CITY PLANNING COMMISSION

March 17, 2021/Calendar No. 16 C 200326 ZSK

IN THE MATTER OF an application submitted by Suydam, Inc. and 3210 Willoughby LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 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 residential building, on property located at 1250 Willoughby Avenue (Block 3210, Lots 16, 17, 18, 19, 20, and 21), in an M1-5/R7D District, Borough of Brooklyn, Community District 4.

This application for a zoning special permit pursuant to Section 74-533 of the Zoning Resolution was filed on September 2, 2020 by Suydam, Inc. and 3210 Willoughby LLC to waive all required accessory off-street parking spaces to facilitate affordable housing within the Transit Zone, in conjunction with related applications for a zoning map amendment (C 200344 ZMK) and zoning text amendment (N 200343 ZRK). Together, these actions would facilitate the development of a nine-story, 81,720-square-foot residential building with 95 affordable dwelling units at 1250 Willoughby Avenue and a 14,052-square-foot enlargement of an existing four-story industrial building at 349 Suydam Street in the Bushwick neighborhood of Brooklyn Community District 4.

RELATED ACTIONS

In addition to the special permit (C 200326 ZSK) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 200344 ZMK	Zoning map amendment to change an M1-1 zoning district to R7D/M1-5, M1-5, and R6 zoning districts and to map a Special Mixed Use District (MX-21)
N 200343 ZRK	Zoning text amendment to establish a Special Mixed-Use District (MX-21) and designate a Mandatory Inclusionary Housing (MIH) Area

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200344 ZMK).

ENVIRONMENTAL REVIEW

The application (C 200326 ZSK), in conjunction with the applications for the related actions (C 200344 ZMK and N 200343 ZRK), was reviewed pursuant to the New York State Environmental Quality Review (SEQRA), and 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 numbers is 18DCP177K.

After the study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 2, 2020.

PUBLIC REVIEW

This application (C 200326 ZSK), in conjunction with the related zoning map amendment (C 200344 ZMK), was certified as complete by the Department of City Planning on November 2, 2020 and was duly referred to Community Board 4 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 text amendment (N 200343 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

On November 24, 2020, Brooklyn Community Board 4 held a public hearing on this application C 200326 ZSK) and the related applications for a zoning map amendment (200344 ZMK) and zoning text amendment (N 200343 ZRK). On December 16, 2020 and by a vote of 32 in favor, none opposed, and none abstaining, Community Board 4 adopted a resolution recommending approval of the application with conditions. A summary of the Community Board's conditions appears in the report for the related zoning map amendment (C 200344 ZMK).

Borough President Recommendation

On December 21, 2020, the Brooklyn Borough President held a public hearing on this application (C 200326 ZSK) and the related actions for a zoning map amendment (C 200344 ZMK) and zoning text amendment (N 200343 ZRK). On February 11, 2021, the Borough President issued a recommendation approving the application with conditions. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment (C 200344 ZMK).

City Planning Commission Public Hearing

On February 3, 2021 (Calendar No. 7), the City Planning Commission scheduled February 17, 2021 for a public hearing on this application (C 200326 ZSK) and the related actions for a zoning map amendment (C 200344 ZMK) and zoning text amendment (N 200343 ZRK). The hearing was duly held on February 17, 2020 (Calendar No. 28). Three speakers testified in favor of the application and none in opposition, as described in the report for the related zoning map amendment (C 200344 ZMK).

CONSIDERATION

The Commission believes that the proposed zoning special permit (C 200326 ZSK), in conjunction with the related zoning map amendment (C 200344 ZMK) and zoning text amendment (N 200343 ZRK), is 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 200344 ZMK).

FINDINGS

The Commission hereby makes the following findings pursuant to Section 74-533 of the Zoning Resolution:

(a) will facilitate such #development# or #enlargement#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;

(b) will not cause traffic congestion; and

(c) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on November 2, 2020 with respect to this application (CEQR No. 18DCP177K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

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, that the application submitted by Suydam, Inc. and 3210 Willoughby LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 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 residential building, on property located at 1250 Willoughby Avenue (Block 3210, Lots 16, 17, 18, 19, 20, and 21), in a M1-5/R7D District, Borough of Brooklyn, Community District 4, is approved, subject to subject to the following terms and conditions:

1. The property that is the subject of this application (C 200326 ZSK) shall be developed substantially in accordance with the specifications and zoning computations indicated on the following approved plans prepared by OCV Architects, filed with this application and incorporated in this resolution:

Drawing No.	**Title**	**Last Date Revised**
Z-001.00	Parking Special Permit Site Plan / Zoning	May 19, 2020

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 their 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 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 or 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 200326 ZSK), duly adopted by the City Planning Commission on March 17, 2021 (Calendar No. 14), 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.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
DAVID BURNEY, ALLEN P. CAPPELLI ESQ., ALFRED C. CERULLO III, JOSEPH I. DOUEK, RICHARD EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*