



Legislation Text

File #: Res 1755-2017, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1755**

Resolution approving the decision of the City Planning Commission on ULURP No. C 170418 ZSK (L.U. No. 810), for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) and 35-65 (Height and Setback Requirements for Quality Housing Buildings) to facilitate a proposed mixed use development, within a large scale general development, on property bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2 and R7-2/C2-4 Districts, Community District 9, Borough of Brooklyn.

By Council Members Greenfield and Salamanca

WHEREAS, the City Planning Commission filed with the Council on October 30, 2017 its decision dated October 30, 2017 (the "Decision"), on the application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) and 35-65 (Height and Setback Requirements for Quality Housing Buildings) to facilitate a proposed mixed use development, within a large scale general development, on property bounded by Bedford Avenue, Union Street, a line 100 feet westerly of Rogers Avenue, and President Street (Block 1274, Lot 1), in R7-2 and R7-2/C2-4 Districts, (ULURP No. C 170418 ZSK), Community District 9, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 170416 ZMK (L.U. No. 808), a zoning map amendment to change the project area from an R6 district to R7-2 and R7-2/C2-4 districts; N 170417 ZRK (L.U. No. 809), zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 170419 ZSK (L.U. No. 811), special permit to modify parking requirements; and C 170420 PPK (L.U. No. 812), disposition of City-owned property;

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 74-743 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 November 14, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 19, 2017, (CEQR No. 16DME005K) which identified significant adverse impacts with respect to historic and cultural resources - archaeological resources, transportation (traffic, buses, subways, and pedestrians) and construction activities related to noise;

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 170418 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 170418 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Cooper, Robertson & Partners, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U-001.	Zoning Lot Site Plan	05/15/2017
U-002.	Zoning Analysis, Base Plane & Lot Coverage	05/15/2017
U-003.	Zoning Diagrams - Axonometrics	05/15/2017
U-006.	Zoning Diagram - Waiver Plan	05/15/2017
U-007.	Zoning Sections	05/15/2017
U-008.	Zoning Sections	05/15/2017
U-009.	Zoning Sections	05/15/2017
U-010.	Zoning Sections	05/15/2017

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
6. 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.
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 November 30, 2017, on file in this office.

City Clerk, Clerk of The Council