



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 the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive all of the required accessory residential off-street parking spaces for the proposed new development, and to reduce from 234 spaces to 118 spaces the previously required accessory residential parking for an existing development, in connection with a proposed mixed-use development within a large-scale general development in a Transit Zone, bounded by Quincy Street, a line 120 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, Lewis Avenue, a line midway between Gates Avenue and Monroe Street, a line 80 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard (Block 1629, Lot 1 and Block 1634, Lot 1), in R6A, R6B, and R7A/C2-4* Districts, Borough of Brooklyn, Community District 3.

*Note: A portion of the site is proposed to be rezoned by changing existing R6A and R6B Districts to an R7A District and to establish within the R7A District a C2-4 District , under a concurrent related application for a Zoning Map change (C 230146 ZMK).

This application for a special permit, 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 special permit (C 230152 ZSK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission 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 230146 ZMK | Zoning map amendment to change R6A, R6A/C2-4, R6B, and R6B/C2-4 zoning districts to an R7A/C2-4 zoning district; |

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.

BACKGROUND

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 230146 ZMK).

ENVIRONMENTAL REVIEW

This application (C 230152 ZSK), in conjunction with the related applications (C 230146 ZMK, C 230148 ZSK, and N 230147 ZRK), 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 New York 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.

A summary of the environmental review, including the Environmental Assessment Statement (EAS) dated October 27, 2023, appears in the report on the related application for a zoning map amendment (C 230146 ZMK).

UNIFORM LAND USE REVIEW

This application (C 230152 ZSK), along with the related applications (C 230146 ZMK and C 230148 ZSK), was certified as complete by the Department of City Planning on October 30, 2023 and was duly referred to 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 Review

Community Board 3 held a public hearing on this application (C 230152 ZSK), 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. A summary of the community board's recommendation appears in the report for the related zoning map amendment (C 230146 ZMK).

Borough President Recommendation

This application (C 230152 ZSK), in conjunction with the related actions, was considered by the Brooklyn Borough President, who held a public hearing on January 26, 2024, and, on February 6, 2024, issued a recommendation to approve the application. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment (C 230146 ZMK).

City Planning Commission Public Hearing

On February 7, 2024 (Calendar No. 8), the City Planning Commission scheduled February 21, 2024, for a public hearing on this application (C 230152 ZSK). The hearing was duly held on February 21, 2024 (Calendar No. 19). There were six speakers in favor of the application and none in opposition, as described in the report on the related zoning map amendment (C 230146 ZMK).

CONSIDERATION

The Commission believes that this application for a grant of a special permit (C 230152 ZSK), in conjunction with the related applications (C 230146 ZMK, C 230148 ZSK, and N 230147 ZRK), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment (C 230146 ZMK).

FINDINGS

The Commission hereby makes the following findings pursuant to Section 74-532 of the zoning resolution:

- (a) where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation of preservation of income-restricted housing units in such large-scale residential development or large-scale general development. Such findings shall be made upon consultation with the Department of Housing Preservation and Development;
- (b) the anticipated rates of automobile ownership for residents of such large-scale residential development or large-scale general development are minimal and that such reduction or waiver is warranted;
- (c) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses, or community facilities in the surrounding area, including the availability of parking spaces for such uses; and
- (d) such reduction of parking spaces will result in a better site plan.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which 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 the consideration and findings described in this report, the application submitted by Omni New York LLC, pursuant to Sections 197-c and 201 of the New York City Charter for, for the grant of a special permit pursuant

to Section 74-532 of the Zoning Resolution to waive all of the required accessory residential off-street parking spaces for the proposed new development, and to reduce from 234 spaces to 118 spaces the previously required accessory residential parking for an existing development, in connection with a proposed mixed-use development within a large-scale general development in a Transit Zone, bounded by Quincy Street, a line 120 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, Lewis Avenue, a line midway between Gates Avenue and Monroe Street, a line 80 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard (Block 1629, Lot 1 and Block 1634, Lot 1), in R6A, R6B, and R7A/C2-4 Districts, Borough of Brooklyn, Community District 3.

1. The property that is the subject of this application (C 230152 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Magnusson Architecture & Planning PC, filed with this application and incorporated in this Resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	Zoning Analysis	07/21/2023
Z-002	Zoning Site Plan	07/21/2023

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230148 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any

of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

The above resolution (C 230152 ZSK), duly adopted by the City Planning Commission on March 20, 2024 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, 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*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 281-311 Marcus Garvey Blvd.			
Applicant:	Omni New York LLC	Applicant's Primary Contact:	Barak Wrobel
Application #	230152ZSK	Borough:	Brooklyn
CEQR Number:	23DCP012K	Validated Community Districts:	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 the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive all of the required accessory residential off-street parking spaces for the proposed new development, and to reduce from 234 spaces to 118 spaces the previously required accessory residential parking for an existing development, in connection with a proposed mixed-used development within a large-scale general development in a Transit Zone, bounded by Quincy Street, a line 120 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, Lewis Avenue, a line midway between Gates Avenue and Monroe Street, a line 80 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard (Block 1629, Lot 1 and Block 1634, Lot 1), in R6A, R6B, and R7A/C2-4* Districts, Borough of Brooklyn, Community District 3. * Note: A portion of the site is proposed to be rezoned by changing existing R6A and R6B Districts to an R7A District and to establish within the R7A District a C2-4 District, under a concurrent related application for a Zoning Map change (C 230146 ZMK). Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2021K0145>, or the Department of City Planning, 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

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

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

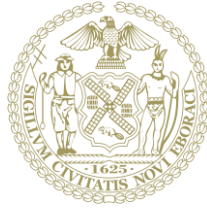
Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 1/3/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	1360 Fulton Street, 5th Floor Community Room

CONSIDERATION:		
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

Project Name: 281-311 Marcus Garvey Blvd.	
Applicant: Omni New York LLC	Applicant's Administrator: Barak Wrobel
Application # 230152ZSK	Borough: Brooklyn
CEQR Number: 23DCP012K	Validated Community Districts: 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 the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive all of the required accessory residential off-street parking spaces for the proposed new development, and to reduce from 234 spaces to 118 spaces the previously required accessory residential parking for an existing development, in connection with a proposed mixed-used development within a large-scale general development in a Transit Zone, bounded by Quincy Street, a line 120 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, Lewis Avenue, a line midway between Gates Avenue and Monroe Street, a line 80 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard (Block 1629, Lot 1 and Block 1634, Lot 1), in R6A, R6B, and R7A/C2-4* Districts, Borough of Brooklyn, Community District 3. * Note: A portion of the site is proposed to be rezoned by changing existing R6A and R6B Districts to an R7A District and to establish within the R7A District a C2-4 District, under a concurrent related application for a Zoning Map change (C 230146 ZMK). Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2021K0145>, or the Department of City Planning, 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

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, 31st Floor, New York, NY 10271
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

BROOKLYN BOROUGH PRESIDENT

DATE