



## Legislation Details (With Text)

<b>File #:</b>	Res 0899-2015	<b>Version:</b>	*	<b>Name:</b>	LU 289 - Zoning, HAMILTON PLAZA, 1-37 12th Street, Brooklyn (M 780389(B) ZSK)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Adopted</b>	
		<b>In control:</b>		Committee on Land Use	
<b>On agenda:</b>	10/29/2015				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving with modifications the decision of the City Planning Commission on Application No. M 780389 (B) ZSK, for the modification of a previously approved restrictive declaration, to facilitate a change in use and an increase of 2,364 square feet of floor area on the third floor of an existing 4-story building on property located at 1-37 12th Street (Block 1007, Lot 172; Block 1025, Lots 1, 16, 18, 20 and 200) (the "Project Site"), in an M1-2 District, Borough of Brooklyn (L.U. No. 289).				
<b>Sponsors:</b>	David G. Greenfield, Donovan J. Richards				
<b>Indexes:</b>					
<b>Attachments:</b>	1. October 29, 2015 - Stated Meeting Agenda with Links to Files, 2. Hearing Transcript of the Stated Meeting - October 29, 2015, 3. Committee Report, 4. Minutes of the Stated Meeting - October 29, 2015, 5. Complete Package, 6. Second Modification of Declaration				

Date	Ver.	Action By	Action	Result
10/22/2015	*	Committee on Land Use	Approved by Committee with Modifications	
10/29/2015	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 899

**Resolution approving with modifications the decision of the City Planning Commission on Application No. M 780389 (B) ZSK, for the modification of a previously approved restrictive declaration, to facilitate a change in use and an increase of 2,364 square feet of floor area on the third floor of an existing 4-story building on property located at 1-37 12<sup>th</sup> Street (Block 1007, Lot 172; Block 1025, Lots 1, 16, 18, 20 and 200) (the "Project Site"), in an M1-2 District, Borough of Brooklyn (L.U. No. 289).**

**By Council Members Greenfield and Richards**

WHEREAS, a restrictive declaration dated July 28, 1977 (the 1977 Declaration) was entered into and recorded on the Project Site on October 21, 1977 (Reel 952, Page 1344), in connection with the approval by the New York City Board of Estimate of a Special Permit (M 760044 ZSK) to permit a commercial development;

WHEREAS, a second restrictive declaration dated October 2, 1981 was entered into and recorded on the Project Site on November 25, 1981, (Reel 1280, Page 1448) (the "1981 Declaration" together with the 1977 Declaration, the "Original Declaration") in connection an application for a modification to the special permit (M 780389 ZSK);

WHEREAS, the City Planning Commission filed with the Council on October 9, 2015 its decision dated October 7, 2015 (the "Decision"), on the application submitted by Hamilton Plaza Associates, for modification

of the Original Declaration, which was filed in connection with a special permit amendment to facilitate a change in use and allow the enlargement by 2,364 square feet on the third floor at the property located at 1-37 12<sup>th</sup> Street (Block 1007, Lot 172; Block 1025, Lots 1, 16, 18, 20 and 200), in an M1-2 District, Community District 6, Borough of Brooklyn (ULURP No. M 780389 (B) ZSK) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council, as the successor in jurisdiction to the New York City board of Estimate, pursuant to the terms of the Original Declaration;

WHEREAS, the Application would cancel the Original Declaration on the Project Site to permit an increase of 2,364 square feet on the third floor and a change in use to a physical culture establishment;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 20, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 16DCP019K) issued on August 17, 2015, which reflects the application as modified by the Commission (the "Negative Declaration");

**RESOLVED:**

Pursuant to Original Declaration and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, M 780389 (B) ZSK, and incorporated by reference herein, the Council approves the Decision with the following modifications and subject to the following conditions:

1. Uses on the third and fourth floors of the existing building on the Project Site remain limited to the following, as defined by the New York City Zoning Resolution:
  - a. Office,
  - b. Warehouse,
  - c. Physical culture or health establishment, or
  - d. Use Group 6 uses, except no retail establishments occupying more than one floor of the supermarket building, and no eating and drinking establishments;
2. Development pursuant to this resolution shall be in accordance with the terms of the Second Modification of Declaration attached hereto and made part hereof;
3. Development pursuant to this resolution shall only be permitted after such Second Modification to Declaration is executed by Hamilton Plaza Associates or its successors, and has been recorded and filed on the Project Site in the Office of the Register of the City of New York, County of Kings.

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 October 29, 2015, on file in this office.

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City Clerk, Clerk of The Council