



## Legislation Details (With Text)

**File #:** Res 1676-2021      **Version:** \*      **Name:** LU 792 - Zoning, West 16th Street Special Permit, Brooklyn (C 200298 ZSK)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 6/17/2021

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

**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 200298 ZSK, for the grant of a special permit (L.U. No. 792).

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

**Indexes:**

**Attachments:** 1. Res. No. 1676, 2. May 12, 2021 - Stated Meeting Agenda with Links to Files, 3. Calendar of the Subcommittee Meetings - June 1 and 2, 2021, 4. Calendar of the Zoning Subcommittee and Land Use Meetings - June 16, 2021, 5. June 17, 2021 - Stated Meeting Agenda with Links to Files, 6. Hearing Transcript - Stated Meeting 6-17-21, 7. Minutes of the Stated Meeting - June 17, 2021, 8. Committee Report

| Date      | Ver. | Action By             | Action                | Result |
|-----------|------|-----------------------|-----------------------|--------|
| 6/16/2021 | *    | Committee on Land Use | Approved by Committee |        |
| 6/17/2021 | *    | City Council          | Approved, by Council  | Pass   |

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1676

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200298 ZSK, for the grant of a special permit (L.U. No. 792).**

**By Council Members Salamanca and Moya**

WHEREAS, Bedford Carp Realty III, 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 106-32(a) of the Zoning Resolution to allow a commercial use (Use Group 16 use) not permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use) to facilitate the development of a 2-story commercial warehouse building, on property located 2706 West 16th Street (Block 6995, Lot 74), in an M1-2 District, within the Special Coney Island Mixed Use District, Borough of Brooklyn, Community District 13 (ULURP No. C 200298 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on May 10, 2021, its decision dated May 5, 2021 (the “Decision”) on the Application;

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 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 June 1, 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 December 14<sup>th</sup>, 2020 (CEQR No. 20DCP112K) (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 the report, C 200298 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 200298 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 Joseph M. Morace A.I.A, filed with this application and incorporated in this resolution:

| <u>Dwg. No.</u> | <u>Title</u>            | <u>Last Date Revised</u> |
|-----------------|-------------------------|--------------------------|
| CPC-001         | Zoning Data             | July 7, 2020             |
| CPC-002         | Site Plan & Zoning Data | July 7, 2020             |
| CPC-003         | First Floor Plan        | July 7, 2020             |
| CPC-004         | Building Sections       | July 7, 2020             |

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 restrictions, agreements, terms or conditions of this resolution the provisions of which 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 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 June 17, 2021, on file in this office.

City Clerk, Clerk of The Council