



CITY PLANNING COMMISSION

July 11, 2007 / Calendar No. 10

C 070312 ZSK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development and Bowery Residents' Committee 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 and Percentage of Lot Coverage) to apply to a proposed 3-story non-profit institution with sleeping accommodations, on property located at 880-908 Liberty Avenue (Block 4190, Lots 19-28 and 30), in an R5/C2-3 District, Borough of Brooklyn, Community District 5.

The application for a special permit was filed by the Department of Housing Preservation and Development and Bowery Residents' Committee on January 25, 2007 in order to facilitate the construction of a 3-story non-profit institution with sleeping accommodations, providing 63 studios and one two-bedroom apartment (for superintendent).

RELATED ACTION

In addition to the Zoning Special Permit which is the subject of this report (C 070312 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 070313HAK: UDAAP Designation and Project approval pursuant to Article 16 of the General Municipal Law to facilitate the development of a three-story community facility with sleeping accommodations.

Disposition of City-owned property (Block 4190, Lots 19-28, and 30) pursuant to Section 197-c, of the New York City Charter, to a developer to be selected by HPD.

BACKGROUND

A detailed description of the proposed project and the area is contained in the report on the related UDAAP application (C 070313 HAK).

ENVIRONMENTAL REVIEW

This application (C 070312 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. The designated CEQR number is 06HPD026K. The lead 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 July 28, 2006.

UNIFORM LAND USE REVIEW

This application, C 070312 ZSK, was certified as complete by the Department of City Planning on February 5, 2007 and was duly referred to Community Board 5 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 5 held a public hearing on this application and the related UDAAP application (C 070313 HAK) on March 28, 2007, and on March 29, 2007, by a vote of 39 in favor, 0 opposed and 0 abstaining, adopted a resolution disapproving the application. Their recommendation stated that:

At the March 29th General Community Board #5 meeting, the Board voted unanimously to disapprove this application because it has its fair share of these types of facilities.

Borough President's Recommendation

This application together with the related UDAAP application (C 070313 HAK) was considered by the Borough President, who issued a recommendation disapproving the application on April 26, 2007, subject to the following condition:

...that the City Planning Commission and the City Council disapprove this application unless it can incorporate family units into the project.

City Planning Commission Public Hearing

On June 6, 2007 (Calendar No. 1), the City Planning Commission scheduled June 20, 2007, for a public hearing on this application (C 070312 ZSK). The hearing was duly held on June 20, 2007 (Calendar No. 26), in conjunction with the related UDAAP application (C 070313 HAK). There were two speakers in favor of the application and none in opposition.

HPD's Assistant Commissioner for Special Needs Housing described the project and program and stated that in response to the concerns of the Borough President and Community Board 5, HPD and the sponsor were working to produce an acceptable revised project.

A representative of the sponsor, the Bowery Residents Committee (BRC), described the operations of the proposed project and that of similar BRC operates in Brooklyn and in the city.

There were no other speakers and the hearing was closed

CONSIDERATION

The Commission believes that the grant of this special permit (C 070312 ZSK) is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report on the related UDAAP application (C 070313 HAK).

Findings

The City Planning Commission hereby makes the following findings pursuant to Section 74-902 (Certain Community Facility Uses in R3 to R9 Districts and in Certain Commercial 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 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.

A detailed description of the application is contained in the report for the related UDAAP application (C 070313 HAK).

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 Department of Housing Preservation and Development and the Bowery Residents Committee, Inc. 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 three-story non-profit institution with sleeping accommodations, on property located 880-908 Liberty Avenue (Block 4190, Lots 19-28 and 30), in an R5/C2-3 District, Borough of Brooklyn, Community District 5, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 070312 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Harden + Van Arnam, Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-0.2	Site Plan, Zoning information	01/25/07

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 plan listed above which has 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.

The above resolution (C 070312 ZSK), duly adopted by the City Planning Commission on July 11, 2007 (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, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

BETTY CHEN, LISA A. GOMEZ, NATHAN LEVENTHAL, KAREN A. PHILLIPS,

DOLLY WILLIAMS, Commissioners

RICHARD W. EADDY, Commissioner Recused