CITY PLANNING COMMISSION

May 7, 2025 / Calendar No. 13 C 240400 ZSK

IN THE MATTER OF an application submitted by Phoenix Realty Group, LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), in connection with a proposed mixed-use developments, within a large-scale general development bounded by Vernon Avenue, a line 100 feet westerly of Lewis Avenue – Dr. Sandy F. Ray Boulevard, Willoughby Avenue, and Marcus Garvey Boulevard (Block 1588, Lot 1) in an R7A and R7A/C2/4 Districts.

This application for a zoning special permit was filed by Phoenix Realty Group LLC on November 26, 2024, in conjunction with the related actions, to facilitate the development of a 14-story residential building totaling approximately 175,017 square feet with 292 income-restricted units, designated as Affordable Independent Residences for Seniors, at 109 Marcus Garvey Boulevard in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District .

RELATED ACTIONS

In addition to the zoning special permit (C 240400 ZSK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

C 240399 ZMK	Zoning map amendment to change R6 and R6/C2-4 to R7A and R7A/C2-4 zoning districts;
N 240398 ZRK	Zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area

BACKGROUND

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 240399 ZMK).

ENVIRONMENTAL REVIEW

This application (C 240400 ZSK), in conjunction with the applications for the related actions (N 240998 ZRK, C 240399 ZMK), 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 24DCP100K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on December 2, 2024. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-779). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 240400 ZSK), in conjunction with the related application (C 240399 ZMK), was certified as complete by the Department of City Planning on December 2, 2024 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 240398 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 3 held a public hearing on this application (C 240400 ZSK), in conjunction with the related applications (C 240399 ZMK, N 240398 ZRK) on February 3, 2025. On February 20, 2025, by a vote of 18 in favor, nine opposed, and with two abstaining, adopted a resolution recommending approval of the application with conditions. A summary of the Community Board's recommendation can be found in the report for the related zoning map amendment action (C 240399 ZMK).

Borough President Recommendation

On March 7, 2025, the Brooklyn Borough President held a public hearing on this application (C 240400 ZSK), in conjunction with the related applications (N 240398 ZRK, C 240399 ZMK), and issued a recommendation to approve the application.

City Planning Commission Public Hearing

On March 5, 2025 (Calendar No. 5), the City Planning Commission scheduled March 19, 2025 for a public hearing on this application (C 240400 ZSK), and the related applications (N 240398 ZRK, C 240400 ZSK). On March 19, 2025, (Calendar No. 22), the City Planning Commission held a public hearing on this application (C 240400 ZSK) and the related applications (C 240399 ZMK and C 240400 ZSK). Two speakers testified in favor of the application, as described in the report for the related zoning map amendment (C 240399 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning special permit (C 240400 ZSK), in conjunction with the related actions, is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the zoning map amendment action (C 240399 ZMK).

FINDINGS

The Commission hereby makes the following findings pursuant to Section 74-743 of the Zoning Resolution:

1. The distribution of floor area, open space, dwelling units, rooming units, and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the large-scale general development, the neighborhood, and the City as a whole;

2. The distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of

the occupants or uses of buildings in the block or nearby blocks or of people using the public streets;

3. Not Applicable;

4. Considering the size of the proposed large-scale general development, the streets providing access to such #large-scale general development will be adequate to handle traffic resulting therefrom.

5. Not Applicable;

6. Not Applicable;

7. Not Applicable;

8. Not Applicable;

9. Not Applicable;

10. A declaration with regard to ownership requirements in paragraph (b) of the large- scale general development definition in Section 12-10 has been filed with the Commission; and

11. Not Applicable;

12. Not Applicable;

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which Negative Declaration was issued on December 2, 2024 with respect to this application (CEQR No. 24DCP100K), 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 for the grant of a special permit pursuant to Section 74-743(a)(2) of the

Zoning Resolution to modify the height and setback requirements of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), in connection with a proposed mixed use developments, within a large-scale general development bounded by Vernon Avenue, a line 100 feet westerly of Lewis Avenue - Dr. Sandy F. Ray Boulevard, Willoughby Avenue, and Marcus Garvey Boulevard (Block 1588, Lot 1), in an R7A and R7A/C2-4 Districts. Borough of Brooklyn, Community District 3, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 240400 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 Newman Design, filed with this application and incorporated in this Resolution:

Drawing	**Title**	**Last Date Revised**
A-003	Zoning Lot Site Plan	11/26/2024
A-004	Zoning Analysis	11/26/2024
A-008	Waiver Plan	11/26/2024
A-009.01	Waiver Sections	11/26/2024
A-009.02	Waiver Sections	11/26/2024
A-010.01	Urban Design Controls	11/26/2024
A-010.02	Urban Design Controls	11/26/2024

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 attached restrictive declaration dated May 7th, 2025, executed by HP Willoughby Housing Corporation, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Kings.

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, 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.

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 (N 230340 ZSK), duly adopted by the City Planning Commission on February 21, 2024 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Chart

DANIEL R. GARODNICK, Esq., Chair
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
GAIL BENJAMIN, ALFRED C. CERULLO, III, ANTHONY CROWELL, Esq., DAVID GOLD, Esq., RASMIA KIRMANI-FRYE, ORLANDO MARÍN, RAJU MANN, JUAN CAMILO OSORIO, *Commissioners*

BOROUGH PRESIDENT RECOMMENDATION

Project Name: 109 Marcus Garvey Boulevard LSGD	
Applicant: CB Emmanuel Realty LLC	**Applicant's Administrator**: Eric Palatnik
Application # C240399ZMK	**Borough**: Brooklyn
CEQR Number: 24DCP100K	**Validated Community Districts**: K03

Docket Description:

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: 3/7/2025 1:57 PM

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

109 MARCUS GARVEY BOULEVARD LSGD – N240398ZRK C240399ZMK C240400ZSK N240401LDK

IN THE MATTER OF a Zoning Map Amendment from R6 & R6/C2-4 to R7A & R7A/C2-4, a Special Permit pursuant to Section 74-74 for a Large-scale General Development, and a Zoning Text Amendment to Appendix F (MIH), to facilitate a new 14-story, 177,311 zsf, 292 dwelling unit, residential development is being sought by Phoenix Realty Group LLC at 109 Marcus Garvey Blvd in Bedford-Stuyvesant, Community District 3, Brooklyn.

BROOKLYN COMMUNITY DISTRICT 3

RECOMMENDATION

☒ APPROVE
☐ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: THE CONEY DEVELOPMENT – C250108MMK

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.

March 7, 2025

BROOKLYN BOROUGH PRESIDENT

DATE

Project Description

The Project Area is coterminous with the Development Site and comprises one lot across the majority of one block in Bedford-Stuyvesant. The site is currently improved with four buildings constructed in 1976 that contain a total of 267 income-restricted dwelling units per a regulatory agreement between the Applicant, the Department of Housing Preservation and Development (HPD), New York State Homes and Community Renewal (HCR), and additional restrictions through the U.S. Department of Housing and Urban Development (HUD). The site also contains 5,776 square feet of commercial retail, 4,643 square feet of community facility space, 63 parking spaces, and an interior courtyard that includes shared outdoor space with a playground.

The Development Site is currently mapped with R6 and R6/C2-4. R6 districts are medium-density districts that can produce a variety of building types, and include two options for developers: (1) height-factor regulations produce buildings often set back from the street, and while there are no height limits, they are governed by the sky exposure plane and have a maximum FAR of 2.43; and (2) Quality Housing regulations, which produce high lot coverage buildings with established maximum building heights and FAR ranges between 2.2 and 3.6 depending on street width and whether the project includes affordable housing units.

The Surround Area is characterized predominantly by residential uses but includes some commercial and community facility uses. Residential uses in the area include many tower-in-the-park developments. The 13-buildng, seven- to 12-story NYCHA Sumner Houses development is located north of Myrtle Avenue, and the NYCHA Roosevelt Houses development is located south of the development site and contains nine 14- and 15-story buildings. Other residential uses in the Surrounding Area include two- to four-story attached rowhomes and small apartment buildings. Myrtle Avenue serves as a mixed-use neighborhood corridor for the area with neighborhood-serving retail such as grocery stores, a laundromat, pharmacy, salon, and delis. The Surrounding Area contains several religious institutions, schools, and playgrounds. The Development Site is accessible by transit. The Myrtle Ave J/M/Z subway station is three blocks east of the development site, the Myrtle-Willoughby G subway station is 0.5 miles to the west of the Site, and the Site is also served by the B15, B38, B43, B47, and B54 bus lines.

The applicant is proposing several actions to facilitate the proposed project, including a zoning map amendment from R6 and R6/C2-4 to R7A and R7A/C2-4; a zoning text amendment to map the Development Site as a Mandatory Inclusionary Housing (MIH) Area with MIH Options 1 and 2; and a Large-Scale General Development (LSGD) Special Permit to waive maximum height regulations. These actions would facilitate a 14-story residential building containing 292 Affordable Independent Residences for Seniors (AIRS) dwelling units financed through HPD's Senior Affordable Rental Apartments (SARA) Program, 63 cellar-level parking spaces, and 7,298 square feet of open space for tenants.

Community Board Position

Community Board 3 voted to approve the application on February 3, 2025, with the following conditions:

1. All units are permanently affordable.
2. Local marketing agent with experience and track record in Community District 3.
3. Property includes a covered outdoor space for its senior residents.
4. Deep rental assistance provided for seniors on fixed incomes.
5. The landlord meets with tenants of Willoughby Court to address and remedy outstanding issues and violations prior to City Council approval.
6. Provide closed-circuit and human security in the underground garage.

Borough President ULURP Hearing and Public Comment

The Borough President held a hearing on this item on February 5, 2025. One member of the public provided testimony at the hearing, and no members of the public submitted written comments.

Approval Rationale

The Borough President believes the proposed actions are appropriate. The Development Site's existing residential zoning and context, access to transit, and proximity to local retail and services along Myrtle Avenue indicate an appropriate location for increased residential density. The Borough President supports the Applicant's efficient use their property—by constructing a new building on their parking lot, the Applicant avoids any residential displacement and creates a more consistent residential context across the block, all while providing nearly 300 new homes for our older adult neighbors.

This application is aligned with the Borough President's Comprehensive Plan for Brooklyn, particularly by providing affordable housing above MIH requirements and increasing residential density in a transit zone. The Borough President is dedicated to increasing affordable housing of all types across the borough and commends the Applicant for committing to develop 100% senior housing using the HPD SARA program. The Borough President also recognizes the Applicant's attention to improving existing shared open spaces and developing a new, high-quality open space for building residents.

While the Borough President supports the LSGD Special Permit as a pathway to more efficient development on an infill site through permitting additional height, the Borough President recommends that the Applicant explore shifting the building massing to the north. This adjustment would allow the Applicant to take advantage of the Special Permit and reduce shadows on Lewis Playground and St. John the Baptist Parish church as they are listed in the proposed project's Environmental Assessment Statement.

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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 109 Marcus Garvey Boulevard LSGD			
Applicant:	CB Emmanuel Realty LLC	**Applicant's Primary Contact**:	Eric Palatnik
Application #	C240399ZMK	**Borough**:	
CEQR Number:	24DCP100K	**Validated Community Districts**:	K03

Docket Description:

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

RECOMMENDATION:	**Conditional Favorable**		
# In Favor: 18	**# Against:** 9	**# Abstaining:** 2	**Total members appointed to the board:** 29
Date of Vote: 2/3/2025 12:00 AM		**Vote Location**: 1368 Fulton Street	

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

Date of Public Hearing: 2/3/2025 7:00 PM	
Was a quorum present? Yes	*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*
Public Hearing Location:	1368 Fulton Street

CONSIDERATION: Board Action: Approved with the following conditions:

1. All units are permanently affordable.

2. Local marketing agent with experience and track record in Community District 3.

3. Property includes a covered outdoor space for its senior residents.

4. Deep rental assistance provided for seniors on fixed incomes.

5. The landlord meets with tenants of Willoughby Court to address and remedy outstanding issues and violations prior to City Council approval.

6. Provide closed-circuit and human security in the underground garage

Recommendation submitted by	BK CB3	Date: 2/20/2025 2:13 PM