

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

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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 NORTH - OCEAN HILL NCP CLUSTER – 190177 HAK

An 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, designate two lots at 379-383 Howard Avenue and one lot at 1279 East New York Avenue 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 properties to a developer to be selected by HPD. Such actions would facilitate the development of two buildings containing a total of 32 units of affordable housing in 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

March 12, 2019

DATE

RECOMMENDATION FOR: BROWNSVILLE NORTH - OCEAN HILL NCP CLUSTER – 190177 HAK

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, designate two lots at 379-383 Howard Avenue and one lot at 1279 East New York Avenue 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 properties to a developer to be selected by HPD. Such actions would facilitate the development of two buildings containing a total of 32 units of affordable housing in Brooklyn Community District 16 (CD 16).

On January 23, 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 noted that there would be eight one-bedroom units and 24 two-bedroom units. Rents per month for the one-bedroom units are \$472 for households earning qualified up to 30 percent of Area Median Income (AMI), \$666 for up to 40 percent AMI, \$863 up to 50 percent AMI, and \$1,253 for up to 70 percent AMI. For the two-bedroom units, rents per months for these AMI limits would be \$576, \$810, \$1,044, and \$1,514 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 East Brooklyn Congregations (EBC) would handle a community awareness campaign that would mirror past efforts including holding financial literacy seminars in churches, community spaces, or other areas of need as identified by the local community board. In addition to financial literacy seminars, the representative stated that EBC would also host informational sessions as related to the lottery application process as needed.

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 that in addition to compliance with Enterprise Green Community standards, including energy efficient appliances and HVAC system, the building would also feature a light-colored roof. The representative stated that the buildings are too small to make solar panels feasible. However, the developers would consult with their Enterprise Green Community consultant to identify further opportunities for sustainable features at the site.

Consideration

CB 16 approved this application on January 22, 2019.

The proposed land use actions would affect sites located at the northeast corner of Bergen Street and Howard Avenue and a mid-block site where East New York Avenue intersects Pitkin Avenue. Together, these sites account for nearly 12,500 square feet (sq. ft.) of vacant, City-owned land. The designated developer, a partnership with EBC, the Marcal Group, and MLappin & Associates LLC, includes non-profit affordable housing organization with a significant presence in Brownsville and East New York, including the Spring Creek section.

The requested UDAAP designation and disposition action would result in two four-story, walk-up buildings containing 32 fully affordable housing units targeted to households at 30, 40, 50, and 70 percent AMI. The buildings would have a combined unit mix of eight one-bedroom units, and 24 two-bedroom units.

The surrounding context for the site at the corner of Bergen Street and Howard Avenue is primarily two- to three-story residential buildings though it also includes a mix of commercial, manufacturing, open space uses, and public facility use, the New York State Office of Mental Health's Brooklyn Campus of the New York City Children's Center (NYCCC), and some four-story multi-family residential buildings. Nearby is the New York City Housing Authority (NYCHA) Kingsborough Houses and the NYCHA Prospect Plaza phases of redevelopment. Regarding the East New York Avenue site, its primary surrounding context consists of two four-story, multi-family walk-up buildings, as well as Zion Triangle Plaza. Commercial uses are extend along Pitkin Avenue, including directly across from both the site as well as the plaza. Nearby there also are five- to seven-story elevator buildings, as well as the three-story NYCHA Howard Houses.

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 Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," through the development of affordable and supportive housing for the city's most vulnerable residents.

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 at minimum 30 and up to 60 years. As tenants move out after the expiration of such a regulatory agreement, those units would no longer be an affordable housing resource.

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, and serve as non-profit administering agents for affordable housing lotteries.

The disposition of the Brownsville North – Ocean Hill NCP Cluster properties to a partnership inclusive of a non-profit affordable housing developer provides an expectation that all 32 units remain affordable much longer than the intended 60-year regulatory agreement with HPD, as it is their mission to retain the resulting housing as permanently affordable.

As the housing non-profit, EBC would be expected to be responsible for coordinating that affordable housing units comply with its regulatory agreement with HPD that governs a project's affordable housing plan. This may involve verifying a prospective tenant household's qualifying income, and approving the rents of affordable housing units. There would be responsibility for attesting to HPD that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up to ensure compliance.

It would be expected that EBC coordinates training with local community groups to provide free financial counseling and technical assistance to residents who wish to apply for affordable housing. EBC would have the option of coordinating with other locally-based non-profits that have proven track records of successfully marketing affordable housing units, as well as promoting affordable housing lottery readiness through educational initiatives. Such partners are well-positioned to assist in the implementation of an outreach process as part of the marketing strategy for 379-383 Howard Avenue and one lot at 1279 East New York Avenue. Examples of other housing groups with a track record in CB 16 that could serve to

supplement such efforts include CAMBA, LDC of East New York, MHANY, and Northeast Brooklyn Housing Development Corporation.

Though these sites are in a New York City Zoning Resolution (ZR) Transit Corridor, and therefore residents would not have access to on-site parking accommodations, these sites are served by public transit. The site at the corner of Bergen Street and Howard Avenue is six blocks from the Eighth Avenue Local C train as well as the B7 and B47 bus lines. The East New York Avenue site is five blocks from the Seventh Avenue Express 3 train and the B14 bus line runs directly along the site on Pitkin Avenue. In addition, neighborhood transportation would be complemented by the bicycle parking in each building.

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 379-383 Howard Avenue and the lot at 1279 East New York Avenue funding includes financing for which HPD contributes no less than \$2 million, EBC, the Marcal Group, and MLappin & Associates 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 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 HPD and the developer, EBC, the Marcal Group, and MLappin & Associates LLC, to incorporate resilient and sustainable energy and stormwater practices at both project sites, and to advance Vision Zero policies that improve pedestrian safety, including a public plaza with seating at East New York and Pitkin avenues, and to advance environmentally-sensitive tree disposal.

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 379-383 Howard Avenue and 1279 East New York 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 New York City Department of Environmental Protection (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 both the Bergen Street and Howard Avenue frontages of the 379-383 Howard Avenue site, as well as along the frontage of the 1279 East New York Avenue. Such installation could help advance DEP green water/stormwater strategies, enhancing the operation of the 26th 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 on East New York Avenue.

Borough President Adams believes it is appropriate for the development team of EBC, the Marcal Group, and MLappin & Associates LLC to engage government agencies, such as the Mayor's Office of Sustainability, NYSEDA, 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 EBC, the Marcal Group, and MLappin & Associates LLC 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 the EBC, the Marcal Group, and MLappin & Associates 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 DEP rain gardens as part of a Builders Pavement Plan, in consultation with CB 16 and local elected officials.

Advancing Vision Zero Policies at the Intersection of East New York and Pitkin Avenues

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 also 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.

East New York Avenue and Pitkin Avenue are both major roadways that carry a high volume of vehicular traffic. East New York Avenue between Rockaway and Utica avenues and the vicinity of 1297 East New York Avenue is a designated New York City local truck route. Such roadways typically have multiple intersections that lack traffic controls such as stop signs or traffic lights. Given the mixed commercial, community facility, and residential character of this section of the surrounding blocks, the direct connection to Zion Triangle Plaza, and as a direct pedestrian route to the nearby Lincoln Terrace/Arthur S. Somers Park, a 21-acre community greenspace, it is important to advance improvements that promote pedestrian safety at crossings along East New York Avenue. To date, DOT has established a protected painted area into the roadway, though it has not precluded drivers from traveling through this area. Borough President Adams recognizes that the current painted sidewalk extension does not provide sufficient protection for pedestrians.

The corner of the site at Bergen Street and Howard Avenue is a pedestrian route to the nearby the South Pacific Playground and toward the Ralph Avenue station for Eighth Avenue Local C train service.

Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to implement a curb extension at the northeast corner of Bergen Street and Howard Avenue. In addition, he believes that the painted protected area adjacent to 1297 East New York Avenue, where East New York Avenue extends to cross Pitkin Avenue, is worthy of additional enhancement as a community amenity space in the form of either a raised extension of the sidewalk or as a small, protected public plaza, to improve pedestrian safety at this intersection.

Pedestrian plazas can be leveraged to both improve pedestrian safety and create a revitalized sense of place. Such amenity space could integrate benches, rain gardens, raised planters, and/or, as a cost savings measure, rubberized ground surfacing in lieu of raising the surface to the level of the adjacent sidewalk. DOT offers support for the creation of pedestrian plazas throughout the city in order to increase access to quality open space for city residents. Such a plaza could be deployed in as an enhancement of the existing painted protected area where East New York and Pitkin avenues intersect opposite Zion Triangle Plaza.

Applications are considered based on a number of criteria, included whether the proposed site is located in a neighborhood currently lacking open space. CD 16 would be an excellent candidate given existing conditions. The next round of NYC DOT's NYC Plaza Program will open on April 1, 2019.

If the area is selected for the program, DOT would fund design and construction of the plaza. As the potential amenity space location is adjacent to boundaries of the Pitkin Avenue BID, which includes the Zion Triangle Plaza and properties fronting the south side of Pitkin Avenue opposite 1297 East New York Avenue, the Pitkin Avenue BID might be an appropriate entity to coordinate ongoing maintenance and management.

Whether the space be deemed a pedestrian plaza or be some other less formal community amenity space, EBC, the Marcal Group, and MLappin & Associates LLC should consult with DEP, DOT, and NYC Parks in terms of enhancing the existing protected painted area to become more of a community amenity space that might be inclusive of DEP rain garden plantings and street trees. Should a community amenity space be realized from any upgrading of the intersection of East New York and Pitkin avenues, as a cost-savings measure, consideration should be given to the incorporation of raised planters and the application of painted rubberized ground surfacing. Design consideration should be pursued in consultation with CB 16 and local elected officials. EBC, the Marcal Group, and MLappin & Associates LLC should coordinate its Builders Pavement Plan in response to the agency vision developed based on the consultation with CB 16 and local elected officials.

With regard to the intersection of Bergen Street and Howard Avenue, Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable the development team of EBC, the Marcal Group, and MLappin & Associates LLC to undertake such improvements after consultation with CB 16, as well as local elected officials, as part of its Builders Pavement Plan. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. Borough President Adams would expect EBC, Marcal Group, and MLappin & Associates LLC 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 EBC, the Marcal Group, and MLappin & Associates LLC, would advance coordination of such CROSS Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of curb extensions at the northeast corner at Bergen Street and Howard Avenue either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of EBC, the Marcal Group, and MLappin & Associates LLC's commitment to enter into a standard DOT maintenance agreement for that intersection. In addition, for the intersection of East New York and Pitkin avenues, EBC, the Marcal Group, and MLappin & Associates LLC, should consult with DEP, DOT, and NYC Parks regarding advancement of the protected painted area as an enhanced community amenity. Furthermore, DOT should confirm that implementation of both improvements would not proceed prior to consultation with CB 16 and local elected officials.

Streetscape Improvement Policies

Borough President Adams' policy is to make neighborhoods more welcoming for pedestrians through various beautification measures that make streets more aesthetically appealing. He believes that sidewalks with nominal landscaping are potential resources that should be transformed through planting additional trees, providing street planters, and incorporating rain gardens according to his above referenced stormwater management policies. In addition, he seeks opportunities to provide seating.

Borough President Adams supports DOT's CityBench program, which aims to increase the amount of public seating on New York City's streets, particularly in areas with high concentrations of senior citizens. These benches make streets more comfortable for pedestrians and transit riders, especially those who are disabled or elderly. Borough President Adams believes that the provision of street seating through DOT programs is justified by the City's investment in its established protected painted area improvements, such as adjacent to 1297 East New York Avenue. Such furniture might be appropriate to be integrated into the community amenity space that might result from any upgrading of the intersection of East New York and Pitkin avenues.

Borough President Adams believes that street furniture should be coordinated by EBC, the Marcal Group, and MLappin & Associates LLC with DOT, utilizing the CityBench and Street Seats programs, which recently received additional funding to further their efforts throughout the city. Property owners interested in providing street seating can complete a form for consideration, easily accessed via the City's website. Such enhancements should be considered in consultation with CB 16 and local elected officials prior to agreeing to take action. Borough President Adams encourages EBC, the Marcal Group, and MLappin & Associates LLC to reach out to his office for help in opening and coordinating dialogue with DOT on such matters.

Site Tree Removal

These sites contains several mature trees that will need to be removed to facilitate the site's redevelopment. Borough President Adams considers these trees to be a natural resource that should not merely become waste product. He believes that such trees can be processed in an environmentally-appropriate manner by means of mulching and sustainable disposal, which could then be used on-site as part of the landscaping of the yard areas, donated to area GreenThumb gardens, or provided to City parkland.

Such tree removal methods should be memorialized in the LDA or Regulatory Agreement between the developer and HPD.

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 East Brooklyn Congregations (EBC), the Marcal Group, and MLappin & Associates LLC, the extent that the developers would:
 - a. Incorporate additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, passive house construction principles, and solar panels in the development of both 379-383 Howard Avenue and at 1279 East New York Avenue
 - b. Coordinate with the New York City Department of Environmental Protection (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 DEP rain gardens as part of a Builders Pavement Plan at 379-383 Howard Avenue, and as part of a Builders Pavement Plan at 1297 East New York Avenue or within the adjacent protected painted area, in consultation with CB 16 and local elected officials
 - c. Coordinate such Connecting Residents on Safer Streets (CROSS) Brooklyn implementation in coordination with DEP, DOT, and NYC Parks regarding the installation curb extensions at the northeast corner at Bergen Street and Howard Avenue 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
 - d. If applicable, enter into a standard DOT maintenance agreement for the northeast corner intersection at Bergen Street and Howard Avenue
 - e. Consult with DEP, DOT, and NYC Parks regarding advancement of the protected painted area as an enhanced community amenity, for the intersection of East New York and Pitkin avenues, as part of a Builders Pavement Plan and/or as treated roadbed sidewalk extensions, with the understanding that DOT implementation would not proceed prior to consultation with CB 16 and local elected officials

- f. Engage with DOT to consider utilizing its CityBench and/or Street Seats programs as part of an upgrade to the existing protected painted area adjacent to 1297 East New York Avenue
- g. Commit to processing the existing site trees to be cleared to enable developing, by means of mulching and sustainable disposal that benefits either the sites' yard area, GreenThumb gardens, City parkland, or other environmentally appropriate use