



CITY PLANNING COMMISSION

March 22, 2006 / Calendar 11

C 060195 ZSK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed approximately 18,243 square foot, 5-story Non-Profit Institution with Sleeping Accommodations (U.G. 3A), on property located at 31-39 Van Buren Street (Block 1791, Lots 68-72), in an R5 District, Borough of Brooklyn, Community District 3.

The application for the special permit was filed by the Department of Housing Preservation and Development (HPD) on October 20, 2005. The project site is located on the south side of Van Buren Street between Tompkins and Marcus Garvey Avenues (Block 1791, Lots 68-72).

RELATED ACTION

In addition to the special permit, which is the subject of this report (C 060195 ZSK), 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 060194 HAK- UDAAP designation and project approval and the disposition of city-owned property.

BACKGROUND

A full background discussion and description of this report appears in the report on the related application for the UDAAP designation and project, and the disposition of city-owned property (C 060194 HAK).

ENVIRONMENTAL REVIEW

This application (C 060194 HAK), in conjunction with the application for the related action (C060195 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 Procedures of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04HPD004K. 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 October 29, 2003.

UNIFORM LAND USE REVIEW

This application (C 060195 ZSK), in conjunction with the applications for the related action (C060194 HAK) was certified as complete by the Department of City Planning on October 31, 2005, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 held a public hearing on this application on December 5, 2005, and on that date, by a vote of 26 in favor, 0 opposed, and 0 abstained, adopted a resolution recommending approval of the application.

Borough President Public Hearing

This application was considered by the Borough President, who issued a recommendation approving the application on January 31, 2006.

City Planning Commission Public Hearing

On February 8, 2006 (Calendar No. 3) the City Planning Commission scheduled February 22, 2006, for a public hearing on this application (C 060195 ZSK). The hearing was duly held on February 22, 2006 (Calendar No. 29), in conjunction with the public hearings on the applications for the related actions (C 060194 HAK).

There were three speakers, as described in the report on the related application for the UDAAP designation and project, and the disposition of city-owned property (C 060194 HAK), and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit, in conjunction with the related action, is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report for the related application for special permit (C 060194 HAK).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Sections 74-902 (Certain Community Facility Uses in R3 to R9 Districts and Certain Community Districts) of the Zoning Resolution:

- (a) that the distribution of the bulk of the total development will not unduly obstruct the access of light and air to adjoining properties or public streets, and will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and surrounding developments;
- (b) that the proposed development will not require any significant additions to the supporting services of the neighborhood or that the provision for adequate supporting services has been made; and
- (c) that the streets providing access to such use will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

RESOLUTION

RESOLVED, the City Planning Commission finds 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 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed approximately 18,243 square-foot, five-story Non-Profit Institution with Sleeping Accommodations (U.G. 3A), on property located at 31-39 Van Buren Street (Block 1791, Lots 68-72), in an R5 District, Borough of Brooklyn, Community District 3, is approved, subject to the following terms and conditions:

1. The development that is the subject of this application (C 060194 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 Urban Architectural Initiatives, filed with this application and incorporated into this resolution:

Drawing No.	Title	Last Date Revised
A-3	Site Plan	9/15/05

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

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modification specifically granted in this resolution and shown on the plan 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. 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.

4. 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 party, revoke any portion of or all 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.

The above resolution (C 060195 ZSK), duly adopted by the City Planning Commission on March 22, 2006 (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
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