THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 386

Resolution approving the decision of the City Planning Commission on ULURP No. C 230339 ZSK, for the grant of a special permit (L.U. No. 46).

By Council Members Salamanca and Riley

WHEREAS, Stellar 341, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors), and the rear yard regulations of Section 23-47 (Minimum Required Rear Yards) and Section 23-532 (Required rear yard equivalents), in connection with a proposed mixed-use development, within a large-scale general development, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), within R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts, which in conjunction with the related actions would facilitate the development of two new 17- and 19-story mixed-use buildings totaling approximately 245,000 square feet with 305 residential units, 162 of which would be income restricted, and ground floor community facility and retail space at 341 10th Street (Block 1010, Lot 26) in the Park Slope neighborhood of Brooklyn, Community District 6 (ULURP No. C 230339 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on March 11, 2024, its decision dated March 6, 2024 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 230337 ZMK (L.U. No. 41), a zoning map amendment to change R6A and R6B zoning districts to R7-3 and R7-3/C2-4 zoning districts; N 230338 ZRK (L.U. No. 42), a zoning text amendment to establish bulk regulations applicable to R7-3 within Mandatory Inclusionary Housing (MIH) areas and establish an MIH area; G 240045 XAK (L.U. No. 43), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law; and C 230340 ZSK (L.U. No. 47), a zoning special permit to reduce parking requirements in the Large Scale General Development (LSGD);

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 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 March 26, 2024;

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 October 2, 2023 (CEQR No. 23DCP145K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-730) (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-730) 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 230339 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 230339 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Marvel Architects, filed with this application and incorporated in this Resolution:

Drawing No.	**Title**	**Last Date Revised**
U-002.00	LSGD Site Plan	9/15/2023
U-003.00	LSGD Zoning Calculations	10/2/2023
U-006.00	Zoning Diagrams - Waiver Plan	10/2/2023
U-007.00	Zoning Sections I	10/2/2023
U-008.00	Zoning Sections II	9/15/2023
U-009.00	Zoning Diagrams - Axonometrics	9/15/2023

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. No development pursuant to this resolution shall be permitted until the Restrictive Declaration dated February 29, 2024 and executed by Stellar 341 LLC, as a condition of the special permit, is recorded and filed in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. 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.

7. 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 and the restrictive declaration 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 or of the restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents 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 _____, 2024, on file in this office.

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City Clerk, Clerk of The Council