Legislation Details (With Text)

File #:	Res 1726-2017	**Version:**	*	**Name:**	LU 795 - Planning, EDWIN'S PLACE, Brooklyn (C170457ZSK)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	11/16/2017				
Enactment date:				**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 170457 ZSK (L.U. No. 795), for the grant of a special permit pursuant to Section 74-903 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 eight-story building on property located at 3 Livonia Avenue (Block 3566, Lot 6), in an R7-2/C2-3 District, Community District 16, Borough of Brooklyn.

Sponsors:

Indexes:

Attachments: 1. October 17, 2017 - Stated Meeting Agenda with Links to Files, 2. Land Use Calendar - Week of October 23, 2017 - October 27, 2017, 3. REVISED - Land Use Calendar - Week of October 23, 2017 - October 27, 2017, 4. Hearing Testimony - Planning 10-24-17, 5. Hearing Testimony - Planning 10-24-17 additional, 6. Hearing Transcript - Stated Meeting 10-17-17, 7. Land Use Calendar - Week of November 13, 2017 - November 17, 2017, 8. Hearing Transcript - Planning 10-24-17, 9. Land Use Calendar - November 15, 2017, 10. Additional Meeting of the Subcommittee on Planning, Dispositions and Concessions and the Committee on Land Use, 11. November 16, 2017 - Stated Meeting Agenda with Links to Files, 12. Hearing Transcript - Stated Meeting 11-16-17, 13. Committee Report, 14. Minutes of the Stated Meeting - November 16, 2017

Date	Ver.	Action By	Action	Result
11/16/2017	*	Committee on Land Use	Approved by Committee	
11/16/2017	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1726

Resolution approving the decision of the City Planning Commission on ULURP No. C 170457 ZSK (L.U. No. 795), for the grant of a special permit pursuant to Section 74-903 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 eight-story building on property located at 3 Livonia Avenue (Block 3566, Lot 6), in an R7-2/C2-3 District, Community District 16, Borough of Brooklyn.

By Council Members Greenfield and Salamanca

WHEREAS, the City Planning Commission filed with the Council on October 6, 2017 its decision dated October 4, 2017 (the "Decision"), on the application submitted by the New York City 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 74-903 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 eight-story building on property located at 3 Livonia Avenue (Block 3566, Lot 6), in an R7-2/C2-3 District. Approval of this Special Permit, in conjunction with the related actions would facilitate the development of a new eight-story mixed-use building containing approximately 126 supportive housing units, in addition to 3,079 square feet of retail or community facility space, in the Brownsville neighborhood of Brooklyn, (ULURP No. C 170457 ZSK), Community District 16, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 170454 ZMK (L.U. No. 792), a zoning map amendment to change an R6 zoning district to an R7-2/C2-3 zoning district; N 170455 ZRK (L.U. No. 793), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; and C 170456 HAK (L.U. No. 794), an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of City-owned property to a developer selected by HPD;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-903 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 24, 2017;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued June 2, 2017 (CEQR No. 16HPD052K), (the “Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170457 ZSK), incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1. The property that is the subject of this application (C 170457 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Robert A.M. Stern Architects, LLP, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-002 A-100	Zoning Analysis Site Plan	6/9/2017 6/9/2017

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A-103 A-104 A-	Typical Floor Plan and Sixth Floor Plan Seventh and	6/9/2017	6/9/2017
300 A-301 A-302 A	Eighth Floor Plans N-S Building Section N-S Building	6/9/2017	6/9/2017
-303	Section E-W Building Section E-W Building Section	6/9/2017	6/9/2017

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.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 16, 2017, on file in this office.

City Clerk, Clerk of The Council