



CITY PLANNING COMMISSION

August 8, 2007/Calendar No.20

C 070434 ZSK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-511 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 94 spaces on the ground floor of a proposed mixed use development on property located at 34–46 Varet Street a.k.a. 19–25 Cook Street (Block 3113, Lots 9, 11, 13, 15, 26, 27, 28 & 29), in an R7A/C1-4* District, Borough of Brooklyn, Community District 1.

The application for the special permit was filed by the Department of Housing Preservation and Development (HPD) on April 18, 2007 to allow for the construction of an 94-space attended public parking garage to be located on a portion of the first floor of buildings at 34, 40, 42, and 46 Varet Street and 25, 23, 21, and 19 Cook Street in Williamsburg, Brooklyn . The applicant requests that all 14,780 square feet within the parking garage be exempted from the definition of floor area pursuant to Section 74-511.

RELATED ACTIONS

In addition to the special permit, which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

1. **C 070432 ZMK** Amendment of the Zoning Map Section 13b to rezone Block 3113 to R7A/C1-4 and R7A/C2-4.
2. **C 070343 HAK** Urban Development Action Area designation and project approval and the disposition of city-owned property.

BACKGROUND

A full background discussion and description of this application appears in the report on the related application for an Urban Development Action Area Designation and Project approval (UDAAP), and disposition of city-owned land (C 070433 HAK).

ENVIRONMENTAL REVIEW

This application (C 070434 ZSK), in conjunction with the application for the related actions (C 070432 ZMK and C 070433 HAK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the 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 Procedures of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07HPD023K. The lead agency is the Department of Housing Preservation and Development.

A summary of the environmental review and the Environmental Assessment Statement appears in the report on the related Urban Development Action Area designation and project approval application (C 070433 HAK).

UNIFORM LAND USE REVIEW

This application (C 070434 ZSK), was certified as complete by the Department of City Planning on May 7, 2007, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on May 29, 2007 and on June 13, 2007 by a vote of 40 to 0 with 1 abstention, adopted a resolution recommending approval of the

application with conditions. A summary of the recommendation of Community Board 1 appears in the report for the related application (C 070433 HAK)

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on July 5, 2007.

City Planning Commission Public Hearing

On June 20, 2007 (Calendar No. 8), the City Planning Commission scheduled July 11, 2007, for a public hearing on this application (C 070434 ZSK). The hearing was duly held on July 11, 2007 (Calendar No. 38) in conjunction with the public hearings on the applications for the related actions (C 070432 ZMK and C 070433 HAK).

There were a number of appearances, as detailed in the report on the related application for an Urban Development Action Area Designation and Project approval (UDAAP), and disposition of city-owned land (C 070433 HAK).

CONSIDERATION

The Commission believes that the application for grant of a special permit (C 070433 HAK) is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report for the related application for an Urban Development Action Area Designation and Project approval (UDAAP), and disposition of city-owned land (C 070433 HAK).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-511 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas in C1 Districts) of the Zoning Resolution:

- (a) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (b) that such use has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less;
- (c) Not applicable
- (d) that, where any floor space is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

RESOLUTION

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, the application of the Department of Housing Preservation and Development for the grant of a special permit pursuant to Sections 74-511 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 94 spaces on portions of the first floor, and to allow up to 14,780 square feet of floor area on the ground floor below a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), in a proposed 8-story building at 34, 40, 42, and 46 Varet Street and 25, 23, 21, and 19 Cook Street (Block 3113, Lots 9, 11, 13, 15, 26, 27, 28 &

29), in a C1-4 District, Borough of Brooklyn, Community District 1, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 070434 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Curtis and Ginsberg Architects LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
09	Parking Plan – Buildings 2A, 2B	April 10, 2007

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. 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 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.
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 070434 ZSM), duly adopted by the City Planning Commission on August 8, 2007 (Calendar No. 20), 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.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
JOHN MEROLO, DOLLY WILLIAMS, Commissioners

LISA A. GOMEZ, Commissioner, Recused