TECHNICAL MEMORANDUM 001
POTENTIAL CITY COUNCIL MODIFICATIONS
Marcus Garvey Extension
CEQR No. 18DCP101K
ULURP Nos.: 180490ZSK, 180489ZMK, 180488ZSKN, 180487ZRK, 180486PCK, 180485HAK
December 19, 2018

A. INTRODUCTION

The applicant, Brownsville Livonia Associates LLC, is seeking several discretionary land use approvals, including zoning map and related text amendments and special permits to establish a Large Scale General Development (LSGD) (collectively, the "Proposed Actions") in order to facilitate the development of seven new mixed-use buildings (the "Proposed Project") on the Marcus Garvey Apartments complex in the Brownsville neighborhood of Brooklyn, Community District 16.

The seven sites (Sites A–G) to be developed by the applicant include Block 3589, Lot 21 (Site A); Block 3574, p/o Lot 1 (Site B); Block 3588, Lots 27 and 32–36 (Site C); Block 3573, p/o Lot 1 (Site D); Block 3587, p/o Lot 1 and Lot 27 (Site E); Block 3602, Lot 12 (Site F); and Block 2560, Lot 1 (Site G) (the "Project Sites"). The Project Sites are generally coterminous with the area proposed for rezoning (the "Rezoning Area"). The LSGD would also encompass the existing Marcus Garvey Apartments, located on Block 3559, p/o Lot 1; Block 3573, p/o Lot 1; Block 3574, p/o Lot 1; Block 3575, Lot 11; Block 3587, p/o Lot 1; Block 3588, Lot 1; and Block 3601, Lot 26. A portion of Block 3559, Lot 1 would be acquired by the New York City Department of Parks and Recreation (NYC Parks) and the New York City Department of Citywide Administrative Services (DCAS) to facilitate the development of a new community garden. Collectively, these blocks and lots constitute the Project Area. Block 2587, Lot 27 is owned by the City of New York under the jurisdiction of the New York City Department of Housing Preservation and Development (HPD) and Block 3588, Lots 32–36 are owned by the City of New York under the jurisdiction of the NYC Parks. The remaining lots are all owned by the applicant or an affiliated entity.

An Environmental Assessment Statement (EAS) was prepared for the Proposed Project with the New York City Department of City Planning (DCP) acting as lead agency. DCP accepted the EAS, which found that the Proposed Project would have no significant adverse impacts on the environment, and issued a Negative Declaration on June 25, 2018. Following completion of the EAS, the New York City Planning Commission (CPC) adopted the Proposed Project on October 31, 2018 (the "Approved Project"), and referred the application to the City Council.

The Approved Project involves the development of an approximately 908,460-gross-square-foot (gsf) mixed-use affordable housing development, comprised of seven eight- to nine-story multifamily residential buildings with local retail space and/or community facility space. The Approved Project would contain approximately 775,379 gsf of residential space (843 affordable dwelling units [DUs]),[1] 98,032 gsf of community facility space, 35,049 gsf of local retail space on the ground floors, and 24 accessory parking spaces.

Since the CPC's adoption of the Approved Project, potential modifications to the LSGD plan have been identified as under consideration by the City Council, including a reduction in community facility space, reductions in building height and envelope, additional building setbacks, and

[1] The EAS assumed an average DU size of approximately 900 sf per unit.

additional parking. The potential City Council modifications (the "Potential Modifications") are summarized below (see Appendix 1). This Technical Memorandum examines whether the development that results from the Potential Modifications (the "Modified Development") could alter the findings of the EAS as pertains to the Approved Project. As set forth below, this Technical Memorandum concludes that, as with the Approved Project, the Modified Development would have no significant adverse impacts on the environment.

B. DESCRIPTION OF THE POTENTIAL MODIFICATIONS

The Potential Modifications consist of changes to the Approved Project, including a reduction in community facility space, reductions in building height and envelope, additional building setbacks, and additional parking. As a result of these changes, the total floor area in the project would be reduced from approximately 908,460 gsf to approximately 869,00 gsf. The changes are described in more detail below and summarized in **Tables 1 and 2**.

In addition, in connection with the proposed text amendment to map the rezoning area as a Mandatory Inclusionary Housing (MIH) Area, the New York City Council has determined that MIH Option 1, in combination with the Deep Affordability option, will be applied to the project. This would require that 20 percent of the residential floor area be set aside for DUs affordable to households earning an average of 40 percent of Area Median Income (AMI). This determination does not affect the number of affordable DUs and would not otherwise change the Approved Project as analyzed in the EAS.

Table 1
Modified Development

	Approved Project (EAS)					Potential City Council Modifications				
Site	Total Floor Area (GSF)	Residential (DUs)	Retail (GSF)	Com Fac (GSF)	Parking (Spaces)	Total Floor Area (GSF)	Residential (DUs)	Retail (GSF)	Com Fac (GSF)	Parking (Spaces)
A	134,498	114	8,700	21,039	0	135,000	107	18,000	0	14
B	111,932	96	10,458	13,591	0	106,000	90	12,000	0	0
C	96,975	85	7,853	11,252	0	100,000	80	8,500	0	0
D	95,303	81	0	19,507	0	95,000	78	0	20,000	0
E	105,753	92	8,038	10,125	0	105,000	88	8,000	10,000	0
F	221,294	230	0	13,776	12	195,000	158	0	6,000	36
G	142,705	145	0	8,742	12	133,000	101	0	5,000	18
Total	**908,460**	**843**	**35,049**	**98,032**	**24**	**869,000**	**702**	**46,500**	**41,000**	**68**

Sources: L+M Development Partners, Inc.; Curtis + Ginsberg Architects, LLP; and AKRF, Inc.

Table 2
Modified Development Increment

Use	Approved Project (EAS)	Potential City Council Modifications	Increment
Total Floor Area (GSF)	908,460	869,000	-39,460
Residential (Affordable DUs)	843	702	-141
Retail (GSF)	35,049	46,500	+11,451
Community Facility (GSF)	98,032	41,000	-57,032
Parking (Spaces)	24	68	+44

Sources: L+M Development Partners, Inc.; Curtis + Ginsberg Architects, LLP; and AKRF, Inc.

COMMUNITY FACILITY SPACE

The Approved Project included a total of approximately 98,000 gsf of community facility space, which would be distributed throughout the new development; for the purposes of the EAS, it was assumed that the community facility space would be located in each of the seven new mixed-use buildings. With the Potential Modifications, community facility space would be reduced to a total of approximately 41,000 gsf. While the community facility space may still be distributed throughout the new buildings, for the purposes of this assessment, it is assumed that, under the Modified Development, there would be no community facility space in Buildings A, B, and C, and there would be a reduction of community facility space in Buildings F and G (the amount of community facility space would remain the same as in the Approved Project in Buildings D and E).

BUILDING HEIGHTS AND SETBACKS

With the Approved Project, five of the seven buildings (Buildings A, B, C, D, and E) were analyzed at heights of up to approximately 95 feet, and the remaining two buildings (Buildings F and G) were analyzed at heights of up to approximately 100 feet. Under the Potential Modifications, the top floor would be removed from Building B, reducing the building from eight stories to seven stories and lowering the building height from 95 feet to 85 feet. Similarly, the top floor would be removed from Buildings F and G, reducing the buildings from nine stories to eight stories and lowering the building heights from 100 feet to 90 feet.

The Potential Modifications also include additional setbacks on Buildings A, F and G to provide lower streetwalls adjacent to existing lower-scale building. On Buildings D and E, the rear wall of the buildings would be set back further from the lot line to provide additional space between the buildings and adjacent rear yards of existing Marcus Garvey Apartments buildings.

PARKING

The Approved Project included parking in Buildings F and G with 12 spaces apiece, for a total of 24 accessory spaces. With the Potential Modifications, additional parking would be provided in Buildings F and G: the capacity in Building F would increase to 36 spaces, and the capacity in Building G would increase to 18 spaces. In addition, parking would be included in Building A to provide an additional 14 spaces. Therefore, under the Potential Modifications, the total number of accessory parking spaces would increase from 24 to 68.

MODIFIED DEVELOPMENT

RESIDENTIAL SPACE

The Potential Modifications would result in a reduction in residential floor area, largely due to the reduction in building height and envelope and additional setbacks—in particular, there would be a substantial reduction in residential floor area in Buildings F and G. Under the Approved Project, a total of approximately 843 affordable DUs would be provided. Under the Modified Development, the project would provide 702 affordable DUs, a reduction of 141 DUs.

COMMUNITY FACILITY SPACE

As noted above, under the Approved Project, a total of approximately 98,000 gsf of community facility space would be provided: under the Modified Development, community facility space

would be reduced to a total of approximately 41,000 gsf, approximately 57,000 gsf less than the Approved Project.[2]

RETAIL SPACE

Under the Approved Project, a total of approximately 35,000 gsf of retail space would be provided. Under the Modified Development, there would be a total of approximately 46,500 gsf of retail space, approximately 11,500 gsf more than the Approved Project. This increase is primarily due to an increase in retail space on the second floor of Building A as well as a shift in ground floor space from community facility uses to retail uses in several buildings.

PARKING

As noted above, under the Modified Development, a total of 68 accessory parking spaces would be provided, an increase from the 24 spaces included in the Approved Project.

C. ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL MODIFICATIONS

As discussed in the EAS, following the guidelines of the *CEQR Technical Manual*, the Approved Project screened out of detailed analysis in these technical areas: natural resources, solid waste and sanitation services, energy, greenhouse gas emissions, public health, and neighborhood character. The Modified Development would result in an overall reduction in floor area as compared to the Approved Project and would continue to be below the *CEQR Technical Manual* thresholds in these areas, therefore the Potential Modifications would not affect the screening analyses. Additional information on the Potential Modifications' effects on the detailed analyses presented in the EAS are provided below.

LAND USE, ZONING, AND PUBLIC POLICY

The Potential Modifications, like the Approved Project, would not result in any significant adverse impacts and would generally result in the same effects to land use, zoning, and public policy. As with the Approved Project, with the Potential Modifications the project would include residential, retail, and community facility uses which would be consistent with the existing land uses in the surrounding area. The Potential Modifications would not adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with existing zoning and land uses. Furthermore, the Potential Modifications would not result in development that conflicts with adopted public policies. Like the Approved Project, the Potential Modifications would provide much-needed affordable housing for the community, as well as desired retail opportunities for local residents, in support of public policies such as *Housing New York* and HPD's Brownsville Plan.

[2] For the purposes of analysis, the RWCDS analyzed in the EAS accounted for potential second-floor community facility space by double-counting the second floors of the buildings as both community facility and residential space. Therefore, under the Modified Development, the maximum total potential residential space was already included in the RWCDS, and the reduction in community facility space would not result in an increase in potential residential space.

SOCIOECONOMIC CONDITIONS

Like the Approved Project, the Modified Development would not result in significant adverse impacts related to socioeconomic conditions. The decrease in residential and community facility space and the approximately 11,500 gsf increase in retail space under the Modified Development would not result in any substantive changes as compared to the Approved Project (with the increase in retail space, the Modified Development's retail increment would remain well below the 200,000-sf threshold cited in the *CEQR Technical Manual* as an amount that could significantly affect commercial real estate market conditions). Overall, the Modified Development would result in generally the same effects as the Approved Project with respect to indirect residential displacement.

COMMUNITY FACILITIES AND SERVICES

Similar to the Approved Project, the Modified Development would not result in significant adverse community facility impacts. The Potential Modifications would result in 141 fewer DUs. As compared to the Approved Project, the Modified Development would result in lower demand on City services, including public schools and publicly funded childcare. Therefore, the Modified Development would not result in new community facility impacts.

OPEN SPACE

Like the Approved Project, the Modified Development would not result in significant adverse open space impacts. The Modified Development would result in 141 fewer DUs, and would generate a smaller residential population as compared to the Approved Project. Overall, the Potential Modifications would place less demand on area open spaces, and would not result in indirect significant adverse impacts associated with total, active, and passive open space ratios. With respect to direct effects, the Modified Development would still include the disposition of several City-owned lots (Block 3588, Lots 32-36) that currently contain a NYC Parks GreenThumb garden on Site C (the Mott Hall Bridges Academy [MHBA] Living Laboratory Community Garden) in order to facilitate the construction of Building C. As with the Approved Project, an approximately 5,230-sf replacement garden would be provided on a portion of Block 3559, Lot 1, which would be acquired by NYC Parks through DCAS, with approximately half of the space reserved as replacement space for MHBA Living Laboratory Community Garden.

SHADOWS

The Modified Development, like the Approved Project, would not result in significant adverse impacts related to shadows. As with the Approved Project, the Modified Development would cast incremental shadow on five sunlight-sensitive open space resources (Betsey Head Park, the Betsey Head Park Imagination Playground, the Thomas S. Boyland Community Garden, Newport Gardens, and the P.S. 125 Playground) and one sunlight-sensitive historic architectural resource (the Betsy Head Play Center). With the Potential Modifications, Building B's height would be reduced from 95 feet to 85 feet, and Buildings F and G would be reduced from 100 feet to 90 feet. The height reductions would result in less incremental shadow compared to the Approved Project. In particular, the reduction in Building G would result in less incremental shadow on the Betsey Head Park Imagination Playground and the P.S. 125 Playground, and the reduction in Building F would result in less incremental shadow on the Newport Gardens. The other changes to building form resulting from the Potential Modifications, including the additional setbacks on Building A and the modified rear wall location on Buildings D and E, would reduce the building bulk and would not substantially alter the shadows cast by the buildings as compared to the Approved Project. As with the Approved

Project, the Modified Development would cast limited durations of new shadows on the affected open space resources, which would not threaten the usability of the open space resources or the vitality of the plant life they support. Similarly, the short duration of new shadows on the affected historic resource would not substantially reduce the appreciation of its sunlight-sensitive architectural features.

HISTORIC AND CULTURAL RESOURCES

The Modified Development, like the Approved Project, would not result in significant adverse impacts to historic and cultural resources. In particular, the Modified Development would not result in significant adverse indirect impacts to the two known architectural resources located within the 400-foot study area (the Betsy Head Play Center and the Brownsville Houses), as it would introduce seven- and eight-story mixed-use buildings that would be in keeping with the mix of shorter and taller buildings in the study area that make up these resources' setting. As with the Approved Project, the Modified Development would not introduce incompatible visual, audible, or atmospheric elements to a resource's setting, isolate a resource from its relationship with the streetscape, or obstruct views to architectural resources.

URBAN DESIGN AND VISUAL RESOURCES

Like the Approved Project, the Modified Development would not result in any significant adverse impacts to urban design or visual resources. Similar to the Approved Project, the Modified Development would introduce seven- and eight-story buildings that would be consistent with the prevailing heights of existing and planned buildings in the study area; the buildings would step down and decrease in height to better relate to existing smaller scale of buildings north and south of Livonia Avenue. Furthermore, the Potential Modifications would provide for changes to building heights and setbacks that are intended to create a harmonious relationship with the area's urban design context. These changes are primarily intended to reflect the buildings' setting within the Marcus Garvey Apartment complex, which consists of low-rise, three-story residential buildings. On Buildings F and G, the changes include a reduction of the total building heights from nine stores to eight stories and additional setbacks to create five-story streetwalls along Chester Street, which would better match the scale of the Marcus Garvey Apartment buildings across the street from both sites. As with the Approved Project, the Modified Development would replace vacant lots, underutilized parking lots, and greenspace with mixed-use development that is consistent with the residential, community facility, and local retail uses found in the surrounding area. Like the Approved Project, the Modified Development would also provide for ground-floor retail space and community facility space which would enliven the streets and enhance the pedestrian experience in the area.

HAZARDOUS MATERIALS

The Modified Development would not result in significant adverse impacts associated with hazardous materials. The effects with the Modified Development would be the same as the Approved Project. Any potential significant adverse impacts associated with hazardous materials would be avoided by constructing the proposed buildings in accordance with the provisions of the (E) Designation (E-485) to be applied to the Project Sites, which would impose pre- and post-construction requirements overseen by the New York City Mayor's Office of Environmental Remediation (OER). For the City-owned sites, similar requirements to those associated with the (E) Designation would be required through a Land Disposition Agreement (LDA) or similar binding documents between the City of New York and prospective developers.

WATER AND SEWER INFRASTRUCTURE

Like the Approved Project, the Modified Development would not result in significant adverse impacts to water and sewer infrastructure. The Potential Modifications would result in decreased demand on water and sewer infrastructure as compared to the Approved Project; in particular, the Potential Modifications would result in 141 fewer DUs, and would result in lower demand for water and sewage generation from the residential population. As with the Approved Project, a hydraulic analysis of the existing sewer system may be needed at the time of the submittal of the site connection proposal application for the Modified Development to determine whether the existing sewer system is capable of supporting higher density development and the related increase in wastewater flow. If it is determined at that time that the existing sewer system is incapable of supporting the increase in wastewater flow, the existing sewer system will need to be upgraded. In addition, the existing drainage plan will need to be amended. As with the Approved Project, the Modified Development would incorporate appropriate sanitary flow and stormwater source control best management practices (BMPs), which would be required as part of the site connection approval process, to help reduce the overall additional volume of sanitary sewer discharge as well as the peak stormwater runoff rate from the Project Area.

TRANSPORTATION

Following the analysis procedures detailed in the EAS, travel demand estimates were developed for the Modified Development to identify relative differences in trip-making as compared to the Approved Project. The travel demand estimates for the Modified Development follow the same trip-making assumptions presented in the EAS (see Table K-2 of the EAS).

The total numbers of person and vehicle trips generated by the Modified Development are summarized in **Table 3**. **Table 4** presents a comparison of the person and vehicle trips generated by the Modified Development and the Approved Project.

Table 3
Trip Generation Summary: Modified Development

Program	Peak Hour	In/Out	Person Trip						Vehicle Trip			
			Auto	Taxi	Subway	Bus	Walk	Total	Auto	Taxi	Delivery	Total
Residential 702 DUs	AM	In	19	1	46	14	6	86	17	5	3	25
		Out	106	5	260	77	34	482	95	5	3	103
		Total	125	6	306	91	40	568	112	10	6	128
	Midday	In	31	1	77	23	10	142	28	2	2	32
		Out	31	1	77	23	10	142	28	2	2	32
		Total	62	2	154	46	20	284	56	4	4	64
	PM	In	96	4	236	70	31	437	86	5	0	91
		Out	41	2	101	30	13	187	37	5	0	42
		Total	137	6	337	100	44	624	123	10	0	133
Local Retail 46,500 gsf	AM	In	12	0	3	2	90	107	6	0	1	7
		Out	12	0	3	2	90	107	6	0	1	7
		Total	24	0	6	4	180	214	12	0	2	14
	Midday	In	75	0	20	14	571	680	38	0	1	39
		Out	75	0	20	14	571	680	38	0	1	39
		Total	150	0	40	28	1,142	1,360	76	0	2	78
	PM	In	39	0	11	7	300	357	20	0	0	20
		Out	39	0	11	7	300	357	20	0	0	20
		Total	78	0	22	14	600	714	40	0	0	40

Table 3 (cont'd)
Trip Generation Summary: Modified Development

Program	Peak Hour	In/Out	Person Trip						Vehicle Trip			
			Auto	Taxi	Subway	Bus	Walk	Total	Auto	Taxi	Delivery	Total
Medical Office 13,667 gsf	AM	In	19	1	20	11	11	62	13	1	0	14
		Out	2	0	3	1	1	7	1	1	0	2
		Total	21	1	23	12	12	69	14	2	0	16
	Midday	In	29	2	32	18	17	98	19	2	0	21
		Out	28	2	31	17	16	94	19	2	0	21
		Total	57	4	63	35	33	192	38	4	0	42
	PM	In	30	2	33	18	17	100	20	2	0	22
		Out	32	2	36	19	18	107	21	2	0	23
		Total	62	4	69	37	35	207	41	4	0	45
Community Center 27,333 gsf	AM	In	1	0	1	2	25	29	1	0	0	1
		Out	1	0	1	1	16	19	1	0	0	1
		Total	2	0	2	3	41	48	2	0	0	2
	Midday	In	3	1	2	4	51	61	2	1	0	3
		Out	2	0	1	3	42	48	1	1	0	2
		Total	5	1	3	7	93	109	3	2	0	5
	PM	In	1	0	1	1	15	18	1	0	0	1
		Out	2	0	1	3	37	43	1	0	0	1
		Total	3	0	2	4	52	61	2	0	0	2
Modified Development Total	AM	In	51	2	70	29	132	284	37	6	4	47
		Out	121	5	267	81	141	615	103	6	4	113
		Total	172	7	337	110	273	899	140	12	8	160
	Midday	In	138	4	131	59	649	981	87	5	3	95
		Out	136	3	129	57	639	964	86	5	3	94
		Total	274	7	260	116	1,288	1,945	173	10	6	189
	PM	In	166	6	281	96	363	912	127	7	0	134
		Out	114	4	149	59	368	694	79	7	0	86
		Total	280	10	430	155	731	1,606	206	14	0	220

Table 4
Trip Generation Summary:
Modified Development vs. Approved Project Comparison

Peak Hour	In/Out	Person Trip						Vehicle Trip			
		Auto	Taxi	Subway	Bus	Walk	Total	Auto	Taxi	Delivery	Total
Modified Development											
AM	In	51	2	70	29	132	284	37	6	4	47
	Out	121	5	267	81	141	615	103	6	4	113
	Total	172	7	337	110	273	899	140	12	8	160
Midday	In	138	4	131	59	649	981	87	5	3	95
	Out	136	3	129	57	639	964	86	5	3	94
	Total	274	7	260	116	1,288	1,945	173	10	6	189
PM	In	166	6	281	96	363	912	127	7	0	134
	Out	114	4	149	59	368	694	79	7	0	86
	Total	280	10	430	155	731	1,606	206	14	0	220

Table 4 (cont'd)
Trip Generation Summary:
Modified Development vs. Approved Project Comparison

Peak Hour	In/Out	Person Trip					Vehicle Trip				
		Auto	Taxi	Subway	Bus	Walk	Total	Auto	Taxi	Delivery	Total
Approved Project											
AM	In	79	5	108	49	161	402	56	9	4	69
	Out	143	6	321	101	151	722	123	9	4	136
	Total	222	11	429	150	312	1,124	179	18	8	205
Midday	In	170	8	188	88	605	1,059	112	12	5	129
	Out	166	7	185	84	581	1,023	110	12	5	127
	Total	336	15	373	172	1,186	2,082	222	24	10	256
PM	In	219	10	371	135	340	1,075	168	13	1	182
	Out	162	8	217	94	374	855	114	13	1	128
	Total	381	18	588	229	714	1,930	282	26	2	310
Net Difference											
AM	In	-28	-3	-38	-20	-29	-118	-19	-3	0	-22
	Out	-22	-1	-54	-20	-10	-107	-20	-3	0	-23
	Total	-50	-4	-92	-40	-39	-225	-39	-6	0	-45
Midday	In	-32	-4	-57	-29	44	-78	-25	-7	-2	-34
	Out	-30	-4	-56	-27	58	-59	-24	-7	-2	-33
	Total	-62	-8	-113	-56	102	-137	-49	-14	-4	-67
PM	In	-53	-4	-90	-39	23	-163	-41	-6	-1	-48
	Out	-48	-4	-68	-35	-6	-161	-35	-6	-1	-42
	Total	-101	-8	-158	-74	17	-324	-76	-12	-2	-90

TRAFFIC

As shown in **Table 4**, the Modified Development would yield -45, -67, and -90 incremental vehicle trips during the weekday AM, midday, and PM peak hours, respectively, when compared to the Approved Project.

PARKING

With the Modified Development, the With Action parking demand would be reduced due to the overall smaller program, as compared to the Approved Project. In addition, the Modified Development would provide more on-site accessory parking spaces to accommodate some of the residential parking demand. Overall, compared to the Approved Project, the Modified Development would result in reduced demand on the study area's parking resources. Therefore, as with the Approved Project, parking demand as a result of the Modified Development would be expected to be accommodated by on-street parking facilities within a ¼- mile radius of the Project Area.

TRANSIT

As shown in **Table 4**, the Modified Development would yield -92, -113, and -158 incremental subway trips during the weekday AM, midday, and PM peak hours, respectively, when compared to the Approved Project.

For City buses, the Modified Development would yield -40, -56, and -74 incremental bus trips during the weekday AM, midday, and PM peak hours, respectively, when compared to the Approved Project.

PEDESTRIANS

In terms of overall person trips or potential pedestrian trips traversing the City sidewalks, corner reservoirs, and crosswalks, the Modified Development would yield -225, -137, and -324 incremental pedestrian trips during the weekday AM, midday, and PM peak hours, respectively, when compared to the Approved Project (see **Table 4**).

CONCLUSIONS

Overall, for all analysis time periods, the Modified Development would result in fewer vehicular, pedestrian and transit trips, and reduced parking demand when compared to the Approved Project. Therefore, the transportation analysis conclusions would be within the envelope of those for the Approved Project. And as with the Approved Project, the Modified Development would not result in any significant adverse transportation-related impacts.

AIR QUALITY

As discussed in the Transportation section, the Modified Development would result in reduced traffic compared to the Approved Project. Therefore, as with the Approved Project, the changes in traffic introduced by the Modified Development would not have the potential to significantly change air quality conditions, and no analysis of mobile sources for the Modified Development is required.

For the Approved Project, the air quality analysis determined that (E) Designations were required for each of the Project Sites. The (E) Designations included a requirement to use natural gas for fossil fuel-fired heating and hot water systems and low NO_x (oxides of nitrogen) burner technology, as well as a minimum stack height for each of the sites. In addition, the (E) Designations for Buildings A, B, C, D and E included minimum stack setback requirements to avoid potential air quality impacts on nearby buildings of a similar or greater height.

With Potential Modifications, Building B's height would be reduced from 95 feet to 85 feet, and Buildings F and G would be reduced from 100 feet to 90 feet. With the proposed (E) Designations previously specified for the Approved Project, there would be no potential for air quality impacts under the Modified Development, since the same stack heights would be required for Buildings B, F and G. To the extent permitted under Section 11-15 of the Zoning Resolution, the requirements of the (E) Designations may be modified, or determined to be unnecessary, based on new information or technology, additional facts, or updated standards that are relevant at the time each building is ultimately developed. For the buildings that would be reduced in height with the Potential Modifications, the proposed stack height requirements for the (E) designation could be modified based on subsequent additional analysis presented to OER demonstrating that there would be no violations of standards and criteria. Therefore, like the Approved Project, there would be no potential significant adverse air quality impacts from heating and hot water systems with the Modified Development.

NOISE

Similar to the Approved Project, the Modified Development would not result in any significant adverse impacts due to noise. The noise effects with the Modified Development would be the same as the Approved Project. Like the Approved Project, the Modified Development would require between 28 and 35 dBA of window/wall attenuation to meet *CEQR Technical Manual* interior noise level requirements. The buildings would be constructed in accordance with the provisions of the (E) Designation (E-485) applied to the Project Sites, which would specify the appropriate

amount of window-wall attenuation and an alternate means of ventilation. By adhering to the (E) Designation requirements, the Modified Development would provide sufficient attenuation to achieve the *CEQR Technical Manual* interior noise level guidelines of 45 dBA L_{10} for residential and community facility uses and 50 dBA L_{10} for commercial uses.

CONSTRUCTION

Like the Approved Project, the Potential Modifications would not result in significant adverse impacts related to construction. The construction schedule, activities, and estimates under the Modified Development are expected to be similar to those under the Approved Project, and the effects with the Modified Development would be the same as the Approved Project. Construction of the Modified Development would utilize the same protection measures that would be implemented with the Approved Project to reduce potential disturbances in the area near the Project Sites. In particular, a Maintenance and Protection of Traffic (MPT) plan would be developed to ensure safety of the construction workers and the public passing through the area and that access is maintained to nearby residences and businesses at all times. Similarly, construction of the Modified Development would incorporate measures to reduce air pollutant emissions and noise in accordance with all applicable laws, regulations, and building codes. ✷

APPENDIX 1

POTENTIAL CITY COUNCIL MODIFICATIONS

THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY - ROOM 1602
NEW YORK NEW YORK 10007

RAJU MANN
DIRECTOR

TEL.: 212-788-7335
RMANN@COUNCIL.NYC.GOV

December 18, 2018

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

Re: Application Nos.: N 180487 ZRK (L.U. No. 274), C 180488 ZSK (L.U. No. 275), and C 180490 ZSK (L.U. No. 277)

Related Application Nos. C 180485 HAK (L.U. No. 272), C 180486 PCK (L.U. No. 273), C 180489 ZMK (L.U. No. 276)

Marcus Garvey Village

Dear Chair Lago:

On December 18, 2018, the Land Use Committee of the City Council, by vote of 17-0-0 for Applications N 180487 ZRK, C 180488 ZSK, and C 180490 ZSK, recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

N 180487 ZRK (L.U. No. 274)

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council
* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Brooklyn

* * *

Brooklyn Community District 16

* * *

Map 4 – [date of adoption]



Mandatory Inclusionary Housing Area ~~see Section 23-154(d)(3)~~

Area 5 [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 16, Brooklyn

* * *

C 180488 ZSK (L.U. No. 275)

Matter ~~double-struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 180488 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Curtis and Ginsberg Architects LLP, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-002A	Zoning Analysis	~~6/7/2018~~ 12/18/18
Z-004A	Overall Site Plan	~~6/7/2018~~ 12/18/18
Z-004B	Site Plan North	~~6/7/2018~~ 12/18/18
Z-004C	Site Plan South	~~6/7/2018~~ 12/18/18
Z-011A.00	Site A Zoning Lot Site Plan	~~6/7/2018~~ 12/18/18
Z-011C.00	Site A Zoning Analysis	~~6/7/2018~~ 12/18/18
Z-013.00	Site A Waiver Plans	~~6/7/2018~~12/18/18
Z-014A.00	Site A Waiver Sections I	~~6/7/2018~~12/18/18
Z-014B.00	Site A Waiver Sections II	~~6/7/2018~~12/18/18
Z-016	Site A Design Controls	~~6/7/2018~~12/18/18
Z-021A.00	Site B Zoning Lot Site Plan	~~6/7/2018~~12/18/18
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Z-023.00	Site B Waiver Plans	~~6/7/2018~~12/18/18
Z-024A.00	Site B Waiver Sections I	~~6/7/2018~~12/18/18
Z-024B.00	Site B Waiver Sections II	~~6/7/2018~~12/18/18
Z-024C.00	Site B Waiver Sections III	~~6/7/2018~~12/18/18
Z-026	Site B Design Controls	~~6/7/2018~~12/18/18
Z-031A.00	Site C Zoning Lot Site Plan	6/7/2018

Z-031C.00	Site C Zoning Analysis	6/7/2018
Z-033.00	Site C Waiver Plans	6/7/2018
Z-034.00	Site C Waiver Sections	6/7/2018
Z-036	Site C Design Controls	6/7/2018
Z-041A.00	Site D Zoning Lot Site Plan	~~6/7/2018~~12/18/18
Z-041C.00	Site D Zoning Analysis	~~6/7/2018~~12/18/18
Z-043.00	Site D Waiver Plans	~~6/7/2018~~12/18/18
Z-044A.00	Site D Waiver Sections I	~~6/7/2018~~12/18/18
Z-044B.00	Site D Waiver Sections II	~~6/7/2018~~12/18/18
Z-046	Site D Design Controls	~~6/7/2018~~12/18/18
Z-051A.00	Site E Zoning Lot Site Plan	~~6/7/2018~~12/18/18
Z-051C.00	Site E Zoning Analysis	~~6/7/2018~~12/18/18
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Z-071C.00	Site G Zoning Analysis	~~6/7/2018~~12/18/18
Z-073.00	Site G Waiver Plans	~~6/7/2018~~12/18/18
Z-074A.00	Site G Waiver Sections I	~~6/7/2018~~12/18/18
Z-074B.00	Site G Waiver Sections II	~~6/7/2018~~12/18/18

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, as modified by the Council, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

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Matter double-underlined is new, added by the City Council
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EXHIBIT A

FORM OF DECLARATION OF LARGE-SCALE GENERAL DEVELOPMENT

THIS DECLARATION, made as of this____of_____, 2018 by Brownsville Livonia Associates LLC, a limited liability company, having an address at 1865 Palmer Avenue, Suite 203, Larchmont, New York, 10538 ("Declarant").

WITNESSETH:

WHEREAS, the Declarant, a New York Limited Liability Company, having its principal office at 1865 Palmer Avenue, Suite 203, Larchmont, New York, 10538 is the fee owner of certain real property located in the Borough of Brooklyn, County of Kings, City and State of New York, designated for real property tax purposes as: 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, which real property is more particularly described in Exhibit "A" annexed hereto and made a part hereof (the "Subject Property"): and

WHEREAS, Declarant desires to improve the Subject Property as a " large-scale general

development" meeting the requirements of Section 12-10 of the Zoning Resolution (Definition) definition of "large-scale general development" (such proposed improvement of the Subject Property the "Large Scale Development Project"); and

WHEREAS, In connection with the Large-Scale Development Project Declarant has filed an application with the New York City Department of City Planning (hereinafter "City Planning") for approval by New York City Planning Commission (the "**Commission**") of items C180490ZSK, C180489ZMK, C180488ZSK, N180487ZRK, C180486PCK, and C180485HAK collectively, the "Land Use Applications"); and

WHEREAS Declarant has agreed to restrict the development, operation, use and maintenance of the Subject Property in certain respects, which restrictions are set forth in this Declaration; and

WHEREAS, Section 74-743(b)(10) of the Zoning Resolution requires that a declaration with regard to ownership requirements in paragraph (b) of the large scale general development definition in Section 12-10 be filed with the New York City Planning Commission; and

WHEREAS, Bellrow Title Agency (the "Title Company") has certified in the certification (the "Certification") attached hereto as **Exhibit B** and made a part hereof, that as

of_____, Declarant is the sole party-in-interest (the "Party -in-Interest") in the Subject Property, as such term is defined in the definition of "zoning lot" in Section 12-10 of the Zoning Resolution; and

WHEREAS, all parties-in-interest to the Subject Property have either executed this Declaration or waived their right to execute and subordinated their interest in the Subject Property to this Declaration by written instrument annexed hereto as **Exhibit B:2** and made a part hereof, which instrument is intended to be recorded simultaneously with this Declaration; and

WHEREAS, Declarant desires to restrict the manner in which the Subject Property is developed in the future, and intends these restrictions to benefit all the land, including land owned by the City, lying within a one-half-mile radius of the Subject Property.

NOW THEREFORE: Declarant hereby declares covenants and agrees as follows:

1. Designation of Large Scale General Development. Declarant hereby declares and agrees that, following the Effective Date (as defined in Section 6 hereof), the Subject Property, if developed pursuant to the Large Scale Special Permit, shall be treated as a large-scale general development site and shall be developed and enlarged as a single unit.

2. Development of Large Scale Development Site. If the Subject Property is

developed in whole or part in accordance with the Large Scale Special Permit, Declarant covenants that the Subject Property shall be developed in substantial conformity with the following plans prepared by Curtis + Ginsberg Architects LLP, approved as part of the Large Scale Special Permit and annexed hereto in Exhibit "C" and made a part hereof:

Drawing No.	Title	Last Date Revised
Z-002A	Zoning Analysis	~~6/7/2018~~ 12/18/18
Z-004A	Overall Site Plan	~~6/7/2018~~ 12/18/18
Z-004B	Site Plan North	~~6/7/2018~~ 12/18/18
Z-004C	Site Plan South	~~6/7/2018~~ 12/18/18
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Z-074A.00	Site G Waiver Sections I	~~6/7/2018~~12/18/18
Z-074B.00	Site G Waiver Sections II	~~6/7/2018~~12/18/18

3. Representation. Declarant hereby represents and warrants that there is no restriction of record on the development, enlargement, or use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any existing lien, obligation, covenant, easement, limitation or encumbrance of any kind that shall preclude the restriction and obligation to develop and enlarge the Subject Property as a large- scale general development as set forth herein.

4. Binding Effect. The restrictions, covenants, rights and agreements set forth in this Declaration shall be binding upon Declarant and any successor or assign of Declarant; provided that the Declaration shall be binding on any Declarant only for the period during which such Declarant, or any successor or assign thereof, is the holder of an interest in the Subject Property and only to the extent of such Declarant's interest in the Subject Property. At such time as a Declarant or any successor to a Declarant no longer holds an interest in the Subject Property, such Declarant's or such Declarant's successor's obligations and liability under this Declaration shall wholly cease and terminate and the party succeeding such Declarant or such Declarant's successor shall assume the obligations and liability of Declarant pursuant to this Declaration with respect to actions or matters occurring subsequent to the date such party assumes an interest in the Subject Property to the extent of such party's interest in the Subject Property. For purposes of this Declaration, any successor to a Declarant shall be deemed a Declarant for such time as such successor holds all or any portion of any interest in

the Subject Property.

5. Recordation. Declarant shall File and record this Declaration in the Office of the City Register of the City of New York (the "Register's Office"), indexing it against the Subject Property on or after the date of the disposition of the Subject Property pursuant to ULURP Application No. C180486PCK (such date, the "Recording Date"). Declarant shall promptly provide to the Chairperson of the CPC a copy of the Declaration as recorded, so certified by the City Register. If Declarant fails to so record this Declaration by the Recording Date, CPC may record a duplicate original of this Declaration, but all costs of recording, whether undertaken by Declarant or by CPC, shall be borne by Declarant.

6. Effective Date. This Declaration and the provisions and covenants hereof shall become effective as of the date of recordation of this Declaration in accordance with Section 5 above.

7. Notice. All notices, demands, requests. consents, approvals, and other communications (each, a "Notice") which may be or are permitted, desirable, or required to be given under this Declaration shall be in writing and shall be sent or delivered as follows:

(i) if to Declarant:

to the address at the commencement of this Declaration

with a copy to:

Sheldon Lobel, P.C.

18 East 41st Street, 5th Floor

New York, New York, 10017

Attention: Richard Lobel, Esq.

(ii) if to CPC:

New York City Planning Commission

120 Broadway, 31st Floor

New York, New York 10271 Attention: Chairperson

with a copy to:

the general counsel of CPC at the same address

(iii) if to a Party in Interest other than Declarant:

at the address provided in writing to CPC in accordance

with this Section 7

(iv) if to a Mortgagee:

at the address provided in writing to CPC in accordancewith this Section 7

Declarant, CPC, any Party in Interest, and any Mortgagee may, by notice provided in accordance with this Section 7, change any name or address for purposes of this Declaration. In order to be deemed effective any Notice shall be sent or delivered in at least one of the following manners: (A) sent by registered or certified mail, postage pre-paid, return receipt requested, in which case the Notice shall he deemed delivered for all purposes hereunder five days after being actually mailed; (B) sent by overnight courier service, in which case the Notice shall be deemed delivered for all purposes hereunder on the date the Notice was actually received or was refused; or (C) delivered by hand, in which case the Notice will be deemed delivered for all purposes hereunder on the date the Notice was actually received. All Notices from CPC to Declarant shall also be sent to every Mortgagee of whom CPC has notice, and no Notice shall be deemed properly given to Declarant without such notice to such Mortgagee(s). In the event that there is more than one Declarant at any time, any Notice from the City or the CPC shall he provided to all Declarants of whom CPC has notice.

8. Defaults and Remedies.

(a) Declarant acknowledges that the restrictions, covenants, and obligations of this

Declaration will protect the value and desirability of the Subject Property, as well as benefit the City. If Declarant fails to perform any of Declarant's obligations under this Declaration, the City shall have the right to enforce this Declaration against Declarant and exercise any administrative legal or equitable remedy available to the City, and Declarant hereby consents to same; provided that this Declaration shall not be deemed to diminish Declarant's or any other Party in Interest's right to exercise any and all administrative, legal, or equitable remedies otherwise available to it, and provided further, that the City's rights of enforcement shall be subject to the cure provisions and periods set forth in Section 8(c) hereof. Declarant also acknowledges that the remedies set forth in this Declaration are not exclusive and that the City and any agency thereof may pursue other remedies not specifically set forth herein including, but not limited to, a mandatory injunction compelling Declarant to comply with the terms of this Declaration and a revocation by the City of any certificate of occupancy, temporary or permanent, for any portion of the Large Scale Development Project on the Subject Property subject to the Large Scale Special Permits; provided, however, that such right of revocation shall not permit or be construed to permit the revocation of any certificate of occupancy for any use or improvement that exists on the Subject Property as of the date of this Declaration;

(b) Notwithstanding any provision of this Declaration, only Declarant, and Declarant's successors and assigns and the City, acting through CPC, shall be entitled to enforce or assert any claim arising out of or in connection with this Declaration. Nothing contained

herein should he construed or deemed to allow any other person or entity to have any interest in or right of enforcement of any provision of this Declaration or any document or instrument executed or delivered in connection with the the Land Use Applications.

(c) Prior to City instituting any proceeding to enforce the terms or conditions of this Declaration due to any alleged violation hereof, City shall give Declarant, every mortgagee of all or any portion of the Property (a "Mortgagee") and every Party in Interest thirty (30) business days written notice of such alleged violation, during which period Declarant, any Party in Interest and Mortgagee shall have the opportunity to effect a cure of such alleged violation or to demonstrate to City why the alleged violation has not occurred. If a Mortgagee or Party in Interest performs any obligation or effects any cure Declarant is required to perform or cure pursuant to this Declaration, such performance or cure shall be deemed performance on behalf of Declarant and shall be accepted by any person or entity benefited hereunder, including CPC and City, as if performed by Declarant. If Declarant,any Party in Interest or Mortgagee commences to effect such cure within such thirty (30) day period (or if cure is not capable of being commenced within such thirty (30) day period, Declarant, any Party in Interest or Mortgagee commences to effect such cure when such commencement is reasonably possible), and thereafter proceeds diligently toward the effectuation of such cure, the aforesaid thirty (30) day period (as such may be extended in accordance with the preceding clause) shall be extended for so long as Declarant, any Party in Interest or Mortgagee continues to proceed diligently with the effectuation of such cure. In the

event that more than one Declarant exists at any time on the Subject Property, notice shall be provided to all Declarants from whom City has received notice in accordance with Section 8 hereof, and the right to cure shall apply equally to all Declarants.

(d) If, after due notice and opportunity to cure as set forth in this Declaration, Declarant, Mortgagee or a Party in Interest shall fail to cure the alleged violation, the City may exercise any and all of its rights, including without limitation those delineated in this Section 8 and may disapprove any amendment, modification or cancellation of this Declaration on the sole ground that Declarant is in default of a material obligation under this Declaration.

9. Applications.

(a) Declarant shall include a copy of this Declaration with any application made to the New York City Department of Buildings ("Buildings") for a foundation, new building, alteration, or other permit (a "Permit") for any portion of the Large Scale Development Project subject to the Large Scale Special Permits. Nothing in this Declaration including but not limited to the declaration and covenant made in Section 1 hereof to develop and enlarge the Subject Property as a single unit, shall be construed to prohibit or preclude Declarant from filing for, or Buildings from issuing, any permit for all or any portion of the Large Scale Development Project, in such phase or order as Declarant sees fit in Declarant's sole discretion.

(b) Nothing in this Declaration shall be construed to prevent Declarant or any of Declarant's successors or assigns from making any application of any sort to any governmental agency or department (each an "Agency") in connection with the development of the Subject Property; provided, that Declarant shall include a copy of this Declaration in connection with any application for any such discretionary approval, and provided that nothing in this Section 10(b) shall be construed as superceding the requirements, restrictions, or approvals that may be required under agreements with any other Agency or the City.

10. Amendment, Modification and Cancellation.

(a) This Declaration may be amended, cancelled, or modified only upon application by Declarant with the express written consent of CPC or an agency succeeding to CPC's jurisdiction and no other approval shall be required from any other public body, private person, or legal entity of any kind.

(b) Notwithstanding anything to the Contrary Contained in Section 10 (a) hereof, the Chair of CPC may by its express written consent administratively approve modifications or amendments to this Declaration that, in the sole judgment of the Chair, are determined by the Chair to be a minor amendment or modification of this Declaration, and such minor modifications and amendments shall not require the approval of CPC.

11. Severability. In the event that any of the provisions of the Declaration shall be deemed, decreed, adjudged, or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

12. Applicable Law. This Declaration shall be governed and construed by the laws of the State of New York, without regard to principles of conflicts of law.

IN WITNESS WHEREOF, the undersigned has executed this Declaration this [insert date].

_____

By:
Name:
Title:

[Standard Acknowledgment]

C 180490 ZSK (L.U. No. 277)

Matter ~~double-struck-out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 180490 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Curtis Ginsberg Architects LLP, filed with this application and incorporated in this resolution:

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2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

Please feel free to contact me at (212) 482-5185 if you or your staff have any questions in this regard.

Sincerely,

Julie Lubin, Esq.
General Counsel

JL:mcs

RECEIVED BY: _____

DATE: _____

TIME: _____

C: Members, City Planning Commission
Raju Mann, Director, Land Use Division
Amy Levitan, Deputy Director
Jeff Campagna, Esq., Deputy General Counsel
Angelina Martinez-Rubio, Esq., Deputy General Counsel
Arthur Huh, Esq., Assistant General Counsel
Brian Paul, Project Manager
Anita Laremont, Esq., DCP
Danielle J. DeCerbo, DCP
File