



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 778**

Resolution approving the decision of the City Planning Commission on ULURP No. C 180387 ZSK, for the grant of a special permit (L.U. No. 338).

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on January 11, 2019 its decision dated January 9, 2019 (the "Decision"), on the application submitted by 12 Franklin Property Co., LLC; 12 Franklin 230, LLC; and 12 Franklin 197, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-962 of the Zoning Resolution to increase the maximum permitted floor area ratio of Section 43-12 (Maximum Floor Area Ratio) in connection with a proposed 7-story commercial building within an Industrial Business Incentive Area, on property located at 12 Franklin Street (Block 2614, Lots 1, 3 and 8), in an M1-2 District, which in conjunction with the related action would facilitate the construction of an approximately 134,000-square-foot mixed office, retail, and industrial development at 12 Franklin Street in the Greenpoint neighborhood of Brooklyn, Community District 1, (ULURP No. C 180387 ZSK) (the "Application");

WHEREAS, the Application is related to applications N 180388 ZRK (L.U. No. 339), a zoning text amendment to ZR Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas) to add an Industrial Business Incentive Area (IBIA) and C 180389 ZSK (L.U. No. 340), a special permit pursuant to ZR Section 74-963 (Parking and loading modifications in Industrial Business Incentive Areas) to modify the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES) and the loading berth requirements of Section 44-50 (GENERAL PURPOSES);

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 74-962 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 20, 2018 (CEQR No. 18DCP099K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality or noise (E-483) (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-483) 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 180387 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The properties that are the subject of this and the related applications (C 180387 ZSK and C 180389 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 FXCollaborative Architects LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Zoning Analysis	05/29/2018
Z-003	Zoning Site Plan	05/29/2018
Z-010	Ground Floor Plan	05/29/2018
Z-011	Cellar Floor Plan	05/29/2018
Z-012	Floor 2 & 3 Plans	07/06/2018
Z-013	Floor 4 & 5 Plans	07/06/2018
Z-014	Floor 6 & 7 Plans	05/29/2018
Z-015	Zoning Sections	05/29/2018
Z-020	Zoning Elevations	05/29/2018
Z-021	Zoning Elevations	05/29/2018
Z-022	Detail Elevation	05/29/2018
Z-023	Detail Elevation	05/29/2018
Z-040	Flood Mitigation Plan	05/29/2018

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.
3. Such development shall conform to all applicable laws and regulations relating to its construction 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 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.
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