THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 380

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210350 ZSK, for the grant of a special permit (L.U. No. 112).

By Council Members Salamanca and Riley

WHEREAS, Angelina Gatto Trust 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 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property located at 153-157 9th Street and 124 8th Street (Block 1002, Lots 48, 49, 50 & 16), in M1-4/R7A and M2-1 Districts, partially within a Special Mixed Use District (MX-25), Borough of Brooklyn, Community District 6 (ULURP No. C 210350 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 9, 2022, its decision dated September 7, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210348 ZMK (L.U. No. 110), a zoning map amendment to change an M2-1 zoning district to an M1-4/R7A zoning district and N 210349 ZRK (L.U. No. 111), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and establish a new Special Mixed Use District (MX-25);

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 74-533 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 September 22, 2022;

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 April 25th, 2022 (CEQR No. 22DCP091K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-670) (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-670) 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 210350 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modification.

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 210350 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 Cycle Architecture, PLLC filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-002.00	Zoning Site Plan	~~11/02/2020~~ 10/26/2022

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, sublessee 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 October 27, 2022, on file in this office.

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City Clerk, Clerk of The Council