



CITY PLANNING COMMISSION

July 23, 2003/Calendar No. 28

C 030377 ZSK

IN THE MATTER OF an application submitted by the Brooklyn Renaissance Hotel, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution to modify the requirements of Section 37-04 to facilitate the re-design and upgrading of an existing urban plaza in connection with the construction of a 24-story enlargement to an existing hotel use on property located at 345 Adams Street (Block 140, Lots 10, 123, 1001-1002, 1101-1105, and the demapped portions of Pearl Street and Adams Street), in a C5-4 District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2.

The application for the special permit was filed by the Brooklyn Renaissance Hotel, LLC and the Economic Development Corporation on March 11, 2003, to permit the modification of the requirements for Urban Plazas.

RELATED ACTIONS

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

1. C 030378 ZSK CPC Special Permit pursuant to Section 74-721 to permit the modification of tower height and setback regulations;
2. C 030269 MMK Amendment to the city map involving the elimination, discontinuance and closing of a 1,025 square foot portion of Pearl Street and closing of a 3,395 square foot portion of Adams Street;
3. N 030376 ZRY Zoning text amendment to Section 74-91 (Modification of Urban Plazas) to permit modification of urban plazas in C5-4 districts on zoning lots of more than 200,000 square feet;

4. C 030379 PPK Disposition of city-owned property located at 345 Adams Street (Block 140, part of Lot 123) and the disposition of city-owned development rights (Block 140, lots 10,123,1001,1002, and 1101-1105) pursuant to zoning;
5. C 030380 PPK Disposition of one (1) city-owned property currently occupied by the Brooklyn Renaissance Hotel, located at 350 Jay Street (Block 140, Lots 1101-1105) pursuant to zoning; and
6. C 030381 PPK Disposition of the ground and second floors of 345 Adams Street (Block 140, part of Lot 123) pursuant to zoning.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 030378 ZSK).

ENVIRONMENTAL REVIEW

This application (C 030377 ZSK), in conjunction with the applications for the related actions (C 030378 ZSK, C 030269 MMK, N 030376 ZRY, C 030379 PPK, C 030380 PPK and C 030381 PPK), 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 Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 02DME015K. The lead agency is The Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 26, 2003.

UNIFORM LAND USE REVIEW

This application (C 030377 ZSK), in conjunction with the applications for the related actions (C 030378 ZSK, C 030269 MMK, C 030379 PPK, C 030380 PPK and C 030381 PPK), was certified as complete by the Department of City Planning on March 31, 2003, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP text change application (N 030376 ZRY), which was sent to the board and the Borough President for information and review.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on April 30, 2003, and on May 14, 2003, by a vote of 35 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 27, 2003.

City Planning Commission Public Hearing

On June 4, 2003 (Calendar No. 7), the City Planning Commission scheduled June 18, 2003, for a public hearing on this application (C 030377 ZSK). The hearing was duly held on June 18, 2003 (Calendar No. 11), in conjunction with the public hearings on the applications for the related

actions (C 030378 ZSK), (C 030269 MMK), (N 030376 ZRY), (C 030379 PPK), (C 030380 PPK) and (C 030381 PPK).

There were nine speakers in favor of the application and none opposed, as described in the report on the related application for the grant of a special permit (C 030378 ZSK), and the hearing was closed.

CONSIDERATION

The Commission believes that the granting of a special permit to modify the requirements of Section 37-04 to facilitate the redesign and upgrading of an existing urban plaza in connection with the construction of a 24-story enlargement to an existing hotel use on property located at 345 Adams Street (Block 140, Lots 10, 123, 1001-1002, 1101-1105, and the demapped portions of Pearl Street and Adams Street), in a C5-4 District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2 is appropriate.

A full consideration of the issues, and the reasons for approving this application, appear in the report of the related application for a special permit (C 030378ZSK).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-91 of the Zoning Resolution:

That the usefulness and attractiveness of the *urban plaza* will be assured by the proposed layout and design and that the *development* as a whole will produce a good urban design relationship with surrounding *buildings* and *open spaces*.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

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 Brooklyn Renaissance Hotel, LLC and the Economic Development Corporation for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution to modify the requirements of Section 37-04 to facilitate the re-design and upgrading of an existing urban plaza in connection with the construction of a 24-story enlargement to an existing hotel use on property located at 345 Adams Street (Block 140, Lots 10, 123, 1001-1002, 1101-1105, and the demapped portions of Pearl Street and Adams Street), in a C5-4 District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2 is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 030378 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 William B. Tabler, JR., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z1	Zoning Lot, Zoning Map and Tax Map	March 03, 2003
Z3	Encroachment Plan and Section	March 03, 2003
Z4	Zoning Analysis	March 03, 2003
Z5	Plaza Plan	March 03, 2003
Z6	Illustrative Plaza Details	March 20, 2003

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 030377 ZSK), duly adopted by the City Planning Commission on July 23, 2003 (Calendar No. 28), 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., ANGELA R. CAVALUZZI R.A.,

RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI,

JOHN MEROLO, KAREN A. PHILLIPS, JOSEPH B. ROSE, DOLLY WILLIAMS,

Commissioners