



Legislation Text

File #: Res 1019-2016, Version: \*

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1019**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 150343 ZSK (L.U. No. 345), for the grant of a special permit pursuant to Section 94-096 of the Zoning Resolution of the City of New York to modify the floor area requirements of Sections 94-092 (Maximum floor area ratio), to modify the location of use requirements of Section 32-421 (Limitation on floors occupied by commercial use), the height requirements of Section 33-43 (Maximum Height of Walls and Required Setbacks), and the accessory parking requirements of Section 36-21 (General Provisions) to facilitate the 1-story enlargement of an existing 2-story commercial building, on property located at 3133-3135 Emmons Avenue (Block 8804, Lot 75), in an R5/C2-2 District, within the Special Sheepshead Bay District, in Community District 15, Borough of Brooklyn.**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on February 26, 2016 its decision dated February 24, 2016 (the "Decision"), on the application submitted by STGG Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 94-096 of the Zoning Resolution of the City of New York to modify the floor area requirements of Sections 94-092 (Maximum floor area ratio), to modify the location of use requirements of Section 32-421 (Limitation on floors occupied by commercial use), the height requirements of Section 33-43 (Maximum Height of Walls and Required Setbacks), and the accessory parking requirements of Section 36-21 (General Provisions) to facilitate the 1-story enlargement of an existing 2-story commercial building, on property located at 3133-3135 Emmons Avenue (Block 8804, Lot 75), in an R5/C2-2 District, within the Special Sheepshead Bay District, (ULURP No. C 150343 ZSK), Community District 15, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 150342 ZRK (L.U. No. 346), a zoning text amendment to modify bulk and parking regulations of Article IX, Chapter 4 (Special Sheepshead Bay District);

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 94-096 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 March 15, 2016;

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 and the negative declaration (CEQR No. 15DCP156K) issued on October 5, 2015, which included an (E) designation (E-367) to avoid the potential for significant adverse impacts related to air quality (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 150343 ZSK, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of this application (C 150343 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 Corporate Design America P.C., filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
A001.00	Zoning Analysis	4/24/14
A002.00	Proposed Site Plan	4/24/14
A003.00	Cellar Plan and Parking Layout	4/24/14
A006.00	Proposed 2 <sup>nd</sup> Floor Plan	4/24/14
A007.00	Proposed 3 <sup>rd</sup> Floor Plan	4/24/14
A009.00	Building ZR Section	4/24/14
A010.00	Building ZR Section	4/24/14

3. 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 plan listed above which has been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
4. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.
5. 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.
6. Upon the failure of any party having any right, title or interest in the property that is 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, and terms or conditions of this resolution, 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 powers of the City Planning Commission, or of any 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.

7. 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 March 22, 2016, on file in this office.

City Clerk, Clerk of The Council