



Legislation Details (With Text)

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**Type:** Resolution    **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 2/28/2019

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

**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 190037 ZSK, for the grant of a special permit (L.U. No. 326).

**Sponsors:** Rafael Salamanca, Jr., Ben Kallos

**Indexes:**

**Attachments:** 1. Resolution, 2. January 24, 2019 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of January 28, 2019 - February 1, 2019, 4. Hearing Testimony - Planning 1-30-19, 5. Land Use Calendar - Week of February 11, 2019 - February 15, 2019, 6. Hearing Transcript - Stated Meeting 1-24-19, 7. February 28, 2019 - Stated Meeting Agenda with Links to Files, 8. Hearing Transcript - Stated Meeting 2-28-19, 9. Minutes of the Stated Meeting - February 28, 2019, 10. Committee Report

Date	Ver.	Action By	Action	Result
2/26/2019	*	Committee on Land Use	Approved by Committee	
2/28/2019	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 772**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190037 ZSK, for the grant of a special permit (L.U. No. 326).**

**By Council Members Salamanca and Kallos**

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 the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, which in conjunction with the related actions would facilitate the development of a new seven-story building containing approximately 70 units and one superintendent unit of supportive and affordable housing at 461 Alabama Avenue in the East New York neighborhood of Brooklyn, Community District 5, (ULURP No. C 190037 ZSK) (the "Application");

WHEREAS, the Application is related to applications C 190038 HAK (L.U. No. 327), a designation of an Urban Development Action Area; project approval; and disposition of city-owned properties to a developer selected by HPD and C 190039 HUK (L.U. No. 328), a fourth amendment to the East New York I Urban Renewal Plan;

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 74-903 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 30, 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 on July 2, 2018 (CEQR No. 18HPD066K) (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 190037 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 190037 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 Newman Design Architects PLLC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Site Plan	07/10/2018
Z-003	Zoning Analysis	07/10/2018
Z-008	Section	05/31/2018

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 February 28, 2019, on file in this office.

City Clerk, Clerk of The Council