



Legislation Details (With Text)

File #: Res 0832-2019 **Version:** * **Name:** LU 363 - Zoning, 809 Atlantic Avenue Rezoning, Brooklyn (C190072ZSK)

Type: Resolution **Status:** Adopted

In control: Committee on Land Use

On agenda: 4/9/2019

Enactment date: **Enactment #:**

Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 190072 ZSK, for the grant of a special permit (L.U. No. 363).

Sponsors: Rafael Salamanca, Jr., Francisco P. Moya

Indexes:

Attachments: 1. Resolution, 2. February 28, 2019 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of March 4, 2019 - March 8, 2019, 4. Hearing Testimony - Zoning 3-6-19, 5. Land Use Calendar - Week of April 1, 2019 - April 5, 2019, 6. Hearing Transcript - Zoning 3-6-19, 7. Land Use Calendar and Agenda for April 3, 2019, 8. April 9, 2019 - Stated Meeting Agenda with Links to Files, 9. Hearing Transcript - Stated Meeting 4-9-19, 10. Minutes of the Stated Meeting - April 9, 2019, 11. Committee Report

Date	Ver.	Action By	Action	Result
4/3/2019	*	Committee on Land Use	Approved by Committee	
4/9/2019	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 832**

Resolution approving the decision of the City Planning Commission on ULURP No. C 190072 ZSK, for the grant of a special permit (L.U. No. 363).

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on February 25, 2019 its decision dated February 25, 2019 (the "Decision"), on the application submitted by 550 Clinton Partners, LLC, and 539 Vanderbilt Partners, 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 zoning lot divided by district boundaries regulations of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution) and Section 77-22 (Floor Area Ratio); the lot coverage regulations of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas); the rear yard regulations of Section 23-52 (Special Provisions for Shallow Interior Lots), Section 33-26 (Minimum Required Rear Yards), and Section 33-29 (Special Provisions Applying along District Boundaries); the tower-on-a-base regulations of Section 23-651(a) (Tower regulations) and Section 23-651(b) (Building base regulations); the inner court regulations of Section 23-851 (Minimum dimensions of inner courts) and the inner recess regulations of Section 23-852 (Inner court recesses); and the minimum distance between legally required windows and lot line regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) in connection with a proposed mixed-use development on property located at 550 Clinton Avenue a.k.a. 539 Vanderbilt Avenue (Block 2010, Lots 1, 10, 51, 59, 1001-1010, and 1101-1118), in R6A, R7A and R9/C2-5 Districts, which in conjunction with the related actions would facilitate the development of two new mixed-use buildings on the

development site, one 4 stories and one 29 stories, with approximately 204,000 square feet of residential floor area and 33,000 square feet of commercial floor area and fund the restoration of the landmarked Church of St. Luke & St. Matthew at 809 Atlantic Avenue in the Fort Greene/Clinton Hill neighborhood of Brooklyn, Community District 2 (ULURP No. C 190072 ZSK) (the “Application”);

WHEREAS, the Application is related to applications C 190071 ZMK (L.U. No. 362), a zoning map amendment to change R7A/C2-4, R7A and R6A districts to an R9/C2-5 district and to change an R7A/C2-4 district to an R6A district; C 190073 ZSK (L.U. No. 364), a special permit pursuant to ZR Section 74-533 to modify residential parking requirements; and N 190074 ZRK (L.U. No. 365), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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 74-711 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 March 6, 2019;

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 Revised Negative Declaration issued February 22nd, 2019 which supersedes the Negative Declaration issued September 24th, 2018, and Revised Environmental Assessment Statement issued February 22nd, 2019 (CEQR No. 18DCP179K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality or noise (the “E” Designation (E-499));

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-499) and Revised 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 190072 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 190072 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 Morris Adjmi Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	Zoning Analysis	08/27/2018
Z-010	Site Plan	09/07/2018
Z-150	Bulk Waiver Plan	09/07/2018

Z-151	Bulk Waiver Sections	09/07/2018
Z-152	Bulk Waiver Sections	09/07/2018
Z-300	Tower Zoning Envelope Diagram	08/27/2018

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 confirm to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event 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 resolution and the restrictive declaration 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, sub-lessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration, executed by 550 Clinton Partners LLC and 539 Vanderbilt Partners 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, New York County.
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 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.
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 April 9, 2019, on file in this office.

City Clerk, Clerk of The Council