

CITY PLANNING COMMISSION

January 9, 2008 / Calendar 7

C 070551 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 4213-4223 Second Avenue (Block 722, Lot 1) 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 such property to a developer to be selected by HPD;

to facilitate the continued use of commercial property, Community District 7, Borough of Brooklyn.

Approval of three separate matters is required:

- 1) The designation of property located at 4213-4223 Second Avenue (Block 722, Lot 1), as an Urban Development Action Area; and
- 2) An Urban Development Action Area Project for such property; and
- 3) Disposition of such property to a developer selected by HPD.

The application was submitted by the Department of Housing Preservation and Development (HPD) on June 25, 2007. The requested action would facilitate the disposition of the property to a private owner.

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

The project area consists of underutilized property 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.

BACKGROUND

HPD seeks approval of an Urban Development Action Area designation and project approval, and disposition of city-owned property at 4213-4223 Second Avenue, located in an M1-2 zoning district in Community District 7, Brooklyn.

The project site is approximately 8,000 square feet and contains a two-story, 2,250 square foot commercial building occupied by an electrical supply and carting and woodworking businesses. The remaining portion of the lot contains accessory parking for approximately eight vehicles. No changes to the building or land are currently anticipated.

The City took title to the property in 1991 through an in rem tax foreclosure. The property was the subject of litigation to cancel fraudulent deeds which conveyed the property to private entities in 2000. In 2003, a stipulation of settlement was reached by which the City agreed to convey the property to the innocent purchaser subject to ULURP approval.

The surrounding area in the M1-2 district is comprised largely of light industrial and commercial uses. An M3-1 zoning district west of Second Avenue is characterized by heavier industrial, storage and manufacturing uses. One block to the east is a residential neighborhood characterized by single and multi-family residential row houses. The area is served by the N and R subway lines at the 46th Street station on Fourth Avenue, and several bus routes.

ENVIRONMENTAL REVIEW

This application (C 070551 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of Housing Preservation and Development. This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application, C 070551 HAK, was certified as complete by the Department of City Planning on August 20, 2007 and was duly referred to Community Board 7 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 7 held a public hearing on this application on October 15, 2007, and voted 30 to 0 to disapprove the application without modifications or conditions.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation to approve the application on November 27, 2007.

City Planning Commission Public Hearing

On December 5, 2007 (Calendar No. 4) the City Planning Commission scheduled December 19, 2007, for a public hearing on this application (C 070551 HAK). The hearing was duly held on December 19, 2007 (Calendar No. 38). There was one speaker in favor of the application and none in opposition.

A representative from HPD reiterated the intention of the proposal and explained the ownership history of the property.

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, are appropriate.

The application would facilitate the disposition of this City-owned property purchased under false ownership assumptions by the intended purchaser. The intended purchaser has been working cooperatively with the City to facilitate the disposition and according to HPD, intends to secure long-term leases with the existing tenants. The disposition of the subject property allows its return to the City tax rolls.

RESOLUTION

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of 4213-4223 Second Avenue (Block 722, Lot 1), in Community District 7, Borough of Brooklyn, as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has 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 4213-4223 Second Avenue (Block 722, Lot 1) 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 4213-4223 Second Avenue (Block 722, Lot 1), in Community District 7, Borough of Brooklyn, to a developer selected by the Department of Housing Preservation and Development, is approved (C 070551 HAK).

The above resolution (C 070551 HAK), duly adopted by the City Planning Commission on January 9, 2008 (Calendar No. 7), 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,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners

SHIRLEY A. MCRAE, Commissioner, abstained