October 31, 2018 / Calendar No. 19 C 180488 ZSK

IN THE MATTER OF an application submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) – to allow the distribution of lot coverage without regard for zoning lot lines; and

2. Section 74-743(a)(2) – to allow for the location of buildings without regard for distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings);

in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (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), in R6, R7-2, and R7-2/C2-4 Districts, Borough of Brooklyn, Community District 16.

The application for a special permit pursuant to Section 74-743 of the Zoning Resolution (ZR) (C 180488 ZSK) was filed by Brownsville Livonia Associates LLC (the applicant) on June 7, 2018. This special permit, in conjunction with the related actions, would facilitate the development of seven eight- and nine-story mixed-use buildings with approximately 724 units of affordable housing in the Brownsville neighborhood of Brooklyn, Community District 16.

RELATED ACTIONS

In addition to the application for a special permit that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 180485 HAK Urban Development Action Area designation, project approval (UDAAP), and disposition of City-owned property to a developer selected by HPD. The UDAAP portion of this action was withdrawn prior to the City Planning Commission decision.

C 180486 PCK Site selection and acquisition by the Department of Parks and Recreation for a new community garden

C 180489 ZMK Zoning map amendment to rezone a portion of the project area from R6 to R7-2 and R7-2/C2-4

N 180487 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

C 180490 ZSK Zoning special permit pursuant to ZR 74-532 to waive the existing parking requirement within the LSGD of 294 accessory off-street parking spaces

BACKGROUND

A description of this application, the surrounding area and the proposed project is included in the report on the related UDAAP action (C 180485 HAK).

ENVIRONMENTAL REVIEW

The application (C 180485 ZSK), in conjunction with the applications for the related actions (C 180485 HAK, C 180486 PCK, C 180489 ZMK, N 180487 ZRK and C 180490 ZSK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DCP101K. The lead is the Commission.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on June 25, 2018. A full description of the environmental review is included in the report for the related UDAAP action (C 180485 HAK).

UNIFORM LAND USE REVIEW

This application (C 180488 ZSK), in conjunction with the applications for the related actions (C 180485 HAK, C 180486 PCK, C 180489 ZMK and C 180490 ZSK), was certified as complete by the Department of City Planning on June 25, 2018 and was duly referred to Brooklyn Community Board 16 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 180487 ZRK), which was referred in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

Brooklyn Community Board 16 held a public hearing on this application (C 180488 ZSK) on June 26, 2018, and on that date, by a vote of 17 in favor, 13 opposed, and no abstentions, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

This application (C 180488 ZSK) was considered by the Borough President of Brooklyn, who on September 7, 2018 issued a recommendation to approve the application with conditions. A summary of the Borough President's recommendation appears in the report for the related UDAAP action (C 180485 HAK).

CITY PLANNING COMMISSION PUBLIC HEARING

On August 22, 2018 (Calendar No. 8), the City Planning Commission scheduled September 5, 2018 for a public hearing on this application (C 180488 ZSK) and the related applications (C 180485 HAK, C 180486 PCK, C 180489 ZMK, N 180487 ZRK and C 180490 ZSK). The hearing was duly held on September 5, 2018 (Calendar No. 21).

Six speakers testified in favor of the application, and one speaker testified in opposition, as described in the report for the related UDAAP action (C 180485 HAK), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed special permit (C 180488 ZSK), in conjunction with the related actions (C 180485 HAK, C 180486 PCK, C 180489 ZMK, N 180487 ZRK and C 180490 ZSK), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related UDAAP action (C 180485 HAK).

FINDINGS

The Commission hereby makes the following findings pursuant to ZR Section 74-743:

1. the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the large-scale general development, the neighborhood and the City as a whole;
2. the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
3. where a zoning lot of a large-scale general development does not occupy a frontage on a mapped street, appropriate access to a mapped street is provided;
4. considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;
5. when the Commission has determined that the large-scale general development requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;
6. where the Commission permits the maximum floor area ratio in accordance with the provisions of paragraph (a)(4) of this Section, the open space provided is of sufficient size to serve the residents of new or enlarged buildings. Such open space shall be accessible to and usable by all residents of such new or enlarged buildings, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such large-scale general development shall include superior landscaping for open space of the new or enlarged buildings;
7. where the Commission permits the exclusion of lot area or floor area in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum floor

area ratios or requirements regarding distribution of affordable housing units in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of uses in the large-scale general development and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (Large-scale General Development) with respect to better site planning;

8. where the Commission permits portions of buildings containing accessory parking spaces to be excluded from the calculation of lot coverage in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of lot coverage will result in a better site plan and a better relationship among buildings and open areas than would be possible without such exclusion and therefore will benefit the residents of the large-scale general development;
9. where the Commission permits a floor area bonus for a public park improvement in accordance with the provisions of paragraph (a)(11) of this Section: (i) the amount of such bonus floor area is appropriate in relation to the size and quality of the proposed public park improvement; and (ii) such bonus floor area will not unduly increase the bulk of buildings on the zoning lot or unduly obstruct access of light and air to the detriment of the occupants or users of buildings on the block or nearby blocks or of people using the public streets. Grant of a floor area bonus for a public park improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the public park improvement. The Commissioner of Buildings shall not issue a building permit for the large-scale development unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner;
10. a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; and
11. where the Commission permits floor area distribution from a zoning lot containing existing light industrial buildings to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such floor area distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the development of affordable housing units within a large-scale general development.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) – to allow the distribution of lot coverage without regard for zoning lot lines; and

2. Section 74-743(a)(2) – to allow for the location of buildings without regard for distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings);

in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (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), in R6, R7-2*, and R7-2/C2-4* Districts, Borough of Brooklyn, Community District 16, is approved, subject to the following terms and conditions:

*Note: The site is proposed to be rezoned by changing an R6 District to R7-2 and R7-2/C2-4 Districts under a concurrent related application for a Zoning Map change (C 180489 ZMK).

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:

Dwg. No.	Title	Last Date Revised
Z-002A	Zoning Analysis	6/4/2018
Z-004A	Overall Site Plan	6/4/2018
Z-004B	Site Plan North	6/4/2018
Z-004C	Site Plan South	6/4/2018
Z-011A.00	Site A Zoning Lot Site Plan	6/4/2018
Z-011C.00	Site A Zoning Analysis	6/4/2018
Z-013.00	Site A Waiver Plans	6/4/2018
Z-014A.00	Site A Waiver Sections I	6/4/2018
Z-014B.00	Site A Waiver Sections II	6/4/2018
Z-016	Site A Design Controls	6/4/2018
Z-021A.00	Site B Zoning Lot Site Plan	6/4/2018
Z-021C.00	Site B Zoning Analysis	6/4/2018
Z-023.00	Site B Waiver Plans	6/4/2018
Z-024A.00	Site B Waiver Sections I	6/4/2018
Z-024B.00	Site B Waiver Sections II	6/4/2018
Z-024C.00	Site B Waiver Sections III	6/4/2018
Z-026	Site B Design Controls	6/4/2018
Z-031A.00	Site C Zoning Lot Site Plan	6/4/2018
Z-031C.00	Site C Zoning Analysis	6/4/2018
Z-033.00	Site C Waiver Plans	6/4/2018
Z-034.00	Site C Waiver Sections	6/4/2018
Z-036	Site C Design Controls	6/4/2018
Z-041A.00	Site D Zoning Lot Site Plan	6/4/2018
Z-041C.00	Site D Zoning Analysis	6/4/2018
Z-043.00	Site D Waiver Plans	6/4/2018
Z-044A.00	Site D Waiver Sections I	6/4/2018
Z-044B.00	Site D Waiver Sections II	6/4/2018
Z-046	Site D Design Controls	6/4/2018

Z-051A.00	Site E Zoning Lot Site Plan	6/4/2018
Z-051C.00	Site E Zoning Analysis	6/4/2018
Z-053.00	Site E Waiver Plans	6/4/2018
Z-054A.00	Site E Waiver Sections I	6/4/2018
Z-054B.00	Site E Waiver Sections II	6/4/2018
Z-056	Site E Design Controls	6/4/2018
Z-061A.00	Site F Zoning Lot Site Plan	6/4/2018
Z-061C.00	Site F Zoning Analysis	6/4/2018
Z-063.00	Site F Waiver Plans	6/4/2018
Z-064A.00	Site F Waiver Sections I	6/4/2018
Z-064B.00	Site F Waiver Sections II	6/4/2018
Z-066.00	Site F Design Controls	6/4/2018
Z-071A.00	Site G Zoning Lot Site Plan	6/4/2018
Z-071C.00	Site G Zoning Analysis	6/4/2018
Z-073.00	Site G Waiver Plans	6/4/2018
Z-074A.00	Site G Waiver Sections I	6/4/2018
Z-074B.00	Site G Waiver Sections II	6/4/2018

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, 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.

The above resolution (C 180488 ZSK), duly adopted by the City Planning Commission on October 31, 2018 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, **Esq.**, *Vice Chairman*
ALFRED C. CERULLO, III, MICHELLE de la UZ,
JOSEPH DOUEK, RICHARD W. EADDY,
CHERYL COHEN EFFRON, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ *Commissioners*

RAJ RAMPERSHAD, *Commissioner, Abstained*

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 180488 ZSK**	Project Name: **Marcus Garvey Village**
CEQR Number: 18DCP101K	Borough(s): Brooklyn Community District Number(s): 16

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
   - **FAX**: to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of lot coverage without regard for zoning lot lines; and

2. Section 74-743(a)(2) - to allow for the location of buildings without regard for the distance between buildings regulations of Section 23-711 (Standard Minimum Distance Between Buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings);

in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (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), in R6, R7-2*, and R7-2/C2-4* Districts, Borough of Brooklyn, Community District 16.

*Note: The site is proposed to be rezoned by changing an R6 District to R7-2 and R7-2/C2-4 Districts under a concurrent related application for a Zoning Map change (C 180489 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271-0001.

Applicant(s):	Applicant's Representative:
Brownsville Livonia Associates LLC 1865 Palmer Avenue, Suite 203 Larchmont, NY 10538	Richard Lobel Sheldon Lobel, PC 18 E. 41st Street, 5th Floor New York, NY 10017

Recommendation submitted by: Brooklyn Community Board 16

Date of public hearing: June 26, 2018 **Location:** 444 Thomas S. Boyland St. Brooklyn, NY 11212

Was a quorum present? YES [x] NO [ ] *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Date of Vote: June 26, 2018 **Location:** 444 Thomas S. Boyland St. Brooklyn, NY 11212

RECOMMENDATION

- [ ] Approve
- [ ] Approve With Modifications/Conditions
- [x] Disapprove
- [ ] Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

 # In Favor: 17 **# Against:** 13 **# Abstaining:** 0 **Total members appointed to the board:** 45

Name of CB/BB officer completing this form	*Title*	*Date*
Genese Morgan	Chairperson	7/26/18

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
CalendarOffice@planning.nyc.gov

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

MARCUS GARVEY VILLAGE – 180489 ZMK, 180487 ZRK, 180488 ZSK, 180490 ZSK, 180486 PCK, 180485 HAK

An application submitted by Brownsville Livonia Associates LLC, with the New York City Department of Citywide Administrative Services (DCAS), the New York City Department of Housing Preservation and Development (HPD), and the New York City Department of Parks and Recreation (NYC Parks), for a series of land use actions to facilitate a Large Scale General Development (LSGD) of seven eight- and nine-story mixed-use buildings with approximately 724 affordable dwelling units in Brooklyn Community District 16 (CD 16). The proposed infill development is contiguous with the existing Marcus Garvey Village (MGV), which is bounded by Blake Avenue, Newport Street, Rockaway Avenue, and Thomas S. Boyland Street.

The requested actions include a zoning map amendment to change portions of an existing district from R6 to R7-2 and R7-2/C2-4; a zoning text amendment to designate the project area a Mandatory Inclusionary Housing (MIH) area; a special permit to allow the distribution of total allowable lot coverage without regard for zoning lot lines, and location of buildings without regard for applicable regulations of distance between buildings, height, and, setback; a special permit to waive the existing parking requirement of 294 off-street parking spaces; Urban Development Action Area Project (UDAAP) designation and disposition of City-owned property, as well as City acquisition and site selection of the Acquisition Site, together with an Easement Area for use as a community garden.

BROOKLYN COMMUNITY DISTRICT NO. 16 | BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

September 4, 2018
DATE

RECOMMENDATION FOR: MARCUS GARVEY VILLAGE – 180489 ZMK, 180487 ZRK, 180488 ZSK, 180490 ZSK, 180486 PCK, 180485 HAK

An application was submitted by Brownsville Livonia Associates LLC, with the New York City Department of Citywide Administrative Services (DCAS), the New York City Department of Housing Preservation and Development (HPD), and the New York City Department of Parks and Recreation (NYC Parks), for a series of land use actions to facilitate a Large Scale General Development (LSGD) of seven eight- and nine-story mixed-use buildings with approximately 724 affordable dwelling units in Brooklyn Community District 16 (CD 16). The proposed infill development is contiguous with the existing Marcus Garvey Village (MGV), which is bounded by Blake Avenue, Newport Street, Rockaway Avenue, and Thomas S. Boyland Street.

The requested actions include a zoning map amendment to change portions of an existing district from R6 to R7-2 and R7-2/C2-4; a zoning text amendment to designate the project area a Mandatory Inclusionary Housing (MIH) area; a special permit to allow the distribution of total allowable lot coverage without regard for zoning lot lines, and location of buildings without regard for applicable regulations of distance between buildings, height, and setback; a special permit to waive the existing parking requirement of 294 off-street parking spaces; Urban Development Action Area Project (UDAAP) designation and disposition of City-owned property, as well as City acquisition and site selection of the acquisition site, together with an easement area for use as a community garden.

On July 11, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on these zoning map and text amendments and special permit requests. There were two speakers in opposition of the item. The chair of Brooklyn Community Board 16 (CB 16) urged Borough President Adams to support the board's position on this application to ensure that it proceeds in the best interest of CD 16 residents. The chair also noted that CB 16 provided the applicant with a list of community priorities, including changes to the Area Median Income (AMI) tiers, community facility space, parking for residents and the neighborhood church, resident engagement, and retail development. A representative from 32BJ SEIU, who is also an employee at MGV, encouraged the applicant to hire unionized building service workers and pay the prevailing wage.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the applicant stated that the development would target AMIs of 30 to 60 percent. At 30 percent AMI, qualifying incomes range from $21,930 to $31,290; at 40 percent AMI, qualifying incomes range from $29,240 to $41,720; at 50 percent AMI, qualifying incomes range from $36,550 to $52,150, and at 60 percent AMI, those incomes range from $43,860 to $62,580, based on household size. Assuming that the buildings would include second-floor community facility space, the total bedroom mix across the development would be 10 percent studios, 35 percent one-bedroom units, 35 percent two-bedroom units, and 20 percent three-bedroom units. The anticipated rents would range from $215 to $837 for a studio, $283 to $1,058 for a one-bedroom unit, $425 to $1,280 for a two-bedroom unit, and $512 to $1,472 for a three-bedroom unit.

In response to Borough President Adams' inquiry as to what marketing strategies would be used in the tenant selection process to ensure the highest level of participation from CD 16, the applicant stated that it has partnered with clergy and community organizations to run financial literacy campaigns, and successfully hit past community participation targets. The developer would seek to implement such strategies for the proposed development.

In response to Borough President Adams' inquiry as to what consideration has been given to utilizing the Food Retail Expansion to Support Health (FRESH) program and incorporating a neighborhood supermarket, the applicant expressed that the FRESH program may not provide the necessary

incentives for a 100 percent affordable housing development. However, the applicant would seek to establish a grocery store in the development using state funds.

In response to Borough President Adams' inquiry as to what steps the applicant is prepared to take in order to connect local non-profits to the available commercial ground-floor space for community facility use, the applicant stated that it has had discussions with several non-profits and would like to work with a community board advisory group or task force to ensure it targets appropriate organizations and services for the Brownsville community.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers in courtyards, solar panels, and/or wind turbines, in addition to rain gardens as part of a Builders Pavement Plan, the applicant stated that MGV is located in the Con Edison Brooklyn Queens Demand Management Zone (BQDM). During the 2014 renovation of the complex, the applicant installed fuel cells and utilized the New York State Energy Research and Development Authority (NYSERDA) multi-family performance program, which it seeks to continue in the new Marcus Garvey Extension Development (MGED). The applicant intends to pursue Enterprise Green Communities certification and will study the potential for permeable pavers, as well as rain gardens, which it has implemented on other projects. The applicant is also integrating passive house principles on other sites and would expect to incorporate them in the proposed development.

In response to Borough President Adams' inquiry regarding the evolution of the building massing from an earlier proposal that had taller buildings along Livonia Avenue to the current height and setback presented, with regard to noise from the adjacent elevated train service, the applicant expressed that the initial plan contained 12 stories, and more than 1,000 units. However, after discussions with the New York City Department of City Planning (DCP), the development would seek to remain in the neighborhood's contextual envelope and address the impact of the overhead train.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the applicant stated that it awarded more than 100 contracts totaling over $80 million to MWBEs in 2017. The applicant is currently working to increase the number of MWBE certifications and seek out contractors in specific trades. The applicant also utilizes an in-house compliance team to ensure it meets MWBE requirements.

Borough President Adams' hearing on this item included the following questions from Council Members Inez Barron and Alicka Ampry-Samuel.

In response to Council Member Barron's inquiry regarding the percentage that the applicant's total budget of $80 million in MWBE contracts represents, the number of companies who were awarded such contracts, and the average contract size, the applicant stated that awards to minority-owned business enterprises (MBEs) represent approximately 10 percent of its budget, while awards to women-owned business enterprises (WBEs) represent approximately seven percent of its budget. The applicant quoted the value of the average contract as $600,000.

In response to Council Member Barron's inquiry regarding the requested Mandatory Inclusionary Housing (MIH) option, the applicant expressed that the MIH units would be according to Option 1, with 25 percent of the units made affordable to households at an average of 60 percent AMI. However, the proposed development is intended as 100 percent affordable.

In response to Council Member Barron's inquiry as to how the bedroom mix would vary in each of the proposed buildings, the applicant clarified that such distribution is contingent upon whether the

envisioned community facility space would be eliminated to provide parking, based on the community board's request for additional parking in the development.

In response to Council Member Barron's inquiry regarding the selection of the non-profit administering agent, the applicant expressed intent to seek input from CB 16 and local elected officials in identifying clergy and non-profit partners for the outreach phase. However, the actual leasing and lottery administration would be done by the management company.

In response to Council Member Ampry-Samuel's inquiry regarding the special permit to waive the required 294 parking spaces, the applicant confirmed that such a permit would be needed to develop many of the sites. Council Member Ampry-Samuel noted that the parking lots are currently underutilized because the residents are not permitted to use them, and that there is a significant lack of parking in the community due to its increasing residential density, stemming from proposed project and future developments.

In response to Council Member Ampry-Samuel's inquiry as to why 60 percent of the units are targeted to households at 60 percent AMI when such incomes are not reflective of the Brownsville community, the applicant cited financial feasibility concerns and the need for larger apartments, which had been expressed in the community. The applicant seeks to balance the blend of AMI tiers and the balance of two- and three- bedrooms in the proposed development, but is open to further discussion regarding the affordability and unit mix.

Consideration

CB 16 disapproved this application on June 26, 2018.

The proposed MGED is a LSGD on seven City- and privately-owned development sites in Brownsville. The project would augment the MGV, which was acquired by the applicant in 2014. MGV is a 100 percent affordable housing complex containing 625 apartments in 32 low-density buildings, developed in the 1970s pursuant to the Marcus Garvey Urban Renewal Plan.

The MGED development sites range from 15,000 to 37,500 square feet (sq. ft.). Development Site A (Site A) consists of block 3859, lot 21, and is approximately 22,000 sq. ft., with frontage on Chester Street and Livonia Avenue. It is sometimes used for parking by the First Baptist Church of Brownsville. Development Site B (Site B) consists of block 3574, part of lot 1, and is approximately 20,000 sq. ft. with frontage on Bristol and Chester streets, as well as Livonia Avenue. Development Site C (Site C) consists of block 3588, lots 27 and 32-36. It is approximately 15,000 sq. ft., with frontage on Bristol and Chester streets, as well as Livonia Avenue. Development Site D (Site D) consists of block 3573, part of lot 1, and is approximately 15,000 sq. ft. with frontage on Bristol and Thomas S. Boyland streets, as well as Livonia Avenue. Development Site E (Site E) consists of block 3587, part of lot 1 and lot 27, which is owned by the City. The site is approximately 17,500 sq. ft. with frontage on Bristol and Thomas S. Boyland streets, as well as Livonia Avenue. Development Site F (Site F) consists of block 3602, lot 12, and is approximately 37,500 sq. ft. with frontage on Chester Street and Riverdale Avenue. Development Site G (Site G) consists of block 3560, lot 1, and is approximately 25,125 sq. ft. with frontage on Chester Street and Dumont Avenue. This site is operated as an urban farm by a community organization. The urban farming would be relocated to another lot on Bristol Street, via site selection and acquisition, as well as an easement, as one of the actions in this application.

The context surrounding is characterized by one- and two-story residential buildings to the north, south, and west of the project area, and larger multi-family buildings east of Rockaway Avenue. The neighborhood is home to more than 2,500 New York City Housing Authority (NYCHA) units, in the six- and seven-story Brownsville Houses, the 16-story Tilden Houses, and the 14-story Van

Dyke Houses. There are a significant number of City-owned vacant parcels along Livonia Avenue that are slated for redevelopment as part of Mayor Bill de Blasio's affordable housing agenda and HPD's Brownsville Plan. Recently constructed affordable and senior developments in the area include the King Garden Seniors, Riverdale Osborne Towers, Riverrock Apartments Brooklyn, Riverway Apartments Brooklyn, and the Rockaway, all located on Livonia, Riverdale, and/or Rockaway avenues.

Local commercial uses are found on the west side of Rockaway Avenue, where a commercial overlay is mapped between Livonia and Sutter avenues. Community facilities in the neighborhood include houses of worship, public health centers, and schools. The closest open space resource is Betsy Head Park and Pool, which received $30 million for major improvements through the City's Anchor Parks program in 2016. The area is well-served by public transportation, including the Seventh Avenue Express 3 train at Rockaway and Saratoga avenues, as well as the B7, B14, and B60 buses.

The MGED involves seven buildings of eight to nine stories, to be constructed on the aforementioned development sites. The project would deliver 765,000 sq. ft. of new floor area, including 37,000 sq. ft. of commercial use, 102,000 sq. ft. of community facility use, and 626,000 sq. ft. of residential use. The development would provide 724 housing units, all affordable, with either 25 or 30 percent of the floor area permanently affordable pursuant to MIH, depending on the option selected. The proposed number of dwelling units per building would vary from 68 to 198. Buildings fronting Livonia Avenue would have a minimum of a five-foot at-grade setback, to create wider sidewalk area on both sides of the avenue, resulting in more air and light for residents and pedestrians. Commercial floor area would be concentrated at Sites A, B, and C with 9,000 to 11,000 sq. ft. per building, while all of the sites are proposed to contain some community facility floor area, ranging from 9,000 to 22,00 sq. ft. per building, including both ground-floor and second-floor space.

The requested land use actions are intended to maximize development opportunities across the seven MGED sites. The zoning map amendment would upzone the sites from R6 to R7-2/C2-4, to allow a residential Floor Area Ratio (FAR) of 4.6 inclusive of floor area pursuant to MIH and up to 6.5 for buildings inclusive of community facility use, while allowing new retail development along Livonia Avenue. The resulting increase in density would enable the construction of taller buildings. The zoning text amendment would ensure that MGED is developed with permanently affordable housing according to MIH. The proposed LSGD would allow flexibility in the design, massing, and placement of the MGED buildings by modifying regulations for height and setback, lot coverage, and minimum distance between buildings. The UDAAP designation would convey portions of Sites C and E to the developer in order to facilitate construction on those lots. The special permit to reduce the existing parking requirement would eliminate 294 existing parking spaces on several lots to be redeveloped as part of the MGED, which is intended as a transit-oriented development. Finally, the proposed site selection and acquisition would retain a community garden use for local residents that would be displaced by the development of Site G.

In Brownsville and across New York City, there is a pressing need for stable and affordable housing, among elderly adults, first-time homebuyers, homeless households, low-income families, single college graduates, and those with special needs. Increasing the supply of affordable apartments for a range of incomes and household types in mixed-use buildings is a critical strategy for promoting a sustainable neighborhood and city.

The MGED proposal is consistent with HPD's 2017 Brownsville Plan, which was created through a year-long process that brought together more than 20 government agencies, 30 community-based organizations, and nearly 500 residents to identify neighborhood priorities, set goals, and

formulate strategies to achieve them. The Brownsville Plan provides a blueprint for current and future City investments, as part of a larger revitalization program for Brownsville.

Affordable housing, integrated with neighborhood amenities and developed on vacant City-owned land, is a major component of HPD's investment in Brownsville. The Brownsville Plan will ensure that redevelopment facilitates a more holistic investment framework for the neighborhood and its residents. The plan is also coordinating more than $150 million in critical neighborhood investments, much of which is underway now or already complete. This work includes comprehensive security improvements at NYCHA campuses, a transformative renovation of Betsy Head Park that will break ground this fall, expanded and improved activities for youth, and much more. As a result of extensive community engagement, in addition to more than 880 new high-quality affordable homes, Brownsville will receive vital commercial and community space to promote entrepreneurship, healthy living, and innovation. These opportunities resulted from extensive community engagement, and would directly address Brownsville's wants and needs.

MGED would transform underutilized parking lots in MGV with new commercial spaces, community facilities, and residential uses that would activate the Livonia Avenue retail corridor and provide much-needed housing opportunities in the area. Such development along Livonia Avenue is consistent with the Brownsville Plan's principles of promoting an active mixed-use corridor as a means to increase access to amenities and services for Brownsville residents, and coupling affordable housing development with investments in the public realm. Taken together, these strategies would achieve the plan's goal to create accessible, attractive, and safe spaces in Brownsville.

Access to quality, affordable housing is one of Borough President Adams' top priorities, particularly in an economically disadvantaged area of Brooklyn such as Brownsville, which has endured decades of neglect.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. He supports facilitating such development through the mapping of height-based zoning districts or upzoning when otherwise combined with LSGPs, as a means to promote certainty within the host community of how many stories would be permitted.

Borough President Adams supports developments that provide housing opportunities to a diverse range of household incomes, allowing a wide range of households to qualify for affordable housing through the City's affordable housing lottery. In areas where new developments can be realized on City-owned sites, Borough President Adams supports the disposition of such sites being developed for affordable housing to remain as permanently affordable housing units as a means to minimize the loss of affordable housing units.

Brooklyn is one of the fastest-growing communities in the New York metropolitan area, and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites.

The land use actions would be consistent with Mayor de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough,

Ten-Year Plan," through the development of affordable and supportive housing for the city's most vulnerable residents.

It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible. This development would result in some permanent affordable housing according to MIH as well as units remaining affordable for at least 35 years of the regulatory agreement. At least 25 percent of the residential unit zoning floor area is intended to be constructed pursuant to the MIH program with its generated bonus floor area. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing development to remain permanently affordable.

Borough President Adams is generally supportive of the proposed development. He believes that additional height would be appropriate for building sections fronting Livonia Avenue, though he is concerned that the proposed building height, as it transitions from Livonia Avenue and along Riverdale Avenue and Chester Street, is not contextual to the existing development adjacent to and across from the various development sites. He also believes that there are opportunities to improve the proposal while furthering his policies. Such opportunities include ensuring adequate provision of accessory parking spaces; maximizing the development of floor area for residential use while achieving deeper affordability, especially for senior citizens; setting aside units for homeless families via HPD's Our Space Initiative; achieving a family-oriented bedroom mix; maximizing community participation of MIH affordable housing; providing affordable commercial space for local cultural entities; promoting public safety and streetscape enhancements; advancing Vision Zero strategies; promoting resilient/sustainable energy and stormwater management policies; ensuring access to jobs for Brooklyn residents; furthering faith-based development; extending housing lottery preference to students in local homeless shelters; allowing rent-burdened households to qualify for affordable housing lotteries, and expediting public transit improvements in growing neighborhoods.

Appropriate Zoning

The proposed R7-2 rezoning treats Livonia Avenue, a street served by the elevated 3 train in the same manner as Dumont and Riverdale avenues and Chester Street. These three streets are defined as narrow streets by the New York City Zoning Resolution (ZR), with widths of less than 75 feet. Dumont, Livonia, and Riverdale avenues all front the short ends of their development blocks, which benefit by securing more air and light from the intersecting streets to support additional building height and density. Furthermore, it is preferred public policy to seek additional zoning along transit lines, especially in close proximity to train stations. In fact, as part of Borough President Adams' 2017 ULURP recommendation for Edwin's Place, a 100 percent affordable housing development on Livonia Avenue, he noted that it would be appropriate to achieve greater density along the Livonia Avenue – 98th Street transit corridor. Borough President Adams believed that the corridor was an appropriate place to consider amending the zoning to permit residential density comparable to the Edwin's Place's FAR of 4.94. He believed that such zoning might be equally appropriate for the section of Livonia Avenue in CD 16 extending from East 98th Street to the Brooklyn Community District 5 (CD 5) border, as well as the section of East 98th Street from Livonia Avenue to East New York Avenue where it borders both CD 16 and Brooklyn Community District 17 (CD 17).

Therefore, shifting bulk through the LSGP in combination with the proposed R7-2 zoning to the Livonia Avenue sections of Development Sites A-E is consistent with his recommendations. Introducing R7-2 to the Dumont and Riverdale avenues sections of Development Sites F and G is also appropriate given the benefit of air and light gained along the short ends of block intersections. However, Borough President Adams is concerned about introducing an R7-2 district

along the Chester Street side streets away from the avenues. He believes that it would be more appropriate to retain the existing R6 zoning there.

Borough President Adams believes that the City Planning Commission and/or City Council should seek modifications of the requested R7-2 zoning to reduce the distance along the east side of Chester Street from 220 feet south of Livonia Avenue to 100 feet; from 375 feet south of Riverdale Avenue to 100 feet, and from 250 feet north of Dumont Avenue to 100 feet, with the areas beyond those dimensions remaining in the R6 district.

Appropriate Building Bulk

While the existing zoning would allow heights in excess of 12 stories, only the New York City Housing Authority (NYCHA) "towers in the park"-style campuses at the Tilden Houses and Van Dyke Houses reflect such building typology in the area. Those buildings are set back from the adjoining streets and surrounded by substantial open areas. Recent street wall-oriented construction in the area has been six to seven stories along the short ends of blocks, with much of the neighborhood consisting of two- to three-story buildings. The existing zoning also promotes a contextual development option that encourages six- to seven-story developments on wider streets and four- to five-story developments for smaller sites (typically under 10,000 sq. ft.) along narrow streets. The proposed development sites would benefit from the flexibility of building placement and floor area distribution through the proposed special permit within an LSGP.

The applicant seeks the right to develop buildings of approximately 95 feet in height configured in eight stories fronting Livonia Avenue and nine stories elsewhere, though the application drawings mandate various sections with lower heights as a means to respond to neighborhood context and urban design considerations. As noted in consideration of the requested zoning, Borough President Adams supports additional zoning and its resulting allowance to increase bulk. It would be consistent with his Edwin's Place recommendation to exceed the proposed height of eight stories /95 feet for the development fronting Livonia Avenue. Specifically, he called on DCP to undertake, in consultation with CB 16 and CB 17 and their and local elected officials, a study that would consider whether to upzone the section of Livonia Avenue in CD 16 extending from East 98th Street to the CD 5 border, as well as the section of East 98th Street from Livonia Avenue to East New York Avenue where it borders both CDs 16 and 17 to an R7D or C4-4L district. The proposed R7-2 is generally consistent with the suggested C4-4L, a district designed to be mapped along elevated train structures. As modified by the Zoning for Quality and Affordability (ZQA) and MIH zoning text amendments, C4-4L districts permit a height for buildings with qualifying ground floors (a second-floor level at least 13 feet above the level of the adjoining sidewalk) of up to 115 feet. The same height would apply in an R7D district.

Borough President Adams believes it would be appropriate to include at least one additional floor below what is now depicted as the Livonia Avenue setback floor (eighth floor) to achieve a ninth floor. Adding such a floor plate to the Livonia Avenue-fronting buildings would allow approximately 57,000 sq. ft. of residential zoning rights.

However, liberalization of the building placement regulations elsewhere, as proposed, would result in a compromised air and light experience for residents of specific MGV apartments. These include apartments in proximity to sections of Sites B, D, and E (Sites B, D, and E) where new building walls are proposed to be nearer to the rear walls of apartments than what would otherwise be the standard requirement per the ZR.

There are a few locations where Borough President Adams believes the requested changes should be modified to promote air and light and, in some cases, to also achieve a greater building

footprint. Specifically, Site D's distance to the rear facing windows of existing MGV where the side of the building fronts Chester Street should be increased from the proposed 30 feet to 40 feet, with a corresponding reduction in the height of the proposed building on Site D, as it extends toward the rear of the existing MGV building. Additionally, for Site B, the rear of the proposed building should not be reduced to 40 feet from the rear of the existing MGV building. However, in order to recapture much of the floor area reduction that would occur by narrowing the proposed building section, Borough President Adams believes that it would be appropriate for the proposed building sections that would be extending along Bristol and Chester streets to have the rear of such buildings be only 10 feet from the short distance where they would overlap the side of the existing MGV building. Such modification would still maintain connections between the existing MGV courtyard and the MGED courtyard, though the width would be reduced to 10 feet.

Moreover, building placement along the Livonia Avenue New Lots 3 train elevated track structure would require apartments along this façade to have windows in habitable rooms closed essentially at all times to mitigate track noise. In addition, the street wall heights and overall building heights along Riverdale Avenue (Site F) are out-of-context in relationship to the existing buildings both adjacent to the site and across the street. Along Chester Street beyond Dumont Avenue (Site G), Livonia Avenue (Site A) and Riverdale Avenue (Site F) are out-of-context in relationship to the existing buildings across the street, and exceed the allowable contextual height of the existing R6 zoning district. Along Bristol (Site D) and Thomas E. Boyland (Site E) streets, the side street section of the proposed developments lacks a sufficient separation from and transition in height to the adjacent existing low-rise buildings. Finally, there are opportunities to secure more parking than the 18 spaces each indicated as part of Development Sites F and G.

To remedy these concerns, Borough President Adams believes that the LSGP application drawings should be further modified to achieve additional objectives. One method to mitigate sound transmission without the need to close windows of habitable rooms would be to take advantage of the narrow width building segments that are expected to have building hallways serving apartments on one side. This appears to be the case for Sites C, D, and E, and would also be the case for Site B based on the modifications recommended for its courtyard. Locating the building hallway along Livonia Avenue would ensure that several apartments have habitable windows on the interior courtyard, with the majority of the remaining apartments having habitable rooms along the side streets.

Such floor plans would even allow more of the second floor space at or below the level of the train track structure to be occupied as apartments in lieu of community facility use. Restricting the Riverdale Avenue frontage of Site F to seven stories would be contextual with the recent adjacent and nearby construction. Restricting the Chester Street frontages to more of an R6 narrow street building envelope for Sites A, F, and G opposite existing two- and three-story developments, with primarily four-story street walls and five stories overall, would provide for a better relationship between the existing and proposed buildings. Reducing the overall height at the ends of the building sections along Bristol Street (Site D), noted above to be shortened in length by 10 feet to five stories, and Thomas E. Boyland Street (Site E) to four stories with five stories along the interior court, would improve the transition to the neighboring three-story buildings. In addition, the expanded side wall façades of the Bristol and Chester streets sections of Site B would have more exposed wall areas, which could be treated with any combination of murals or wall art designed in consultation with MGV residents, CB 16, and local elected officials. Finally, parking should be doubled in area for Sites F and G, with the same resulting area introduced to Site A.

Borough President Adams believes that the City Planning Commission and/or City Council should seek modifications to the application documents that achieve all of the above.

Adequate Provision of Accessory Parking Spaces

Borough President Adams understands that there is substantial unmet need for parking in Brownsville, which has been exacerbated by the recent wave of new housing development. Both Council Member Ampry-Samuel and MGV residents have expressed concerns about the lack of access to the 294 existing accessory parking spaces within the complex. In addition, part of Site E has been utilized by the First Baptist Church of Brownsville, for its activities and congregants. The special permit application drawings indicate that there would be 36 off-street parking spaces in the MGED, with 18 each at Development Sites F and G.

Such accessory parking can be utilized by non-residents in accordance with ZR Section 25-412(a), which stipulates that off-street parking spaces may be rented for periods of no less than one week and no more than one month to persons who are not occupants of the residences to which such spaces are accessory to accommodate private passenger motor vehicles, and occupied by car-sharing vehicles. Furthermore, according to ZR Section 25-412(b)(2), car-sharing vehicles are permitted to occupy up to five parking spaces, though no more than 20 percent of all parking spaces in group parking facilities. The existence of the LSGP would enable MGV residents to park in the new constructed parking areas.

Borough President Adams supports the establishment of Transit Zones in the ZR for the purpose of enabling construction of affordable housing developments without a requirement to provide automobile parking accommodations. However, he acknowledges that access to cars would enhance mobility for the lives of the area residents. The costs associated with individual car ownership can be very challenging for households of limited financial means, particularly in instances in which such vehicles are not used on a daily basis for commuting to places of employment. However, there can be moments throughout the year when affordable access to automobiles would be considered a quality-of-life enhancement based on the type of mobility that an automobile can provide. While the development sites are located in a Transit Zone, access to motor vehicles is likely to enhance quality of life.

To some extent, a rental car can enhance mobility for certain trips, though it is not as flexible as having direct access to a car for a set amount of time and can be expensive for longer trips. Car rental requires, at minimum, a full-day reservation as well as time and effort to access such facilities. In addition, research suggests that car-share availability reduces automobile use for individuals who already own cars, creating environmental benefits and reducing congestion. Given that a percentage of households that would be residing at these proposed development sites are less likely to own cars, and that parking is already a challenge for residents who own cars, Borough President Adams believes that a subset of the parking spaces in the parking facilities could be set aside for a limited number of car-sharing vehicles. The staging of these vehicles within the garage should be pursued through dialogue with car-sharing companies.

It would therefore be beneficial for the community to have more than the indicated 36 off-street parking spaces that will be provided at Sites F and G. If the parking area were to be doubled in lot coverage by introducing a second double-loaded parking aisle, it would be possible to provide 30 to 32 parking spaces for each site. In reviewing Site A, there appears to be an opportunity to introduce parking along the Chester Street frontage at the southern section of the lot in a manner similar to how parking was initially depicted, and suggested to be enlarged at Sites F and G.

Borough President Adams believes that such number of parking spaces could be memorialized through the application drawings pertaining to the LSGP as a condition of eliminating the existing 294 parking spaces.

Borough President Adams believes that prior to consideration by the City Council, the applicant, Brownsville Livonia Associates LLC, should take steps to provide approximately 90 accessory parking

spaces according to the LSGP, and that a percentage of those spaces, determined in consultation with CB 16 and local elected officials, be designated for engagement with car-sharing companies to lease multiple spaces within the parking facilities.

Maximize the Development of Floor Area for Residential Use

Appropriate provision of both additional parking and a reduction in the building bulk would result in a floor area reduction of approximately 186,000 sq. ft., of which approximately 148,000 sq. ft. appears to be residential floor area. In order to minimize the impact of reducing the height of the buildings and providing more area to accommodate parking, in addition to at least one additional floor for Livonia Avenue with the possibility of achieving approximately 57,000 sq. ft. of floor area for residential development, consideration should be given to where it might be appropriate to reallocate ground-floor and second-floor area to residential use. While Livonia Avenue ground-floor frontage is best suited to non-residential use, frontages along Dumont and Riverdale avenues as well as all side streets are less important to fostering an active streetscape. Furthermore, orienting the hallway of single-loaded apartment corridors along Livonia Avenue would mitigate the need to shield the residential habitable space from the proximity of the Rockaway Avenue station platform and stairwells (Site E), and noise emanating from the elevated train structure. Therefore, much of the space represented in the special permit application drawings as community facility space warrants reconsideration as residential space.

In order to maximize residential floor area, Borough President Adams believes that the second-floor community facility space for Sites A (but for the Livonia Avenue-fronting floor area of such 17,000 sq. ft.), B (14,000 sq. ft.), C (9,000 sq. ft.), D (10,350 sq. ft.), E (11,000 sq. ft.), and ground-floor community facility space for Sites F (14,000 sq. ft.), and G (9,000 sq. ft.) should be given consideration by Brownsville Livonia Associates LLC, for redesign to the greatest extent practical. Such space might realize up to 81,000 sq. ft. of residential floor area beyond the approximately 57,000 sq. ft. that the additional Livonia Avenue floor area would achieve. Such redesign should proceed in consultation with CB 16 and local elected officials.

Provide More Deeply-Affordable Housing Units, Including Housing for Senior Citizens

Achieving Deeper Affordability for More Apartments

Though MGED was represented to have no units at rents that would not be affordable to households earning in excess of 60 percent AMI, Borough President Adams believes that there would not be sufficient units at rents affordable to Brownsville households earning up to 50 percent AMI, including those earning up to 30 and 40 percent of AMI. Therefore, even with local preference for at least 50 percent of the units, it is possible that Brownsville residents in need of affordable housing would not qualify for even half of the apartments. In order to assist Brownsville residents in securing at least 50 percent of the apartments, Borough President Adams believes that more units should be set aside for households earning up to 30, 40, and 50 percent AMI. However, he realizes that reducing the rent roll does not result in a financially viable affordable housing development. Therefore, in order to balance the goals of the project, and make it more affordable to Brownsville households, while maintaining financial viability, he believes that a percentage of the units should be targeted to low-income households earning up to 70 and 80 percent AMI, with the rent roll used to increase the number of units to be rented at 30, 40, and 50 percent AMI.

The application's zoning text amendment request seeks MIH Options 1 and 2. While Option 1 would have a rent roll average not exceeding 60 percent AMI for 25 percent of the residential floor area, including 40 percent of that floor area for households earning up to 40 percent of AMI, Option 2 allows an average of 80 percent AMI average rent roll. Borough President Adams believes that MIH Option 3 regulations would provide a better opportunity to appropriately serve the residents of Brownsville. This

option would ensure that a number of apartments would be affordable to households at 30, 40, and 50 percent of AMI with the average rent not exceeding 40 percent AMI for at least 20 percent of the residential floor area. Furthermore, as MIH floor area is required to be permanently affordable, Option 3 would ensure that these apartments remain permanently deeply affordable.

Borough President Adams believes that the proposed MIH area should be modified to designate MIH Option 3 in lieu of Option 2, and that the applicant, Brownsville Livonia Associates LLC, should commit to pursue Option 3 in lieu of Option 1 to the extent practical, in consultation with CB 16 and local elected officials.

In order to provide for more units at lower AMIs, the City Council should obtain commitments in writing from the applicant, Brownsville Livonia Associates LLC, that clarify how it would memorialize the extent that it would achieve more units at 30, 40, and 50 percent AMI and the extent that it would develop MGED according to MIH Option 3.

Achieving Deeper Affordability for Smaller Units to Improve Affordability for Senior Citizen Households
In addressing the need for a greater number of units at 30, 40, and 50 percent AMI, there is a pressing need for some of these affordable apartments to accommodate an aging population with limited financial means. Older New Yorkers are a rapidly growing segment of the city's population, with more than 300,000 seniors residing in Brooklyn. As noted in DCP's ZQA study, New York's senior population is expected to grow 40 percent by 2040. The study noted that there were 60 applicants for every senior apartment in lotteries conducted by HPD for senior housing developments. According to a recent study by LiveOn NY, there are 200,000 New Yorkers, aged 62 and older, on the City's affordable housing waiting lists, with an average wait of seven years for an apartment.

As a significant number of elderly households have negligible income, providing opportunities for area seniors to secure quality affordable housing and remain in their communities is a priority for Borough President Adams. In an era in which the federal government has moved away from funding affordable housing for seniors, too few affordable apartments for seniors are being produced, leaving tremendous demand for age-based affordable housing in Brooklyn. As a result, many elderly households are experiencing an increased rent burden to remain in their homes, exhausting their life savings just to keep up with day-to-day living until they are unable to remain in the areas where they have lived for many years.

The City is making some progress to create new affordable housing opportunities for seniors. Earlier this summer, HPD announced its designated winners for the three sites it offered in the Brownsville RFP as part of its Brownsville Plan: Site A, the Brownsville Arts Center and Apartments; Site B, Glenmore Manor Apartments, and Site C, Livonia 4. The team designated for Site B intends to provide approximately 59 units of its intended housing for senior citizens. For Site C, 89 units are anticipated as part of the more than 420 projected affordable housing units.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedroom, two-bedroom, and three-bedroom units, he believes that when studio and one-bedroom apartments are rented at or below 40 percent AMI, such apartments might be more affordable to senior households. Borough President Adams believes that reserving one of the MGED buildings for seniors would be an effective strategy to provide affordable housing for such households. Given the proximity to senior services in the Riverway senior housing development, Borough President Adams believes that the Riverdale Avenue frontage of Site F should be partitioned as a separate affordable senior housing development site for households earning up to 50 percent AMI, with the majority of the units targeted to those earning 30 and 40 percent AMI. The remaining strategy should be to seek a reduced percentage of affordable two- and three-bedrooms for those units earmarked for households at up to 40 percent AMI (or 50 percent

AMI for two-person households) in order to provide more opportunities for seniors, including those who are formerly homeless. It would therefore be acceptable to set aside a portion of floor area for more studios and one-bedrooms. Borough President Adams believes that there are appropriate means to assist senior citizen households in becoming eligible for the affordable housing lottery. With such efforts, it is reasonable to expect that a greater share of such apartments would be awarded to senior households.

That the establishment of an MIH-designated Area 5 according to the proposed zoning text amendment (180487 ZRK) be modified as part of ZR Appendix F Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas, to designate MIH Option 3 in lieu of Option 2 and that the applicant, Brownsville Livonia Associates LLC, commit to pursuing Option 3 in lieu of Option 1 to the extent practical, and in consultation with CB 16 and local elected officials.

Therefore, in order to accommodate senior citizen households, the City Council should obtain commitments, in writing, from Brownsville Livonia Associates LLC that Site F be split into two development sites with the corner zoning lot developed exclusively as an affordable independent residence for seniors with no housing unit exceeding 50 percent AMI, and that for all other sites with units at 30, 40, and 50 percent AMI (for two-person households) to enable as many studio and one-bedroom units at 30, 40, and 50 percent AMI to accommodate seniors, including those who are formerly homeless.

Setting Aside Housing Units for Homeless Families

Because of trending increases in rents as compared to real income and other circumstances, certain households formerly from Brownsville have become homeless and have had to rely on the City's shelter system. Though it is possible that some of these households are able to return to the neighborhood through interim accommodations in transitional housing accommodations, such housing does not provide long-term stability. As an evolution of the City's homeless policy and practices, HPD established the Our Space Initiative (formerly homeless household set-asides). This program funds the new construction of rental units affordable to formerly homeless households with incomes at or below 30 percent AMI. Homeless referrals must come from HPD, and rents are underwritten based on public assistance shelter allowance. The Our Space Initiative subsidy is supplementary to funding available through HPD's New Construction Finance programs.

Borough President Adams supports developments that are inclusive of HPD's Our Space Initiative as a means to provide permanent housing to homeless households. There are three pending developments in Brooklyn expected to include the Our Space Initiative, including Ebenezer Plaza, where 20 percent of the units would be set aside for the formerly homeless, and both Bedford Courts and Linden Terrace, with set-asides of 10 percent. Borough President Adams believes that MGED provides a significant opportunity to include the Our Space Initiative given the extensive number of affordable housing units that would be realized through this development.

Borough President Adams believes it would be appropriate to utilize the Our Space Initiative for no less than 10 percent of the units. Therefore, Borough President Adams believes that before the application is considered, HPD should provide a commitment, in writing, to the City Council clarifying to the extent that the development would incorporate HPD's Our Space Initiative for any development sites that utilize HPD financing. In addition, the City Council should obtain commitments, in writing, from Brownsville Livonia Associates LLC of its intent to participate in HPD's Our Space Initiative.

Bedroom Mix

A recent report has identified rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately

reflect the needs of low- to middle-income rent-burdened families. Borough President Adams believes that right-sizing the bedroom distribution of affordable housing units should be a higher priority than merely the number of affordable housing units itself.

Borough President Adams believes that discretionary land use actions are appropriate opportunities to advance policies that constrain what would otherwise be permitted as-of-right. As represented by Brownsville Livonia Associates LLC, 54 percent of the projected MGED apartments would be two- and three-bedroom units, though such representation is not legally-binding.

The requested land use actions presents an opportunity to ensure that such representation of accommodations for family-sized apartments would be consistent with Borough President Adams' policy for advocating for having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units, consistent with the zoning text for MIH floor area, pursuant to ZR Section 23-96(c)(1)(ii).

In order to ensure that the envisioned family-sized units are provided in the MGED, Borough President Adams believes that, prior to considering the application, the City Council obtain commitments in writing from the developer, Brownsville Livonia Associates LLC, that clarify how it would memorialize a bedroom mix having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units.

Maximizing Community Participation of the MIH Affordable Housing

The ZR requires MIH affordable housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by HPD. Such administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verifying a prospective tenant household's qualifying income, and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure compliance.

Various non-profits in Brooklyn have proven track records of successfully marketing affordable housing units, as well as promoting affordable housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for affordable housing non-profits to play a contributing role in maximizing community participation in affordable housing opportunities, including serving as non-profit administering agents for new developments involving affordable housing.

HPD continues to take steps to help prepare residents to submit complete and accurate applications for new affordable housing that is built or preserved in neighborhoods. For example, HPD's Housing Ambassadors Program trains local community groups to provide free technical assistance and financial counseling to residents who wish to apply for affordable housing. There are three Housing Ambassadors that serve the Brownsville area — including BMS Family Health and Wellness Center, Brownsville Partnership/Community Solutions, and Churches United for Fair Housing (CUFFH) — that could play a role as partners in the outreach process for the MGED housing lottery.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, Brownsville Livonia Associates LLC, clarifying how it would memorialize utilizing one or more locally-based affordable housing development non-profits to serve as the administering agent, and/or have such entities play a role in promoting affordable housing lottery readiness.

Set Aside a Portion of the Commercial Space for Local Cultural Entities

Borough President Adams supports the inclusion of ground-floor non-residential space in the proposed development and believes that such permitted use is an important opportunity to enliven the streetscape, particularly along Livonia Avenue. By providing a more active streetscape, permitted non-residential ground-floor space has the potential to not only activate the street but also generate more pedestrian foot traffic and an overall brighter, livelier, and safer atmosphere. Such efforts would also supplement existing commercial uses along Livonia Avenue, as well as serve those who access subway service at the Rockaway Avenue station.

It is also one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to secure sufficient affordable space to grow and maintain their operations.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlighted the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as their contributions to the vibrant culture of Brooklyn. Borough President Adams finds many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — as of 2016, 61 percent of adults are overweight or obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Demand for cultural programs continues to grow across Brooklyn. A 2015 report from the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

There are many cultural and dance organizations that have contacted Borough President Adams seeking assistance securing space to grow and sustain the programming provided. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural and dance activities.

A strong cultural identity can foster and empower a community, influence one's perception of opportunities, and build social capital. Brownsville has a strong network of local organizations that promote local arts and culture and improve health, safety, and economic outcomes. Brownsville has a thriving community of artists, entrepreneurs, and creative thinkers that contribute to the life and culture of Brooklyn and the city as a whole. The neighborhood has the potential to be a major hub for arts and culture in east Brooklyn. Supporting the artistic energy of Brownsville and promoting local arts can bring people together, celebrate history and pride in the neighborhood and its residents, as well as create pathways for economic opportunities for youth and adults alike.

The New York City Department of Cultural Affairs (DCLA) developed the Building Community Capacity (BCC) initiative in 2015 to enhance the role that arts and culture play within broader neighborhood planning initiatives. The program brings together local stakeholders for intensive training sessions, public programs, and workshops that are committed to increasing awareness of local cultural activities

through a multi-format communications strategy, establishing cross-sector relationships to help enhance local arts and cultural activities.

Over the past two years, cultural organizations in Brownsville have been working with DCLA and the East Brooklyn Arts and Culture Alliance (EBACA), a new group that grew out of this initiative. EBACA has participated in workshops designed to grow local organizational capacity, collaborated on community-led activities to promote local arts and culture, and contributed its cultural perspective to City-led planning and development efforts, including this plan. Currently, the BCC unit is working with the EBACA Steering Committee to establish a strategic plan for the group's future.

The Brownsville Plan also recognizes the need for such facilities as reflected in the three proposals that were selected to be developed on City-owned sites. Site A: The Brownsville Arts Center and Apartments (BACA), located along Rockaway Avenue and Chester Street, between East New York and Pitkin avenues, as envisioned, the building's ground floor would feature approximately 24,000 sq. ft. of arts and culture space that is intended to be the home of a dance and performing arts school run by Purelements, a music school run by the Brooklyn Music School, and a media lab and arts center run by BRIC Arts Media. The intended development features a collaborative black box theater that would accommodate a range of uses, including dance, film, music, and theater. The theater is intended to provide continuous cultural programming and will be accessible to the community and general public for events. This responds to the community-identified need for cultural space that would increase access and opportunities for neighborhood residents and nurture Brownsville's artistic community. Site B: Glenmore Manor Apartments, located at the intersection of Christopher and Glenmore avenues, would feature space for the Central Brooklyn Economic Development Corporation (CBEDC), and other partners who intend to expand their programming for young entrepreneurs and provide services for small businesses and non-profits. Site C: Livonia 4, a multi-site development comprised of a series of parcels along Livonia Avenue between Powell Street and Mother Gaston Boulevard with an additional parcel at the intersection of Amboy Street and Livonia Avenue, would feature additional community gardens, social services, a new senior center, and a youth and family recreation facility.

Borough President Adams believes that the location for the proposed developments of MGED Sites A-G are well-suited for inclusion of arts and cultural activities and other community uses given the sites' accessibility and the opportunity to compliment initiatives stemming from the Brownsville Plan. In addition, these sites are accessible to the bus and subway lines that serve Brownsville and East New York. In addition to those spaces designated for community facilities along Dumont and Riverdale avenues, as well as second floors along Livonia Avenue, some of the proposed retail frontage along Livonia Avenue might also make a suitable location for community uses.

Borough President Adams believes that a portion of the MGED commercial and/or community facility-designated ground or second floors could be marketed to local arts or cultural groups, and/or locally-based community organizations. However, he is aware that such uses cannot afford to compete with the rent that retail use would likely pay to lease at this location.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the developer, Brownsville Livonia Associates LLC, clarifying how it would memorialize the extent that it would set aside a portion of the commercial space and/or community facility space for local cultural non-profit organizations such as arts and/or dance entities based on offering below-market lease terms as warranted.

To the extent that the City Council seeks to provide below-market rents to accommodate for such arts and/or cultural organizations, Brownsville Livonia Associates LLC should actively solicit such organizations, based on reasonable lease terms, as determined in consultation with CB 16 and local elected officials.

Public Safety Enhancements

This section of Livonia Avenue is lined with underused parking lots and largely shaded by the overhead train structure, which results in an empty and uninviting corridor for pedestrians.

Development of the five sites along Livonia Avenue with each designed to activate the ground floor would create a superior pedestrian environment. When ground floors are occupied, their interior lighting contributes to a sense of activity and safety on the street. However, during non-business, such ground floors are likely to be dark, which means that sections of Livonia Avenue would not be well-lit in the evenings.

Borough President Adams believes that the redevelopment along Livonia Avenue should advance public safety improvements to achieve a safer pedestrian environment, consistent with the Brownsville Plan. The NYC Co-Lab Challenge, a collaboration among New York City government agencies, academic institutions, and Brownsville community leaders seeks solutions to enhance activity in the neighborhood's public realm.

Selected proposals will improve street safety with pedestrian-activated LED streetlamps and 3D art installments. "Ville-luminate the Block" — a project created and led by Brownsville youth with support from the Brownsville Community Justice Center, The Brownsville Partnership, and Peoples Culture — is designing and installing a 3D projection system in Osborn Plaza on the Belmont Avenue Corridor. When an individual walks within a certain proximity to the projection or when a certain number of individuals enter the plaza, it will shift brightness, color, or imagery. The project will serve as an accessible and adaptable platform responsive to the corridor's needs — showcasing community-created art and projects.

Another project called "Anyways Here's the Thing" will augment the existing street lamp posts along the Belmont Avenue Corridor with decorative, networked, and programmable LED light strips that respond to passing pedestrians with fluctuating radiance. As pedestrians pass under the lamps, the lights will shine brighter and trigger other nearby lights, creating wave-like effects. The animations, which will also be triggered by external data such as bus arrival times at the nearest bus stop, will create an active, responsive atmosphere that subtly indicates the presence of activity and reinforces the use of Belmont Avenue after dark. Youth from the Brownsville Community Justice Center's Tech Lab will design their own lighting choreographies and learn coding to program the lighting system. The installation will debut in October 2018.

Borough President Adams commends all the City agencies that have been collaborating to deliver these technology upgrades to this part of the borough. He believes that solving pressing urban challenges needs to be inclusive of addressing issues such as security upgrades and street lighting through innovative technologies and solutions that cater to a new age of visionary thinking such as the NYCx Co-Lab Challenge.

Borough President Adams believes that MGED can augment these efforts by providing lighting enhancements along this section of Livonia Avenue. He encourages Brownsville Livonia Associates LLC to incorporate pedestrian-oriented lighting along the façades of the five proposed Livonia Avenue-fronting buildings to supplement illumination from street fixtures maintained by the New York City Department of Transportation (DOT).

Therefore, prior to considering the requested land use applications, the City Council should seek a commitment from Brownsville Livonia Associates LLC, to the extent that pedestrian-oriented exterior lighting fixtures would be incorporated into the development's Livonia Avenue façades.

Advancing Vision Zero Policies

Borough President Adams is a supporter of Vision Zero policies, one of which is to extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents on Safer Streets (CROSS) Brooklyn, which supports the creation of bulbouts or curb extensions at dangerous intersections throughout the borough. During the program's first year, $1 million was allocated to fund five dangerous intersections in Brooklyn. By installing more curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

In September 2016, DOT spearheaded "Live! On Livonia," a one-day crowdfunding event to gather community feedback and ideas for Livonia Avenue. Residents spoke clearly of the need for better lighting, more green space, and new seating. This community input led to the creation of DOT's Street Lighting in Brownsville Project Overview, which became part of the Brownsville Plan.

Given the City's vision for developing Livonia Avenue as a mixed-use, commercial, and residential development corridor, along with the foot traffic stemming from the Rockaway Avenue train station, it is important to advance improvements that promote pedestrian safety at crossings along Livonia Avenue.

Borough President Adams believes there is an opportunity to implement the provision of a curb extension, either as a raised extension of the sidewalk or as a protected area as defined by the installation of temporary perimeter bollards bordering a section of roadbed where gravel and/or paint is applied, per his CROSS Brooklyn initiative, at the intersections of MGED Sites A through E with Livonia Avenue, and the intersections of Sites F and G with Riverdale and Dumont avenues, respectively. Such curb extensions would complement enhanced crossings that might be advanced as part of the Brownsville Plan. Such crossings give pedestrians a safe place to cross the street where a traffic signal or stop sign is not warranted. This includes high-visibility markings, ADA-compliant pedestrian ramps, signage, and additional traffic calming treatments such as curb extensions.

Borough President Adams recognizes that the costs associated with construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams urges DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of the Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable Brownsville Livonia Associates LLC to undertake such improvements after consultation with CB 16, as well as local elected officials, as part of its Builders Pavement Plan. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. Where a sidewalk extension is not feasible, Borough President Adams would expect Brownsville Livonia Associates LLC, to commit to maintenance as an ongoing obligation.

Therefore, prior to considering the requested land use applications, the City Council should seek a demonstration from Brownsville Livonia Associates LLC of their implementation of CROSS Brooklyn in coordination with the New York City Department of Environmental Protection (DEP) and DOT to install curb extensions either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of Brownsville Livonia Associates LLC's commitment to enter into a standard DOT maintenance agreement in which site conditions would not warrant

sidewalk extensions. Furthermore, DOT should confirm that implementation will not proceed prior to consultation with CB 16 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, NYSERDA, and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint. The proposed development offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, solar panels, and wind turbines in the development.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to introduce best practices to manage stormwater runoff such as incorporating permeable pavers and/or establishing rain gardens that advance DEP green infrastructure strategy. Borough President Adams believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. In addition, blue/green roofs, permeable pavers, and rain gardens would divert stormwater from the City's water pollution control plants.

According to the "NYC Green Infrastructure 2017 Annual Report," green infrastructure plays a role in addressing water quality challenges and provides numerous economic, environmental, and social benefits. DEP is developing its Jamaica Tributary and Bay Long Term Control Plan (LTCP), which is affected by this site's wastewater and stormwater. Therefore, by incorporating green/blue roof strategies, permeable pavers, and rain gardens, MGED would be consistent with the LTCP.

Borough President Adams believes it is appropriate for the developer to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by $4.50 per square foot of green roof, up to $100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

The proposed development offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, and solar panels in the development. But for along Livonia Avenue, the required Builders Pavement Plan provides an opportunity to incorporate rain gardens along the frontages of each development site. Such efforts could help advance DEP green water/stormwater strategies, enhancing the operation of the 26th Ward Water Pollution Control Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams believes that Brownsville Livonia Associates LLC should consult with DEP, DOT, and NYC Parks for consideration regarding the inclusion of a rain garden with integration of street trees and expanding existing tree pits to include more plantings. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 16 and local elected officials prior to agreeing to take action.

Therefore, prior to considering the application, the City Council should obtain in writing from the applicant, Brownsville Livonia Associates LLC, commitments that clarify how it would memorialize integrating resiliency and sustainability features at Development Sites A through G. The City Council should further seek demonstration of Brownsville Livonia Associates LLC's commitment to coordinate with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of expanded tree pits, rain gardens, and/or the provision of sidewalk extensions, as part of the Builders Pavement Plan, for development site intersections in consultation with CB 16 and local elected officials.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis.

Additionally, promoting Brooklyn-based businesses including those that qualify as LBEs and MWBEs is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

To the extent that HPD would be providing financing, all firms receiving more than $2 million from HPD are required to share job openings for entry- and mid-level construction positions with HireNYC and interview qualified candidates referred by the Workforce1 Center system. This is consistent with the Brownsville Plan's goal of connecting residents to jobs and job training by ensuring that City investments are paired with access to jobs and educational resources, including opportunities in affordable housing construction and management.

In a letter to CB 16 dated June 25, 2018, Brownsville Livonia Associates LLC stated that the MGED development team would work with City and State agencies to establish a workforce plan through coordination with partners such as HIRENYC. The developer expressed intent to place 80-100 local residents in construction jobs on the project. A dedicated compliance officer would provide periodic updates to CB 16.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, Brownsville Livonia Associates LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

Agape House of Prayer and Praise and Little Rock Baptist Church

Borough President Adams' Faith-Based Development Initiative connects local houses of worship with information and resources to explore opportunities for developing their properties to create affordable housing and other community benefits. Agape House of Prayer and Praise (2,500 sq. ft. of zoning lot area) and Little Rock Baptist Church (8,500 sq. ft. of zoning lot area) are among the many faith-based organizations in the borough that, in this location, would have air rights where affordable housing can be developed pursuant to the proposed rezoning.

The side yard lot line of MGED Development Site C is shared by Agape House of Prayer and Praise and Little Rock Baptist Church. Working collectively might provide an opportunity to realize the faith-based properties' excess development rights in a constructive manner that might allow both churches to continue their ministries with minimal disruption while their properties are being redeveloped.

Brownsville Livonia Associates LLC should contact representatives of the Agape House of Prayer and Praise and Little Rock Baptist Church to determine if there is an opportunity to utilize the churches' unused development rights. As part of this dialogue, Brownsville Livonia Associates LLC should consider the feasibility of relocating the Agape House of Prayer and Praise and Little Rock Baptist Church to commercial condominium community facility space within MGED, prior to the construction of Development Site C to facilitate a seamless transition for the churches and their social programming. If such a solution is deemed viable, Brownsville Livonia Associates LLC should pursue an extension of the proposed R7-2 to 100 feet south of Livonia Avenue between Bristol and Chester streets.

Community Preference: Inclusion of Homeless Shelter Student Population by School Zone

New York City's community preference policy for affordable housing lotteries provides a pathway for reaching 50 percent or more of applicants residing in the community district where affordable housing is built. There are additional pathways for priority lottery selection such as United States Armed Forces veteran status, certain disabilities, and other categories. Given the significant increase in the number of homeless families with school-aged children entering the public shelter system, Borough President Adams believes it is appropriate for HPD to extend local lottery preference to include the school zone attended by children of households residing at neighboring City-funded or operated homeless shelters.

This is especially important given the number of students living in homeless shelters. The New York City Independent Budget Office (IBO) recently produced a report analyzing homeless rates in schools. School student registration data identifies those residing in public shelters as Students in Temporary Housing (STH). Using data from the 2014-2015 school year, a review of the 50 schools in Brooklyn with the highest percentage of STH enrollment identifies approximately 4,300 students attending such schools, with more than 18 percent of the enrollment categorized as STH.

Research indicates that students living in temporary accommodations are most challenged in attaining academic success. These students are more likely to lack access to technology such as computers that would aid with homework and research assignments, as well as access to a quiet space to complete assignments and study for exams. In addition, commuting between a school and shelter requires significantly more time for many of these students. Their commutes often make it difficult to participate in extracurricular school activities, which might otherwise enhance the students' academic and community experiences.

Many parents and students find it important to maintain school continuity despite the circumstances faced by households dependent on the City's homeless shelter system. Borough President Adams believes that it should be the City's responsibility to take action that would eliminate or reduce such hardships. One such action would be to enable economically-challenged households with children in public schools to qualify for community local preference based on where the children attend school.

According to an interactive map provided by the Institute for Children, Poverty, and Homelessness (ICPH), there are three elementary schools within several blocks of the proposed development, which are located in New York City Community School District 23 (CSD 23). This area contains a total of approximately 234 homeless students. Borough President Adams believes it would be appropriate for such students and their families to be considered part of the 50 percent local preference for MGED Sites A through G housing lotteries.

Borough President Adams believes that HPD should modify its affordable housing lottery community preference standards to include the school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

Accommodating Rent-Burdened Households in Lieu of Strict Area Median Income Standards

Brooklyn is one of the fastest-growing communities in the New York City metropolitan area and the ongoing Brooklyn renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their own neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through the creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites. Among numerous approaches and strategies, Borough President Adams is committed to advancing his affordable housing policy through his role in the ULURP process. The development of much-needed affordable housing provides opportunities to existing neighborhood residents at risk for displacement or increased degree of being rent-burdened.

Data shows that more than 80 percent of those making 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest-income citizens, those making 30 percent of AMI or less, currently $28,170 for a family of three. Among this population, well over 50 percent pay more than half of their income toward rent. More than one-fifth of New York City households — over two million people — earn less than $25,000 a year and almost one-third earn less than $35,000. As the City's housing crisis grows worse, the burden falls most heavily on these low-income households, many of whom are senior citizens.

There are households living in rented apartments within CD 16 who reside in unregulated housing, or regulated apartments subjected to a legal regulated rent increase in which landlords have been renting below the legally-permitted regulatory rent (preferential rent) and have been seeking to increase rent at lease renewal according to the legal amount permitted.

For ZIP code 11212, disclosed data from the New York City Rent Guidelines Board (RGB) dated June 1, 2017 lists 1,670 such units, representing 25 percent of all rent-stabilized units. The continued significant increase in rents has resulted in an increased rent burden and/or residential displacement. Therefore, there is a pressing need to provide more affordable housing units in this area.

In much of CD 16, too many households fall into low- and very low-income categories and are often rent-burdened. Given the risk for displacement, the City should take steps to increase the probability that rent-burdened households qualify for as many affordable housing lotteries as possible.

A strict rent-to-income requirement of not exceeding 30 percent of income for yearly rent payment ends up disqualifying many income-challenged households from the affordable housing lotteries. As a result, these rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same rent, or are in excess of the rent stated for the affordable housing unit. Thus, the requirement to pay no more than 30 percent of household income is actually hurting people who are already living in substandard housing and are paying more than 30 percent of their income toward housing.

As first noted in his East New York Community Plan ULURP response, Borough President Adams believes that it is time to break the mold in which families that are already paying too much rent for substandard housing are disqualified from affordable housing lotteries. Borough President Adams seeks to qualify rent-burdened households for selection through the housing lottery process. Such eligibility would ensure rent-burdened households receive the maximum opportunity to secure regulated

affordable housing units, expanding the number of eligible households for government-regulated affordable housing lotteries.

One means to address rent burden should be achieved by amending the ZR to adjust the AMI qualifications so they include such households that would maintain or reduce their rent burden. For such lotteries resulting from MIH housing lottery offerings, DCP needs to amend the ZR to allow for exceptions to the 30 percent of income threshold so that households that are burdened, though paying the same or more rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, and quality housing accommodations.

Borough President Adams believes that the CPC and/or the City Council should echo his call to seek the modification of the MIH section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status to qualify for such affordable housing units pursuant to MIH.

Lighting and Streetscape Enhancements Along Livonia Avenue

The New York City Transit Authority (NYCT) elevated Livonia Avenue structure for the 3 train has a blighting influence for pedestrians who walk along this corridor. It is dimly-lit and extremely wide at the Rockaway Avenue station with additional shading provided by the solid structures that accommodate the enclosed mezzanine circulation space and the platform, resulting in a desolate and unfriendly environment for pedestrians.

Borough President Adams believes that such conditions can be mitigated by installing lighting enhancements along the street as well as the underside of the train structure to increase public safety and visibility. Such improvements are particularly important given the five anticipated building sites that would alter the quality of daylighting, though the intended street activation would actually contribute in a positive way through activity that would increase foot traffic and provide indirect lighting from interior retail spaces.

DOT's Street Lighting In Brownsville would serve as a prototype for the program by enhancing pedestrian safety, fostering environmental health, and forging connections along its "under-the-el" streetscape. As part of that project overview, DOT is developing an "El-Space" program to comprehensively address issues associated with spaces beneath and adjacent to elevated infrastructure across the city.

DOT is continuing to develop Street Lighting In Brownsville. A draft has been reviewed by both internal units and outside agencies. DOT is now compiling comments and preparing a draft Streetscape Plan that focuses on "El-Space" tactics, including activation and identity, enhanced crossings, furniture, greening, and lighting. The agency has selected Livonia Avenue between East 98th and Junius streets for the Livonia Avenue Pedestrian Luminaire project, with a designated priority area stretching from Bristol to Junius streets encompassing 24 existing street lights. DOT is prototyping pedestrian luminaires at the intersection of Chester Street and Livonia Avenue. The agency is also testing new fixtures at the Rockaway Avenue MTA station.

The Street Lighting In Brownsville plan would ultimately provide the framework for a phased implementation by various City agencies as well as in conjunction with private development. Over the next year, DOT intends to reach out to elected officials, stakeholders, and the community board to release Street Lighting In Brownsville and pursue additional funding opportunities.

Borough President Adams believes that DOT should continue to advance the Street Lighting In Brownsville plan with a focus on sections of the Livonia Avenue corridor in need of activation for

pedestrian mobility and safety, with additional consideration to eventual extend the initiative's priority area to Thomas E. Boyland Street to coincide with the MGED.

Therefore, Borough President Adams believes that the Metropolitan Transportation Authority (MTA)/NYCT along with DOT should proceed in consultation with CB 16, as well as local elected officials, to implement the "El-Space" lighting improvements under the elevated Rockaway Avenue station mezzanine and for DOT to implement the Livonia Avenue Pedestrian Luminaire project initially along the priority corridor, along the Livonia Avenue 3 train structure, followed by its westward extension following the construction of the MGED Livonia Avenue sites.

Expedite the Permanent Free Transfer Connecting Between the L and 3 Train Service

Borough President Adams is aware of significant deficiencies in the area's public transit infrastructure and the community's concern regarding any additional strain on the already lacking service.

NYCT's 2015-2019 capital budget allocates $30 million to connect the Junius Street 3 train and Livonia Avenue L train stops in Brownsville and $15 million to make the connected station ADA-accessible. Currently, riders transferring between the L and 3 trains in a community that is among the poorest income tracts in the country must walk through a desolate area and pay two fares to reenter the subway system. The proposed budget will realize this long-awaited physical connection, make the station ADA-accessible, and extend transit service for many residents.

The City of New York, as part of the MTA's Capital Program, set aside funds to improve connectivity between the two stations, including a free transfer and a new elevator to ensure ADA accessibility. The first part of this project is to make ADA accessibility modifications at the Livonia Avenue station. The MTA Capital Plan was modified in April 2018 to include this project. MTA is also exploring ways to harness the new fare payment system that will replace the MetroCard so that the connection is free in advance of the two stations being physically connected.

While Borough President Adams continues to advocate for the MTA to implement the physical free transfers between the Junius Street 3 train and the Livonia Avenue L train stations, he has also called upon the MTA to provide free "out-of-station" transfers akin to what is currently practiced between the Lexington Avenue/59th Street and Lexington Avenue/63rd Street stations and is seeking implementation to begin at once. In addition, he seeks an explicit timeline for the tasks necessary to achieve the permanent physical connection.

Prevailing Wages and Local Hiring for Building Service Workers

Jobs within the building service and industrial sector have long served as a pathway to middle-class living for lower-income individuals, including immigrants and people of color. Like industrial jobs, building service jobs have low barriers to entry and real career prospects. When compensated at prevailing wage standards, such jobs provide average wages twice that of the retail sector. Additionally, building service opportunities are often filled through local hiring.

Borough President Adams believes that it is appropriate to advocate for economic opportunities that allow families to remain in their neighborhoods, by securing sufficient income to alleviate their rent burdens. He further believes that building service positions often result in locally-based employment. 32BJ has a record of representing building service employees at MGV, and seeks to ensure that the proposed development continue to provide well-paying jobs in this sector. Therefore, Borough President Adams strongly encourages Brownsville Livonia Associates LLC to commit to hiring locally for building service jobs and paying prevailing wages to this workforce.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application with the following conditions:

1. That the proposed rezoning (180489 ZMK) from R6 to R7-2 be modified as follows:

    a. Development Site A: The establishment of the R7-2 district shall be restricted to within 100 feet of Livonia Avenue along the east side of Chester Street in lieu of the proposed 220 feet

    b. Development Site F: The establishment of the R7-2 district shall be restricted to within 100 feet of Riverdale Avenue along the east side of Chester Street in lieu of the proposed 375 feet

    c. Development Site G: The establishment of the R7-2 district shall be restricted to within 100 feet of Dumont Avenue along the east side of Chester Street in lieu of the proposed 250 feet

2. That the proposed special permit within a Large-Scale General Development (180488 ZSK), New York City Zoning Resolution (ZR) Section 74-74, be modified as follows:

    a. That in lieu of reducing the minimum distance between legally required windows and walls to 30 feet pursuant to ZR Section 23-711, for Development Sites B, D, and E pursuant to ZR 74-743(a)(2) be modified as follows:

        i. That Development Site B be permitted to reduce its window to window distance to 10 feet

        ii. That Development Site D be required to increase the proposed distance from 30 feet to no less than 40 feet

    b. That in lieu reducing the minimum distance between window to window to 40 feet of pursuant to ZR Section 23-711 at Development Site B, and 55 feet at Development Sites D and E pursuant to ZR 74-743(a)(2) be modified as follows:

        i. That Development Site B not be permitted to reduce its window to window distance

    c. That the set of drawings affiliated with the Marcus Garvey Extension Development (MGED) Large-Scale General Plan (LSGP), dated June 4, 2018, be modified as follows:

        i. That in lieu of a height limit of eight stories along the Livonia Avenue fronting sections of Development Sites A through E, at least nine stories be permitted with the street wall setback being changed from above the seventh floor to the eighth floor

        ii. That in order to minimize living spaces with required windows oriented to Livonia Avenue, for Development Sites, B, C, D, and E, the Design Controls shall contain notation indicating that the midsection of the Livonia Avenue frontage be designed as a single-loaded corridor with such corridor oriented flush with the Livonia Avenue street wall

iii. That Development Site A interior zoning lot section be reduced to a four-story street wall with one additional setback floor and that, in lieu of approximately 2,800 sq. ft. of ground-floor retail, 5,000 sq. ft. of ground-floor community facility space, and rear yard open space, such lot area shall provide two double-loaded parking bays (30-32 parking spaces) accessed by one-garage door

iv. That Development Site B interior yard be modified from 123'-0" x 42'-8 7/8" to 83'-0" x 62'-8 7/8", and that such exposed building wall behind the Bristol and Chester streets facing Marcus Garvey Village (MGV) apartments be finished with any combination of wall art and/or vegetated wall treatment in consultation with the residents of MGV Parcel B, Brooklyn Community Board 16 (CB 16) and local elected officials

v. That Development Site D Bristol Street frontage five foot front yard setback street wall be reduced in length from 25 feet to 15 feet and reduced in height from a seven-story street wall and eight stories after setback to five stories

vi. That Development Site E Thomas E. Boyland Street massing adjacent to the side lot line 100 feet from Livonia Avenue be reduced along the interior yard from seven stories to five stories and along the Thomas E. Boyland Street frontage from six stories to four stories

vii. That Development Site F corner zoning lot section be reduced in height to a seven-story street wall; interior zoning section be reduced to a four-story street wall with one additional setback floor (of 10 feet), and in lieu of 3,900 sq. ft. of ground floor residential space, as well as 1,800 sq. ft. of rear yard open space, such lot area shall provide an additional double-loaded parking bay (increased from 18 to 30-32 parking spaces) accessed by the proposed garage door

viii. That Development Site G interior zoning lot section be reduced to a four-story street wall with one additional setback floor (of 10 feet), and that in lieu of 3,900 sq. ft. of ground floor residential space, and 1,800 sq. ft. of rear yard open space, such lot area shall provide an additional double-loaded parking bay (increased from 18 to 30-32 parking spaces) accessed by the proposed garage door

3. That the proposed special permit pursuant to ZR 74-743 (Reduction or waiver of parking requirements for accessory group parking facilities) (180490 ZSK) be modified to require the replacement of 90 of the 294 existing accessory parking spaces as follows:

   a. 30-32 spaces be included as part of Development Site A
   b. 30-32 spaces be included as part of Development Site F
   c. 30-32 spaces be included as part of Development Site G

   And that a percentage of those spaces, determined in consultation with CB 16 and local elected officials, be designated for engagement with car-sharing companies to lease multiple spaces within the parking facilities

4. That in order to maximize residential floor area, the second-floor community facility space for Development Sites A (but for the Livonia Avenue fronting floor area of such 17,000 sq. ft.), B

(14,000 sq. ft.), C (9,000 sq. ft.), D (10,350 sq. ft.), E (11,000 sq. ft.), and ground-floor community facility space for Development Sites F (14,000 sq. ft.), and G (9,000 sq. ft.), be redesigned to the greatest extent practical in consultation with CB 16 and local elected officials

5. That the establishment of a Mandatory Inclusionary Housing (MIH)-designated Area 5 according to the proposed zoning text amendment (180487 ZRK) be modified to designate as part of Appendix F Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas, MIH Option 3 in lieu of Option 2 and that the applicant, Brownsville Livonia Associates LLC, commit for Option 3 to be pursued in lieu of Option 1 to the extent practical, in consultation with CB 16 and local elected officials

6. That prior to considering the application, the City Council obtain commitments in writing from the applicant, Brownsville Livonia Associates LLC, that clarify how it would memorialize the extent that it would:

    a. Provide more units at lower Area Median Incomes (AMI)

    b. Accommodate senior citizen households:

        i. Development Site F shall be split into two development sites with the corner zoning lot developed exclusively as an affordable independent residence for seniors with no housing unit exceeding 50 percent AMI household eligibility

        ii. For all other sites with 30 percent and 40 percent AMI bands, target outreach to seniors for studio and one-bedroom units

7. That, in order to accommodate permanent housing for homeless households, prior to considering the application, the City Council obtain commitments in writing from:

    a. The New York City Department of Housing Preservation and Development (HPD), to clarify the extent that it would incorporate the Our Space Initiative for any Brownsville Livonia Associates LLC development sites where it would be providing financing

    b. Brownsville Livonia Associates LLC, to clarify interest in participating in HPD's Our Space Initiative in which the developer seeks to obtain funding from HPD

8. That, prior to considering the application, the City Council obtain commitments in writing from the applicant, Brownsville Livonia Associates LLC, that clarify how it would memorialize the extent that it would:

    a. Memorialize a bedroom mix having at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one- or more bedroom affordable housing units

    b. Utilize a combination of locally-based affordable housing development non-profits to serve as the administering agent, and have one or more such entities play a role in promoting affordable housing lottery readiness

    c. Set aside a portion of the commercial space for local arts, cultural, or dance organizations

d. Integrate wall lighting fixtures along its Livonia Avenue façades for each of its five proposed developments to supplement the lighting from the street fixtures under the jurisdiction of the New York City Department of Transportation (DOT)

e. Commit to Connecting Residents on Safer Streets (CROSS) Brooklyn coordination with DOT and the New York City Department of Environmental Protection (DEP) to implement curb extensions as part of a Builders Pavement Plan and/or as treated roadbed sidewalk extensions, with the understanding that DOT implementation would not proceed prior to consultation with CB 16 and local elected officials

f. Explore additional resiliency and sustainability measures such as incorporating rain gardens, blue/green/white roof treatment, and/or solar panels

g. Coordinate with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of rain gardens and expanded tree pits, and/or the provision of sidewalk extensions, as part of a Builders Pavement Plan, for development site intersections in consultation with CB 16 and local elected officials

h. Where sidewalk extensions are not feasible, execute a maintenance obligation should painted sidewalk extensions, and/or a rain garden be installed along the sidewalk and/or street bed in relation to construction of Parcels A-G, and/or DOT to paint sidewalk extensions as Vision Zero enhancements for the intersections

i. Retain Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and Minority- and Women-Owned Business Enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That Brownsville Livonia Associates LLC should contact representatives of the Agape House of Prayer and Praise and Little Rock Baptist Church to determine if there might be a possibility to participate in the development of the churches' unused development rights. As part of this dialogue, Brownsville Livonia Associates LLC should consider the feasibility of providing for the relocation of both churches as commercial condominiums community facility use in a development phase to be completed prior to the development of Parcel C as a means to facilitate a seamless transition for the church and its social programming. Should the conversation result in fruition, Brownsville Livonia Associates LLC can pursue an extension of the proposed R7-2 to 100 feet south of Livonia Avenue between Bristol and Chester streets

2. That the New York City Department of Housing Preservation and Development (HPD) modify its affordable housing lottery community preference standards to include the school zone, thus capturing the population of public school children residing at City-funded or -operated shelters

3. That the City Planning Commission (CPC) and/or the City Council call for the modification of the Mandatory Inclusionary Housing (MIH) section of the ZR pertaining to MIH-designated areas to be adopted with a requirement that permits households with rent-burdened status (allow for exceptions to the 30 percent of income threshold for households paying the same or greater rent than what the housing lottery offers) to qualify for such affordable housing units pursuant to MIH

4. That the New York City Department of Transportation (DOT) continue to advance the Street Lighting In Brownsville plan with a focus on sections of the Livonia Avenue corridor in need of activation for pedestrian mobility and safety, with additional consideration to eventually extend the initiative's priority area to Thomas E. Boyland Street to coincide with the MGED

5. That the Metropolitan Transportation Authority (MTA)/New York City Transit (NYCT) along with DOT proceed in consultation with CB 16, as well as local elected officials, to implement the "El-Space" lighting improvements under the elevated Rockaway Avenue station mezzanine and for DOT to implement the Livonia Avenue Pedestrian Luminaire project initially on the priority corridor, along the Livonia Avenue 3 train structure, followed by its westward extension following the construction of the MGED Livonia Avenue sites

6. That MTA/NYCT should advance the construction of the free transfers between the Livonia Avenue L train station and Junius Street 3 train station

7. That Brownsville Livonia Associates LLC commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits

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
Z-004A	Overall Site Plan	6/7/2018

Z-004B	Site Plan North	6/7/2018
Z-004C	Site Plan South	6/7/2018
Z-011A.00	Site A Zoning Lot Site Plan	6/7/2018
Z-011C.00	Site A Zoning Analysis	6/7/2018
Z-013.00	Site A Waiver Plans	6/7/2018
Z-014A.00	Site A Waiver Sections I	6/7/2018
Z-014B.00	Site A Waiver Sections II	6/7/2018
Z-016	Site A Design Controls	6/7/2018
Z-021A.00	Site B Zoning Lot Site Plan	6/7/2018
Z-021C.00	Site B Zoning Analysis	6/7/2018
Z-023.00	Site B Waiver Plans	6/7/2018
Z-024A.00	Site B Waiver Sections I	6/7/2018
Z-024B.00	Site B Waiver Sections II	6/7/2018
Z-024C.00	Site B Waiver Sections III	6/7/2018
Z-026	Site B Design Controls	6/7/2018
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
Z-041C.00	Site D Zoning Analysis	6/7/2018
Z-043.00	Site D Waiver Plans	6/7/2018
Z-044A.00	Site D Waiver Sections I	6/7/2018
Z-044B.00	Site D Waiver Sections II	6/7/2018
Z-046	Site D Design Controls	6/7/2018
Z-051A.00	Site E Zoning Lot Site Plan	6/7/2018
Z-051C.00	Site E Zoning Analysis	6/7/2018
Z-053.00	Site E Waiver Plans	6/7/2018

Z-054A.00	Site E Waiver Sections I	6/7/2018
Z-054B.00	Site E Waiver Sections II	6/7/2018
Z-056	Site E Design Controls	6/7/2018
Z-061A.00	Site F Zoning Lot Site Plan	6/7/2018
Z-061C.00	Site F Zoning Analysis	6/7/2018
Z-063.00	Site F Waiver Plans	6/7/2018
Z-064A.00	Site F Waiver Sections I	6/7/2018
Z-064B.00	Site F Waiver Sections II	6/7/2018
Z-066.00	Site F Design Controls	6/7/2018
Z-071A.00	Site G Zoning Lot Site Plan	6/7/2018
Z-071C.00	Site G Zoning Analysis	6/7/2018
Z-073.00	Site G Waiver Plans	6/7/2018
Z-074A.00	Site G Waiver Sections I	6/7/2018
Z-074B.00	Site G Waiver Sections II	6/7/2018

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 accordance with 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]