



CITY PLANNING COMMISSION

June 9, 2004/Calendar No. 20

C 040203 HAK

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 433-439 DeWitt Avenue (Block 4318, Lots 31-34), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of 433, 437, and 439 DeWitt Avenue (Block 4318, Lots 31-32 and 34) to developer selected by HPD;

to facilitate development of a four-story building tentatively known as the PSCH DeWitt Residence, with approximately 19 apartments for low income persons with mental illness, to be developed under the HUD Section 811 Supportive Housing for Persons with Disabilities Program.

Approval of three separate matters is required:

1. The designation of 433-439 DeWitt Avenue (Block 4318, Lots 31, 32, 33, and 34), Borough of Brooklyn, Community District 5, as an Urban Development Action Area;
2. An Urban Development Action Area Project for such property; and
3. The disposition of such property (Lots 31, 32, and 34) to HPD

The application was submitted by the Department of Housing Preservation and Development (HPD) on December 10, 2003.

Approval of this application would facilitate construction of a four-story building that would be used as a long term residential facility for low income persons with mental illness, to be developed through the HUD Section 811 Supportive Housing for Persons with Disabilities Program.

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

The UDAAP 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 UDAAP Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

BACKGROUND

433 - 439 DeWitt Avenue (Block 4318, Lots 31, 32, 33, and 34) are four vacant lots totaling 7,600 square feet (95 feet wide x 80 feet deep) located on the northeast corner of DeWitt Avenue and Malta Street in East New York, Community District 5. The disposition of Lots 31, 32, and 34, assembled with the previously ULURP approved Lot 33 (C861010PPK approved by the City Planning Commission on September 17, 1986 and the Board of Estimates on September 17, 1986), would facilitate the construction of the PSCH DeWitt Residence, an approximately 13,440 square-foot, four-story elevator building with 19 fully furnished studio apartments, which includes an apartment for the superintendent. The site is located on a primarily residential block in an R6 zoning district at the edge of an M1-1 light manufacturing district. Block 4318 contains two-story residences, newly-built, market-rate housing, one irregular, vacant city-owned lot under the jurisdiction of DCAS, and a city-owned residence under the jurisdiction of HPD. The area to the south is developed with warehouses, auto repair shops, and other light manufacturing facilities. To the west is a block of two- and three-story privately owned residences, one new residential building, and a scattering of privately-owned vacant lots. To the north, on Linden Boulevard, is a residential area of mostly two-story residences with newly constructed homes built under HPD's "Nehemiah" home ownership program.

The proposed PSCH DeWitt Residence, to be developed through the HUD Section 811 Supportive Housing for Persons with Disabilities Program, would provide long term housing for low income persons with mental illness who have demonstrated the ability to live successfully in the community with the support that would be provided on site. The project would also provide

lounge areas, a communal meeting room, kitchen, and staff offices. There would be 24-hour front desk security, maintenance of the building and grounds, and on-site parking. Ancillary support services such as mental health and substance abuse, educational and vocational, social and recreational opportunities would be offered on and off site, in addition to budgeting residents' resources and managing their medication regime.

The subject property is located near public transportation. "L" train subway service is available at New Lots and Van Sinderen avenues about four blocks away. The B15 bus, which connects Bed-Stuy and JFK Airport, runs on New Lots Avenue two blocks away, and the B20 bus, which connects Ridgewood and East New York, runs along Pennsylvania Avenue four blocks away. Local shopping is available along Linden Boulevard and on Pennsylvania Avenue.

ENVIRONMENTAL REVIEW

This application (C 040203 HAK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., and the Environmental Quality Review (CEQR) Rules for Procedure of 1991 and Executive Order No. 91 of 1977 . The designated CEQR number is 03HPD008K. 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 March 7, 2003.

UNIFORM LAND USE REVIEW

This application (C 040203 HAK) was certified as complete by the Department of City Planning on January 26, 2004, and was duly referred to Community Board 5 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 5 held a public hearing on this application (C 040203 HAK) on March 24, 2004, and on that date, by a vote of 30 in favor with 1 opposed and 2 abstentions, adopted a resolution supporting disapproval of the application with the following recommendations:

1. Proposed vacant lot is located at a very busy intersection (heavily traveled) at DeWitt Street, Malta Street, and Linden Blvd service road, where there is no traffic light. Linden Boulevard service road is a highly traveled eastbound street with both auto and commercial trucks, vans, cars, and trucks. We feel that this will be a major safety problem and;
2. We need to protect the integrity of the urban renewal plan; and the investment of the homeowners in the newly constructed Nehemiah homes and;
3. This is an area of the community that is trying to rebound with new construction and new business that our economic development is constantly trying to attract and;
4. This community (East New York) does realize that there is a need for all type of housing, residences, etc. We have always supported all kinds of social changes; and taken in more than our fair share. HPD should try to locate a better area suited for this type of residence; therefore,
5. With a quorum present this board voted 30 for, 1 against, and 2 abstentions, almost overwhelmingly for the disapproval of this application.
6. We hereby urge the President of the Borough of Brooklyn to thoroughly review this application, join with us on its disapproval.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with the following conditions on May 5, 2004:

1. HPD shall obtain commitments from PSCH through either is Land Disposition Agreement or another equivalent to require:
 - A) That PSCH establish and maintain a Community Advisory Task Force of members from the local neighborhood, local elected officials, CB5 members, the local police precinct and local businesses to maintain a dialogue between PSCH and the community. This task force would also provide input on site and architectural design elements of the project.
 - B) That PSCH retain on-site 24 hour security, both to protect residents and to respond to any internal incidents.
 - C) That PSCH conduct outreach and sensitivity training with the local police

- precinct.
2. That a determination by the State Department of Mental Health be made that such facilities are not concentrated to an unacceptable level under the Padavan law of the State of New York.

City Planning Commission Public Hearing

On April 28, 2004 (Calendar No. 2), the City Planning Commission scheduled May 12, 2004 for a public hearing on this application (C 040203 HAK). The hearing was duly held on May 12, 2004 (Calendar No. 14). There were two speakers in favor of the application and none in opposition.

The two speakers in favor of the application were a representative of PSCH, Inc. and a representative of HPD. They presented the project, discussed its benefits, and answered questions from the Commission.

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

CONSIDERATION

The Commission believes that the application for the UDAAP area designation and project, and the disposition of city-owned property is appropriate.

The application would facilitate the development of PSCH DeWitt Residence, a four-story building with 18 studio apartments for persons with mental illness and low income, to be developed through the HUD Section 811 Supportive Housing for Persons with Disabilities Program. The approval of this application would facilitate the return of these lots to private ownership and would enable the sponsor to expand the range of services provided by that organization. Disposition would make possible the return of this property to productive use and the elimination of its blighting influence on the neighborhood. Approval of this application would enable this city-owned property to be developed with a use that would serve the needs of

Community District 5 and the City of New York.

In response to the Community Board's recommendation, the Commission notes that there are pedestrian control devices located along major intersections that allow for safe crossing of Linden Boulevard. The Commission also notes, in response to Community Board and Borough President concerns, that in a letter dated May 24, 2004, HPD states that PSCH, Inc. would provide outreach to the surrounding homeowners and businesses at this location by forming a Community Advisory Task Force. This task force would be able to convey any concerns by residents directly to the operators of the facility. PSCH, Inc. would provide 24 hour security to maintain safety in its facility, as well as the surrounding community. Furthermore, the Commission notes that HPD has stated that PSCH, Inc. would conduct outreach and sensitivity training with the local police precinct similar to what they did at their Greenpoint, Brooklyn location. Also in response to Community Board and Borough President concerns, the Commission recognizes that although East New York has a number of supportive housing facilities, there is a scarcity of city-owned property in this area. Finally, the Commission notes that the community district does not hold an unusually large number of residential facilities for mentally ill and low income persons compared with other community districts citywide.

RESOLUTION

RESOLVED, that the City Planning Commission finds that 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 433-439 DeWitt Avenue (Block 4318, Lots 31-34), 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) 433-439 DeWitt Avenue (Block 4318, Lots 31-34) the designation of, as an Urban Development Action Area;
- 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 the sound development of the municipality;
- b. The financial aid in the form of tax incentives if any, to be provided by the municipality pursuant Section 696 of Article 16 of the General Municipal Law is necessary to enable the project to be undertaken; and
- c. The policy is consistent with the policy and purposes stated in Section 691 of Article 16 of the General Municipal Law

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 located at 433-439 DeWitt Avenue (Block 4318, Lots 31, 32, and 34), Community District 5, Borough of Brooklyn, to a developer to be selected by the Department of Housing Preservation and Development, is approved.

The above resolution (C 040203 HAK), duly adopted by the City Planning Commission on June 9, 2004 (Calendar No. 20), 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 BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice-Chairman
ANGELA BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,

KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners