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January 9, 2019 / Calendar No. 22

C 190038 HAK

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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 461 Alabama Avenue (Block 3803, Lot 6) as an Urban Development Action Area; and
  - b) as an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a mixed-use affordable housing development containing approximately 70 units and community facility space, Borough of Brooklyn, Community District 5.

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Approval of three separate matters is required:

1. The designation of property located at 461 Alabama Avenue between Livonia and Dumont avenues (Block 3803, Lot 6) in the Borough of Brooklyn 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 UDAAP application (C 190038 HAK) was filed by HPD on August 13, 2018. In conjunction with the related actions, it would facilitate the development of a new seven-story building containing approximately 70 units of supportive and affordable housing at 461 Alabama Avenue in the East New York neighborhood of Brooklyn, Community District 5.

HPD states in its application that:

“The Project Area consists of underutilized property that 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 Project pursuant to Article 16 of the General Municipal Law.”

## **RELATED ACTIONS**

In addition to the UDAAP application 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 190037 ZSK** Special permit pursuant to Zoning Resolution Section 74-903 to modify ZR Section 24-111 to allow community facility bulk regulations to be applied to a non-profit institution with sleeping accommodations.

**C 190039 HUK** Fourth amendment to the East New York I Urban Renewal Plan (URP).

## **BACKGROUND**

A description of this application, the surrounding area and the proposed project is included in the report for the related URP action (C 190039 HUK).

## **ENVIRONMENTAL REVIEW**

The application (C 190038 HAK), in conjunction with the applications for the related actions (C 190037 ZSK and C 190039 HUK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18HPD066K. The lead agency is HPD.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on July 2, 2018.

## **UNIFORM LAND USE REVIEW**

This application (C 190038 HAK) and the applications for the related actions (C 190037 ZSK and C 190039 HUK) were certified as complete by the Department of City Planning on August 20, 2018 and duly referred to Brooklyn Community Board 5 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**

Brooklyn Community Board 5 held a public hearing on this application (C 190038 HAK) on September 26, 2018 and by a vote of 25 in favor, none opposed, and one abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 90038 HAK) on October 11, 2018 and on November 22, 2018 issued a recommendation to approve with the conditions, as described in the report for the related URP action (C 190039 HUK), and the hearing was closed.

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

On November 14, 2018 (Calendar No. 13), the City Planning Commission scheduled December 5, 2018 for a public hearing on this application (C 190038 HAK) and the applications for the related actions (C 190037 ZSK and C 190039 HUK). The hearing was duly held on December 5, 2018 (Calendar No. 30).

Five speakers testified in favor of the project, as described in the report on the related URP action (C 190039 HUK), and the hearing was closed.

### **CONSIDERATION**

The City Planning Commission believes that this application for UDAAP designation, project approval, and disposition of City-owned property (C 190038 HAK) is appropriate.

A full consideration and analysis of the issues, and the reasons for approving the application appear in the report for the related URP action (C 190039 HUK).

**RESOLUTION**

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

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located along Alabama Avenue between Livonia and Dumont avenues (Block 3803, Lots 6) in Community District 5, Borough of Brooklyn, as an Urban Development Action Area;

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

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

- a) The designation of property located at 461 Alabama Avenue between Livonia and Dumont avenues (Block 3803, Lots 6) in the Borough of Brooklyn as an Urban Development Action Area;
- 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 described in the report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned property located at 461 Alabama Avenue between Livonia and Dumont avenues (Block 3803, Lots 6) in Community District 5, Borough of Brooklyn, to a developer to be selected by the Department of Housing Preservation and Development, is approved.

The above resolution (C 190038 HAK), duly adopted by the City Planning Commission on January 9, 2019 (Calendar No. 22), 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*

**ALLEN P. CAPPELLI, Esq.**, **MICHELLE de la UZ**,

**JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



**E-MAILED**  
11/23  
*an*

Application #: <b>C 190038 HAK</b>	Project Name: <b>461 Alabama Avenue</b>
CEQR Number: <b>18HPD066K</b>	Borough(s): <b>Brooklyn</b> Community District Number(s): <b>5</b>

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, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 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 Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 461 Alabama Avenue (Block 3803, Lot 6) as an Urban Development Action Area; and,
  - as an Urban Development Action Area Project for such area; and,
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a mixed-use affordable housing development containing approximately 70 units and community facility space in Borough of Brooklyn, Community District 5.

<b>Applicant(s):</b> NYC Housing Preservation and Development 100 Gold St. New York, NY 10038	<b>Applicant's Representative:</b> Jocelyn Torio NYC Housing Preservation and Development 100 Gold St, Room 9X New York, NY 10038
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**Recommendation submitted by:**  
 Brooklyn      Community Board 5

**Date of public hearing:** 4/25/18      **Location:** 982 Hegeman Ave

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

**Date of Vote:** 4/25/18      **Location:** 982 Hegeman Ave

**RECOMMENDATION**

Approve       Approve With Modifications/Conditions  
 Disapprove       Disapprove With Modifications/Conditions

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

**Voting**  
 # In Favor: 25    # Against: 0    # Abstaining: 1      Total members appointed to the board: 48

Name of CB/BB officer completing this form	Title	Date
MELINDA PERKINS	DIST. MGR	10/17/2018



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



**INSTRUCTIONS**

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

**APPLICATION #:** 461 ALABAMA AVENUE – 190038 HAK, 190039 HUK, 190037 ZSK

An application submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the following land use actions: Designation of an Urban Development Action Area, approval of an Urban Development Action Area Project (UDAAP), and disposition of the development site; a special permit pursuant to Section 74-903 of the New York City Zoning Resolution (ZR) to modify maximum floor area ratio (FAR) requirements for certain community facility uses, as stipulated in Section 24-111, to permit the allowable community facility FAR for a non-profit institution with sleeping accommodations, and an amendment to the East New York I Urban Renewal Plan (URP) to change the use designation of the development site. Such actions would facilitate the development of a seven-story, Use Group 3 community facility building with approximately 40,270 zoning square feet (sq. ft.) and up to 4.02 FAR in Brooklyn Community District 5 (CD 5). The building will contain approximately 70 affordable units, of which 60 percent will be reserved as supportive housing units for formerly homeless households.

COMMUNITY DISTRICT NO. 5

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

November 22, 2018

DATE

**RECOMMENDATION FOR: 461 ALABAMA AVENUE – 190038 HAK, 190039 HUK, 190037 ZSK**

The New York City Department of Housing Preservation and Development (HPD) submitted applications pursuant to Sections 197-c and 201 of the New York City Charter for the following land use actions: Designation of an Urban Development Action Area, approval of an Urban Development Action Area Project (UDAAP), and disposition of the development site; a special permit pursuant to Section 24-203 of the New York City Zoning Resolution (ZR) to modify maximum floor area ratio (FAR) requirements for certain community facility uses, as stipulated in Section 24-111, to permit the allowable community facility FAR for a non-profit institution with sleeping accommodations, and an amendment to the East New York I Urban Renewal Plan (URP) to change the use designation of the development site. Such actions would facilitate the development of a seven-story, Use Group 3 community facility building with approximately 40,270 zoning square feet (sq. ft.) and up to 4.02 FAR in Brooklyn Community District 5 (CD 5). The building will contain approximately 70 affordable units, of which 60 percent will be reserved as supportive housing units for formerly homeless households.

On October 11, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on this special permit request. There were no speakers on this item.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective tenants, the anticipated rents for each unit type, and how long the low-income and supportive housing units are required to be rented at affordable rates, the representative stated the qualifying incomes as \$40,080 for a one-person household and \$51,530 for a three-person household. For the 27 affordable units, the rents are \$816 for a studio, \$1,024 for a one-bedroom unit, and \$1,224 for a two-bedroom unit. These units will be covered by a 60-year regulatory agreement.

In response to Borough President Adams' inquiry regarding the types of supportive services that would be provided on-site, and whether such services apply solely to the supportive housing residents, or the rest of the building's residents, and/or the community at large, the representative expressed that the programs may include employment counseling, social or cultural activities, and substance abuse treatment. While these services are geared toward the building's residents, its community room and other spaces will be available to the community board.

In response to Borough President Adams' inquiry regarding a possible funding mechanism that would make it possible to reduce rents and make them affordable to households at 30 to 40 percent of Area Median Income (AMI), for example, utilizing the recently adopted congressional legislation permitting income averaging for tax-credit financing, the representative acknowledged that while 60 percent AMI is relatively high for the area, those rents are needed to finance the project's supportive housing units. The representative also noted that neither the community board nor the local council member have expressed support for higher AMIs at 461 Alabama Avenue.

In response to Borough President Adams' inquiry as to what marketing strategies will be used in the tenant selection process in order to ensure the highest level of participation from the East New York community, especially those who are rent-burdened or at risk of displacement, the representative stated intent to work with the community board and the Local Development Corporation of East New York (LDCENY) to conduct outreach for the affordable housing lottery.

In response to Borough President Adams' inquiry as to what consideration has been given to incorporating sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, rain gardens, and/or solar panels, the representative stated that the development would include a green roof, solar panels, and certain passive house design elements.



The representative also expressed intent to review the incorporation of permeable pavers in the development as well as the feasibility of installing New York City Department of Environmental Protection (DEP) rain gardens on the sidewalk, as part of the Builder's Pavement Plan.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the representative stated that the developer had retained Man Up!, a local workforce development organization that recruits certified and trained East New York residents for construction jobs. The applicant plans to work with Man Up! to meet LBE and MWBE hiring goals on 461 Alabama Avenue.

### **Consideration**

Brooklyn Community Board 5 (CB 5) voted to approve this application on September 26, 2018.

The proposed land use actions would affect a site located mid-block on the east side of Alabama Avenue between Dumont and Livonia avenues, comprising approximately 10,000 square feet (sq. ft.) of vacant, City-owned land. The designated developer consists of CB Emmanuel Realty LLC, an MWBE-certified affordable housing developer and Services for the Underserved (SUS), a community development and social service organization with a significant presence in central Brooklyn.

The property currently functions as informal green space that is set back and fenced off from the street. It is surrounded by a four-story, 171-unit complex of buildings known as Livonia Terrace, redeveloped by CB Emmanuel Realty LLC in 2007. The site is located in an R6 zoning district, which permits community facility and residential development under Height Factor regulations. Such buildings may have a maximum base height of 60 feet, with the overall height governed by a sky exposure plane. The maximum permitted community facility Floor Area Ratio (FAR) on the development site is 2.43.

The surrounding context is primarily residential with some community facilities and limited parkland. Along the side streets, most of the residential buildings are two- to four-story homes, with denser New York City Housing Authority (NYCHA) complexes located north of the proposed development. Commercial uses are concentrated along the Livonia Avenue corridor, which is in the finalized stages of being developed for affordable housing and retail development on former City-owned sites.

In addition to UDAAP designation and disposition to the selected developer, HPD is seeking to increase the site's FAR by means of a special permit pursuant to ZR Section 74-903, which would allow a maximum FAR of 4.8 for a Use Group 3 philanthropic or non-profit institution with sleeping accommodations. This would allow the developer to accommodate the proposed FAR of 4.02, resulting in approximately 40,270 zoning sq. ft. of community facility space at 461 Alabama Avenue. The building would rise to an initial height of five stories with a 20-foot setback leading to the sixth and seventh story.

The building's residents would receive a range of on-site social services provided by SUS. Intended building amenities include a lounge and multi-purpose room, and offices to house the aforementioned supportive programs. The building's yard would contain a landscaped courtyard for resident use.

No accessory off-street parking spaces would be required pursuant to an as-of-right waiver according to ZR Section 25-261. The site is well-served by public transit, including the 14<sup>th</sup> Street-Canarsie Local L train at Livonia Avenue and the Seventh Avenue Express 3 train at Pennsylvania Avenue. The B20 and B83 buses, which run along Pennsylvania Avenue, stop two blocks east of the site. Neighborhood transportation would be complemented by the bicycle parking in the building's cellar.



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 East New York 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.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The land use actions would be consistent with Mayor de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," through the development of affordable and supportive housing for the city's most vulnerable residents.

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 typically 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 CB Emmanuel Realty LLC and SUS would ensure capable administration of such permanent housing accommodations.

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 461 Alabama Avenue property to an affordable housing developer and a social services provider that have agreed to enter into a 60-year regulatory agreement with HPD would ensure that all 70 units remain affordable much longer than comparable developments.

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment



opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis.

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

As 461 Alabama Avenue funding includes financing for which HPD contributes no less than \$2 million, CB Emmanuel Realty 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).

Borough President Adams is generally supportive of the proposed development. However, he believes it could be improved by maximizing community participation to obtain the affordable housing units, providing more deeply affordable housing units, including for seniors at 30, 40, and 50 percent AMI, as well as incorporating resilient and sustainable energy and stormwater practices. More broadly, he seeks progress in lighting and streetscape enhancements along Livonia Avenue, and renews his call for a permanent, fare-free connection between the 14<sup>th</sup> Street-Canarsie Local L and Seventh Avenue Express 3 trains in Brownsville/East New York.

### **Maximizing Community Participation of the Affordable Housing Units and Supportive Housing Units**

It is Borough President Adams' policy to advocate for affordable housing non-profits to play a contributing role in maximizing community participation in affordable housing opportunities, including serving as non-profit administering agents for new developments involving affordable housing. An administering non-profit is responsible for ensuring that affordable housing units comply with a regulatory agreement between the developer and HPD that governs a project's affordable housing plan. This involves verifying a prospective tenant household's qualifying income, and approving the rents of affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure compliance.

HPD continues to take steps to help prepare residents to submit accurate and complete applications for new affordable housing that is built or preserved in neighborhoods. For example, HPD's Housing



Ambassadors Program trains local community groups to provide free technical assistance and financial counseling to residents who wish to apply for affordable housing. Housing Ambassadors and other locally-based non-profits affiliated with affordable housing services have proven track records of successfully marketing affordable housing units, as well as promoting affordable housing lottery readiness through educational initiatives. There are several such organizations that serve the East New York area that could play a role as partners in the outreach process for the 461 Alabama Avenue housing lottery, inclusive of the LDC of ENY as referenced by the applicant's representative.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from HPD clarifying how its land disposition agreement (LDA) with CB Emmanuel Realty LLC would memorialize utilizing one or more locally-based affordable housing development non-profits to serve as the administering agent, and/or have such entities play a role in promoting affordable housing lottery readiness.

The supportive housing units at 461 Alabama Avenue will be filled by SUS, as the provider of social services. Typically, supportive housing tenants are located in the homeless shelter system, assessed by professional staff, and then selected by the landlord. Borough President Adams believes that in addition to affordable apartments at 461 Alabama Avenue resulting in an opportunity to help East New York residents remain in the neighborhood, it should be public policy to utilize the supportive units to the extent practical as a permanent housing resource for those living in the shelter system or transitional housing, as a means to remain in or return to the neighborhood. To achieve this goal, Borough President Adams believes that SUS should go beyond standard operating procedures to identify potential tenants from persons who are now seeking shelter in homeless shelters and transitional housing facilities within CD 5 and/or for those in a shelter or transitional housing facility outside of CD 5, but who formerly had residency in CD 5.

Borough President Adams believes that, prior to considering the application, the City Council should obtain commitments, in writing, from HPD clarifying how its land disposition agreement (LDA) with CB Emmanuel Realty LLC would memorialize the intent of SUS to identify, to the extent practical, its potential tenants from those house now or formerly in CD 5.

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

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

The non-supportive affordable housing units at 461 Alabama Avenue would be targeted to households at 60 percent AMI. Given that 47 percent of CD 5 residents are considered rent-burdened, Borough President Adams is concerned that the proposed development will not provide opportunity for East New York households with earnings that are less than what is required to qualify for the affordable housing lottery based on the intended 60 percent AMI. Even with local preference intended for at least 50 percent of the units, too few East New York residents in need of affordable housing would not qualify for these apartments.

Borough President Adams believes that, in order to provide more opportunities for residents of CD 5, and to strive to achieve and perhaps exceed the 50 percent local preference mark, some 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 East New York 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 of this year, 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 CB Emmanuel Realty LLC would memorialize the extent of inclusion of non-supportive, 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.

Borough President Adams notes that, in its Fiscal Year 2019 (FY19) Community District Needs statement, CB 5 stated that "affordable housing for seniors has not increased at an equal rate with overall new development in the district. Supportive housing has become the common addition to larger development sites, which brings in new residents from other areas...[while] seniors are being pushed...into temporary housing facilities."

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 461 Alabama Avenue, Borough President Adams believes that there are significant opportunities to provide affordable housing for seniors, including those who are formerly homeless. Therefore, he seeks appropriate means for assistance to senior citizen households in becoming eligible for the affordable housing lottery units that would be earmarked for households at up to 40 percent AMI (or 50 percent AMI for two-person households). With such efforts, it is reasonable to expect that a greater share of studio and one-bedroom apartments at 461 Alabama Avenue 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 CB Emmanuel Realty LLC would memorialize how it would assist seniors households, including those who are formerly homeless, in applying for studio and one-bedroom units at 30, 40, and 50 percent AMI.

### **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. 461 Alabama Avenue 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. DEP is developing its Jamaica Tributary and Bay Long Term Control Plan (LTCP), which is affected by this site's wastewater and stormwater. Therefore, by incorporating green/blue roof strategies, permeable pavers, and rain gardens, 461 Alabama Avenue would be consistent with the LTCP. The required Builders Pavement Plan provides an opportunity to incorporate a rain garden along Alabama Avenue, which could help advance DEP green water/stormwater strategies, enhancing the operation of the 26<sup>th</sup> Ward Water Pollution Control 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 on Alabama Avenue.

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

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from HPD that its LDA with CB Emmanuel Realty LLC would 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 CB Emmanuel



Realty LLC's commitment to coordinate with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of expanded tree pits and DEP rain gardens as part of the Builders Pavement Plan, in consultation with CB 5 and local elected officials.

### **Lighting and Streetscape Enhancements Along Livonia Avenue**

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

Borough President Adams believes that such conditions can be mitigated by installing lighting enhancements along the street as well as the underside of the train structure to increase public safety and visibility.

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

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

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

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

Therefore, Borough President Adams believes that the Metropolitan Transportation Authority (MTA)/NYCT along with DOT should proceed in consultation with CB 5, as well as local elected officials, to implement the "El-Space" lighting improvements under the elevated Rockaway Avenue station mezzanine and for DOT to implement the Livonia Avenue Pedestrian Luminaire project initially along the priority corridor, along the Livonia Avenue Seventh Avenue Express 3 train structure.

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

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



NYCT's 2015-2019 capital budget allocates \$30 million to connect the Junius Street Seventh Avenue Express 3 train and Livonia Avenue 14<sup>th</sup> Street-Canarsie Local L train stops in Brownsville and \$15 million to make the connected station ADA-accessible. Currently, riders transferring between the 14<sup>th</sup> Street-Canarsie Local L and Seventh Avenue Express 3 trains in a community that is among the poorest income tracts in the country must walk through a desolate area and pay two fares to reenter the subway system. The proposed budget will realize this long-awaited physical connection, make the station ADA-accessible, and extend transit service for many residents.

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

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

### **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 with the following conditions:

1. That the New York City Department of Housing Preservation and Development (HPD) incorporate in its Land Disposition Agreement (LDA) with CB Emmanuel Realty LLC, the extent that it would:
  - a. Memorialize utilizing one or more locally-based affordable housing development non-profits to serve as the administering agent, and/or have such entities play a role in promoting affordable housing lottery readiness
  - b. Memorialize the intent for Services for the Underserved (SUS) to identify to the extent practical, potential tenants among those now housed in shelters and/or transitional housing in Brooklyn Community District 5 (CD 5) or former residents of the district
  - c. Memorialize the extent of inclusion of non-supportive, affordable housing units at 30, 40, and 50 percent AMI
  - d. Memorialize strategies to target outreach to seniors, including those who are formerly homeless, for studio and one-bedroom units where rents are based on 30, 40, and 50 percent Area Median Income (AMI)
  - e. CB Emmanuel Realty LLC would continue exploration of additional resiliency and sustainability measures such as incorporating bioswales, blue/green/white roof treatment, passive house construction principles, and solar panels in the development



2. A demonstration of CB Emmanuel Realty LLC'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 installation of expanded tree pits and DEP rain gardens as part of the Builders Pavement Plan, in consultation with CB 5 and local elected officials

Be It Further Resolved:

1. That DOT should continue to advance the Street Lighting In Brownsville plan with a focus on sections of the Livonia Avenue corridor in need of activation for pedestrian mobility and safety
2. That the Metropolitan Transportation Authority (MTA)/NYCT along with DOT should proceed in consultation with CB 5, as well as local elected officials, to implement the "EI-Space" lighting improvements under the elevated Rockaway Avenue station mezzanine and for DOT to implement the Livonia Avenue Pedestrian Luminaire project initially along the priority corridor, along the Livonia Avenue Seventh Avenue Express 3 train structure
3. That MTA/NYCT should advance the construction of the free transfers between the Livonia Avenue 14<sup>th</sup> Street-Canarsie Local L train station and Junius Street Seventh Avenue Express 3 train station