



## CITY PLANNING COMMISSION

March 22, 2006 / Calendar 10

C 060194 HAK

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) Pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 31-39 Van Buren Street (Block 1791, Lots 68-72) as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area;
- 2) Pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a five-story building tentatively known as Wazobia House, with approximately 43 dwelling units to be developed under HPD's Supportive Housing Loan Program, Community District 3, Borough of Brooklyn.

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Approval of three separate matters is required:

- 1) The designation of 31-39 Van Buren Street (Block 1791, Lots 68-72), as an Urban Development Action Area; and
- 2) An Urban Development Action Area Project for such area; and
- 3) Disposition of the 31-39 Van Buren Street (Block 1791, Lots 68-72), to a developer selected by HPD.

The application for the proposed Urban Development Action Area designation and project disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on October 20, 2005. The requested action, in conjunction with the related action, would facilitate the development of a 43-unit, five-story building.

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

The Disposition Area consists of underutilized vacant land which tends to impair or arrest the sound development of the surrounding community,

with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Disposition Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

### **RELATED ACTION**

In addition to the application, which is the subject of this report (C 060194 HAK), implementation of the applicant's proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 060195 ZSK-Special Permit pursuant to Section 74-902 of the Zoning Resolution.

### **BACKGROUND**

HPD seeks approval of an Urban Development Action Area designation and project approval, and disposition of city-owned property to facilitate the development of a not-for-profit community facility with sleeping accommodations under HPD's Supportive Housing Loan Program, located in Community District 3, Bedford-Stuyvesant, Brooklyn.

The project site is approximately 9,400 square feet and consists of Lots 68-72, five city-owned vacant lots, on Block 1791. It is located on Van Buren Street between Tompkins and Throop Avenues in an R5 zoning district. The disposition of these five lots would facilitate the development of a five-story elevator building with approximately 44 rental units. These lots were approved for disposition in 2001 by the City Planning Commission (C010303PPK) but were disapproved by the City Council.

The remainder of Block 1791 contains two-, three-, and four-story homes, churches, local commercial uses on Tompkins Avenue, privately-owned vacant lots, and other city-

owned vacant lots. The surrounding area contains two- and three-story homes, multi-family apartment buildings, local commercial uses, community facilities, and vacant lots.

The project would provide a total of 43 studio units and a one-bedroom unit for the superintendent. Sixty percent of the units would be set aside for homeless/mentally disabled individuals, and approximately forty percent of the units would be set aside for individuals earning approximately 60% of the Area Median Income with a percentage of these units being set aside for residents of Community District 3, Brooklyn. There would be about 5,337 square feet of landscaped open space at the rear of the building, program/office space, community room, and laundry facilities. Social services would be provided on-site in the program/office space by the project sponsor as well as off-site at their facility and other supportive service facilities in the surrounding area.

The proposed project also requires a special permit, (C060195 ZSK) pursuant to Section 74-902 of the Zoning Resolution, to permit the allowable floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply. The site is located in an R5 zoning district. Non-profit institutions with sleeping accommodations, such as this facility, are restricted to the R5 residential FAR of 1.27. The requested special permit, (C060195 ZSK), allows the proposed project to increase the floor area ratio up to a maximum permitted community facility floor area ratio of 2.0. The proposed facility has a FAR of 1.95.

This site is serviced by the “G” subway line at the Nostrand Avenue station five blocks away, and numerous bus routes, such as the B43 that runs along Tompkins Avenue, the B38 that runs along Lafayette Avenue, and the B15 that runs along Marcus Garvey Boulevard.

## **ENVIRONMENTAL REVIEW**

This application (C 060194 HAK), in conjunction with the application for the related action (C060195 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 Procedures of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04HPD004K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 29, 2003.

### **UNIFORM LAND USE REVIEW**

This application (C 060194 HAK), in conjunction with the application for the related action (C060195 ZSK) was certified as complete by the Department of City Planning on October 31, 2005, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on December 5, 2005, and on that date, by a vote of 26 in favor, 0 opposed, and 0 abstained, adopted a resolution recommending approval of the application.

### **Borough President Public Hearing**

This application was considered by the Borough President, who issued a recommendation approving the application on January 31, 2006.

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

On February 8, 2006 (Calendar No. 2) the City Planning Commission scheduled February 22, 2006, for a public hearing on this application (C 060194 HAK). The hearing was duly held on February 22, 2006 (Calendar No. 28), in conjunction with the public hearings on

the applications for the related action (C 060195 ZSK). There were three speakers in favor of the application and none in opposition.

A representative from HPD described the importance of the project in providing affordable housing to New York City and stated how HPD is in support of this project. The other two speakers were sponsors of the project and spoke about the need for affordable housing in this community.

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

### **CONSIDERATION**

The Commission believes that the proposed Urban Development Action Area designation and project (UDAAP), and disposition of city-owned property, in conjunction with the related special permit, is appropriate.

The application would facilitate the development of a five-story building with approximately 43 residential units for low-income persons developed under HPD's Supportive Housing Loan Program. Approval of this application would facilitate the return of these lots to private ownership and would provide much-needed affordable housing for the community.

Disposition would make possible the return of this property to productive use and the elimination of its blighting influence on the neighborhood. It would enable these city-owned properties to be developed with a use that would serve the needs of Community District 3 and the City of New York.

In order to achieve the 1.95 FAR, the applicant also seeks approval of a special permit, pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage). The site is located in an R5 zoning district, which allows residential

development up to 1.25 FAR and community facility uses up to 1.27 FAR. Without the special permit, the proposed project could achieve only a 1.27 FAR. The requested special permit enables the proposed project to be built to 1.95 FAR.

The Commission believes that the proposed distribution of the bulk for the proposed project would not obstruct the access of light and air to adjoining properties or public streets. The proposed project is four-stories with a fifth floor that is set back on three sides in a surrounding neighborhood of three- and four-story buildings. The proposed project is providing a ten foot front yard, 8 feet side yards, and a thirty-nine foot rear yard, which would allow for light and air for units in the rear of the proposed building as well as for properties that abut the project site to the rear and sides of the building.

The project would not require any significant additions to the supporting services of the neighborhood. Provision for adequate support services has also been made. The Commission notes that the sponsor's headquarters, three blocks away on Willoughby Avenue, would provide additional off-site services, such as HIV/AIDS counseling, veteran, and unemployment services. In addition, the sponsor has a relationship with another facility on Fulton Street, accessed by public transportation, to provide more off-site support.

The Commission believes that the surrounding street network would adequately handle the traffic generated by the proposed project. Van Buren Street is one-way westbound interrupted by Herbert Von King Park (also known as Tompkins Park). The site is in a low-density area with mostly three- and four-story dwellings. Residents of the proposed project will most likely not own vehicles and would probably use public transportation. Most of the staff are expected to use public transportation as well.

The proposed project is part of an ongoing effort to redevelop vacant city-owned property and return it to productive use, while expanding affordable housing opportunities for those with special housing needs. The Commission, therefore, believes that the proposed

Urban Development Action Area designation and project, disposition of city-owned property, in conjunction with the related special permit, is appropriate.

## **RESOLUTION**

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

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of 31-39 Van Buren Street (Block 1791, Lots 68-72), in Community District 3, Borough of Brooklyn, as an Urban Development Action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

**THEREFORE**, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) the designation of 31-39 Van Buren Street (Block 1791, Lots 68-72) as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and

the City Planning Commission recommends that the New York City Council find that:

- a) the present status of the area tends to impair or arrest sound development of the municipality;

- b) financial aid, in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act, is necessary to enable the project to be undertaken; and
- c) the project is consistent with the policy and purposes stated in the Section 691 of the Urban Development Action Area Act; and

**BE IT FURTHER RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property at 31-39 Van Buren Street (Block 1791, Lots 68-72), in Community District 3, Borough of Brooklyn, to a developer selected by the Department of Housing Preservation and Development, is approved (C 060194 HAK).

The above resolution (C 060194 HAK), duly adopted by the City Planning Commission on March 22, 2006 (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.

**AMANDA M. BURDEN, AICP**, Chair  
**KENNETH J. KNUCKLES, ESQ.**, Vice Chairman  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,**  
**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS**  
Commissioners