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**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 47 New Lots Avenue (Block 3855, Lot 40), 609-615 Osborn Street (Block 3628, Lot 9), 120-122 Liberty Avenue (Block 3693, Lots 22 and 23) 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 properties to a developer to be selected by HPD;

to facilitate the construction of three residential developments containing an approximate total of 41 affordable dwelling units and commercial space, Borough of Brooklyn, Community District 16.

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Approval of three separate matters is required:

1. the designation of property located at 47 New Lots Avenue (Block 3855, Lot 40), 609-615 Osborn Street (Block 3628, Lot 9), 120-122 Liberty Avenue (Block 3693, Lots 22 and 23) as an Urban Development Action Area; 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 an Urban Development Action Area (UDAA) designation and project approval and disposition of City-owned property (C 190373 HAK) was filed by HPD on April 8, 2019, to facilitate the development of two residential buildings and one mixed-use building containing a total of approximately 41 affordable residential units and 2,000 square feet of commercial space in the Brownsville neighborhood of Brooklyn, Community District 16.

HPD states in its application that:

“The Project Area 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 Project Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.”

## **BACKGROUND**

HPD is seeking UDAA designation, project approval, and disposition of City-owned property located at 47 New Lots Avenue (Block 3855, Lot 40), 609-615 Osborn Street (Block 3628, Lot 9), 120-122 Liberty Avenue (Block 3693, Lots 22 and 23) to facilitate the development of two residential buildings and one mixed-use building containing a total of approximately 41 affordable residential units and 2,000 square feet of commercial space in the Brownsville neighborhood of Brooklyn, Community District 16.

The project area consists of three separate development sites, located in two clusters in the Brownsville neighborhood of Brooklyn. Development Site 1, located at 47 New Lots Avenue, is a vacant, 5,716-square-foot, City-owned lot located on New Lots Avenue between Mother Gaston Boulevard and Christopher Avenue. Development Site 2, 609-615 Osborn Street, is a vacant, 4,308-square-foot, City-owned lot located at the northeast corner of Osborn Street and Hegeman Avenue. Development Site 3, 120-122 Liberty Avenue, is a vacant, 4,751-square-foot, City-owned lot at the southwest corner of Liberty Avenue and Sackman Street.

Development Sites 1 and 2 are within about one block of each other in the southeastern section of the Brownsville neighborhood. Development Site 3 is in the northeastern section of the Brownsville neighborhood, approximately one mile to the north of Development Sites 1 and 2.

Development Site 2 was located within the former Brownsville I Urban Renewal Area, which expired in 2007. Development Site 1 and Development Site 3 have been designated for residential use as part of the Brownsville II Urban Renewal Area.

All three development sites are mapped with an R6 zoning district, a residential district mapped widely throughout Brooklyn. R6 districts allow medium-density housing types at a maximum floor area ratio (FAR) of up to 2.43 for residential uses and up to 4.8 for buildings containing community facility uses. R6 is a “height factor” district where residential and community facility uses are

permitted with no fixed height limits. Building envelopes are regulated by an open space ratio and a sky exposure plane after a maximum base height of 60 feet. Residential development under the optional Quality Housing Program has a maximum FAR of 2.2 on narrow streets and a 55-foot building height limit, and a maximum FAR of 3.0 on wide streets with a height limit of 75 feet. For buildings in Mandatory Inclusionary Housing (MIH) areas, residential development has a maximum FAR of 2.42 on narrow streets and 3.6 on wide streets with a maximum building height of 115 feet. Off-street parking is required for 70 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 square feet, or if Quality Housing provisions are used. Additionally, Development Site 1 is located within a C2-3 commercial overlay. C2-3 districts allow a range of local commercial uses, including a variety of retail and service uses such as grocery stores, restaurants, convenience stores, and laundromats. When mapped within an R6 district, C2-3 districts allow a maximum commercial FAR of 2.0. In mixed-use buildings, commercial use is limited to the first floor and must be located below the residential uses.

The area surrounding Development Sites 1 and 2 is primarily residential with institutional and commercial uses in certain locations. Several blocks, primarily to the north, contain two-story attached single-family homes, many developed under the Nehemiah Homes Program in the 1980s. There are also multi-family apartment buildings in the surrounding area, including the Plaza Residences, a six-story affordable housing complex, and two blocks to the west the Earl W. Jimerson cooperative apartments, containing three 15-story towers. The surrounding area is also characterized by many two- to three-story walkup apartment buildings.

Commercial uses in the surrounding area include small corner stores, delis, and other local commercial uses, typically on the ground floor of mixed-use buildings. Standalone one-story commercial buildings with parking lots are also located in the surrounding area, including a dialysis center, fast food, dollar store, and laundromat. Institutional uses in the surrounding area include houses of worship and schools. Open spaces in the area include the Brownsville Playground and Recreation Center, a three-acre mapped park with indoor and outdoor recreation facilities, and the Osborn Playground, a 1.9-acre mapped park with outdoor recreation facilities.

The area surrounding Development Site 3 is a mix of residential and industrial uses with local retail and institutional uses. Residential uses in the surrounding area are low- to medium-density

buildings, generally three- to four-stories in height, including two four-story apartment buildings located directly across the street from the development site. The remainder of the block containing the development site is a public elementary school, a charter school, vacant lots, parking lots, and a small storage building.

Across Liberty Avenue to the north and extending east is the East New York Industrial Business Zone (IBZ), a 100-acre industrial area containing over 100 businesses and 3,000 jobs. Industrial uses near Development Site 3 include wholesalers, metal works, auto repair, warehouses, open storage, and bus parking. Commercial uses in the immediate vicinity are limited to Pitkin Avenue, located two blocks south of the site, which contains a variety of retail uses, and is the most active retail corridor in the Brownsville neighborhood, extending over a half-mile west. Open spaces in the surrounding area include Houston Playground, a 0.9-acre Department of Parks and Recreation-owned park, Powell Playground, a 1-acre mapped park, and Howard Playground, a 1-acre mapped park.

All three development sites are well-served by public transit. Development Sites 1 and 2 are located four and six blocks, respectively, from the MTA L-train New Lots Avenue station. Development Site 3 is four blocks from the L-train Atlantic Avenue station and the Long Island Railroad East New York station, and six blocks from the Broadway Junction transit hub with connections to the L, J, Z, A, and C lines.

HPD proposes to develop two new four-story residential buildings and one new six-story mixed-use building on the development sites. Together, the buildings would contain a total of 41 affordable housing units, one superintendent's unit, and approximately 2,000 square feet of commercial space.

Development Site 1 would contain a six-story mixed-use building with a total of 16,464 square feet (2.88 FAR), including 14,408 square feet (2.52 FAR) of residential floor area and a total of 16 affordable units, one superintendent's unit, and 2,056 square feet (0.36 FAR) of commercial space on the ground floor. Residential units would be studios, 1-, 2-, and 3-bedroom units. The building would rise to a height of 65 feet, and provide a 30-foot rear yard, which would contain a recreation space for building residents with an active play area and plantings, accessed through an eight-foot side yard. The building would be constructed pursuant to the Quality Housing

regulations of the existing R6 zoning district and the commercial provisions of the existing C2-3 district. Amenities would include a laundry room and enclosed bicycle storage room. No parking would be provided, as Development Site 1 is within the Transit Zone and the proposed commercial space would not require parking under the C2-3 regulations. Three street trees would be planted on New Lots Avenue.

Development Site 2 would contain a four-story residential building with a total of 9,430 square feet (2.19 FAR) and a total of 12 units. Residential units would be studios, 1-, and 3-bedroom units. The building would be approximately 42 feet high, and provide an approximately 32-foot side yard, which would contain a recreation space for building residents with a landscaped play area, accessed from a gate on Osborn Street. Amenities would also include a laundry room, indoor play room, and enclosed bicycle storage. The building would be developed under the Quality Housing regulations of the existing R6 district. No parking would be provided as Development Site 2 is within the Transit Zone. Six street trees would be planted on Osborn Street and Hegeman Avenue.

Development Site 3 would contain a four-story residential building with a total of 10,220 square feet (2.15 FAR) and a total of 13 units. Residential units would be studios, 1-, 2-, and 3-bedroom units. The building would have a height of approximately 42 feet, and provide an approximately 24- to 40-foot side yard, which would be designated as recreation space for building residents, including a landscaped play area, accessed by a gate on Sackman Street. Amenities would also include a laundry room, indoor recreation room, outdoor terrace on the fourth floor, and enclosed bicycle storage. The building would be developed under the Quality Housing regulations of the existing R6 district. No parking would be provided, as Development Site 3 is within the Transit Zone. Six total street trees would be planted on Liberty Avenue and Sackman Street.

In order to facilitate the proposed development, HPD is seeking an UDAAP designation, project approval, and disposition of City-owned property.

## **ENVIRONMENTAL REVIEW**

This application (C 190373 HAK) 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 18HPD065K. 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 April 29, 2019.

### **UNIFORM LAND USE REVIEW**

This application (C 190373 HAK) was certified as complete by the Department of City Planning on May 6, 2019, 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).

### **Community Board Public Hearing**

Community Board 16 held a public hearing on this application (C 190373 HAK) on May 28, 2019, and on June 25, 2019, by a vote of 16 in favor, four opposed and six abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President issued a letter dated June 28, 2019, waiving his review period, and issued a recommendation to approve the application (C 190373 HAK) on July 25, 2019.

### **City Planning Commission Public Hearing**

On July 10, 2019 (Supplemental Calendar No. 1), the City Planning Commission scheduled July 31, 2019 for a public hearing on this application (C 190373 HAK). The hearing was duly held on July 31, 2019 (Calendar No. 39). There were four speakers in favor and none opposed.

The applicant team, consisting of four speakers (two representatives of HPD, one representative of the developer, and one member of the architect team) appeared in favor of the application. A representative from HPD provided an overview of the development sites and surrounding areas and explained the actions requested. The developer's representative described the proposal, the unit mix of each building, and the anticipated affordability levels for each development site. A representative of the architect team stated that the team had created floor plans that included furniture arrangements.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application (C 190373 HAK) for Urban Development Action Area designation, project approval, and the disposition of City-owned property, is appropriate.

The applicant proposes to develop three new 100-percent affordable residential and mixed-use buildings on three City-owned, vacant sites, providing a total of 41 units of affordable housing. Development Site 1 will be a six-story mixed-use building with 16 affordable residential units and ground floor commercial space. Development Site 2 will be a four-story residential building with 12 affordable units. Development Site 3 will be a four-story residential building with 13 affordable units. The Commission believes that the proposed developments will make productive use of vacant, underutilized property while providing much-needed affordable housing in the Brownsville neighborhood.

The Commission finds that the disposition of these three sites for new affordable housing development is appropriate. All three are City-owned vacant lots with no current use, which will be replaced with new affordable housing developed under existing zoning. In addition, Development Site 1 will provide ground floor commercial space, consistent with existing zoning, appropriate for character of the area with small-scale retail and service uses. These developments will help activate this section of the Brownsville neighborhood by replacing the blighted condition of the vacant lots with residential and mixed-use buildings in context with the character of the surrounding area, which will enhance the streetscape and pedestrian experience in this portion of the neighborhood.

## **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 properties located at 47 New Lots Avenue (Block 3855, Lot 40), 609-615 Osborn Street (Block 3628, Lot 9), and 120-122 Liberty Avenue (Block 3693, Lots 22 and 23) 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 properties located at 47 New Lots Avenue (Block 3855, Lot 40), 609-615 Osborn Street (Block 3628, Lot 9), 120-122 Liberty Avenue (Block 3693, Lots 22 and 23) 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 47 New Lots Avenue (Block 3855, Lot 40), 609-615 Osborn Street (Block 3628, Lot 9), 120-122 Liberty Avenue (Block 3693, Lots 22 and 23) 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 190373 HAK), duly adopted by the City Planning Commission on August 14, 2019 (Calendar No. 21), 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.

**MARISA LAGO**, *Chair*

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

**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,**

**MICHELLE de la UZ, JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT,**

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





# Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:	Project Name:
CEQR Number:	Borough(s): Community District Number(s):

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" ~~XXXXXXXXXX~~
  - 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:*

Applicant(s):	Applicant's Representative:	
Recommendation submitted by:		
Date of public hearing:	Location:	
Was a quorum present? YES <input 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>	
Date of Vote:	Location:	
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <span style="margin-left: 200px;"><input type="checkbox"/> Approve With Modifications/Conditions</span> <input type="checkbox"/> Disapprove <span style="margin-left: 150px;"><input type="checkbox"/> Disapprove With Modifications/Conditions</span>		
<b><u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u></b>		
<b>Voting</b> # In Favor:          # Against:          # Abstaining:          Total members appointed to the board:		
Name of CB/BB officer completing this form	Title	Date

Application #C190373HAK

Community Board #16 recommends approval of this application which will dispose of these three properties to a developer who will construct 41 affordable units and commercial space which are much needed in Community District #16.

**Brooklyn Borough President Recommendation**  
CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
[CalendarOffice@planning.nyc.gov](mailto: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#:** BROWNSVILLE SOUTH NCP CLUSTER – 190373 HAK, 190374 HUK

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for the following land use actions: Pursuant to Article 16 of the General Municipal Law of New York State, requesting designation of three properties, located at 120 Liberty Avenue, 47 New Lots Avenue, and 609 Osborn Street as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) for such area, and pursuant to Section 197-c of the New York City Charter, convey such City-owned properties to a developer to be selected by HPD. Such actions would facilitate the development of approximately 42 affordable housing units and, at 47 New Lots Avenue, approximately 2,000 square feet (sq. ft.) of ground-floor commercial space, in three newly-constructed buildings ranging from four to six stories in height, in the Brownsville neighborhood of Brooklyn Community District 16 (CD 16).

BROOKLYN COMMUNITY DISTRICT NO. 16

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

July 24, 2019

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: BROWNSVILLE SOUTH NCP CLUSTER – 190373 HAK, 190374 HUK**

The New York City Department of Housing Preservation and Development (HPD) submitted an application for the following land use actions: Pursuant to Article 16 of the General Municipal Law of New York State, requesting designation of three properties, located at 120 Liberty Avenue, 47 New Lots Avenue, and 609 Osborn Street as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) for such area, and pursuant to Section 197-c of the New York City Charter, convey such City-owned properties to a developer to be selected by HPD. Such actions would facilitate the development of approximately 42 affordable housing units and at 47 New Lots Avenue, approximately 2,000 square feet (sq. ft.) of ground floor commercial space, in three newly-constructed buildings ranging from four to six stories in height, in the Brownsville neighborhood of Brooklyn Community District 16 (CD 16).

On May 29, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this disposition request. There were no speakers on 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 applicant's representative stated that the 42 units would be affordable to households at between 30 and 80 percent Area Median Income (AMI). The applicant expressed interest in working with HPD to achieve a 50/50 mix of units below and above 60 percent AMI.

With regard to the bedroom mix, the applicant stated that 609 Osborne Street would be a four-story building with 12 units, including four studios, five one-bedroom units, and three three-bedroom units; 47 New Lots Avenue would be a six-story building, with 17 units, including five studios, six one-bedroom units, three two-bedroom units (including one for the superintendent), and three three-bedrooms, and 120-122 Liberty would be a four-story building with 13 units, including two studios, seven one-bedroom units, three two-bedroom units, and one three-bedroom unit.

Monthly rents would range from \$490 for a studio at 30 percent AMI to \$2,221 for a three-bedroom at 80 percent AMI. For incomes in between, a one-bedroom at 50 percent AMI would rent for \$925 per month, a two-bedroom unit at 40 percent AMI would rent for \$882 per month, and a three-bedroom unit at 30 percent AMI would rent for \$733 per month.

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 CD 16 residents, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the representative stated that the developer would conduct outreach sessions with Brooklyn Community Board 16 (CB 16), and work with a property manager called Lemle & Wolff to identify an existing financial literacy program. The applicant also expressed intent to reach out to organizations such as CAMBA, Mutual Housing Association of New York (MHANY), and the Local Development Corporation of East New York (LDCENY).

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, New York City Department of Environmental (DEP) rain gardens, and/or solar panels, the representative stated the Osborn Street and New Lots properties would include right-of-way rain gardens. Additionally, 47 New Lots Avenue would have a white roof. The three developments would meet Enterprise Green Communities standards, as required by HPD. The applicant will explore the possibility of incorporating solar panels at a later date.

## **Consideration**

CB 16 approved this application on May 28, 2019.

The proposed land use actions would affect three sites located in the Brownsville section of CD 16. The 120-122 Liberty Avenue site consists of approximately 4,280 sq. ft. at the southwest corner of the intersection of Liberty Avenue with Sackman Street. The 47 New Lots Avenue site consist of 5,175 sq. ft. lot located on the north side of Lott Avenue between Christopher Avenue and Mother Gaston Boulevard. The 609-615 Osborn Street site consists of 4,300 sq. ft. lot at the northeast corner of the intersection of New Lots Avenue and Osborn Street. Together, these sites account for approximately 13,750 sq. ft. of vacant, City-owned land. The designated developer is Alembic Community Development, a for-profit developer with a significant presence in Central Brooklyn. All of these sites are zoned R6 and the 47 New Lots Avenue site is also within a C2-3 overlay, and is proposed to be developed with a commercial ground floor.

The requested UDAAP designation and disposition action would result in three walk-up buildings containing 42 fully affordable housing units targeted to households at 30, 40, 50, 60, 70, and 80 percent AMI. The buildings would have a combined unit mix of 11 studios, 18 one-bedroom units, six two-bedroom units, and seven three-bedroom units.

The surrounding context for 120-122 Liberty Avenue is higher-density residential development with multiple New York City Housing Authority (NYCHA) complexes in the vicinity, including Howard Houses to the west and Glenmore Plaza to the south. On its block, the site borders the Christopher Allen Community School. The Houston Playground is located across the street to the south. A large industrial area, The East New York In Place Industrial Park, zoned M1-4, is mapped north and east of the neighborhood.

The surrounding context for 47 New Lots Avenue consists primarily of two-story houses, including some built through the Nehemiah Homes Program in the 1980s. The largest residential development in the area is the Plaza Residences, located across Mother Gaston Boulevard. This complex consists of three, six-story buildings with a total of 385 apartments. On the other side of this complex is 609-615 Osborn Street. South of New Lots Avenue, the context is primary commercial and industrial, with several blocks slated for affordable new development. The most significant recreational resource is the Brownsville Recreation Center at 1555 Linden Boulevard and the adjacent Brownsville Playground.

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.

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

All three Brownsville South NCP Cluster sites are served by public transit. The 120-22 Liberty Avenue site is accessible via the 14<sup>th</sup> Street-Canarsie Local L line at the Atlantic Avenue and Sutter Avenue stops, as well as the Long Island Rail Road (LIRR) East New York stop. The closest bus is the B12, which stops along East New York Avenue, north of the site. The 47 New Lots Avenue site is accessible via the Seventh Avenue Express 3 Line at the Junius Street subway station, located approximately four

blocks north, and the 14<sup>th</sup> Street-Canarsie Local L line at the New Lots Avenue stop, located approximately five blocks east. Nearby buses include B15 bus, which stops directly in front of the site, and the B35 bus, which travels along Hegeman and New Lots avenues. The 609 Osborn Street site is served by the Seventh Avenue Express 3 Line at the Rockaway Avenue stop, located several blocks northwest of the site, and the 14<sup>th</sup> Street-Canarsie Local L line at the New Lots Avenue stop. Available buses include the B15 and B35, which both travel on Hegeman Avenue.

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

Additionally, promoting Brooklyn-based businesses, including those that qualify as 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 the 120 Liberty Avenue, 47 New Lots Avenue, and 609 Osborn Street cluster includes financing for which HPD contributes no fewer than \$2 million, Alembic Community Development 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 the 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).

Borough President Adams supports the proposed development. He calls on Alembic Community Development Brooklyn and HPD to maximize community participation to obtain the affordable housing units, achieving deeper affordability for more apartments, including more units affordable to seniors, provide permanently affordable, including opportunities for homeless families, incorporate resilient and sustainable energy and stormwater practices in the development, and implement Vision Zero pedestrian safety improvements.

### **Achieving and Retaining 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, as a means to minimize the loss of affordable housing units.

Where HPD has designated for-profit companies to develop affordable housing on City-owned property, the duration of such affordable housing 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 a duration of 15 years, with further renewals possible. However, property owners are under no obligation to seek such extensions. Without such obligation to retain housing affordability, those units would no longer be an affordable housing resource once tenants move out after the regulatory agreements expire. The disposition of these sites to an affordable housing developer would ensure that all 42 units remain affordable based on such mission of such organization.

Borough President Adams believes that there are effective ways to preserve such housing as permanently affordable. One means is through 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), non-profit stewardship entities 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. Borough President Adams believes that CLTs are a viable solution 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. As HPD provides financing to extend the term of affordability, if there were a mandate in the land disposition agreement (LDA) to obligate the developer/owners to secure such refinancing, based on such public funds remaining available when the initial mortgage term expires, there would essentially be a guarantee of 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 that it is reasonable that residential floor area developed on City-owned land leased to private developers remain 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 ensure that affordable housing is preserved in perpetuity.

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

Therefore, prior to considering the application, the City Council should obtain commitments in writing from HPD that its LDA with Alembic Community Development memorializing that there would be a mechanism triggered prior to the end of any regulatory term that would provide for these 42 units to continue to be maintained as affordable housing.

## **Providing More Deeply-Affordable Housing Units, Including Housing for Senior Citizens**

### **Achieving Deeper Affordability for More Apartments**

The affordable housing units at 120 Liberty Avenue, 47 New Lots Avenue, and 609 Osborn Street would be targeted to households at 30, 40, 50, 60, 70, and 80 percent AMI. Given that 32 percent of CD 16 residents are considered severely rent-burdened (i.e. those who spend 50 percent or more of their income on rent), Borough President Adams is concerned that the proposed development would not provide sufficient opportunity for Brownsville households at 30, 40, and 50 percent AMI, based on the number of apartments in the 60, 70, and 80 AMI bands. Even with local preference for at least 50 percent of the units, too few Brownsville residents in need of affordable housing would qualify for these apartments.

Borough President Adams believes that, in order to provide more opportunities for residents of CD 16, and to strive to achieve and perhaps exceed the 50 percent local preference mark, an increased number of units should be set aside for households that would qualify for income tiers based on 30, 40, and 50 percent AMI. However, he realizes that reducing the rent roll does not result in a financially viable affordable housing development. Therefore, in order to balance the goals of the project and make it more affordable to Brownsville households while maintaining financial viability, a percentage of the units would need to be targeted to low-income households earning up to 70 and 80 percent AMI, to offset the resulting reduced rent roll based on incorporating a number of units with rents at 30, 40, and 50 percent AMI.

In March 2018, Congress modified the Low-Income Housing Tax Credit (LIHTC) program to allow income averaging. Under the rules, developers utilizing the credit may target households at up to 80 percent AMI in order to offset lower rents for low-income households, provided that the average income/rent limit in the project does not exceed 60 percent AMI. As an additional requirement, at least 40 percent of the units in an LIHTC project must have an average income level of no more than 60 percent AMI and the rents for these units must not exceed 30 percent of the qualifying income level.

Borough President Adams believes that income averaging presents an opportunity to achieve a greater number of affordable units for households with earnings not exceeding 50 percent AMI. Therefore, in order to provide for more units at lower AMIs, the City Council should obtain commitments in writing from HPD clarifying how its LDA with Alembic Community Development would memorialize the extent of inclusion of an increased number of affordable housing units at 30, 40, and 50 percent AMI.

### **Targeting Deeper Affordability for Smaller Units to Senior Citizen Households**

Another rationale for increasing the number of units at 30, 40, and 50 percent AMI is the pressing need to provide affordable housing for an aging population with limited financial means. Older New Yorkers are a rapidly growing segment of the city's population, with more than 300,000 seniors residing in Brooklyn. As noted in the New York City Department of City Planning (DCP)'s Zoning for Quality and Affordability (ZQA) study, New York's senior population is expected to grow 40 percent by 2040. The study noted that lotteries conducted by HPD for senior housing developments drew 60 applicants for every senior apartment. According to a recent study by LiveOn NY, there are 200,000 New Yorkers aged 62 and older on the City's affordable housing waiting lists, while the average wait for a senior apartment is seven years.

Providing opportunities for seniors to secure quality affordable housing and remain in their communities is a priority for Borough President Adams. In an era in which the Federal government has moved away from funding affordable housing for seniors, too few affordable apartments for seniors are being produced, leaving tremendous demand for age-based affordable housing in Brooklyn. As a result, many elderly households are experiencing an increased rent burden to remain in their homes, exhausting their



life savings just to keep up with day-to-day living until they are unable to remain in the areas where they have lived for many years.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedroom, two-bedroom, and three-bedroom units, he believes that when studio and one-bedroom apartments are rented at or below 40 percent AMI, such apartments might be more affordable to senior households. Given the proposed number of studio and one-bedroom units at 120 Liberty Avenue, 47 New Lots Avenue, and 609 Osborn Street, Borough President Adams believes that there are significant opportunities to provide affordable housing for seniors, including those who are formerly homeless.

With the income averaging flexibility afforded to LIHTC projects, HPD would have extensive latitude to earmark a portion of the nine studios and eight one-bedroom units at primarily 30 percent, 40 percent AMI, and some at 50 percent AMI. This would result in more affordable rents for seniors living on modest pension and Social Security income. It is reasonable to assume that with such set-asides, and a targeted marketing campaign, a greater share of studio and one-bedroom apartments at 120 Liberty Avenue, 47 New Lots Avenue, and 609 Osborn Street would be awarded to senior households.

Therefore, in order to accommodate senior citizen households, the City Council should obtain commitments, in writing, from HPD clarifying how its LDA with Alembic Community Development would memorialize how it would assist seniors households, including those who are formerly homeless, being eligible to apply for studio and one-bedroom units at 30, 40, and 50 percent AMI.

#### **Maximizing Community Participation**

As the developer, Alembic Community Development would enter into a regulatory agreement with HPD governing the project's affordable housing plan. It would be charged with ensuring that all 42 units comply with the regulatory agreement. This may involve verifying a prospective tenant household's qualifying income, and approving the rents of affordable housing units. Alembic Community Development would attest to HPD that the initial lease-up of the affordable housing units is consistent with the income requirements, and follow up to ensure compliance.

It is Borough President Adams' policy to advocate for mission-driven affordable housing non-profits to play a role in affordable housing development as such developments are likely to remain permanently affordable. Such organizations are equipped to maximize community participation in affordable housing opportunities.

It is Borough President Adams' policy to advocate for affordable housing non-profits to play a contributing role in maximizing community participation in neighborhood affordable housing opportunities, including serving as non-profit administering agents for new developments involving affordable housing. Borough President Adams recognizes that CD 16 is served by several non-profit housing advocates that could serve to supplement such efforts. These include CAMBA, East Brooklyn Congregations (EBC), the LDCENY, MHANY, and Northeast Brooklyn Housing Development Corporation (NEBHDC), all of which have proven track records of marketing affordable housing units and promoting affordable housing lottery readiness through educational initiatives.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from HPD that its LDA with Alembic Community Development would memorialize utilizing one or more locally-based affordable housing development non-profits to serve as the administering agent and have such entities play a role in promoting affordable housing lottery readiness.

### **Memorializing Housing Units for Homeless Families**

Because of trending increases in rents as compared to real income and other circumstances, certain households formerly from this neighborhood have become homeless and have had to rely on the City's shelter system. Though it is possible that some of these households are able to return to the neighborhood through interim accommodations in transitional housing accommodations, such housing does not provide long-term stability. As an evolution of the City's homeless policy and practices, HPD established the Our Space Initiative (formerly homeless household set-asides).

This program funds the new construction of rental units affordable to formerly homeless households with incomes at or below 30 percent AMI. Homeless referrals must come from HPD, and rents are underwritten based on public assistance shelter allowance. The Our Space Initiative subsidy is supplementary to funding available through HPD's New Construction Finance programs.

Borough President Adams supports developments that include HPD's Our Space Initiative as a means to provide permanent housing to homeless households. There are three pending developments in Brooklyn expected to include the Our Space Initiative, including Bedford Courts, where 10 percent would be set aside for the formerly homeless families; Ebenezer Plaza, where 20 percent of the units would be set aside for the formerly homeless, and Linden Terrace, with a set-aside of 10 percent. Borough President Adams believes, given that the assembled site consists of City-owned properties, that the Our Space Initiative should be implemented as part of the development to provide for ideally 20 percent of the units to house formerly homeless households.

Borough President Adams believes it would be appropriate to require Alembic Community Development to participate in the Our Space Initiative for a percentage of the units. Therefore, in order to provide more units for formerly homeless households, HPD should memorialize a commitment in its LDA with Alembic Community Development to incorporate HPD's Our Space Initiative for ideally 20 percent of the housing units.

### **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. By installing more curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

The proposed developments at 120 Liberty Avenue and 609 Osborn Street are in close proximity to child care centers, houses of worship, playgrounds, and schools. Given the mixed commercial, community facility, and residential character of this section of the surrounding blocks, and the residents expected to occupy the new buildings, it is important to advance improvements that promote pedestrian safety at the intersections where they would be built.

Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to implement curb extensions at the southwest corner of Liberty Avenue and Sackman Street, and at the northeast corner of Hegeman Avenue and Osborn Street. Enhancement at the latter would complement nearby painted crosswalks at Veterans Triangle, located at the intersection of Hegeman Avenue, Mother Gaston Boulevard, and New Lots Avenue, and strengthen pedestrian safety in this busy area.

With regard to 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 the New York City Department of Transportation (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 Alembic Community Development 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 Alembic Community Development 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 Alembic Community Development would advance coordination of such CROSS Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of curb extensions at the southwest corner of Liberty Avenue and Sackman Street, and at the northeast corner of Hegeman Avenue and Osborn Street either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of Alembic Community Development's commitment to enter into a standard DOT maintenance agreement for those intersections. In addition, for the intersection of Hegeman Avenue and New Lots Avenue, Alembic Community Development should consult with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding enhancement of the protected painted areas as a community amenity. Furthermore, DOT should confirm that implementation of both improvements would not proceed prior to consultation with CB 16 and local elected officials.

### **Advancing Resilient and Sustainable Energy and Stormwater Management Policies**

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, NYSERDA, and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint. Development at 120 Liberty Avenue, 47 New Lots Avenue, and 609 Osborn Street offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, and solar panels in the development.

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

According to the "NYC Green Infrastructure 2017 Annual Report," green infrastructure plays a role in addressing water quality challenges and provides numerous economic, environmental, and social benefits. The required Builders Pavement Plan provides an opportunity to incorporate a rain garden along the Hegeman Avenue and Osborn Street frontages of 609 Osborn Street, the Liberty Avenue and Sackman Street frontages of 120 Liberty Avenue, and the New Lots Avenue frontage of 47 New Lots Avenue. Such installations could help advance DEP green water/stormwater strategies, enhancing the

operation of the 26<sup>th</sup> Ward Wastewater Treatment Plant during wet weather. In addition to compensating for the loss of a large permeable surface, the installation of a rain garden would provide a significant streetscape improvement.

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

Borough President Adams believes that HPD should codify in the Land Disposition Agreement (LDA) or regulatory agreement with Alembic Community Development to memorialize exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatments, DEP rain gardens, passive house construction principles, and solar panels in the development. The City Council should further seek demonstration of Alembic Community Development's commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens as part of a Builders Pavement Plan, in consultation with CB 16 and local elected officials.

### **Recommendation**

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

### **Be it Further Resolved:**

1. That the New York City Department of Housing Preservation and Development (HPD) incorporate in its Land Disposition Agreement (LDA) or Regulatory Agreement with Alembic Community Development, the extent that the developers would:
  - a. Commit to retaining the residential floor area as permanently affordable
  - b. Memorialize the extent of inclusion of an increased number of affordable housing units at 30, 40, and 50 percent AMI
  - c. Memorialize strategies to target eligibility and outreach to seniors, including those who are formerly homeless, for studio and one-bedroom units, with rents based on 30, 40, and 50 percent of Area Median Income (AMI)
  - d. Utilize a combination of locally-based affordable housing development non-profits to serve as the administering agent, and have one or more such entities play a role in promoting affordable housing lottery readiness
  - e. Incorporate HPD's Our Space Initiative for ideally 20 percent of the housing units
  - f. Continue exploration of additional resiliency and sustainability measures such as incorporating rain gardens, blue/green/white roof treatment, passive house construction principles, and solar panels at all three buildings

2. A demonstration of Alembic Community Development's commitment to coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the following:
  - a. Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with installation of curb extensions at the southwest corner of Liberty Avenue and Sackman Street, and at the northeast corner of Hegeman Avenue and Osborn Street either as part of a Builders Pavement Plan 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
  - b. Possibility of entering a standard DOT maintenance agreement for the southwest corner of Liberty Avenue and Sackman Street, and the northeast corner of Hegeman Avenue and Osborn Street
  - c. Advancement of the protected painted area as an enhanced community amenity, for the intersections of Liberty Avenue and Sackman Street, and Hegeman Avenue and Osborn Street, 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
  - d. Installation of DEP rain gardens as part of a Builders Pavement Plan at 47 New Lots Avenue, 120 Liberty Avenue, and 609 Osborn Street or within the adjacent protected painted area of each property, in consultation with CB 16 and local elected officials