



## **CITY PLANNING COMMISSION**

March 4, 2009/Calendar No. 7

C 090141 HAK

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area, 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 selected by HPD;

to facilitate development of a mixed-use building, tentatively known as the Garvey, with approximately 78 units and commercial space, to be developed under the Department of Housing Preservation and Development's Cornerstone Program, Borough of Brooklyn, Community District 3.

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Approval of three separate matters is required:

1. The designation of properties located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area, as an Urban Development Action Area;
2. An Urban Development Action Area Project for such area; and
3. The disposition of such property to a developer selected by HPD.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on October 9, 2008.

Approval of this application would facilitate the construction of a 10-story affordable housing development, tentatively known as the Garvey, with approximately 78 residential units.

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

The Project Area consists of underutilized vacant 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 would promote sound growth and development. The Project Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **BACKGROUND**

The New York City Department of Housing Preservation and Development is seeking UDAAP designation, project approval and disposition of city owned properties to develop the Garvey, an affordable housing development at 1594-1604 Fulton Street in the Bedford Stuyvesant neighborhood in Brooklyn, Community District 3.

The Garvey site is located on the south side of Fulton Street between Albany Avenue and Troy Avenue in the Bedford Stuyvesant neighborhood in Brooklyn. The project site is comprised of three (3) City-owned vacant lots (Block 1699, Lots 26, 27, and 28) and three (3) privately-owned properties (Block 1699, Lots 24, 25, and 29) that are not subject to this application. The three private properties consist of two vacant lots and one vacant building to be demolished for the proposed residential development.

The subject site has a lot area of 12,000 square feet of which 6,000 square feet is in city-ownership. The project site is located within the Fulton Park Urban Renewal Area. The Urban Renewal Site 17D, which comprises five out of the six development lots (24-28), is designated for residential and/or commercial use and the proposed project will comply with the requirements of the Urban Renewal Plan.

The project would be developed under the Quality Housing Program. The proposed residential building would be 10-stories, with a total floor area of 64,983 square feet consisting of 78 dwelling units with a mix of studios, one- and two-bedroom rental units. In addition there would be 2,238 square feet of ground floor commercial space on Fulton Street. There would be a 20 space at-grade accessory parking garage at the rear of the site. The parking garage would be accessed through a curb cut on Fulton Street. Approximately 3,299 square feet of outdoor recreation space will be provided for the residents' use on a terrace at the rear of the building. Four street trees would be provided along Fulton Street as required by zoning.

The project site was rezoned in 2007 to an R7D/C2-4 district by the City Planning Commission and the City Council as part of the Bedford Stuyvesant rezoning. The zoning district allows residential development to a floor area ratio of 5.6 with Inclusionary Housing bonuses. The street wall height in R7D district is 60 to 85 feet with a maximum building height of 100 feet.

The Garvey housing development will take advantage of Inclusionary Housing bonuses. All the units in the Garvey would be affordable and would meet the required income threshold for Inclusionary Housing regulations of Section 23-90 of the Zoning Resolution. The total

residential floor area would be 62,745 square feet. The required affordable housing bonus floor area for Garvey under the Inclusionary Housing regulation would be 9,876 square feet and is provided at the site. In addition to that the Garvey site would also provide 14,565 square feet of affordable housing bonus floor area to satisfy the Inclusionary Housing requirement of the Bradford, a proposed development which would be located on the same block 140 feet to the west, to be built by the same developer and which is being considered concurrently by the Commission (C 090142 HAK).

The surrounding area is predominantly zoned for residential uses R6, R6A and R7A, with ground floor commercial uses and some scattered vacant land. The two blocks directly north of the site across Fulton Street, are developed with commercial and residential buildings including New York City Housing Authority's Chauncey Houses. In addition, the Interfaith Medical Center is located directly south of the site on Atlantic Avenue. Harmony Park, a 1.56 acre public park is located to southeast of the site. The Kingston-Throop Avenues station on the C subway line is approximately one block east of the site. The area is also served by several bus lines including the B15, B25 and B43 lines.

## **ENVIRONMENTAL REVIEW**

This application (C 090141 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 09HPD015K. 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 October 22, 2008.

## **UNIFORM LAND USE REVIEW**

This application (C 090141 HAK) was certified as complete by the Department of City Planning on October 27, 2008, and was duly referred to Brooklyn Community Board 3 and the 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 3 held a public hearing on this application on December 1, 2008 and on that date, by a vote of 38 in favor, 1 opposed, and 1 abstention adopted a resolution recommending approval of this application with the following condition:

Community Board 3 requests that 50% of the units will be for Bedford-Stuyvesant residents; and an additional 20% of the units be for Bedford-Stuyvesant senior residents for a total of 70% of the units set aside for Bedford-Stuyvesant residents.

## **Borough President Recommendation**

This application was considered by the Brooklyn Borough President who, on January 15, 2009, issued a recommendation approving the application.

## **City Planning Commission Public Hearing**

On February 4, 2009 (Calendar No. 1), the City Planning Commission scheduled February 18, 2009 for a public hearing on this application (C 090141 HAK). The hearing was duly held on February 18, 2009 (Calendar No. 27). There were two speakers representing the sponsors of the project.

There were three speakers in favor of the application and no speakers in opposition. A representative of HPD was present in support of the application. The architect described the proposed project and the current condition of the site. The sponsor also appeared in favor of the application and to answer Commission's questions.

There were no other speakers on the application and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the approval of this application for UDAAP designation, Project Approval and disposition of city-owned property located at 1598-1602 Fulton Street to facilitate the development of affordable housing, tentatively known as the Garvey, is appropriate.

The proposed project would consists of a ten-story building with approximately 78 residential

units of affordable housing. In addition the project would have 2,238 square feet of ground floor commercial space fronting on Fulton Street. The project would also provide 20 accessory parking spaces at-grade parking garage at the rear of the site.

The Commission notes that the Bedford Stuyvesant rezoning (C070447 ZMK) approved in 2007, amended the zoning text to allow Inclusionary Housing Program applicable in R7D districts mapped along Fulton Street, which enabled the Garvey residential development to provide more affordable housing on their site.

Commission further notes, that with regard to the Community Board's recommendation that in addition to the 50% of units preference for Community District 3 residents, an additional 20% of the units be allocated to senior citizens of the Bedford Stuyvesant area. The Commission notes that the at the City Planning Commission public hearing sponsor of the Garvey stated that they would not be able to provide an additional 20% of the units to the Community District 3 senior citizens. However, they agreed to accommodate the senior citizen of the neighborhood within the 50% of the units allocated to the community district.

The Commission notes that the approval of the UDAAP for the development site would facilitate the development of vacant city-owned land thereby eliminating a blighting influence on the neighborhood. The Commission also believes that the project will address the need for affordable housing in the Bedford Stuyvesant area.

## **RESOLUTION**

The City Planning Commission finds that the proposed disposition of city-owned property at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area, conforms to the objectives and provisions of the 2<sup>nd</sup> Amended Fulton Park Urban Renewal Plan (C 030299 HUK), approved on November 6, 2003.

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

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area, 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 properties located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area, as an Urban Development Action Area; and



- b) an Urban development Action Area Project for such area;

and the City Planning Commission recommends that the New York City Council find that:

- a) The present status of the area tends to impair or arrest sound development of the municipality;
- b) The financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act, is necessary to enable the project to be undertaken; and
- c) The project is consistent with the policy and purposes stated in the Section 691 of the Urban Development Action Area Act, and

**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 properties located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area, in Community District 3, Borough of Brooklyn, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 090142 HAK).

The above resolution (C 090141 HAK), duly adopted by the City Planning Commission on March 4, 2009 (Calendar No. 7), 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**

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