



**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed eight-story building on property located at 3 Livonia Avenue (Block 3566, Lot 6), in an R7-2/C2-3 District, Borough of Brooklyn, Community District 16.

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The application for a special permit pursuant to Section 74-903 of the Zoning Resolution (C 170457 ZSK) was filed by the Department of Housing Preservation and Development (HPD, the applicant) on June 12, 2017. This special permit, in conjunction with the related actions, would facilitate the development of an eight-story mixed-use building with approximately 126 units of affordable and supportive housing, in addition to ground floor retail or community facility space, in the Brownsville neighborhood of Community District 16, Brooklyn.

### **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 170456 HAK	Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of City-owned property to a developer selected by HPD;
C 170454 ZMK	Zoning map amendment to rezone the project area from R6 to R7-2/C2-3; and
N 170455 ZRK	Zoning text amendment to designate a Mandatory Inclusionary Housing area.

### **BACKGROUND**

A description of this application, the surrounding area and the proposed project is included in the report on the related UDAAP action (C 170456 HAK).

## **ENVIRONMENTAL REVIEW**

The application (C 170457 ZSK), in conjunction with the applications for the related actions (C 170456 HAK; C 170454 ZMK; N 170455 ZRK), 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 16HPD052K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on June 2, 2017.

## **UNIFORM LAND USE REVIEW**

This application (C 170457 ZSK), in conjunction with the applications for the related UDAAP and zoning map amendment actions (C 170456 HAK and C 170454 ZMK), was certified as complete by the Department of City Planning on June 19, 2017 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 170455 ZRK), which was referred in accordance with the procedures for non-ULURP actions.

## **Community Board Public Hearing**

Community Board 16 held a public hearing on this application (C 170457 ZSK) on June 27, 2017, and on that date, by a vote of 21 in favor, zero opposed, and with one abstention, adopted a resolution recommending approval of the application. A summary of the vote and recommendations of the Community Board appears in the report for the related UDAAP action (C 170456 HAK).

### **Borough President Recommendation**

This application (C 170457 ZSK) was considered by the Borough President of Brooklyn, who on August 10, 2017 issued a recommendation to approve the application. A summary of the Borough President's recommendation appears in the report for the related UDAAP action (C 170456 HAK).

### **CITY PLANNING COMMISSION PUBLIC HEARING**

On August 9, 2017 (Calendar No. 7), the City Planning Commission scheduled August 23, 2017 for a public hearing on this application (C 170457 ZSK) and the related applications (C 170456 HAK, C 170454 ZMK and N 170455 ZRK). The hearing was duly held on August 23, 2017 (Calendar No. 24).

Five speakers testified in favor of the project, as described in the report for the related UDAAP action (C 170456 HAK), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the proposed special permit (C 170457 ZSK), in conjunction with the related actions (C 170456 HAK, C 170454 ZMK and N 170455 ZRK), 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 application (C 170456 HAK).

### **FINDINGS**

The Commission hereby makes the following findings pursuant to ZR Section 74-903:

- (a) That the distribution of the bulk of the total development will not unduly obstruct the access of light and air to adjoining properties or public streets, and will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets surrounding developments;
- (b) That the proposed development will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) That the streets providing access to such use will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

## 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 of the Department of Housing Preservation and Development pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed eight-story building on property located at 3 Livonia Avenue (Block 3566, Lot 6), in an R7-2/C2-3 District, Borough of Brooklyn, Community District 16, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 170457 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 Robert A.M. Stern Architects, LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Zoning Analysis	6/9/2017
A-100	Site Plan	6/9/2017
A-103	Typical Floor Plan and Sixth Floor Plan	6/9/2017
A-104	Seventh and Eighth Floor Plans	6/9/2017
A-300	N-S Building Section	6/9/2017
A-301	N-S Building Section	6/9/2017
A-302	E-W Building Section	6/9/2017
A-303	E-W Building Section	6/9/2017

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 170457 ZSK), duly adopted by the City Planning Commission on October 4, 2017 (Calendar No. 9), 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*

**RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,**

**RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,**

**ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ** *Commissioners*



Application #: **C 170457 ZSK**

Project Name: **Edwin's Place**

CEQR Number: 16HPD052K

Borough(s): Brooklyn

Community District Number(s): 16

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

### SUBMISSION INSTRUCTIONS

- 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](mailto: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, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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 the NYC Department of Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connect with a proposed eight-story building on property located at 3 Livonia Avenue (Block 3566, Lot 6), in an R7-2/C2-3\* District, Borough of Brooklyn, Community District 16.

\*Note: The site is proposed to be rezoned from an existing R6 District to an R7-2/C2-3 District under a concurrent related application (C 170454 ZMK).

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

<b>Applicant(s):</b> NYC Department of Housing Preservation and Development 100 Gold Street New York, NY 10038		<b>Applicant's Representative:</b> Eunice Suh NYC Department of Housing Preservation and Development 100 Gold Street New York, NY 10038
<b>Recommendation submitted by:</b> Brooklyn      Community Board 16		
<b>Date of public hearing:</b> June 27, 2017		<b>Location:</b> 444 Thomas S. Boyland Street, Brooklyn, NY 11212
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<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>
<b>Date of Vote:</b> June 27, 2017		<b>Location:</b> 444 Thomas S. Boyland Street, Brooklyn, NY 11212
<b>RECOMMENDATION</b> <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions		
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>		
<b>Voting</b> # In Favor: 21    # Against: 0 <sub>16</sub> # Abstaining: 1    Total members appointed to the board: 41		
<b>Name of CB/BB officer completing this form</b> Genese Morgan	<b>Title</b> Chairperson	<b>Date</b> 7/10/2017

Application #C170454ZMK  
#C170457ZSK  
#C170456HAK

Community Board #16 is in support of these applications which will rezone Block 3566, Lot 6 and erase a blighting condition by constructing 125 affordable housing units and approximately 3,079 square feet of community facility and retail space on this site.



## Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

3 Livonia Avenue Brooklyn, New York 11212

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 #:** EDWIN'S PLACE -170454 ZMK, 170455 ZRK, 170456 HAK, 170457 ZSK

In the matter of the applications submitted by the New York City Department of Housing Preservation & Development (HPD) pursuant to sections 197-c and 201 of the New York City Charter, seeking zoning map amendments that would change an R6 District to an R7-2 District property bounded by a line 100 feet northerly of Livonia Avenue, Grafton Street, and Howard Avenue, and would establish within the proposed R7-2 District a C2-3 District from Livonia Avenue to a line 100 feet to its north between Grafton Street and Howard Avenue; a zoning text amendment to establish the project area as a Mandatory Inclusionary Housing (MIH) area; pursuant to article 16 of the General Municipal Law of New York State, the designation of the 3 Livonia Avenue (Block 3566, Lot 6) property as an Urban Development Renewal Area and the disposition of the property to a developer to be selected by HPD, and a special permit pursuant to section 74-903 of the Zoning Resolution to modify the requirements of maximum Floor Area Ratio (FAR) for certain community facility uses to permit the allowable community facility FAR to apply to a non-profit institution with sleep accommodations. These applications would enable the construction of a new eight-story mixed-use building that would provide approximately 125 affordable housing units, one superintendent unit, ground-floor retail, and/or community facility space in the Brownsville section of Brooklyn Community District 16 (CD 16).

COMMUNITY DISTRICT NO. 16

BOROUGH OF BROOKLYN

### RECOMMENDATION

☒ APPROVE  
☐ APPROVE WITH  
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE  
☐ DISAPPROVE WITH  
MODIFICATIONS/CONDITION

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

August 9, 2017

DATE

**RECOMMENDATION FOR: EDWIN'S PLACE – C 170454 ZMK, 170455 ZRK, 170456 HAK, 170457 ZSK**

An application submitted by the New York City Department of Housing Preservation & Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b to change an R6 District to an R7-2 District property bounded by a line 100 feet northerly of Livonia Avenue, Grafton Street, and Howard Avenue; a zoning text amendment to establish the project area as a Mandatory Inclusionary Housing (MIH) area; the disposition of the property to a developer selected by HPD, and a special permit pursuant to section 74-903 of the Zoning Resolution to modify the requirements of maximum Floor Area Ratio (FAR) for certain community facility uses to permit the allowable community facility FAR to apply to a non-profit institution with sleep accommodations.

On Wednesday, July 25, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on this item. There were two speakers present at this hearing, with one being in opposition to actions associated with HPD. The representative for Council Member Darlene Mealy questioned the status of communication between the applicant and the developer with the council member.

In response to Deputy Brooklyn Borough President Diana Reyna's inquiry regarding Passive House certification, the representative of the designated developer, Breaking Ground LLC, stated that the development team members chose not to pursue certification due to difficulties related to the selected building materials and the costs of additional oversight during construction. However, the representative stated that the development will integrate Passive House design principles.

In response to Deputy Borough President Reyna's inquiry regarding the use of renewable and sustainable energy resources and promoting practices to retain stormwater runoff, the representative stated that the development would include green roofs, and that its communal spaces will function as stormwater retention system in tandem with green roofs and street trees. The developer intends to do building systems commissioning, using a third party consultant, in order to be certified by the New York State Energy Research and Development Authority (NYSERDA) and Enterprise Green. At occupancy, tenants will receive educational tools and training about the function and maintenance of green infrastructure.

In response to Deputy Borough President Reyna's inquiry regarding how long the units would be rented at affordable rates, the representative stated that applicant will sign a regulatory agreement with the City for a period of 60 years.

In response to Deputy Borough President Reyna's inquiry as to what consideration might be given to accommodating local merchants and non-profit groups in the Livonia Avenue storefront, the representative stated that they intend to work with the community to identify merchants or non-profit groups that would need such space. The applicant stated an intent to prioritize the community's retail needs as identified in HPD's "Brownsville Plan," including banking and health services.

In response to Deputy Borough President Reyna's inquiry regarding the total per-unit subsidy from City and State sources, the applicant quoted a City subsidy of \$75,000 and a State subsidy of \$150,000, per unit. The City is also contributing project-based Section 8 assistance for all supportive housing units.

In response to Deputy Borough President Reyna's inquiry as to what supportive services would be made available to residents, the representative stated that the African American Planning Commission (AAPC) would act as the service provider. AAPC's role in the project will involve developing linkages with community boards to provide on- and off-site services for supportive and non-supportive housing tenants, and also throughout Brooklyn Community District 16 (CD 16).

In response to Deputy Borough President Reyna's inquiry regarding what marketing strategies would be used to maximize CD 16 residents' participation in the tenant selection process, particularly seniors, who will not meet the 60 percent Area Median Income (AMI) requirement, the representative stated that a management company has been identified that will follow HPD regulations for utilizing its Housing Connect program. Additionally, rent-burdened Brownsville seniors on fixed incomes would be captured in an assessment to be conducted during the lottery process. It was further noted that Breaking Ground would be the leasing and marketing agent for Edwin's Place, as well as the property manager. Breaking Ground would advertise the development through local publications, local elected officials' offices, and Brooklyn Community Board 16 (CB 16). It was noted that HPD has implemented a "housing ambassadors" program, which involves partnering with local non-profits that offer assistance in completing applications. Finally, Breaking Ground plans to work with CB 16 to hold informational workshops but has not identified housing ambassadors who might be potential partners in its marketing efforts.

In response to Deputy Borough President Reyna's inquiry regarding the incorporation of energy efficiency and stormwater retention features, the representative noted their intent to undertake a study on tree pit bioswales and their feasibility, given the site's location adjacent to elevated tracks. The representative added that the development's present stormwater retention strategy involves open space and street trees on the northern portion of the site and the building's green roof. While the utilization of solar panels would not take the building entirely off the grid, the representative expressed, on behalf of Breaking Ground LLC, an intent to use solar power, as well as an efficient generator system to substantially reduce and supplement the building's energy use.

In response to Borough President Adams' policy of maximizing job opportunities for Brooklynites and procuring supplies locally through the inclusion of Local Business Enterprises (LBE) and Minority- and Women-Owned Business Enterprises (MWBE), the representative intends to comply with such advocated levels of MWBE participation. He noted that New York State requires MWBE hiring to constitute 32 percent of total labor costs while the City requires 25 percent for projects that receive public funding.

Subsequent to the hearing, a representative of CB 16 shared that there are several arts and cultural groups in the community that are in need of classroom, gallery, and/or performance space. Having a permanent space at a cost that they can afford would enable these groups to grow and provide much needed services to community residents.

### **Consideration**

CB 16 approved this application without conditions on June 27, 2017.

The proposed development actions seek to transform 20,000 square feet (sq. ft.) of unimproved, City-owned land on Livonia Avenue located between Howard Avenue and Grafton Street on the western border of Brownsville. Approval would facilitate the development of a Use Group 3 community facility building with sleeping accommodations (permanent housing) targeted to a population of individuals and families that are either low-income or formerly homeless. The



designated developer consists of Breaking Ground (formerly Common Ground), the largest developer of supportive housing in New York City, including two residences in CD 16, and AAPC, a social service and community development organization based in central Brooklyn that operates a 40-unit transitional home for domestic violence survivors and their dependents.

To proceed, Edwin's Place requires a zoning special permit pursuant to New York City Zoning Resolution (ZR) Section 74-903 to permit use of the community facility floor area ratio (FAR) of up to 4.8, to be applied to a non-profit institution with sleeping accommodations. In addition, HPD has received a related Mayoral Zoning Override that allows a street wall of 71 feet, 11 feet above the maximum permitted height of 60 feet.

Edwin's Place would be a single, eight-story mixed-use building containing approximately 125 affordable units, with retail/or community facility space on the ground floor and additional community facility space for AAPC services. Forty-seven units will be set aside for low-income households, with the other 78 set aside for formerly homeless families and individuals. The majority of supportive housing units will be studio apartments.

Based on a meeting with Borough President Adams' representatives in 2016, the project incorporates three tiers of income affordability, at 40 percent, 50 percent, and 60 percent Area Median Income (AMI) for the 47 low-income units. A 50 percent preference will be given to residents of CD 16.

Residents of Edwin's Place would receive a range of on-site social services, including job readiness training and substance abuse counseling, provided by AAPC. The building lobby will be attended 24 hours a day, seven days a week, and equipped with a state-of-the art security camera system. Intended building amenities range from a computer room, a fitness room with exercise machines, and a multipurpose room for community and tenant events. The building's yard would contain a landscaped courtyard for resident use.

The blocks surrounding the project site are predominantly residential, with a mix of two-story attached single-family homes and small residential dwellings. The site is situated near the intersection of East 98<sup>th</sup> Street and Livonia Avenue, which is dominated by commercial uses, including local retail establishments.

No accessory off-street parking spaces would be required pursuant to an as-of-right waiver according to ZR Section 36-231, though the site is well-served by public transit. The elevated 3 Seventh Avenue Local line serves the Saratoga Avenue station. There are bus routes along East 98<sup>th</sup> Street and Saratoga Avenue. Transportation would be complemented by the bicycle parking that would be provided at lobby level.

Borough President Adams supports Mayor de Blasio's goal to achieve 200,000 affordable housing units over the next decade. 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 own neighborhoods. Borough President Adams is committed to addressing the borough's affordable housing crisis through creation and preservation of much-needed affordable housing units for very low- to middle-income Brooklynites.

Borough President Adams supports actions that facilitate development of underutilized land for productive uses that address the City's need for affordable housing.

Borough President Adams believes that there is a need for supportive housing options for individuals and families who are circumstantially homeless, including persons with disabilities. Considering this section of Brooklyn has a great share of homeless shelters and transitional housing, Borough President Adams believes the City should amend the costly and cumbersome shelter system to a more cost-effective model that prioritizes permanent housing solutions. Producing supportive housing is less expensive and provides stable housing stock to serve the homeless population, while also integrating residents into the community. As more permanent units become available, steps should be taken to reduce the capacity of area shelters as accommodations in this community.

Borough President Adams supports the public policy of integrating supportive housing units into a community by interspersing such units in the same building with housing units for low-income families, with a blend of 40 percent of occupants being families earning up to 60 percent AMI. This proposal is generally consistent with recent City policy changes that have evolved to blend such supportive housing developments with 40 percent of the apartments designated for low-income households. Tenants are assigned to such apartments through the City's affordable housing lottery, inclusive of a 50 percent local preference, for occupants earning up to 60 percent AMI. The joint partnership between AAPC and Breaking Ground will ensure capable administration of such permanent housing accommodations.

In its Fiscal Year 2018 (FY18) Community District Needs statement, CB 16 identifies affordable housing as one of its three most pressing issues. The statement calls for "permanent and affordable housing, not homeless shelters...to meet the increasing needs of our senior citizens, families, and single adults with minimum wage jobs." By prioritizing over 60 percent of the units for the formerly homeless, Edwin's Place would help increase the supply of affordable and supportive housing in the community.

According to the American Community Survey, approximately 12 percent of the population in CD 16 is older than 62 years of age. Borough President Adams believes that the low-income studios and one-bedroom units would be suitable for housing seniors when rents of such units do not exceed 40 percent of AMI. AAPC and Breaking Ground intend to provide such opportunities to enable some units to be rented to seniors and allow very low-income seniors to become lottery eligible. Neighborhood seniors receiving nominal pension and Social Security benefits would likely qualify for such rents. Should initiatives such as Income Average advance at the federal level, there would be an enhanced opportunity to provide a portion of the units within the proposed building at rents that would allow even more seniors to qualify.

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. Where HPD has designated for-profit companies to develop affordable housing, the duration of such affordable housing is often driven by financial considerations. Standard regulatory agreements used by government agencies might consist of 30 or 50 years. As tenants move out after the expiration of such regulatory agreement, those units would no longer be an affordable housing resource. The disposition of the Edwin's Place property to a non-profit affordable housing developer and a social services provider that have agreed to enter into a 60-year regulatory agreement with HPD will ensure that all 125 units remain affordable much longer than comparable developments built by for-profit entities.

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, Passive House construction, solar panels, and/or wind turbines. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability,

NYSERDA, and/or New York Power Authority (NYPA) at each project site. Such modifications would increase energy efficiency and reduce the development's carbon footprint. Borough President Adams supports Breaking Ground LLCs' intention to utilize Passive House principles and pursue stringent standards for energy efficiency at Edwin's Place. The proposed development will achieve Enterprise Green Communities certification by including elements such as energy-efficient heating, cooling and ventilation; Energy Star appliances; green roofs for stormwater management; high efficiency lighting; highly efficient insulation; light color paving to reduce heat-island effect; organic paints and adhesives; native plantings, and water-saving fixtures.

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that will create 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 our 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 and including those that qualify as LBE and MWBE 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, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation).

As Edwin's Place funding includes financing/subsidizing participation for which HPD contributes no less than \$2 million, Breaking Ground LLC would be required to participate in HPD's MWBE Building Opportunity Initiative's Build Up program, and meet the State's additional labor participation requirements. Borough President Adams believes that based on the Build Up program and State requirements, there would be reasonable opportunities to address demonstrated disparities in LBE/MWBE participation in affordable housing development process. Development projects that receive HPD subsidies are required to spend at least one quarter of HPD-supported costs on certified MWBEs during the course of design and construction. Developers may adopt a goal higher than the minimum.

Through HPD's initiative, Borough President Adams believes that the project developer should continue the emphasis to retain Brooklyn-based contractors and subcontractors, especially those who are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and LBE and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation).

Though Borough President Adams supports these land use actions, he seeks for the building to include ground floor, locally-based community use and to further explore whether it would be possible to include bioswales as part of the Builders Pavement Plan. In addition, he believes that it would be appropriate to achieve more density along the Livonia Avenue – 98<sup>th</sup> Street transit corridor.

### **Accommodating Community Uses**

It is 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 in order to maintain their programming and to flourish.



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 highlights the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds that there are 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 — 59 percent of adults as of 2013 are 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 since 2006 in attendance at events organized by local cultural institutions.

Many cultural organizations have contacted Borough President Adams seeking assistance with securing space to expand and sustain their programming. 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.

The location for the proposed Edwin's Place development is well-suited for inclusion of conveniently accessible cultural and/or dance activities, as well as other community uses given the proximity to the bus and subway lines that serve Brownsville and East New York. This is consistent with the "Brownsville Plan's" objective to "promote the design of flexible ground floor spaces that can accommodate a range of uses, including local businesses, especially on the Livonia Avenue RFP sites." Borough President Adams believes that a portion of the proposed retail space could be marketed to local art groups, and/or locally-based community organizations, though such uses cannot afford to compete with the rents that retail use would likely pay to lease at this location.

The proposed development's ground floor will have 3,000 sq. ft. designated for retail and/or community facility space to facilitate the area's cultural and social needs. The local arts group Arts East NY is an example of a non-profit recently being selected to occupy such space in a similar developments on Livonia Avenue. The type of use occupying this ground floor area has not been identified. The applicant will work with HPD to distinguish the desirable uses suited for the community's context.

Borough President Adams believes that Breaking Ground LLC should actively solicit locally-based community organizations that advance the arts and culture, including dance, as potential occupants of the proposed ground floor commercial/community facility space. Such outreach should proceed in consultation with CB 16 and local elected officials to adequately solicit such cultural organizations as potential building occupants.

#### **Advancing Sustainability and Stormwater Management Policies**

It is Borough President Adams' flood resiliency policy to encourage developers to incorporate permeable pavers and/or establish bioswales that advance DEP green-water/stormwater strategies. Bioswales, blue/green roofs, and permeable pavers would deflect stormwater from



entering the City's water pollution control plants. According to the "New York City Green Infrastructure 2014 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous environmental, social, and economic co-benefits.

As noted during his public hearing, Breaking Ground LLC intended to undertake a study on tree pit bioswales and their feasibility, given the site's location adjacent to elevated tracks. Borough President Adams believes that Breaking Ground LLC would be furthering his policies by giving appropriate consideration to incorporating into the development the inclusion of bioswales as part of the Builders Pavement Plan.

### **Exploring the Appropriateness of Increasing Density along Livonia Avenue and East 98<sup>th</sup> Street**

Borough President Adams supports the Mayor's intent to achieve 200,000 affordable housing units over the next decade. In 2014, the Office of the Brooklyn Borough President released its Housing Brooklyn report, which identified potential sites for affordable housing development in Brooklyn and recommended that HPD advance City-owned vacant sites along Livonia Avenue in CD 16. Edwin's Place is one such site. The report further recommended upzoning the corridor to R7D and/or C4-4L to maximize potential for affordable housing and commercial development. In 2017, HPD issued the "Brownsville Plan," which involves advancing the Livonia Avenue sites through HPD's Request for Proposals (RFP) process. Borough President Adams supports the redevelopment of the Edwin's Place site for affordable housing with its proposed 4.94 FAR, which exceeds the R7A MIH zoning of 4.6 FAR, though it is within the permitted FAR of 5.6 for a R7D MIH district. He further supports future development of vacant HPD sites as part of the "Brownsville Plan."

Borough President Adams believes that the Livonia Avenue – East 98<sup>th</sup> Street transit corridor is an appropriate place to consider amending the zoning to permit residential density comparable to Edwin's Place. The Brooklyn Community District 5 (CD 5) section of Livonia Avenue had previously seen its residential zoning increased by approximately 50 percent. He believes that such zoning might be equally appropriate for the section of Livonia Avenue in CD 16 extending from East 98<sup>th</sup> Street to the CD 5 border as well as the section of East 98<sup>th</sup> Street from Livonia Avenue to East New York Avenue where it borders both CDs 16 and 17. The New York City Department of City Planning (DCP) should give consideration to investigating the possibility of such a rezoning in consultation with CBs 16 and 17 and their local elected officials.

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

Borough President Adams is aware of the significant deficiencies in the existing area's public transit service and that the community has growing concerns regarding any additional strains on the already lacking service.

NYC Transit's (NYCT) recently adopted capital budget proposal would connect the Livonia Avenue and Junius Street on the L and 3 lines in Brownsville. Currently, riders connecting in a community that is arguably among the poorest income tracts in the country have to walk along a desolate stretch and must pay again to reenter the subway system. The proposed budget will realize this long-awaited physical connection, and make the station ADA-accessible, improve accessibility and extend transit service for many residents. While Borough President Adams continues to advocate for the MTA to implement the physical free transfers between the Livonia Avenue L train and Junius Street 3 train, he has also called upon the MTA to provide free "out-of-station" transfers akin to what is currently practiced between the Lexington Avenue/59<sup>th</sup> Street and Lexington Avenue/63<sup>rd</sup> Street stations.

**Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c of the New York City Charter, recommends that the City Planning Commission (CPC) and the City Council approve this application.

**Be it Further Resolved:**

1. That Breaking Ground LLC give appropriate consideration to incorporating into the development the following:
  - a. That a portion of the proposed ground floor commercial/community facility space be marketed at affordable lease terms to art groups, and/or locally-based community organizations, in consultation with Brooklyn Community Board 16 (CB 16) and local elected officials, according to adequate solicitation of such cultural organizations as potential building occupants, and
  - b. The inclusion of bioswales as part of the Builders Pavement Plan
2. The New York City Department of City Planning undertake, in consultation with CBs 16 and 17 and their and local elected officials, a zoning study that would consider whether to upzone the section of Livonia Avenue in CD 16 extending from East 98<sup>th</sup> Street to the CD 5 border as well as the section of East 98<sup>th</sup> Street from Livonia Avenue to East New York Avenue where it borders both CDs 16 and 17, in Brownsville to an R7D or C4-4L district.
3. The New York City Transit (NYCT) should advance the construction of the free transfers between the Livonia Avenue L train station and Junius Street 3 train station.