CITY PLANNING COMMISSION

April 10, 2013, Calendar No. 13 C 130109 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 62-836 of the Zoning Resolution to modify the yard requirements of Section 24-36 (Minimum Required Rear Yards) and the height and setback requirements of Section 62-341 (Developments on land and platforms) in connection with a proposed enlargement of an existing 5-story community facility building, 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 62-836 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 130109 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:

C 130107 ZSK	Special Permit pursuant to ZR Section 74-90 to allow certain community facility uses.
C 130108 ZSK	Special Permit pursuant to ZR Section 74-902 to allow use of the R5 Community Facility FAR up to the maximum of 2.0.
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 130109 ZSM), in conjunction with the application for the related action (C 130107 ZSK and C 130108 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 130109 ZSK), in conjunction with the application for the related actions (C 130107 ZSK and C 130108 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 130109 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 130109 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. 5) the City Planning Commission scheduled March 6, 2013 for a public hearing on this application (C 130109 ZSM). The hearing was duly held on March 6, 2013 (Calendar No. 15) in conjunction with the public hearing on the related applications (C 130107 ZSK and C 130108 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 130107 ZSK and C 130108 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 Costal 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 130109 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. will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding neighborhood, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or

2. are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#.

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 by pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the yard requirements of Section 24-36 (Minimum Required Rear Yards) and the height and setback requirements of Section 62-341 (Developments on land and platforms) in connection with a proposed enlargement of an existing 5-story community facility building 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-2	Zoning Analysis	05/08/2012
SK-3	Waiver Plan – Encroachment Diagram	03/15/2013
SK-4	Building Sections – Encroachment Diagrams	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. 13), 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.,
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ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners