THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 667

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 230358 ZSK, for the grant of a special permit (L.U. No. 163).

By Council Members Salamanca and Riley

WHEREAS, Franklin Ave. Acquisition, 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 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within the 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 962-972 Franklin Avenue (Block 1192, Lots 63 and 66), in R8A and R8A/C2-4 Districts, Borough of Brooklyn, Community District 9 (ULURP No. C 230358 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 24, 2024, its decision dated September 23, 2024 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 230356 ZMK (L.U. No. 161), a zoning map amendment to change an R6A district to R8A and R8A/C2-4 districts; and N 230357(A) ZRK (L.U. No. 162), zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, and to modifying bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts);

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 74-52 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 October 16, 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, as reflected in the Positive Declaration issued June 27th, 2023 (CEQR No. 23DCP165K) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on September 12, 2024, which identified significant adverse impacts with respect to open space, shadows, and natural resources, and construction (noise). In addition, significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations (E-728) on the project site as specified in the Environmental Assessment Statement and Chapters 1, 7, and 12 of the FEIS. The application, as analyzed in the FEIS, contained Project

Components Related to the Environment ("PCREs") related to construction air quality, which are set forth in Chapter 10, "Construction". The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 11 "Mitigation" of the FEIS which include commitments related to improvements at Jackie Robinson Playground and the Brooklyn Botanic Garden; and construction noise. The Council has also considered the Technical Memorandum dated [_____] (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action(s) that are set forth in the Decision;

3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the actions adopted are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and

4. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 23, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 230358 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter <u>double-underlined</u> is new, added by the City Council;
Matter ~~double-struck-out~~ is old, deleted by the City Council

1. The property that is the subject of this application (C 230358 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 Hill West Architects filed with this application and incorporated in this Resolution:

Drawing No.	**Title**	**Last Date Revised**
Z-02	Site Plan/ Zoning Analysis	~~09/23/2024~~ [/ /]

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. 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.

5. 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.

6. 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.

7. 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