**File #:** Res 0709-2018, **Version:** *

**THE COUNCIL OF THE CITY OF NEW YORK**
**RESOLUTION NO. 709**

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180488 ZSK (L.U. No. 275), for the grant of a special permit pursuant to Section 74-743(a)(1) - to allow the distribution of lot coverage without regard for zoning lot lines and Section 74-743(a)(2) - to allow for the location of buildings without regard for distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12), in R6, R7-2, and R7-2/C2-4 Districts, Community District 16, Borough of Brooklyn.**

**By Council Members Salamanca and Moya**

WHEREAS, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), on the application submitted by Brownsville Livonia Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743(a)(1) - to allow the distribution of lot coverage without regard for zoning lot lines and Section 74-743(a)(2) - to allow for the location of buildings without regard for distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12), in R6, R7-2, and R7-2/C2-4 Districts, which in conjunction with the related actions would facilitate the development of seven eight- and nine-story mixed-use buildings with approximately 724 units of affordable housing in the Brownsville neighborhood of Brooklyn, Community District 16, (ULURP No. C 180488 ZSK) Community District 16, Borough of Brooklyn, (the “Application”);

WHEREAS, the Application is related to applications C 180485 HAK (L.U. No. 272), a Urban Development Action Area designation, project approval (UDAAP), and disposition of City-owned property to a developer selected by HPD. The UDAAP portion of this action was withdrawn prior to the City Planning Commission decision; C 180486 PCK (L.U. No. 273), a site selection and acquisition by the Department of Parks and Recreation (DPR) for a new community garden; N 180487 ZRK (L.U. No. 274), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 180489 ZMK (L.U. No. 276), a

zoning map amendment to rezone a portion of the project area from R6 to R7-2 and R7-2/C2-4; and C 180490 ZSK (L.U. No. 277), a zoning special permit pursuant to ZR 74-532 to waive the existing parking requirement within the LSGD of accessory off-street parking spaces;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 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 November 15, 2018;

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 June 25, 2018 (CEQR No. 18DCP101K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise on the development sites Block 3589, Lot 21 (Development Site A); Block 3574, Lot 1 (Development Site B); Block 3588, Lots 27, 32, 33, 34, 35, 36 (Development Site C); Block 3573, Lot 1 (Development Site D); Block 3587, Lots 1 and 27 (Development Site E); Block 3602, Lot 12 (Development Site F); and Block 3560, Lot 1 (Development Site G) (E-485) (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-485) 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 180488 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 ~~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 180488 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Curtis and Ginsberg Architects LLP, filed with this application and incorporated in this resolution:

| **Drawing No.** | **Title** | **Last Date Revised** |
|---|---|---|
| Z-002A | Zoning Analysis | 6/7/2018 12/18/18 |
| Z-004A | Overall Site Plan | 6/7/2018 12/18/18 |

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|---|---|---|
| Z-004B | Site Plan North | 6/7/2018 12/18/18 |
| Z-004C | Site Plan South | 6/7/2018 12/18/18 |
| Z-011A.00 | Site A Zoning Lot Site Plan | 6/7/2018 12/18/18 |
| Z-011C.00 | Site A Zoning Analysis | 6/7/2018 12/18/18 |
| Z-013.00 | Site A Waiver Plans | 6/7/2018 12/18/18 |
| Z-014A.00 | Site A Waiver Sections I | 6/7/2018 12/18/18 |
| Z-014B.00 | Site A Waiver Sections II | 6/7/2018 12/18/18 |
| Z-016 | Site A Design Controls | 6/7/2018 12/18/18 |
| Z-021A.00 | Site B Zoning Lot Site Plan | 6/7/2018 12/18/18 |
| Z-021C.00 | Site B Zoning Analysis | 6/7/2018 12/18/18 |
| Z-023.00 | Site B Waiver Plans | 6/7/2018 12/18/18 |
| Z-024A.00 | Site B Waiver Sections I | 6/7/2018 12/18/18 |
| Z-024B.00 | Site B Waiver Sections II | 6/7/2018 12/18/18 |
| Z-024C.00 | Site B Waiver Sections III | 6/7/2018 12/18/18 |
| Z-026 | Site B Design Controls | 6/7/2018 12/18/18 |
| Z-031A.00 | Site C Zoning Lot Site Plan | 6/7/2018 |
| Z-031C.00 | Site C Zoning Analysis | 6/7/2018 |
| Z-033.00 | Site C Waiver Plans | 6/7/2018 |
| Z-034.00 | Site C Waiver Sections | 6/7/2018 |
| Z-036 | Site C Design Controls | 6/7/2018 |
| Z-041A.00 | Site D Zoning Lot Site Plan | 6/7/2018 12/18/18 |
| Z-041C.00 | Site D Zoning Analysis | 6/7/2018 12/18/18 |
| Z-043.00 | Site D Waiver Plans | 6/7/2018 12/18/18 |
| Z-044A.00 | Site D Waiver Sections I | 6/7/2018 12/18/18 |
| Z-044B.00 | Site D Waiver Sections II | 6/7/2018 12/18/18 |
| Z-046 | Site D Design Controls | 6/7/2018 12/18/18 |
| Z-051A.00 | Site E Zoning Lot Site Plan | 6/7/2018 12/18/18 |
| Z-051C.00 | Site E Zoning Analysis | 6/7/2018 12/18/18 |
| Z-053.00 | Site E Waiver Plans | 6/7/2018 12/18/18 |
| Z-054A.00 | Site E Waiver Sections I | 6/7/2018 12/18/18 |
| Z-054B.00 | Site E Waiver Sections II | 6/7/2018 12/18/18 |
| Z-056 | Site E Design Controls | 6/7/2018 12/18/18 |
| Z-061A.00 | Site F Zoning Lot Site Plan | 6/7/2018 12/18/18 |
| Z-061C.00 | Site F Zoning Analysis | 6/7/2018 12/18/18 |
| Z-063.00 | Site F Waiver Plans | 6/7/2018 12/18/18 |
| Z-064A.00 | Site F Waiver Sections I | 6/7/2018 12/18/18 |
| Z-064B.00 | Site F Waiver Sections II | 6/7/2018 12/18/18 |
| Z-066.00 | Site F Design Controls | 6/7/2018 12/18/18 |



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|---|---|---|
| Z-071A.00 | Site G Zoning Lot Site Plan | 6/7/2018<u>12/18/18</u> |
| Z-071C.00 | Site G Zoning Analysis | 6/7/2018<u>12/18/18</u> |
| Z-073.00 | Site G Waiver Plans | 6/7/2018<u>12/18/18</u> |
| Z-074A.00 | Site G Waiver Sections I | 6/7/2018<u>12/18/18</u> |
| Z-074B.00 | Site G Waiver Sections II | 6/7/2018<u>12/18/18</u> |

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 restrictive declaration attached hereto as Exhibit A, <u>as modified by the Council,</u> with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

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 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.

7. 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 December 20, 2018, on file in this office.

City Clerk, Clerk of The Council



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