



CITY PLANNING COMMISSION

May 12, 2010/Calendar No. 9

C 100156 ZSK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development 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 Ratio) to apply to a proposed 6-story community facility with sleeping accommodations, on property located at 273-277 Kosciusko Street (Block 1781, Lots 60, 61, & 62), in an R6 District, Borough of Brooklyn, Community District 3.

The application for the special permit was filed by the Department of Housing Preservation and Development on November 17, 2009, to facilitate the development of a six-story building, tentatively known as Providence House II, with approximately 45 units, in Bedford-Stuyvesant, Brooklyn, Community District 3.

RELATED ACTIONS

In addition to the special permit which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 100155HAK Urban Development Action Area designation and project approval, and disposition of city-owned property;

BACKGROUND

A description of this application, the surrounding area and the proposed project is included in the report on the related action for the proposed Urban Development Action Area designation and project approval and disposition of city-owned property (C 100155 HAK).

ENVIRONMENTAL REVIEW

This application (C100155HAK), in conjunction with the related application (C100156ZSK) 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 designated CEQR number is 10HPD003K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on November 10, 2009.

UNIFORM LAND USE REVIEW

This application (C100156ZSK), in conjunction with the related application (C100155HAK), was certified as complete by the Department of City Planning on January 4, 2010, and was duly referred to Brooklyn Community Board 3 and the 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 3 held a public hearing on this application on February 17, 2010, and on that date, by a vote of 31-6, with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions, as summarized:

That the building's height should be lowered without reducing the number of units; that the project should facilitate job opportunities and contracts for community residents; and assurance that the proposed building's common space would be available for use by the community.

Borough President Recommendation

This application (C100156ZSK) was considered by the Brooklyn Borough President who issued a recommendation on April 1, 2010, approving the application.

City Planning Commission Public Hearing

On April 14, 2010 (Calendar No. 4), the City Planning Commission scheduled April 28, 2010 for a public hearing on this application (C100156ZSK). The hearing was duly held on April 28, 2010 (Calendar No. 29), in conjunction with the public hearing on the related application (C100155HAK).

There were a number of appearances, as described in the report on the related Urban Development Action Area designation, project approval, and disposition (C100155HAK), and the hearing was closed.

CONSIDERATION

The Commission believes that this special permit (C 100156 ZSK), in conjunction with the related action (C 100155 HAK), is appropriate. A full consideration and analysis of the issues and reasons for approving this application appears in the report on the related application for the proposed Urban Development Action Area designation and project approval and disposition of city-owned property (C 100155 HAK).

FINDINGS

The Commission hereby makes the following findings pursuant to ZR Section 74-902:

- (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 surrounding developments;
- (b) That the proposed development will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (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, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

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 Department of Housing Preservation and Development for the grant of a special permit to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story community facility with sleeping accommodations, located at 273-277 Kosciuszko Street (Block

1781, Lots 60, 61, & 62), in an R6 District, Borough of Brooklyn, Community District 3, is approved, pursuant to ZR Section 74-902, subject to the following terms and conditions:

1. The property that is the subject of this application (C100156ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Alphonse Diaz Architect, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
L1.0	Proposed Site Plan	7/22/09
A2.1	Building Section	7/22/09

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 (C100156ZSK), duly adopted by the City Planning Commission on May 12, 2010 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and 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
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners