



Legislation Text

File #: Res 1658-2021, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1658**

Resolution approving the decision of the City Planning Commission on ULURP No. C 210139 ZSK, for the grant of a special permit (L.U. No. 780).

By Council Members Salamanca and Moya

WHEREAS, RP Inlet, LLC, filed an application 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 Section 43-43 (Special provisions for bulk modifications), which in conjunction with the related action would facilitate the development of a new nine-story, approximately 583,700-square-foot mixed-use commercial and industrial building with 95,299 square feet of manufacturing space for the Acme Smoked Fish Company at 30 Gem Street (Block 2615, Lots 1, 6, 19, 21, 25, 50, and 125) in the Greenpoint neighborhood of Brooklyn, Community District 1 (ULURP No. C 210139 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 9, 2021, its decision dated April 7, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 210138 ZMK (L.U. 779), a zoning map amendment to change an M3-1 zoning district to an M1-5 zoning district;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 (a)(2) 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 May 4, 2021;

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 positive declaration, issued on July 26, 2019 (CEQR No. 20DCP009K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on March 26, 2021 which significant adverse impacts related to hazardous materials, noise, and air quality would be avoided through the placement of an (E) designation (E-585) on the project sites and the proposed project as analyzed in the FEIS identified significant adverse impacts with respect to construction (vehicular traffic) and transportation (vehicular traffic) and

proposed mitigation measures are included in the Restrictive Declaration.

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, pursuant to the restrictive declaration attached as Exhibit A to City Planning Commission report for C 210139 ZSK, those project components related to environment and mitigation measures that were identified as practicable.

The Decision, together with 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 the report, C 210139 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 210139 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specification and zoning computation indicated on the following approved plans, prepared by Gensler and MPFP, filed with this application and incorporated into this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis	10/21/2020
Z-002.00	LSGD Site Plan	10/21/2020
Z-020.00	Zoning Diagram Waiver	10/21/2020
Z-030.00	Zoning Sections	10/21/2020
Z-031.00	Zoning Sections	10/21/2020
Z-070.00	Flood Elevation Plan	10/21/2020

Z-01.00	Zoning Lot Site Plan Plaza Level	10/30/2020
L-100.00	Public Accessible Area Plan	12/07/2020
L-200.00	Furnishing Plan	12/07/2020
L-300.00	Grading and Paving Plan	12/07/2020
L-400.00	Planting and Lighting Plan	12/07/2020
L-401.00	Photometric Plan	12/07/2020
L-500.00	Circulation Plan	12/07/2020
L-600.00	Section	10/21/2020
L-601.00	Section	10/21/2020
L-602.00	Section	10/21/2020
L-603.00	Section	10/21/2020
L-700.00	Paving, Wall, and Step Details	10/21/2020
L-701.00	Precast Plaza Bench Details	10/21/2020
L-702.00	Sculptural Plaza Bench Details	10/21/2020
L-703.00	Planting and Lighting Details	10/30/2020
L-704.00	Details	10/30/2020

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 regulation relating to its construction, operation, and maintenance.

4. 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 City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition to this resolution.
5. The development shall include those mitigation measures listed in the Final Impact Statement (CEQR No. 19DCP220K) issued on March 26th, 2021 and identified as practicable.
6. 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.
7. Upon 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, agreement, terms or conditions of this resolution whose provisions shall be 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.
8. 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 May 27, 2021, on file in this office.

City Clerk, Clerk of The Council