



CITY PLANNING COMMISSION

July 11, 2007 / Calendar No. 11

C 070313 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 880-908 Liberty Avenue (Block 4190, Lots 19-28 and 30), 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 selected by HPD;

to facilitate development of a three-story community facility tentatively known as Liberty Avenue, with approximately 64 units, to be developed under HPD's Supportive Housing Loan Program, Borough of Brooklyn, Community District 5.

Approval of three separate matters is required:

1. The designation of 880-908 Liberty Avenue (Block 4190, Lots 19-28 and 30), as an Urban Development Action Area; and

2. An Urban Development Action Area Project for such property; and

3. The disposition of such property to a developer to be selected by HPD.

The application for Urban Development Action Area designation and project approval, and the disposition of city-owned property was submitted by the Department of Housing Preservation and Development on January 25, 2007.

Approval of this application would facilitate the development of a three-story community facility, with approximately 64 dwelling units. The proposed project is tentatively known as Liberty Avenue.

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

The Disposition Area consists of eight underutilized vacant properties 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, unsanitary and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area Project 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 UDAAP designation and project approval and the disposition which is the subject of this report (C 070313HAK), implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 070312ZSK: Zoning Special Permit pursuant to Section 74-902 ZR to permit community facility floor area ratio (Section 24-11 ZR) to apply to the proposed development.

BACKGROUND

The Department of Housing Preservation and Development (HPD) requests approval of an Urban Development Action Area designation and project, and the disposition of city-owned property, and a Special Permit pursuant to Section 74-902 of the Zoning Resolution, to permit community facility floor area ratio (Section 24-11 ZR) to apply to the proposed development, on vacant city-owned property located at 880-908 Liberty Avenue (Block 4190, Lots 19-28 and 30). As certified, approval would facilitate the development of a community facility with sleeping accommodations providing 63 studios and one two-bedroom apartment for the

superintendent in a three-story building. The studios would provide rental housing for single adults. Thirty-nine (39) units would be reserved for employed, formerly homeless, individuals, and twenty-four (24) units would be reserved for employed, low income single adults residing in Community District 5, East New York, Brooklyn.

The proposed project would be developed under HPD's Supportive Housing Loan Program. It would include on-site social services for all tenants provided by two case managers, a substance abuse counselor, program director and client aides to meet the social service needs of the portion of the tenant population requiring social services. Services would include employment counseling, assistance in money management and house keeping and move-in assistance. The building would have a community room and approximately 6,400square feet of landscaped area. Round the clock security would also be provided.

The project site is vacant, city-owned and zoned R5/C2-3. The remainder of the block is the site of recent and on going residential development; new occupied small homes fronting on Logan Street are immediately south of the site and three-story row housing is under construction on Fountain Avenue south of the site. The neighborhood has a mix of two- and three-story residential buildings, commercial buildings, light industry, community facilities, and vacant lots.

Mass transit is available via the IND A/C subway lines at the Shepherd Avenue station on Pitkin Avenue, three blocks from the site. Surface transit is available via the B12 bus line, which runs east and west on Liberty Avenue.

The proposed project also requires a special permit, (C 070312 ZSK) pursuant to Section 74-902 of the Zoning Resolution, to permit the allowable floor area ratio Section 24-11(Maximum Floor Area and Percentage of Lot Coverage) to apply. The site is located in an R5/C2-3 district. R5 districts allow residential and community facility development up to 1.25 and 2.0, respectively. Non-profit institutions with sleeping accommodations, such as this facility, are restricted to a 1.25 FAR. The requested special permit allows the proposed project to increase the floor area ratio to a permitted community facility FAR of 2.0. The proposed facility has an FAR OF 1.86.

ENVIRONMENTAL REVIEW

This application (C 070313 HAK), in conjunction with the related special permit application (C 070312 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 for procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06HPD026K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on July 28, 2006.

UNIFORM LAND USE REVIEW

This application, C 070313 HAK, was certified as complete by the Department of City Planning on February 5, 2007 and was duly referred to Community Board 5 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 5 held a public hearing on this application and the related application for a special permit (C 070312 ZSK) on March 28, 2007, and on March 29, 2007, by a vote of 39 in favor, 0 opposed and 0 abstaining, adopted a resolution disapproving the application. Their recommendation stated that:

At the March 29th General Community Board #5 meeting, the Board voted unanimously to disapprove this application because it has its fair share of these types of facilities.

Borough President Recommendation

This application together with related application for a special permit (C 070312 ZSK) was considered by the Borough President, who issued a recommendation disapproving the application on April 26, 2007, subject to the following condition:

...that the City Planning Commission and the City Council disapprove this application unless it can incorporate family units into the project.

City Planning Commission Public Hearing

On June 6, 2007 (Calendar No. 2), the City Planning Commission scheduled June 20, 2007, for a public hearing on this application (C 070313 HAK). The hearing was duly held on June 20, 2007 (Calendar No. 27), in conjunction with the related application for a special permit (C 070312 ZSK). There were two speakers in favor of the application and none in opposition.

HPD's Assistant Commissioner for Special Needs Housing described the project and program and stated that in response to the concerns of the Borough President and Community Board 5, HPD and the sponsor were working to produce an acceptable revised project.

A representative of the sponsor, the Bowery Residents Committee (BRC), described the operations of the proposed project and that of similar BRC operates in Brooklyn and in the city.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed Urban Development Action Area designation and the project (UDAAP), and the disposition of city-owned property, as revised, and related application for a special permit (C 070312 ZSK) are appropriate.

The application would facilitate the development of a community facility with sleeping accommodations in a three-story building, developed under HPD's Supportive Housing Loan Program. Approval of this application would facilitate the creation of much-needed affordable rental housing for housing opportunities for employed, formerly homeless, and employed, low income, on a currently underutilized City-owned property.

As a result of concerns raised during the public review process, the Commission notes that on

July 5, 2007, HPD, in conjunction with the sponsor, submitted a revised application modifying the proposed tenant population. The project would now have 47 units with eight one bedroom and seven two bedroom units reserved for families, 31 studio units and one unit for the superintendent.

The Commission believes that the proposed project would provide necessary housing for families and individuals in the area. Further, the project would change vacant city-owned property, to active, productive use. The additional bulk is necessary to provide the number of units and support services required to make a rental facility feasible.

The special permit is necessary to accommodate the proposed bulk of the building, which would exceed the base FAR of 1.25 permitted in an R5/C2-3 district. The special permit would allow use of the community facility FAR of 2.0 for the proposed building.

The distribution of bulk of the development would not unduly obstruct the access of light and air to adjoining properties or public streets. The 3-story, 35 foot, height of the proposed building, is within the range of neighboring properties and would have no adverse effects on the adjacent small homes.

The Commission notes that adequate support services for the proposed facilities population will be provided on site by the Liberty Avenue sponsor.

The Commission also notes that the Environmental Assessment Statement for the proposed project determined that the development would not have any significant impact on the streets providing access to the project. The facility would not generate any significant traffic, as most residents and staff would travel by public transportation.

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 880-908 Liberty Avenue (Block 4190, Lots 19-28 and 30), in Community District 5, 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 880-908 Liberty Avenue (Block 4190, Lots 19-28 and 30) 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 the sound development of the municipality;
- b) The 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 Section 691 of the Urban Development Action Area Act;

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 880-908 Liberty Avenue (Block 4190, Lots 19-28 and 30), in Community District 5, Borough of Brooklyn, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 070313 HAK).

The above resolution (C 070313 HAK), duly adopted by the City Planning Commission on July 11, 2007 (Calendar No. 11), 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

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

BETTY CHEN, LISA A. GOMEZ, NATHAN LEVENTHAL, KAREN A. PHILLIPS,

DOLLY WILLIAMS, Commissioners

RICHARD W. EADDY, Commissioner Recused