



Legislation Details (With Text)

File #: Res 0559-2018 **Version:** * **Name:** LU 194 - Zoning, 80 Flatbush Avenue Rezoning, Brooklyn (C 180218 ZSK)

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In control: Committee on Land Use

On agenda: 9/26/2018

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Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180218 ZSK (L.U. No. 194), for the grant of a special permit pursuant to Section 74-752 of the Zoning Resolution to modify the use regulations of Section 101-11 (Special Ground Floor Use Regulations); the affordable housing requirements of Section 23-154 (Inclusionary Housing) and Section 23-90 (Inclusionary Housing); the bulk requirements of Section 101-223 (Tower Regulations) and Section 101-41 (Special Street Wall Location Regulations); the requirements of Section 101-50 (Off-Street Parking and Off-Street Loading Regulations) and Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking; and the requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to waive one required loading berth in connection with a proposed mixed-use development, on property located at 80 Flatbush Avenue (Block 174, Lot 1, 9, 13, 18, 23 & 24), in a C6-9 District, within the Special Downtown Brooklyn District, Community District 2, Borough of Brooklyn.

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

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Attachments: 1. Resolution, 2. Land Use Calendar - Week of August 13, 2018 - August 17, 2018, 3. Hearing Testimony - Zoning 8-14-18, 4. Hearing Testimony - Zoning 8-14-18 additional, 5. Hearing Transcript - Zoning 8-14-18, 6. Land Use Calendar - Week of September 17, 2018 - September 21, 2018, 7. September 26, 2018 - Stated Meeting Agenda with Links to Files, 8. Hearing Transcript - Stated Meeting 9-26-18, 9. Minutes of the Stated Meeting - September 26, 2018, 10. City Planning Commission Approval Letter, 11. Committee Report

Date	Ver.	Action By	Action	Result
9/20/2018	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
9/26/2018	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 559**

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180218 ZSK (L.U. No. 194), for the grant of a special permit pursuant to Section 74-752 of the Zoning Resolution to modify the use regulations of Section 101-11 (Special Ground Floor Use Regulations); the affordable housing requirements of Section 23-154 (Inclusionary Housing) and Section 23-90 (Inclusionary Housing); the bulk requirements of Section 101-223 (Tower Regulations) and Section 101-41 (Special Street Wall Location Regulations); the requirements of Section 101-50 (Off-Street Parking and Off-Street Loading Regulations) and Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking; and the requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to waive one required loading berth in connection with a proposed mixed-use development, on property located at 80 Flatbush Avenue (Block 174, Lot 1, 9, 13, 18, 23 & 24), in a C6-9 District, within the Special Downtown Brooklyn District, Community District 2, Borough of Brooklyn.

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on August 6, 2018 its decision dated August 6, 2018 (the "Decision"), on the application submitted by the New York City Educational Construction Fund and 80 Flatbush Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-752 of the Zoning Resolution to modify the use regulations of Section 101-11 (Special Ground Floor Use Regulations); the affordable housing requirements of Section 23-154 (Inclusionary Housing) and Section 23-90 (Inclusionary Housing); the bulk requirements of Section 101-223 (Tower Regulations) and Section 101-41 (Special Street Wall Location Regulations); the requirements of Section 101-50 (Off-Street Parking and Off-Street Loading Regulations) and Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking; and the requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to waive one required loading berth in connection with a proposed mixed-use development, on property located at 80 Flatbush Avenue (Block 174, Lot 1, 9, 13, 18, 23 & 24), in a C6-9 District, within the Special Downtown Brooklyn District, (ULURP No. C 180218 ZSK) Community District 2, Borough of Brooklyn, (the "Application");

WHEREAS, the Application is related to applications C 180216 ZMK (L.U. No. 192), a zoning map amendment to change a C6-2 zoning district to a C6-9 zoning district and N 180217 ZRK (L.U. No. 193), a zoning text amendments to designate a Mandatory Inclusionary Housing (MIH) area, establish bulk regulations for C6-9 zoning districts mapped within the Special Downtown Brooklyn District (SDBD), and create a new special permit for ECF projects within the 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 74-752 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 August 14, 2018;

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 positive declaration (CEQR No. 17ECF001K) issued on May 24, 2017 and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on July 27, 2018 which identified significant adverse impacts with respect to shadows, historic and cultural resources, transportation (traffic and pedestrian) and construction (noise, traffic, and pedestrian) and significant adverse impacts related to hazardous materials and noise which would be avoided through the placement of an (E) designation (E-124) and the Technical Memorandum dated September 26, 2018 (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and the Technical Memorandum, with respect to the Decision and Application, the Council finds that:

- 1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

- 2) Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and,
- 3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, those project components related to the environment and mitigation measure that were identified as practicable.
- 4) The Decision, together with the FEIS and the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 this report, C 180218 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter double struck out is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council;

1. The property that is the subject of this application (C 180218 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 Alloy Design, LLP, filed with this application and incorporated in this resolution:

Drawing	Title	Date Revised
Z-02	Zoning Analysis	08/06/ <u>9/26/</u> 2018
Z-03	Site Plan (Roof Plan)	01/23/ <u>9/26/</u> 2018
Z-04	Zoning Axonometrics	01/23/ <u>9/26/</u> 2018
Z-05	Bulk Modification Plan	08/06/ <u>9/26/</u> 2018
Z-06	Tower Coverage	01/23/ <u>9/26/</u> 2018
Z-07	Ground Floor Use Modification Plan	01/23/ <u>9/26/</u> 2018
Z-08	EW Sections	08/06/ <u>9/26/</u> 2018
Z-09	EW Sections	08/06/ <u>9/26/</u> 2018
Z-10	NS Sections	08/06/ <u>9/26/</u> 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 September 26, 2018, on file in this office.

City Clerk, Clerk of The Council