



## **CITY PLANNING COMMISSION**

September 29, 2010/Calendar No. 1

C 100325 ZSK

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**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 non-profit institution with sleeping accommodations, on property located at 329 Lincoln Road (Block 1329, Lot 59), in an R6 District, Borough of Brooklyn, Community District 9.

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The application for the special permit was filed by the Department of Housing Preservation and Development on April 22, 2010, to facilitate the development of a six-story building, tentatively known as Providence House I, with 26 units, in the Prospect-Lefferts Gardens neighborhood of Brooklyn's Community District 9.

### **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 100326HAK      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 100326 HAK).

### **ENVIRONMENTAL REVIEW**

This application (C100325 ZSK), in conjunction with the related application (C100326HAK) 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 10HPD011K. 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 March 25, 2010.

### **UNIFORM LAND USE REVIEW**

This application (C100325 ZSK), in conjunction with the related application (C100326HAK), was certified as complete by the Department of City Planning on May 10, 2010, and was duly referred to Brooklyn Community Board 9 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 9 held a public hearing on this application on May 25, 2010 and on that date, by a vote of 28 to 7, adopted a resolution recommending disapproval of the application.

### **Borough President Recommendation**

This application (C100325 ZSK) was considered by the Brooklyn Borough President who issued a recommendation on July 8th and disapproved the application.

### **City Planning Commission Public Hearing**

On August 11, 2010 (Calendar No. 1), the City Planning Commission scheduled August 25, 2010 for a public hearing on this application (C100325ZSK). The hearing was duly held on August 25, 2010 (Calendar No. 26), in conjunction with the public hearing on the related application (C100326 HAK).

There were a number of appearances, as described in the report on the related Urban Development Action Area designation, project approval, and disposition (C100326HAK), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this special permit (C 100325 ZSK), in conjunction with the related action (C 100326 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 100326HAK).

## **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 permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story non-profit institution with sleeping accommodations, on property located at 329 Lincoln Road (Block 1329, Lot 59), in an R6 District, Borough of Brooklyn, Community District 9, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C100325ZSK) 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	4/8/10
A2.1	Building Section	4/8/10
A0.0	Zoning Calculations	4/8/10

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.
7. The above resolution (C100325ZSK), duly adopted by the City Planning Commission on September 29, 2010 (Calendar No. 1), 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**

**KENNETH J. KNUCKLES, ESQ., Vice Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**

**NATHAN LEVENTHAL, ANNA HAYES LEVIN, Commissioners**

**KAREN A. PHILLIPS, Commissioner, Voting No**