



IN THE MATTER OF an application submitted by the NYC 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 modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed 6-story building on property located at 768-770 Decatur Street a.k.a. 1696-1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39, and 41), in an R6/C1-3 District, Borough of Brooklyn, Community District 16.

The application for a special permit pursuant to Section 74-902 of the Zoning Resolution (C 140277 ZSK) was filed by the Department of Housing Preservation and Development (HPD) on February 11, 2014. This special permit, in conjunction with the related action, would facilitate the development of a six-story building with 79 residential units of affordable and supportive housing in the Ocean Hill neighborhood of Community District 16, Brooklyn.

RELATED ACTIONS

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

C 140278 HAK Designation of an Urban Development Action Area, project approval, and disposition of City-owned properties to a developer selected by HPD

BACKGROUND

A description of this application, the surrounding area and the proposed project is included in the report on the related action for the Designation of an Urban Development Action Area, project approval, and disposition of City-owned properties to a developer selected by HPD (C 140278 HAK).

ENVIRONMENTAL REVIEW

The application (C 140277 ZSK), in conjunction with the application for the related action (C

140278 HAK), 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 14HPD009K. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on December 12, 2013.

UNIFORM LAND USE REVIEW

This application (C 140277 ZSK), in conjunction with the application for the related action (C 140278 HAK), was certified as complete by the Department of City Planning on February 18, 2014, and was duly referred to Brooklyn Community Board 16 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 16 held a public hearing on this application (C 140277 ZSK) on March 25, 2014, and on that date, by a vote of 19 to five with three abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 140277 ZSK) was considered by the Borough President of Brooklyn, who on April 25, 2014 issued a recommendation to approve the application with the following conditions:

- 1) That the supportive and non-supportive housing units be permanently affordable.
- 2) That the project sponsor retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code and MWBE establishments as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation) and to coordinate monitoring of such participation with an appropriate monitoring agency.

CITY PLANNING COMMISSION PUBLIC HEARING

On April 23, 2014 (Calendar No. 4), the City Planning Commission scheduled May 7, 2014 for a public hearing on this application (C 140277 ZSK) and the related application (C 140278 HAK). The hearing was duly held on May 7, 2014 (Calendar No. 24), in conjunction with the application for the related action (C 140278 HAK).

Three speakers offered testimony in favor of the project, as described in the report on the related application for the related action (C 140278 HAK), and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the proposed Special Permit (C 140277 ZSK), in conjunction with the related action (C 140278 HAK), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report on the related application for Urban Development Action Area Designation, project approval, and disposition of City-owned property (C 140278 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 pursuant to Section 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 modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed 6-story building on property located at 768-770 Decatur Street and 1696-1712 Broadway (Block 1507, Lots 32, 33, 35, 36, 37, 39 and 41), in an R6/C1-3 District, Borough of Brooklyn, Community District 16, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 140277 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Peter L. Woll Architect, PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A002.00	Zoning Analysis	2/5/14
A100.00	Site Plan	2/5/14
A101.00	Building Sections	2/5/14

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, sub-lessee 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.

The above resolution (C 140277 ZSK), duly adopted by the City Planning Commission on May 21, 2014 (Calendar No. 8), 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.

CARL WEISBROD, *Chairman*

KENNETH J. KNUCKLES, *Esq.*, *Vice-Chairman*

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