



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 776-780 Myrtle Avenue (Block 1754, Lots 19, 20 and 22) as an Urban Development Action Area; and
 - b) as 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 affordable housing development containing approximately 59 units, Borough of Brooklyn, Community District 3.

Approval of three separate matters is required:

1. The designation of property located at 776-780 Myrtle Avenue (Block 1754, Lots 19, 20 and 22) as an Urban Development Action Area (UDAA); and
2. An Urban Development Action Area Project (UDAAP) for such area; and
3. The disposition of such property to a developer to be selected by HPD.

This application for an UDAA designation and project approval and disposition of City-owned property (C 190353 HAK) was filed by HPD on March 25, 2019. Approval of this application would facilitate the development of a new nine-story building containing approximately 59 units of affordable housing at 776-780 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

HPD states in its application that:

“The Project Area (Block 1754, Lots 19, 20, and 22) consists of underutilized vacant property, 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.”

BACKGROUND

HPD is seeking UDAAP designation, project approval, and disposition of City-owned property at 776-780 Myrtle Avenue (Block 1754, Lots 19, 20 and 22) to facilitate the development of an approximately 42,000-square-foot mixed-use building with approximately 39,000 square feet of residential floor area and 3,100 square feet of ground floor retail in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3

The project site is a vacant, 7,500-square-foot, City-owned parcel consisting of three tax lots located on Myrtle Avenue between Nostrand and Marcy avenues. The three lots were acquired by the City in the 1970s and early 1980s. One of the lots (Block 1754, Lot 19) received approval from the Board of Estimate for unrestricted disposition (C 810163-168 PPK), but the lot was never sold and remains under City ownership.

The site is located within an R7D/C2-4 zoning district. Generally mapped along transit corridors, R7D districts are medium-density contextual districts that allow a maximum floor area ratio (FAR) of 4.2 for community facility uses and 5.6 for residential uses with inclusionary housing. Bulk regulations for these districts require a base height between 60 and 95 feet and have a maximum total height limit of 115 feet for inclusionary housing. R7D districts require one off-street parking space for 50 percent of the dwelling units, but within the transit zone, income-restricted housing units do not require parking.

C2-4 commercial overlays allow local retail uses and commercial development up to 2.0 FAR when mapped within R7D districts. These overlays permit Use Groups 5-9 and 14, which include a wide variety of local neighborhood retail and service uses. When combined with R7D districts, C2-4 overlays require non-residential ground floor uses, which can be commercial or community facility uses. For general commercial uses, one off-street parking space is required for every 1,000 square feet. Up to 40 spaces may be waived in C2-4 districts.

The surrounding area is characterized by a mix of land uses, including residential, retail, industrial, community facilities and institutions. Residential uses in the surrounding area include one- and two-family rowhouses, multi-family walkups and elevator buildings ranging from two to eight stories, including the New York City Housing Authority (“NYCHA”) Marcy Houses. The Marcy Houses are located directly north of the site on Myrtle Avenue and contain 27 six-story buildings within two large, consolidated blocks. Commercial uses are concentrated along Myrtle Avenue and portions of Nostrand and Marcy avenues, which are predominantly developed with three- to six-story mixed-use residential and commercial buildings containing ground floor retail uses. West of the site are several one- to four-story industrial buildings consisting primarily of warehousing, distribution, manufacturing, and transportation related uses. Community facilities and institutional uses in the area include several houses of worship, nonprofit organizations, and schools.

Marcy Playground, located adjacent to the Marcy Houses, which is on the north side of Myrtle Avenue, directly across from the site. Other open recreational resources in the area include the Vernon Cases Community Garden, a NYC Parks Green Thumb garden, is located approximately one block from the site, on the south side of Vernon Avenue between Nostrand and Marcy avenues.

The surrounding area is well-served by public transportation. The MTA G train stops at Myrtle-Willoughby, approximately one block east of the site. The B54 bus line runs along Myrtle Avenue, connecting the area to Downtown Brooklyn. The B44 bus runs along Nostrand Avenue, connecting the area to the south.

HPD proposes to develop a new nine-story building containing 59 studios, one-bedroom, and two-bedroom units of supportive and affordable housing on the site. Over 50 percent of these units would be supportive housing reserved for formerly homeless households. Commercial uses would be located on the ground floor with entrances along Myrtle Avenue, while social services, administrative offices, and programmatic space associated with supportive housing needs would be at the cellar level.

No off-street parking spaces would be provided, as income-restricted units do not require parking within the Transit Zone and commercial parking is waived if fewer than 40 spaces are required. As required, three street trees would be planted on Myrtle Avenue.

ENVIRONMENTAL REVIEW

This application (C 190353 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 19HPD060K. The lead agency is HPD.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on April 1, 2019.

UNIFORM LAND USE REVIEW

This application (C 190353 HAK) was certified as complete by the Department of City Planning on April 8, 2019 and duly referred to Brooklyn Community Board 3 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 202(b).

Community Board Public Hearing

Brooklyn Community Board 3 held a public hearing on this application (C 190353 HAK) on May 6, 2019 and by a vote of 29 in favor, one opposed, and none abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application (C 190353 HAK) was considered by the Brooklyn Borough President, who held a public hearing on May 29, 2019 and issued a recommendation to approve the application with the following conditions:

- “1. That the New York City Department of Housing Preservation and Development (HPD) incorporate in its Land Disposition Agreement (LDA) or Regulatory Agreement with IMPACCT Brooklyn, the extent that the developer would:
- a. Memorialize the extent of inclusion of non-supportive, affordable housing units at 30, 40, and 50 percent AMI
 - b. Memorialize strategies to target eligibility and outreach to seniors, including those who are formerly homeless, for studio and one-bedroom units with rents based on 30, 40, and 50 percent of Area Median Income (AMI)
 - c. Memorialize intent to identify (to the extent practical) potential tenants among those now housed in shelters and/or transitional housing in Brooklyn Community District 3 (CD 3) or former residents of the district
 - d. Set aside a portion of the commercial space for one or more local non-profit organizations such as arts and/or cultural entities at below-market lease terms, as warranted
 - e. Continue exploration of additional resiliency and sustainability measures such as incorporating rain gardens, blue/green/white roof treatment, passive house construction principles, and solar panels in the development
2. A demonstration of IMPACCT Brooklyn's commitment to coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of expanded tree pits and DEP rain gardens as part of the Builders Pavement Plan, in consultation with Community Board 3 (CB 3) and local elected officials”

City Planning Commission Public Hearing

On July 10, 2019 (Calendar No. 2), the City Planning Commission scheduled July 31, 2019 for a public hearing on this application (C 190353 HAK). The hearing was duly held on July 31, 2019 (Calendar No. 38). A team of five people spoke in favor of the application and none spoke in opposition.

A representative from HPD described the surrounding land uses and context and spoke to HPD’s overall housing strategy. IMPACCT Brooklyn are the developers for this project (formerly known as Pratt Area Community Council) were in attendance. A representative from IMPACCT Brooklyn described the proposed building, the unit mix, and the inclusionary housing options, and discussed the supportive housing services and commercial space. A third representative described

the design features of the proposed building. The team stated that rain gardens with street trees would be installed in front of the building along Myrtle Avenue.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application (C 190353 HAK) for UDAA designation, project approval, and the disposition of City-owned property is appropriate.

The proposed actions will facilitate the redevelopment of these long-vacant, City-owned lots with a new, nine-story residential building providing a total of 59 affordable residential units. The building will rise to a height of 97 feet, containing approximately 42,200 square feet of floor area (5.3 FAR), one superintendent's unit, social services, administrative offices and programmatic space associated with the proposed development's supportive housing needs. The building will provide much-needed affordable and supportive housing in the Bedford-Stuyvesant neighborhood. The building will include amenities such as a green roof, indoor bicycle parking, a community room, laundry room and various recreational outdoor space in the rear yard of the building and on the rooftop. In addition, rain gardens with street trees will be provided in front of the building.

The Commission believes that the building will help activate this block of Myrtle Avenue across from NYCHA's Marcy Houses by replacing the existing blighted conditions with a mixed-use building in context with the character of the surrounding area, which will enhance the streetscape and pedestrian experience in this portion of the neighborhood. The building's retail and community facility uses will not only serve the residents of the building but also those of the surrounding area, including residents of the NYCHA's Marcy Houses. The surrounding area is characterized by a wide variety of existing multi-family apartment buildings from three to nine stories in height, and the building matches this context. The Commission applauds the applicant's intention to construct the building using environmentally-friendly methods and incorporating Enterprise Green Communities standards.

In response to the Borough President's recommendations that HPD and its partners target outreach to seniors and local residents, provide even more deeply affordable housing options, and include more resiliency features in the building, the Commission notes that these recommendations are outside the scope of this application. The Commission encourages the applicant to consider these recommendations and work with local stakeholders and IMPACCT Brooklyn to lease the affordable units.

In response to the Borough President's recommendation for a local non-profit organization to lease at below-market rate the commercial space, the Commission notes that this recommendation is outside the scope of this application, but encourages the applicant to consider this recommendation.

RESOLUTION

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

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located along Myrtle Avenue between Nostrand and Marcy Avenues (Block 1754, Lots 19, 20 and 22) in Community District 3, Borough of Brooklyn, as an Urban Development Action Area;

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 776-780 Myrtle Avenue (Block 1754, Lots 19, 20 and 22) in the Borough of Brooklyn as an Urban Development Action Area;
- b) An Urban Development Action Area Project for such area; 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 the report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned property located at 776-780 Myrtle Avenue between Nostrand and Marcy Avenues (Block 1754, Lots 19, 20 and 22) in Community District 3, Borough of Brooklyn, to a developer to be selected by the Department of Housing Preservation and Development, is approved.

The above resolution (C 190353 HAK), duly adopted by the City Planning Commission on August 28, 2019 (Calendar No. 15), 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

DAVID J. BURNEY, ALFRED C. CERULLO, III, JOSEPH DOUEK,

RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, RAJ RAMPERSHAD, *Commissioners*