



CITY PLANNING COMMISSION

September 22, 2021 / Calendar No. 5

C 210255 HAK

IN THE MATTER OF an application submitted by The Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of an 11-story mixed use development containing approximately 232 affordable housing units, commercial and community facility space, Borough of Brooklyn, Community District 16.

Approval of three separate matters is required:

1. the designation of property located at 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37) as an Urban Development Action Area (UDAA); and
2. An Urban Development Action Area Project (UDAAP) for such area; and
3. The disposition of such property, to a developer selected by HPD.

This application for UDAA designation, project approval, and disposition of City-owned property (C 210255 HAK) was filed by HPD on January 15, 2021. Approval of this application, in conjunction with the related actions, would facilitate the development of a new approximately 204,000-square-foot mixed-use building with approximately 232 units of affordable housing, and 19,000 square feet of commercial and community facility space within a project area generally bounded by Mother Gaston Boulevard, Glenmore Avenue, Liberty Avenue and Christopher Avenue in Brownsville, Brooklyn Community District 16.

HPD states in its application that:

“The Development Site consists of underutilized, vacant property which tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Development Site is therefore eligible to be an Urban Development Action Area and the Proposed Development is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.”

RELATED ACTIONS

In addition to the UDAAP application (C 210255 HAK) 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 210256 HUK	Amendment to the Brownsville II Urban Renewal Plan
C 210253 ZMK	Zoning map amendment to rezone the project area from R6 to R7D/C2-4 and R7A/C2-4
N 210254 ZRK	Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

BACKGROUND

HPD proposes four land use actions to facilitate the development of a new 11-story 204,000-square-foot mixed-use building containing 232 affordable residential units and approximately 19,000 square feet of commercial and community facility space on a site generally bounded by Mother Gaston Boulevard and Glenmore Avenue in the Brownsville neighborhood of Brooklyn, Community District 16.

The project area (Block 3692, Lots 1-4, 19-32, 34, 35, 37, and p/o 18) consists of a portion of the block bounded by Mother Gaston Boulevard to the west, Glenmore Avenue to the south, Christopher Avenue to the east, and Liberty Avenue to the north. The project area consists of a total of approximately 49,000 square feet of lot area.

The development site (Block 3692, Lots 1-4, 23-32, 34, 35, and 37) is a 40,000-square-foot corner lot with frontages on Mother Gaston Boulevard, Glenmore Avenue, and Christopher Avenue. The site is a City-owned, vacant lot, which HPD proposes to develop. The site is designated as Site 111B in the Brownsville II Urban Renewal Plan (URP).

98 Liberty Avenue (Block 3692, Lot 18) is an approximately 2,462-square-foot interior lot with frontage on Liberty Avenue, containing a three-story multifamily walk-up residential building with four units. Lot 18 is partially within the project area.

38 Christopher Avenue (Block 3692, Lot 19) is an approximately 2,225-square-foot corner lot with frontage on Christopher Avenue and Liberty Avenue. The lot is currently under construction with a three-story, three-unit residential building.

40 Christopher Avenue (Block 3692, Lot 20) is an approximately 2,188-square-foot interior lot with frontage on Christopher Avenue, containing a three-story multifamily walk-up residential building with four units.

42 Christopher Avenue (Block 3692, Lot 21) is an approximately 2,188-square-foot interior lot with frontage on Christopher Avenue, containing a three-story multifamily walk-up residential building with six units.

44 Christopher Avenue (Block 3692, Lot 22) is an approximately 2,188-square-foot interior lot with frontage on Christopher Avenue, containing a three-story multifamily walk-up residential building with six units.

The project area is located within an existing R6 zoning district. R6 districts are medium-density residential zoning districts that allow residential and community facility uses. Using the Height Factor option, residential developments have a maximum floor area ratio (FAR) of 2.43. Maximum height is regulated by a sky exposure plane. Using the quality housing option, residential developments have a maximum FAR of 2.2 on narrow streets and 3.0 on wide streets. Height is limited to a maximum of 55 feet on narrow streets and 75 feet on wide streets for developments built using Quality Housing regulations. Community facility uses have a maximum FAR of 4.8. Parking is required for 50 percent of units under the Quality Housing option or 70 percent of units under the height factor option.

The surrounding area is primarily residential to the west and south and primarily industrial and commercial to the north and east. Surrounding residential areas include two large New York City Housing Authority (NYCHA) developments: Howard Houses with 11 buildings, ranging in height from seven to 13 stories, on a 15-acre campus directly west of the project area and Glenmore Plaza with three buildings, ranging in height from 17 to 24 stories, on approximately 3.5 acres directly south of the project area. Other surrounding residential uses consist of two- to five-story residential buildings, many containing ground floor retail spaces. Generally commercial uses are found along Pitkin Avenue to the south of the project area. Community facility uses in the surrounding area include schools and a library. Northeast of the project area is the East New York Industrial Business Zone (IBZ), which is a major center for commercial and industrial businesses in the Brownsville and East New York neighborhoods. The IBZ is characterized by light industrial uses and warehouses, mostly in one-story buildings, in addition to open storage and surface parking lots.

The project area is well-served by public transit. The Metropolitan Transportation Authority (MTA) L-Train Atlantic Avenue station and the Long Island Railroad (LIRR) East New York station are about 0.25 miles northeast of the project area, and the major transit hub of Broadway Junction, with service to the A, C, J, Z, and L-Trains is about 0.5 miles northeast of the project area. Additionally, the B12 bus stops one block north of the project area on East New York Avenue, and the B14 bus stops one block south of the project area at the corner of Pitkin Avenue and Mother Gaston Boulevard.

Public parks in the surrounding area include three parks owned and operated by the Department of Parks and Recreation (DPR): Howard Playground – a one-acre mapped park – directly west of the project area, Houston Playground – a 0.92-acre unmapped park – located one block east of the project area, and Powell Playground – a 1.02-acre mapped park – located two blocks southeast of the project area.

The project area is located within the Brownsville II URP, which was established in 1984 and is scheduled to expire in 2024. The development site is designated as Site 111B in the URP. In 1996, the development site received disposition approval (C 960362 HDK) along with the adoption of the Second Amendment of the Brownsville II URP (C 960360 HUK), which changed the land use designation of Site 111B to public and institutional use, in anticipation of

the development of a 200-bed nursing home. The proposal was never fulfilled, and the site remains vacant today.

In 2017, HPD released the Brownsville Plan after several years of public outreach and interagency collaboration. The plan called for a broad range of public investments in the neighborhood, including development of three City-owned vacant sites for affordable housing. The development site was identified as an opportunity site for mixed-use development with a theme of innovation and entrepreneurship, envisioning the site as an economic development hub to provide support to local businesses. After a request for proposal (RFP) process, HPD developed a specific proposal for the development site to meet the goals of the Brownsville Plan.

PROPOSED PROJECT

HPD proposes to develop a new 11-story, 100-percent affordable, mixed-use building. The proposed building would have 203,611 square feet of floor area with an FAR of 5.09, including 185,010 square feet of residential floor area (4.63 FAR) comprising approximately 232 affordable residential units, plus one superintendent's unit, 9,224 square feet of commercial space (0.23 FAR), and 9,377 square feet of community facility space (0.23 FAR). Approximately 8,200 square feet would be dedicated as Affordable Independent Residences for Seniors (AIRS) units, resulting in approximately 16 AIRS units.

Along Mother Gaston Boulevard and Glenmore Avenue, the proposed building would have primarily non-residential uses on the first and second floors. The commercial space would be divided into three spaces on the ground floor while the community facility space would be primarily located on the second floor with a ground floor lobby along Glenmore Avenue. These commercial and community facility uses are anticipated to be an entrepreneurial hub with a mix of economic development-oriented non-profits and businesses that wish to expand their programming for local entrepreneurs and innovators to locate at this site.

The proposed development would be constructed under the Quality Housing regulations with varying heights within a contextual building envelope. The tallest portion of the building would be the corner of the building near Mother Gaston Boulevard and Glenmore Avenue, which would rise to a base height of 95 feet, set back 10 feet, and then rise to a total height of 115 feet. Along Christopher Avenue, the building would rise to a base height of 75 feet, set back 10 feet,

and then rise to a total height of 95 feet. The building would provide a five-foot ground floor setback, effectively widening the sidewalk, along the entirety of the Christopher Avenue and Glenmore Avenue frontages. Along Mother Gaston Boulevard, within the R7D/C2-4 portion of the site, a Mayoral Zoning Override has been approved to provide a 1.4-foot sidewalk widening, which will align the street wall with the street wall of the adjacent existing buildings and widen the sidewalk from 20.3 feet to 21.7 feet. The override is necessary because Zoning Resolution 36-651(b) requires that buildings within the R7D/C2-4 district must be built to the street line along wide streets.

The residential component of the building would contain approximately 232 affordable apartments, of which 16 units would be AIRS, a certain portion would be supportive housing for the formerly homeless, and one would be an apartment for the building superintendent. Space for supportive services for building residents would be in the cellar level and would be provided by the nonprofit housing provider selected through the RFP process, separate from the community facility operating at the second-floor space. Services would include living assistance programs, counseling, and other healthcare system related services.

Fifty-nine parking spaces for the commercial uses would be provided in the cellar level with a curb cut along the northern edge of the building along Christopher Avenue. This commercial parking is permitted, but not required, under the proposed zoning. No accessory off-street parking would be provided for the residences, as the building is proposed to be 100-percent affordable and is within the transit zone.

REQUESTED ACTIONS

Urban Development Action Area Project (C 210255 HAK)

HPD proposes UDAAP designation, project approval, and disposition of City-owned property for the proposed development site (Block 3692, Lots 1-4, 23-32, 34, 35, and 37). The requested UDAAP and disposition actions, in conjunction with the related actions, would enable HPD to achieve the overall development objectives for this project.

Urban Renewal Plan Amendment (C 210256 HUK)

HPD proposes an amendment to the Brownsville II URP. The proposed amendment would

change the land use designation for Site 111B, which is coterminous with the development site, from public and institutional use to residential use. Also, it would extend the duration of the URP to January 1, 2040. The proposed amendment would allow development consistent with the proposed zoning and facilitate the proposed development.

Zoning Map Amendment (C 210253 ZMK)

HPD proposes a zoning map amendment to rezone the project area from an R6 zoning district to R7A/C2-4 and R7D/C2-4 zoning districts. The R7D/C2-4 district would be mapped over the portion of the project area near the corner of Mother Gaston Boulevard and Glenmore Avenue. The R7A/C2-4 district would be mapped within the midblock portion of the project area along Christopher Avenue beyond 100 feet of Glenmore Avenue, extending north to Liberty Avenue.

R7A districts are medium-density districts that allow residential and community facility uses. Residential uses are allowed to a maximum of 4.6 FAR for MIH buildings. Community facility uses are allowed to a maximum of 4.0 FAR. Building height is regulated by a contextual building envelope in the R7A district, limiting base height to a maximum of 75 feet or seven stories and total height to 95 feet or 9 stories, whichever is less. Parking is required for 50 percent of market rate residential units, but no parking is required in the transit zone for affordable units.

R7D districts are medium-density districts that allow residential and community facility uses. Residential uses are allowed to a maximum of 5.6 FAR for MIH buildings. Community facility uses are allowed to a maximum of 5.1 FAR. Building height is regulated by a contextual building envelope in the R7D district, limiting base height to a maximum of 95 feet or 9 stories and a total height of 115 feet or 11 stories, whichever is less. Parking is required for 50-percent of market rate residential units, but no parking is required in the transit zone for affordable units.

C2-4 districts are commercial districts mapped as overlays in residential districts. C2-4 districts allow a range of local-serving retail and service uses, such as grocery stores, restaurants, general stores, barber shops, laundromats and other similar retail and services businesses. Commercial uses have a maximum FAR of 2.0 but are limited to the ground floor in mixed-use buildings. When mapped within an R7D district, the C2-4 district requires non-residential uses on the ground floor of any proposed building.

Zoning Text Amendment (N 210254 ZRK)

HPD proposes a zoning text amendment to amend Appendix F of the Zoning Resolution, to create a new MIH area coterminous with the project area. The MIH area would be mapped with Options 1 and 2.

Pursuant to mapping the project area as an MIH area, the MIH program would require that a percentage of any new dwelling units developed in the project area must be permanently affordable units, resulting in an affordable housing set-aside for either 25 percent of the residential floor area at an average of 60 percent of the Area Median Income (AMI) (Option 1) or 30 percent of the residential floor area at an average of 80 percent AMI (Option 2).

ENVIRONMENTAL REVIEW

This application (C 210255 HAK), in conjunction with the application for the related actions (C 210253 ZMK, N 210254 ZRK, and C 210256 HUK), 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 20HPD089K. The lead agency is HPD.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on January 27, 2021.

UNIFORM LAND USE REVIEW

This application (C 210255 HAK), in conjunction with the application for the related actions (C 210253 ZMK and C 210256 HUK), was certified as complete by the Department of City Planning on April 19, 2021, 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 210254 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 210255 HAK) on May 25, 2021, and on that date, by a vote of 10 in favor, eight opposed, and 10 abstentions, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

This application (C 210255 HAK) was considered by the Brooklyn Borough President, who on August 11, 2021, issued a recommendation to approve the application with the following conditions:

- “1. That the proposed R7A/C2-4 district be restricted to 100 feet of Liberty Avenue, with that section to remain zoned R6
2. That the New York City Department of Housing Preservation and Development (HPD) incorporate in its Land Disposition Agreement (LDA) or Regulatory Agreement with the development team of Brisa Builders Development LLC, African American Planning Commission (AAPC), Lemie and Wolff, commitments to:
 - a. Permanent affordability for the resulting housing units
 - b. Provide an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-, two-, or three-bedroom units, but for studios targeted to households not exceeding 40 percent AMI
 - c. Implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including the formerly homeless, to maximize their participation in the affordable housing lottery
 - d. Utilize locally based affordable housing development non-profit(s) to serve as the administering agent and have one or more such entities play a role in promoting affordable housing lottery readiness
 - e. Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with installation of curb extensions at the northeast corner of Glenmore Avenue and Mother Gaston Boulevard and the northwest corner of Glenmore Avenue and Christopher Avenue either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions, with the understanding that New York City Department of Transportation (DOT) implementation would not proceed prior to consultation with Brooklyn Community Board 16 (CB 16) and local elected officials

- f. Enter a standard DOT maintenance agreement for the northeast corner of Glenmore Avenue and Mother Gaston Boulevard and the northwest corner of Glenmore Avenue and Christopher Avenue
- g. Advance protected painted areas as an enhanced community amenity for the above intersections of Glenmore Avenue with Mother Gaston Boulevard and Christopher Avenue 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
- h. Coordinate with the New York City Department of Environmental Protection (DEP), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan along Glenmore and Christopher avenues and Mother Gaston Boulevard or within the adjacent protected painted area of each property, in consultation with CB 16 and local elected officials
- i. Incorporate resiliency and sustainability measures, such as blue/green/white roof treatment, grid-connected rooftop batteries, passive house construction, solar panels and/or facades, and/or wind turbines
- j. Lease the permitted commercial parking spaces to facilitate overnight parking, pursuant to the New York City Zoning Resolution Section (ZR) 36-46
- k. Engage with car-sharing companies, in consultation with CB 16 and local officials, to lease multiple spaces within the development's garage

Be it further resolved:

- 1. 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 schoolchildren residing at City-funded or -operated shelters
- 2. That the CPC and/or the City Council call for modification of the MIH section of ZR 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 higher rent than what the housing lottery offers) to qualify for MIH affordable housing units.”

City Planning Commission Public Hearing

On July 28, 2020 (Calendar No. 7), the City Planning Commission scheduled August 18, 2021, for a public hearing on this application (C 210255 HAK) and the applications for the related actions (C 210253 ZMK, N 210254 ZRK, and C 210256 HUK). The hearing was duly held on August 18, 2020 (Calendar No. 62). Six speakers testified in favor of the application and none in opposition.

Two representatives of HPD described the requested land use actions and the background community planning process and request for proposals behind the project. A representative of the development team introduced the project team and described the details of the proposed development. The project architect described the existing site context and the details of the design of the proposed building. Two members of the applicant team, who did not speak, were present to answer questions.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for UDAAP designation, project approval, and disposition of City-owned property, in conjunction with the related actions, is appropriate.

Together, these actions will facilitate a new 11-story, approximately 204,000-square-foot mixed-use building, containing 232 affordable apartments, and 19,000 square feet of commercial and community facility space on the first and second floors, on City-owned property that is currently vacant.

The Commission finds that the UDAAP designation, project approval, and disposition of City-owned property to facilitate the creation of new affordable housing and ground floor active uses along a major neighborhood corridor on vacant, City-owned property is appropriate. The 40,000-square-foot site has been vacant for several decades and its redevelopment would help activate a prominent intersection where only vacant space exists today. The site’s proximity to transit, a

large residential population, and existing commercial corridors make it an ideal location for a mixed-use building with affordable housing and community space.

The Commission finds that the zoning map amendment to change an R6 district to an R7D/C2-4 and R7A/C2-4 districts is appropriate. The change will allow an increase in residential height and density within the project area. Within 100 feet of Glenmore Avenue, the proposed R7D district will allow residential buildings a maximum of 5.6 FAR, a maximum base height of 95 feet, and a maximum building height of 115 feet. Within the proposed R7A district, residential buildings will be permitted at a maximum of 4.6 FAR, a maximum base height of 75 feet, and a maximum building height of 95 feet.

The portion of the project area along Glenmore Avenue is particularly appropriate for the additional height and density of an R7D district, due to the proximity of the 85-foot-wide Mother Gaston Boulevard and open areas at the Glenmore Plaza NYCHA campus directly to the south of the project area. The surrounding built form is a mix of high-rise towers, including 13-story towers at the Howard Houses directly to the west and 24-story towers at Glenmore Plaza directly to the south, and midrise apartments; therefore, buildings at heights of nine to 11 stories will not be out of character. The remainder of the project area on the midblock portion of Christopher Avenue – a 60-foot narrow street – is appropriate for the density and height allowed in the R7A district. The addition of a C2-4 commercial overlay is appropriate at this location to facilitate active ground floor uses and create economic activity near the retail hub of Pitkin Avenue and the East New York IBZ, and will require these active, non-residential ground floors when mapped with the R7D zoning district along Mother Gaston Boulevard.

The Commission finds that the zoning text amendment to create a new MIH area coterminous with the project area is appropriate. The MIH area will be mapped with MIH Options 1 and 2. The MIH program requires that a percentage of any new dwelling units developed in the project area be permanently affordable units, resulting in an affordable housing set-aside for either 25 percent of the residential floor area at an average of 60 percent of the AMI (Option 1) or 30 percent of the residential floor area at an average of 80 percent of the AMI (Option 2). Though the project proposal is to create a 100 percent affordable housing development, the text amendment is consistent with City policy to map an MIH area wherever there is a significant

increase in allowable residential floor area and the City's goal of creating additional affordable housing outlined in *Housing New York*.

These actions will also facilitate 19,000 square feet of commercial and community facility space on the first and second floors of the development and will serve as an entrepreneurial hub with a mix of economic development-oriented non-profits and businesses that wish to expand their programming for young entrepreneurs and innovators to locate at this site.

The Commission finds that the proposed amendment to the Brownsville II URP is appropriate. The amendment will change the land use designation from public and institutional use to residential use, allowing for the proposed mixed-use development. Since the designation of the development site for public and institutional use in the URP in 1996, the previously proposed nursing home facility has never been constructed and the site has remained vacant since then. HPD conducted an extensive public outreach process through the Brownsville Plan to create a new vision for the site to include the proposed affordable housing and economic development hub. The Commission believes that the proposed development is appropriate for the location and the URP should be updated.

In response to the Brooklyn Borough President's recommendation that the proposed rezoning boundary be reduced, such that the area within 100 feet of Liberty Avenue remain within the R6 zoning district, the Commission notes that the proposed R7A district is appropriate at the corner of Liberty and Christopher avenues and the proposal would appropriately extend the R7A district from the north, forming a rational zoning boundary.

The Commission notes the Brooklyn Borough President's recommendations for HPD regarding housing affordability and recommendations to modify the MIH program; however, these recommendations are not within the Commission's purview and outside the scope of review for this application.

The Commission believes that the proposed development will make productive use of vacant, underutilized property while providing much-needed affordable housing, and community entrepreneurial space, in Brownsville. The Commission, therefore, believes that that this application for UDAAP designation, project approval, and disposition of City-owned property, in conjunction with the related actions, is appropriate.

RESOLUTION

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

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37), in the Borough of Brooklyn as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE, BE IT FURTHER RESOLVED, that the City Planning Commission after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) the designation of property located at 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37) as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and

BE IT FURTHER RESOLVED, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration of this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37) in Community District 16, Borough of Brooklyn, to a developer to be selected by the Department of Housing Preservation and Development, is approved.

The above resolution (C 210255 HAK), duly adopted by the City Planning Commission on September 22, 2021 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York

City Charter.

KENNETH J. KNUCKLES, ESQ., *Vice Chair*

**DAVID J. BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, RAJ RAMPERSHAD** *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Glenmore Manor			
Applicant:	HPD - NYC Dept of Housing Preservation & Development	Applicant's Primary Contact:	Erin Buchanan
Application #	210255HAK	Borough:	
CEQR Number:	20HPD089K	Validated Community Districts:	K16

Docket Description:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
- a. the designation of property located at 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37) as an Urban Development Action Area; and
 - b. Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of an 11-story mixed use development containing approximately 232 affordable housing units, commercial and community facility space, Borough of Brooklyn, Community District 16.

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

RECOMMENDATION: Unfavorable			
# In Favor: 8	# Against: 10	# Abstaining: 10	Total members appointed to the board: 46
Date of Vote: 5/25/2021 12:00 AM		Vote Location: via Webex: https://nycb.webex.com/nycb/onstage/g.php?MTID=ec69ace666dec854b24456d5d2c7c944	

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

Date of Public Hearing: 5/25/2021 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	To be held via Webex: https://nycb.webex.com/nycb/onstage/g.php?MTID=ec69ace666dec854b24456d5d2c7c944

CONSIDERATION: Ten members voted against and 10 members abstained, while 8 voted in support of the project. Those who voted against and abstained expressed that they were opposed to the number of units in the project and there were no residential parking spaces for tenants in an area that is already congested with multiple dwellings.

Recommendation submitted by	BK CB16	Date: 6/28/2021 12:02 PM
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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 GLENMORE MANOR – 210254 ZMK, 210254 ZRK, 210255 HAK, 210256 HUK

Applications submitted by the New York City Department of Housing Preservation and Development (HPD) for the following land use actions affecting an L-shaped portion of a block on the south side of Christopher Avenue, bounded by Glenmore and Liberty avenues, and Mother Gaston Boulevard, including City- and privately-owned lots:

- a. Urban Development Action Area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval, and disposition of 17 lots fronting the east and south side of the block
- b. A zoning map amendment to change properties within 100 feet of Glenmore Avenue from R6 to R7D, with a C2-4 commercial overlay; a zoning map amendment to change properties within 100 feet of Christopher Avenue from R6A to an R7A/C2-4 district
- c. A zoning text amendment to create a Mandatory Inclusionary Housing (MIH) area coterminous with the project area
- d. An amendment to the Brownsville II Urban Renewal Plan (URP) to permit residential and other uses consistent with the proposed zoning on the 17 project lots

Such actions would facilitate the construction of an 11-story, 5.09 FAR building with approximately 232 affordable units, and non-residential uses on the ground floor and second story, in Brooklyn Community District 16 (CD 16). Approximately 16 units will be designated as Affordable Independent Residences for Seniors (AIRS). The development would provide approximately 18,600 square feet (sq. ft.) of commercial and community facility space intended as an "entrepreneurial hub" for local businesses and non-profits. The building's cellar would contain 59 permitted commercial parking spaces, accessible via Christopher Avenue.

BROOKLYN COMMUNITY DISTRICT NO. 16

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE

☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Ethi L. Adams

BROOKLYN BOROUGH PRESIDENT

August 11, 2021

DATE

RECOMMENDATION FOR: GLENMORE MANOR – 210253 ZMK, 210254 ZRK, 210255 HAK, 210256 HUK

The New York City Department of Housing Preservation and Development (HPD) submitted applications for the following land use actions affecting an L-shaped portion of a block on the south side of Christopher Avenue, bounded by Glenmore and Liberty avenues, and Mother Gaston Boulevard, including City- and privately-owned lots:

- a. Urban Development Action Area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval, and disposition of 17 lots fronting the east and south side of the block
- b. A zoning map amendment to change properties within 100 feet of Glenmore Avenue from R6 to R7D, with a C2-4 commercial overlay; a zoning map amendment to change properties within 100 feet of Christopher Avenue from R6A to an R7A/C2-4 district
- c. A zoning text amendment to create an MIH area coterminous with the project area
- d. An amendment to the Brownsville II Urban Renewal Plan (URP) to permit residential and other uses consistent with the proposed zoning on the 17 project lots

Such actions would facilitate the construction of an 11-story, 5.09 FAR building with approximately 232 affordable units, and non-residential uses on the ground floor and second story, in Brooklyn Community District 16 (CD 16). Approximately 16 units will be designated as Affordable Independent Residences for Seniors (AIRS). The development would provide approximately 18,600 square feet (sq. ft.) of commercial and community facility space intended as an “entrepreneurial hub” for local businesses and non-profits. The building’s cellar would contain 59 permitted commercial parking spaces, accessible via Christopher Avenue.

On June 2, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There was one speaker in support of the item.

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 selected developer stated that the project would provide 66 studios, 56 one-bedrooms, 81 two-bedrooms, and 29 three-bedroom units. Of these, 70 would be set aside for the formerly homeless, with 10 funded through HPD’s Our Space program and the others through a social service award. The development would provide 75 units at 30 percent Area Median Income (AMI) for households earning \$19,332 to \$37,230, 30 units at 60 percent AMI for households earning \$40,812 to \$74,460, 24 units at 70 percent AMI for households earning \$47,972 to \$86,870, and 24 units at 80 percent AMI for households earning \$55,132 to \$99,280. Rents would range as follows: \$419 to \$1,314 for a studio apartment, \$717 to \$2,487 for a one-bedroom unit, \$854 to \$2,979 for a two-bedroom apartment, and \$722 to \$2,273 for a three-bedroom unit.

In response to Borough President Adams’ inquiry as to whether one of the community’s affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from Brooklyn Community District 16 (CD 16), and whether the applicant’s marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the applicant expressed intent to work with the Central Brownsville Economic Development Corporation (CBEDC) as well as other qualified local non-profits.

In response to Borough President Adams’ inquiry as to what marketing strategies would be used to tenant the envisioned entrepreneurial space with businesses and non-profits from Brownsville, the representative responded it would be utilizing CBEDC and its relationships within the community, including its agreements with other area non-profit organizations toward supporting new business entrepreneurs.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, New York City Department of Environmental Protection (DEP) rain gardens, and wind turbines, the applicant stated that while passive house design is under consideration, Glenmore Manor would include solar panels and a green roof. The project would also comply with Enterprise Green Communities standards.

Consideration

On May 25, 2021, CB 16 voted to disapprove these actions. On June 14, 2021, the board's Executive Committee met with the developer and expressed concerns about whether the public would be able to utilize the commercial parking after-hours, and whether the project would provide an adequate number of units for veterans, as there is a large veteran population in CD 16.

The proposed actions would enable Glenmore Manor to be advanced as a fully affordable development with 232 apartments developed pursuant to HPD's Extremely Low and Low Affordability (ELLA) program and a supportive housing component. Based on the requested R7D/C2-4 and R7A/C2-4 MIH zoning, it would be built to 5.09 FAR or approximately 203,600 sq. ft. with 9,225 sq. ft. of commercial space and 9,375 sq. ft. of community facility use. These non-residential spaces would house an "entrepreneurial hub" to meet the needs of local businesses and non-profits.

The rezoning area consists of City-owned vacant land and three privately-owned residential buildings. To achieve the development, HPD seeks to change the underlying R6 zoning along the north side of Glenmore Avenue to R7D/C2-4 and the remainder of the frontage along Christopher Avenue to R7A/C2-4, which would permit residential construction on that side of the block. The application would also establish an MIH area coterminous with the areas to be rezoned.

The development parcel is designated Site 111B in the Brownsville II Urban Renewal Plan (URP) and currently restricted to public and institutional land uses. In May 1996, the site received disposition approval to facilitate a 200-bed residential health care facility simultaneously with the adoption of a second amended plan. More recently, HPD initiated a community-based process to develop a shared vision for the future of Brownsville that became known as the Brownsville Plan, a guiding document based on four goals: achieve equitable health outcomes, improve neighborhood safety, promote community economic development, and foster local arts and identity. Based on the plan, HPD issued the Brownsville Request for Proposals (RFP) in August 2017, which outlined the following objectives for the Christopher-Glenmore site: new pathways to economic opportunities, affordable housing, workforce development, education, business incubation, and other strategies focused on entrepreneurship and emerging technology and innovation fields.

The surrounding area hosts a mix of building types and uses including multi-family walk-up and elevator buildings, one- and two-family residences, commercial buildings, industrial uses, and public facilities and institutions. Open-air parking and vacant lots are dispersed throughout the neighborhood. Buildings range in height from one to 24 stories, reflecting a mix of older and newer development. The New York City Housing Authority (NYCHA) Howard Houses encompass 10 seven- and 13-story buildings with 815 apartments. The NYCHA Glenmore Plaza Houses include four buildings of 10 to 24 stories, with 468 dwelling units. The two proximate schools are the Uncommon Schools' Leadership Preparatory Ocean Hill Charter School located directly across Christopher Avenue, and PS 298 Dr. Betty Shabazz, located to the southwest along Glenmore Avenue.

Brooklyn is one of the fastest growing boroughs in New York City and the greater metropolitan area. Its ongoing 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 Brooklyn's affordable housing crisis through the creation and preservation of housing for very low- to middle-income households.

Moreover, in CD 16 and across New York City, there is a pressing need for affordable and stable housing among elderly adults, homeless households, low-income families, and other populations. 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.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed development would be consistent with Mayor Bill 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," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible.

Borough President Adams is particularly concerned about the lack of affordable housing for seniors, who are a rapidly growing segment of the city's population, with 300,000 residing in Brooklyn alone. In its 2016 "Zoning for Quality and Affordability" (ZQA) study, the New York City Department of City Planning (DCP) found 60 applicants for every apartment in HPD's senior housing developments. LiveOn NY estimates 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.

A significant number of elderly households have negligible income and are at risk for displacement. As the Federal government has moved away from funding affordable housing for seniors, too few such rental apartments are being built, leaving tremendous demand for age-based affordable housing. As a result, many elderly households are experiencing increased and unsustainable rent burdens. One of Borough President Adams' top priorities is to help Brooklyn seniors secure affordable housing and remain in their communities. He seeks the advancement of more City projects, such as this proposal, which would result in permanently affordable units for older residents. As this disposition includes development pursuant to AIRS, it would generate 16 dedicated senior residences.

A recent report attests that 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 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 within the affordable housing floor area is more important than maximizing the number of units.

Based on MIH Option 1, the development rights generated from the proposed rezoning would result in, at minimum, 25 percent of the residential floor area designated as permanently affordable. According to the applicant, approximately 58 of the 232 units at Glenmore Manor would be pursuant to MIH. Development adhering to the MIH program is consistent with Borough President Adams' policy for affordable housing to remain in perpetuity.

The MIH program targets affordable housing units to a broad range of incomes, consistent with Borough President Adams' objective to extend such opportunities to households at various AMI tiers. Borough President Adams supports developments that allow low-, moderate-, and middle-income residents to qualify for the City's affordable housing lottery. The proposed rezoning leading to development at Glenmore Manor would gear apartments to households at multiple income tiers, which would remain permanently affordable. In addition, MIH Option 1 requires that 40 percent of the affordable housing floor area be affordable to those earning up to 40 percent AMI.

Borough President Adams supports development adhering to the Brownsville Plan's economic goals of innovation and entrepreneurship. The commercial and community facility spaces would provide opportunities and tools to support local businesses. The intended tenants are currently CBEDC, Folk Beauty, and We Run Brownsville. One retail space is being targeted for financial services and a second would be focused on health and wellness.

Borough President Adams is also concerned that too many Brooklyn residents are currently unemployed or underemployed. 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 locally based enterprises (LBEs) and minority- and women-owned business enterprises (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 that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

As funding for Glenmore Manor includes financing for which HPD contributes no less than \$2 million, the development team of Brisa Builders Development LLC, African American Planning Commission Inc. (AAPC), and Lemie and Wolff Companies would be required to adopt HPD's MWBE Building Opportunity Initiative Build Up program, and meet additional New York State labor participation requirements. The contractor intends to work with non-certified and certified MWBEs to prepare these firms for the bidding process. To exceed the Build Up program's 25 percent MWBE participation requirement, the project would include set-asides for various trades and a local hiring plan, coordinated through CBEDC.

Borough President Adams believes that, based on the Build Up program and State requirements, there would be reasonable opportunities to address LBE/MWBE participation disparities in affordable housing development. Additionally, projects that receive HPD subsidies are required to spend at least one-quarter of HPD-supported costs on certified MWBEs in the design and construction process. Developers may adopt a goal higher than the minimum.

Borough President Adams believes it is appropriate to zone for increased density in proximity to public transportation. The development site lies between two stations of the 14th Street-Canarsie Local L train, and the Atlantic Avenue and Sutter Avenue stations. It is also accessible via the Long Island Rail Road (LIRR)'s East New York train station. The B14 bus makes stops along Pitkin Avenue and Mother Gaston Boulevard.

Borough President Adams generally supports HPD's proposal to establish a new R7D/C2-4 district and enlarge an existing R7A/C2-4 zone, which would facilitate Glenmore Manor. However, he is concerned that this upzoning might adversely affect three rent-regulated buildings near Liberty Avenue. For Glenmore Manor, Borough President Adams seeks permanent affordability for all the units, and confirmation of the family-oriented bedroom mix. He calls on the development team to target deeply affordable smaller apartments to seniors, maximize community participation in the lottery, broaden use of the parking facility, incorporate resilient and sustainable features including rain gardens, and integrate Vision Zero enhancements. Finally, he calls on the Administration to extend community preference to families of homeless students in local schools and qualify rent-burdened households for affordable housing lotteries.

Appropriate Zoning to Preclude Residential Displacement

Though the requested zoning districts provide the opportunity to achieve 232 units of new affordable housing, the proposal to enlarge the existing R7A across Liberty Avenue would confer excess development rights on three existing residential buildings. Such action could incentivize property owners to demolish housing stock that likely provides affordable rents for existing tenants, thereby, diminishing the project's public purpose.

The properties in question — 40, 42, and 44 Christopher Avenue — are constructed to 1.92 FAR, with 40 Christopher Avenue containing four units and 42 and 44 Christopher Avenue each containing six units, as well as 98 Liberty Avenue, which contains four units and is built to 1.82 FAR. Based on R7A MIH Option 1 market rate floor area of 3.45 FAR, the existing build-out approaches a threshold of not much more than the established assumption of properties built to 50 percent FAR being considered soft sites in a strong housing market. Only 40 Christopher Avenue appears to be rent-stabilized. Rent-regulated status would not necessarily be sufficient to preclude demolition should a property owner decide that market conditions would support a mostly market-rate development.

According to Section 9 NYCRR 2524.5 of the Rent Stabilization Code, it is permissible for a property owner of a rent-stabilized building to not renew the lease of a rent-stabilized tenant on the grounds that the property owner intends to demolish the building. Approval from New York State Division of Housing and Community Renewal (DHCR) is subject to approved plans for future development, proof of financial ability to complete the project, and agreement to pay tenant relocation expenses, as well as a stipend according to established formulas. This strategy was well-publicized during a June 2016 real estate summit in Brooklyn.

Therefore, the documentation of such underdeveloped rent-stabilized and non-stabilized buildings should be accounted for in developing assumptions for the possibilities of induced 20 units of indirect displacement. To ensure that such units remain an affordable housing resource, Borough President Adams believes that these buildings should be excluded from the rezoning area.

Therefore, Borough President Adams seeks for the City Planning Commission (CPC) and/or the City Council to remove these buildings from the proposed R7A/C2-4 zoning district.

Ensuring Permanent Affordability

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 permanently affordable, in order to minimize the loss of affordable housing units across the borough. Where HPD has designated for-profit companies to develop affordable housing on City-owned property, the duration of such affordability is often driven by financial considerations. Standard regulatory agreements used by government agencies typically involve 30- to 60-year terms, which may be extended, typically for 15 years, with further renewals possible. However, property owners are under no obligation to seek such extensions. Without an obligation to retain housing affordability, those units would no longer be an affordable housing resource once regulatory agreements expire, and tenants move out. Apartments then can revert to market-rate housing.

Borough President Adams believes that there are effective ways to preserve such housing as permanently affordable. One means is through the disposition of public land to one or more well-established, non-profit, affordable housing development organizations. This provides some assurance that non-MIH units would remain affordable for the lifetime that the non-profit entity remains in operation. Unlike for-profit developers, non-profit community development organizations typically have a core mission to advocate for, preserve, and provide affordable housing. New York City has multiple non-profit entities with a successful record of developing and managing affordable housing, as well as fulfilling agreements with

City agencies. Borough President Adams supports the disposition of affordable housing to such non-profits for these reasons, as for-profit companies are generally driven by financial considerations.

Another strategy, which warrants implementation, is the disposition of property to a community land trust (CLT), a non-profit stewardship that maintain community ownership of real estate assets. They are governed by boards that contain a diverse array of stakeholders, including community development organizations, elected officials, and local residents. CLTs are seen as an effective tool to reduce land speculation and preserve affordability in communities. In recent years, New York City has taken important steps to foster the development of CLTs. In 2017, City Hall solicited proposals from interested stewardship groups, while the City Council passed legislation authorizing and codifying CLTs. There are currently more than a dozen CLTs in various stages of development across the city, with at least two in Brooklyn, including the East New York CLT (ENYCLT). Borough President Adams believes that CLTs are a viable way to safeguard HPD's substantial investments in affordable housing throughout the borough.

Finally, HPD structures its financing to require a balloon payment at the end of the regulatory term to induce developers to seek refinancing from the City, with an obligation to extend the duration of affordability; though, including a mandate in the land disposition agreement (LDA) that obligates the developer/owner to secure such HPD refinancing, subject to the availability of public funds when the initial mortgage term expires, would essentially guarantee extended affordability.

Specific regulatory measures, when implemented, can ensure that units remain as affordable housing options for the city's residents. Borough President Adams believes it is reasonable to expect that residential floor area developed on City-owned land leased to private developers remains permanently affordable. As the City conveys its land to developers — even through 99-year ground leases — it should utilize the LDA as a mechanism to preserve affordable housing in perpetuity.

In this case, given that Glenmore Manor would be built on public land, Borough President Adams believes it is essential to maintain the planned apartments as affordable in perpetuity. This would ensure that the development site is insulated from variable economic conditions and remains an affordable housing resource in the community.

Therefore, to realize permanent affordability, Borough President Adams believes that the City Planning Commission (CPC) and/or the City Council should direct HPD to establish a legal mechanism in its LDA or other regulatory agreement, with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, to ensure that the development of Glenmore Manor remain affordable in perpetuity.

Bedroom Mix

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. The development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff Companies has expressed intent to provide a bedroom mix with studio, one-bedroom, two-bedroom, and three-bedroom units, of which at least 50 percent would be configured as family-sized apartments. Pursuant to MIH Option 1, a number of these units would be reserved for households at 40 percent AMI.

Borough President Adams believes that right-sizing the bedroom distribution within the affordable housing floor area is more important than maximizing the number of MIH units. Though the applicant expressed intent to have larger size units, development pursuant to MIH lacks leverage to require that the development's MIH units include apartments with multiple bedrooms. As such, Borough President Adams believes that it is appropriate to use discretionary land use actions to advance policies that constrain what would be permitted as-of-right.

The New York City Zoning Resolution (ZR) allows the provision of at least 50 percent of the MIH units with two or more bedrooms and at least 75 percent with one or more bedrooms. For this building, it is important to mandate that the developer provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii). This would require at least 50 percent of the units to be two- or three-bedrooms and at least 75 percent of the units to contain one or more bedrooms. Though the application's representation of a 232-unit affordable residential building at Glenmore Manor development is consistent with Borough President Adams' policies, it is not binding. There is no assurance that the Glenmore Manor affordable bedroom mix would be consistent with Borough President Adams' policy to achieve family-oriented units for very-low- to moderate-income households.

Borough President Adams seeks a binding commitment to secure what has been represented to the community. Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that the LDA with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff Companies, would require the provision of a bedroom mix of at least 50 percent two- or three-bedroom affordable housing units, and at least 75 percent one, two, or three-bedroom affordable housing units for the Glenmore Manor development.

Maximizing Affordable Housing Opportunities for Seniors

In addition to increasing family-sized units, there is a pressing need to build affordable apartments for the elderly, many of whom have limited means. As noted in DCP's ZQA study, New York's senior population is expected to grow 40 percent by 2040. The combination of rising housing costs across Brooklyn and declining production of age-based affordable housing has created a severe rent burden for seniors. Many elderly households are struggling to remain in their homes and exhausting their life's savings to keep up with living expenses, until they are displaced from their communities.

Data shows that more than 80 percent of New York City households earning 50 percent AMI or less are rent-burdened. The situation is even worse among those who earn up to 30 percent AMI or \$23,310 for a family of three. Greater than one-fifth of New York City households — more than two million people — earn less than \$25,000 a year and almost one-third earn less than \$35,000. Well over 50 percent of this population pays more than half its income toward rent. As the City's housing crisis deepens, the burden falls most heavily on low-income New Yorkers, including many senior citizens.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedrooms, two-bedrooms, and three-bedrooms, he believes that when smaller units are rented at 30, 40, and 50 percent AMI, such apartments might be more affordable to seniors. In addition to the 16 AIRS units, there should be opportunities to accommodate eligible seniors through both the formerly homeless set-asides, and the units proposed at 30 percent AMI. As such, Borough President Adams believes that there are appropriate means to qualify senior households for the affordable housing lottery. With such efforts, it is reasonable to expect that a greater share of smaller units at lower AMIs would be awarded to senior households.

Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that the LDA with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff clarifying how it would implement outreach efforts to seniors, including those who are formerly homeless, to maximize their participation in the affordable housing lottery for Glenmore Manor.

Maximizing Community Participation in the Affordable Housing

The ZR requires inclusionary 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 an administering non-profit is 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, as well as following up annually to ensure compliance.

It is Borough President Adams' policy for housing non-profits to play a role in maximizing community participation in neighborhood affordable housing opportunities. He recognizes that CD 16 is served by several non-profit housing advocates with a proven track record of marketing affordable housing units and promoting lottery readiness through educational initiatives. These include AAPC, which could serve as the affordable housing administrator and/or marketing agent for the project. In this capacity, such an entity could work with the community board to qualify residents of Ocean Hill-Brownsville and CD 16 for the Glenmore Manor MIH lottery. Such efforts should be undertaken in consultation with the Office of the Brooklyn Borough President, CB 16, and/or local elected officials.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from HPD that the LDA with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, to utilize one or more local affordable housing non-profits to serve as the administering agent for Glenmore Manor, and/or have such entities play a role in promoting lottery readiness.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for promoting environmentally-sustainable development that integrates blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly-constructed roofs, as well as existing roofs undergoing renovation (with some exceptions), incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate. Borough President Adams believes that developers should seek to exceed this mandate by integrating blue roofs with green roof systems. Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally-based construction and procurement.

In Borough President Adams' letter to President Joseph R. Biden Jr., dated January 21, 2021, he outlined an urban agenda based on funding policies that will rebuild America as a more equitable and just society, including initiatives consistent with the Green New Deal. Specifically, Borough President Adams advocated for renewable energy and battery storage to move beyond reliance upon natural gas and dirty "peaker plants," disproportionately sited in communities of color. He believes that grid-connected rooftop batteries should be a standard consideration for commercial buildings. Between existing flat roofs upgrades and newly developed projects, there should be sufficient demand to manufacture such units locally and create industrial jobs.

Borough President Adams believes it is appropriate for the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (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 sq. ft. 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.

As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces 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. Where it is not advisable to remove existing street trees, there would be an opportunity to integrate stormwater retention measures into existing tree pits, with additional plantings, which would increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the 26th Ward Waste Water Treatment Plant.

The required Builders Pavement Plan for the proposed development provides an opportunity to install DEP rain gardens along the development site's Christopher and Glenmore avenues frontages. The ZR requirement to plant street trees provides shade on excessively hot days, helps combat the urban heat island effect, and provides other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption.

Borough President Adams believes that for Glenmore Manor, the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the inclusion of rain gardens integrated with street trees as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 16 and local elected officials prior to taking action.

Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that the LDA with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, clarifying how it would integrate additional resiliency and sustainability measures in the development of Glenmore Manor.

Advancing Vision Zero Policies

Borough President Adams supports Vision Zero policies, including practices that 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 launched his own initiative, Connecting Residents on Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. Curb extensions provide additional sidewalk space for seniors and families especially near dangerous intersections. At the same time, all roadway users benefit from safer streets.

Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to implement curb extensions at the northeast corner of Glenmore Avenue and Mother Gaston Boulevard and the northwest corner of Glenmore Avenue and Christopher Avenue. Given the mixed community facility, and

residential character of this section of CD 16, and the sites' proximity to the Brooklyn Public Library's Brownsville Branch; NYCHA's Howard Houses; the Uncommon Schools' Leadership Preparatory Ocean Hill Charter Christopher Avenue; and Public School 298 Dr. Betty Shabazz, and Powell, Houston, and Howard playgrounds, it is important to advance improvements that promote pedestrian safety at these intersections.

Borough President Adams recognizes that the costs associated with the 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 would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, 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. Borough President Adams would expect the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, to commit to such maintenance as an ongoing obligation.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from HPD that its LDA with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, would advance coordination with DEP, DOT, and NYC Parks for the installation of curb extensions at the at the northeast corner of Glenmore Avenue and Mother Gaston Boulevard and the northwest corner of Glenmore Avenue and Christopher Avenue either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions.

The City Council should further seek demonstration from HPD that the LDA with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, of a commitment to enter into a standard DOT maintenance agreement for those intersections. Furthermore, DOT should confirm that implementation would not proceed prior to consultation with CB 16 and local elected officials.

Enhancing Utilization of the Parking Garage, Including Promoting Access to Car-Share Vehicles

Borough President Adams supports the establishment of Transit Zones in the ZR to enable affordable housing development without the requirement to provide parking for such permanently affordable housing floor area. The developer seeks to include parking to support the commercial use. Given the hours of operation, it would appear that enhanced utilization could be achieved by allowing the facility to accommodate overnight parking for area residents as well as accommodate car-share parking.

Based on ZR regulations for rental of provided accessory parking, such spaces could also accommodate car-sharing vehicles, customers, and staff of the commercial spaces, as well as members of the public, including local residents. The application also notes that 59 spaces would be earmarked for retail users, and that the garage is envisioned to host an unspecified number of car-sharing vehicles.

Borough President Adams believes that the intended provided commercial garage could permit overnight parking. According to the requested C2-4 district, such parking can be utilized flexibly. Borough President Adams is concerned that overnight parking utilization for the benefit of local residents has not been adequately considered, given concerns voiced by the CB 16 Executive Committee. Therefore, he seeks assurance that the project's LDA would explicitly require that parking spaces have maximum public benefit given the ample user flexibility permitted by ZR Section 36-46.

Borough President Adams believes that the LDA should include the following stipulations: that the provision of provided parking spaces, pursuant to ZR section 36-46, be leased out to non-residential occupants of Glenmore Manor for overnight parking. The City Council should obtain written commitments from HPD that the LDA with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, contain such stipulation.

Promoting Access to Car-Share Vehicles

Another way to address parking capacity is by accommodating the growing number of users who rely on car-share for their driving needs. A rental car can provide mobility in certain use cases, 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. However, there can be times when affordable access to automobiles would be considered a quality-of-life enhancement, even for households with higher discretionary income. Furthermore, research suggests that car-share availability reduces automobile use for individuals who already own cars, creating environmental benefits and reducing congestion. Borough President Adams believes that facilitating car-share at this location would benefit building occupants as well as nearby Crown Heights North and Prospect Heights residents and those of surrounding communities.

According to ZR Section 36-46(a)(1), a car-sharing entity is permitted to occupy up to five parking spaces, though no more than 20 percent of all spaces in group parking facilities. As stated earlier, the uses intended as part of this development would not mandate the provision of accessory parking. However, the developer intends to provide 150 ground-level vehicle spaces, which would be accessed via Christopher Avenue. Though the garage would be used primarily by the development's employees and patrons, Borough President Adams believes that Glenmore Manor could accommodate car-share rentals based on reasonable pricing. Therefore, a portion of the commercial building's garage should be set aside for a limited number of rental vehicles through dialogue with car-sharing companies.

The incorporation of car-share vehicles within the building's garage would require the developer to provide visible signage, per ZR Section 36-523, and to state the total number of parking spaces, as well as the maximum number of car-sharing vehicles. Therefore, prior to considering this application, the City Council should obtain written commitments from HPD that the LDA with the development team consisting of Brisa Builders Development LLC, AAPC, Lemie and Wolff, engage car-sharing companies to lease spaces within the Glenmore Manor garage.

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

New York City's community preference policy requires that 50 percent of affordable units filled through affordable housing lotteries be reserved for residents in the local community. 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 immediate and neighboring City-funded or -operated homeless shelters.

According to an annual report by Advocates for Children of New York, 30,277 Brooklyn students — nearly one in 10 enrolled — experienced homelessness during the 2019-2020 school year, defined as either living in shelters or doubling up with friends and family. The number of such students in charter and public schools has increased every school year since 2014-2015. Homelessness has profound impacts on school performance, as such students are more likely to have longer commutes or to transfer schools in the middle of the year, leading to chronic absences, lower graduation rates, and higher dropout rates.

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 the Institute for Children, Poverty & Homelessness (ICPH), there are multiple public schools near the proposed development where the proportion of homeless students is eight to 18 percent.

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

Data shows that more than 80 percent of New York City households earning 50 percent of AMI or less are rent-burdened. The crisis is even worse among the lowest income residents, those making 30 percent of AMI or less, currently \$23,310 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 — more than 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, exacerbating racial disparities. According to the Citizens Housing Planning Council (CHPC), one in four households of color are severely rent-burdened, which is 11 percent more than Caucasian households.

A strict rent-to-income requirement of no more than 30 percent of income for annual rent payments disqualifies many income-challenged households from the affordable housing lotteries. These rent-burdened households do not meet the housing lottery's minimum household earnings because too often they are already paying the same or greater rent for the affordable housing unit. In this way, the requirement to pay no more than 30 percent of household income is hurting people who are already living in substandard housing and are spending more than 30 percent of their income on rent.

As first noted in his East New York Community Plan ULURP recommendation, Borough President Adams believes that it is time to break the mold in which families already paying too much rent for substandard housing are excluded from affordable housing lotteries. Borough President Adams seeks to qualify rent-burdened households for selection through the housing lottery process, which would ensure that they receive the maximum opportunity to secure affordable housing units and expand the number of households eligible for government-regulated affordable housing lotteries.

Amending the ZR to adjust AMI qualifications to include households that would maintain or reduce their rent burden would be one way to address this disparity. For MIH housing lottery offerings, DCP needs to modify the ZR to allow for exceptions to the 30 percent of income threshold so that households that are rent-burdened, though paying equal or greater rent than the lottery unit rent, would be eligible to live in affordable, newly-produced, and quality accommodations. Borough President Adams believes that the CPC and/or the City Council should echo his call to seek the modification of the ZR section concerning MIH areas to be adopted with a requirement that rent-burdened households be permitted to qualify for MIH affordable housing units.

Recommendation

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

1. That the proposed R7A/C2-4 district be restricted to 100 feet of Liberty Avenue, with that section to remain zoned R6

2. That the New York City Department of Housing Preservation and Development (HPD) incorporate in its Land Disposition Agreement (LDA) or Regulatory Agreement with the development team of Brisa Builders Development LLC, African American Planning Commission (AAPC), Lemie and Wolff, commitments to:
 - a. Permanent affordability for the resulting housing units
 - b. Provide an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-, two-, or three-bedroom units, but for studios targeted to households not exceeding 40 percent AMI
 - c. Implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including the formerly homeless, to maximize their participation in the affordable housing lottery
 - d. Utilize locally based affordable housing development non-profit(s) to serve as the administering agent and have one or more such entities play a role in promoting affordable housing lottery readiness
 - e. Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with installation of curb extensions at the northeast corner of Glenmore Avenue and Mother Gaston Boulevard and the northwest corner of Glenmore Avenue and Christopher Avenue either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions, with the understanding that New York City Department of Transportation (DOT) implementation would not proceed prior to consultation with Brooklyn Community Board 16 (CB 16) and local elected officials
 - f. Enter a standard DOT maintenance agreement for the northeast corner of Glenmore Avenue and Mother Gaston Boulevard and the northwest corner of Glenmore Avenue and Christopher Avenue
 - g. Advance protected painted areas as an enhanced community amenity for the above intersections of Glenmore Avenue with Mother Gaston Boulevard and Christopher Avenue 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
 - h. Coordinate with the New York City Department of Environmental Protection (DEP), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan along Glenmore and Christopher avenues and Mother Gaston Boulevard or within the adjacent protected painted area of each property, in consultation with CB 16 and local elected officials
 - i. Incorporate resiliency and sustainability measures, such as blue/green/white roof treatment, grid-connected rooftop batteries, passive house construction, solar panels and/or façades, and/or wind turbines
 - j. Lease the permitted commercial parking spaces to facilitate overnight parking, pursuant to the New York City Zoning Resolution Section (ZR) 36-46

- k. Engage with car-sharing companies, in consultation with CB 16 and local officials, to lease multiple spaces within the development's garage

Be it further resolved:

1. 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 schoolchildren residing at City-funded or -operated shelters
2. That the CPC and/or the City Council call for modification of the MIH section of ZR 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 higher rent than what the housing lottery offers) to qualify for MIH affordable housing units.