



CITY PLANNING COMMISSION

August 19, 2009/Calendar No. 24

C 090446 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 136-50 Flushing Avenue (Block 2033, Lot 1), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such an 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 the development of a mixed-use development, tentatively known as Navy Green, with approximately 455 residential units, commercial and community facility space, Borough of Brooklyn, Community District 2.

Approval of three separate matters is requested:

1. The designation of property located at Block 2033, Lot 1 as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such property; and
3. The disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (HPD).

The application for the Urban Development Action Area designation and project approval and disposition of City-owned property was submitted by HPD on May 18, 2009. Approval of this application would facilitate the development of a mixed-use development tentatively known as Navy Green, with approximately 455 residential units, commercial and community facility space.

HPD states in its application that:

The project area 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 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 approval of the UDAAP designation and disposition of City-owned property, which are the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 090444 ZMK Zoning map amendment changing an M1-2 district to an R8/C2-4 district.

C 090445 ZSK Special permit pursuant to Section 78-312(d) to modify height and setback requirements within a Large-Scale Residential Development

BACKGROUND

The New York City Department of Housing Preservation and Development (HPD) is seeking the designation of property located at Block 2033, Lot 1 as an Urban Development Action Area, project approval and disposition of city-owned property (C 090446 HAK). In addition, HPD requests a zoning map amendment (C 090444 ZMK) and a special permit to modify height and setback requirements (C 090445 ZSK), in order to facilitate an approximately 461,449 square foot mixed-use development with approximately 455 residential units, including approximately 95 supportive housing units, and 11,965 square feet of commercial and community facility space situated around an 29,313 square foot interior common open space.

Site description

The project site – Block 2033, Lot 1 – comprises most of the block bounded by Flushing Avenue to the north, Vanderbilt Avenue to the east, Park Avenue to the south, and Clermont Avenue to the west. Block 2033 is comprised of two lots, Lot 1 (the site) and Lot 50, a privately-owned

parcel occupied by a vacant 3-story building, which is not a subject of the proposed actions. The project site, which is vacant, contains 102,137 square feet (2.3 acres) of lot area, is under HPD jurisdiction and is proposed to be disposed of to one or more sponsors selected by HPD. The site previously was occupied by a World War II Navy prison related to the Brooklyn Navy Yard. The building was later used as a correctional facility by the New York City Department of Corrections before being demolished in 2005.

Area description

The project site is in the Wallabout area of Brooklyn Community District 2. Wallabout is generally located between Flushing Avenue and the Brooklyn Navy Yard to the north, and the Brooklyn Queens Expressway, Park Avenue and the Fort Greene and Clinton Hill neighborhoods to the south. The M1-2, light manufacturing zoned Wallabout area contains a mix of light manufacturing, automotive, and institutional uses, as well as residential uses pre-dating the current light manufacturing zoning of the area. North of the site, the Brooklyn Navy Yard, zoned M3-1 for heavy manufacturing uses, contains a wide range of manufacturing and industrial uses. To the south, the elevated BQE separates Wallabout from the primarily residential Fort Greene and Clinton Hill neighborhoods, which are zoned R5B and R6B.

Across the street to the north of the site in the Brooklyn Navy Yard is an approximately 15-story warehouse, which rises without setback. To the south, on the same block as the project site, is a vacant 3-story building. Both east and west of the site, along Vanderbilt and Clermont avenues are a number of 3-4 story, 1-3 unit residential buildings, intermixed with auto-repair businesses. Also to the west, across Clermont Avenue, is the Roman Catholic Church of the Sacred Heart.

Project Description

The proposed actions would facilitate Navy Green, a mixed-use development containing four multifamily buildings ranging in height from two- to 12-stories and 23, four-story townhouses built around a 29,313 square-foot common open space running north-south through the middle of the block. The project would include a total of approximately 455 residential units, including approximately 95 supportive housing units. Of the 455 units, at least 65 percent would be

affordable to households with incomes at or below 80 percent of the Area Median Income. In total, the project would have a Floor Area Ratio (FAR) of 4.52 with 399,596 square feet of residential floor area; 49,888 square feet of community facility space in the supportive housing building; 11,965 square feet of other community facility and retail space, and 32,328 square feet of open space.

Two twelve-story buildings, “R1” and “R2”, are proposed for the north end of the site. The “R1” building would be a 111-unit building with ground-floor retail at the corner of Flushing and Clermont Avenues. The “R2” building would be a 102-unit mixed-use building with ground-floor retail at the corner of Flushing and Vanderbilt Avenues. Both buildings would rise to 11 stories (114 feet) along Flushing Avenue, and step up to 12 stories (125 feet) before stepping down to 8 stories (75 feet) along the south end of the buildings. The R1 building would also have a two-story section fronting on Flushing Avenue that would be used for community facility or commercial uses.

South of the R1 building along Clermont Avenue would be ten four-story (43 foot) two-unit townhouse buildings. Along Vanderbilt Avenue, south of the R2 building, would be thirteen four-story (43 foot) two-unit townhouse buildings.

South of the townhouses along Clermont Avenue would be the eight-story (85 foot) R3 building. The R3 building would contain 101 units, and would have a six- to eight-story streetwall (64- to 85- feet).

A 95-unit supportive housing building, at the south end of the site along Vanderbilt Avenue, would have a seven- to eight-story streetwall (72.5 feet to 81.5 feet) and a maximum height of eight stories (81.5 feet). The supportive housing building would consist of all efficiency apartments with one two-bedroom superintendent’s unit. The building would contain a mix of special needs units and units for low-income singles. The special needs population is anticipated to be formerly chronically homeless single adults who suffer from serious and persistent mental

illness or those who are diagnosed as mentally and chemically addicted. Voluntary support services will be provided on-site.

The proposed project would not comply with the parking requirements of Section 25-23. In this instance, the city is exercising its option not to be subject to its zoning requirements when performing a governmental function.

PROPOSED ACTIONS

In order to facilitate the development of the proposed project, HPD is requesting a zoning map change, a special permit, disposition of city-owned property, and an Urban Development Action Area Designation and Project (UDAAP).

Zoning Map Change (C 090444 ZMK)

The proposed action would amend zoning map 12d of the Zoning Resolution to rezone the project site from an M1-2 to an R8/C2-4 district. The existing M1-2 zoning district permits light manufacturing and limited commercial and community facility uses (Use Groups 4-14, 16 and 17) and does not permit new residential uses.

The proposed R8/C2-4 district would permit residential, commercial and community facility uses (Use Groups 1-9 and 14) up to a maximum FAR of 4.55 for residential uses (based on a Height Factor of 7), 6.5 FAR for community facility uses and 2.0 for commercial uses.

Special Permit for a Residential Large-Scale Development (C 090445 ZSK)

HPD is requesting a special permit for a Residential Large-Scale Development pursuant to Section 78-312 in order to allow minor variations in the front height and setback regulations on the periphery of the project site.

The application seeks modification of the underlying height and setback regulations of Section 23-6332 on the Vanderbilt Avenue, Clermont Avenue, and Flushing Avenue frontages. Specifically, the application seeks modification of the height and setback regulations along the

periphery of the site above the maximum base height limit of 85 feet. The modification would allow the proposed R1 and R2 buildings to rise to 114 feet along Flushing Avenue and to 125 feet along Vanderbilt and Clermont avenues with no setback. The height and setback waivers requested by this special permit would allow the mass of buildings on the site to be placed at Flushing Avenue, adjacent to large warehouses at the Brooklyn Navy Yard, rather than in the mid-block of the site, which is across the street from residential rowhouses.

Urban Development Action Area and Project (UDAAP) and Disposition of City-owned property (C 090446 HAK)

HPD seeks designation of the site (Block 2033, Lot 1) as an Urban Development Action Area and project approval, and the disposition of a City-owned property to a developer to be selected by HPD.

ENVIRONMENTAL REVIEW

This application (C 090446 HAK) in conjunction with the related applications (C 090444 ZMK and C 090445 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 Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09HPD030K. The lead agency is the New York City Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on May 20, 2009.

UNIFORM LAND USE REVIEW

On June 1, 2009, this application (N 090442 ZRK) was duly referred to Community Board 2 and the Borough President for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on June 10, 2009, and on that date, by a vote of 37 to 0 with 1 abstention, adopted a resolution recommending approval of the application with the following condition:

In addition to the vote indicated [above,] Community Board 2 voted 23 in favor, 12 opposed, three abstentions (23-12-3) to recommend that accessory parking be included in the project.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on July 17, 2009 approving the application with the following condition:

that within the Land Disposition Agreement made between the developer and HPD, a requirement is made that not less than 228 of the 455 units be made permanently affordable.

City Planning Commission Public Hearing

On July 1, 2009 (Calendar No. 5), the City Planning Commission scheduled July 22, 2009, for a public hearing on this application (C 090446 HAK). The hearing was duly held on July 22, 2009 (Calendar No. 19). There were seven speakers in favor of the application.

Speakers in favor included representatives of two of the project sponsors, the architect, the supportive housing service provider, a resident of the Fort Greene neighborhood, a representative of HPD and the Councilmember for the 35th District.

The Councilmember for the 35th District testified that she supported the project because it would provide affordable housing for households at a wide range of incomes, would meet sustainability standards, would provide a 30,000 square foot green space in an area underserved by parks, and would provide bicycle parking. The Councilmember further testified that the mayoral override of the parking requirements is appropriate given the expense of building below-grade parking due to a high water table on the site and that parking at grade would reduce the amount of usable open space on the site.

The sponsors, the architect and the representative of HPD described the proposed project, and discussed the design process and considerations that led to the current proposal. They noted that the proposed site plan is optimal for the site, because it would create a large common open space, would activate the surrounding streets, would maintain the bulk at the corners of the site, would provide rowhouses at the middle of the site to mirror the facing blocks, and would orient the buildings away from the blank walls across Flushing Avenue from the site. The sponsors also noted that they intend to build a sustainable development by incorporating high performance features into the development. The sponsors further testified that they intend to build the project in approximately four phases, with the two eight-story buildings as the first phase, the twelve-story buildings as the second and third phases and the townhouses as the last phase of development.

The supportive housing service provider described the supportive housing component of the project including the targeted population for the supportive housing residence and the services that would be available to residents of the facility.

The Fort Greene neighborhood resident testified that the Mayoral parking override was appropriate given the high water table, the cost of building below-grade parking, and the trade-off between the common green space and surface parking.

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 090446 HAK), as modified, along with the related actions for a zoning map amendment (C 090444 ZMK) and a special permit for a residential large-scale development (C 090445 ZSK), are appropriate.

The application for UDAAP designation, project approval and disposition would facilitate the development of vacant and underutilized city-owned land that has had a blighting influence on

this area. The proposed project proposes the construction of a mixed-use development ranging in height from two- to 12- stories. It would provide approximately 455 units of housing, at least 65 percent of which would be affordable. The project would also include 95 units of supportive housing for individuals with a history of homelessness and mental illness, and 11,965 square feet of neighborhood-serving community and retail space.

The Commission believes that the proposed project offers an opportunity to address the need for affordable housing for low to middle-income families and would contribute to the revitalization of the area. The Commission also notes the project's sustainable design, neighborhood-serving retail and substantial common open space.

The Commission believes that the proposed zoning map amendment (C 090444 ZMK) to change an M1-2 zoning district to an R8/C2-4 zoning district is appropriate because it would allow the development of a new predominantly residential mixed-use project that reflects the height and scale of surrounding buildings. The proposed R8/C2-4 zoning districts would allow for residential and community facility uses with ground-floor retail and would reflect and complement the uses in the surrounding area, including residential use, and would allow for a site plan and massing that complements the diverse scale of the surrounding buildings.

The Commission further believes that the proposed residential large-scale special permit (C 090445 ZSK) is appropriate. The special permit would facilitate the proposed design, which would shift the mass of the project toward the north end of the site, allowing for townhouses at the mid block and the large common open space running north-south through the middle of the site, thus maximizing light and air on the surrounding blocks and the common open space. The proposed height and setback waivers would allow for minor variations in the front height and setback regulations, thus allowing the mass of buildings on the site to be placed at Flushing Avenue, adjacent to large warehouses at the Brooklyn Navy Yard, which rise without setback. This would reduce the bulk in the mid-block of the site and complement the lower rise residential rowhouses across the street from the site.

In response to the Community Board’s recommendation, the applicant has stated that the cost of providing onsite parking has the potential to either reduce the amount of open space on the site or, due to the high water table on the site, significantly increase the cost of providing the proposed affordable housing. The Commission notes testimonies heard in support of the project without the provision of off-street parking by the local Councilmember and an area resident who testified that there was ample on-street parking in the vicinity of the project site. The Commission further notes that the EAS analysis concluded that there is adequate on- and off-street parking available in the surrounding area to accommodate the increase in parking demand resulting from the proposed project.

In response to the Borough President’s recommendation, the Commission notes that HPD has committed to providing at least sixty-five percent of the housing on the site to households with incomes at or below 80% of the Area Median Income for 30 years under current HPD programs.

The Commission is concerned that disposition pursuant to zoning could potentially allow inappropriately-scaled new development under the proposed R8 zoning if the Special Permit for the Residential Large-Scale Development were not exercised. Therefore, to ensure that development on the project site would be of an appropriate scale, the Commission is modifying the disposition application to restrict the disposition to development pursuant to the Residential Large-Scale Special Permit (C 090445 ZSK).

RESOLUTION

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

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at Block 2033, Lot 1 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;

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 Area Act;

- a. the designation of property located at Block 2033, Lot 1 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 the sound development of the municipality;
- b. the financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to Section 696 of Article 16 of the General Municipal Law is necessary to enable the project to be undertaken; and
- c. the policy is consistent with the policy and purposes stated in Section 691 of Article 16 of the General Municipal Law; and

BE IT FURTHER RESOLVED, 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 property located at Block 2033, Lot 1, Community District 2, Borough of Brooklyn, to a developer selected by HPD, is approved with the following restriction: The disposition is restricted to a mixed-use project approved pursuant to Section 78-312(d) of the Zoning Resolution under application number C 090445 ZSK.

The above resolution (C 090446 HAK), duly adopted by the City Planning Commission on August 19, 2009 (Calendar No. 24), 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.

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