



COUNCIL OF THE CITY OF NEW YORK

**CALENDAR
OF
THE LAND USE COMMITTEE
FOR JUNE 17, 2013**

LEROY G. COMRIE, *Chair*, Land Use Committee

MARK WEPRIN, *Chair*, Subcommittee on Zoning and Franchises

BRAD LANDER, *Chair*, Subcommittee on Landmarks, Public Siting
and Maritime Uses

STEPHEN LEVIN, *Chair*, Subcommittee on Planning, Dispositions
and Concessions

<http://legistar.council.nyc.gov/Calendar.aspx>

SUBCOMMITTEE ON ZONING AND FRANCHISES

The Subcommittee on Zoning and Franchises will hold a meeting on the following matters in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **11:00 a.m. on Monday, June 17, 2013:**

L.U. NOS. 829, 830 AND 831 ARE RELATED

L.U. No. 829 BAM SOUTH

BROOKLYN CB - 2

C 130116 ZMK

Application submitted by 22 Lafayette LLC and NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-2 District property bounded by Lafayette Avenue, Ashland Place, Hanson Place, and Flatbush Avenue, as shown on a diagram (for illustrative purposes only) dated November 26, 2012.

L.U. No. 830 BAM SOUTH

BROOKLYN CB - 2

N 130117 ZRK

Application submitted by 22 Lafayette LLC and the New York City Economic Development Corporation pursuant to Sections 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article X Chapter 1 (Special Downtown Brooklyn District), to allow special permits for use and bulk modifications for cultural uses in certain C6-2 districts.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE X

Chapter 1

Special Downtown Brooklyn District

* * *

101-80

Special Permits

101-81

Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

In order to support a concentration of cultural uses and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural uses, the City Planning Commission may permit the maximum #community facility floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section 23-632 as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section. For the purposes of this Section 101-81, “cultural use” shall be defined as public or non-profit libraries, theaters, museums, visual or performing arts spaces, or art, music, dance, theatrical studios or other comparable uses and space occupied by such cultural use shall qualify as #community facility floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

- (1) A letter from the Office of the Mayor shall be submitted certifying that:
 - (i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural uses and for the construction of the core and shell of such cultural facility by the applicant; and

- (ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural uses, and

- (2) A legal commitment in the form of declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of the #floor area# to be occupied by cultural uses to cultural use for the life of the related #development#, provided, that in the event the majority of the #zoning lot# containing such #floor area# is in the ownership of a not for profit corporation under contract with the City to provide economic development services at the time of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.

- (b) In order to grant such permit, the Commission shall find that:
 - (1) the #building# including such cultural uses is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural uses from surrounding #streets#;

 - (2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;

 - (3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;

 - (4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and

 - (5) any modifications to #sign# regulations will result in greater visibility for the cultural uses provided on the #zoning lot#.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of Occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural uses minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that:

- (1) A deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:
 - (i) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;
 - (ii) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and
 - (iii) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

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**L.U. No. 831
BAM SOUTH**

BROOKLYN CB - 2

C 130118 ZSK

Application submitted by 22 Lafayette LLC and 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 101-81 of the Zoning Resolution:

1. to permit the maximum community floor area requirements of Section 33-123 (Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts) to be increased from 6.5 to 7.0;
2. to modify the street wall location requirements of Section 101-41 (Special Street Wall Location Regulations):
3. to modify the height and setback regulations of 23-632 (Front setbacks in districts where front yards are not required) and;
4. to modify the sign regulations of Section 32-64 (Surface Area and Illumination Provisions), Section 32-65 (Permitted Projection or Height of Signs) and Section 32-68 (Permitted Signs on Residential or Mixed Buildings);

in connection with a proposed 32-story mixed use development, on property located at 113 Flatbush Avenue (Block 2110, Lots 3 and 103), in a C6-2 District, within the Special Downtown Brooklyn District.



**AGENDA
OF THE
LAND USE COMMITTEE**

The Land Use Committee will hold a meeting in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **11:30 A.M. on Monday, June 17, 2013**, and will consider the following items and conduct such other business as may be necessary:

L.U. NOS. 829, 830 AND 831 ARE RELATED

**L.U. No. 829
BAM SOUTH**

BROOKLYN CB - 2

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**L.U. No. 830
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