Legislation Details (With Text)

File #:	Res 0145-2022	**Version:** *	**Name:**	LU 22 - Zoning, 1034 – 1042 ATLANTIC AVENUE REZONING, Brooklyn (C 210379 ZSK)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	4/28/2022			
Enactment date:			**Enactment #:**	
Title:	Resolution approving the decision of the City Planning Commission on ULURP No. C 210379 ZSK, for the grant of a special permit (L.U. No. 22).			
Sponsors:	Rafael Salamanca, Jr., Kevin C. Riley			
Indexes:				
Attachments:	1. February 24, 2022 - Stated Meeting Agenda, 2. Hearing Transcript - Stated Meeting 2-24-22, 3. Calendar of the Zoning Subcommittee Meeting - March 8, 2022, 4. Calendar of the Zoning Subcommittee and Land Use Meetings - April 12, 2022, 5. City Planning Commission Approval Letter, 6. Committee Report, 7. Res. No. 145, 8. April 28, 2022 - Stated Meeting Agenda, 9. Hearing Transcript - Stated Meeting 4-28-22, 10. Minutes of the Stated Meeting - April 28, 2022			

Date	Ver.	Action By	Action	Result
4/12/2022	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
4/28/2022	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 145

Resolution approving the decision of the City Planning Commission on ULURP No. C 210379 ZSK, for the grant of a special permit (L.U. No. 22).

By Council Members Salamanca and Riley

WHEREAS, EMP Capital Group, 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 reduce the required number of accessory off-street parking spaces to 20 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 1034 -1042 Atlantic Avenue (Block 1125, Lots 29 and 33) in R7A/C2-4 and C6-3A Districts, which in conjunction with the related actions would facilitate the construction of a 17-story mixed use development containing 210 dwelling units, 52 to 63 of which would be permanently affordable, along with commercial and community facility space, at 1034-1042 Atlantic Avenue in the Crown Heights neighborhood of Brooklyn, Community District 8 (ULURP No. C 210379 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on February 23, 2022, its decision dated February 16, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210386 ZMK (L.U. No. 20), a zoning map amendment to change an M1-1 zoning district to C6-3A and R7A/C2-4 zoning districts; and N 210387 ZRK

(L.U. No. 21), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations;

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 March 8, 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 September 20th, 2021 (CEQR No. 21DCP170K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-637) (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-637) 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 210379 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 210379 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 Archimaera Architects filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Dwg. No. 28	Zoning Analysis	02/10/2022
Dwg. No. 16	Zoning Site Plan	02/10/2022

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 _____, 2022, on file in this office.

City Clerk, Clerk of The Council

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