



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 #: 9114 Fifth Avenue Rezoning (190447 ZMK, 190448 ZRK)

Applications submitted by BayRide Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change the western side of Fifth Avenue between 91st and 92nd streets from C8-2 to R7A/C-4 and a zoning text amendment to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. These actions are requested to facilitate a nine-story development with 50 dwelling units and 9,300 square feet (sq. ft.) of commercial use in Brooklyn Community District 10 (CD 10). Up to 30 percent of the building's residential floor area would be affordable pursuant to MIH. The applicant also intends to seek a waiver of the required parking.

BROOKLYN COMMUNITY DISTRICT NO. 10

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITION

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

December 29, 2020

DATE

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BayRide Realty LLC submitted applications, pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change the western side of Fifth Avenue between 91st and 92nd streets from C8-2 to R7A/C-4 and a zoning text amendment to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. These actions are requested to facilitate a nine-story development with 50 dwelling units and 9,300 square feet (sq. ft.) of commercial use in Brooklyn Community District 10 (CD 10). Up to 30 percent of the building's residential floor area would be affordable pursuant to MIH. The applicant also intends to seek a waiver of the required parking.

Brooklyn Borough President Eric Adams held a remote public hearing on this application on November 30, 2020. There were no speakers on this 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 representative disclosed that the development's affordability program is under discussion with Council Member Justin Brannan. However, approximately 14 of the building's 41 units have been earmarked as affordable, and the applicant intends to map MIH Options 1 and 2 on the development site.

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 to ensure the highest level of participation from CD 10 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 an administering agent has not been selected. However, the applicant would prefer to work with a local non-profit organization that could also provide financial literacy training.

In response to Borough President Adams' inquiry as to what consideration has been given to setting aside a portion of the commercial ground floor as affordable spaces for arts and cultural uses, and/or local retail, the representative stated that the applicant is seeking local retail for the development's commercial space, which would front 92nd Street.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, and/or New York City Department of Environmental Protection (DEP) rain gardens, the representative stated that the development would incorporate a green roof and solar panels. The applicant is also exploring stormwater retention onsite.

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 owner would seek to hire local and MWBE firms.

Consideration

Brooklyn Community Board 10 (CB 10) voted to approve this application on November 16, 2020. However, the board felt that the requested R7A/C2-4 district was less appropriate along 92nd Street, and requested that 405, 407, and 409 92nd Street be removed from the proposed rezoning area.

The proposed actions concern a 9,850 square-foot (sq. ft.) "L" shaped property located mid-block on the west side of Fifth Avenue between 91st and 92nd streets. The site has 65 feet of primary frontage on Fifth Avenue and 27 feet of secondary frontage on the north side of 92nd Street. It is currently utilized as an open parking lot. In addition to 9114 Fifth Avenue, the rezoning area includes 10 non-applicant-owned lots, which are improved as follows: 9118 Fifth Avenue is a three-story, 4,432 sq. ft. mixed-use building with a ground-floor commercial office and residential units on the

upper floors. 9122, 9126, and 9128 Fifth Avenue are all three-story, 3,000 sq. ft. buildings with retail and/or restaurants on the ground floor, and apartments above. 419 92nd Street is a corner lot containing a three-story, 2,776 sq. ft. building with laundromat and residences on the upper floors. 415 92nd Street is a three-story, nearly 4,000 sq. ft. multi-family building. Finally, the aforementioned 409 and 407 92nd Street are two-story residential buildings of 1,760 sq. ft., while 405 92nd Street is a larger, two-story, mixed-use building with ground-floor commercial use and apartments above. The rezoning boundary also includes a small portion of a lot with an existing gas station. It should be noted that all the aforementioned properties with dwelling units are legally non-conforming, as residential use is precluded by the underlying zoning district.

The project area is located in a roughly triangular C8-2 zone between Fourth and Fifth avenues that extends from 87th to 95th streets. This C8-2 zone falls within the Special Bay Ridge District (SBRD), which stipulates unique height restrictions and bulk controls. In 2005, the New York City Department of City Planning (DCP) rezoned 249 blocks of CD 10 to strengthen the SBRD toward discouraging inappropriate development. Many of the underlying districts in Bay Ridge were replaced with contextual zoning and lower density and districts, ranging from R2 to R7B.

The aforementioned C8-2 zone (including the proposed development site) was upzoned from C8-1 to C8-2, which doubled the district's commercial FAR from 1.0 to 2.0. However, an amendment to the SBRD reduced the maximum community facility FAR to 3.0 and imposed a height limit of 70 feet for all uses. Such controls were intended to promote expansion of traditional auto-rated uses, while accommodating demand for medical office development.

Beyond the C8-2 district, the surrounding area is zoned for mixed use and low-density residential use. Housing types range from single-family homes along numbered side streets to elevator apartment buildings along the avenues. Commercial uses are concentrated primarily along three corridors: Fourth Avenue, Fifth Avenue, and 86th Street. Notable community facility uses include PS/IS 104 The Fort Hamilton School directly across the street, a postal office, and medical centers. The major open space resource is John J. Carty Park on Hamilton Avenue and 94th Street.

Prior to this application, the owner of 9114 Fifth Avenue filed permits for an as-of-right seven-story hotel, which drew significant local opposition. In response, the applicant proposed a mixed-use residential building with some affordable units and ground-floor commercial use. If approved, this application would establish R7A MIH zoning on this block to realize 4.6 FAR of residential development rights. It should be noted that this is the highest-density district in Bay Ridge, currently zoned without MIH along Shore Road and Third Avenue. The resulting nine-story development would front on Fifth Avenue, where it would have its residential entrance and one story on 92nd Street, which would be entirely commercial. Its maximum height would be 95 feet excluding rooftop mechanicals.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed development would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. The MIH program targets affordable housing units to a broad range of incomes, consistent with Borough President Adams' objective to extend such opportunities to households at various AMI tiers.

Borough President Adams supports developments that allow low-, moderate-, and middle-income households to qualify for the City's affordable housing lottery. The proposed development would gear apartments to households at multiple income tiers, which would remain permanently affordable, according to MIH.

As represented at Borough President Adams' hearing, 9114 Fifth Avenue would contain 41 apartments, with affordability pursuant to MIH Option 2, which stipulates that 30 percent of the residential floor area be available to households earning an average of 80 percent AMI. The project would contain a mix of studio, one-bedroom, and two-bedroom apartments.

It is Borough President Adams' policy to support the development of affordable housing and to seek that such housing remain "affordable forever," wherever feasible. Development adhering to the MIH program is consistent with his policy for new residential developments to produce housing that remains affordable in perpetuity. According to the application, the development rights generated on the site would yield approximately 14 permanently affordable units.

Borough President Adams believes that it is appropriate to zone for increased density in proximity to public transportation. The project site is accessible via subways and buses, including the Queens Boulevard/Broadway/Fourth Avenue Local R trains at the 95th Street terminal; the B63 bus, which stops across from the site on Fifth Avenue, and the B8 bus, which stops at Fourth Avenue and 92nd Street.

Borough President Adams is generally supportive of the proposed development at 9114 Fifth Avenue. However, he is concerned that the introduction of an R7A district into this lower-density neighborhood could result in non-contextual development and residential displacement. As with any rezoning, Borough President Adams seeks a number of commitments consistent with his policies for new development, including: a robust marketing campaign for the MIH units, affordable space for immigrant retailers and/or local cultural entities, resiliency and sustainability measures (including rain gardens), as well as significant local hiring and procurement. Finally, Borough President Adams calls upon the New York City Department of Transportation (DOT) to address community concerns about vehicular traffic flows along 92nd Street.

Consideration for Extent of R7A Rezoning

It is important to clarify the difference between what is presently allowed and what is requested at 9114 Fifth Avenue with regard to density and height. The existing C8-2 district would permit a commercial development of up to 2.0 FAR or a community facility development of up to 3.0 FAR, according to SBRD regulations. By contrast, R7A MIH districts permit a maximum residential FAR of 4.6 and up to 4.0 community facility FAR.

Borough President Adams is aware that the owner has applied to construct a hotel at this location. Such a building would have a maximum height of 70 feet or approximately seven stories, with a required setback of at least 10 feet from Fifth Avenue. It would be constructed as-of-right without any discretionary approvals. At 4.6 FAR, and 95 feet the proposed development would be substantially denser and taller. However, the community has indicated that a hotel would not be responsive to its needs, while a mixed-use building with some affordable units would bring needed housing to the area.

Borough President Adams recognizes that the proposed rezoning would bring into conformance several residential properties within the C8-2 district. The proposed rezoning would also permit such residential development on other properties within the area proposed to be rezoned. Though it is unlikely that all such lots would be redeveloped, there are two, in particular, that would be placed at risk. According to standards used by the Office of the Brooklyn Borough President, properties in excess of 1.72 FAR would likely become attractive to developers if the requested zoning district is adopted. This would affect all the Fifth Avenue fronting lots on the south side of the block, which could be developed without triggering the threshold for MIH. Such actions would result in the displacement of several small businesses and over a dozen residents.

While zoning conformance is a desirable outcome, Borough President Adams believes that it is important to limit the potential adverse impacts of mapping R7A MIH, including an elevated risk of displacement. Moreover, significant market-rate residential development could be achieved with less drastic upzoning to R6B, which has a maximum height of 50 feet. Borough President Adams concurs with CB 10's position that such zoning is inappropriate along 92nd Street, with its low-rise built form and narrow width condition. He believes that the proposed R7A MIH district should be restricted to within 125 feet of Fifth Avenue. Therefore, Borough President Adams calls on the City Planning Commission (CPC) and/or the City Council to reduce the extent of the proposed R7A MIH/C2-4 district to within 125 feet of Fifth Avenue.

Bedroom Mix

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Therefore, Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately reflect the needs of low- to middle-income rent-burdened families. BayRide Realty LLC has disclosed that the development would contain 10 studios, 11 one-bedroom units, and 20 two-bedroom units.

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

The New York City Zoning Resolution (ZR) allows for the provision of at least 50 percent of the MIH units with two or more bedrooms and at least 75 percent with one or more bedrooms. For this building, it is important to mandate that the developer provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii). This would require at least 50 percent of the units to be two- or three-bedrooms and at least 75 percent of the units to contain one or more bedrooms.

The proposed inclusion of two-bedroom units within 9114 Fifth Avenue is consistent with Borough President Adams' policy to ensure affordable housing for low- to moderate-income families. However, the application's representation of 41 housing units with 14 affordable apartments is not binding, and the MIH unit bedroom mix has not been disclosed. Borough President Adams believes that it is appropriate to seek guarantees to secure the provision of larger apartments within the development.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the developer, BayRide Realty LLC, clarifying how it would memorialize a bedroom mix of at least 50 percent two- or three-bedroom affordable housing units and at least 75 percent one-bedroom affordable housing units.

Maximizing Community Participation in the Affordable Housing

The ZR requires inclusionary housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by the New York City Department of Housing Preservation and Development (HPD). Such an administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing plan. These tasks include verifying a prospective tenant household's qualifying income and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, as well as following up with annual affidavits to ensure compliance.

It is Borough President Adams' policy for non-profit community development organizations to play a role in maximizing community participation in neighborhood affordable housing opportunities. He believes it is essential that the developer take adequate steps to meet 50 percent community preference for the MIH units. This can be achieved by contracting with an affordable housing non-profit that would conduct extensive community outreach and offer financial literacy trainings across the district. Such efforts should be coordinated as part of the development's marketing campaign.

Borough President Adams encourages developers of new buildings that include affordable units to partner with local non-profit administering agents. However, he recognizes that CD 10 is not served by locally-based non-profit housing advocates. Nevertheless, there are Brooklyn-based and citywide organizations with proven track records of marketing affordable housing units and promoting lottery readiness through educational initiatives, such as the Mutual Housing Association of New York (MHANY), the New York City Housing Partnership, and the Settlement Housing Fund. Borough President Adams also believes that there would be opportunities for such entities to partner with local organizations. He calls on the developer to seek out such organizations in consultation with his office, CB 10, and/or local elected officials.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from the applicant, BayRide Realty LLC, to utilize one or more affordable housing non-profits as the administering agent for the 9114 Fifth Avenue MIH lottery. This entity or entities would conduct a coordinated marketing campaign, including extensive community outreach and financial literacy training in CD 10, based on provision of adequate funding for such efforts.

Setting Aside a Portion of the Commercial Space for Local Arts/Cultural and Non-Profit Organizations and/or Local Immigrant-Owned Businesses

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space in the borough. These organizations play an important role in the neighborhoods they serve but often struggle to secure the necessary space to expand and sustain their programs. Many cultural entities have contacted the Office of the Brooklyn Borough President with these concerns. It has been Borough President Adams' policy to review discretionary land use actions for opportunities to promote cultural and non-profit uses.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining challenges for artists in the borough, with accompanying recommendations. The report highlighted the benefits of arts and dance, which include maintaining physical fitness, promoting creative self-expression, and making significant contributions to the vibrant culture of Brooklyn. Among the difficulties faced by the Brooklyn arts community is an absence of diversity — according to 2000 United States Census data, fewer than half the individuals working in dance are people of color. Additionally, public funding for the arts in New York City has shrunk dramatically in recent years: by 37 percent from the New York State Council of the Arts (NYSCA), by 15 percent from the National Endowment for the Arts (NEA), and by 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data shows that cultural programs generate a variety of positive effects, which include combating the borough's high rate of obesity. As of 2016, 61 percent of Brooklyn adults are overweight or obese, according to the New York State Department of Health (NYSDOH). Research by the Citizens' Committee for Children of New York has found that such activities also help children succeed in school. Moreover, demand for cultural programs continues to grow across Brooklyn. A 2015 report by the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Borough President Adams believes that the inclusion of arts and cultural entities and non-profit organizations at 9114 Fifth Avenue would provide benefits and enrichment to the community. The development's location is advantageous given the area's considerable residential density, and the high proportion of young families in CD 10. If the proposed rezoning is approved, 9114 Fifth Avenue would

provide approximately 9,300 sq. ft. of commercial floor area, currently envisioned as retail stores. Borough President Adams believes that a portion of such non-residential space could be marketed to local arts or cultural groups and/or local community organizations. However, he is aware that such entities cannot afford to compete with retailers who could pay higher rents to lease at this location.

Borough President Adams is also concerned about immigrant-owned businesses, which are a vital part of their communities but easily displaced by rising commercial rents. For immigrant households, operating a retail store is an important and viable way to earn a living, as it poses relatively low barriers to entry. According to a recent report by the Citizens Planning and Housing Council (CPHC), immigrants own more than half of the City's small businesses but 77 percent are burdened by commercial rents. Financial hardships threaten the livelihood of such enterprises, which are often family-owned operations with limited capital and resources. Borough President Adams recognizes the importance of supporting immigrant-owned businesses and seeks to secure opportunities for immigrant entrepreneurship through the creation of affordable commercial space.

Therefore, prior to considering this application, the City Council should obtain commitments, in writing, from the developer, BayRide Realty LLC, clarifying how it would memorialize setting aside a portion of the non-residential space for non-profit and/or arts and cultural organizations, and/or locally-based immigrant-owned business at below-market lease terms, as warranted.

Furthermore, to the extent that the City Council seeks to provide below-market rents to accommodate such non-profit and/or arts and cultural organizations, BayRide Realty LLC should actively solicit such entities, based on reasonable lease terms, in consultation with CB 10 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

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

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly-constructed roofs, as well as existing roofs undergoing renovation (with some exceptions), incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and the expansion of the City's highly reflective (white) roof mandate. Borough President Adams believes that developers should seek to exceed this mandate by integrating blue roofs with green roof systems.

Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings and those in proximity to the waterfront, micro-wind turbines can provide effective sustainable energy generation. Finally, passive house design achieves energy efficiency while promoting locally-based construction and procurement.

Borough President Adams believes it is appropriate for BayRide Realty LLC to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or NYPA, and consider 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' Office is available to facilitate dialogue between the applicant and aforementioned agencies, and for further coordination on this matter.

As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces can be transformed through the incorporation of rain gardens, which provide environmental benefits such as improved air quality and streetscape beautification through efficient rainwater collection. Moreover, tree plantings can be consolidated with rain gardens as part of a comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, street tree pit enhancements can realize enhanced stormwater retention benefits while making a site more pleasant for pedestrians. The incorporation of blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would also help divert stormwater from the City's water pollution control plants.

The required Builders Pavement Plan provides an opportunity to install DEP rain gardens along the proposed Fifth Avenue and 92nd Street frontages. The ZR requirement to plant street trees results in the provision of shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption. However, the implementation of rain gardens could help advance DEP green water/stormwater strategies, enhancing the operation of the Owls Head Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the developer, BayRide Realty LLC, clarifying how it would memorialize integrating resiliency and sustainability features at 9114 Fifth Avenue.

Promoting Local Hiring and MWBE Participation for Construction Jobs

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 2017," 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 20 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 that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from the applicant, BayRide Realty LLC, to retain Brooklyn-based contractors and subcontractors, especially those designated LBE consistent with Section 6-108.1 of the City's Administrative Code, and MWBE in order to meet or exceed standards per Local Law 1 (no less than 20 percent participation). Oversight of such participation should be coordinated by an appropriate monitoring agency.

DOT Traffic Study

According to the CD 10 Fiscal Year 2021 (FY 21) needs statement, CB 10 is concerned about competing sources of traffic along 92nd Street, particularly where buses turn onto Fourth and Fifth avenues. Borough President Adams has heard about unsafe conditions at several intersections caused by speeding vehicles. Additionally, several local businesses in the C8-2 zone have loading needs that are constrained by non-commercial vehicles. Borough President Adams believes that it would be appropriate for DOT to take an updated look at this corridor to determine appropriate mitigation measures including, but not limited to, restrictive curbside signage for designated loading zones. Therefore, he calls on DOT to undertake a traffic study of 92nd Street with a particular focus on its intersections with Fourth and Fifth avenues.

Recommendation

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

1. Reduce the extent of the proposed R7A/C2-4 MIH district to within 125 feet of Fifth Avenue
2. That prior to considering the application, the City Council obtain written commitments from the applicant, BayRide Realty LLC, clarifying how it would:
 - a. Memorialize for an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-bedroom units
 - b. Utilize one or more affordable housing non-profits as the administering agent for the 9114 Fifth Avenue MIH lottery to conduct a coordinated marketing campaign, including extensive community outreach and financial literacy training in CD 10, based on provision of adequate funding for such efforts
 - c. Set aside a portion of the commercial space for arts/cultural entities and non-profit organizations, and/or locally-based immigrant-owned business at below-market lease terms, as warranted
 - d. Incorporate resiliency and sustainability measures, such as blue roofs, passive house design, solar facades, and/or wind turbines
 - e. 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 the required Builders Pavement Plan along Fifth Avenue and/or 92nd Street fronting the development, in consultation with CB 10 and local elected officials
 - f. Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBES) to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved:

1. That DOT conduct a traffic study along this section of 92nd Street to determine appropriate mitigation measures for traffic safety, including, but not limited to restrictive curbside signage.