



IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development and Fulton Star LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces for dwelling units in a proposed mixed use development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units as defined in Section 12-10 (DEFINITIONS), on property located on the west side of Downing Street between Putnam Avenue and Fulton Street (Block 1991, Lot 1, 2, 3, 4, 5, 6, 7, 16, & 106), in an R7A/C2-4 District, Borough of Brooklyn, Community District 2.

This application for the special permit was filed by the Department of Housing Preservation and Development (HPD) on January 31, 2018. The special permit seeks to waive the required accessory off-street residential parking spaces pursuant to Section 74-533 of the Zoning Resolution. Approval of this application would facilitate the construction of a mixed-use building with approximately 49 mixed-income residential units and ground floor retail space in the Clinton Hill neighborhood of Community District 2, Brooklyn.

RELATED ACTIONS

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

C 180244 HAK Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of City-owned property

BACKGROUND

A description of this application, the surrounding area, and the proposed project is included in the report for the related UDAAP action (C 180244 HAK).

ENVIRONMENTAL REVIEW

This application (C 180245 ZSK) in conjunction with the related application (C 180244 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 Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is HPD. The designated CEQR number is 16HPD062K.

A summary of the environmental review appears in the report for the related UDAAP action (C 180244 HAK).

UNIFORM LAND USE REVIEW

This application (C 180245 ZSK) and the related application (C 180244 HAK) were certified as complete by the Department of City Planning on February 12, 2018 and duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 2 held a public hearing on March 14, 2018, and on that date, by a vote of 31 in favor, one opposed, and no abstentions, recommended approval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 180245 ZSK) on March 26, 2018, and on April 26, 2018 issued a recommendation to approve the application with conditions. A summary of the Borough President's recommendation appears in the report for the related UDAAP action (C 180244 HAK).

City Planning Commission Public Hearing

On May 9, 2018 (Calendar No. 2), the CPC scheduled May 23, 2018 for a public hearing on this application (C 180244 HAK). The hearing was duly held on May 23, 2018 (Calendar No. 17), in conjunction with the public hearing on the related application (C 180244 HAK).

There were four speakers in favor of the application, as described in the report for the related UDAAP action (C 180244 HAK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit (C 180245 ZSK), in conjunction with the related action (C 180244 HAK) is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report for the related UDAAP action (C 180244 HAK).

FINDINGS

The Commission hereby makes the following findings pursuant to Section 74-533 of the Zoning Resolution:

- (a) that the waiver of parking spaces will facilitate the development or enlargement of affordable housing;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable, including the availability of parking spaces for such uses.

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 201 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, that the application submitted by the NYC Department of

Housing Preservation and Development and Fulton Star LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces for dwelling units in a proposed mixed use development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units as defined in Section 12-10 (DEFINITIONS), on property located on the west side of Downing Street between Putnam Avenue and Fulton Street (Block 1991, Lot 1, 2, 3, 4, 5, 6, 7, 16, & 106), in an R7A/C2-4, District Borough of Brooklyn, Community District 2, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 180245 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 Aufgang Architects LLC filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Zoning Analysis	08/03/17
C-001	Zoning Lot Site Plan	08/03/17

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 180245 ZSK), duly adopted by the City Planning Commission on June 25, 2018 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq.*, *Vice Chairman*

ALLEN P. CAPPELLI, ALFRED C. CERULLO, III, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, *Commissioners*