



CITY PLANNING COMMISSION

April 10, 2013, Calendar No. 12

C 130108 ZSK

IN THE MATTER OF an application submitted by Oceanview Manor Home for Adults 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 an existing 5-story and proposed to be enlarged 200-bed health-related facility on property located at 3010 West 33rd Street (Block 7066, Lot 10), in an R5 District, Borough of Brooklyn, Community District 13.

The application was filed by Oceanview Manor Home for Adults on October 25, 2012 for a special permit pursuant to Sections 74-902 of the Zoning Resolution to facilitate the enlargement and change of use for an existing Domiciliary Care Facility in Community District 13, Brooklyn.

RELATED ACTIONS

In addition to the proposed special permit (C 130108 ZSK) which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

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| C 130107 ZSK | Special Permit pursuant to ZR Section 74-90 to allow certain community facility uses. |
| C 130109 ZSK | Special Permit pursuant to ZR Section 62-836 to modify bulk regulations on waterfront blocks. The Special Permit would modify the yard requirements of ZR 24-36 and the height and setback requirements of ZR 62-341. |
| N 130110 ZCK | Chairperson Certification pursuant to ZR 62-811 that no waterfront public access or visual corridor are required. |

BACKGROUND

A full background discussion and description of this application appears in the related report for a special permit (C 130107 ZSK).

ENVIRONMENTAL REVIEW

This application (C 130108 ZSM), in conjunction with the application for the related actions (C 130107 ZSK and C 130109 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 11DCP137K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 13, 2012.

UNIFORM LAND USE REVIEW

This application (C 130108 ZSK), in conjunction with the application for the related actions (C 130107 ZSK and C 130109 ZSK), was certified as complete by the Department of City Planning on November 13, 2012, and was duly referred to Community Board 13 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 13 held a public hearing on this application (C 130108 ZCK) on January 30, 2013. On February 27, 2013, by a vote of 23 in favor, 0 opposed, 3 abstentions, the Board adopted a resolution recommending approval of the application without conditions.

Borough President Recommendation

This application (C 130108 ZSK) was considered by the Borough President, who issued a recommendation on February 21, 2013 approving the application with the following conditions:

- A Community Advisory Board is established by Oceanview, in consultation with local elected officials, CB 13 and representatives from the nearby housing developments as a means to maintain good neighbor status, including the possibility of hiring security staff

to handle such quality-of-life concerns that stem from off-site behavior of Oceanview's residents.

- The Special Permit application drawings be revised as follows:
 - Building systems be relocated from the ground floor to space within the building or on the roof (pursuant to the recently adopted Zone Green text modifications);
 - That the number of chairs, benches, tables and planters depicted on the drawings be listed on the drawing consistent with the intent of ZR 37-73d;
 - That the street elevations depict fencing and specify such fencing as being of translucent material or sufficiently opaque per standards recommended by the City Planning Commission.

City Planning Commission Public Hearing

On February 20, 2013 (Calendar No. 4) the City Planning Commission scheduled March 6, 2013 for a public hearing on this application (C 130108 ZSM). The hearing was duly held on March 6, 2013 (Calendar No. 14) in conjunction with the public hearing on the related applications (C 130107 ZSK and C 130109 ZSK).

There were two speakers in favor of the application and none in opposition, as described in the related report for a special permit (C 130107 ZSK) and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for the related actions (C 130108 ZSK and C 130109 ZSK), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et.seq.). The designated WRP number is 11-075.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that grant of this special permit (C 130108 ZSK) is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appears in the related report for a special permit (C 130107 ZSK).

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 certain Commercial Districts) of the Zoning Resolution:

1. that the distribution of #bulk# on the #zoning lot# 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 the surrounding area;
2. that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
3. 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 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 submitted by Oceanview Manor Home for

Adults 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 an existing 5-story and proposed to be enlarged 200-bed health-related facility on property located at 3010 West 33rd Street (Block 7066, Lot 10), in an R5 District, Borough of Brooklyn, Community District 13, is approved, subject to the following terms and conditions:

- 1) The property that is the subject of this application (C 130108 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 Landow and Landow Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Revised Date
SK-1	Site Plan	03/15/2013
SK-1A	Site Plan with Landscape	02/28/2013
SK-2	Zoning Analysis	05/08/2012
SK-3	Waiver Plan – Encroachment Diagram	03/15/2013
SK-4	Building Sections – Encroachment Diagrams	03/15/2013
SK-5	1 st Floor Plan	03/15/2013
SK-6	2 nd Floor and Typical Floor Plans	03/15/2013

- 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.

The above resolution (C 130108 ZSK), duly adopted by the City Planning Commission on April 10, 2013 (Calendar No. 12), 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, 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, MICHELLE DE LA UZ,
MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

