CITY PLANNING COMMISSION

September 11, 2013 / Calendar No. 5 C 130375 HUK

IN THE MATTER OF an application submitted by The Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the third amendment to the East New York I Urban Renewal Plan for the East New York Urban Renewal Area, Borough of Brooklyn, Community District 5.

The application for an amendment to the East New York I Urban Renewal Plan (C 130375 HUK) was filed by the Department of Housing Preservation and Development on June 11, 2013, to modify use restrictions, reconfigure urban renewal sites and update the Urban Renewal Plan to conform to current standards to facilitate the development of Livonia Commons, a mixed-use development containing affordable housing, commercial and community facility space in Community District 5, East New York, Brooklyn.

RELATED ACTIONS

In addition to the third amendment to the East New York I Urban Renewal Plan, which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application.

C 130374 ZMK Zoning map amendment to change an existing R6, R6/C2-3, and M1-1 district to R6, R7A/C2-4, and C4-4L.

C 130376 HAK Designation of an Urban Development Action Area, project approval, and disposition of City-owned properties to a developer selected by HPD.

BACKGROUND

The Livonia Avenue Initiative (Initiative) is a strategic plan of the Department of Housing Preservation and Development (HPD) to transform the Livonia Avenue corridor into a vibrant mixed-use area by adding density and creating retail opportunities while acting as a catalyst for future public and private development. The Initiative is a comprehensive plan to develop nine city-owned sites along Livonia Avenue that would be implemented in multiple phases. In September, 2011, HPD issued the Livonia Avenue Request for Proposals ("RFP") for the first

phase of development to revitalize five of the City-owned sites on either side of Livonia Avenue between Pennsylvania Avenue and Hinsdale Street. This phase, known as Livonia Commons, proposes new mixed-use buildings containing affordable housing with active ground-floor retail and community facility uses on four sites and a stand-alone community facility to be operated by the Boys Club of New York on a fifth site. Future phases would focus on the additional City-owned properties between Williams and Van Sinderen Avenues and extend eventually west into Brownsville. This project would continue HPD's longstanding commitment to East New York which previously resulted in the development of Nehemiah homes for homeownership, the rehabilitation of multi-family housing units and other affordable housing developments.

The rezoning area consists of ten block fronts on both sides of Livonia Avenue between Pennsylvania Avenue to the east and Van Sinderen Avenue to the west. The block fronts contain nine City-owned vacant land assemblages which are urban renewal sites of the East New York I Urban Renewal Plan and are controlled by HPD, and privately-owned, two- to three-story residential and mixed-use buildings, a church and a community health care facility.

The East New York I Urban Renewal Plan, and its predecessor, the Central Brooklyn Urban Renewal Plan, which helped to create other nearby NYCHA developments and other affordable housing in the area, and was last amended in 1995 (C 940120 HUK) to facilitate additional affordable home-ownership construction under the Nehemiah Program. The Plan currently prohibits new residential development within 100 feet of Livonia Avenue on urban renewal sites.

Under this application, five City-owned sites along Livonia Avenue with a total of 88,118 square feet of vacant land between Pennsylvania Avenue on the east and Hinsdale Avenue on the west, are proposed for development by HPD. As described in greater detail below, the development would result in four new, mixed-use buildings with retail, commercial and community facility space on the lower floors and affordable housing above, as well as a stand-alone community facility building to be operated by the Boy's Club of New York.

The four mixed-use buildings would include a total of 278 affordable rental units, including four superintendents' units. Units would be affordable for households earning between 40-60 percent of area median income (AMI) and would include studios, one-, two- and three-bedroom units

and an additional 44 units would be designated for formerly homeless households. The buildings would be developed under the Quality Housing Program and building heights would vary between 62 feet to 80 feet. Amenities in all four residential buildings will include laundry rooms, community rooms, bicycle parking spaces and outdoor recreational space. No parking is required for any of the buildings.

Site 1/Building1

Site 1 (Block 3805/Lots 1 and 6; Urban Renewal Site 127) is located on the northeast corner of Livonia Avenue and Sheffield avenues with a lot area of 12,624 square feet and is currently zoned R6/C2-3. The applicant proposes a six-story mixed-use building consisting of approximately 52 residential units. There would be 3,166 square feet of ground floor commercial and/or community facility space along Livonia Avenue. The residential entrance of the building would be located on Sheffield Avenue, and 2,863 square feet of recreational open space including children's play equipment would be provided at the rear of the building.

Site 2/Building 2

Site 2 (Block 3804/Lot 1; Urban Renewal Site 113C) is located on the north side of Livonia Avenue between Sheffield and Georgia Avenues with a lot area of 23,429 square feet and is currently zoned R6. The applicant proposes an eight-story mixed-use building with 84 residential units and 10,606 square feet of ground floor commercial and/or community facility space along Livonia Avenue. The residential entrance of the building would be located on Sheffield Avenue. There would be 2,560 square feet of recreational open space which may include children's play equipment and eight non-required off-street surface parking spaces.

Site 3/Building 3

Site 3 (Block 3820/Lot 123; Urban Renewal Site 109A) is located on the south side of Livonia Avenue between Georgia and Alabama avenues with a lot area of 20,036 square feet and is currently zoned R6. The applicant proposes a seven-story mixed-use building with 91 residential units and 8,915 square feet of ground floor commercial and/or community facility space along Livonia Avenue. The residential entrance of the building would be located on Georgia Avenue and 3,255 square feet of recreational open space which may include children's play equipment and approximately six non-required off-street surface parking spaces would be located in the

rear.

Site 4/Building 4

Site 4 (Block 3819/Lot 121, 130; Urban Renewal Site 22A) is located on the south side of Livonia Avenue between Williams and Alabama avenues with a lot area of 12,029 square feet and is currently zoned R6/C2-3. The applicant proposes a seven-story mixed-use building with 52 residential units and 2,631 square feet of ground floor commercial and/or community facility space along Livonia Avenue. The residential entrance of the building would be located on Williams Avenue and 4,000 square feet of recreational open space which may include children's play equipment would be provided in the rear.

Site 5/Building 5/Community Facility

Site 5 (Block 3801/Lots 1, 3, 47, 49; Urban Renewal Site 111B) is located on the north side of Livonia Avenue between Hinsdale Street and Williams Avenue with a lot area of 20,000 square feet and is currently zoned R6/C2-3. The applicant proposes for this site a stand-alone, 4 or 5-story community facility building for the Boys Club of New York. The building would consist of up to 60,000 square feet of community facility space and could include a gymnasium, an auditorium, an in-ground swimming pool, music rooms, computer labs, dance theatre, art studios, game rooms, classrooms and a cafeteria. The final design and size and programming of this building would depend on the amount of funds the Boys Club could leverage for this project

All buildings would incorporate design guidelines developed in consultation with DCP and include: a 22-foot wide sidewalk on Livonia Avenue; a minimum 13-foot wide sidewalk on side streets; side street-only parking entrances and curb cuts located at a minimum 50 feet from the corner; exterior lighting to provide additional light to the sidewalk; minimum ground floor ceiling heights of 14 feet; 50% minimum ground floor glazing from 2 to 12 feet along Livonia Avenue, and wrapping at corners to a minimum of 30 feet where there is ground floor retail space; and non-residential active ground floor uses. These design measures have been documented in the project site plans which will be incorporated into the Land Disposition Agreement with the designated developer upon approval of these subject actions.

The proposed buildings would employ additional design measures to minimize the exposure of

dwelling units to the elevated train and to be sensitive to the surrounding community. Thus, the buildings would step down on the side streets and all residential entrances would be located on the side streets in order to maintain a continuous commercial corridor on Livonia Avenue. The proposed design of the buildings would minimize or eliminate primary apartment windows facing the subway by using a single loaded corridor in one instance and by programming 2nd floor space for non residential uses wherever possible.

The area is currently zoned R6 on two block fronts and R6/C2-3 to a depth of between 100 to 150 feet from Livonia Avenue on the remainder of the block frontages, and M1-1 on the western half of the westernmost block front. R6 is a medium-density residential district which permits tower construction on large lots under the 1961 “height factor” regulations. R6 district regulations allow residential and community facility uses with a maximum Floor Area Ratio (FAR) of 2.43 for residential uses and 4.8 for community facility uses with no fixed height limits and building envelopes governed by a sky exposure plane. Residential developments using the optional Quality Housing Program allow a maximum FAR of 2.2 on a narrow street with a base height of between 30 and 45 feet and a maximum building height of 55 feet, or a maximum FAR of 3.0 on wide streets with a base height of between 40 and 60 feet, and a maximum building height of 70 feet. Off-street parking is required for a minimum of 70 percent of the dwelling units and a minimum of 50 percent of the dwelling units when the Quality Housing Program is utilized.

M1-1 is a low-density manufacturing district which allows light manufacturing and commercial uses up to an FAR of 1.0, and limited community facility uses, such as houses of worship, up to an FAR of 2.4. Other community facility uses, such as hospitals, are allowed only by special permit and new residential uses are not allowed. Required parking varies depending on the use.

Land uses to the north, east and south of the area include a mix of residential, commercial, institutional and open space uses. North of the Rezoning Area, along Sheffield and Georgia avenues, between Livonia and Dumont avenues, are one-family homes that were developed under HPD’s Nehemiah Homeownership Program. Also to the north, bordered by Hinsdale and Blake streets, Sheffield and Dumont avenues, are two New York City Housing Authority developments: Unity Plaza Houses, consisting of five 6-story buildings containing 461 units, and

Long Island Baptist Houses, consisting of four 6-story buildings with 229 units. The area is separated from Brownsville, Community District 16, to the west by the elevated "L" train and the Long Island Railroad's Bay Ridge freight line running in an open cut below ground.

The surrounding area also contains several public facilities, including P.S. 174 one block north of Livonia Avenue, P.S. 13 on Pennsylvania Avenue between Livonia and Riverdale avenues, New Grace Center, a parochial school, two blocks to the east on Livonia Avenue and the former Thomas Jefferson High School, now known as the Jefferson Campus, which houses four high schools, located one block to the north on Pennsylvania Avenue. The New York City Fire Department's Engine Company 290, is located on Sheffield Avenue between Livonia and Dumont avenues.

To the west along Van Sinderen Avenue and the LIRR Bay Ridge Line right-of-way are low-rise manufacturing and warehousing uses.

Success Garden, a mapped park used as a community garden, is located on Livonia Avenue between Williams and Alabama avenues adjacent to several of the HPD Livonia Commons block fronts.

The area is well served by MTA New York City Transit; the elevated No. "3" subway line runs above Livonia Avenue and has a station at Pennsylvania Avenue and the elevated "L" subway line runs along Van Sinderen Avenue to the west and has a station at Van Sinderen Avenue. Additionally, the B83 and B20 bus routes run north-south along Pennsylvania Avenue.

Requested Actions

To facilitate the proposed development, three actions are requested by HPD:

Zoning Map Amendment (C130374 ZMK)

A zoning map amendment is requested to change an existing R6, R6/C2-3, and M1-1 district to an R6, R7A/C2-4, and C4-4L district.

HPD seeks to change the existing R6 and R6/C2-3 district to an R7A/C2-4 district on nine block

fronts between Pennsylvania Avenue and Snediker Avenue to increase the permitted residential FAR from 2.43 to 4.0 and allow commercial uses on all sites. R7A is a medium-density zoning district which allows residential and community facility uses up to an FAR of 4.00, a maximum street wall of 40 to 65 feet and a maximum building height of 80 feet. Quality Housing regulations are mandatory and parking is required for 50 percent of the residential units. Existing C2-3 districts that are mapped on portions of eight block fronts at a depth of 100 to 150 feet from Livonia Avenue would be changed to a C2-4 district at a depth of 100 feet on all nine block fronts. C2-4 is a commercial zoning district which allows local retail uses at an FAR of up to 2.0 or up to 1.0 if in a mixed-use building. Parking requirements vary depending on the type of commercial use.

On the westernmost blockfront in the project area, located on the northern side of Livonia Avenue between Van Sinderen and Snediker avenues, adjacent to the "3" train on Livonia Avenue as well as the "L" train along Van Sinderen Avenue, the applicant seeks to change an existing M1-1 and R6/C2-3 district to a C4-4L district. C4-4L is a contextual commercial district that allows commercial, residential and community facility uses at an FAR of 4.0 and requires parking for 50 percent of the residential units and varies by type of commercial use. This district permits a maximum building height of up to 100 feet on lots adjacent to elevated rail lines such as Livonia Avenue and more flexible building designs to minimize the impact of elevated trains.

Third Amendment of the East New York I Urban Renewal Plan (C130375 HUK)

An amendment to the East New York I Urban Renewal Plan is requested to allow residential, commercial, and community facility uses and to delete a restriction prohibiting residential uses within 100 feet of Livonia Avenue on urban renewal sites. The proposed amendment would also subdivide and reconfigure a number of sites to facilitate the proposed buildings and would eliminate outdated references to properties to be acquired, update the language and format to current standard form, and update the time schedule for the effectuation of the Plan.

UDAAP and Disposition of City-owned Property (C130376 HAK)

HPD seeks the designation of property located at Block 3801, Lots 1, 3, 47, 49 (Site 111B of the East New York I Urban Renewal Plan); Block 3804, Lot 1 (Site 113C of the East New York I Urban Renewal Plan); Block 3805, Lots 1 and 6 (Site 127 of the East New York I Urban

Renewal Plan); Block 3819, Lots 121 and 130 (Site 22A of the East New York I Urban Renewal Plan); and Block 3820, Lot 123 (Site 109A of the East New York I Urban Renewal Plan) as an Urban Development Action Area, project approval, and the disposition of City-owned land.

ENVIRONMENTAL REVIEW

The application (C 130375 HUK), in conjunction with the applications for the related actions (C 130374 ZMK and C 130376 HAK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 13HPD074K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on June 14, 2013.

UNIFORM LAND USE REVIEW

This application (C 130375 HUK), in conjunction with the related actions (C 130374 ZMK and C 130376 HAK), was certified as complete by the Department of City Planning on June 17, 2013, and was duly referred to Brooklyn Community Board 5 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 5 held a public hearing on this application (C 130375 HUK) on June 26, 2013, and on that date, by a vote of 29 to one, with five abstentions, adopted a resolution recommending approval of the application, with the following condition:

- Any residents living in any City owned HPD buildings in the Industrial Park are to be given first priority of the new apartments once the application process starts. This should not interfere with the 50% set aside for Community Board 5 residents.

Borough President Recommendation

This application (C 130375 HUK) was considered by the Borough President of Brooklyn, who on August 5, 2013 issued a recommendation to approve the application.

City Planning Commission Public Hearing

On July 24, 2013 (Calendar No. 2), the City Planning Commission scheduled August 7, 2013 for a public hearing on this application (C 130375 HUK). The hearing was duly held on August 7, 2013 (Calendar No. 18), in conjunction with the applications for the related actions (C 130374 ZMK and C 130376 HAK).

Five speakers spoke in favor of the application and none opposed. The speakers included representatives from HPD, the project developer, the project architect, and the Boys Club of New York.

The representative from HPD stated that all of the housing units would be affordable for households earning up to 60% of AMI. The speaker also stated that this project is the first phase in a comprehensive plan to revitalize Livonia Avenue, and that an RFP for Phase II, which would develop the four remaining sites along the corridor would be issued in the near future.

A representative for the designated developer stated that, in addition to affordable housing, the proposed project would create over 25,000 square feet of commercial and community facility space at the ground floor of the proposed buildings, as well as a 60,000 square foot stand-alone community facility to be operated by the Boys Club of New York. The speaker stated that a number of the commercial spaces are designed to fit smaller, local businesses while others are being designed with the needs of larger anchor tenants in mind. Planned occupants for the community facility space include a senior center and Arts East New York, a non-profit local arts and cultural organization. The speaker testified that the development would use green building practices such as cogeneration combined heat and power systems.

A representative from the architect testified that the buildings were designed to minimize the impact of the elevated train which runs along Livonia Avenue. These measures include a setback

of approximately 5 feet to insure 22-foot sidewalk widths which would allow more light to reach the ground level. On Sites 1 and 2, adjacent to the train station platform, additional measures, including the use of single-loaded corridors and the placement of laundry rooms, offices and other communal space on the second floor would reduce the number of units facing the street.

Representatives from the Boys Club of New York testified that the proposed building would provide services for boys between the ages of 6-20 with program for girls available on the weekends. Programming would include academic support, arts, drama, music, sports and swimming. Additionally, the Boys Club would make space in the building available to local community organizations when not in use by their own programming.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the proposed third amendment to the East New York I Urban Renewal Plan (C 130375 HUK), in conjunction with the related actions (C 130374 ZMK and C 130376 HAK), are appropriate.

The proposed third amendment to the East New York I Urban Renewal Plan, in conjunction with the related actions, would facilitate the development of four mixed-use buildings which would provide 278 units of permanently affordable housing in addition to over 25,000 square feet of commercial and community facility space, as well as a stand-alone community facility of approximately 60,000 square feet to be operated by the Boys Club of New York.

Third Amendment of the East New York I Urban Renewal Plan (C130375 HUK)

Since its inception in 1986, the Plan has been amended two previous times to facilitate residential and community facility development projects. The plan has helped stabilize and revitalize East New York by enabling the production of ownership and rental housing affordable to low-income households.

The Comission believes that the proposed changes to the URP would continue this progress by permitting residential and community facility uses on the proposed development sites and

revising site configurations to reflect current redevelopment plans. The amendment would delete a restriction which currently does not allow residential uses within 100 feet of Livonia Avenue. In addition, the language and format of the urban renewal plan would be changed to current standard form, and the time schedule for the effectuation of the urban renewal plan would be updated.

Zoning Map Amendment (C130374 ZMK)

The Commission believes that this amendment to the Zoning map to change from an R6 to an R7A, R7A/C2-4 and C4-4L district along nine block fronts along Livonia to facilitate the proposed construction of 278 units of affordable housing, is appropriate. The R7A zoning district would mandate Quality Housing regulations and impose a maximum building height of 80 feet where there currently is no height limit.

The Commission believes that the change from a C2-3 overlay at a varying depth of 100 to 150 feet, on portions of eight block fronts along Livonia Avenue, to C2-4 at a depth of 100 feet along nine contiguous block fronts, would allow a continuous retail corridor. Reducing the overlay from 150 to 100 feet on six of these blocks would prevent the potential intrusion of commercial uses onto residential side streets. The Commisson further believes that the reduction of required parking along this corridor is appropriate due to the proximity of public transit.

The Commission believes that the change from an R6/C2-3 and M1-1 district to a C4-4L district on the westernmost block of the project area, on the northern side of Livonia Avenue between Van Sinderen and Snediker avenues, would allow for flexibility in uses and building design on this unique site adjacent to two elevated train lines. The C4-4L district allows residential, commercial, and community facility uses up to 4.0 FAR and a maximum building height of up to 100 feet. The Commission further believes that these regulations would provide flexibility in building use and design in order to minimize the impact of noise and vibration from the adjacent elevated train lines.

UDAAP and Disposition of City-owned Property (C130376 HAK)

The Commission believes that the proposed Urban Development Action Area designation and project approval, and disposition of city-owned property are appropriate. The five proposed

development sites are all city-owned and have been vacant for many years. The Commission believes that the requested UDAAP and disposition action would enable the project to achieve the overall development objectives to redevelop the area in a comprehensive manner, provide new high quality housing, and provide appropriate community facilities and retail shopping, as laid out in the Third Amendment to the Urban Renewal Plan.

The Commission is pleased that this project would provide 278 units of much-needed affordable housing in East New York. These units would consist of studios, one-, two-, and three-bedroom units and would be affordable for households earning up to 60 percent of AMI. Additionally, 44 studios would be designated for formerly homeless individuals and offer on-site support services.

The Commission believes that ground floor retail spaces would provide much-needed commercial activity on the corridor and would allow residents to meet their shopping needs locally. As the designated developer testified at the public hearing, retail spaces would be designed to meet the needs of a variety of tenants including national retailers as well as smaller local businesses. The Commission believes that this would enable a diversity of services and business opportunities for local residents. Design guidelines to support an enhanced retail environment have been incorporated which include side street-only parking entrances and curb cuts located at a minimum 50 feet from the corner; exterior lighting to provide additional light to the sidewalk; minimum ground floor ceiling heights of 14 feet; 50 percent ground floor glazing from 2 to 12 feet along Livonia Avenue, and wrapping at corners to a minimum of 30 feet where there is ground floor retail space; and non-residential ground floor uses.

The Commission believes that the proposed community facilities would provide crucial services to underserved demographic groups including seniors and young people. The Boys Club would provide academic support and recreational programming at an extremely low cost. The Commission also believes that these uses would attract visitors throughout the day, providing additional eyes on the street and contributing to the revitalization of Livonia Avenue.

The Commission is pleased that the proposed building designs would be sensitive to the unique conditions created by the presence of an elevated train along Livonia Avenue. These designs seek to mitigate the impact of noise and vibration from the train by minimizing the number of

units facing the street and using double-glazed windows. Buildings would be set back from the property line in order to ensure a continuous 22-foot wide sidewalk along the corridor, allowing additional light and air to reach the ground level and creating a walkable streetscape to complement the active ground floor uses being proposed.

In response to the recommendation of the Community Board that residents of HPD-owned properties in the East New York industrial park be offered first priority for units to be developed as part of this project, the Commission notes that HPD has stated, in a letter dated July 30, 2013 to the Chair that none of HPD's properties in the industrial park are currently occupied by residential tenants.

In response to the recommendation of the Borough President that the Department of City Planning consider revising the Zoning Resolution with respect to the C4-4L district regulations related to street wall height and setbacks, the Commission notes that this recommendation is outside the scope of the actions being considered here.

RESOLUTION

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

RESOLVED, that the City Planning Commission certifies, pursuant to Section 505, Article 15 of the General Municipal Law of New York State, that: (1) the proposed third Amended East New York I Urban Renewal Plan, as recommended herein for modification, is an appropriate plan for the area involved and conforms to the finding set forth in Section 504, Article 15 fo the General Municipal Law of New York State; and (2) the third Amended East New York I Urban Renewal Plan conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives, in compliance with the provisions of subdivision seven of Section 502, Article 15 of the General Municipal Law of New York State and be it further

RESOLVED, that the City Planning Commission certifies its unqualified approval of the third Amended East New York I Urban Renewal Plan, pursuant to subdivision 2 of Section 505,

Article 15 of the General Municipal Law of New York State; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the appropriateness of this action, that the proposed third Amended Urban Renewal Plan for East New York I Urban Renewal Area, Community District 5, Borough of Brooklyn, submitted by the Department of Housing Preservation and Development on June 11, 2013, is approved.

The above resolution (C 130375 HUK), duly adopted by the City Planning Commission on September 11, 2013 (Calendar No. 5), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, *FAICP*, Chair
KENNETH J. KNUCKLES, *Esq., Vice-Chairman*
RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C130375HUK**	Project Name: **Livonia Commons**
CEQR Number: 13HPD074K	Borough(s): Brooklyn Community District Number(s): 5

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: "(CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the third amendment to the East New York I Urban Renewal plan for the East New York I Urban Renewal Area, Borough of Brooklyn, Community District 5.

Applicant(s): NYC Dept. Of Housing Preservation & Development 100 Gold Street New York, NY 10038	**Applicant's Representative:** Jack Hammer NYC Dept. of Housing Preservation & Development 100 Gold Street New York, NY 10038

Recommendation submitted by:
Brooklyn Community Board 5

Date of public hearing: 6/26/13 Location: 127 Pennsylvania Avenue

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

Date of Vote: 6/26/13 Location: 127 Pennsylvania Avenue

RECOMMENDATION

- [ ] Approve
- [ ] Disapprove
- [X] Approve With Modifications/Conditions
- [ ] Disapprove With Modifications/Conditions

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

Voting

* # In Favor: 29 # Against: 1 # Abstaining: 5 Total members appointed to the board: 49

Name of CB/BB officer completing this form	*Title*	*Date*
Walter H. Campbell	District Manager	7/1/13

Brooklyn Community Board #5 Recommendation

Application Numbers:
130374 ZMK
C130375HUK
C130376HAK

Approved with Conditions on June 26, 2013: Any residents living in any City owned HPD buildings in the Industrial Park are to be given first Priority of the New Apartments once the application process starts. This should not interfere with the 50% set aside for Community Board #5 residents.

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

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 #: 130374 ZMK – 130375 HUK – 130376 HAK Livonia Commons

In the matter of applications submitted by the Department of Housing Preservation and Development, pursuant to:

a) Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map to eliminate a C2-3 District from within an existing R6 District for area bounded by:

1) a line 150 feet northerly of Livonia Avenue, Williams Avenue, Livonia Avenue, Alabama Avenue, a line 100 feet southerly of Livonia Avenue, Williams Avenue, a line 150 feet southerly of Livonia Avenue, Snediker Avenue, Livonia Avenue, and a line midway between Snediker Avenue and Van Sinderen Avenue; Livonia Avenue, Sheffield Avenue, and a line 100 feet southerly of Livonia Avenue, and Georgia Avenue; and, a line 150 feet northerly of Livonia Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Livonia Avenue, and Sheffield Avenue;
2) to change an existing R6 District to a C4-4L District;
3) to change an existing R6 District to a R7A District with a C2-4 District; and,
4) to change an existing M1-1 District to a C4-4L District.

b) Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the NYC Charter for the third amendment to the East New York I Urban Renewal plan for the East New York I Urban Renewal Area.

c) Article 16 of the General Municipal Law of New York State for the designation of properties located along Livonia Avenue between Van Sinderen Avenue and Pennsylvania Avenue, as an Urban Development Action Area and an Urban Development Action Area Project for such area and pursuant to Section 197-c of the NYC Charter for the disposition of such property to a developer to be selected by HPD to facilitate the development of one community facility building and four mixed-use buildings with a total of approximately 279 units of affordable housing.

COMMUNITY DISTRICT NO. 5 BOROUGH OF BROOKLYN

RECOMMENDATION – 120294 ZMK 120295 ZRK

☒ APPROVE
☐ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

August 5, 2013

BOROUGH PRESIDENT DATE

RECOMMENDATION FOR THE PROPOSED ZONING MAP AMENDMENT AND UDAAP DESIGNATION FOR CITY-OWNED PROPERTIES 130374 ZMK – 130375 HUK – 130376 HAK

The Department of Housing Preservation and Development (HPD) is seeking: approval of a zoning map amendment along Livonia Avenue between Van Sinderen Avenue and Pennsylvania Avenue; the disposition of City-owned property; an Urban Development Action Area Project (UDAAP) designation and project approval; and, an amendment to the East New York I Urban Renewal Plan (URP) to facilitate 279 units of affordable housing, retail/commercial space and community facility space to advance the Mayor's New Housing Marketplace Plan through the development of five City-owned properties along Livonia Avenue in East New York.

On July 17, 2013, the Borough President held a public hearing on the proposed land disposition agreement. Dunn Development Corp. (Dunn) representatives explained that the affordable units will feature 43 units that will be set aside for supportive housing which will be integrated throughout the units at Site 3. Dunn intends to bring the entire project online at the same time. The development is anticipated to include various community uses. Dunn intends to offer community space at a reduced rent, as a means to ensure that future community and cultural uses have a chance to thrive in the community. Space within Site 4 is being earmarked for occupancy by Arts East New York, a multicultural arts facilitator/performing arts program within the community. Arts East New York has outgrown its current location and thus will be able to expand its programming in its intended location with the development.

Dunn noted intent for the Department of Aging to open one of its new larger facilities to serve a larger number of seniors, therefore plans for this space within Site 3 reflect those dimensions. Unfortunately, due to funding constraints, the Department of Aging remains unable to allocate funds to the creation of such a center. As a result, Dunn anticipates that the space would be reserved for such tenancy with the hope that the Department of Aging will secure adequate funding to lease the space at Dunn's intended below-market leasing. Finally, the Boys Club of New York (BCNY) would be located on Site 5 and it would develop and own that site. BCNY would provide extremely affordable recreational facilities capable of serving 200 at a time -- primarily males between the ages 6 and 20. The organization has been in contact with the Department of Education to house a school of up to approximately 500 students during the hours BCNY does not run its own programming. The facility would feature a pool, gym, and spaces for media, computer, art center, library, music studio, etc.

CONSIDERATION

Community Board 5 voted to approve this application with a condition for HPD to provide first priority of the new apartments to any residents of city-owned HPD buildings currently within the Industrial Park. The Board recommended that this preference should not count against the 50% set aside for residents of Community District 5.

The URP currently restricts construction of housing within 100 feet of the Livonia Avenue right-of-way and development on URP Site 127 at Sheffield Avenue is currently restricted to a Public/Institutional land use.

These applications seek to transform this section of the Livonia Avenue corridor into a vibrant mixed-use area by adding population density and creating retail opportunities through the development of four mixed-use buildings with a total of 279 units and one community facility building, a stand-alone space for the Boys Club of New York. Site 1 would be six-stories and contain 52 residential units and 3,000 square feet of retail. Site 2 would be eight-stories and contain 84 units as well as more than 10,000 sf of ground floor retail. Site 3 would be seven-stories and contain 91 units and nearly 9,000 sf of retail. Site 4 would be seven-stories and contain 52 residential units and approximately 2,500 sf for retail. The Boys Club on Site 5 would likely be 60,000 sf containing a gymnasium, auditorium, in-ground swimming pool, music rooms, computer lab, dance theatre, art studios, game rooms, classrooms and cafeteria.

The Borough President concurs with the Administration's pursuit of facilitating smart development opportunities that take advantage of public rapid transit infrastructure. It is his policy to support initiatives such as amendments to the Zoning Map that provide for increased population density when the availability of public transit access warrants the type of neighborhood transformation to spur such development. The proposed rezoning, with its proximity to the "L" and "3" train stations, support increased density. The block front along the north side of Livonia Avenue adjacent to the "3" station would be rezoned to C4-4L to facilitate more flexibility in the amount of commercial floor area and use as compared to the remainder of this section of Livonia Avenue. This will be achieved by allowing commercial use on multiple floors while still permitting residential use on the higher floors up to ten stories, with a mandatory five foot setback at street level.

It is the Borough President's policy to support land use actions that would increase the supply of affordable housing options for those Brooklyn residents in need of such housing options. He is troubled that too many borough residents leave because they can no longer afford to live in Brooklyn. With the great demand for affordable housing, he believes that every attempt should be made to provide these opportunities. For city-owned lots, it is generally the policy of the Borough President to seek at least 50 percent of the generated units to be affordable. It is also his policy that such units should remain "Affordable Forever" where feasible. With this project, the Borough President believes Dunn has created a proposal where the city-owned sites would be developed entirely as affordable housing and is generally consistent with his policies regarding affordability. The units are required to be affordable for at least 30 years, and depending on State financing, might have a 50 year affordability minimum requirement. The Borough President prefers programs that would entice the property owner to extend or make permanent the affordability of these units. The Borough President has concerns regarding the trend for new developments to include a greater proportion of studio and one bedroom units, which results in fewer opportunities for larger families to qualify for such affordable housing. He commends Dunn for ensuring that larger households will have an adequate opportunity to secure affordable housing as more than fifty percent of the proposed units will contain two and three bedroom apartments.

The Borough President has consistently supported housing construction that incorporates a supportive housing component within the development. Dunn will provide supportive housing opportunities for those formerly homeless and with various disabilities. On-site supportive services will be made available to assist residents to integrate into the community. It has been clearly demonstrated that the most cost effective means to address the needs of the formerly homeless is to provide permanent, supportive housing.

The East New York community is underserved for services such as arts programming as facilities for senior citizens – which is exacerbated by the fact that this is an area with a growing population of seniors.

The Borough President appreciates Dunn's commitment to the neighborhood through its intention to secure beneficial amenities for the community by offering community space at a reduced rent, ensuring that future community and cultural uses have a chance to thrive in the community. As part of the plans, Dunn's interest to include a senior center on one of its sites and place Arts East New York within another site. The Borough President agrees with Dunn that the arts community has the potential to be a driving force within the area. The Borough President endorses Dunn's commitment which provides Arts East New York a larger facility to further its mission as it furthers its role in the development and longstanding of a community's growth through the arts. The Borough President appreciates Dunn's patience to hold off on securing a leasing commitment for the space it has set aside to house a senior center given the Department of Aging is not in position to award a contract to operate at this time. He urges the developer to explore alternative funding sources while continuing to promote this space to the Department of Aging.

The Borough President welcomes BCNY's initiative to raise $20 million to construct a 60,000 sf facility which will be a tremendous benefit for primarily male youth (age 6 through 20) residing in Brooklyn. He believes this facility would benefit the borough through its standard programming and has unique opportunities to yield further benefit through specific initiatives.

The Borough President appreciates BCNY's plan to include an indoor pool in the facility that would operate as a certified Red Cross swimming program. Since nearly 6 out of 10 African-American and Hispanic children are unable to swim, nearly twice as many as their Caucasian counterparts, it is paramount that the BCNY implement a Red Cross learn-to-swim program for members ages six to twenty years old with the outcome that all BCNY members will learn to swim.

Moreover, every summer, the Department of Parks and Recreation hires 1,200 lifeguards to staff the City's pools and beaches. With first-year lifeguards earning a minimum of $13.57 an hour, for a weekly salary of over $650.00, it is an excellent summer job for high school and college students. However, future lifeguards need exposure to aquatic safety training early and often in their swim careers. The Borough President believes that it would be ideal for BCNY to offer at this location its GuardStart: Lifeguarding Tomorrow program which includes lessons to develop aquatic knowledge and skills needed to successfully complete the American Red Cross Lifeguarding course for those turning 15 years old.

The Borough President applauds BCNY for its interest in making its planned facility available to outside organizations when not in use for its programming. The BCNY has been in conversation with the Department of Education (DOE) to partner with an IS/HS facility that might house up to 500 students staffed by DOE teachers serving as a specialized school that would attract students from the neighborhood and beyond. The Borough President believes that BCNY and DOE should engage in an open and public meeting with both Community Education Councils 19 and 23 at regular intervals during the consideration of the planning for establishing such a school.

The BCNY site sits across the street from Success Gardens, NYC Parks-owned community garden and ecological center, built by East New York Urban Youth Corps in the early 1990s. The .92 acre site includes a pond, a gazebo and large specimen trees, including willows, conifers and red maples. When it first opened in the 1994, Success Gardens was the vanguard of community-based,

open space planning and design. However, currently the Garden is lacking a true stewardship entity to provide maintenance and public programming.

The Borough President appreciates BCNY's interest in playing a role in the rejuvenation of Success Gardens. He believes BCNY could help reactive this community space by measures taken both on its building design as well as through programming initiatives. The intended BCNY site is directly to the west of Success Gardens, where the future building would overlook the garden and incorporating a bank of windows along this facade would help activate the "eyes on the street" presence, forming are enhanced visual connection between these properties. In addition, BCNY has the opportunity to organize direct service initiatives such as routine clean-ups and how-to-garden workshops. Ideally, BCNY would sponsor a comprehensive urban agriculture program at Success Gardens which would provide hands-on farming experience and give participants the skills and confidence to go on and work in many horticulture fields – such as the urban rooftop commercial farming operations which are expected to have an expanded presence throughout the City, with a few sites in development operation and it in Brooklyn already.

Minimizing Impacts of Developing Adjacent to Elevated Train Structures

The Borough President made recommendations regarding the recently established C4-4L commercial district introduced by the Department of City Planning (DCP) as part of the Bedford Stuyvesant North Rezoning in order to best protect citizens in their homes from environmental factors such as noise and vibrations that would include having the optional setback at a height of 30 feet made to be mandatory. The proposed residential buildings are characterized by two solutions to address proximity to the train structure. One is a single loaded corridor, with residential apartment proportioned windows aligning the street faced, with the exception being at street corners where bedrooms have primary windows facing the side street. The other restricts the building space away from the corners below the fourth floor to spaces such as management offices and common laundry and meeting rooms. After seeing the floor plans devised by Dunn, where, within the building's setup, there are no units with primary window openings facing out to the elevated tracks below the fourth floor, the Borough President would support the optional setback provided in the C4-4L District if the Zoning Resolution was modified to reflect the innovation devised by Dunn in terms of keeping primary window openings from being within five feet of a street line bordering an elevated train structure. He urges DCP to give further consideration to revising the street wall provisions of the C4-4L district.

RECOMMENDATION

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve the land use actions requested as part of the Livonia Commons application.

Be it further resolved that the Department of City Planning consider amending Zoning Resolution Section 35-24 (c) (4) Special Street Wall Location and Height and Setback Regulations in Certain Districts, regarding setback locations as it pertains to the C4-4L zoning district, to condition the option of not setting back where below the fourth floor, fenestration is not the primary window opening for living spaces such as living rooms and bedrooms.