



CITY PLANNING COMMISSION

May 23, 2007 / Calendar 21

C 070262 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 575 Fifth Avenue (Block 1048, Lot 1) 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 development of a five-story mixed-use building, tentatively known as 575 Fifth Avenue, with approximately 49 residential units and commercial use, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

Approval of three separate matters is required:

- 1) The designation of 575 Fifth Avenue (Block 1048, Lot 1), as an Urban Development Action Area; and
- 2) An Urban Development Action Area Project for such area; and
- 3) Disposition of such property 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 December 22, 2006. The requested action would facilitate the development of a 49-unit, four and five-story building.

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 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 7, Brooklyn.

The project site is approximately 9,625 square feet located in a C4-3A zoning district on the northeast corner of 5th Avenue and 16th Street. The disposition of this lot would facilitate the development of a four and five-story elevator building with approximately 49 studio units and approximately 2,343 square feet of retail commercial space. The site is currently used as a municipal parking lot, which will be closed prior to conveyance of the site. The total floor area for the building will be 28,488 square feet.

Adjacent uses on the Fifth Avenue side of the lot include local commercial uses in one to three-story buildings. Along 16th Street, the site is adjacent to an R6B district characterized by three and four story, single family homes and multi-family apartment buildings. The surrounding area is largely residential and includes local and regional commercial uses along the avenues.

The project would provide a total of 49 studio units including one for the superintendent under HPD's Supportive Housing Loan Program. The project site was rezoned to C4-3A in November 2005 as part of the Department of City Planning's South Park Slope contextual rezoning. As certified, 60% percent of the project's units would be set aside for single mentally disabled formerly homeless individuals, and approximately 40% of the units would be set aside for individuals earning approximately 60% of the Area Median Income. The facility would also include approximately 3,523 square feet of

passive outdoor recreational area, communal rooms on each floor, office space, laundry facilities and commercial spaces on Fifth Avenue. Supportive services will include case management services for tenants, which may consist of benefits assistance, life services, health care referrals and other services to be provided on-site in the program/office space.

In C4-3A zoning districts, non-profit institutions with sleeping accommodations, such as this facility, are permitted with a maximum FAR of 3.0. The proposed facility has a FAR of 2.96.

The site is near the Prospect Avenue station on the M/R subway lines, four blocks from the 15th Street station on the F line, and served by several bus routes.

ENVIRONMENTAL REVIEW

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application, C 070262 HAK, was certified as complete by the Department of City Planning on January 8, 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 February 15, 2007, and on February 21, 2007, by a vote of 24 to four with one abstention, adopted a resolution recommending approval of the application with the following conditions:

- 1) That community representation on the advisory board charged with screening and selecting tenants include at least three (3) residents of 16th Street between 5th and 6th Avenues, one (1) representative of Community Board 7 to be chosen by its executive committee, and two (2) representatives of businesses located on Fifth Avenue near the site.
- 2) That the Fifth Avenue Committee (FAC) formally brief the board on a bi-annual basis both during the project's construction phase and after

the opening of the facility itself to insure that there is adequate ongoing communication as to the status of the project and the ongoing operation of the facility

- 3) That the FAC adhere to the agreement that where possible, give preference to seniors and youth aging out of foster care who are mentally disabled individuals.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation disapproving the application on March 29, 2007 with the following conditions:

- 1) The site's zoning is amended in order to accommodate families, including seniors, within the project.
- 2) The role of the community advisory board is structured and properly represents the interests of the community.
- 3) The residential entrance to the building is located along Fifth Avenue.
- 4) A parking garage is incorporated into the building.

City Planning Commission Public Hearing

On March 28, 2007 (Calendar No. 2) the City Planning Commission scheduled April 11, 2007, for a public hearing on this application (C 070262 HAK). The hearing was duly held on April 11, 2007 (Calendar No. 24). There were 33 speakers in favor of the application and 13 in opposition.

Speakers in favor included the applicant (HPD), project sponsor and architect, tenants of similar buildings managed by the sponsor, supportive and affordable housing advocates, and local residents. The Assistant Commissioner for Special Needs Housing at HPD discussed the demonstrated need for supportive housing in the area and that the sponsor was chosen based on its level of success with similar projects in the borough. He also explained the tenant screening process and factors by which tenant eligibility is determined.

The sponsor outlined its extensive experience managing supportive and affordable housing projects and its willingness to address community concerns about the project through the formation of a Community Advisory Board (CAB). The CAB would provide a forum for community participation throughout the project's development and into

occupancy, and provide input in the selection of residential and commercial tenants. In response to concerns raised by the Community Board in its resolution, the sponsor stated its intention to meet all three conditions. The sponsor noted that the Borough President's request for a zoning change to allow a larger building to accommodate families would be in conflict with the Community Board's request that the building comply with the C4-3A zoning district regulations put in place under the South Park Slope rezoning approved by the City Council in November 2005. In response to the Borough President's recommendation that a parking garage for local residents be incorporated into the project, the sponsor's analysis showed that it would be infeasible to provide a sufficient number of below-grade parking spaces within the relatively small lot.

The project's architect presented the building design, indicating her intention to design a contextual building that responds to the existing neighborhood character. The architect responded to the request to move the building's entrance from 16th Street to the Fifth Avenue side of the building, stating that residential entrances are traditionally on the side streets, and expressed concern that introducing a residential entrance on Fifth Avenue would break up the continuity of proposed retail uses.

Other speakers in support, including representatives from affordable and supportive housing advocacy organizations, testified that there is a demonstrated need for supportive housing in the area, and praised the sponsor for its reputation in the community as an experienced service provider. Some speakers noted that the design and scale of this proposed building fits in well with the existing context, and that the provision of a garden would benefit the community. Speakers in support of the project also described the existing parking lot as underutilized and stated that the proposed project would better activate the corner of Fifth Avenue and 16th Street.

The Councilmember from the 39th district spoke in support of the project but stated that he would like clarification on the screening process and determination of tenants, security of the building, and a better ongoing dialogue with the community. Representatives for

the Assembly member from the 44th district and the U.S. Congresswoman from the 12th district also testified in support of the project.

Speakers in opposition included several members of the 16th Street block association and other nearby residents, including those living directly adjacent to the proposed building. Speakers in opposition shared the following concerns: inadequate communication and outreach to the community in advance of this proposal; unease about the backgrounds of proposed tenants who might include those with criminal backgrounds; the need for affordable family or senior housing; and the loss of parking that would result from the development of this site. A number of speakers requested clarification about the Community Advisory Board's composition, function and role in the community, and further explanation of the tenant screening process.

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 development of a four and five-story building with approximately 49 studio apartments developed under HPD's Supportive Housing Loan Program. Approval of this application would facilitate the creation of much-needed affordable housing opportunities for those with special needs on a currently underutilized piece of City-owned property. The Commission notes that the intended developer/sponsor, the Fifth Avenue Committee (FAC), is a well-regarded provider of affordable and supportive housing and operates a similar facility in an adjacent neighborhood.

As a result of concerns raised during the public review process, the Commission notes that on May 21, 2007, HPD, in conjunction with the sponsor, submitted a revised application modifying the proposed tenant population. Twenty four of the 29 units

reserved for formerly homeless individuals will be reserved for those living with mental illness. Of those 24 units, 50% will target seniors (12 units), 20% will target youth aging out of foster care (five units), and the remaining seven units would not target a specific subpopulation. The remaining five units for formerly homeless individuals will target individuals who are HIV-positive or living with AIDS. The 20 units for low-income individuals will be reserved for residents of the local community, with 50% of the units targeting seniors (10 units).

HPD and the sponsor have also submitted a revised site plan which moves the building's entrance from 16th Street to the Fifth Avenue frontage. The original entrance further east 16th Street through the garden would be closed as an entry point into the building and would be open only for scheduled community events in the garden. Security would be provided 24 hours a day, and security cameras will monitor the perimeter of the building and all common areas.

The Commission notes that on April 17, 2007, FAC submitted a comprehensive package of materials providing supplementary information about the project's service provisions and the sponsor's past experience operating similar buildings. The Commission notes that the sponsor has made a commitment to establish a community advisory board which will formally brief the Community Board on a bi-annual basis during the project's construction and once the facility has opened. The material submitted by the sponsor also indicates there was a full and open outreach process to the community and includes details about social service provisions, building security, disruptive tenant behavior and standard operating procedures. The sponsor also states that it will comply with HUD program requirements to perform criminal background checks and prohibit admission of any individual who is subject to a lifetime registration on the New York State Sex Offender Registry. Furthermore, HPD has informed the Commission that subsequent to the Commission's public hearing, it has continued its outreach by meeting with local community groups.

The Commission notes that the provision of a parking structure in the proposed facility would be physically and financially infeasible. The Commission also notes that the suggestion raised at the public hearing of considering above-grade parking would threaten the open space which has received support in the community.

RESOLUTION

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of 575 Fifth Avenue (Block 1048, 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 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 575 Fifth Avenue (Block 1048, 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 575 Fifth Avenue (Block 1048, Lot 1), in Community District 7, Borough of Brooklyn, to a developer selected by the Department of Housing Preservation and Development, is approved (C 070262 HAK).

The above resolution (C 070262 HAK), duly adopted by the City Planning Commission on May 23, 2007 (Calendar No. 21), 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 Y. CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL, JOHN
MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners