



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 792**

Resolution approving the decision of the City Planning Commission on ULURP No. C 180458 ZSK, for the grant of a special permit (L.U. No. 336).

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on January 22, 2019 its decision dated January 9, 2019 (the "Decision"), on the application submitted by 570 Fulton Street Property, LLC, and One Flatbush Avenue Property, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 101-82 of the Zoning Resolution to modify height and setback requirements and tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards) and Section 23-47 (Minimum Required Rear Yards), and to modify the inner court recess requirements of Section 23-852(b) (Inner court recesses), in connection with a proposed mixed use development on property located at 570 Fulton Street a.k.a. 1-25 Flatbush Avenue (Block 2106, Lots 26, 35, & p/o 24), in a C6-9 District, within the Special Downtown Brooklyn District, which in conjunction with the related actions would facilitate the construction of a new approximately 200,000-square-foot mixed-use development with retail, office and residential units at 570 Fulton Street in the Downtown Brooklyn neighborhood of Community District 2, Brooklyn, (ULURP No. C 180458 ZSK) (the "Application");

WHEREAS, the Application is related to applications N 180457 ZRK (L.U. No. 335), a zoning text amendment to establish bulk regulations for C6-9 zoning districts mapped within the SDBD, and create a new special permit within the SDBD and C 180459 ZMK (L.U. No. 337), a zoning map amendment to rezone the project area from C6-4 to C6-9 within the Special Downtown Brooklyn District (SDBD);

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 101-82 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 January 31, 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 negative

declaration issued August 20th, 2018 (CEQR No. 18DCP111K), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, and noise (E-490) (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-490) 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 180458 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 180458 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Hill West Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-03	Zoning Calculations/Base Plane/Lot Diagram/Mean Lot Depth Line/Tower Lot Coverage	7/31/2018
Z-04	Site Plan	7/31/2018
Z-06	Waiver Site Plan	7/31/2018
Z-07	Waiver Section	7/31/2018
Z-08	Waiver Section	7/31/2018
Z-09	Waiver Section	7/31/2018
Z-13	Zoning Axonometrics Southwest Elevation Design Guidelines	7/31/2018

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 conform to all applicable laws and regulations relating to its construction, operation 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 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 other 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 or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment 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 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 March 13, 2019, on file in this office.

City Clerk, Clerk of The Council