

**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 #: HPD New Penn Development (210109 HAK)**

An application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State, to designate three scattered sites, 306 Pennsylvania Avenue, 392 Wyona Street, and 467 Vermont Street/426 Wyona Street as an Urban Development Action Area and an Urban Action Development Area Project (UDAAP), and to convey these properties to a developer selected by HPD. These actions are requested to facilitate three new buildings with a total of 46 affordable rental units in Brooklyn Community District 5 (CD 5). Eight of these apartments would be designated as Affordable Independent Residences for Seniors (AIRS).

BROOKLYN COMMUNITY DISTRICT NO. 5

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITION

SEE ATTACHED

*Ethi L. Adams*

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BROOKLYN BOROUGH PRESIDENT

February 9, 2021

\_\_\_\_\_  
DATE

## **RECOMMENDATION FOR: HPD NEW PENN DEVELOPMENT – 210109 HAK**

The New York City Department of Housing Preservation and Development (HPD), submitted an application pursuant to Article 16 of the General Municipal Law of New York State to designate three scattered sites, 306 Pennsylvania Avenue, 392 Wyona Street, and 467 Vermont Street/426 Wyona Street as an Urban Development Action Area and an Urban Action Development Area Project (UDAAP), and to convey these properties to a developer selected by HPD. These actions are requested to facilitate three new buildings with a total of 46 affordable rental units in Brooklyn Community District 5 (CD 5). Eight of these apartments would be designated as Affordable Independent Residences for Seniors (AIRS).

Brooklyn Borough President Eric Adams held a remote public hearing on this application on January 25, 2021. 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 developer clarified that the bedroom mix would include 12 studios, 20 one-bedroom units, nine two-bedroom apartments, and five three-bedroom units. The rentals would be targeted to households at 30, 40, 50, 60, and 80 percent of Area Median Income (AMI) with the majority geared toward those earning \$47,760 to \$73,680. Rents would range from \$461 for a studio at 30 percent AMI to \$2,276 for a three-bedroom at 80 percent AMI.

In response to Borough President Adams' inquiry as to how long these units are required to be rented at affordable rates, the developer stated that the regulatory agreement with HPD would provide for a term of 60 years with a subsequent renewal option.

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 5 residents, and whether the applicant's marketing strategy would include a financial literacy campaign to assist local residents in becoming lottery-eligible, the developer stated that it has begun outreach to identify an appropriate non-profit organization.

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 developer stated they would consider a white roof on every building.

### **Consideration**

Brooklyn Community Board 5 (CB 5) voted to approve this application, with conditions, on January 27, 2021. In its resolution, the board requested that the applicant:

- Fully consider the economic impact of COVID-19 and the potential decrease in annual incomes for CD 5 residents as the project progresses
- Increase the number of studio and one-bedroom units at 30 percent AMI to facilitate senior and young adult occupancy
- Increase the number of two- and three-bedroom units at 40, 50, and 60 percent AMI
- Decrease the number of units at 80 percent AMI to accurately reflect the lower percentage of residents within CB 5 earning higher incomes; increase the number of two- and three-bedroom units, and remove studio units
- Provide subcontracting opportunities to MWBE companies based in the 11207, 11208, and 11239 ZIP codes to support small businesses

- Hire a minimum 40 percent of the work force from the 11207, 11208, and 11239 ZIP codes for administrative, labor, maintenance, property management, security, superintendent, and other employment opportunities
- Partner with community-based, non-profit organizations to facilitate the hiring process including but not limited to job fairs, screenings, and any necessary training/pre-hiring processes
- Provide fair and living wages

The proposed UDAAP designation and disposition actions concern three City-owned development sites in East New York: 306 Pennsylvania Avenue, 392 Wyona Street, and 467 Vermont Street/426 Wyona Street to facilitate affordable rental buildings. The sites are all zoned R6, with a maximum residential floor area ratio (FAR) of 2.2 on narrow streets and 3.0 on wide streets, according to Quality Housing regulations. Up to 3.90 FAR, with a maximum height of 75 feet may be permitted with the inclusion of AIRS units.

306 Pennsylvania Avenue is a 5,000 square foot (sq. ft.) vacant lot located mid-block between Belmont and Sutter avenues. It would be developed as a seven-story elevator building with approximately 25 affordable apartments, including the eight AIRS units. The building would contain 3.7 FAR and rise to approximately 65 feet. Planned amenities include a landscaped rear yard and 18 bicycle spaces in the cellar. 392 Wyona Street is a 4,000 sq. ft. vacant lot located mid-block between Blake and Sutter avenues. It would become a four-story apartment building with approximately 11 affordable units. The building would contain 2.16 FAR, with a maximum height of 42 feet. It would also provide a landscaped rear yard and bicycle storage. Finally, 467 Vermont Street/426 Wyona Street consists of the north side of Blake Avenue from the corner of Vermont Street to the corner of Wyona Street. It would be constructed as a single building with two wings, rising to three stories on Wyona Street and four stories on Vermont Street, with landscaped open space in between. It would contain 10 units, and a common cellar for building services.

This application is part of a larger New Penn New Infill Housing Opportunities Program (NIHOP), involving 10 City-owned development sites across CB 5 and Brooklyn Community Board 16 (CB 16). The other seven sites, which are not subject to ULURP, include 303 Hinsdale Street, 429 Newport Street, 461 New Jersey Avenue, 792 Rockaway Avenue, 791 Saratoga Avenue, 510 Vermont Street, and 392 and 432 Wyona Street. With the exception of 306 Pennsylvania Avenue, the lots would be developed as three to four story buildings. Altogether, the New Penn NIHOP is expected to yield approximately 71 rental units. HPD is seeking to convey all 10 sites to the selected co-developers, Rajoy Management Inc. and PM Architecture PC, which are certified MBWE firms with prior experience in multi-family housing development.

The surrounding context of 306 Pennsylvania Avenue, 392 Wyona Street, and 467 Vermont Street/426 Wyona Street consists primarily of two- and three-family homes with elevator apartment buildings along Pennsylvania Avenue. There are several significant community facility uses including PS 149 Danny Kaye at 425 Vermont Street, adjacent to 392 Wyona Street, and St. John Cantius RC Church at 479 New Jersey Avenue, opposite 427 Vermont Street, as well as several other schools and houses of worship. Major open space resources include Grace Playground on Belmont Avenue and Martin Luther King Jr. Playground on Blake Avenue. The area also contains numerous small playgrounds and pocket parks.

The three project sites are convenient to public transportation. The B20 and B83 buses stop along the 306 Pennsylvania Avenue block, while the Pennsylvania Avenue subway station, located three blocks south, offers access to the Seventh Avenue Express 2 and 3 trains, as well as the Lexington Avenue Express 4 train. 392 Wyona Street is accessible via the B14 bus, which makes stops along Sutter Avenue, as well as the Van Sicken Avenue 2, 3, and 4 train station, which also serves the 467 Vermont Street/426 Wyona Street site.

Brooklyn is one of the fastest growing boroughs in New York City and throughout the metropolitan area and its ongoing renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led the displacement of longtime residents who can no longer afford to live in their own neighborhoods. In Brownsville, and across New York City, there is a pressing need for permanently affordable housing, particularly for elderly adults, homeless households, and low-income families. Borough President Adams is committed to addressing the ongoing affordable housing crisis through the creation and preservation of units for Brooklynites of various incomes and household types.

Borough President Adams supports the development of underutilized land for productive uses that address the City's need for additional affordable housing. The proposed 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 is particularly concerned about the lack of affordable housing for older New Yorkers, who are a rapidly growing segment of the city's population, with 300,000 seniors residing in Brooklyn alone. In its 2016 "Zoning for Quality and Affordability" (ZQA) study, the New York City Department of City Planning (DCP) found that there were 60 applicants for every apartment in HPD's senior housing developments. LiveOn NY estimates there are 200,000 New Yorkers aged 62 and older on the City's affordable housing waiting lists, with an average wait of seven years.

A significant number of elderly households have negligible income and are at risk for displacement. As the Federal government had moved away from funding affordable housing for seniors, too few such rental apartments are being built, leaving tremendous demand for age-based low-cost housing. As a result, many elderly households are experiencing increased rent burdens and exhausting their life savings to keep up with day-to-day living costs. One of Borough President Adams' top priorities is helping area seniors secure affordable housing and remain in their communities. He seeks for the City to advance more projects such as this proposal, which prioritize permanently affordable units for older New Yorkers across Brooklyn. As this disposition would include development pursuant to AIRS, eight units would be dedicated for seniors as part of the entire NIHOP.

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. Borough President Adams believes that right-sizing the bedroom distribution within the affordable housing floor area is more important than maximizing the number of units. CB 5 seeks for such units to be adjusted to have no studios and fewer one-bedrooms at 80 percent AMI, so that the mix leans toward larger units.

Borough President Adams believes that when all 10 New Penn NIHOP sites are accounted, the project appears to better reflect CB 5's recommendation, though efforts should be made to accommodate the board's stated position. The overall bedroom mix, as represented by the developers, would provide 17 studios, 25 one-bedroom, 20 two-bedroom, and 11 three-bedroom units. Excepting units that would be reserved for seniors, at least half of the remaining apartments would appear to be oriented toward families. Such bedroom mix would be consistent with Borough President Adams' policies.

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods,

with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis.

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

As funding for the New Penn Development sites includes financing for which HPD contributes no less than \$2 million, Rajoy Management Inc. and PM Architecture PC 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 in the design and construction process. Developers may adopt a goal higher than the minimum. CB 5 seeks to draw such participation from the community district to maximize the project's potential for local job creation.

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 this UDAAP application, as well as the larger New Penn NIHOP. He calls on HPD and the developers, Rajoy Management Inc. and PM Architecture PC to ensure permanent affordability for 10 planned developments, maximize community participation in the affordable housing lottery, incorporate resiliency and sustainability practices in the development, and implement Vision Zero pedestrian safety improvements.

### **Achieving and Retaining Permanent Affordability**

In areas where new developments can be realized on City-owned sites, Borough President Adams supports the disposition of such sites being developed for affordable housing to remain permanently affordable, in order to minimize the loss of affordable housing units across the borough. Where HPD has designated for-profit companies to develop affordable housing on City-owned property, the duration of such affordability is often driven by financial considerations. Standard regulatory agreements used by government agencies typically involve 30- to 60-year terms, which may be extended, typically for 15 years, with further renewals possible. However, property owners are under no obligation to seek such extensions. Without an obligation to retain housing affordability, those units would no longer be an affordable housing resource once regulatory agreements expire, and tenants move out. Apartments then can revert to market-rate housing.

Borough President Adams believes that there are effective ways to preserve such housing as permanently affordable. One means is through the disposition of public land to one or more well-established, non-profit, affordable housing development organizations. This provides some assurance that non-Mandatory Inclusionary Housing (MIH) units would remain affordable for the lifetime that the non-profit entity remains in operation. Unlike for-profit developers, non-profit community development organizations typically have a core mission to advocate for, preserve, and provide affordable housing. New York City has multiple non-profit entities with a successful record of developing and managing affordable housing,

as well as fulfilling agreements with City agencies. Borough President Adams supports the disposition of affordable housing to such non-profits for these reasons, as for-profit companies are generally driven by financial considerations.

Another strategy, which warrants implementation, is the disposition of property to a community land trust (CLT), non-profit stewardship entities that maintain community ownership of real estate assets. They are governed by boards that contain a diverse array of stakeholders, including community development organizations, elected officials, and local residents. CLTs are seen as an effective tool to reduce land speculation and preserve affordability in communities. In recent years, New York City has taken important steps to foster the development of CLTs. In 2017, City Hall solicited proposals from interested stewardship groups, while the City Council passed legislation authorizing and codifying CLTs. There are currently more than a dozen CLTs in various stages of development across the city, with at least two in Brooklyn, including the East New York CLT (ENYCLT). Borough President Adams believes that CLTs are a viable way to safeguard HPD's substantial investments in affordable housing throughout the borough.

Finally, HPD structures its financing to require a balloon payment at the end of the regulatory term to induce developers to seek refinancing from the City, with an obligation to extend the duration of affordability. Therefore, including a mandate in the land disposition agreement (LDA) that obligates the developer/owner to secure such refinancing, subject to the availability of public funds when the initial mortgage term expires, would essentially guarantee extended affordability.

Specific regulatory measures, when implemented, can ensure that units remain as affordable housing options for the city's residents. Borough President Adams believes it is reasonable to expect that residential floor area developed on City-owned land leased to private developers remains permanently affordable. As the City conveys its land to developers — even through 99-year ground leases — it should utilize the LDA as a mechanism to preserve affordable housing in perpetuity.

In this case, given that all of the New Penn NIHOP sites, including 306 Pennsylvania Avenue, 392 Wyona Street, and 467 Vermont Street/426 Wyona Street are public land, Borough President Adams believes it is essential to maintain the planned apartments as affordable in perpetuity. This would ensure that residential development on all 10 sites to be disposed is insulated from variable economic conditions and remains an affordable housing resource in the community.

Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that its LDA with Rajoy Management Inc. and PM Architecture PC would contain a mechanism, such as including land transfer to ENYCLT, to be triggered prior to the end of any regulatory term, guaranteeing that all 73 units, including the New Penn NIHOP disposition sites, would be maintained as affordable housing.

### **Maximizing Community Participation**

It is Borough President Adams' policy to advocate for mission-driven affordable housing non-profits to play a role in affordable housing development. Such organizations are equipped to maximize community participation in affordable housing opportunities. Administering non-profits are responsible for ensuring that the affordable housing units comply with the regulatory agreement 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 also 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.

Borough President Adams recognizes that CD 5 is served by several non-profit housing advocates that could serve to supplement such efforts. These include Cypress Hills Local Development Corporation (CHLDC), East Brooklyn Congregations (EBC), the Local Development Corporation of East New York

(LDCENY), and the citywide Mutual Housing Association of New York (MHANY). In CD 16, there are multiple organizations that specifically serve the Brownsville community, including CAMBA as well as the citywide The New York City Housing Partnership and Settlement Housing Fund.

Several of these entities participate in HPD's Housing Ambassadors Program, which trains local community groups to provide free technical assistance and financial counseling to residents who wish to apply for affordable housing. HPD's Housing Ambassadors Program and other locally based non-profits have proven track records of successfully marketing affordable housing units, as well as promoting affordable housing lottery readiness through educational initiatives. It is expected that these partners would implement such an outreach process as part of their marketing strategy for the New Penn NIHOP sites.

Borough President Adams further calls on the developers to ensure significant outreach to area seniors as part of their marketing and financial literacy efforts, to ensure that the projected AIRS units benefit older residents of Brownsville and East New York.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from HPD that its LDA with Rajoy Management Inc. and PM Architecture PC would memorialize the retention of one or more local affordable housing non-profits to serve as the administering agent and have such entities play a role in promoting affordable housing lottery readiness for both the ULURP and inclusive of the New Penn NIHOP disposition sites that comprise the intended disposition.

### **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, the New York State Energy Research and Development Authority (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. This UDAAP application offers opportunities to integrate resiliency and sustainability measures such as blue/green/white roof finishes, passive house construction principles, and solar panels across the ULURP three sites, each of the New Penn NIHOP disposition sites.

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 expand the City's highly reflective (white) roof mandate. It should be noted that HPD projects will not be required to comply with the laws for the first five years. This exemption period will allow the agency to study the feasibility of incorporating green roofs into affordable housing developments.

Borough President Adams believes that development on City-owned land should strive for high standards in resiliency and sustainability. Therefore, it is appropriate for the developers to engage 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 City agencies and 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 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. Where it is not advisable to remove existing street trees, there would be opportunities for street tree pit enhancements, which would increase stormwater infiltration and provide additional plantings. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the City's water pollution control plants.

The required Builders Pavement Plan for the proposed development provides an opportunity to incorporate DEP rain gardens at any or all of the project sites. The New York City Zoning Resolution (ZR)'s 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 from the landlord or managing entity. 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 26<sup>th</sup> Ward Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams recognizes that on-site water retention can be achieved in a multitude of ways and seeks to promote green infrastructure practices in new developments. He believes that Rajoy Management Inc. and PM Architecture PC should further consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the three required street trees being with a DEP rain garden as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated in advance with CB 5 and local elected officials.

Borough President Adams believes that HPD should codify, in its LDA or Regulatory Agreement with Rajoy Management Inc. and PM Architecture PC, the extent to which such resiliency and sustainability strategies (including green roofs with photovoltaic systems, passive house construction principles, and water-retention measures involving the proposed street tree plantings) would be integrated into the proposed development. He also calls on the developers to coordinate with DEP, DOT, and NYC Parks to explore the feasibility of planting the three required street trees with a DEP rain garden as part of the Builders Pavement Plan, inclusive of the New Penn NIHOP disposition sites, in consultation with CB 5, CB 16, and local elected officials.

### **Advancing Vision Zero Policies**

Borough President Adams supports Vision Zero policies, including practices that extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams launched his own initiative, Connecting Residents on Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. By installing more curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

Per his CROSS Brooklyn initiative, Borough President Adams believes there is an opportunity to implement curb extensions at the southeast corner of Blake Avenue and Vermont Street and the southwest corner of Blake Avenue and Wyona Street, as part of the 467 Vermont Street/426 Wyona Street development. Given the mixed commercial, community facility, and residential character of this section of CD 5, and the sites' proximity to schools and playgrounds, it is important to advance improvements that promote pedestrian safety at these intersections.

Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge 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 Rajoy Management Inc. and PM Architecture PC to undertake such improvements after consultation with CB 5, 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 Rajoy Management Inc. and PM Architecture PC 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 Rajoy Management Inc. and PM Architecture PC would advance coordination with DEP, DOT, and NYC Parks for the installation of curb extensions at the at the southeast corner of Blake Avenue and Vermont Street and the southwest corner of Blake Avenue and Wyona Street either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions.

The City Council should further seek demonstration of Rajoy Management Inc. and PM Architecture PC commitment to enter into a standard DOT maintenance agreement for those intersections. Furthermore, DOT should confirm that implementation would not proceed prior to consultation with CB 5 and local elected officials.

### **Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Section 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 both the ULURP and of the New Penn NIHOP disposition sites, sites that comprise the intended disposition, the New York City Department of Housing Preservation and Development (HPD) incorporate into its Land Disposition Agreement (LDA) or Regulatory Agreement with Rajoy Management Inc. and PM Architecture PC, the developers' commitments to:
  - a. Retain the residential units as permanently affordable
  - b. Target eligibility and outreach to seniors, including those who are formerly homeless, for studio and one-bedroom units, with rents based on 30, 40, and 50 percent of Area Median Income (AMI)
  - c. Retain locally affordable housing non-profits to serve as the administering agent(s), and have one or more such entities play a role in promoting affordable housing lottery readiness

- d. Continue exploration of additional resiliency and sustainability measures such as rain gardens, blue/green/white roof treatment, passive house construction principles, and solar panels across the project sites

A demonstration of Rajoy Management Inc. and PM Architecture PC's commitment to 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) toward:

- a. Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with installation of curb extensions at the southeast corner of Blake Avenue and Vermont Street and the southwest corner of Blake Avenue and Wyona Street either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions, with the understanding that DOT implementation would not proceed prior to consultation with Brooklyn Community Board 5 (CB 5) and local elected officials
- b. Entering a standard DOT maintenance agreement for the southeast corner of Blake Avenue and Vermont Street and the southwest corner of Blake Avenue and Wyona Street
- c. Advancing protected painted areas as an enhanced community amenity for the above intersections of Blake Avenue with Vermont and Wyona streets 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 5 and local elected officials
- d. Installation of DEP rain gardens as part of a Builders Pavement Plan at 306 Pennsylvania Avenue, 392 Wyona Street, and 467 Vermont Street/426 Wyona Street or within the adjacent protected painted area of each property, in consultation with CB 5 and local elected officials