



Legislation Details (With Text)

**File #:** Res 1861-2021      **Version:** \*      **Name:** LU 957 - Zoning, 1 Wythe Avenue, Brooklyn (C 210272 ZSK)

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 12/9/2021

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 210272 ZSK, for the grant of a special permit (Preconsidered L.U. No. 957).

**Sponsors:**

**Indexes:**

**Attachments:** 1. Res. No. 1861, 2. Calendar of the Zoning Subcommittee and Land Use Meetings - December 9, 2021, 3. December 9, 2021 - Stated Meeting Agenda, 4. LOCATING ENVIRONMENTAL REVIEW MATERIALS FOR CERTAIN LAND USE APPLICATIONS, 5. Committee Report, 6. Hearing Transcript - Stated Meeting 12-9-21, 7. Minutes of the Stated Meeting - December 9, 2021

Date	Ver.	Action By	Action	Result
12/9/2021	*	Committee on Land Use	Approved by Committee	
12/9/2021	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1861**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210272 ZSK, for the grant of a special permit (Preconsidered L.U. No. 957).**

**By Council Members Salamanca and Moya**

WHEREAS, One Wythe, 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 74-96 of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed 8-story commercial and industrial building within an Industrial Business Incentive Area specified on the Maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3 and 4), in a M1-2 District, which in conjunction with the related actions would facilitate the construction of an approximately 81,000-square-foot mixed office, retail, and industrial development at 1 Wythe Avenue in the Greenpoint neighborhood of Brooklyn, Community District 1, (ULURP No. C 210272 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on December 1, 2021, its decision dated December 1, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application N 210273 ZR (Pre. L.U. No. \_\_\_), a zoning text amendment to ZR Section 74-96 to add an Industrial Business Incentive Area (IBIA);

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 74-966 (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 December 9, 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 Negative Declaration issued July 26<sup>th</sup>, 2021 (CEQR No. 21DCP075K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-628) (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 (E) Designation (E-628) and 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 the report, C 210272 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The properties that are the subject of this application (C 210272 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 ARCHIMAERA, filed with this application, and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-02	Zoning Analysis	07/20/2021
A-03	Zoning Site Plan	07/20/2021
A-04	Ground Floor Plan	07/20/2021
A-05	Cellar Floor Plan	07/20/2021
A-06	Floor Plans - Level 2 & 3	07/20/2021
A-07	Floor Plans - Level 4 & 5	07/20/2021
A-08	Floor Plans - Level 6 & 7	07/20/2021

A-09	Floor Plans - Level 8	07/20/2021
A-10	Zoning Sections	07/20/2021
A-11	Zoning Sections	07/20/2021
A-12	Zoning Elevations - North 15 <sup>th</sup> Street & Banker Street	07/20/2021
A-13	Zoning Elevations - Wythe Avenue	07/20/2021
A-14	Flood Mitigation Plan	07/20/2021
A-15	Detail Elevations - Ground Level Transparency Compliance	07/20/2021

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.
3. Such development shall conform to all applicable laws and regulations relating to its construction 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. Development pursuant to this resolution shall be allowed only after the Notice of Restrictions 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 Register of the City of New York, County of Brooklyn.
6. 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 restrictions, agreements, terms or conditions of this resolution 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.
7. 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 \_\_\_\_\_, 2021, on file in this office.

City Clerk, Clerk of The Council