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**IN THE MATTER OF** an application submitted by Omni New York LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a:

1. changing from an R6A District to an R7A District property bounded by a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Gates Avenue and Monroe Street, and Marcus Garvey Boulevard; and
2. changing from an R6B District to an R7A District property bounded by:
  - a. Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, and Marcus Garvey Boulevard; and
  - b. a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard; and
3. establishing within the proposed R7A District a C2-4 District bounded by Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated Oct 30, 2023, and subject to the conditions of CEQR Declaration E-706.

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This application for a zoning map amendment, in conjunction with the related actions, was filed by Omni New York LLC on December 1, 2022. This application would facilitate the development of two mixed-use buildings totaling approximately 141,000 square feet and consisting of 155 income-restricted housing units, ground floor commercial and community facility uses, and open space at 281 and 311 Marcus Garvey Boulevard in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

### **RELATED ACTIONS**

In addition to the application for the zoning map amendment (C 230146 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

- N 230147 ZRK** Zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area;
- C 230148 ZSK** Special Permit to establish a large-scale general development (LSGD) to modify height and setback requirements and to allow the distribution of total allowable floor area without regard for the zoning lot lines or district boundaries;
- C 230152 ZSK** Special Permit to reduce the number of required accessory residential off-street parking spaces.

## **BACKGROUND**

The applicant, Omni New York LLC, seeks a zoning map amendment, zoning text amendment, and two special permits to facilitate the development two mixed-use buildings totaling approximately 141,000 square feet and consisting of 155 income-restricted housing units, ground floor commercial and community facility uses, and publicly accessible open space at 281 & 311 Marcus Garvey Boulevard in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3.

The project area comprises portions of two blocks with a total lot area of approximately 170,000 square feet (Block 1629, p/o Lot 1 and Block 1634, p/o Lot 1 and Lot 79), bounded by Marcus Garvey Boulevard, Gates Street, Quincy Street, Lewis Avenue, and Monroe Street, all of which are 70-foot-wide streets. The project area comprises two parcels owned by the applicant, Development Site 1 (Block 1629, Lot 1) and Development Site 2 (Block 1634, Lot 1). Collectively, the development sites contain a series of buildings constructed in 1972, including five existing six-story residential buildings situated along Gates Avenue, a one-story commercial building at the northeast corner of Marcus Garvey Boulevard and Monroe Street, a two-story mixed commercial and community facility building at the southeast corner of Marcus Garvey Boulevard and Quincy Street, and a one-story parking garage on a mid-block portion of Gates Avenue between Marcus Garvey Boulevard and Lewis Avenue. In total, the existing residential buildings consist of 315 affordable, rent regulated units known as the Medgar Evers and Betty

Shabazz Apartments, which front along the north and south sides of Gates Avenue, respectively. In 2010, the applicant acquired the property, which was subsequently rehabilitated in 2011.

Development Site 1 includes a total of 87,000 square feet of lot area and is improved with three residential six-story buildings that front upon the north side of Gates Avenue. Constructed in 1972, the existing buildings contain a total of 175 units of affordable housing and a two-story building that consists of a boxing gym and a vacant space (formerly a child-care center) on the north-west corner on Marcus Garvey Boulevard and Quincy Street. Development Site 1 is also improved with 58 off-street parking spaces. In 1972, when the development site was constructed based on prior R6 zoning district regulations, the parking requirements pursuant to Zoning Resolution (ZR) Section 25-23 state that 122 parking spaces were required.

Development Site 2 includes a total of 83,000 square feet of lot area and is improved with two residential six-story buildings that front upon the south side of Gates Avenue. Constructed in 1972, the existing buildings contain 160 units of affordable housing and a one-story building that consists of medical offices, a restaurant, and a supermarket on the northeast corner of Marcus Garvey Boulevard and Monroe Street. Development Site 2 is also improved with 60 off-street parking spaces. In 1972, when the development site was constructed based on prior R6 zoning district regulations, the parking requirements pursuant to ZR Section 25-23 state that 112 parking spaces were required.

In 1961, the project area was mapped with an R6 zoning district and subsequently developed pursuant to R6 district regulations in 1972. In 2007, the project area was rezoned as part of the Bedford-Stuyvesant South rezoning (C 070447 ZMK), which changed the zoning from R6 to R6A, R6B, R6A/C2-4, and R6B/C2-4 districts. In 2012, the Bedford-Stuyvesant North rezoning (C 120294 ZMK) was adopted, which extended the contextual districts immediately north of the project area and rezoned the block frontages to an R6A zoning district along both sides of Marcus Garvey Boulevard, while mapping a C2-4 commercial overlay along the eastern side of Marcus Garvey Boulevard.

Land uses within the surrounding area include low-rise, rowhouse-style one- and two-family homes, three- to six-story pre- and post-war apartment buildings, community facility uses, and local retail uses. Along the north-south avenues, there are mixed-use multi-family residential with ground floor retail, consisting of restaurants, bars, delis, grocery stores, pharmacies, laundromats, banks, and medical offices.

There are several community facility uses in the surrounding area, including Public School (PS) 308 Clara Cardwell school, one block to the east of the project area, along with the Co-op School, a private elementary and middle school located directly across the street from the project area between Gates Avenue and Monroe Street along Marcus Garvey Boulevard. Three blocks to the south, at Putnam Avenue, is the 13<sup>th</sup> Regiment Armory, currently operated by the Department of Homeless Services as a homeless shelter. Parks within the surrounding area include the two-acre Raymond Bush Playground, located one block to the south of the project area on the west side of Marcus Garvey Boulevard between Monroe Street and Madison Street.

The project area and its surrounding area are primarily mapped with R6B and R6A zoning districts. The Gates Avenue corridor is mapped with an R6A zoning district, while the portions of the project area fronting Quincy and Monroe Streets are mapped with R6B zoning districts. C2-4 commercial overlays are mapped along Marcus Garvey Boulevard, including the portion of the project area between Quincy Street and Gates Avenue.

R6A districts are contextual residential districts where Quality Housing bulk regulations are mandatory. R6A districts allow a maximum residential FAR of 3.0, or 3.6 in Inclusionary Housing areas, and a maximum community facility FAR of 3.0. Base heights are required to be between 40 and 60 feet, above which buildings must set back at least ten feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet, or 75 feet if providing a qualifying ground floor. Mapped in conjunction with residential districts, C2-4 commercial overlays allow for a range of local-serving commercial uses up to a maximum FAR of 2.0. C2-4 overlays have low off-street parking requirements, and typically result in ground-floor retail or service uses within mixed-use buildings.

R6B zoning districts typically facilitate contextual low-rise residential buildings, allowing a maximum residential FAR of 2.0, or 2.2 in Inclusionary Housing areas, and a maximum community facility FAR of 3.0. Buildings are permitted to a maximum base height of between 30 and 40 feet, above which buildings must set back to a depth of ten feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 50 feet. The maximum base and building heights can increase to 45 and 55 feet, respectively, when a qualifying ground floor is provided.

The surrounding area is served by multiple subway and bus lines. The A and C subway lines can be accessed along Fulton Street at the Utica Avenue and Kingston-Throop Avenue stations, located approximately ten blocks to the south. The J and Z subway can be accessed along Broadway at Gates Avenue, approximately one mile to the east. The G subway station at Bedford and Nostrand Avenues is located about three quarters of a mile to the west. Additionally, the B15, B38, B43, and B52 bus lines serve the project area and run throughout the surrounding area, providing connections to Crown Heights, Brownsville, and East New York to the south and east, Clinton Hill, Fort Greene, Downtown Brooklyn, Brooklyn Heights to the west and Williamsburg and Greenpoint to the north.

The applicant proposes to develop two new mixed-use buildings (Building A and Building B on Development Sites A and B, respectively) totaling approximately 141,000 square feet, including 155 new dwelling units of affordable housing and approximately 19,800 square feet of ground floor commercial and community facility use. Combined, the existing and proposed buildings on the development sites would total of approximately 457,000 square feet of floor area with a blended FAR of 2.68. Additionally, new and improved landscaped courtyards for residents and two publicly accessible areas are being proposed, totaling approximately 27,000 square feet.

Building A is proposed at the southeast corner of Marcus Garvey Boulevard and Quincy Street and would be part of an 87,000-square-foot zoning lot (Development Site 1) that includes 155,612 square feet of floor area from existing buildings to remain and 82,000 square feet of new

floor area from Building A, amounting to a blended FAR of 2.72. Building A would be a ten-story development totaling approximately 82,000 square feet of floor area with approximately 4,700 square feet of commercial and 10,900 square feet of community facility uses on the ground floor, which are proposed to be tenanted with a boxing gym and a second floor commercial space. The building would rise to a total height of 105 feet after setting back 15 feet above the seventh floor. A private open space is proposed at the northeast corner of Gates Avenue and Marcus Garvey Boulevard with benches, chairs, play equipment and landscaped areas, while an approximately 3,300-square-foot private courtyard, comprising seating and landscaping areas is proposed to be located in the mid-block between existing buildings. Along the sidewalk, a five-foot-wide sidewalk widening area would be publicly accessible and provide pedestrians with five shade trees and 16 bicycle parking spots along Marcus Garvey Boulevard.

Building B is proposed at the northeast corner of Marcus Garvey Boulevard and Monroe Street and would be part of an 83,000-square-foot zoning lot (Development Site 2) that includes 160,308 square feet of floor area from existing buildings to remain and 59,500 square feet of new floor area from Building B, amounting to a blended FAR of 2.64. Building B would be a ten-story development totaling approximately 59,500 square feet of floor area with approximately 4,250 square feet of commercial uses on the ground floor proposed to be tenanted by a grocery store and medical office. The building would rise to a total height of 105 feet after setting back 15 feet above the seventh floor. A private open space with seating and landscaped areas is proposed adjacent to Building B on a mid-block portion of Marcus Garvey Boulevard between Gates Avenue and Monroe Street. Similar to the open space provided with Building A, there would be a five-foot-wide planting strip with a row of shade trees buffering the courtyard from the public realm.

In addition to the publicly accessible open spaces described above, the applicant proposes to improve landscaped areas between existing residential buildings with new planting areas, as well as provide a basketball court, exercise equipment, children's play area, and other recreational amenities on a mid-block portion of the site above an existing parking garage.

To facilitate the proposed developments, the applicant proposes a zoning map amendment, zoning text amendment, and two special permits.

#### Zoning Map Amendment (C 230146 ZMK)

The applicant proposes a zoning map amendment to change a portion of the project area, encompassing two block frontages between Quincy and Monroe Streets to a depth of 100 feet east of Marcus Garvey Boulevard, from a mix of R6A, R6A/C2-4, R6B and R6B/C2-4 zoning districts to an R7A/C2-4 zoning district. When mapped with Inclusionary Housing areas, R7A permits residential uses up to an FAR of 4.6 and community facility uses up to an FAR of 4.0. R7A zoning districts allow a maximum building base height of 70 feet, or 75 feet with a qualifying ground floor, above which the building must set back to a depth of ten feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 90 feet, or 95 feet with a qualify ground floor. Accessory off-street parking is required for 50 percent of non-income-restricted housing units, while no parking is required for income-restricted housing units in the Transit Zone. The C2-4 commercial overlay would allow ground floor commercial uses at an FAR of 2.0 with low parking requirements. The C2-4 commercial overlay permits a wide variety of commercial uses including restaurants, retail, and local retail services.

#### Zoning Text Amendment (N 230147 ZRK)

The applicant requests a zoning text amendment to Appendix F to designate the project area as a MIH area mapped with Option 1. Option 1 requires that at least 25 percent of the residential floor area be provided as housing affordable to residents with household incomes averaging 60 percent of the Area Median Income (AMI), including a ten percent band at 40 percent of the AMI. In addition to the affordable housing required pursuant to the MIH text amendment, the applicant intends for the newly constructed housing to be fully affordable pursuant to the Department of Housing Preservation and Development's (HPD) Extremely Low & Low-Income Affordability (ELLA) financing term sheet.

#### Zoning Special Permit (C 230148 ZSK)

The applicant requests a zoning special permit pursuant to ZR Section 74-743(a) to treat the development sites as a large-scale general development (LSGD) in order to allow the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to

modify the height and setback requirements of Section 23-662 (Maximum Height of Buildings and Setback Regulations), Section 23-644 (Modified Height and Setback Regulations of Certain Inclusionary Housing Buildings or Affordable Independent Residences for Seniors), and Section 23-693 (Special Provisions Applying Adjacent to R1 through R6B Districts) within an LSGD to promote better site planning and urban design on the development site.

*Distribution of Total Allowable Floor Area*

The applicant requests to allow the distribution of floor area without regard for zoning district boundary lines. Building A would include 1,420 square feet of floor area distributed from the R7A/C2-4 portion to the R6B portion within Development Site 1. Building B would include 4,726 square feet of floor area distributed from the R6A portion to the R7A/C2-4 portion within Development Site 2.

*Building Height and Setback*

Bulk regulations for R7A zoning districts require buildings have a maximum base height of 75 feet, and a maximum building height 95 feet or nine stories when mapped with MIH. Above a maximum base height of 75 feet, buildings are required to setback 15 feet along narrow streets and ten feet along wide streets. Additionally, within 25 feet of an adjoining R6B district, buildings are limited to a maximum base height of 45 feet and maximum building height of 55 feet or five stories.

While portions of both buildings would comply with the maximum base and buildings heights, the applicant proposes a series of waivers to the height and setback regulations to facilitate the proposed design and support the transfer of floor area from other portions of the development sites to Buildings A and B. The applicant requests to modify the maximum base height from 75 to 80 feet and the maximum building height from 95 to 115 feet for Buildings A and B.

The applicant also requests a bulk waiver to ZR Section 23-693, which sets forth special height limitations when moderate and higher-density districts are adjacent to lower-density districts, requiring that building heights within 25 feet of the adjacent R6B zoning district be limited to 55 feet. In order to better accommodate floor area and facilitate the proposed building design, the



applicant requests waivers for portions of Buildings A and B to modify the maximum building height and base height within 25 feet of the adjacent R6B district from 65 feet to 115 feet and 80 feet, respectively.

Zoning Special Permit (C 230152 ZSK)

The applicant requests a zoning special permit pursuant to ZR Section 74-532 to reduce the 234 required accessory residential off-street parking spaces to 118 parking spaces. The applicant seeks to address an existing non-compliance related to the required parking pursuant to ZR 25-23 and memorialize the current amount of parking through the special permit. According to the applicant, only 118 of the required 234 parking spaces are currently provided, with 58 parking spaces located on Development Site 1 and 60 parking spaces located on Development Site 2. Therefore, the applicant is seeking to waive the 116 required spaces required in connection with the use of the existing residential buildings located on the development sites. Because the LSGD is located within the Transit Zone and is comprised entirely of income restricted housing, there are no new parking spaces required or being proposed in conjunction with the proposed developments at Buildings A and B.

**ENVIRONMENTAL REVIEW**

This application (C 230146 ZMK), in conjunction with the applications for the related actions (N 230147 ZRK, C 230148 ZSK, and C 230152 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 lead is the City Planning Commission. The designated CEQR number is 23DCP012K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 30, 2023. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-706). The requirements of the (E) designation are described in the

Environmental Assessment Statement and Negative Declaration.

### **UNIFORM LAND USE REVIEW**

This application (C 230146 ZMK), along with the related special permit applications (C 230148 ZSK and C 230152) was certified as complete by the Department of City Planning on October 30, 2023 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 2-02(b), along with the related application for a zoning text amendment (N 230147 ZRK), which was referred for information and review on November 8, 2023 in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application (C 230146 ZMK), in conjunction with the related actions, on January 3, 2024, and on that date, by a vote of 29 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 230146 ZMK), in conjunction with the related actions, on January 16, 2024, and on February 6, 2024, issued a recommendation to approve the application.

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

On February 7, 2024 (Calendar No. 5), the City Planning Commission scheduled February 21, 2024, for a public hearing on this application (C 230146 ZMK) and the related actions. The hearing was duly held on February 21, 2024 (Calendar No. 16). There were six speakers in favor of the application, and none in opposition.

Speakers testifying in favor of the application included five members of the applicant team. The applicant's representative summarized the proposed actions, existing conditions, and proposed project.

A representative of the applicant team described the developer's history with rehabilitating and constructing affordable housing, its new partnership (rebranding to Path Development) and continued ownership and management of the existing Marcus Garvey Apartment buildings and proposed mixed-use buildings. She noted that the team aims to provide 100 percent affordable housing. Regarding the building's proposed sustainability features, she explained that although the design is at a conceptual phase, solar and green roofs will be provided as part of comprehensive energy-efficient building that reduces the electrical load and generates on-site energy.

The project architect described the existing conditions of the existing residential buildings, non-residential one-story and two-story buildings. He described the goals of the project to provide housing within 30 percent to 80 percent AMI levels in the ten-story building and community facility uses at the bases of the buildings, while also providing a new space for the existing boxing gym and additional retail space. He also discussed two publicly accessible open spaces tied to the proposed developments, a new outdoor recreational space on top of an existing garage, and two sites of improvement for existing landscape areas with seating and pathways. He also stated the façade will be designed in a manner that addresses height concerns with material changes at the setbacks. The project landscape architect also described the goals of a setback from the property line as creating a sidewalk widening with additional space for bicycle parking and shade trees.

A third representative of the applicant team described plans to provide new spaces and re-tenant the existing boxing gym and grocery store. She also discussed plans to improve safety measures inside and outside of the buildings, while also improving the amenities on top of the existing garage. A fourth representative of the applicant team described the need for the height and setback waivers to provide more permanently affordable housing with efficient floor plates. Additionally, he stated the proposed heights of the building are within the context of the surrounding area.

In addition to the applicant team, a representative from Community Board 3's land use committee and NYPD's 79<sup>th</sup> Community Precinct Council spoke in favor of the application, recognizing the applicant team's engagement with the land use committee and being receptive of

their comments and concerns. He recognized the applicant team for creating more affordable housing, providing a new boxing gym within the proposed development, and community services to the current and future residents of the neighborhood. He was supportive of the applicant's commitment and proposed open space and lighting design that would improve the safety conditions of the area.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 230146 ZMK), in conjunction with the related applications (C 230148 ZSK, C 230152 ZSK, and N 230147 ZRK), is appropriate.

Together, these actions will facilitate the development of two new ten-story buildings totaling approximately 141,000 square feet, with approximately 155 new units of affordable housing and approximately 19,800 square feet of commercial and community facility space on the ground floors, and 27,000 square feet of open space. These two new mixed-use developments are proposed as infill on underutilized portions of two existing housing campuses at 281 and 311 Marcus Garvey Boulevard, at allowable heights and densities appropriate for the neighborhood corridor and in a manner consistent with the built context of the surrounding area, resulting in a superior site plan with an enhanced relationship between the street, existing and proposed buildings, and creating new public open spaces and improving existing private open spaces. Further, the Commission notes the project will provide much-needed affordable housing, neighborhood services, and community facility spaces for both current and future residents. In addition to meeting newly-mapped MIH requirements, the Commission is pleased to note that the applicant is proposing to preserve the existing 315 units of rent stabilized housing, while entering into term sheets with HPD pursuant to the ELLA program to build 155 new income-restricted units to exceed MIH requirements, furthering the provision of more affordable housing in Bedford Stuyvesant while meeting the City's policy objectives for promoting housing production and affordability across the city.

#### Zoning Map Amendment (C 230146 ZMK)

The Commission believes the proposed zoning map amendment to change the existing R6B, R6A, R6B/C2-4, and R6A/C2-4 zoning districts to an R7A/C2-4 zoning district is appropriate.

The Commission believes the proposed zoning will permit uses and bulk that are appropriate for this transit-accessible location along Marcus Garvey Boulevard, a major north-south corridor in Bedford Stuyvesant, and would be consistent with the existing built character of the neighborhood. The Commission notes further that R7A/C2-4 will support the mixed-use character along Marcus Garvey Boulevard by allowing a broad range of residential, commercial, and community facility uses that can help provide improved access to services for local residents and help activate the ground floor spaces. Moreover, the project area is proximate to multiple public transit options, located less than a mile from the A, C, G, J, and Z subway lines, and within a quarter mile of several bus lines.

The current R6B and R6A zoning districts allow residential uses at a maximum FAR of 2.0 and 3.0, respectively, which would limit the available floor area to develop on underutilized portions of the sites and therefore hinder the project's goal of increasing the capacity of building more affordable housing. R7A/C2-4 will allow buildings with a maximum FAR of 4.6 for residential uses and 4.0 for community facility uses, a maximum base height of 75 feet, and a maximum building height of 95 feet. When paired with R7A, C2-4 commercial overlays allow a maximum FAR of 2.0 for commercial uses and will support the development's proposed programming with local retail uses. The as of right envelope regulations of the R7A zoning district would be further modified by the proposed special permits, described in greater detail below.

#### Zoning Text Amendment (N 230147 ZRK)

The Commission believes that the proposed zoning text amendment to establish an MIH area is appropriate, as it is consistent with the City's policy of requiring income-restricted housing in areas being rezoned to allow for a substantial increase in residential capacity. The MIH area mapped will be coterminous with the proposed R7A/C2-4 zoning district. Under MIH Option 1, and 25 percent of the residential floor area will be required to be permanently affordable for

households at an average of 60 percent of the AMI, with no income band exceeding 130 percent of the AMI. Though MIH would require between 25 percent of the residential floor area be permanently income-restricted, the applicant is proposing to enter into HPD's ELLA program, whereby the City will provide additional subsidies ensuring all 155 newly proposed units would be income-restricted to households with a range of incomes between 30-80 percent of AMI, exceeding MIH requirements.

#### Zoning Special Permit (C 230148 ZSK)

The Commission believes the special permit to ZR Section 74-743 (a)(1) and ZR Section 74-743 (a)(2) is appropriate. As part of this special permit, the applicant requests to allow the distribution of zoning floor area without regard for zoning district boundary lines and modify certain underlying height and setback regulations. The requested special permit will support a superior site plan, improving the relationship between the existing and proposed buildings, while improving existing private open spaces and create new, publicly-accessible open spaces along Marcus Garvey Boulevard. The Commission finds that the application meets the relevant requirements in order to grant the special permit.

#### *Distribution of Total Allowable Floor Area*

The Commission believes that the applicant's request to allow for the distribution of zoning floor area without regard for zoning district boundary lines is appropriate as it enables the full utilization of allowable floor area and the development of new housing on the site while preserving the existing rent stabilized buildings, and creates a better site plan and relationship with the existing buildings and open space. The Commission notes even under current zoning this action would be necessary as the development sites are large and split between multiple zoning districts, resulting in unusable floor area from the R6A portion of the lots that cannot be utilized in the R6B portions of the site where the new buildings are proposed.

#### *Building Heights and Setbacks*

The Commission believes that the request to modify the building heights and setback regulations results in improved and efficient layouts and ground floor programming, while retaining a contextual building form. Given the location of the proposed new buildings at the western

corners of the site, at the intersection of 70-foot wide streets and proximate to the nearly two-acre Raymond Bush Playground open space, as well as the existing rent stabilized buildings and proposed improvements to the site plan, the Commission supports the requested ten- to 20-foot waiver to building height and the five- to 15-foot waiver to base heights, which will ensure full utilization of available floor area, a more varied street wall design, and new publicly-accessible open spaces.

The Commission believes that the requested relief is consistent with the existing character of the mixed-use corridor along Marcus Garvey Boulevard. The surrounding area includes residential developments to the east and west, including NYCHA campuses and other apartment buildings, which range in height up to six- and eight- stories. The Commission also recognizes that a height and setback waiver is being sought due to the location adjacent to an existing R6B zoning district, which mandates a transitional height at a distance 25 feet from the R6B zoning district. The Commission believes this request is appropriate due to step downs in height elsewhere on the sites, as well as the access to light and air provided by adjacent open spaces.

The Commission finds that the proposed height and setback modifications will result in a better site plan and a better relationship among the buildings, the proposed open spaces, improvements to existing open spaces, and existing residential buildings than would be achieved absent such modifications. The Commission also finds that the requested waivers will not result in an undue increase in bulk or height, or unduly obstruct access to light and air to the surrounding streets and buildings.

#### *Improved Site Plan*

The Commission is pleased that the proposal includes a well-articulated building with a variety of improvements that enhance the public realm, such as additional street trees, the activation of Marcus Garvey Boulevard with non-residential ground floors, a widened sidewalk, new lighting, tree pits, bicycle racks, and other streetscape improvements. As part of the proposed 27,000 square feet of open space, a publicly accessible sidewalk area will be provided along Marcus Garvey Boulevard, while the remaining private spaces for residents will be programmed with active and passive recreational features.

### Zoning Special Permit (C 230152 ZSK)

The Commission believes the special permit to ZR Section 74-532 is appropriate and meets the relevant requirements to grant the special permit. The applicant is proposing to reduce the required off-street parking for the existing rent stabilized buildings from 234 to 118 parking spaces, better matching the current as-built conditions and minimizing the physical and financial burden of providing additional off-street parking spaces, and supporting an improved site plan and the creation of new affordable housing.

The Commission acknowledges the existing non-compliance related to the parking requirements when the existing residential developments were constructed in 1972, which continued when the project area was rezoned as part of the 2007 Bedford Stuyvesant South Rezoning and identified when the applicant acquired the properties in 2011. The Commission believes that removing this burden will allow for the creation of more affordable housing, active ground floor uses and a better site plan and relationship between the existing and proposed buildings.

The Commission notes that the project area is located within the Transit Zone, and no off-street parking is required for affordable housing, inclusive of the two new proposed buildings on this site. Therefore, by reducing the required off-street parking for the existing rent stabilized buildings, the applicant will be able to develop new housing on the site without expanding the amount of parking from the current, as-built conditions, and while being able to improve the existing open spaces.

With respect to the proposed sustainability features of the new and existing buildings, the Commission encourages the applicant team to construct solar and green roofs as part of comprehensive energy-efficiencies that reduces consumption and generates energy on-site, as well as stormwater improvements in partnership with DEP and DOT, where appropriate.

### **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on October 30, 2023 with respect to this application



(CEQR No. 23DCP012K), the City Planning Commission finds that the actions described herein will have no significant impact on the environment; and be it further;

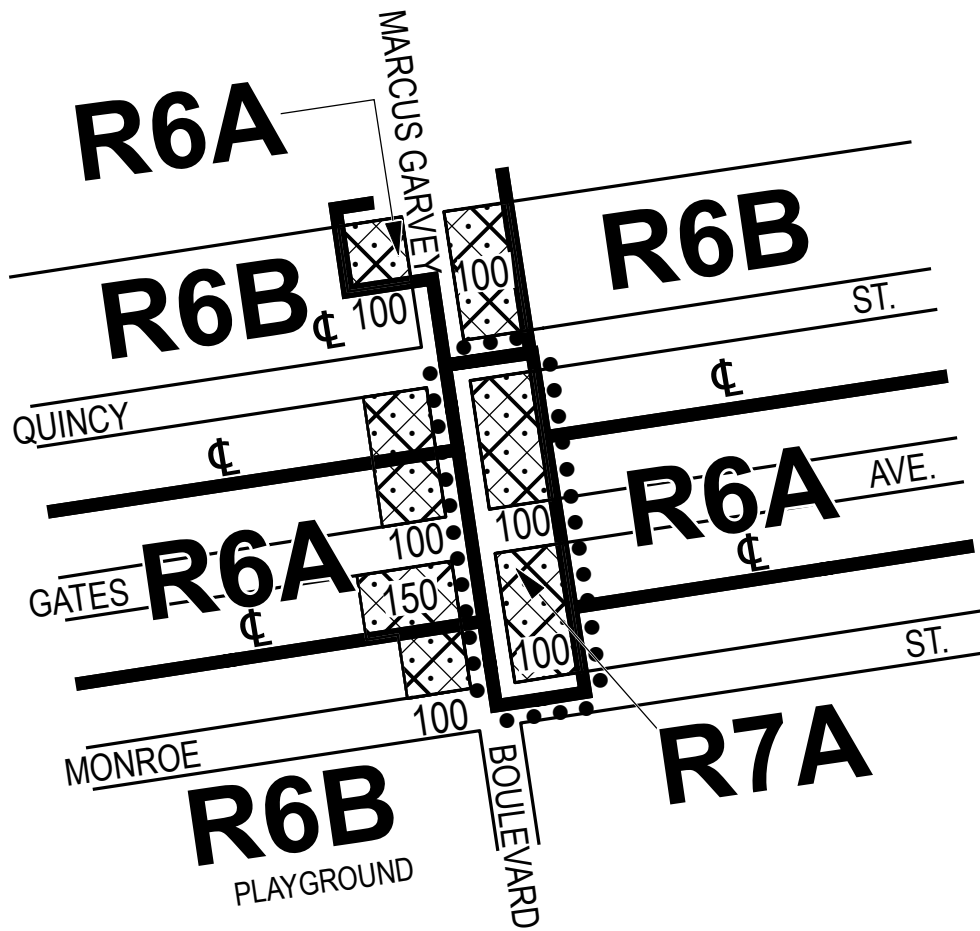
**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17a:

1. changing from an R6A District to an R7A District property bounded by a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Gates Avenue and Monroe Street, and Marcus Garvey Boulevard; and
2. changing from an R6B District to an R7A District property bounded by:
  - a. Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, and Marcus Garvey Boulevard; and
  - b. a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard; and
3. establishing within the proposed R7A District a C2-4 District bounded by Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated Oct 30, 2023, and subject to the conditions of CEQR Declaration E-706.

The above resolution (C 230146 ZMK), duly adopted by the City Planning Commission on March 20, 2024 (Calendar No. 10), 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.

**DANIEL R. GARODNICK, Esq.**, Chair  
**KENNETH J. KNUCKLES, Esq.**, *Vice Chairman*  
**GAIL BENJAMIN, ALFRED C. CERULLO, III, ANTHONY CROWELL, Esq.,**  
**JOSEPH I. DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, Esq.,**  
**RASMIA KIRMANI-FRYE, ORLANDO MARÍN, JUAN CAMILO OSORIO,**  
**RAJ RAMPERSHAD,** *Commissioners*



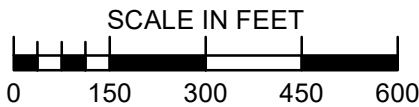
CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP

**17a**  
 BOROUGH OF  
**BROOKLYN**




*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division



New York, Certification Date:  
 October 30, 2023



**NOTE:**

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by changing existing R6A and R6B Districts to an R7A District, and by establishing a C2-4 District within the proposed R7A District.
-  Indicates a C2-4 District



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 281-311 Marcus Garvey Blvd.	
<b>Applicant:</b> Omni New York LLC	<b>Applicant's Primary Contact:</b> Barak Wrobel
<b>Application #</b> 230146ZMK	<b>Borough:</b> Brooklyn
<b>CEQR Number:</b> 23DCP012K	<b>Validated Community Districts:</b> K03

**Docket Description:**  
 IN THE MATTER OF an application submitted by Omni New York LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a: 1. changing from an R6A District to an R7A District property bounded by a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Gates Avenue and Monroe Street, and Marcus Garvey Boulevard; 2. changing from an R6B District to an R7A District property bounded by: a. Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, and Marcus Garvey Boulevard; and b. a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard; and 3. establishing within the proposed R7A District a C2-4 District bounded by Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard; Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated Oct 30, 2023, and subject to the conditions of CEQR Declaration E-706.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 29	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 29
<b>Date of Vote:</b> 1/3/2024 12:00 AM		<b>Vote Location:</b> 1360 Fulton Street, 5th Floor	

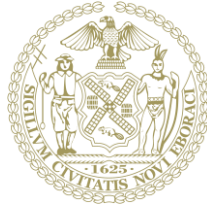
*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 1/3/2024 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	1360 Fulton Street, 5th Floor Community Room

<b>CONSIDERATION:</b>		
Recommendation submitted by	BK CB3	Date: 1/8/2024 4:19 PM

ANTHONY BUISSERETH  
CHAIR

IVY GAMBLE COBB, FIRST VICE CHAIR  
MICHAEL CATLYN, SECOND VICE CHAIR



C. DORIS PINN, TREASURER  
MONIQUE ANTOINE, EXECUTIVE SECRETARY

THE CITY OF NEW YORK  
BROOKLYN COMMUNITY BOARD No. 3  
1360 FULTON STREET, 2ND FLOOR  
BROOKLYN, NEW YORK 11216

January 5, 2024

Daniel Garodnick, Chair  
Department of City Planning  
120 Broadway, 31st fl.  
New York, NY 10271

## RESOLUTION

**Approving the 281-311 Marcus Garvey Boulevard ULURP Application (C230146ZMK)**

**Committee of Origin: Housing & Land Use Committee**

**Re: Application submitted by Omni New York LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No.17a**

- A. changing from an R6A District to an R7A District property (C230146ZMK) bounded by a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Gates Avenue and Monroe Street, and Marcus Garvey Boulevard;**
- B. changing from an R6B District to an R7A District property bounded by:
  - 1. Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, and Marcus Garvey Boulevard; and**
  - 2. a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard; and****
- C. establishing within the proposed R7A District a C2-4 District bounded by Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard;**

**to create a new Mandatory Inclusionary Housing Area and provide a City Planning Commission Special Permit for a Large-Scale General Development for the development of two proposed 10-story mixed-use buildings, at the corners of Quincy Street and Monroe Street, including 84 dwelling units at 281 Marcus Garvey Boulevard and 71 dwelling units at 311 Marcus Garvey Boulevard, in Bedford Stuyvesant, Community District 3, Brooklyn.**

The proposed project was presented for a public hearing at a regularly scheduled, in-person Brooklyn Community 3 Full Board meeting on January 3, 2024. It was presented by representatives of the Applicant, Omni New York LLC.

The presentation included a site plan, neighborhood images, and proposed design drawings including unit counts and proposed affordability levels. Committee members in attendance caucused after the hearing to finalize its recommendation to the Full Board.

### **Committee Observations**

The proposed zoning change was previously presented to the Committee at its December 13, 2023 meeting. The proposal is to create 155 units of 100% permanently affordable housing with income requirements not to exceed 80% AMI under applicant NYC MIH program regulations.

Improvements to the existing multi-family adjacent housing will be made including open space, recreational programming, and facilities for all residents of the existing adjacent housing.

The two new buildings are to be 10 stories each, with ground floor commercial space planned for the existing boxing training facility and grocery uses.

### **Committee Comments**

Affordable housing is a critical issue in Community District 3. Studies show that affordability impacts housing stability for adults and children and helps them address challenges and pursue goals. Household with affordable rents generally have improved outcomes in employment, health, and education. According to the most recent data from the NYU Furman Center, 54.9% of renters in Bedford-Stuyvesant are rent burdened – paying more than 30% of the income toward rent. 27.5% are “severely rent burdened” which means they allocate at least 50% of their income to rent.

Rent burdened tenants are the most housing insecure and at high risk of homelessness if they experience job loss. With the median asking rent \$2,500 per month for two-bedroom apartment, housing costs are becoming less affordable for both low- and middle-income residents. Most families would need a minimum annual income of \$100,000 qualify to rent apartments at the median asking rent. The median income for renters in Bedford-Stuyvesant was \$46,600; an affordable rent rate would be \$1,165.

Community District 3 is experiencing steady population growth at the rate of 14.4% between 2010 and 2020., outpacing NYC’s overall growth rate of 7.7% in that same period. While the majority (62.5%) of the population is of Black/African American and/or Hispanic origin, there has been a 22.4% decline among Black/African American residents.

**The proposed Zoning Change and MIH area expansion appears to be responsive to the CD3's Needs Assessment's "Most Pressing Issue" of Affordable Housing.**

Therefore, with due consideration to Committee Comments, Brooklyn Community Board 3 resolves to APPROVE the proposed Zoning Map Amendment and Zoning Text Amendment described above.

**Committee Vote: 8 – In Favor; 0 – Against; 0 – Abstention**  
**Full Board Vote: 29 – In Favor; 0 – Against; 0 – Abstention**



Anthony Buissereth, Chair  
Brooklyn Community Board 3

*C. Doris Pinn*

C. Doris Pinn, Chair  
Brooklyn Community Board 3 Housing and Land Use Committee



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 281-311 Marcus Garvey Blvd.	
<b>Applicant:</b> Omni New York LLC	<b>Applicant's Administrator:</b> Barak Wrobel
<b>Application #</b> 230146ZMK	<b>Borough:</b> Brooklyn
<b>CEQR Number:</b> 23DCP012K	<b>Validated Community Districts:</b> K03

**Docket Description:**  
 IN THE MATTER OF an application submitted by Omni New York LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a: 1. changing from an R6A District to an R7A District property bounded by a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Gates Avenue and Monroe Street, and Marcus Garvey Boulevard; 2. changing from an R6B District to an R7A District property bounded by: a. Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, and Marcus Garvey Boulevard; and b. a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard; and 3. establishing within the proposed R7A District a C2-4 District bounded by Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard; Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only) dated Oct 30, 2023, and subject to the conditions of CEQR Declaration E-706.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:** Please see attached memo for full comment.

Recommendation submitted by	BK BP	Date: 2/6/2024 2:43 PM
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**Brooklyn Borough President Antonio Reynoso**  
Brooklyn Borough Hall  
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
[calendaroffice@planning.nyc.gov](mailto:calendaroffice@planning.nyc.gov)

**Uniform Land Use Review Procedure (ULURP) Application**

281-311 MARCUS GARVEY BLVD – C230152ZSK, C230146ZMK, N230147ZRK, C230148ZSK

IN THE MATTER OF a private application submitted by Omni New York LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment, zoning text amendment, a special permit, and the reduction of existing parking to facilitate the development of two mixed-use buildings with 154 affordable units at 281-311 Marcus Garvey Boulevard, in the Bedford-Stuyvesant neighborhood of Community District 3.

BROOKLYN COMMUNITY DISTRICT 3

**RECOMMENDATION**

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

**RECOMMENDATION FOR:** 281-311 MARCUS GARVEY BLVD – C230152ZSK, C230146ZMK, N230147ZRK, C230148ZSK

The proposed project is in central Bed-Stuy, an area with a high concentration of multi-family, three-to four-story attached row houses. Numerous mixed-use developments with various community facilities are located nearby along Marcus Garvey Boulevard. The proposed development is in an approximately 20-minute walk from several subway stations, including the Utica Avenue and Kingston-Throop stations on the A and C lines along Fulton Street, the Gates Avenue station on the J and Z lines along Broadway, and the Bedford-Nostrand station on the G line along Lafayette Avenue. The area is also served by the B15, B38, B43, and B52 bus lines.

The Project Area includes two separate zoning lots, which consist of existing five existing six-story residential buildings, with 315 rent regulated units, a one-story parking garage for the residents, and two non-residential buildings. The applicant is seeking to redevelop the two non-residential buildings: 281 Marcus Garvey Boulevard is a two-story building that contains a boxing gym and day care center. 311 Marcus Garvey Boulevard is a one-story building with a medical office, restaurant, and supermarket. The current zoning is R6B, R6A, R6B/C2-4, R6A/C2-4, established by the Bedford-Stuyvesant contextual rezoning of 2007.



The applicant proposes a zoning map amendment to R7A/C2-4, a zoning text amendment to map Mandatory Inclusionary Housing (MIH), a City Planning Commission Special Permit for a Large-Scale General Development (LSGD), and the reduction of existing parking. The proposed project would contain two mixed-used buildings with a total of 154 affordable units (35 studios, 72 one-bedroom, 39 two-bedroom, and nine three-bedroom apartments). Twenty-four units would be set aside for formerly homeless individuals and families making below 40% of the Area Median Income (AMI), 63 units will be available for households earning between 30%-50% AMI, and 67 units will be available for households earning between 60%-80% AMI. The applicant will also create and improve 27,000 sq. ft. of open space through courtyards and sidewalk widening for residents of the proposed and existing developments.

Borough President Reynoso held a public hearing on this application on January 16, 2024. Two members of the public testified in favor of this item.

### **Community Board Position**

Community Board 3 unanimously voted to approve this application on January 3, 2024.

### **Approval Rationale**

Borough President Reynoso believes the applicant's proposed development is appropriate. The development directly addresses the Housing Growth & Parking Demand Management Framework of the Comprehensive Plan for Brooklyn by increasing access to safe and healthy affordable housing (Goal 2). In creating a 100% income restricted development that goes beyond the affordability requirements of MIH, this application plays its role in creating a more affordable Brooklyn (Recs. 2.1.1 and 2.1.1). The applicant's Equity Report on Housing and Opportunity found that this is a neighborhood with an "intermediate" displacement risk, with a median income below that of the entire city. It also found that from 2010 to 2020, the Stuyvesant Heights neighborhood saw a dramatic 24 percent decrease in the Black non-Hispanic population, significantly more than the percent change in all of Brooklyn and NYC. Simultaneously, the White non-Hispanic population has increased by 130%. The Borough President supports affordable housing construction to help Brooklynites remain in their neighborhood.

Additionally, this project's aim to reduce the existing parking requirements supports the Comprehensive Plan's recommendation to developers to use all allowable Floor Area Ratio (FAR) and seek parking waivers to maximize housing unit production (Rec. 2.2.5).

This application aligns with the Plan's Healthy Streets & Environment Framework, and aspects of Goal 4: Active Living and Transit, by beautifying over 27,000 sq ft of open space (Rec. 4.2.1). The Borough President also understands the existing boxing gym is a critical community asset. To that end, he supports the gym returning to the site post-construction and requests that the applicants find a nearby temporary relocation space during construction.

### **Recommendation**

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application.



February 6, 2024

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BROOKLYN BOROUGH PRESIDENT

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DATE