DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE DIRECTOR

August 7, 2024

New York City Council
City Hall
New York, NY 10007

Re: 500 Kent Avenue
ULURP Nos. C 230294 ZSK, C 230296 ZSK
Related Applications: C 230293 ZMK
Borough of Brooklyn

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated August 6, 2024, from the City Council regarding the proposed modifications to the above-referenced applications submitted by 500 Kent LLC and the United Jewish Organizations of Williamsburg, Inc for a special permit pursuant to ZR 62-837(a) and a special permit pursuant to ZR 74-52.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on August 7, 2024, determined that the City Council's proposed modifications do not require additional review of environmental issues or pursuant to Section 197-c of the Charter.

Very truly yours,

Daniel R. Garodnick

cc: A. Sommer D. DeCerbo A.Mahesh
S. Amron S. Avila D. Answini

Daniel R. Garodnick, Director
Department of City Planning
120 Broadway- 31st Fl., New York, N.Y. 10271-0001
(212) 720-3200 FAX (212) 720-3303
www.nyc.gov/planning

THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY - ROOM 1602
NEW YORK NEW YORK 10007

PERRIS STRAUGHTER
DIRECTOR

August 6, 2024

Honorable Daniel Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application Nos. C 230294 ZSK (L.U. No. 115) and
C 230296 ZSK (L.U. No. 116)
Related Application No. C 230293 ZMK (L.U. No. 114)

500 Kent Avenue

Dear Chair Garodnick:

On August 6, 2024, the Land Use Committee of the City Council, by a vote of 8-0-0 for Applications **C 230294 ZSK and C 230296 ZSK** recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

C 230294 ZSK (L.U. No. 115)

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

The Council approves the decision of the City Planning Commission ("CPC"), with the modification that Section 15.2(a)(i) of the restrictive declaration dated June 25, 2024, as referenced in the associated CPC report, C 230294 ZSK, shall be amended as follows:

15.2. Mitigation Measures. Declarant shall, in accordance with the FEIS, undertake the mitigation Measures set forth therein when triggered, as follows:

(a) Transportation

(i) Declarant shall coordinate with DOT to effectuate the widening of the south crosswalk located at Kent Avenue and Division Avenue by two feet, from 18.5 feet to 20.5 feet. This mitigation measure shall be subject to review and approval by DOT. Declarant, at no cost to them, shall coordinate with DOT on DOT's implementation of the other transportation mitigation measures identified in Chapter 19 of the FEIS and shall notify DOT at the address listed in Article 12, six months prior to the full occupancy of the development.

1. The property that is the subject of this application (C 230294 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 Marvel Architects filed with this application and incorporated in this resolution:

Dwg, No.	Title	Last Date Revised
n/a	SURVEY	10/02/2023
Z-002.00	ZONING ANALYSIS	10/02/2023
Z-004.00	BASEPLANE ANALYSIS	10/02/2023
Z-010.00	ZONING LOT SITE PLAN	01/11/2024
Z-020.00	WAIVER PLAN	10/02/2023
Z-030.00	ZONING SECTIONS	10/02/2023
Z-031.00	ZONING SECTIONS	10/02/2023
Z-070.00	ZONING AXONOMETRICS	10/02/2023
Z-071.00	ZONING AXONOMETRICS	10/02/2023

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 confirm to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated June 25, 2024, executed by Kent Member LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Brooklyn.
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 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.
8. 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.

C 230296 ZSK (L.U. No. 116)

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

The Council approves the decision of the City Planning Commission ("CPC"), with the modification that Section 15.2(a)(i) of the restrictive declaration dated June 25, 2024, as referenced in the CPC report, C 230296 ZSK, shall be amended as follows:

> 15.2. Mitigation Measures. Declarant shall, in accordance with the FEIS, undertake the mitigation Measures set forth therein when triggered, as follows:
>
> (a) Transportation
>
> (i) Declarant shall coordinate with DOT to effectuate the widening of the south crosswalk located at Kent Avenue and Division Avenue by two feet, from 18.5 feet to 20.5 feet. This mitigation measure shall be subject to review and approval by DOT. Declarant, at no cost to them, shall coordinate with DOT on DOT's implementation of the other transportation mitigation measures identified in Chapter 19 of the FEIS and shall notify DOT at the address listed in Article 12, six months prior to the full occupancy of the development.

1. The property that is the subject of this application (C 230296 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 Marvel Architects, filed with this application, and incorporated in this resolution:

Dwg, No.	Title	Last Date Revised
Z-201.00	Special Permit Parking Plan – Zoning Lot Site Plan	10/02/2023
Z-202.00	Special Permit Parking Plan Cellar Floor	10/02/2023

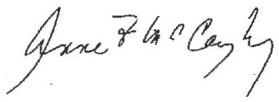
2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval 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. Development pursuant to this resolution shall be allowed only after the attached restrictive

declaration dated June 25, 2024, executed by Kent Member LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Brooklyn.

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 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.
8. 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.

Please feel free to contact me at AMcCaughey@council.nyc.gov if you or your staff have any questions in this regard.

Sincerely,



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Anne F. McCaughey
General Counsel

AFM:SFN

CC: Susan Amron, DCP General Counsel
Danielle DeCerbo, DCP
James Harris, DCP
Perris Straughter, Director, Planning and Land Use Division
Brian Paul, Deputy Director
Chelsea Kelley, Deputy Director
Arthur Huh, Deputy General Cousel
William Vidal, Deputy General Counsel
Gabriella Vallario, Planner
File