey Urban Renewal Plan ("Urban Renewal Plan"), which was approved in 1968 and expired 40 years later in 2008. The buildings were constructed in the 1970s and NYS UDC issued a Certificate of Occupancy for the development in 1977.

Marcus Garvey Village is a low-density affordable housing complex with 625 units in 32 buildings over 12.5 acres on 10 blocks and portions of blocks and 13 tax lots. The total FAR for the existing development is approximately 1.64. There are 294 accessory off-street parking spaces provided on seven surface parking lots, five of which are located along Livonia Avenue. Marcus Garvey Village features private backyards, pedestrian mews, and terraces, in contrast to the tower-in-the-park housing type that was prevalent at the time it was built, representing an innovative approach to low-rise, high-density affordable housing for the era. Prior to its construction, its design was heralded in an exhibition at the Museum of Modern Art.[1]

The application of the low-rise housing model to Marcus Garvey Village involved considerable modification to the form of the original prototype. The elevated rail line running along the length of Livonia Avenue divided the site and created an area in the center of the development that had to be allocated to parking. The Urban Renewal Plan required housing to be separated from the evident noise source of the elevated rail by a 100-ft. setback on either side of Livonia Avenue.[2] The result was that instead of distributing the parking requirement evenly in lots throughout the entire scheme, as in the prototype, parking was grouped first around the spine of the elevated subway and then in two parking lots at the northern and southern portions of the development.

The Applicant is an affiliate of L+M Development Partners ("L+M"), which acquired Marcus Garvey Village in 2014. To preserve long-term affordability, Marcus Garvey Village participated in the federal Rental Assistance Demonstration program[3] ensuring project-based Section 8 vouchers for the majority of the units, while the remainder of the units serve families with tenant-based vouchers and/or households with incomes at or below 60 percent of the area median income ("AMI"). In addition, L+M performed rehabilitation of the Marcus Garvey Village, including exterior and interior renovations, improved security for interior open spaces, updated energy efficient lighting, and the installation of a solar-power array with a battery and fuel cell system. At the time L+M acquired Marcus Garvey Village, the parking lots were underutilized, which is also reflected in aerial images from 1996 2016.

The City's Housing New York: A Five-Borough, Ten-Year Plan identifies underutilized parking lots as an opportunity to locate new housing. It states, "[i]n developments where unused or

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[1] Museum of Modern Art, *Another Chance for Housing: Low-Rise Alternatives - Brownsville, Brooklyn; Fox Hills, Staten Island* (1973); Ginia Bellafante, *A Housing Solution Gone Awry*, N.Y. TIMES, June 1, 2013, available at: http://www.nytimes.com/2013/06/02/nyregion/in-marcus-garvey-village-a-housing-solution-gone-awry.html (last accessed January 28, 2018).

[2] Per Section C(b)(3) of the Marcus Garvey Park Village Urban Renewal Area, Urban Renewal Plan, which states: "[a]n additional setback of one hundred feet from the right-of-way line of Livonia Avenue, shall apply to new residential buildings only.

[3] A 236(e)(2) Use Agreement between the Secretary of Housing and Urban Development and Marcus Garvey Preservation LLC (an affiliate of the Applicant) sets forth the terms of ongoing affordability and is recorded against the property at CRFN 2017000013668, dated December 22, 2016 and recorded January 11, 2017.

lightly used land exists, opportunities may be found to locate additional housing. These areas often include sites with large and underused parking lots."

In June 2017, HPD released the Brownsville Plan, which is the result of an extensive community-based process to develop a shared vision and plan for the future of Brownsville. Neighborhood strategies outlined in the Brownsville Plan include promoting active mixed-use corridors, improving connections, creating active and safe public spaces, providing resources to support healthy lifestyles, connecting Brownsville residents to jobs and training, supporting small businesses and aspiring entrepreneurs, improving housing stability, and providing support and capacity building opportunities. The Brownsville Plan coordinates more than $150 million in City investments that include improvements to local parks and roadways, new community space, retail space, a health center, and other improvements over the next five years. In addition, it calls for new development of affordable housing, neighborhood retail, and space for community organizations on three City-owned sites located at: 1) the intersection of Christopher/Glenmore Avenues; 2) along Rockaway Avenue and Chester Street, between East New York and Pitkin Avenues; and 3) and a series of vacant parcels along Livonia Avenue between Powell Street and Mother Gaston Boulevard, with an additional parcel at the intersection of Livonia Avenue and Amboy Street.

HPD's Request for Proposals ("RFP") in connection with the Brownsville Plan indicates that the Livonia Avenue sites present an opportunity to create an active, mixed-use environment on Livonia Avenue. The RFP notes that Livonia Avenue is one of the main transportation corridors in Brownsville with excellent transit access, but also a number of large vacant lots that impact safety and deprive the area of much-needed retail, entertainment and other activities. The RFP calls for proposals that strive to create an active, pedestrian-friendly commercial corridor on Livonia Avenue that serves the Brownsville community. The RFP is the third phase of the Livonia Avenue Initiative, an HPD initiative to revitalize a corridor of vacant, City-owned properties to the east of the Project Area with mixed-use developments.[4]

In furtherance of the Brownsville Plan, HPD undertook the Edwin's Place rezoning (C 170456 HAK and related actions, effective November 16, 2017). The Edwin's Place rezoning changed an existing R6 district to an R7-2 residential district with a C2-3 commercial overlay to facilitate the development of an eight-story, mixed-use, 126-unit affordable and supportive housing building with ground floor retail or community facility space on a City-owned vacant lot located on Livonia Avenue between Howard Avenue and Grafton Street.

3. Description of the Surrounding Area

The proposed Project Area is located in the Brownsville neighborhood within Brooklyn Community District 16. The Project Area and surrounding area has a typical urban grid pattern with rectangular 200-ft. by 500-ft. blocks. However, the surrounding area includes larger "superblocks," including Betsy Head Park and blocks to the east of Rockaway Avenue that are developed with residential complexes. Streets in the surrounding area generally follow the grid pattern. The primary east/west thoroughfares are Blake, Dumont, Livonia, and Riverdale avenues, and Newport Street. Rockaway Avenue and Thomas S. Boyland Street are the primary north/south thoroughfares and carry two-way traffic. Chester, Bristol, and Amboy Streets are narrower north-south streets that carry one-way traffic. An elevated subway runs above Livonia Avenue through the Project Area.

There are a number of vacant sites and parking uses along Livonia Avenue. As noted above, there are three City-owned vacant parcels along Livonia Avenue between Powell Street and Mother Gaston Boulevard to the east of the Project Area, with an additional City-owned vacant parcel at the southeastern intersection of Livonia Avenue and Amboy Street to the west of the Project Area. There is also a vacant site owned by the non-profit People's Day Care Center, Inc. at the southwestern intersection of Livonia Avenue and Amboy Street. In addition to Development Sites A-E, there is a large parking structure for the Riverdale Osborne Houses on the south side of Livonia Avenue and Watkins Street, and surface parking for the New York City

[4] HPD recently released and selected proposals for two RFPs, resulting in the development of eight mixed-use buildings along Livonia Avenue to the west of the Project Area in the East New York neighborhood of Brooklyn.

Housing Authority ("NYCHA") Tilden Houses on the north side of Livonia Avenue between Rockaway Avenue and Mother Gaston Boulevard.

The surrounding area is primarily characterized by residential uses, ranging from one- and two-story residential buildings to multi-family elevator buildings. In general, the one- and two-family residences are located to the north, south, and west of the Project Area and the larger multi-family buildings are located to the east of Rockaway Avenue.

The blocks east of Rockaway Avenue and north of Livonia Ave are dominated by NYCHA developments. The Brownsville Houses is an 18.82-acre NYCHA development with 1,338 housing units in 27 six- and seven-story buildings on two tax blocks bordered by Mother Gaston Boulevard, and Dumont, Sutter and Rockaway Avenues. The NYCHA Tilden Houses, eight 16-story buildings with 998 units, are located on the 10.69-acre block bordered by Mother Gaston Boulevard, and Dumont, Livonia and Rockaway Avenues. The Langston Hughes Apartments consists of three 22-story buildings with 513 units on 5.56-acres bordered by Mother Gaston Boulevard, and Rockaway, Sutter and Belmont Avenues.

There are several recently constructed affordable and senior housing developments in the surrounding area. The Rockaway is a seven-story, 65-foot tall building on Rockaway Avenue between Livonia and Riverdale Avenues with 64 affordable units subject to a regulatory agreement with the Division of Housing and Community Renewal ("DHCR"). The Riverdale Osborne Houses are nine-story, 81-foot tall buildings on Riverdale Avenue between Thatford Avenue and Watkins Street with 525 Project-Based Section 8 units. Riverrock Apartments is a six-story, 59-foot tall affordable housing building with 54 units on Rockaway Avenue between Riverdale Avenue and Newport Street, adjacent to Development Site F. Riverway Apartments is a seven-story 63-foot tall, 115 unit affordable housing building on Riverdale Avenue between Thatford and Rockaway Avenues. King Garden Seniors is a six-story, 59-foot tall building located on Riverdale Avenue between Chester Street and Rockaway Avenue on a former City-owned vacant site with 66 units reserved for very low-income elderly households.

There are a limited number of mixed-use and commercial buildings with small food stores, delis, fast food restaurants, and local retail located to the east of the Project Area along Rockaway Avenue near the Rockaway Avenue subway station. There are limited manufacturing/industrial uses located to the southeast of the Project Area in low-rise buildings.

Community facilities in the surrounding area include houses of worship, schools, and public health centers. First Baptist Church is located at 357 Chester Street and Little Rock Baptist Church is located at 375 Bristol Street. Risen Christ Lutheran School is located at 250 Blake Avenue. Mott Hall Bridges Academy, a public middle school, is located at 210 Chester Street and Frederick Douglass Academy, a public high school, is located at 226 Bristol Street. BMS Family Health and Wellness Center, a federal qualified health center for the neighborhood, is located at 592 Rockaway Avenue. The Brownsville Health Center operated by the NYC Department of Health is located at 259 Bristol Street.

Immediately to the west of the Project Area is Betsy Head Park and Pool, a 10.55-acre park owned and operated by the New York City Department of Parks and Recreation. Betsy Head Park is located on two parcels; the larger one is on the north side of Livonia Avenue bounded by Strauss Street to the west, Dumont Avenue to the north, and Thomas S. Boyland Street to the east. Across the street to the northeast of this parcel is Imagination Playground, bounded by Dumont Avenue to the south, Thomas S. Boyland Street to the west, Blake Avenue to the north, and Bristol Street to the east. Betsy Head Park has baseball fields, basketball and handball courts, playgrounds, running tracks, a recreation center, bathrooms, football fields, and an outdoor pool. The Betsy Head Play Center, including the bath house, swimming pool, diving pool, bleachers and filter house, and perimeter cast-iron fencing were designated as a landmark by the Landmarks Preservation Commission in 2008 (LP-2240).

The existing zoning in the Project Area is R6 and a portion of the Project Area along Rockaway Avenue also contains a C2-3 overlay. R6 is also the primary zoning district in the surrounding area with C2-3 and C2-4 commercial overlays generally along Rockaway Avenue and Sutter Avenue and further to the west and east on Livonia (between Howard Avenue and Strauss Street and on the south side of the street between Mother Gaston Boulevard and Junius Street respectively). There are two M1-1 districts in the surrounding area.

R6

The Project Area is within a large R6 zoning district mapped in 1961. R6 districts allow all housing types at a maximum FAR of up to 2.43 and a maximum FAR of up to 4.8 for buildings containing certain community facility uses. R6 is a height factor district where residential and community facility uses are permitted with no fixed height limits. Building envelopes are regulated by a sky exposure plane and open space ratio after a maximum base height of 60 feet. Residential development under the optional Quality Housing Program has a maximum FAR of 2.2 on narrow streets with a 55-foot building height limit and a maximum of 3.0 FAR on wide streets with a height limit of 70 feet. Off-street parking is required for 70 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 square feet or if Quality Housing provisions are used. In R6 districts, if fewer than five spaces are required, the off-street parking requirement is waived. Parking is not required for affordable housing developments within the Transit Zone.

C2-3 Commercial Overlays

Within the R6 zoning district, there is a C2-3 commercial overlay mapped along portions of Rockaway Avenue within the Project Area. C2-3 overlays mapped within the R6 zoning district permit the development of Use Group 6 commercial uses, including a range of service uses in Use Groups 7, 8, 9, and 14, with a maximum commercial FAR of 2.0. Commercial uses must be located below residential uses in mixed buildings. The parking requirement for general retail and service uses is one accessory off-street parking space per 400 sq. ft. of commercial floor area. A parking waiver is available if the required parking is less than 25 spaces.

M1-1

M1-1 zoning districts established in 1961 are located to the southeast of the Project Area. M1-1 districts permit nearly all industrial uses subject to M1 performance standards. Commercial offices, hotels and most retail uses are also permitted along with certain community facility uses. New residential use is not permitted within M1-1 districts. The maximum FAR for permitted manufacturing and commercial uses within the M1-1 district is 1.0 and 2.4 for permitted community facility uses. The maximum base height before setback is 30 ft. or two-stories. Off-street parking is required for manufacturing and commercial uses, and for most uses is calculated based on the amount of floor area. In M1-1 districts, the off-street parking requirement may be waived if fewer than 15 spaces are required.

The Project Area is within the Transit Zone. It is well served by public transportation with multiple options for MTA subway and bus service. The Rockaway Avenue Station serving the 3 subway line is located within the Project Area at Rockaway Avenue and Livonia Avenue, which runs on elevated tracks along Livonia Avenue. Connection is available to the 4 subway line at the Crown Heights/Utica Avenue station three stops to the west, and an out-of-system transfer to the L subway line's Livonia Avenue Station is available one stop to the east. The B60 bus line runs north/south along Rockaway Avenue, with three stops in the Project Area. To the west of the Project Area, the B7 bus line runs north/south along Saratoga Avenue.

The Project Area is within a FRESH Program area that provides zoning and discretionary tax incentives.

4. Description of the Proposed Project Area

The proposed Project Area is located in the Brownsville neighborhood within Brooklyn Community District 16. It includes the Marcus Garvey Village development and the seven vacant development sites described below.

As noted above, Marcus Garvey Village is a low-scale affordable housing complex with mostly three-story residential buildings and seven large parking lots. While the existing three-story buildings resemble the scale of many buildings found in R6 districts on narrow streets, Marcus

Garvey Village as a whole is substantially underbuilt with respect to FAR largely due to the vacant parking lots. Marcus Garvey Village has approximately 625 units in 32 buildings, with approximately 12.5-acres of lot area on ten blocks and portions of blocks and 13 tax lots and portions of lots. The existing total FAR is approximately 1.64, significantly less than permitted in the current R6 zoning district, which has a maximum FAR of 2.2 for Quality Housing buildings or up to 2.43 for height factor buildings. There are 294 required accessory off-street parking spaces on seven surface parking lots, which have been historically underutilized. The parking lot on Development Site B is currently used by some employees of the Marcus Garvey Village management office, and the lot on Development Site A is occasionally used by the First Baptist Church, while the other lots have historically been underutilized.

Marcus Garvey Village is based on a prototype housing development created by NYS UDC. The organizing principles of the development include the following: grouping dwellings to preserve the profile of the street, while also creating a sense of neighborhood; arranging for private entrances to open directly off the street and minimizing undesignated internal space; controlling the size and location of children's play spaces and providing for direct surveillance; minimizing unseen-non-active places and promoting easy recognition of neighbors; and providing private exterior spaces for as many units as possible, while clearly defining public, private, and semi-public spaces including stoops and mews. All of the residential units in Marcus Garvey Village are based on two, four-story prototype units: street units, which face the street and contain between two and six dwellings, and mews units, which contain either two or four dwellings and are oriented towards either mews located in the interior of the block behind Street Units, or towards cul-de-sacs. Open space, including the mews spaces and five medium-sized open spaces, is also distributed throughout Marcus Garvey Village to serve all residents.[5]

The prototype housing model was required to be modified for Marcus Garvey Village, due to provisions in the Urban Renewal Plan relating to the elevated rail line along Livonia Avenue. The Urban Renewal Plan required new residential buildings to be set back one hundred feet from the right-of-way line of Livonia Avenue due to the noise of the elevated transit lines. Since these areas could not be used for housing, rather than distributing parking throughout Marcus Garvey Village as originally envisioned, almost all of the parking was concentrated along Livonia Avenue and in two lots at the northern and southern ends of the development. These parking lots have been historically underutilized, exacerbating the division between the northern and southern portions of the Project Area by creating inactive voids and fostering a sense of remoteness.

5. Description of Proposed Development Sites

The proposed actions would facilitate development within the proposed Project Area on seven development sites described below. Each is paved to accommodate required accessory residential parking, but have been historically underutilized for residential parking. Five of the Development Sites are located along Livonia Avenue, while the other two are located along Chester Street, one block to the north and south of Livonia Avenue, respectively.

Development Site A is approximately 22,000 square feet and consists of Block 3589, Lot 21. It is an unimproved, rectangular site with 100 feet of frontage on the south side of Livonia Avenue and 220 feet of frontage on Chester Street. The portion of the lot within 100 feet of the corner of Livonia Avenue and Chester Street is a corner lot and the remaining portion is an interior lot. Development Site A is occasionally used for parking by a neighborhood church.

Development Site B is approximately 20,000 square feet and consists of Block 3574, p/o Lot 1. It is an unimproved, rectangular site with 200 feet of frontage on the north side of Livonia Avenue, 100 feet of frontage on Bristol Street, and 100 feet of frontage on Chester Street. Development Site B is currently used by some Marcus Garvey Village employees to park.

Development Site C is approximately 15,000 square feet and consists of Block 3588, Lots 27 and 32-36. It is an unimproved, rectangular corner lot with 200 feet of frontage on the south side of Livonia Avenue, 75 feet of frontage on Bristol Street, and 75 feet of frontage on Chester Street. Lots 32-36, which have a combined lot area of approximately 3,000 square feet, are owned by

[5] Museum of Modern Art, *Another Chance for Housing: Low-Rise Alternatives - Brownsville, Brooklyn; Fox Hills, Staten Island* (1973)

the City and occupied by the Mott Hall Bridges Academy Living Laboratory Community Garden.

Development Site D is approximately 15,000 square feet and consists of Block 3573, p/o Lot 1. It is an unimproved rectangular site with 200 feet of frontage on the north side of Livonia Avenue, 75 feet of frontage on Thomas S. Boyland Avenue, and 75 feet of frontage on Bristol Street.

Development Site E is approximately 17,500 square feet and consists of Block 3587, p/o Lot 1 and Lot 27. It is an unimproved, L-shaped site lot with 200 feet of frontage on the south side of Livonia Avenue, 100 feet of frontage on Thomas S. Boyland Avenue, and 75 feet of frontage on Bristol Street. Lot 27 is approximately 2,523 square feet and is owned by the City.

Development Site F is approximately 37,500 square feet and consists of Block 3602, Lot 12. It is an unimproved, rectangular site with 100 feet of frontage on Riverdale Avenue and 375 feet of frontage on Chester Street. The portion of the lot within 100 feet of the corner of Riverdale Avenue and Chester Street is a corner lot and the remaining portion is an interior lot.

Development Site G is approximately 25,123 square feet and consists of Block 3560, Lot 1. It is an unimproved, rectangular site with approximately 100 feet of frontage on Dumont Avenue and 251 feet of frontage on Chester Street. The portion of the lot within 100 feet of the corner of Riverdale Avenue and Chester Street is a corner lot and the remaining portion is an interior lot. A local community organization has operated an urban farm on the site since 2015.

The Acquisition Site, which is not a part of any of the above-referenced Development Sites, is an approximately 5,236 square foot portion of Block 3559, Lot 1, tentatively referred to as Lot 1A. It is an unimproved, rectangular site with approximately 53 feet of frontage on Bristol Street and a depth of approximately 97 feet. The Easement Area is an unimproved, rectangular strip of a portion of Block 3559, Lot 1, adjacent to the Acquisition Site with approximately 9 feet of frontage on Bristol Street and a depth of 97 feet.

6. Description of the Proposed Development

The Proposed Development consists of seven new, eight- and nine-story mixed-use buildings with approximately 724 housing units. Overall, the Proposed Development would contain approximately 765,000 square feet of new floor area, including 626,000 square feet of residential floor area, 37,000 square feet of commercial floor area, and 102,000 square feet of community facility floor area. The Proposed Development seeks to transform underutilized parking lots with residential, commercial, and community facility uses that provide much needed housing and would be well served by transit. The housing would add residents to better populate the street and retail to both serve the new and existing residents and to enliven the street. New community facility space would provide additional resources to support the existing and new population. These uses may include non-profits that provide services such as toddler and Pre-K education, assistance for formerly incarcerated individuals, job training, youth violence prevention, mentoring, or wellness services. New open space—a community garden—will be provided to replace an existing community garden that is currently located at Development Site G.

The result of mapping the portion of the Project Area proposed to be rezoned as an MIH area is that a percentage of the new dwelling units in the Proposed Development will be permanently affordable units, resulting in an affordable housing set-aside for either 25 percent of the residential floor area at an average of 60 percent of the Average Median Income (“AMI”) (“Option 1”) or 30 percent of the residential floor area at an average of 80 percent AMI) (“Option 2”). The Applicant has proposed mapping both MIH Option 1 and Option 2 to provide flexibility for the Proposed Development.

No residential accessory off-street parking would be required or provided for the new buildings because the proposed new units would be income-restricted units and the Project Area is within the Transit Zone. Required accessory off-street parking for the commercial and/or community facility uses would be waived pursuant to ZR § 36-232 because the requirement for each building would be for fewer than 40 spaces.

Each of the buildings in the Proposed Development will be designed in consideration of the context of the existing Marcus Garvey Village and the challenges posed by the presence of the elevated railway along Livonia Avenue. In addition, Development Sites C, D, and E are shallow at depths of 75 feet. The buildings will incorporate articulation and a variety of building heights and setbacks to create an appropriate sense of scale, stepping down in height to the existing Marcus Garvey Village buildings. Each of the buildings with frontage on Livonia Avenue will be set back at least 5 feet at grade, effectively widening the street width and creating wider sidewalks, to improve the pedestrian experience along this corridor and minimize potential noise and privacy impacts of the elevated railway. Development Sites F and G will be similarly designed to enhance the existing Marcus Garvey Village and the surrounding community by improving the streetscape along Chester Street.

Development Site A

The proposed eight-story residential, commercial, and community facility building on Development Site A has a building height of approximately 86 feet. It will contain approximately 116,000 square feet of floor area with a 5.27 FAR on the 22,000 square foot zoning lot. The proposed building will contain approximately 85,000 square feet of residential floor area with approximately 103 dwelling units. The building will contain approximately 9,000 square feet of commercial floor area on the ground floor and approximately 22,000 square feet of community facility floor area. Residential and community facility entrances will be located along Chester Street, with commercial entrances along Livonia Avenue. The building will roughly be L-shaped, with seven-story portions fronting on both Chester Street and Livonia Avenue, and its mass will be concentrated at the corner of Chester Street and Livonia Avenue. The building will step down at the interior of the lot from eight-stories to two-stories. At-grade setbacks will be provided along both Livonia Avenue and Chester Street. The Livonia Avenue frontage and rear yard of the building will be landscaped.

Development Site B

The proposed eight-story residential, commercial, and community facility building on Development Site B has a building height of approximately 88 feet. It will contain approximately 97,000 square feet of floor area, resulting in an overall FAR of 2.44 on the 100,092 square foot. zoning lot. The proposed building will contain approximately 71,000 square feet of residential floor area with approximately 85 dwelling units. The building will contain 11,000 square feet of commercial floor area on the ground floor. The building will contain approximately 15,000 square feet of community facility floor area. The residential entrance will be located on Chester Street, the community facility entrance on Bristol Street, and the commercial entrances on Livonia Avenue. The building will roughly be C-shaped and its mass will be concentrated at the corner of Bristol Street and Livonia Avenue. The building will step down toward Chester Street from eight-stories to seven- stories, and will step down to seven- and five-stories at the rear portions adjacent to the existing Marcus Garvey Village buildings. An at-grade setback of at least five feet will be provided along the entire Livonia Avenue frontage, effectively widening the street. The Livonia Avenue frontage and rear yard of the building will be landscaped.

Development Site C

The proposed eight-story residential, commercial, and community facility building on Development Site C has a building height of approximately 86 feet. It will contain approximately 84,000 square feet of floor area with a 5.60 FAR on the 15,000 square foot zoning lot. The proposed building will contain approximately 63,000 square feet of residential floor area with approximately 68 dwelling units. The building will contain approximately 9,000 square feet of commercial floor area on the ground floor and approximately 12,000 square feet of community facility floor area. The residential entrance will be located on Chester Street, the community facility entrance on Bristol Street, and the commercial entrances on Livonia Avenue. The building will roughly be C-shaped and its mass will be concentrated at the corner of Bristol Street and Livonia Avenue. The building will step down toward Chester Street from eight-stories to seven-stories, and setbacks will be provided above the seventh story on both Livonia Avenue and Bristol Street. An at-grade setback of at least five feet will be provided along the entire Livonia Avenue frontage, effectively widening the street. The Livonia Avenue frontage, a portion of the Bristol Street frontage, and the rear yard of the building will be landscaped.

Development Site D

The proposed eight-story residential and community facility building on Development Site D has a building height of approximately 87 feet. It will contain approximately 80,000 square feet of floor area, resulting in an overall FAR of 2.62 on the 67,569 square foot zoning lot. The proposed building will contain approximately 60,000 square feet of residential floor area with approximately 73 dwelling units and approximately 20,000 square feet of community facility floor area. The residential entrance will be located on Thomas S. Boyland Street, the community facility entrance on Bristol Street, and the commercial entrances on Livonia Avenue. The building will roughly be C-shaped and its mass will be concentrated at the corner of Thomas S. Boyland Street and Livonia Avenue. The building will step down toward the existing Marcus Garvey Village from eight-stories to six-stories along Thomas S. Boyland Street, with a two-story portion at the rear lot line, and from eight stories to seven stories along Bristol Street. An at-grade setback of at least five feet will be provided along the entire Livonia Avenue frontage, effectively widening the street. The Livonia Avenue frontage and rear yard of the building will be landscaped.

Development Site E

The proposed eight-story residential, commercial, and community facility building on Development Site E has a building height of approximately 87 feet. It will contain approximately 89,000 square feet of floor area, resulting in an overall FAR of 2.66 on the 67,569 square foot zoning lot. The proposed building will contain approximately 69,000 square foot of residential floor area with approximately 77 dwelling units. The building will contain approximately 9,000 square feet of commercial floor area on the ground floor and approximately 11,000 square feet of community facility floor area. The residential entrance will be located on Thomas S. Boyland Street, the community facility entrance on Bristol Street, and the commercial entrances on Livonia Avenue. The building will roughly be L-shaped and its mass will be concentrated at the corner of Thomas S. Boyland Street and Livonia Avenue. The building will step down toward the existing Marcus Garvey Village from eight-stories to six-stories along Thomas S. Boyland Street, and a setback will be provided above the seventh story at the corner of Livonia Avenue and Bristol Street. An at-grade setback of at least five feet will be provided along the entire Livonia Avenue frontage, effectively widening the street. The Livonia Avenue frontage and rear yard of the building will be landscaped.

Development Site F

The proposed nine-story residential and community facility building on Development Site F has a building height of approximately 93 feet. It will contain approximately 185,000 square feet of floor area with a 4.93 FAR on the 37,500 square foot zoning lot. The proposed building will contain approximately 171,000 square feet of residential floor area with approximately 198 dwelling units and approximately14,000 square feet of community facility floor area. The building will contain approximately 12 enclosed and 6 unenclosed parking spaces accessory to the community facility use. The residential entrance will be located on Chester Street, and the community facility entrances will be located on Chester Street and Riverdale Avenue. The building will roughly be L-shaped and its mass will be concentrated at Riverdale Avenue. The building will step down to the south from nine-stories to seven-stories with large setbacks along the majority of the building's Chester Street frontage. A five foot at-grade setback will be provided along the entire Riverdale Avenue frontage and on approximately half of the Chester Street frontage. The rear yard of the building will be landscaped.

Development Site G

The proposed nine-story residential and community facility building on Development Site G has a building height of approximately 93 feet. It will contain approximately 116,000 square feet of floor area with a 4.62 FAR on the 25,123 square foot zoning lot. The proposed building will contain approximately 107,000 square feet of residential floor area with approximately 120 dwelling units and approximately 9,000 square feet of community facility floor area. The building will contain approximately 12 enclosed and six unenclosed parking spaces accessory to the community facility use. The residential and community facility entrances will be located on Chester Street with additional community facility entrances on Dumont Avenue. The building

will roughly be L-shaped and its mass will be concentrated at the interior portion of the lot. The rear yard of the building will be landscaped.

Acquisition Site

In addition, the Proposed Development includes the acquisition of property and site selection by the City of the Acquisition Site and Easement Area. This action will permit DPR to develop the Acquisition Site for use as new community garden. The Acquisition Site and Easement Area are unimproved and vacant. They are enclosed by a fence preventing public access. The Acquisition Site and Easement Area would be licensed through the GreenThumb Program to community gardeners. The Applicant and DPR are planning to work in partnership with existing community residents already active at a nearby community garden that would be displaced by Marcus Garvey Village Rezoning to maintain the proposed garden. The proposed use of the Acquisition Site and Easement Area would be compatible with the existing facilities and programs within the immediate vicinity, including Betsy Head Park and the rear yard of the existing Marcus Garvey Village building fronting Dumont Avenue.

7. Actions Necessary to Facilitate the Project

The Applicant proposes the following actions:

1. a zoning map amendment to change portions of the existing R6 district to R7-2 districts and to R7-2/C2-4 districts;

2. a zoning text amendment of ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 16, Brooklyn to establish the portion of the Project Area proposed to be rezoned as an MIH Area;

3. a special permit pursuant to ZR § 74-743 (Special provisions for bulk modification) to allow within a LSGD the distribution of total allowable lot coverage without regard for zoning lot lines, and the location of buildings without regard for the applicable regulations regarding height and setback, and minimum distance between buildings;

4. a special permit pursuant to ZR § 74-532 (Reduction or waiver of parking requirements for accessory group parking facilities) to waive the existing parking requirement within the LSGD of 294 accessory off-street parking spaces;

5. UDAAP designation, project approval, and disposition of the City-owned Disposition Area; and

6. acquisition of property and site selection by the City of the Acquisition Site and Easement Area for use as a community garden.

Zoning Map Amendment

The proposed zoning map amendment will change the existing R6 zoning district mapped at Development Sites A-E along Livonia Avenue to R7-2/C2-4 districts and R7-2 districts on Development Sites F and G and a portion of Development Site A. Under the current zoning and development pattern, the land use in the area is characterized by voids at precisely the locations, particularly along Livonia Avenue, that should be the focus of the community. The proposed zoning map amendment will permit and facilitate the creation of a lively, streetscape-enhancing, transit-oriented development along and near Livonia Avenue.

The R7-2 zoning district will allow medium-density apartment buildings at a maximum FAR of 4.6 for developments that provide affordable housing pursuant to the MIH program requirements and maximum FAR of 6.5 for buildings with community facility uses. Pursuant to ZR § 23-664(c), the maximum base height for eligible MIH program buildings within ten feet of a wide street and 15 feet of a narrow street is 75 feet. Beyond ten feet of a wide street and 15 feet of a narrow street, the maximum building height is 135 feet, and buildings cannot exceed a maximum of 13 stories. Off-street parking is required for 50 percent of the residential dwelling units, but is not required for affordable housing units within the Transit Zone. The proposed C2-4 commercial overlay permits Use Groups 5 through 9 and 14 allowing commercial development

with up to 2.0 FAR. However, Use Group 5 hotels would not be permitted at this site because of its distance from a limited access highway. The proposed C2-4 overlay district requires one accessory parking space per 1,000 square feet of commercial floor area for general retail or service uses with a waiver if fewer than 40 spaces are required.

The proposed zoning map amendment will promote the development of new mixed-use medium-density development, including mandatory affordable housing on unused and underused surface parking lots. The proposed new R7-2/C2-4 zoning district will allow for residential development compatible with the existing primarily residential land use patterns in the area. It will benefit the community by activating the Project Area with new mixed-use development to replace the existing surface parking lots.

The increase in density from R6 to the proposed R7-2/C2-4 zoning district will facilitate the development of greatly needed affordable housing in Community District 16. At this density, the Applicant will be able to construct seven new mixed-use buildings with approximately 724 affordable units and permanently affordable housing set asides pursuant to the MIH program. The built form in the surrounding area ranges from lower scale rowhouses found on side streets to the adjacent 16-story Samuel J. Tilden Houses, the nine-story Riverdale Osborne Towers, and the six- and seven-story Brownsville Houses, which provide context for the proposed eight- and nine-story buildings.

The proposed commercial overlay will allow development of new local retail along Livonia Avenue to establish it as a mixed-use corridor to serve the existing Marcus Garvey Village, the Proposed Development, and the larger community, particularly those coming and going from the subway. There are existing C2-3 and C2-4 districts along Livonia Avenue to the west and east, respectively, of the Project Area, but the Project Area is located in an approximately ten-block gap in this commercial overlay between Strauss Street and Mother Gaston Boulevard. This gap has contributed to a fragmented and inactive corridor along Livonia Avenue, but the proposed C2-4 overlay would help to fill in the gap in commercial overlays and promote a more active commercial presence along the entirety of Livonia Avenue.

The Project Area is an appropriate location for residential development at the proposed density due to its immediate proximity to public transit. The Rockaway Avenue Station serving the 3 subway line is located within the Project Area at Rockaway Avenue and Livonia Avenue. The 3 line runs on elevated tracks along Livonia Avenue and connects to the 4 subway line at the Crown Heights/Utica Avenue station three stops to the west and to the L subway line via an out-of-system transfer at the Livonia Avenue Station one stop to the east. The majority of the Proposed Development is within easy walking distance of the subway, making it well suited for transit-oriented development.

The current land use pattern of Marcus Garvey Village, with vacant, underutilized sites along the transit corridor, is in conflict with the goals of Housing New York, which seeks to promote mixed-use development along such corridors. While the Urban Renewal Plan sought to separate residences from the noise of elevated rail lines, new technologies and construction methods have made development along elevated rail lines more desirable, and a number of such sites have been rezoned to promote housing. The Proposed Development is directly in line with the goals of Housing New York because it will replace these unused surface parking lots that have been historically underutilized with seven new mixed-use transit-oriented buildings with approximately 724 affordable dwelling units and permanently affordable housing set asides pursuant to the MIH program.

The Proposed Development is also directly in line with the Brownsville Plan, which recommends the redevelopment of City-owned sites along Livonia Avenue to facilitate higher density, mixed-use buildings. Similar to the recently approved Edwin's Place rezoning, the proposed increase in allowable residential density and height, combined with the commercial overlay, will be consistent with the City's policy of facilitating additional housing, including affordable housing, in mixed-use developments along important transit corridors and close to subway stations. The proposed zoning map amendment to increase density and allow for a mix of uses would be consistent with the recommendations of the Brownsville Plan, and serve to strengthen the activity along Livonia Avenue corridor with active ground floor uses. The Proposed Development will serve to activate the affected portion of Livonia Avenue into a pedestrian-friendly commercial corridor that serves the Brownsville community.

The proposed R7-2 zoning district, a district in which both height-factor and Quality Housing buildings are permitted, will be more appropriate at this location because of the increased flexibility in the design and bulk needed to respond to the elevated rail infrastructure along Livonia Avenue running directly through the Project Area. The R7-2 zoning district would allow development to respond more appropriately to the elevated infrastructure and existing Marcus Garvey Village than would be possible with a similar density contextual districts, such as R7A, which has street wall location requirements and minimum street wall height requirements that will restrict the design of the building from responding to the elevated infrastructure.

MIH Text Amendment

The proposed text amendment to ZR Appendix F will permit the Applicant to develop Marcus Garvey Village in accordance with the MIH program. Accordingly, a portion of the new dwelling units in the Proposed Development will be permanently affordable MIH units. By complying with the on-site requirement of the program, affordable housing will be set-aside for either 25 percent of the residential floor area at an average of 60 percent of AMI (Option 1) or 30 percent of the residential floor area at an average of 80 percent AMI (Option 2) at the Proposed Development. The proposed affordable housing set asides ensure that the development within the Project Area would address the need for low-income housing. The Applicant has preserved the existing Marcus Garvey Village units as affordable, and the new affordable units, a portion of which will be permanently affordable, will further reduce housing pressure in the area.

Proposed Large Scale General Development

The proposed LSGD will allow the seven proposed buildings to be designed with varying heights and street wall locations that break up the massing of the buildings and effectively widen the streets. This is particularly important along Livonia Avenue due to the presence of the elevated subway structure. With widenings of 5 to 10 feet on each side of the street, Livonia Avenue will essentially function as a wide street for light and air. New commercial and community facility space will bring needed retail and services to neighborhood residents and enliven streets that appear abandoned today.

Within the proposed LSGD, the following modifications are requested of lot coverage, height and setback, and minimum distance between buildings provisions to allow for the design of the Proposed Development:

- ZR § 23-153 to calculate lot coverage without regard for zoning lot lines at Development Sites A and B pursuant to ZR § 74-743(a)(1);

- ZR § 23-664(c) to increase the maximum base height to between 80 and 100 feet at the Development Sites pursuant to ZR § 74-743(a)(2);

- ZR § 23-711 to reduce the required minimum distance between legally required windows and walls to 30 feet at Development Sites B, D, and E pursuant to ZR § 74-743(a)(2);

- ZR § 23-711 to reduce the required minimum distance between window to window to 40 feet at Development Site B, and 55 feet at Development Sites D and E pursuant to ZR § 74-743(a)(2);

The existing site plan, with underutilized surface parking along Livonia Avenue, creates several unused and unattractive voids that separate the north and south portions of the Project Area and break up the Livonia Avenue corridor, contributing to a lack of activity and connectivity in the neighborhood. The above modifications contribute to a better site plan that will knit together the portions of Marcus Garvey Village located to the north and south of Livonia Avenue and will foster a better relationship among the proposed buildings and open areas to adjacent streets, surrounding development, and adjacent open areas. The proposed LSGD will thus benefit both the occupants of the LSGD and the surrounding neighborhood.

Special Permit to Reduce Existing Parking Requirement

The proposed special permit pursuant to ZR § 74-532 is necessary to eliminate the existing parking requirement within the LSGD for 294 accessory off-street parking spaces. Maintaining the existing surface parking lots eliminates prime development opportunities for affordable housing, while replacing the existing parking with underground or structured parking would be prohibitively costly and detract from the amount of affordable housing that could be provided to the community. In addition, as the parking has been unused for many years, it is unnecessary to leave the lots vacant when they could be used for a more productive use.

Urban Development Action Area Project Designation, Project Approval, and Disposition

The Disposition Area consists of a portion of Development Site E, Block 3587, Lot 27, and a portion of Development Site C, Block 3588, Lots 32, 33, 34, 35, and 36. The sites that make up the Disposition Area are underutilized vacant property, which tend to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities will protect and promote health and safety and promote sound growth and development. The Disposition Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

Disposition: The Disposition Area will be conveyed to a developer to be selected by HPD.

Acquisition of Property and Site Selection

The acquisition of property and site selection by the City of the Acquisition Site and Easement Area will permit DPR to develop the Acquisition Site and Easement Area for use as new community garden. The Acquisition Site is an approximately 5,236 square foot parcel that will be acquired by the City, and is a portion of Block 3559, Lot 1 (tentative Lot 1A pending a tax lot subdivision). The Easement Area is an approximately 892 square foot area directly to the south of the Acquisition Site over which the City will acquire an easement to allow for the use as a community garden. The Acquisition Site and Easement Area are unimproved and vacant. They are enclosed by a fence preventing public access. The Acquisition Site and Easement Area will be licensed through the GreenThumb Program to community gardeners. The Applicant and DPR are planning to work in partnership with existing community residents already active at a nearby community garden that will be displaced by the Proposed Development to maintain and expand the proposed garden at the site to be acquired. This new community garden on the Acquisition Site and Easement Area will be approximately 6,128 square feet, more than twice the size of the existing approximately 3,000 square foot community garden. The proposed use of the Acquisition Site and Easement Area would be compatible with the existing facilities and programs within the immediate vicinity by providing access to new open space and allowing community garden use on previously unused property.

8. Conclusion

As discussed above, the Applicant proposes a series of land use actions to facilitate the development of seven new 100 percent affordable mixed buildings in Brownsville within Brooklyn Community District 16. The Proposed Development will enhance the streetscapes on Livonia Avenue and on Chester Street and provide more sustainable, transit-oriented development by creating approximately 724 new high-quality affordable dwelling units, and new commercial and community facility space to serve the existing and new populations and to enliven neighborhood streets. The proposed actions are directly in line with Housing New York: A Five-Borough, Ten-Year Plan and the City's Brownsville Plan by redeveloping underutilized surface parking lots with new affordable housing, including permanently affordable units under MIH.