



**IN THE MATTER OF** an application submitted by the Department of Housing and Preservation Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 5108 4<sup>th</sup> Avenue (Block 798, Lot 34), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate an eight-story mixed use building containing approximately 50 units of affordable housing and an expanded public library in the Borough of Brooklyn, Community District 7.

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Approval of three separate matters is required:

1. The designation of the City-owned property located at 5108 4<sup>th</sup> Avenue (Block 798, Lot 34) in the Borough of Brooklyn, as an Urban Development Action Area;
2. An Urban Development Action Area Project for such property; and
3. The disposition of such property at 5108 4<sup>th</sup> Avenue (Block 798, Lot 34), to a developer selected by HPD.

The application for the Urban Development Action Area designation and project approval, and disposition of City-owned property (C 170097 HAK) was submitted by the Department of Housing Preservation and Development (HPD) on September 16, 2016. Approval of this application, in conjunction with the related actions, would facilitate the development of an eight-story mixed use building containing approximately 50 units of affordable housing and an expanded public library in the Borough of Brooklyn, Community District 7.

The Department of Housing Preservation and Development states in its application that:

The development site consists of underutilized property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard,

insanitary, and blighting conditions. The project activities would protect and promote health and safety, and encourage sound growth and development. The project area is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **RELATED ACTIONS**

In addition to the designation of an Urban Development Action Area, project approval, and disposition of City-owned property which is the subject of this report (C 170097 HAK), 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 170098 PPK           Disposition of City-owned property located at 5108 Fourth Avenue (Block 798, Lot 34); and

C 170099 PQQ           Acquisition of property for use as a new branch library.

## **BACKGROUND**

The New York City Department of Housing Preservation and Development (HPD) is seeking an Urban Development Action Area Project Designation (UDAAP), Project Approval and Disposition of City-owned property located at 5108 Fourth Avenue (Block 798, Lot 34) to facilitate an eight-story mixed use building containing approximately 50 units of affordable housing and an expanded public library in the Sunset Park neighborhood of Brooklyn, Community District 7.

The site (Block 798, Lot 34) is a 10,017-square-foot lot owned by the City of New York located at the intersection of 51<sup>st</sup> Street and Fourth Avenue. It is currently occupied by the Sunset Park branch of the Brooklyn Public Library (BPL), which is a one-story, 16-foot-high building that was built in 1972 and contains approximately 7,658 zoning square feet. The existing Sunset Park Library branch is too small for its customer base, has an inefficient room layout, and is in a state of disrepair. The branch has approximately \$6 million in capital needs, which include a branch modernization and the replacement of an HVAC system, improvements to the roof, and expansion of its electrical outlets. The Sunset Park Library is the seventh-busiest of BPL's 58 neighborhood branch libraries, having served approximately 227,839 visitors in Fiscal Year

2015.

To facilitate the reconstruction of this library facility, HPD seeks to dispose of the library site to a developer, pursuant to the Urban Development Action Area Plan (UDAAP), who would construct a mixed-use building with a new library on the lower floors and residential units above. The proposed development is located on the Fourth Avenue corridor in Sunset Park, within an R7A zoning district with a C2-4 commercial overlay. A Voluntary Inclusionary Housing Designated Area is mapped along the Fourth Avenue corridor, which is characterized by one- to four-story mixed-use residential and commercial buildings. R7A districts promote seven- to eight-story Quality Housing buildings with high lot coverage and a maximum floor area ratio (FAR) of 4.6 for developments participating in the Voluntary Inclusionary Housing (VIH) program. Residential and community facility uses are permitted as-of-right. C2-4 commercial overlays permit commercial uses up to a maximum FAR of 2.0. In addition to residential and commercial uses, the surrounding area includes a number of community facility uses and public facilities. R6B zoning districts are mapped along the mid-blocks to the east and west of Fourth Avenue. These areas are characterized by two- to four-story attached single and multi-family row houses and apartment buildings.

The proposed development is an eight-story mixed-use building that would contain approximately 54,675 zoning square feet of development with an FAR of 5.46 and would include community facility space to accommodate a new library. The proposed library, which would be located on the cellar, first floor, and a portion of the second floor of the new building, would comprise approximately 12,400 zoning square feet of floor area (1.24 FAR). In addition to providing a larger library facility that can accommodate more patrons and provide more modern facilities, the library would include a public meeting space that would be made available to the community outside of library service hours. The entrance to the library would be located on Fourth Avenue.

The proposed development would also contain approximately 42,200 zoning square feet of residential floor area (4.22 FAR), with a mixture of studios and one- to three-bedroom units located on the second through eighth floors. The building would comply with the requirements of the VIH program, which mandates that 20 percent of the residential floor area be permanently

affordable to households earning up to 80 percent of the Area Median Income (AMI). The remaining residential floor area that is not subject to the VIH requirements would be income-restricted and is anticipated to be affordable to households with incomes at or below 80 percent of the AMI. Some of the units would be reserved for formerly-homeless survivors of domestic violence. The proposed development would contain residential common areas on the second floor, including a community room with a kitchenette, office, laundry room, and a roof deck/terrace. The residential entrance would be located on 51st Street.

The development would consist of two condominium units, one for the community facility space housing the library and the other for the residential portion of the building. After construction, the City would acquire the library condominium. The building would have approximately 100 feet of frontage along 51st Street and 100 feet of frontage along Fourth Avenue. The base height of the building would be 65 feet along Fourth Avenue and 56 feet within 50 feet of the lot line on 51st street. Above the setbacks, the building would rise to a height of approximately 85 feet. The building would have approximately 26 bicycle parking spaces and no off-street parking spaces.

The proposed development site is well served by public transit, with access to the R subway line two blocks away at 53rd Street and Fourth Avenue. The B11 bus passes directly in front of the Project Area on its path between the Brooklyn Army Terminal and Brooklyn College in Flatbush. The B63 bus, one block away on Fifth Avenue, provides north-south service between Bay Ridge and Brooklyn Heights. Fourth Avenue is a busy automobile thoroughfare, with two lanes of car traffic in each direction. The Gowanus Expressway is located one block west of the library facility on Third Avenue, providing a major automobile thoroughfare.

In this instance, the City is exercising its option not to be subject to its zoning requirements when performing a governmental function, including requirements relating to the maximum FAR pursuant to Section 23-154 and building height pursuant to Section 23-693 of the Zoning Resolution. The permitted floor area for a development participating in the Voluntary Inclusionary Housing program in an R7A/C2-4 district is 4.6. The proposed development has an FAR of 5.46, which exceeds the allowable floor area by approximately 0.86 FAR (8,600 zoning square feet). The maximum building height permitted in this district is 95 feet, and the proposed

development rises to 85 feet. However, within 25 feet of the adjacent R6B district on 51st Street, the maximum height permitted in an R7A district is 65 feet. Within this area, the base height of the building would be 56 feet and the building height would be 85 feet, which exceeds the allowable height in this R6B transition area.

BPL, in cooperation with the New York City Police Department (NYPD), anticipates temporarily relocating the Sunset Park branch library during construction of the new building to space within the existing NYPD applicant processing center on Fourth Avenue and 43rd Street (4201 Fourth Avenue), located eight blocks north (0.4 miles) from the existing library. This location is three blocks (less than 1000 feet) from the R subway line's 45<sup>th</sup> Street station. The interim branch would be available to the public once the current branch begins redevelopment and would offer the same hours of operation, programs, and services.

### **ENVIRONMENTAL REVIEW**

This application (C 170097 HAK), in conjunction with the related actions (C 170098 PPK, C 170099 PPK), 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 16HPD015K. The Lead Agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on August 1, 2016. A Revised Negative Declaration, that corrected typographical errors and updated the project's analysis Build Year to 2019, was issued on August 2, 2016.

The proposed action would be implemented in conformance with the following provision in order to ensure that there are no significant adverse impacts. The provision is as follows:

#### Noise

The proposed project requires window-wall attenuation and an alternate means of ventilation to

achieve an acceptable interior noise environment under closed-window conditions. The proposed project requires 30 dBA of window-wall attenuation for the library/residential uses on the north façade, and 31 dBA of window-wall attenuation for the library/residential uses on the south, west and east facades of the proposed building to achieve acceptable interior noise levels. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided for all residential and community facility uses in the building.

Prior to the disposition of the property and start of construction, a letter demonstrating compliance with the window-wall attenuation/alternate means of ventilation requirements, signed and sealed by the project sponsor's architect of record, would be submitted to HPD for review and approval. Construction in accordance with these commitments would be required through the Land Disposition Agreement (LDA) and applicable funding agreements between HPD and the project sponsor to ensure no significant adverse impacts related to noise would occur.

#### **UNIFORM LAND USE REVIEW PROCEDURE**

This application (C 170097 HAK) was certified as complete by the Department of City Planning on October 4, 2016, and was duly referred to Community Board 7 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 7 held a public hearing on this application on November 3, 2016. On November 16, 2016, by a vote of 25 in favor, 3 opposed, and 5 abstentions, the Board adopted a resolution recommending approval of the application, with the following conditions:

- Fifth Avenue Committee (FAC) and the City shall explore all opportunities and measures to provide preference to Sunset Park residents for occupancy in the development.
- As an interested stakeholder and next-door neighbor to the future interim library, Community Board 7 shall have significant participation and input into the design.

- FAC/Department of Housing Preservation and Development (HPD)/Brooklyn Public Library (BPL) shall attend and participate in CB 7's Immigration Committee discussions regarding the development's impact on the District.
- FAC/HPD/BPL shall ensure timely completion of the project and shall keep CB 7 updated on the progress of the development of the library (interim and new facilities) on a continuing and frequent basis.
- BPL will confirm and report back to CB 7 that adequate money is set aside for fit out and completion of both interim and new libraries. If funding is not in place for construction/completion of these facilities, BPL will report this condition to CB 7 immediately.
- FAC/HPD promises to conduct serious and extensive outreach to the development's neighbors to address their concerns, and to notify them of environmental, physical and/or construction oriented changes well in advance of such changes occurring.
- FAC/HPD/BPL ensures that Community Advisory Board input shall be respected and considered.
- FAC shall dedicate its resources to assist undocumented immigrants and other disadvantaged residents within CB 7 to attain eligibility status for units in the development.
- All stipulations shall be codified through either a deed restriction and/or binding MOU.

### **Borough President Recommendation**

This application (C 170097 HAK) was considered by the Borough President, who held a public hearing on November 14, 2016, and issued a recommendation on December 23, 2016 to approve this application with the following conditions:

1. The City needs to establish a municipal library system under Mayoral control, placed with a deputy mayor overseeing the public school system, to ensure synchronized agendas and supportive programming. This should be accomplished by converting each library system

into municipal agency status and then, ultimately, subject to a cost benefit analysis study, consolidating the agency that was the Brooklyn Public Library (BPL) with the rest of the City's library systems into unified agency status, as the means to responsibly fund library expense and capital budgets through tax levy and bonding authority of the City – not through one-time sales of municipal property

2. The BPL take steps to increase the size of its interim public library as follows:
  - a. Collaborating with Brooklyn Community Board 7 (CB 7) to utilize the CB 7 meeting room when not in scheduled use for CB purposes
  - b. Provide one or more trailers outfitted with technology such as computers, printers, and scanners as a homework/research facility
3. That the Fifth Avenue Committee (FAC):
  - a. Revise the floor plans to result in the most contiguous library floor space by shifting the residential entrance lobby and residential vertical circulation to the westernmost section of the 51<sup>st</sup> Street frontage, but for secondary fire-stairwell requirements where such stairwell should be relocated nearest to 52<sup>nd</sup> Street along the property's Fourth avenue frontage
  - b. Advance the buildings design to be solar panel installation ready
4. That the New York City Department of Housing Preservation and Development (HPD) incorporates the following:
  - a. In either the Regulatory Agreement or Land Disposition Agreement, that all housing units not developed pursuant to the Voluntary Inclusionary Housing (VIH) Program be permanently affordable, and
  - b. Requires the project developer to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency
5. That BPL and FAC coordinate with the New York City Department of Transportation (DOT) and/or the New York City Department of Environmental Protection (DEP) as

follows:

- a. Encourage provision of exterior bicycle racks reserved for library visitors and explore the potential for establishing a Citi Bike station
- b. Encourage the implementation of protected painted sidewalk extensions, per Borough President Adams' CROSS Brooklyn initiative at the intersection of Fourth Avenue and 51<sup>st</sup> Street
- c. Pending the feasibility of protected painted sidewalk extensions, the maintenance should be provided according to DOT's standard maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner
- d. Encourage the integration of bioswales as part of new tree plantings

Be it further resolved that HPD modify its affordable housing apartment lottery community preference standards to be inclusive of school zone attended by a child of household residing at a City-funded or -operated homeless shelter.

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

On December 12, 2016 (Calendar No. 12), the City Planning Commission scheduled January 4, 2017, for a public hearing on this application (C 170097 HAK) and the related actions (C 170098 PPK, C 170099 PPK). The hearing was duly held on January 4, 2017 (Calendar No. 20). There were ten speakers who testified in support and none in opposition.

Four representatives of the applicant team, including the HPD project manager, a BPL executive, the project developer, and project architect, presented the proposed development, stating that the building would contain a sorely-needed expanded library and affordable housing along Fourth Avenue in Sunset Park. The representative from HPD described the proposed permanent acquisition of the library condominium by the City, and the contribution of the 100 percent affordable housing development component to the Mayor's *Housing New York* ten-year housing plan. The representative of the Brooklyn Public Library described the substantial capital improvement needs facing the existing Sunset Park Library, including failing HVAC, frequent overcrowding, lack of electrical outlets, and roof deterioration. She also explained that the project

sponsor, Fifth Avenue Committee (FAC), will pay for core and shell of the building (including the library component) and the BPL will fund the fit-out. The FAC representative described the affordability levels of the housing units and affirmed the developer's commitment to 100 percent permanent affordability across all the housing units, not only those subject to the VIH requirements. In addition, he explained that some units will be designated for survivors of domestic violence. The developer has begun marketing units in the local community and meeting with the CB 7's Immigration Task Force to design training sessions on affordable housing eligibility. The representative of the developer's architecture firm discussed the proposed building's massing and exterior materials. She stated that interior designs are ongoing and that meeting the Borough President's condition of moving the residential core would require a reduction in residential space.

A representative of Community Board 7 spoke in favor of the application and the Board's nine conditions of approval. He described the applicant team's participation in the Board's subcommittee and public meetings on this application, and the favorable outcomes of their engagement, including the maximization of family-sized units and the secured interim library site. A representative of the City Council Member from Council District 38 relayed the Council Member's full support for the project. He briefly described the applicant team's public engagement process and noted that the same collaboration should continue in planning for the internal library space. A representative of the Center Against Domestic Violence spoke in favor of the application, describing an ongoing need for housing reserved for domestic violence survivors and their families. A representative of Southwest Brooklyn Industrial Business Development Corporation spoke in favor of the application, noting that affordable family-sized housing responds to a need observed in the Sunset Park area. A tenant of FAC housing spoke in favor of the application and affordable housing developed by FAC more broadly. A member of Community Board 7 spoke in favor of the application based on the library's need for updates and expansion.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application for UDAAP designation, project approval and disposition of City-owned property (C 170097 HAK) is appropriate.

Approval of the proposed actions would facilitate the development of a new, enlarged Sunset Park branch library occupying 12,442 zoning square feet, in a more efficient, modern, and flexible facility to serve the surrounding community. The new library space would represent a significant increase from the existing branch, which occupies approximately 7,964 zoning square feet. The proposed development would also provide much-needed affordable housing, which would exceed the requirements of the VIH program. Twenty percent of the floor area would comply with the requirements of the VIH program and the remaining residential floor area would be subject to a regulatory agreement with HPD, resulting in a 100 percent affordable housing project. In addition, while all of the residential units are anticipated to be affordable to households earning up to 80 percent of the AMI, the Commission notes that some of the residential units are anticipated to serve households at lower AMI levels, including 30 percent, 40 percent, 50 percent, and 60 percent of the AMI. Furthermore, FAC has committed to working with HPD to assure that the units not subject to VIH remain permanently affordable.

The proposed mixed-use building, which would include the public library on the cellar, first, and portions of the second floor, and residential units on the second through eighth floors, would be consistent with surrounding uses and bulk regulations of the existing zoning districts. The project site is well served by transit, including access to the subway and multiple bus routes, and is close to local residential neighborhoods.

During construction, the applicants would relocate the library to an interim location on the first floor of the NYPD applicant processing center at 4201 Fourth Avenue, eight blocks to the north of the current library site. This approximately 5,000-square-foot interim library space would be retrofitted to accommodate the library's existing programs, including the same hours of operation, comparable programs and classes, flexible meeting space, children and adult reading areas and stacks, computers and other resources.

Community Board 7 conditioned its approval on several items related to the applicants' and developer's communications with the local community. The Commission acknowledges the updates provided by the designated developer at the public hearing. Regarding the Board's condition that Sunset Park residents receive priority for housing occupancy opportunities in the

proposed development, FAC acknowledged the City's affordable housing financing requirement that current residents of the local Community Board area receive preference for 50 percent of the affordable units. The Community Board additionally conditioned approval on the applicants' commitment to participating in discussions with the Board's Immigration Committee and to dedicating resources to assisting undocumented immigrants and other disadvantaged residents in attaining eligibility for units in the development. The Commission understands that FAC has been in communication with CB 7 and CB 7's Immigration Task Force and has committed to design targeted marketing and educational outreach for local residents focused on housing opportunities in the proposed development and affordable housing eligibility more broadly.

Community Board 7 conditioned its approval in part on the applicants' and developer's consultation with project area residents. The Commission acknowledges comments provided by the representatives of Community Board 7 and the Council Member's office, who described a robust engagement process thus far that has addressed concerns of the Community Board and the public, including the proposed development's unit and bedroom mix and the need for an interim library location. The Commission also notes that the proposed development's exterior design responds to the public interest and existing neighboring conditions with its façade materials selection and by keeping its proposed height below the maximum allowed under the 2009 Sunset Park Rezoning to R7A/C2-4 with VIH. The applicant team recognizes that because the proposed development would be the first building constructed at a scale permitted by the 2009 rezoning along this section of the Fourth Avenue corridor, it has been designed to limit visual impacts, including shadows, in order to respect the context of the community's existing built environment.

Regarding the interior design conditions expressed by the Brooklyn Borough President, specifically that the proposed residential entrance lobby and residential vertical circulation be relocated to allow for more open and contiguous library floor space, the Commission acknowledges the information provided by the designated developer's architect. It is understood that the relocation of the residential core toward the corner of either street frontage would compromise residential space, which runs counter to the mission of the designated developer and to the community's need for affordable housing. Interior design of the library is ongoing. Regarding the Borough President's condition that the proposed development be designed to meet

standards required for solar panel installation, the Commission notes that the designated developer has received a solar feasibility analysis, has committed to solar-ready wiring on the building's roof, and is considering investment in a solar canopy.

Regarding the Borough President's condition that the City establish a municipal library system and consolidate BPL with the rest of the City's library systems, the Commission notes that this is outside the purview of the proposed actions. Insofar as this recommendation relates to Community Board 7's condition that BPL guarantee adequate funding is available for the proposed development and for the interim library facility, however, the Commission acknowledges information provided by the BPL representative regarding this project's funding. Specifically, the designated developer will finance core and shell construction of the new library space, while BPL will be responsible for funding its interior outfitting using proceeds from development of the Brooklyn Heights Library.

The disposition of the subject property in this application would allow the City to utilize its scarce real estate for significant public benefit including an expanded, new public library and sorely-need affordable housing. The acquisition of space would allow the branch library to relocate back to the subject site in superior and larger space than it previously occupied, constructed by the developer as part of the proposed mixed-use building, to its own specifications. This action would facilitate upgrade and expansion of the existing Sunset Park Library as well as the development of affordable housing units, both of which will meet substantial and long-standing community needs.

## **RESOLUTION**

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

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at 5108 Fourth Avenue (Block 798, Lot 34) in Community District 7, Borough of Brooklyn, as an Urban Development Action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended

the approval of an Urban Development Action Area Project for such property;

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

- a) the designation of property located at 5108 4<sup>th</sup> Avenue (Block 798, Lot 34), as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area.

**BE IT FURTHER RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned property located at 5108 4<sup>th</sup> Avenue (Block 798, Lot 34, by the Department of Housing Preservation and Development, is approved (C 170097 HAK).

The above resolution (C 170097 HAK), duly adopted by the City Planning Commission on February 1, 2017 (Calendar No. 2), 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.

**CARL WEISBROD**, *Chairman*  
**KENNETH J. KNUCKLES**, *Esq.*, *Vice Chairman*  
**IRWIN G. CANTOR**, *P.E.*, **ALFRED C. CERULLO**, *III*,  
**RICHARD W. EADDY**, **CHERYL COHEN EFFRON**,  
**HOPE KNIGHT**, **ANNA HAYES LEVIN**, **ORLANDO MARIN**, *Commissioners*

**MICHELLE DE LA UZ**, **JOSEPH I. DOUEK**, *Commissioners*, *Recused*



- Fifth Avenue Committee (FAC) and the City shall explore all opportunities and measures to provide preference to Sunset Park residents for occupancy in the development.
- As an interested stakeholder and next-door neighbor to the future interim library, Community Board 7 shall have significant participation and input into the design.
- FAC/Department of Housing Preservation and Development (HPD)/Brooklyn Public Library (BPL) shall attend and participate in CB 7's Immigration Committee discussions regarding the development's impact on the District.
- FAC/HPD/BPL shall ensure timely completion of the project and shall keep CB 7 updated on the progress of the development of the library (interim and new facilities) on a continuing and frequent basis.
- BPL will confirm and report back to CB 7 that adequate money is set aside for fit out and completion of both interim and new libraries. If funding is not in place for construction/completion of these facilities, BPL will report this condition to CB 7 immediately.
- FAC/HPD promises to conduct serious and extensive outreach to the development's neighbors to address their concerns, and to notify them of environmental, physical and/or construction oriented changes well in advance of such changes occurring.
- FAC/HPD/BPL ensures that Community Advisory Board input shall be respected and considered.
- FAC shall dedicate its resources to assist undocumented immigrants and other disadvantaged residents within CB 7 to attain eligibility status for units in the development.
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- All stipulations shall be codified through either a deed restriction and/or a binding MOU.



**Email/Fax Transmittal**

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|---|---|
| <b>TO:</b><br>Brooklyn Community District 7<br>Distribution                                     | <b>FROM:</b><br>Brooklyn Borough President Eric L. Adams  |
| <b>DATE: December 23, 2016</b>  | <b>CONTACT:</b><br>Olga Chernomorets – Land Use Coordinator<br>Phone: (718) 802-3751<br>Email: ochernomorets@brooklynbp.nyc.gov |
| <b>ULURP Recommendation:</b><br>SUNSET PARK LIBRARY – 170097 HAK, 170098<br>PPK, and 170099 PQQ | <b>NO. Pages, Including Cover: 15</b>   |

Attached is the recommendation report for ULURP applications 170097 HAK, 170098 PPK, and 170099 PQQ. If you have any questions, please contact Olga Chernomorets at (718) 802-3751.

**Distribution**

| NAME                         | TITLE  | OFFICE         | EMAIL                      |
|------------------------------|--|----------------|----------------------------|
| <b>Carl Weisbrod</b>         | Chair, City Planning Commission  | (212) 720-3356 | ygruel@planning.nyc.gov    |
| <b>Melissa Mark-Viverito</b> | Speaker, New York City Council   | (212) 788-7207 | mviverito@council.nyc.gov  |
| <b>Winston Von Engel</b>     | Director, Brooklyn, Department of City Planning (DCP)  | (718) 780-8280 | wvoneng@planning.nyc.gov   |
| <b>Alex Sommer</b>           | Deputy Director, Brooklyn, DCP   | (718) 780-8271 | asommer@planning.nyc.gov   |
| <b>Jackie Harris</b>         | Director, Land Use Review, DCP   | (212) 720-3356 | jharris@planning.nyc.gov   |
| <b>Raju Mann</b>             | Director, Land Use Division, New York City Council   | (212) 788-7207 | rmann@council.nyc.gov      |
| <b>Amy Levitan</b>           | Land Use Division, New York City Council   | (212) 788-7207 | alevitan@council.nyc.gov   |
| <b>Carlos Menchaca</b>       | Council Member, District 38  | (212) 788-7372 | destrada@council.nyc.gov   |
| <b>Daniel Murphy</b>         | Chair, Community Board 7 (CB 7)  | (718) 436-1142 | communityboard7@yahoo.com  |
| <b>Jeremy Laufer</b>         | District Manager, CB 7   | (718) 436-1142 | communityboard7@yahoo.com  |
| <b>Lin Hua Zeng</b>          | Director of Brooklyn, New York City Department of Housing Preservation and Development (HPD) | (212) 863-5327 | zengl@hpd.nyc.gov          |
| <b>Dan Moran</b>             | HPD  | (212) 863-8536 | morand@hpd.nyc.gov         |
| <b>Richard Bearak</b>        | Director, Land Use, BBPO   | (718) 802-4057 | rbearak@brooklynbp.nyc.gov |

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
calendaroffice@planning.nyc.gov



**INSTRUCTIONS**

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

**APPLICATION**

SUNSET PARK LIBRARY – 170097 HAK, 170098 PPK, and 170099 PQK

In the matter of the applications, submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 160 of the General Municipal Law of New York State, for the designation of City-owned property located at 5108 Fourth Avenue, in Brooklyn Community District 7 (CD 7), as an Urban Development Action Area and Project, and pursuant to Section 197-c of the New York City Charter, for the disposition of such property, pursuant to zoning, to an HPD selected developer. An additional application submitted by the Brooklyn Public Library (BPL) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of such property for use as a library. All such actions would facilitate an eight-story, mixed-use building containing approximately 50 units of affordable housing and an expanded public library, from 12,174 square feet to 20,755 square feet.

BROOKLYN COMMUNITY DISTRICT NO. 7

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

December 23, 2016

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: SUNSET PARK LIBRARY – 170097 ZSK, 170098 PPK, and 170099 PQK**

Applications submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 160 of the General Municipal Law of New York State, seek the designation of City-owned property located at 5108 Fourth Avenue, in Brooklyn Community District 7 (CD 7), as an Urban Development Action Area and Urban Development Action Area Project (UDAAP), and pursuant to Section 197-c of the New York City Charter, seek the disposition of such property, pursuant to zoning, to a developer to be selected by HPD. An additional application submitted by the Brooklyn Public Library (BPL) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of such property for use as a library. All such actions would facilitate an eight-story, mixed-use building containing approximately 50 units of affordable housing and an expanded public library, on the first and second floors, and cellar level, from 12,174 square feet to 20,755 square feet. In addition, a mayoral zoning override has been granted to waive maximum total floor area ratio (FAR) and building height requirements under Zoning Resolution (ZR) Sections 23-154 and 23-693.

On November 14, 2016, Brooklyn Borough President Eric L. Adams held a public hearing on these requests. There were 26 speakers on this item; 16 in favor and 10 in opposition of the project.

Speakers in opposition to this project voiced numerous concerns regarding:

- The privatization of public land and loss of public assets
- The lack of promised funding to outfit the proposed new library space upon completion
- The alleged corruption on the part of BPL's involvement in the Brooklyn Heights Branch of the Brooklyn Public Library redevelopment and whether those funds should be used toward outfitting the Sunset Park Branch of the Brooklyn Public Library
- The overcrowding in the surrounding public schools and the contention of whether an educational complex is a more appropriate use for the space above the new library
- The proposed residential units contributing to accelerating the rate of displacement in this neighborhood, and
- The Fifth Avenue Committee's (FAC) alleged history of actions deemed questionable by the community

Speakers in support of this project voiced numerous comments regarding:

- Sunset Park Branch of the Brooklyn Public Library being among the highest functioning branches in the BPL system but only 23<sup>rd</sup> in size
- The negative impacts on programming geared toward young children, students, and adults due to the existing library being out of date and severely lacking in equipment, facilities, and space
- Rising rents driving many families out of the neighborhood and the need for the proposed residential permanently affordable units, and
- The proposed residential units reflecting the neighborhood's need for family-sized apartments

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective tenants based on household size, anticipated rents based on the number of bedrooms, and the length of affordability for these units, the applicant's representative stated that the project is targeted toward the income levels in the community, with units only going up to 80 percent of Area Median Income (AMI). Such levels capture about 58 percent of the population in Sunset Park. The AMI mix is specifically designed to cover a broad range and consists of nine units for up to 30 percent, nine units for up to 40 percent, nine units for up to 50 percent, 12 units for up to 60 percent, and 10 units for up to 80 percent. The representative stated that, at the community's request, a little more than half of the units will be two- and three-bedroom apartments to

accommodate families. The unit sizes will be blended at each income bracket, with two or three units in every category.

In response to Deputy Brooklyn Borough President Diana Reyna's request to identify the programs used to achieve the proposed blended model for this development, the representative stated that the Federal Low Income Tax Credit Program, HPD's Extremely Low and Low Income Affordability Program (ELLA), and the Community Investment Fund — geared toward developments with ground retail or community facilities mixed with affordable housing — would be used. Additional funding has been allocated by Borough President Adams and Council Member Carlos Menchaca. Also, eight of the nine units set aside for up to 30 percent AMI were approved as project-based New York City Housing Authority (NYCHA) Section 8 units.

In response to Borough President Adams' concerns regarding pedestrian safety at the Fourth Avenue and 51<sup>st</sup> Street intersection, the representative acknowledged that the New York City Department of Transportation (DOT) is planning median plantings along Fourth Avenue and that this would be an opportunity to open a discussion on making improvements to this intersection. The applicant will reach out to DOT to inquire about pedestrian crossing safety enhancement.

In response to Borough President Adams' query regarding the provision of bicycle parking spaces for library users, the representative stated that they are open to working with DOT regarding the provision of bicycle racks on the street front as well as additional interior bicycle parking specifically for library goers.

In response to Deputy Borough President Reyna's inquiry regarding learning from other libraries in terms of programming and effective space utilization as part of the community planning process in order to optimize the opportunity of building a brand new library space, the representative stated that the upcoming community engagement process will serve the ideal platform to learn and incorporate a variety of innovative ideas for the new library space.

In response to Borough President Adams' policy of promoting the use of renewable and sustainable energy resources and promoting practices to retain stormwater runoff, the applicant's representative stated that they are committed to sustainable design and its realization, and have a history of such commitment. This project will be certified under Enterprise Green Community Criteria, which is similar to LEED for homes. It will also be designed in accordance with Passive House Design principles with emphasis on a highly insulated building envelope and high indoor air quality standards for all residents year round. The building will exceed the highest energy code requirements. In regard to bioswales, the applicant is open to working with the New York City Department of Environmental Protection (DEP) in coordinating bioswales along the sidewalk. The representative stated that the second floor terrace will incorporate green roof planting and recapture and reuse stormwater runoff. Additionally, the applicant is open to assessing the feasibility and budgeting regarding the provision of solar panels on the rooftop. Unfortunately, the State has a cap on tax credits and the development would not be eligible for additional credits toward incorporating solar panels. However, the project sponsor is open to wiring the building so that it would be solar panel ready in the future.

In response to Borough President Adams' policy of maximizing job opportunities for Brooklynites and procure supplies locally, the representative stated that FAC has a long history of making sure the general contractors they work with abide by the Section 3 principles, which promote local low-income hiring. FAC's subsidiary, Brooklyn Workforce Innovations, which trains more than 800 people a year to get them into good paying jobs, will be working in conjunction with its general contractor to identify populations, including those of Red Hook Homes, to actively train and provide jobs with Galaxy. The project sponsor will provide specific numbers subsequent to the hearing.

Prior to the hearing, Council Member Menchaca provided testimony in full support of the project. His support is premised on holding BPL and FAC accountable to his constituents. Regarding the housing, Council Member Menchaca is seeking for the represented affordability of the residential units and the maximum legal set-aside of affordable housing for CD 7 residents to be achieved. Regarding the library branch, Council Member Menchaca seeks iron-clad legal restrictions on the deed to ensure perpetual library use; the provision of continuous library services during construction at the Fourth Avenue courthouse building, and, robust community engagement on library interior design details.

Subsequent to the hearing, additional testimony in opposition was provided. In addition to what was stated at the public hearing, it was believed that the interim library space would be too far from the existing library branch. There was also concern that it is unclear how much BPL would be spending on outfitting the new library branch. Finally, there was a belief that public transit would be impacted if the site were redeveloped per the requested applications.

Subsequent to the hearing, the project sponsor provided a letter dated December 15, 2016 with clarification regarding some of the questions discussed at the hearing. With regard to maximizing job opportunities, FAC commits, along with its general contractor, to report on the number of workers hired and contracts procured through Local Business Enterprises (LBE) and Minority- and Women-Owned Business Enterprises (MWBE).

### **Consideration**

Brooklyn Community Board 7 (CB 7) approved these applications with conditions, requesting that:

- FAC and the City shall explore all opportunities and measures to provide preference to Sunset Park residents for occupancy in the development
- As an interested stakeholder and next-door neighbor to the future interim library, CB 7 shall have significant participation and input into the design
- BPL, FAC, and HPD shall attend and participate in CB 7's Immigration Committee discussions regarding the development's impact on CD 7
- BPL, FAC, and HPD shall ensure timely completion of the project and shall keep CB 7 updated on the progress of the development of the library (interim and new facilities) on a continuing and frequent basis
- BPL will confirm and report back to CB 7 that adequate money is set aside for fit out and completion of both interim and new libraries. If funding is not in place for construction/completion of these facilities, BPL will report this condition to CB 7 immediately
- FAC and HPD promise to conduct extensive and serious outreach to the development's neighbors to address their concerns, and to notify them of environmental, physical and/or construction oriented changes well in advance of such changes occurring
- BPL, FAC, and HPD ensure that Community Advisory Board input shall be respected and considered, and
- FAC shall dedicate its resources to assist undocumented immigrants and other disadvantaged residents within CB 7 to attain eligibility status for units in the development

The site is currently occupied by the one-story Sunset Park Branch of the Brooklyn Public Library, which is part of the larger Brooklyn Public Library system.

The existing library is too small for its customer base, has inefficient room layout, and is in a state of disrepair. The branch has \$5 million in outstanding, unfunded capital needs, which include the replacement of an HVAC system, improvements to the roof, and expansion of its electrical outlets. Sunset Park Branch of the Brooklyn Public Library is the seventh busiest of the Brooklyn Public Library's 58 branch libraries, having serviced approximately 228,000 visitors in Fiscal Year 2015 (FY15).

The site was rezoned in 2009 to R7A with a C2-4 commercial overlay and it is located within a Voluntary Inclusionary Housing (VIH) Designated Area, as part of the Fourth Avenue commercial corridor zoning district of the Sunset Park Rezoning, which established contextual zoning districts throughout the Sunset Park neighborhood. The establishment of the VIH Designated Area along Fourth Avenue was intended to promote the development of affordable housing. The library site would be the first development in this section of Fourth Avenue to redevelop according to the rezoning.

The site is well served by public transit and is located within the New York City ZR Transit Zone, which encompasses all of CD 7. There is access to the R subway line two blocks away at 53<sup>rd</sup> Street and Fourth Avenue. The B11 bus passes directly in front of the site, providing east-west service, and the B63 bus, which is one block away on Fifth Avenue, provides north-south service. The median along Fourth Avenue is scheduled to begin reconstruction in 2017, inclusive of planting by DOT.

After construction, the proposed development would consist of two condominium units, one for the library and the other for the residential portion of the building. The City would acquire the library condominium and operate it as the new Sunset Park Branch of the Brooklyn Public Library. FAC, a not-for-profit developer, would own and operate the residential condominium as low-income rental housing.

The development would be an eight-story mixed-use building with a street wall of approximately 66 feet before setting back 10-15 feet to rise to a total height of 85 feet. Within 50 feet of the lot line on 51<sup>st</sup> Street, the street wall height would be reduced to 56 feet to acknowledge the adjacent low-rise R6B contextual district. The development would contain community facility space for an expanded library on the first and cellar levels, and a portion of the second floor, and approximately 50 affordable residential units on the second through eighth floors. The library entrance will be located on Fourth Avenue and the residential entrance will be located on 51<sup>st</sup> Street.

The proposed new library space would comprise approximately 20,755 square feet of floor area, 8,580 square feet more than the existing library. The expanded library space would include a public meeting space that would be available to the community outside of library service hours, and more modern facilities, including electrical outlets, computers, and public areas.

There is approximately 42,200 square feet of residential floor area, with a mixture of studios and one- to three-bedroom units. The intent is for all of the apartments to be permanently affordable. In compliance with the requirements of the VIH program, 20 percent of the residential floor area would be set aside in perpetuity for individuals and households earning up to 80 percent of the AMI. It has not been represented how the remaining floor area would be permanently affordable. In response to the community's request for more family-sized units, a large portion of the units will be two- and three-bedroom units. Additionally, some units will be reserved for survivors of domestic violence who are in transition from temporary to permanent housing.

No off-street parking spaces would be provided as accessory off-street parking is not required for income-restricted housing units in the Transit Zone. The building will have approximately 25 spaces for bicycle storage in the cellar, plus at least two bicycle spaces for library users.

The total zoning floor area of the proposed development would be approximately 54,675 square feet, which exceeds the allowable zoning floor area of 46,078 square feet by 8,597 square feet. A mayoral override of ZR Section 23-154 has been granted, waiving the maximum FAR limit for

the proposed development. A mayoral zoning override of ZR Section 23-693 has also been granted to waive the maximum building height requirement within 25 feet of the adjacent R6B District on 51<sup>st</sup> Street. These zoning overrides enable the proposed development to provide both an expanded library facility for the neighborhood with a sufficient number of affordable housing units to be financially feasible as a joint development, while maintaining a contextually sensitive street wall along 51<sup>st</sup> Street.

BPL, in cooperation with the New York City Police Department (NYPD), anticipates temporarily relocating its library branch during construction to the NYPD applicant processing center on Fourth Avenue and 43<sup>rd</sup> Street, eight blocks north of the existing Sunset Park Branch of the Brooklyn Public Library. The interim branch would offer the same hours of service as the existing branch, as well as the same programs and services.

Borough President Adams believes that it is appropriate to pursue opportunities to utilize municipal air right assets, especially those that facilitate the improvement of public assets such as public libraries. The redevelopment of the Sunset Park Branch of the Brooklyn Public Library would result in the much-needed expansion of the highly utilized library. An enlarged library would provide for the enhancement of youth/adult programs, other cultural programming, and library services. The proposed development would also promote economic development through the creation of construction and other related jobs while also providing affordable housing.

Testimony provided at Borough President Adams' public hearing appealed for the reconsideration of the library expansion to include a public school in lieu of affordable housing. This is based on the fact that two properties at the corner of Fourth Avenue and 52<sup>nd</sup> Street are being put up for auction due to a tax lien and could be assembled by including one additional property. Borough President Adams concurs that there is immediate need to develop public school seats for Sunset Park children, though he believes that adequate opportunities would be available elsewhere.

According to the New York City Department of Education's (DOE) Enrollment Capacity and Utilization Report for the 2014-2015 school year, almost all the elementary schools in the surrounding area are over 100 percent capacity, with some schools over 150 percent. These capacity calculations add up to an immediate need for approximately 1,000 elementary school seats.

Borough President Adams applauds the New York City School Construction Authority's (SCA) commitment and efforts in finding new school sites, and acknowledges the October 17, 2016 letter from SCA President and CEO Lorraine Grillo to Council Member Menchaca and CB 7 Chair Daniel Murphy. The letter stated that there would be a need for 1,096 seats in the Sunset Park sub-district. Subsequent to that letter a press release was issued by Council Member Menchaca on December 9, 2016, stating that one of the sites in the October 2016 letter would be pursued for a school. According to the press release, the SCA intends to move forward, with public review in January 2017, on the site located at 4511 Eighth Avenue, which recently housed Steve's CTown supermarket. This site has the potential to produce approximately 62,600 square feet of school space and create approximately 300 new school seats.

Borough President Adams' staff reviewed several sites noted to be under further investigation by SCA in the October 2016 letter. Upon closer analysis of these sites, based on SCA's previously stated requirements, this list would likely produce two to three viable sites.

The 138-160 35<sup>th</sup> Street site is an assemblage of three lots with a combined potential of 46,277 square feet of school space, which would be a permitted use pursuant to a New York City Board of Standards and Appeals (BSA) Special Use Permit. Though this site is located across the street from Brooklyn Prospect Charter High School, the high school's entrance is one block to the north.

There appears to be adequate separation of elementary and high school students resulting from entrances on different streets.

The possible assemblage of 234-248 27<sup>th</sup> Street, 768 Fifth Avenue, and 199 28<sup>th</sup> Street, when combined, results in a site of 48,500 square feet. Though its zoning floor area ratio is nominal, it still would provide for 80,000 square feet of zoning floor area and would be a permitted use pursuant to a BSA Special Use Permit. Though its location is not near much of the neighborhood's residential population, it appears to be, at the least, a worthy candidate to be targeted for a middle school aided by B63 bus service along Fifth Avenue, if not pursued for elementary school grades.

There is also a possibility for an additional site at 850 Fifth Avenue. While on its own it does not meet SCA's lot size requirement, if expanding above the ongoing operation of the adjacent Melody Lanes bowling alley, it would be economically feasible. Such a creative solution might yield a potential of 110,000 square feet of school space through the granting of a BSA Special Use Permit.

Though Borough President Adams supports redevelopment of the existing branch lot, he continues to believe that library funding is unsustainable and seeks to address the management of public libraries. He also has concerns regarding the suitability of interim library branch size and the layout of the proposed library space. He seeks for HPD to include appropriate provisions for the permanency of non-zoning required affordable housing units and job commitments. Borough President Adams seeks conformance with his policies regarding public accommodations for bicycle parking, pedestrian safety measures, resiliency, and sustainability. He also believes that for local community preference, HPD should include households residing in shelters with children already attending the zoned public school.

The following sections outline Borough President Adams' concerns in more detail.

### **Agency Status of Public Libraries**

As noted in Borough President Adams' September 8, 2015 ULURP recommendation regarding the Brooklyn Heights Branch of the Brooklyn Public Library site disposition, public library operations and maintenance suffer because libraries are not a public agency and government has been inconsistent with its funding stream. Therefore, library maintenance gets deferred and the system's staffing, hours of operation, and library operation in general fluctuate between good and bad times. As it stands, the public library system is not a proper working model. Borough President Adams remains concerned that the lack of funding, and ultimate lack of maintenance, of the City's libraries stems from the fragmentation of the libraries' operational systems and management agencies. In order to identify and address the necessary needs of the City's libraries, it is important to incorporate the public library system into the City agency structure.

Borough President Adams continues to believe that the funding of library expense and capital budget needs should be responsibly addressed by the tax levy and bonding authority of the City – not individual sales of municipal property. This can be achieved by incorporating the public library system into the agency structure of the City, under mayoral control. This would require the City to initially convert each library system to a separate City agency. Subject to the results of a cost benefit analysis study, the City should ultimately facilitate a merger of BPL with the rest of New York City's library systems. Borough President Adams notes the synergy between libraries and schools in terms of promoting educational interests, regardless of the age. Therefore, he believes the whole operation should be placed under the control of a newly established City library agency or merged with the New York City Department of Cultural Affairs (DCLA). Furthermore, the library system and the public school system should be placed under the

management of a deputy mayor as a means to ensure synchronized agendas and supportive programming citywide.

Borough President Adams continues to urge the mayor to give prompt consideration to taking on responsibility for the City's libraries.

### **Interim Library Space**

The proposed interim library space is located at the NYPD Applicant Processing Division Facility on Fourth Avenue and 43<sup>rd</sup> Street, eight blocks north of the existing Sunset Park Branch of the Brooklyn Public Library. The former government court building is also tenanted by CB 7 as its administrative office and community meeting space. The NYPD would be setting aside 5,000 square feet for interim library use. Borough President Adams believes that given the extensive utilization of the existing library branch, 5,000 square feet would be a less than desirable interim solution. He believes that BPL should pursue additional measures to supplement the intended interim accommodations.

One possibility to achieve more floor area is to share CB 7's community meeting space during hours in which the room is not scheduled to be used for CB 7 business. It is likely that the number of hours the room is in use for CB 7 business would not substantially overlap the hours the library branch would be in operation, particularly in non-evening hours. Such space would allow the library branch to conduct programming without compromising space for access to its collection as well as space for quiet research and technology work stations.

Satellite accommodations could serve as an additional means to creatively increase the interim accommodations, such as when the NYPD processing center building was undergoing significant renovation, which resulted in CB 7's administrative office being housed in a trailer placed in the Fourth Avenue parking lane. BPL might follow the lead of both the New York City Housing Authority (NYCHA) and itself for how to best use a trailer to augment the space available for interim library purposes. In an effort to expand internet access within the public housing communities, NYCHA has enlisted the use of mobile computer labs. Large Digital Vans offer access to free Wi-Fi and computers for low-income residents, as well as instructions for those less familiar with technology. Digital Vans are equipped with eight laptops and two tablets, as well as calculators, pencils, printers, rulers, scanners, and staplers, and anything else one may need in a standard workplace environment. According to NYCHA, most people utilizing the vans' resources are young people doing research for school, or creating resumes to apply for jobs. The second largest segment of users is the elderly residents of various NYCHA developments. As for replicating a BPL initiative, it could fit out a trailer along the lines of its first-ever Digital Van, soon to be implemented with financial support of Borough President Adams. The Digital Van will offer the library mobile access to technology with offerings of laptop-equipped workstations and the full range of programs offered at all library branches, as well as broadband access and print capability.

Borough President Adams believes that similarly-equipped trailers could be placed outside of the interim library space to provide additional computer workstations for students and adults alike.

Therefore, BPL should collaborate with CB 7 to devise a mutually acceptable arrangement for BPL to utilize CB 7's meeting room and BPL should establish one or more tech trailers outfitted with technology such as computers, printers, and scanners as a homework/research facility and work with DOT to coordinate placement.

### **Improving the Proposed Library Space**

As designed, the cellar space and main floor that would be purchased as a condominium for the Sunset Park Branch of the Brooklyn Public Library would contain visually separated space due to the proposed placement of the lobby, vertical circulation elements, and ancillary spaces for the

residential portion of the building. Borough President Adams believes that layout might not necessarily produce the most optimal design for a state-of-the-art library space and various library programming that might evolve over time.

Borough President Adams believes that creating a more open floor plan would better accommodate library programming in order to preserve as much adaptability and flexibility. It may be in BPL's interest to have the residential core moved from the middle of the 51<sup>st</sup> Street orientation to the far west side of the building. Such redesign would necessitate splitting the residential scissor stairwell so that one might be adjacent to the proposed library service stairwell nearest to 52<sup>nd</sup> Street, in response to meeting fire egress requirements for the resulting apartment floor layout for residential floors.

Borough President Adams believes that FAC should revise the floor plans to result in the most contiguous library floor space by shifting the residential entrance lobby and residential vertical circulation to the westernmost section of the 51<sup>st</sup> Street frontage, but for secondary fire-stairwell requirements where such stairwell should be relocated nearest to 52<sup>nd</sup> Street along the property's Fourth Avenue frontage.

### **Permanent Affordability**

It is Borough President Adams' policy that affordable housing units remain "affordable forever" wherever feasible. As the approximately 50 residential unit zoning floor area is intended to be constructed pursuant to VIH program, with its generated bonus floor area, 20 percent of the residential floor area would be specifically set aside for "Low Income" households not exceeding 80 percent AMI. Development adhering to the Zoning Resolution's VIH program is consistent with Borough President Adams' policy for affordable housing development to remain permanently affordable. For the remaining 80 percent of the residential floor area, there is no known formal commitment that would guarantee the duration that these housing units remain affordable. The standard regulatory agreement used by HPD is typically not more than 30 years. The concern is that as tenants move out after the expiration of such regulatory agreement, those units would no longer be an affordable housing resource. In areas where new developments can be realized on City-owned sites, it should be a policy of the City to minimize the loss of affordable housing by requiring such units to remain permanently affordable. This issue would be partially mitigated because the intended disposition would be to FAC, a non-profit affordable housing development entity.

The City's intended disposition to FAC provides a soft guarantee that all units would remain affordable for the lifetime that FAC remains in operation, because one of its core missions is to be an affordable housing provider as well as a strong advocate for affordable housing. Borough President Adams supports the disposition of affordable housing to affordable housing non-profits for these reasons, as for-profits companies are more driven by financial considerations. However, he believes that such intentions are iron-clad when they are according to a legally-enforceable mechanism.

Borough President Adams believes, given FAC's stated intention, that the units would be permanently affordable, and that HPD should incorporate, in either the Regulatory Agreement or Land Disposition Agreement, that all housing units not developed pursuant to VIH program remain permanently affordable.

### **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 will create more employment opportunities. According to averaged data from 2008 to 2012, double-digit unemployment remains a pervasive reality in many of Brooklyn's neighborhoods, with more than

half of our community districts experiencing poverty rates of 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses and including those that qualify as LBE and MWBE is central to Borough President Adams' economic development agenda. This site provides opportunities for the applicant 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 MWBE establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation).

Borough President Adams believes that HPD should require FAC, as the project developer, to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation). Additionally, HPD should coordinate the monitoring of such participation with an appropriate monitoring agency.

### **Accommodating Bicycle Users**

Borough President Adams understands that the current Sunset Park Branch of the Brooklyn Public Library has two bike racks by the entrance. Although at the public hearing FAC indicated that bicycle parking specifically for library users would be provided, the proposal and floor plans indicate only three such bicycle spaces. The proposal would take advantage of the site's location being within the Zoning Resolution's Transit Zone; thus, the developer would not be able to provide automobile parking space. The Zoning Resolution does require 25 bicycle spaces be located in the cellar space for the building's tenants.

Borough President Adams believes that it is appropriate to encourage the use of bicycles as a means to commute to the Sunset Park Branch of the Brooklyn Public Library. He believes this could be accomplished through the provision of outdoor bicycle racks as well as exploring opportunities to provide a Citi Bike station. Citi Bike has expanded in popularity as it offers a cheap and environmentally-friendly option for mobility around the city. Currently, Citi Bike is in the midst of a rapid expansion, with the promise of 700 stations and 12,000 bikes by 2017.

Borough President Adams believes that BPL and FAC should coordinate with DOT in order to encourage provision of exterior bicycle racks reserved for library visitors and to explore the potential for establishing a Citi Bike station.

### **Advancing Vision Zero Policies**

Borough President Adams is a supporter of the Mayor's Vision Zero strategy. One component of Vision Zero is to extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes, such as DOT's Safe Routes to School program in which DOT installs traffic-calming infrastructure, such as sidewalk extensions or neck-downs at intersections where there is increased presence of children. These sidewalk extensions make drivers more aware of pedestrian crossings and encourage drivers to slow down at intersections where pedestrians are present.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents on Safer Streets, or CROSS Brooklyn. This program supports the creation of curb extensions or sidewalk 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, children and seniors will benefit because more of their commute will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadway will benefit from safer streets. These improvements should be coordinated with DOT to first locate improvements at high crash locations and around child care centers, libraries, schools,

and senior centers. In addition, improvements should be coordinated with the expansion of slow zones and installation of countdown clocks at signalized intersections.

Borough President Adams believes that BPL and FAC should coordinate with DOT to investigate the intersection of Fourth Avenue and 51<sup>st</sup> Street with the goal of providing either with sidewalk extensions as a means of increasing pedestrian safety. He recognizes that the cost associated with construction of sidewalk extensions can be very high based on the need to modify utilities and/or infrastructure. Therefore, Borough President Adams would urge DOT to at least explore the implementation of protected painted sidewalk extensions. Should implementation meet the criteria of DOT, it should consult with CB 7 and local elected officials before undertaking such improvements, as such painted extensions require a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. In order to be implemented, Borough President Adams believes that any combination of BPL and/or FAC would be appropriate parties to enter into such a maintenance agreement.

Therefore, BPL and FAC should coordinate with DOT to have the intersection investigated for implementation of protected painted sidewalk extensions, per Borough President Adams' CROSS Brooklyn initiative at Fourth Avenue and 51<sup>st</sup> Street. To the extent DOT supports such implementation, BPL and/or FAC should agree to execute DOT's required maintenance agreement.

#### **Advancing Sustainable and Resilient Energy and Storm water Management**

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize solar panels and/or blue/green/white roofs, as well as Passive House construction. He encourages developers to coordinate with the Mayor's Office of Sustainability, New York State Energy Research and Development Authority (NYSERDA), and/or New York Power Authority (NYPA) at each project site. Such modifications would reduce the development's carbon footprint and increase energy efficiency. Furthermore, as part of his water quality enhancement policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish bioswales that advance the New York City Department of Environmental Protection's (DEP) green water/stormwater strategies. Blue/green roofs, bioswales, and permeable pavers would deflect stormwater from entering the City's water pollution control plants. According to the "New York City Green Infrastructure 2014 Annual Report," green infrastructure has a critical role in addressing water quality challenges and provides numerous environmental, social, and economic co-benefits. Such bioswales have the added benefit of serving as a streetscape improvement.

The development is consistent with Borough President Adams' policy regarding sustainability design. Borough President Adams acknowledges the applicant's pursuit of sustainable and resilient second floor rooftop terrace and water retention measures, as well as integration of constructed aspects consistent with Passive House as a means to enhance the quality air inside the building. Borough President Adams also acknowledges the construction budget limitations to achieve affordable housing, so he appreciates FAC's consideration to fully wire the building in order to be ready for solar panel installation should such opportunity arise in the future. As construction of a new building would require the reconstruction of the perimeter sidewalk inclusive of new street tree plantings, FAC should coordinate with DEP to investigate the possibility of integrating bioswales as part of enlarged tree pits as a proven solution to deflect stormwater from entering the Owl's Head Pollution Control Plant during wet weather.

Borough President Adams believes that FAC should advance the building design to be solar panel installation ready and should coordinate with DEP to encourage the integration of bioswales as part of new tree plantings.

### **Community Preference**

The City's housing lottery selection preference policy includes a pathway for achieving a preference of 50 percent or more for applicants residing in the community district where such affordable housing is being provided. There are additional pathways identified for priority lottery selection to become the tenant for such affordable housing units, such as status as a veteran of the United States Armed Forces, qualified disabilities, and more. Given the extent of the increase in homeless families with school age children entering the public shelter system, Borough President Adams believes that it is appropriate for HPD to also extend lottery local preference to be inclusive of the school zone and any nearby neighboring school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

This is especially important given the number of students living in homeless shelters. The New York City Independent Budget Office (IBO) recently produced a report analyzing homeless rates in schools. School student registration rolls identify those residing in public shelters as Students in Temporary Housing (STH). Using data from as recent as the 2014-15 school year, a review of the 50 schools in Brooklyn with the highest percentage of STH enrollment identifies approximately 4,300 students attending such Brooklyn schools with more than 18 percent of the enrollment categorized as STH.

Research indicates that students managing such living accommodations are most challenged in achieving optimum academic performance. Such students are more likely to lack access to technology, such as computers, to augment homework and research assignments, as well as access to quiet space to complete homework assignments and to study for exams. In addition, commuting from the shelter to and from the school for many students consumes significantly more time than prior to the need to be accommodated in the homeless shelter. Such commutes often make it difficult to participate in extracurricular educational and/or socially-based school activities, which might otherwise enhance the school academic and community experience.

Many parents and students find it important to retain school continuity despite the circumstances that require the household to be dependent on the City's homeless shelter system. Borough President Adams believes that it should be the policy of the City to take actions that would eliminate such hardships. One such action would be to enable the working income-challenged households with children attending public schools to qualify for community local preference on the basis of where the child is enrolled in school.

Borough President Adams believes that HPD should modify its affordable housing apartment lottery community preference standards to be inclusive of school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.

### **Recommendation**

Be it resolved that Brooklyn Borough President Eric L. Adams, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. The City needs to establish a municipal library system under Mayoral control, placed with a deputy mayor overseeing the public school system, to ensure synchronized agendas and supportive programming. This should be accomplished by converting each library system into municipal agency status and then, ultimately, subject to a cost benefit analysis study, consolidating the agency that was the Brooklyn Public Library (BPL) with the rest of the City's library systems into unified agency status, as the means to responsibly fund library expense and

capital budgets through tax levy and bonding authority of the City – not through one-time sales of municipal property

2. That BPL take steps to increase the size of its interim public library as follows:
  - a. Collaborating with Brooklyn Community Board 7 (CB 7) to utilize the CB 7 meeting room when not in scheduled use for CB 7 purposes
  - b. Provide one or more trailers outfitted with technology such as computers, printers, and scanners as a homework/research facility
3. That the Fifth Avenue Committee (FAC):
  - a. Revise the floor plans to result in the most contiguous library floor space by shifting the residential entrance lobby and residential vertical circulation to the westernmost section of the 51<sup>st</sup> Street frontage, but for secondary fire-stairwell requirements where such stairwell should be relocated nearest to 52<sup>nd</sup> Street along the property's Fourth Avenue frontage
  - b. Advance the building design to be solar panel installation ready
4. That the New York City Department of Housing Preservation and Development (HPD) incorporates the following:
  - a. In either the Regulatory Agreement or Land Disposition Agreement, that all housing units not developed pursuant to the Voluntary Inclusionary Housing (VIH) Program be permanently affordable, and
  - b. Requires the project developer to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency
5. That BPL and FAC coordinate with the New York City Department of Transportation (DOT) and/or the New York City Department of Environmental Protection (DEP) as follows:
  - a. Encourage provision of exterior bicycle racks reserved for library visitors and explore the potential for establishing a Citi Bike station
  - b. Encourage the implementation of protected painted sidewalk extensions, per Borough President Adams' CROSS Brooklyn initiative at the intersection of Fourth Avenue and 51<sup>st</sup> Street
  - c. Pending the feasibility of protected painted sidewalk extensions, the maintenance should be provided according to DOT's standard maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner
  - d. Encourage the integration of bioswales as part of new tree plantings

Be it further resolved that HPD modify its affordable housing apartment lottery community preference standards to be inclusive of school zone attended by a child of a household residing at a City-funded or -operated homeless shelter.



**Fifth Avenue Committee**  
Our Community. Our Future.

December 15, 2016

Honorable Eric Adams  
Brooklyn Borough President  
209 Joralemon Street  
Brooklyn, New York 11201

Dear Borough President Adams:

Fifth Avenue Committee (FAC) is working in partnership with Brooklyn Public Library to develop a new, expanded library and 49 units of permanently affordable housing on the site of the Sunset Park Library. FAC very much appreciates the comments and concerns expressed at the Borough President's November 14<sup>th</sup> hearing.

More specifically, FAC commits to wiring the building for the future potential installation of solar panels, in line with the Borough President's sustainability policies and FAC's pledge to pursue green building options.

FAC also commits, along with its General Contractor Galaxy, to report on the number of workers hired and the contracts procured through Locally Based Enterprises and Minority- and Women-Owned Business Enterprises.

Many thanks to Land Use Coordinator Olga Chernomorets, Director of Land Use Richard Bearak, Deputy Borough President Diana Reyna, and yourself for your consideration and assistance.

Best regards,

Jay Marcus  
Director Housing Development  
Fifth Avenue Committee