Legislation Details (With Text)

File #:	Res 0791-2019	**Version:** *	**Name:**	LU 335 - Zoning, 570 Fulton Street Rezoning, Brooklyn (N 180457 ZRK)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	3/13/2019			
Enactment date:			**Enactment #:**	

Title: Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180457 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 335).

Sponsors:

Indexes:

Attachments: 1. Resolution, 2. January 24, 2019 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of January 28, 2019 - February 1, 2019, 4. Hearing Testimony - Zoning 1-31-19, 5. Hearing Transcript - Stated Meeting 1-24-19, 6. Hearing Transcript - Zoning 1-31-19, 7. Land Use Calendar - Week of March 4, 2019 - March 8, 2019, 8. Land Use Calendar - March 7, 2019, 9. March 13, 2019 - Stated Meeting Agenda with Links to Files, 10. Hearing Transcript - Stated Meeting 3-13-19, 11. Minutes of the Stated Meeting - March 13, 2019, 12. City Planning Commission Approval Letter, 13. Committee Report

Date	Ver.	Action By	Action	Result
3/7/2019	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
3/13/2019	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 791

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180457 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 335).

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on January 22, 2019 its decision dated January 9, 2019 (the "Decision"), on the application submitted by 570 Fulton Street Property, LLC, and One Flatbush Avenue Property, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1 (Special Downtown Brooklyn District), to establish bulk regulations for C6-9 zoning districts mapped within the Special Downtown Brooklyn District (SDBD) and create a new special permit within the SDBD, which in conjunction with the related actions would facilitate the construction of a new, approximately 200,000-square-foot mixed-use development with retail, office and residential units at 570 Fulton Street in the Downtown Brooklyn neighborhood of Community District 2, Brooklyn, (Application No. N 180457 ZRK), (the "Application");

WHEREAS, the Application is related to applications C 180458 ZSK (L.U. No. 336), a special permit to modify to bulk regulations on irregular sites in C6-9 districts within the SDBD and
C 180459 ZMK (L.U. No. 337), a zoning map amendment to rezone the project area from C6-4 to C6-9 within the SDBD;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 31, 2019;

WHEREAS, the Council has considered the land use 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 August 20th, 2018 (CEQR No. 18DCP111K), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-490) (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 (E) Designation (E-490) and 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 the report, N 180457 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter <u>underlined</u> is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
Matter double struck out is old, deleted by the City Council;
Matter <u>double-underlined</u> is new, added by the City Council
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Downtown Brooklyn District

* * *

101-20
SPECIAL BULK REGULATIONS

* * *

101-21
Special Floor Area and Lot Coverage Regulations

R7-1 C6-1 C6-4.5 C6-6 C6-9

* * *

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0, and no #commercial# or #community facility floor area# bonuses shall be permitted. In addition, #residential floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing), and no other #residential floor area# bonuses shall be permitted.

However, ~~In~~ in the C6-9 Districts~~s~~ bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted. However, on a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot# In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall

* * *

101-80
SPECIAL PERMITS

* * *

101-82
Modification of Bulk Regulations for Certain Buildings on Irregular Sites

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after [date of adoption], for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no Use Group 5 #use# shall be permitted in any portion of the #building# receiving such modifications, and:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications are limited to the minimum needed to relieve such difficulties;

(d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or

#streets#; and

(e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

* * *

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 March 13, 2019, on file in this office.

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City Clerk, Clerk of The Council

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