



## Legislation Text

**File #:** Res 1169-2007, **Version:** \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1169

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 070156 ZSK (L.U. No. 571), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 23-47 (Minimum Required Rear Yards), Section 23-691 (Limited Height Districts), Section 23-711 (Standard minimum distance between buildings), Section 23-84 (Outer Court Regulations), Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), Section 23-145 (For residential buildings developed or enlarged pursuant to the Quality Housing Program) and Section 36-33 (Requirements Where Group Parking Facilities Are Provided), Borough of Brooklyn

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on September 21, 2007 its decision dated September 19, 2007 (the "Decision") on the application submitted by Two Trees Management Co., LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 23-47 (Minimum Required Rear Yards), Section 23-691 (Limited Height Districts), Section 23-711 (Standard minimum distance between buildings), Section 23-84 (Outer Court Regulations), Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), Section 23-145 (For residential buildings developed or enlarged pursuant to the Quality Housing Program) and Section 36-33 (Requirements Where Group Parking Facilities Are Provided), to facilitate the development of a 6-story mixed used building on property located at 130 Court Street a.k.a. 182 Atlantic Avenue (Block 286, Lots 17 and 21), in an R6/C2-3 District, within a Special Limited Height District (LH-1) within the Cobble Hill Historic District, Community District 6, Borough of Brooklyn (ULURP No. C 070156 ZSK) (the "Application");

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution;

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 October 23, 2007 on the Decision and Application;

WHEREAS, the Council has considered the relevant environmental review issues and the Negative Declaration, issued on August 20, 2007 (CEQR No. 07DCP069K);

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

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment.

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, the Council approves the Decision with the following modifications:

- 1) The property that is the subject of this application (C 070156 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

WASA Studio, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
2	Site Plan Diagram	<del>4.27.07</del> <u>10-31-07</u>
3.	Zoning Analysis	<del>3.26.07</del> <u>10-31-07</u>
4.	Encroachment Diagram	<del>3.26.07</del> <u>10-31-07</u>

- 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) In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 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) Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated ~~September 12~~ November 5, 2007, executed by 194 Atlantic LLC and 130 Court LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Kings.
- 7) 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 and the attached restrictive declaration 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 or of the attached restrictive declaration.
- 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 November 15, 2007, on file in this office.

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City Clerk, Clerk of The Council