



CITY PLANNING COMMISSION

August 8, 2007/Calendar No.19

C 070433 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 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); 25, 23, 21, 19, 13, and 5 Cook Street (Block 3113, Lots 26-29, 32, and 33) 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 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); and 25, 23, 21, and 19 Cook Street (block 3113, lots 26-29) to a developer to be selected by HPD;

to facilitate development of two eight-story buildings tentatively known as Cook Street, with approximately 152 residential units, Borough of Brooklyn, Community District 1.

Approval of three separate matters is required:

1. the designation of property located at 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); 25, 23, 21, 19, 13, and 5 Cook Street (Block 3113, Lots 26-29, 32, and 33) as an Urban Development Action Area; and
2. an Urban Development Action Area Project for such area; and
3. the disposition of 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); and 25, 23, 21, and 19 Cook Street (block 3113, lots 26-29) to a developer to be 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 April 18, 2007

Approval of this application would facilitate the development of two buildings, tentatively known as Cook Street, with approximately 152 residential units.

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

The project area, located on Block 3113, Lots 9, 11, 13, 15, 26-29, 32, and 33, 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 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.

RELATED ACTIONS

In addition to the Urban Development Action Area designation and project approval and disposition of city-owned property, which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

1. **C 070432 ZMK** Amendment of the Zoning Map Section 13b to rezone Block 3113 to R7A/C1-4 and R7A/C2-4.
2. **C 070344 ZSK** Special Permit pursuant to Section 74-511 to permit a 94-space public parking garage in an R7A/C1-4 district.

BACKGROUND

HPD and the project sponsor seek approval of an Urban Development Action Area designation and project approval, an amendment to the Zoning Map, and a special permit pursuant to Sec 74-511. The above actions are requested to facilitate the development of a 100% affordable residential development with ground floor commercial space and a public parking garage.

Block 3113 is zoned R6 with a C1-3 overlay on its easternmost 100 feet fronting on Graham Avenue and a C2-3 overlay on the remainder of the block. The site to be developed by the project sponsor is located in the center of Block 3113, and is occupied by a municipal public parking lot and vacant land. The parking lot is owned and operated by the New York City Department of Transportation (DOT) and the vacant land is owned by the project sponsor. The remainder of the block is occupied by additional vacant land used for parking and by 1- to 5-story buildings to the east and west of the development site.

This application (C 070433 HAK) seeks the designation of the development site (Block 3113, Lots 9, 11, 13, 15, 26-29, 32, and 33) as an Urban Development Action Area, the approval of an Urban Development Action Area Project for that area, and disposition of the portion of the development site under city ownership (Block 3113, Lots 9, 11, 13, 15, and 26-29) to a developer to be selected by HPD.

A 12-block C4-3 district is adjacent to Block 3113 to the west, south, and east and an R6 district exists to the north. Land use in the area is predominantly residential and commercial with 1-5 story residential, commercial and mixed use buildings present on nearby parcels. Taller residential buildings between 7 and 21 stories also occur throughout the area. Some industrial properties are located to the west and south. The Flushing Avenue station on the J-M line is located two blocks to the south and four bus lines run within two blocks of the Block 3113.

The existing R6 district permits residential uses to an FAR of 2.43 and community facility uses to an FAR of 4.8, with no height limits. The proposed R7A district permits residential and

community facility uses to an FAR of 4.0 with a maximum building height of 80 feet. The C1 overlay district allows for local retail uses that promote continuous retail frontages to an FAR of 2.0. The C2 overlay district permits local service and retail uses, also to an FAR of 2.0. The existing C1-3 and C2-3 districts require one parking space per 400 square feet of typical retail uses. The proposed C1-4 and C2-4 districts require one parking space per 1,000 square feet of typical retail uses. Parking requirements may be waived on zoning lots with less than 40,000 square feet of commercial use in C1-4 and C2-4 districts.

The proposed R7A district would allow the property to be developed to a greater bulk than would be permitted under the existing R6 district and would impose a height limit on the property where none exists today. The C1-4 and C2-4 overlays would permit the construction of the proposed ground floor retail to bring activity to Varet Street, and a public parking garage under the related special permit application pursuant to Section 74-511 of the New York City Zoning Resolution (C 070434 ZSK).

The proposed actions would facilitate the development of the 40,250-square-foot development site with two buildings totaling approximately 160,424 square feet for a floor area ratio (FAR) of 3.99. Buildings would front on Cook and Varet Streets and would range in height from six to eight stories with streetwalls rising predominantly to six or seven stories. The project would include 152 dwelling units, 6,345 square feet of ground floor commercial space, and a 94-space public parking garage.

The residential portion of the proposed development would include 18 studio, 32 one-bedroom, 74 two-bedroom, and 28-three-bedroom apartments, all of which would be marketed to those making 60% or less of area median income (AMI) with a portion marketed to those making less than 40% of AMI. Amenities would include laundry facilities, approximately 1,393 square feet of community rooms, and approximately 15,858 square feet of outdoor recreation space available to tenants. The commercial space would be located on Varet Street. The public parking garage would be located at grade in the rear yard between, and partially beneath, two of the buildings. The garage would be completely enclosed and covered by a deck. Recreation space would be provided in the rear yards at ground level and on top of the parking garage at the level of the second floor.

The garage would total 14,780 square feet and would provide a portion of its 94 spaces with 36 two-level stackers. The garage would be accessed via a 23 foot curb-cut and a 20-foot wide 2-way entrance on Varet Street. Varet Street is a 60-foot wide one-way eastbound street. The garage would provide 10 reservoir spaces where entering vehicles could queue without obstructing vehicular or pedestrian traffic on the street. The garage would be fully attended. This parking garage is being developed to replace the 83-space municipal parking lot that currently occupies a portion of the subject site.

The applicant's proposal also requires an amendment to the Zoning Map (C 070423ZMK) and a Special Permit pursuant to ZR Section 74-511 (C 070434 ZSK) to permit development of a parking garage of fewer than 100 spaces in a C1 district. As part of the special permit (C 070434

ZSK), the applicant requests that all 14,780 square feet within the parking garage be exempted from the definition of floor area.

ENVIRONMENTAL REVIEW

This application (C 070433 HAK), in conjunction with the application for the related actions (C 070432 ZMK and C 070434 ZSK), 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 Procedures of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07HPD023K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 25, 2007. On May 1, 2007, a revised negative declaration was issued. To avoid any potential impacts associated with noise, the proposed action would place an (E) designation for noise on Block 3113, Lots 20, 21, 30, 31, 32, and 33.

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

UNIFORM LAND USE REVIEW

This application (C 070433 HAK), was certified as complete by the Department of City Planning on May 7, 2007, and was duly referred to Community Board 1 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 1 held a public hearing on this application on May 29, 2007 and on June 13, 2007 by a vote of 40 to 0 with 1 abstention, adopted a resolution recommending approval of the application subject to the condition that the New York City Department of Transportation conduct a transportation study to determine the traffic and parking needs of the Broadway/Graham Avenue area.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on July 5, 2007.

City Planning Commission Public Hearing

On June 20, 2007 (Calendar No. 7), the City Planning Commission scheduled July 11, 2007, for a public hearing on this application (C 070433 HAK). The hearing was duly held on July 11, 2007 (Calendar No. 37) in conjunction with the public hearings on the applications for the related actions (C 070432 ZMK and C 070434 ZSK). There were six speakers in favor of the application and six in opposition.

Representatives of the applicant and the project sponsor spoke in favor of the application. They described the proposed project and the outreach efforts they have made to local elected officials, the community board, and local merchants and residents. The project sponsor stated that the public parking garage was included in the project in response to a DOT request that 75% of the

spaces in the current lot be replaced, and that the proposed 94-spaces significantly exceeded that goal. It was also stated that short-term parking rates will be set at \$2.00 per hour to ensure affordability for local shoppers. He further stated that, according to DOT and the project sponsor's own observations, the existing municipal parking lot is significantly underutilized. He added that others have observed the existing open parking lot to have safety and security issues that could be solved by the proposed attended and enclosed parking facility.

The project sponsor also stated that buyers for the inclusionary housing credits had been identified, but that those transactions could not be completed until the project is built. He also stated that, while the project will be marketed to those making less than 60%, and those making less than 40%, of AMI, the rents charged to those households will be based on 56% and 36% of AMI, respectively.

Representatives of a local affordable housing group which has been selected as the non-profit administering agent for the proposed development, as well as a local resident, spoke in favor of the proposed actions. The representatives of the housing group stated that there will be a 50% preference in the project for CD1 residents and that the addition of affordable housing would allow current residents to remain in the neighborhood.

Representatives of the Graham Avenue Merchants Association and the Graham Avenue Business Improvement District (BID) spoke in opposition to the application. They stated that while they support the development of affordable housing in the area, they are concerned that the loss of the municipal parking lot would have a negative impact on area businesses. They expressed

concerns that the garage would be attended rather than a self-park facility, that parking spaces would not be provided specifically for use by the tenants, and a desire for future expansion of parking facilities on the site. They also expressed concern over the loss of parking on the site during construction of the proposed project. A representative of a local college also testified in opposition to the project, expressing similar concerns to those of the Merchants Association and BID, and stating that students and faculty at the college use the current municipal parking lot.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that UDAAP designation and project approval and, the disposition of city-owned property (C 070433 HAK), in conjunction with the amendment of the Zoning Map (C 070432 ZMK) and special permit (C 070434 ZSK) are appropriate.

The Commission notes that the requested actions will facilitate the development of 152 residential units, all of which will be affordable to low-income households. The project would be funded in part through the Inclusionary Housing program, providing off-site units for developers using the zoning bonus available in nearby portions of Greenpoint and Williamsburg. The project also includes a public parking garage that will replace the public parking spaces in the municipal public parking lot that currently occupies the subject site.

The Commission notes that approval of the UDAAP for the development site would facilitate the return of those lots owned by the City (Block 3113, Lots 9, 11, 13, 15, and 26-29) to private

ownership and would provide much-needed affordable housing for the community. It would enable these properties to be developed with a mix of uses that would serve the needs of Community District 1 and the City of New York.

The Commission believes that the proposed zoning map change is consistent with the existing land uses and density in the area. Land use on this and adjoining blocks is predominantly residential and commercial, and existing buildings on the subject block are built to FARs similar to the proposed 4.0 FAR. The proposed R7A contextual bulk regulations would facilitate the development of three buildings between six and eight stories with a consistent streetwall on both Cook and Varet Streets, bringing activity to these streets while prohibiting taller tower development.

The proposed C1-4 and C2-4 overlays will permit local commercial uses consistent with existing retail and service uses in the area, as well as a public parking garage subject to the related special permit application (C 070434 ZSK).

The related special permit application for a public parking garage pursuant to Section 74-511 of the Zoning Resolution (C 070434 ZSK) would facilitate the creation of an enclosed 94-space public parking garage to replace the 83-space municipal parking lot that currently occupies a portion of the subject site, and the exclusion of the garage area from the calculation of floor area. The proposed garage will be located below a height of 23 feet, and will be completely enclosed with no frontage on a street other than at its entrance, providing a substantial improvement to the streetscape on this block. The parking structure will also be covered by a deck with a recreation

area accessible to building residents. The replacement of existing public parking spaces within the proposed development will maintain the supply of parking on the site and will avoid an increase in traffic and on-street parking demand from a variety of local users.

The Commission notes that the proposed garage is located on the site of an existing municipal public parking lot of similar capacity. The main access streets for the proposed garage are Graham Avenue and Broadway, which are busy commercial strips, and Manhattan Avenue, which is a through route for vehicular traffic. All other access streets have a mix of residential and commercial uses. Both Cook and Varet Streets currently accommodate entrances to the existing municipal parking lot. The Commission also notes that the proposed garage includes 10 reservoir spaces between the entrance and the control booth within the facility.

The Commission recognizes the concerns of local merchants and institutions about the availability of parking within the area. However, the Commission also notes that the project sponsor has included within the proposed affordable housing development a public parking facility that replaces the public parking that currently exists on the site within an enclosed facility. The Commission also notes that the project sponsor has agreed to make efforts to open the proposed public parking garage prior to completion of other portions of the building to reduce the amount of time during which no parking is available on the site due to construction

RESOLUTION

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

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); 25, 23, 21, 19, 13, and 5 Cook Street (Block 3113, Lots 26-29, 32, and 33) 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 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); 25, 23, 21, 19, 13, and 5 Cook Street (Block 3113, Lots 26-29, 32, and 33) 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) 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 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 property at 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); and 25, 23, 21, and 19 Cook Street (block 3113, lots 26-29), in Community District 1, Borough of Brooklyn, to a developer selected by the Department of Housing Preservation and Development, is approved (C 070433 HAK).

The above resolution (C 070433 HAK), duly adopted by the City Planning Commission on August 8, 2007 (Calendar No. 19), 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, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
JOHN MEROLO, DOLLY WILLIAMS, Commissioners

LISA A. GOMEZ, Commissioner, Recused