



## Legislation Text

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**File #:** Res 0661-2015, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 661

Resolution approving the decision of the City Planning Commission on ULURP No. C 140209 ZSK (L.U. No. 202), for the grant of a special permit pursuant to Section 106-32(a) to allow a commercial use (U.G. 16D) not otherwise permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use); and Section 106-32(c) to modify the yard regulations of Section 106-34 (Special Yard Regulations) to facilitate the development of a 3-story commercial warehouse building on property located 2702 West 15<sup>th</sup> Street (Block 6996, Lots 53 and 59), in an M1-2 District, within the Special Coney Island Mixed Use District, Borough of Brooklyn.

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on March 20, 2015 its decision dated March 18, 2015 (the "Decision"), on the application submitted by SO Development Enterprises, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 106-32(a) of the Zoning Resolution to allow a commercial use (U.G. 16D) not otherwise permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use); and Section 106-32(c) to modify the yard regulations of Section 106-34 (Special Yard Regulations); to facilitate the development of a 3-story commercial warehouse building on property located at 2702 West 15<sup>th</sup> Street (Block 6996, Lots 53 and 59), in an M1-2 District, within the Special Coney Island Mixed Use District, (ULURP No. C 140209 ZSK), Community District 13, Borough of Brooklyn (the "Application");

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 106-32 (a) 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 April 13, 2015;

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. 15DCP052K) issued on November 3, 2014 (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 140209 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 140209 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Marin Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC 001	Zoning Analysis	May 5, 2014
CPC 010	Site Plan	May 5, 2014
CPC 030	Waiver Diagram	May 5 2014
CPC 200	Building Sections	May 5 2014

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, operating 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. 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, 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 or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.
6. 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 action or 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 April 16, 2015, on file in this office.

City Clerk, Clerk of The Council