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

Discussion of Findings in Support of Special Permit Pursuant to ZR § 74-532

Brownsville Livonia Associates LLC (the "Applicant") requests, among other actions, a special permit pursuant to ZR § 74-532 [Reduction or waiver of parking requirements for accessory group parking facilities] for a parking waiver to facilitate a LSGD of seven new eight- and nine-story mixed-use buildings with approximately 724 affordable housing units, including a set aside of at least 25 percent for permanently affordable units pursuant to the Mandatory Inclusionary Housing ("MIH") program. The Proposed Development will replace existing underutilized surface parking lots in Marcus Garvey Village in the Brownsville neighborhood within Brooklyn Community District 16.

The Proposed Development will require a waiver of 294 required accessory residential off-street parking spaces for the existing Marcus Garvey Village. The proposed special permit pursuant to ZR § 74-532 is necessary to eliminate the existing parking requirement within the LSGD. Without the proposed special permit, the required spaces would need to be replaced, which would be both prohibitively costly and virtually useless since the existing parking lots have been historically underutilized.

> *ZR § 74-532*
> *Reduction or waiver of parking requirements for accessory group parking facilities*
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> *The City Planning Commission may, in conjunction with an application for a #large-scale residential development# or #large scale general development# in the #Transit Zone# seeking a #bulk# modification, reduce or waive the number of required #accessory residential# off-street parking spaces, including any spaces previously required for an existing #building# on the #zoning lot#, provided the Commission finds that:*
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> > *(a) where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation or preservation of #income-restricted housing units# in such #large-scale residential development# or #large-scale general development#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;*

The proposed parking waiver would permit construction of affordable housing on existing underutilized parking lots without requiring the provision of replacement parking in cost-prohibitive subsurface parking levels. No Marcus Garvey Village residents park in the existing lots. The proposed waiver of the existing underutilized parking spaces will facilitate the creation of income-restricted housing units by allowing the Proposed Development to concentrate available financial resources on the production of affordable housing rather than parking. As this development is located within the Transit Zone, parking is required for fifty percent of market-rate dwelling units, but no parking is required for new affordable housing units. The proposed new affordable development will not be provided with any parking spaces, and any future conversion to market-rate housing would be required to provide parking, guaranteeing that the housing will remain affordable as long as no parking is provided. In addition, the MIH program requires that at least twenty-five percent of the floor area in the new buildings is permanently affordable.

The proposed waiver in parking significantly contributes to the financial feasibility of the project. Parking is expensive to provide, and would impose costs that this affordable development could not recover through project revenues. Replacing the required parking would make it more difficult to finance the affordable housing and would reduce the amount of affordable housing that could be built with available funding.

> *(b) the anticipated rates of automobile ownership for residents of such #large-scale residential development# or #large-scale general development# are minimal and that such reduction or waiver is warranted;*

The anticipated rates of automobile ownership for residents of the proposed LSGD are minimal. According to the U.S. Census Bureau American Community Survey (ACS) 2011-2015 Five-Year Estimates, the vehicle availability for households in the census tracts that include the LSGD are less than the Brooklyn borough average of approximately 43 percent. The vehicle availability for households in census tract 916 is approximately 27 percent and approximately 33 percent in census tract 924.

The modal splits used in the Environmental Assessment Statement ("EAS") reflect this low vehicle availability. The modal splits were based on census tracts 916 and 924, and surrounding census tracts 898, 902, 906, 912, and 918. The modal splits assumed for the proposed residential use are 22 percent automobile, 1 percent taxi, and the remaining 77 percent as either public transit or walking, including 54 percent subway, 16 percent bus, 7 percent walking, and 0 percent commuter rail.

In addition, the Proposed Development is located within the Transit Zone. Transit Zone boundaries are mapped to encompass neighborhoods that are dense, proximate to public transportation options, and where car ownership rates are lowest. The Transit Zone geography is not based specifically on the accessibility of transit, nor does it assume public transportation use. The Transit Zone encompasses the City's densest neighborhoods, where, despite topographical or transit accessibility challenges, car-ownership characteristics among the low-income and low-income senior populations are consistent with those elsewhere within the Transit Zone. The CPC noted that car ownership rates among low-income households within the Transit Zone are 18 percent, while ownership rates among low-income senior households are even lower, only five percent. Within the Transit Zone, no off-street parking spaces are required to be built for income-restricted housing units. Discretionary actions, such as ZR § 74-532, allow for the removal of parking spaces that were previously required, or the reduction of spaces that would normally need to be built for certain other housing types. The Department of City Planning used surveys, discussions with operators of these facilities, and testimony at the public hearing from numerous local non-profit housing groups, affordable housing developers and senior groups to support the assertion that many off-street parking spaces in affordable housing and affordable senior housing are underutilized, due to a combination of low car ownership rates and the high cost of parking off-street.[1]

The general evidence regarding the vehicle ownership rates of low-income households within the Transit Zone in the above-referenced CPC report is likely also reflected in the vehicle ownership rates of the existing Marcus Garvey Village development. The vehicle availability statistics for the relevant census tracts, 27 percent and 33 percent, reflect the low vehicle ownership in the surrounding area, including Marcus Garvey Village itself. The modal splits in the EAS for the proposed residential use, which assumes that only 22 percent of new residents will utilize automobiles, also reflects the general lack of vehicle ownership in the area. Finally, the fact that the existing parking lots are underutilized by residents of Marcus Garvey Village suggests a current low vehicle ownership rates for the existing buildings and that the waiver is warranted.

The area 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.

Furthermore, the proposed LSGD incorporates urban design principles to enhance the pedestrian experience and promote a walkable community. The Proposed Development will ensure

[1] Zoning for Quality & Affordability CPC Report, Calendar No. 3, February 3, 2016 (N 160049 ZRY).

adequate pedestrian space along Livonia Avenue with setbacks at grade that increase the sidewalk width available for pedestrian use.

These factors in the aggregate demonstrate the transit and pedestrian-oriented nature of the neighborhood, which support the requested parking waiver.

> *(c) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or #community facilities# in the surrounding area, including the availability of parking spaces for such #uses#; and*

The project EAS determined that, while utilization of on-street parking spaces is expected to increase by 10-11 percent due to the automobile trips generated by the Proposed Development, the additional parking demand would be met with available on-street parking.

The EAS contains an inventory of on- and off-street parking within 1/4-mile of the Project Area. The on-street survey involved performing an inventory of the study area's on-street parking supply and utilization during the weekday midday and overnight periods (taking into account curbside parking regulations that generally include alternate side parking to accommodate street-cleaning). Within 1/4-mile of the Project Area, the EAS determined that there are approximately 3,505 on-street parking spaces during the weekday midday and overnight, periods, respectively. Of the total number of spaces, 601 and 522 spaces were available during the weekday midday and overnight periods resulting in on-street parking utilization rates of approximately 83 and 85 percent, respectively.

Based on the existing parking supply and demand utilization, and the parking demand generated by the Proposed Development, on-street parking utilization is expected to increase to 94 and 95 percent during the weekday midday and overnight peak periods, respectively, within 1/4-mile of the Project Area. The proposed waiver of existing parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, including the availability of parking spaces for such uses because parking utilization levels for the Proposed Development are within the area's parking capacity. Thus, the Proposed Development would not result in the potential for parking shortfalls or significant adverse parking impacts.

> *(d) such reduction of parking spaces will result in a better site plan. In determining the amount of parking spaces to reduce or waive, the Commission may take into account current automobile ownership patterns for an existing #building# containing #residences# on the #zoning lot#, as applicable.*

The requested waiver of 294 parking spaces allows for flexibility of design and efficiency of the overall site layout. Meeting the parking requirement in the Proposed Development will require the development of subsurface parking garages, which, as noted above, would be both prohibitively costly and unproductive, since the existing parking lots remain underutilized. Whereas the existing site plan creates several unused and inactive voids in the neighborhood, the above modifications will contribute to a better site plan and a better relationship among the proposed buildings and open areas to adjacent streets, surrounding development, and adjacent open areas than would be possible without. New commercial and community facility spaces will bring much-needed retail and services to residents of Marcus Garvey Village, and the new, denser mixed-use developments along Livonia Avenue will activate and enliven the streetscape. The current voids along Livonia Avenue will be replaced by a centrally-located focal point of activity for Marcus Garvey Village, creating connection between the northern and southern portions that are currently divided. It is appropriate to waive all of the existing parking spaces, as leaving any surface parking on the Proposed Development sites would detract from the site plan of the LSGD as a whole while reserving parking spaces for which there is no demand. Any gaps in this proposed mixed-use corridor would disrupt the new focal point of the neighborhood created by the new and improved site plan. Any surface parking that remains will also likely remain unused or underutilized, making it unnecessary to waive anything less than all of the current spaces. The proposed LSGD will thus benefit both the occupants of the LSGD, the neighborhood, and the City as a whole.

> *The City Planning Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.*