



CITY PLANNING COMMISSION

August 5, 2009/Calendar No. 10

C 090219 ZSK

IN THE MATTER OF an application submitted by the Jarican Cultural Foundation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a non-profit institution without sleeping accommodations (Use Group 4A) on the second floor of a proposed two-story building located at 1025 Pacific Street (Block 1125, lots 60 and 61), in an M1-1 District, Community District 8, Borough of Brooklyn.

This application for a special permit was filed by the Jarican Cultural Foundation on November 25th, 2008, to facilitate the development of a non-profit institution without sleeping accommodations (Use Group 4A) in an M1-1 zoning district.

BACKGROUND

The Jarican Cultural Foundation is seeking a special permit pursuant to Section 74-921 to allow a Use Group 4A community facility use (non-profit institution without sleeping accommodations) in an M1-1 zoning district, in Prospect Heights, Brooklyn, Community District 8. The Jarican Cultural Foundation has been operating in Brooklyn since 1997, and continues to serve the community through several educational and personal development programs. The Foundation works closely with the Center for Alternative Sentencing and Employment Services (CASES), a publicly funded program that seeks alternatives to incarceration for young adults. Jarican provides workshops that focus on life skills, education, and job preparedness. Additionally, Jarican facilitates financial workshops for small businesses, individuals, and families. Some of the financial workshop topics include: how to start and grow your new business; financial literacy; steps to owning your own home; financial planning for businesses and individuals; and establishing checking, savings, and retirement accounts.

Since 1997, Jarican has conducted its operations through short-term leases at a variety of locations including the Brooklyn Navy Yard, the Bedford Stuyvesant Restoration Corporation, the Caribbean American Chamber of Commerce and Industry, and various local churches. The proposed building would provide a permanent location for the Jarican Cultural Foundation, enhancing the continuity and stability of the organization and its program goals.

The proposed building would be located on two vacant lots at 1025 Pacific Street (Block 1125, Lots 60 & 61), between Grand and Classon Avenues. The lots are vacant and have an area of approximately 3,200 square feet. Directly north and west of the site are warehousing uses and directly east is a four-story multi-family building. Other uses on the project block include multi-family residential buildings, manufacturing uses, and vacant lots. Uses on adjacent blocks near the project site include: one, two, and multi-family buildings and commercial uses to the west; one and two-story commercial buildings to the north along Atlantic Avenue; and one, two, and multi-family homes, as well as auto-related and warehousing uses to the south and west. A house of worship is located on the northwest corner of Bergen and Classon Avenues, southeast of the project site. Surrounding zoning districts include an R6B to the west, R7A/C2-4 to the north, R6 to the south, and M1-1 to the east.

The applicant is proposing to construct a two-story building, with an as-of-right banquet hall on the first floor and a Use Group 4A community facility on the second floor, within an M1-1 zoning district. Section 42-11 prohibits Use Group 4A community facilities in M1-1 zoning districts. The applicant's request for a special permit, pursuant to Section 74-921, would allow a Use Group 4A community facility on the project site. The building would have approximately 5,350 square feet of floor area and a Floor Area Ratio of 1.68. The building would rise to 25 feet, and occupy the entire lot. The community facility would occupy 2,150 square feet of floor area and generates thirteen off-street parking spaces, but would be waived pursuant to ZR Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number).

ENVIRONMENTAL REVIEW

This application (C 090219 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 Procedure of 1991 and Executive Order No. 91 of 1977. This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 090219 ZSK) was certified as complete by the Department of City Planning on March 30th, 2009, and was duly referred to Brooklyn Community Board 8 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 Hearing

Community Board 8 held a public hearing on this application on May 14th, 2009 and on that date, by a vote of 31-0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on June 25th, 2009.

City Planning Commission Public Hearing

On June 17th, 2009, (Calendar No. 7), the City Planning Commission scheduled July 1st, 2009 for a public hearing on this application (C 090219 ZSK). The hearing was duly held on July 1st, 2009 (Calendar No. 28). There were two speakers in favor of the application and none in opposition.

The applicant's primary representative described the need and benefits of the proposed facility. The applicant discussed his long-standing ties and reputation in the community. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate. Approval of the special permit application (C 090219 ZSK) would facilitate the construction of a community facility for the Jarican Cultural Foundation.

The property is located on a mixed-use street, with both residential and light manufacturing uses. Although there are no heavy manufacturing uses nearby to generate high noise levels, the proposed building would be constructed with adequate sound-attenuation exterior walls and all windows will be double-paned. It is anticipated that many of the community facility patrons will arrive by foot or via mass transit. The area is served by subway lines to the north of the project site along Fulton Street and Eastern Parkway, and includes the A, C, 1, 2, 4, and 5 lines. The Franklin Ave. shuttle also operates to the north. Bus lines operating in the area include the No. 65 along Pacific Street, the No. 45 along Washington Avenue, the No. 48 along Classon Avenue, and the Nos. 25 and 26 along Atlantic Avenue.

The Jarican Cultural Foundation purchased the subject property after an extensive two-year neighborhood search. No similar sized, as-of-right properties within the surrounding area were viable. The proposed project would create a valuable community service by providing mentoring programs for youths facing incarceration, and financial workshops for local businesses, individuals, and families. The building's design is consistent with the surrounding context and will not impair the neighborhood's essential character.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-921 (Use Group 3A and 4A community facilities) of the Zoning Resolution:

- a) an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot;
- b) such facility is so located as to draw a minimum of vehicular traffic to and through local streets and that such use will not produce traffic congestion or other adverse effects that interfere with the appropriate use of land in the district or in any adjacent district;
- c) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- d) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- e) for a Use Group 4A use, within the neighborhood primarily to be served by the community facility, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and
- f) such facility will not impair the essential character of the surrounding area.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of the Jarican Cultural Foundation for the grant of a special permit pursuant to Section 74-921 to modify the requirements of Section 42-11 (Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B) to allow a Use Group 4A community facility on the second floor of a two-story building located at 1025 Pacific Street (Block 1125, Lots 60 & 61) in an M1-1 zoning district, Borough of Brooklyn, Community District 8, is approved subject to the following terms and conditions:

1) The property that is the subject of this application (C 090219 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by John C. Harris, filed with this application and incorporated in this resolution:

| Drawing Number | Title | Last Revised |
|-----------------------|------------------|---------------------|
| PR-S1 | Site Plan | 10/02/2008 |
| PR-03 | First Floor Plan | 10/02/2008 |
| PR-05 | Main Roof Level | 10/02/2008 |

2) Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4) All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5) Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

7) The above resolution (C 090219 ZSK), duly adopted by the City Planning Commission on August 5th, 2009 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III, BETTY Y. CHEN,
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