



## CITY PLANNING COMMISSION

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March 26, 2008/Calendar No. 9

C 080229 HAK

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**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 675 Barbey Street (Block 4091, Lot 1); 840 Livonia Avenue (Block 4091, Lot 8); 699, 693, 691, and 685-689 New Lots Avenue (Block 4091, Lots 15, 16, 18, and 19); and 659 New Lots Avenue (Block 4091, Lot 22), Site 76 of the East New York I 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 seven-story mixed-use building, tentatively known as New Lots Plaza, with approximately 87 residential units, and commercial space, to be developed under the Department of Housing Preservation and Development's Cornerstone Program, Borough of Brooklyn, Community District 5.

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Approval of three separate matters is required:

1. the designation of property located at 675 Barbey Street (Block 4091, Lot 1); 840 Livonia Avenue (Block 4091, Lot 8); 699, 693, 691, and 685-689 New Lots Avenue (Block 4091, Lots 15, 16, 18, and 19); and 659 New Lots Avenue (Block 4091, Lot 22), Site 76 of the East New York I Urban Renewal Area, as an Urban Development Action Area;
2. an Urban Development Action Area Project for such property; and
3. the disposition of such property to a developer to be selected by HPD.

The application was submitted by the Department of Housing Preservation and Development (HPD) on December 19, 2007.

Approval of this application would facilitate the development of a seven-story mixed-use building, tentatively known as New Lots Plaza, with approximately 87 residential units, Borough of Brooklyn, Community District 5.

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

The project area consists of underutilized vacant land which 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 ACTION**

In addition to the proposed designation, which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

**C 080228 ZMK:** Amendment to the Zoning Map, Section Nos. 17d, to rezone from a C8-1 district to R6A/C2-4 District.

## **BACKGROUND**

The New York City Department of Housing Preservation and Development (HPD) is seeking an Urban Development Action Area Designation, project approval and disposition of city-owned

property to facilitate the development of a mixed-use, low-income residential rental building north of New Lots Avenue between Barbey Street and Jerome Street in Brooklyn's Community District 5.

The 32,006 square foot site is located in a C8-1 district in the New Lots section of Community District 5 and is comprised of seven City-owned vacant lots (Block 4091, Lots 1, 8, 15, 16, 18, 19, and 22). This project site is part of Site 76 of the East New York I Urban Renewal Plan; the proposed project would be consistent with the land use designation in the urban renewal plan.

New Lots Plaza would consist of a seven-story elevator building with 87 rental units, approximately 10,500 square feet of commercial space and 8,300 square feet of landscaped outdoor recreation space for the building's residents. The project would also have approximately 5,300 square feet of outdoor space reserved for a seasonal farmer's market. The project would be developed under HPD's Cornerstone program. There would be 22 at-grade parking spaces for the residents and 51 below-grade parking spaces for the commercial tenants. The proposed FAR of the building would be 3.0, the maximum permitted in an R6A district.

The site is adjacent to three two-story residential buildings and one three-story mixed-use, residential and retail building on Jerome Street. Surrounding uses include the Schenck Playground and the New Lots Branch of the Brooklyn Public Library west of Barbey Street, the New Lots Reformed Church and Cemetery south of New Lots Avenue, a four-story apartment building east of Jerome Street, and a mix of commercial and community facility uses north of Livonia Avenue. The elevated #3 train runs above Livonia Avenue, and the New Lots Avenue station, the final stop of the # 3 train, is located two blocks east of the project site. The larger surrounding area is characterized by low-density attached and semi-attached residential buildings with commercial services along New Lots Avenue.

***Zoning Map Amendment (C 080228 ZMK)***

HPD also seeks approval of a zoning map amendment to the two blocks bounded by Livonia Avenue, Barbey Street, New Lots Avenue and Warwick Street, from C8-1 to R6A/C2-4 (C 080228 ZMK).

Blocks 4091 and 4092 are currently zoned C8-1 which is primarily a district for auto related uses and which permits a variety of local and regional commercial uses and certain community facility uses, and residential uses are prohibited. The C8-1 district has a commercial FAR of 1.0, and a community facility FAR of 2.4. In addition to the vacant City-owned lots, current uses within the C8-1 district include: three two-story homes, a three-story mixed-use residential building with ground floor commercial, a four-story apartment building, a gas station, two vacant lots and one parking lot.

The proposed R6A district is a contextual district which allows residential and community facility uses up to an FAR of 3.0, requires street walls to line up with adjacent buildings and has a maximum base height of 60 feet and a maximum building height of 70 feet. The proposed C2-4 overlay, which would be mapped over the entire R6A district, allows commercial retail and service uses in Use Groups 5 through 9 and 14 and permits 2.0 FAR of commercial uses in an R6A district. One parking space per 1,000 square feet of general retail space is required and commercial uses are limited to the first floor when residences are located above.

The proposed rezoning would allow the residential with ground floor retail development of the consistent with the existing neighborhood context.

**ENVIRONMENTAL REVIEW**

This application (C 080105 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 Environmental Quality Review (CEQR) Rules for Procedure of 1991 and Executive Order No. 91 of 1977. The lead

agency is the Department of Housing Preservation and Development. The designated CEQR number is 07HPD012K.

After a study of the potential impacts of the proposed actions, a Negative Declaration was issued for this proposal, on December 27, 2007.

## **UNIFORM LAND USE REVIEW**

This application (C 080229 HAK) was certified as complete by the Department of City Planning on January 7, 2008 and was duly referred to Community Board 5 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 5 held a public hearing on this application (C 080229 HAK) on January 23, 2008, and on that date, by a vote of 31 to 4, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on February 25, 2008.

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

On February 13, 2008 (Calendar No. 12), the City Planning Commission scheduled February 27, 2008, for a public hearing on this application (C 080229 HAK). The hearing was duly held on February 27, 2008 (Calendar No. 32), in conjunction with the public hearing on the related application (C 080228 ZMK). There were five speakers in favor and five speakers in opposition.

The selected developer and architect spoke in favor of the project, describing general characteristics of the building, the addition of needed affordable housing, and how the

greenmarket area would function. Two representatives of the project's non-profit sponsor and a representative from HPD also testified in support.

Five speakers comprised of four local residents, and one local business owner, expressed their opposition. These speakers stated that the proposed building was too tall compared to existing buildings would create traffic problems and that the area needs community space for teenagers, not affordable housing. The owner of a gas station within the proposed rezoning area was concerned that the gas station would not be able to continue following the rezoning. The last resident to speak reiterated that the proposed building is out of character with surrounding buildings.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application for the proposed Urban Development Action Area designation and project (UDAAP) and the disposition of city-owned property (C 080229 HAK) and related action for rezoning from C8-1 to R6A/C2-4 (C 080228 ZMK) is appropriate.

The applications would facilitate the development of a seven-story mixed-use building with approximately 87 residential units, and commercial and community facility space. Approval of these applications would provide much needed affordable housing opportunities for low-income households in the community.

Disposition would allow for the return of this property to a productive use and the elimination of its blighting influence on the neighborhood. It would also enable these city-owned properties to be developed with a use that would serve the needs of Community District 5 and the City of New York. The project also complements ongoing public and private redevelopment efforts on neighboring blocks. The Commission, therefore, believes that the proposed Urban Development Action Area designation and project (UDAAP) and the disposition of city-owned property are appropriate. This project site is part of Site 76 of the East New York I Urban Renewal Plan. The proposed project would be consistent with the land use designation in the urban renewal plan.

Furthermore, the project would strengthen the residential character of the area, provide much needed housing affordable at low-income level, and utilize a site that would otherwise remain vacant.

HPD responded to the testimony from the public hearing in a letter dated March 7, 2008 stating that the:

- rezoning provides a commercial overlay that will allow the (gas) station to continue being a conforming use;
- site is situated along an elevated train line and near a major street intersection, which supports a higher density building..

The letter further indicates that there are several community and youth services near the project site.

## **RESOLUTION**

The City Planning Commission finds that the proposed disposition of city-owned property at Livonia Avenue, Barbey Street, and New Lots Avenue, (Block 4091, Lots 1, 8, 15, 16, 18, 19, and 22) conforms to the objectives and provisions of the 2<sup>nd</sup> Amended East New York I Urban Renewal Plan (C 940120 HUK), approved on January 4, 1995, and be it further

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at 675 Barbey Street (Block 4091, Lot 1); 840 Livonia Avenue (Block 4091, Lot 8); 699, 693, 691, and 685-689 New Lots Avenue (Block 4091, Lots 15, 16, 18, and 19); and 659 New Lots Avenue (Block 4091, Lot 22), Site 76 of the East New York I 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 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 675 Barbey Street (Block 4091, Lot 1); 840 Livonia Avenue (Block 4091, Lot 8); 699, 693, 691, and 685-689 New Lots Avenue (Block 4091, Lots 15, 16, 18, and 19); and 659 New Lots Avenue (Block 4091, Lot 22), Site 76 of the East New York I Urban Renewal Area, as an Urban Development Action Area;
- b) an Urban Development Action Area Project for such property;

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 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 policy is consistent with the policy and purposes stated in Section 691 of the Urban Development Action Area Act.

**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 the designation of property located at 675 Barbey Street (Block 4091, Lot 1); 840 Livonia Avenue (Block 4091, Lot 8); 699, 693, 691, and 685-689 New Lots Avenue (Block 4091, Lots 15, 16, 18, and 19); and 659 New Lots Avenue (Block 4091, Lot 22), Site 76 of the East New York I Urban Renewal

Area, Borough of Brooklyn, Community District 5, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 080229 HAK).

The above resolution (C 080229 HAK), duly adopted by the City Planning Commission on March 26 (Calendar No. 9), 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., ANGELA R. CAVALUZZI, R.A.,**

**ALFRED C. CERULLO III, BETTY Y.CHEN, MARIA M. DEL TORO**

**RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRELY A. McRAE,**

**JOHN MEROLO, KAREN A. PHILLIPS, Commissioners**