CITY PLANNING COMMISSION

September 22, 2021 / Calendar No. 20 C 210281 ZSK

IN THE MATTER OF an application submitted by 130 St. Felix Street, 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 the tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 23-532 (Required rear yard equivalents), to modify the inner court dimension requirements of Section 23-851 (Minimum dimensions of inner courts), in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2.

This application for a special permit pursuant to Section 101-82 of the Zoning Resolution (ZR) (C 210281 ZSK) was filed by 130 St. Felix Street LLC on February 16, 2021. This special permit, in conjunction with the related actions, would facilitate the construction of a 23-story, approximately 147,000-square-foot mixed-use residential and community facility building with approximately 120 dwelling units at 130 St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2.

RELATED ACTIONS

In addition to the special permit (C 210281 ZSK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 210278 ZMK Zoning map amendment to change a portion of a C6-1 zoning district to C6-4 and C6-6 zoning districts within the Special Downtown Brooklyn District (SDBD).

N 210279 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, change the residential floor area allowed within a C6-6/SDBD

zoning district where MIH is mapped, and to make an existing special permit applicable within C6-4/SDBD and C6-6/SDBD zoning districts.

C 210280 ZSK Special permit pursuant to Zoning Resolution (ZR) Section 74-533 to waive required residential parking to facilitate affordable housing.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment application (C 210278 ZMK).

ENVIRONMENTAL REVIEW

This application (C 210281 ZSK), in conjunction with the applications for the related actions (C 210278 ZMK, N 210279 ZRK, and C 210280 ZSK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 21DCP083K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 210278 ZMK).

UNIFORM LAND USE REVIEW

This application (C 210281 ZSK) and the related applications for a zoning map amendment (C 210278 ZMK) and a special permit (C 210280 ZSK) were certified as complete by the Department of City Planning on May 3, 2021, and were duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210279 ZRK), which was referred in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

On May 19, 2021, Brooklyn Community Board 2 held a public hearing on this application (C 210281 ZSK) and on June 16, 2021, by a vote of 33 in favor, five opposed, and none abstaining, recommended disapproval of the application. A summary of the Community Board's recommendations appears in the report for the related zoning map amendment (C 210278 ZMK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 210280 ZSK) on June 2, 2021, and on September 14, 2021, issued a recommendation to approve the application with conditions. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment (C 210278 ZMK).

City Planning Commission Public Hearing

On July 28, 2021 (Calendar No. 12), the City Planning Commission scheduled August 18, 2021 for a public hearing on this application (C 210281 ZSK) in conjunction with the related applications (C 210278 ZMK, N 210279 ZRK, and C 210280 ZSK). The hearing was duly held on August 18, 2021 (Calendar No. 70). Thirty-three speakers in favor of the application, and none in opposition, as described in the report for the related zoning map amendment (C 210278 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit (C 210281 ZSK), in conjunction with the related applications for a zoning map amendment (C 210278 ZMK), zoning text amendment (N 210279 ZRK), and zoning special permit (C 210280 ZSK) are appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment (C 210278 ZMK).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 101-82 of the Zoning Resolution:

1. there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;
2. the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;
3. the proposed modifications are limited to the minimum needed to relieve such difficulties;
4. the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and
5. the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 130 St. Felix Street, 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 the tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 23-532 (Required rear yard equivalents), to modify the inner court dimension requirements of Section 23-851 (Minimum dimensions of inner courts), in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2.

1. The property that is the subject of this application (C 210281 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 FXCollaborative Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-002	Zoning Analysis	04/14/2021
Z-003	Zoning Analysis	04/14/2021
Z-004	Zoning Site Plan	04/14/2021
Z-020	Waiver Plan	04/14/2021
Z-021	Waiver Sections	04/14/2021
Z-022	Waiver Sections	04/14/2021
Z-023	Waiver Sections	04/14/2021
Z-024	Waiver Sections	04/14/2021

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 confirm 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.

The above resolution (C 210281 ZSK), duly adopted by the City Planning Commission on September 22, 2021 (Calendar No. 20), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*
DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*