Marcus Garvey Village Rezoning
Community District 16
Brooklyn, NY
June 18, 2018

APPLICATION OF FAIR SHARE CRITERIA FOR SITE SELECTION AND ACQUISITION

Brownsville Livonia Associates LLC (the "Applicant") with co-applicants the New York City Department of Parks and Recreation ("DPR") and the Department of Citywide Administrative Services ("DCAS"), proposes the site selection and acquisition by the City of an approximately 6,128 square foot area for community garden use. This area consists of an approximately 5,236 square foot parcel that will be acquired by the City, located at Block 3559, portion of Lot 1 (tentative Lot 1A pending a tax lot subdivision) (the "Acquisition Site"), and 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 "Easement Area"). The Acquisition Site and Easement Areas are located in the Brownsville neighborhood within Brooklyn Community District 16. This action is proposed in connection with a series of land use actions to facilitate a Large Scale General Development of seven new eight- and nine-story mixed-use buildings with approximately 724 affordable housing units in Marcus Garvey Village (the "Marcus Garvey Village Rezoning").

The following analysis presents the Applicant's consideration on the Fair Share criteria applicable to the siting of local City facilities. A Fair Share analysis evaluates the fair distribution of the burdens and benefits associated with City facilities, the consistency of a proposed project with community needs, and the cost effectiveness of a proposed project. A Fair Share analysis requires the application of the Criteria for the Location of City Facilities (the Fair Share Criteria) as set forth in Appendix A to Title 62 of the Rules of the City of New York. These criteria attempt to foster an equitable distribution of public facilities throughout the City. Overall, analysis of the criteria in Article 4 and Article 5 finds that the proposed site selection and acquisition would result in the equitable distribution of public facilities, would be consistent with community needs, and would be cost effective.

Article 4: Criteria for Siting or Expanding Facilities

4.1(a) Compatibility of the facility with existing facilities and programs, both City and non-City, in the immediate vicinity of the site.

The area within 400 feet of the Acquisition Site and Easement Area is characterized by single and multi-family residential buildings, with a limited number of mixed-use commercial and residential buildings along Rockaway Avenue. Across Bristol Street from the Acquisition Site and Easement Area is Betsy Head Park, a 10.55-acre City park under the jurisdiction of DPR. In addition, there are community facilities including Risen Christ Lutheran School located at 250 Blake Avenue; BMS Family Health and Wellness Center, a federal qualified health center located at 592 Rockaway Avenue; and the Brownsville Health Center operated by the NYC Department of Health located at 259 Bristol Street.

The Acquisition Site and Easement Area are unimproved and vacant. It is 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 plan to work in partnership with existing community residents already active at a nearby community garden operated by Mott Hall Bridges Academy ("MHBA") to maintain the proposed garden. The Marcus Garvey Village Rezoning will displace an existing community garden located on City property that will be conveyed to the Applicant approximately one block away. The proposed action would provide a comparable replacement for the displaced garden. The proposed use of the Acquisition Site and Easement Area will be compatible with the existing facilities and programs within the immediate vicinity by providing accessible open space for community garden use on previously unused property.

4.1(b) Extent to which neighborhood character would be adversely affected by a concentration of City and/or non-City facilities.

The purpose of this criterion is to assess whether the proposed facility would create or add to a concentration of facilities (within one-half mile of the proposed site) that could adversely affect neighborhood character. The surrounding area is primarily characterized by residential uses, ranging from one- and two-story residential buildings to multi-family elevator buildings, including a number of New York City Housing Authority developments. Mixed-use and commercial buildings are concentrated along Rockaway Avenue and Pitkin Avenue. Community facilities are located throughout the area providing access to services and open space. The attached table lists facilities within one-half mile of the Acquisition Site and Easement Area, and the attached map displays them geographically. The City and non-City facilities located within a half-mile radius of the Acquisition Site and Easement Area include: schools, parks, medical treatment clinics, libraries, and fire and police stations.

The proposed action would not contribute to an adverse concentration of local City or non-City facilities. Instead, upon acquisition, the proposed action will create a new opportunity for community garden use at the Acquisition Site and Easement Area. The Acquisition Site and Easement Area will be licensed through the GreenThumb Program to community gardeners, including MHBA. The Applicant and DPR plan to work in partnership with existing community residents already active at a nearby community garden to maintain the proposed garden. While the Marcus Garvey Village Rezoning will displace a nearby community garden, the proposed action would provide a comparable replacement. The Applicant met with MHBA on three occasions in 2016 to review the project and solicit feedback. Based on these meetings, the Applicant agreed on a schedule to move the existing garden to the new space during the off-season to not disrupt the activities at the existing garden.

4.1(c) Suitability of the site to provide cost-effective delivery of the intended services. Consideration of sites shall include properties not under City ownership, unless the agency provides a written explanation of why it is not reasonable to do so in a particular instance.

The Acquisition Site and Easement Area are suitable as a cost-effective means to provide new community garden space. The proposed community garden will replace an existing, smaller community garden located about one block from this proposed site, and because the distance

between them is fairly minimal, the relocation should not impose any undue hardship upon the community gardeners currently utilizing the existing site. Upon acquisition, the Acquisition Site and Easement Area will be licensed through the GreenThumb Program to community gardeners, and a portion of the proposed garden will be operated by the operators of the existing community garden, MHBA. The Acquisition Site and Easement Area are currently unused and unimproved, and appropriate for change to community garden use. Acquisition of the privately-owned Acquisition Site and Easement Area is necessary to provide permanently viable community garden space. Community gardens located on City-owned land and licensed through the GreenThumb Program must adhere to license requirements, which include keeping the garden open to the public at least twenty hours per week, allowing neighborhood residents to join the community garden on a first come, first served basis, and posting information and signage on the garden's fence.

4.1(d) Consistency with the locational and other specific criteria for the facility identified in the Statement of Needs or, if the facility is not listed in the Statement, in a subsequent submission to a Borough President.

The proposed Acquisition Site and Easement Area were not identified in the Citywide Statement of Needs. A 204(g) letter (see attached) was submitted to the Borough President on June 8, 2018 for his review and comment. In a letter dated June 15, 2018 (see attached), the Borough President did not propose alternative sites, and waived his full 30-day comment period.

4.1(e) Consistency with any plan adopted pursuant to Section 197-a of the Charter.

There is no plan adopted pursuant to Section 197-a of the Charter affecting the proposed community garden or its immediate surroundings.

4.2 Procedures for Consultation

4.2(a) Consider the Mayor's and Borough President's strategic policy statements and the Community Board's Statement of District Needs and Budget Priorities, and any published Department of City Planning land use plan for the area.

The Applicant, DPR, and DCAS have considered the Mayor's and Brooklyn Borough President's strategic policy statements and Community District 16's Statement of District Needs and Budget Priorities, and any published Department of City Planning land use plan for the area.

The proposal is consistent with the New York City Department of Housing Preservation and Development's ("HPD") Brownsville Plan, in particular "Strategy 3: Create active and safe public spaces" and "Strategy 4: Provide resources to promote healthy lifestyles". Strategy 3 emphasizes exposure to green space as a crucial feature of a strong, healthy and livable urban neighborhood, and points to collaboration between local groups and city government as a way to achieve high-quality green spaces. Strategy 4 discusses the services that community gardens provide in offering opportunities to volunteer, participate in community programs, and shop at their farm stands. Project 4.4 of the Brownsville Plan is to "[i]ncrease opportunities to garden and grow fresh produce in Brownsville."

The proposal is consistent with the Brooklyn Borough President's 2015 Strategic Policy Statement, which aims to support and protect neighborhood institutions including community gardens, especially in neighborhoods that are underserved with respect to open space and access to fresh food.

The proposal is consistent with Community District 16's Statement of District Needs, which identifies parks and other green spaces as providing recreation, social, and community development benefits, especially to residents that lack the resources to travel outside of the community.

4.2(b) Consider any comments from the Community Boards or Borough Presidents and any alternative sites proposed by a Borough President pursuant to Section 204(f) of the Charter, as well as any comments or recommendations received in any meeting, consultations or communications with the Community Boards or Borough Presidents.

The Applicant, DPR, and DCAS will consider any comments from Community Board 16 or the Brooklyn Borough President and any alternative sites proposed by a Borough President pursuant to Section 204(f) of the Charter, as well as any comments or recommendations received in any meeting, consultations or communications with the Community Boards or Borough Presidents.

By letter dated June 15, 2018, the Brooklyn Borough President did not propose any alternative sites for the community garden, and noted the relationship between the relocation of the existing garden and the intention of the Marcus Garvey Village Rezoning to develop 724 affordable housing units.

The Applicant met with MHBA on three occasions in 2016 to review the project and solicit feedback. Based on these meetings, the Applicant agreed on a schedule to move the existing garden to the new space during the off-season to not disrupt the activities at the existing garden.

Article 5: Criteria for Siting or Expanding Local/Neighborhood Facilities

5.1 (a) Need for the facility or expansion in the community or local service delivery district.

The proposed action serves to ameliorate the displacement of a nearby community garden by the Marcus Garvey Village Rezoning. The proposed action provides a comparable replacement to the displaced garden and provides more space dedicated to community garden use than the displaced garden. The Acquisition Site and Easement Area would be licensed through the GreenThumb Program to community gardeners. The Applicant and DPR plan to work in partnership with existing community residents already active at a nearby community garden to maintain the proposed garden. Five percent of the total area of Community District 16 is currently dedicated to open space, and it is therefore important to preserve and expand on the existing open space and garden resources that would otherwise be replaced by the proposed Marcus Garvey Village Rezoning.

5.1 (b) Accessibility of the site to those it is intended to serve

The Acquisition Site and Easement Area will be directly accessible to the local community members it is intended to serve. Similar to the existing community garden approximately one block away, local residents are anticipated to walk or use public transportation to travel to and from the Acquisition Site and Easement Area. It is located in an area that is well served by public transportation with multiple options for MTA subway and bus service in the area.