



CITY PLANNING COMMISSION

January 28, 2008/Calendar No. 21

C 050237 ZSK

IN THE MATTER OF an application submitted by 886-894 Dahill Road, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 259 spaces on portions of Lower Level, Parking Level 1 and Parking Level 2 of a proposed mixed-use building on property located at 886 Dahill Road (Block 5457, Lots 5 & 6) in a C4-5X District, Borough of Brooklyn, Community District 12.

The application for a special permit for a public parking garage, pursuant to Section 74-52 of the Zoning Resolution was filed by 886-894 Dahill Road LLC on December 23, 2004, and revised on December 17, 2007 to facilitate an unattended public parking garage with a maximum capacity of 259 spaces and a mixed-use building with 179 residential units and 3,000 SF of commercial space in a development located at 886 Dahill Road (Block 5457, Lots 5 & 6) in the Mapleton section of Community District 10, Brooklyn.

RELATED ACTION

In addition to 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 application which is being considered concurrently with this action:

C 050236 ZMK: Amendment of the Zoning Map, Section No. 22d; changing from a M1-1 and R5 districts to a C4-5X District.

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 050236 ZMK).

ENVIRONMENTAL REVIEW

This application (C 050237 ZSK) in conjunction with the application for the related action (C 050236 ZMK) 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 05DCP050K. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Conditional Negative Declaration (CND) was prepared on August 30, 2007 and a revised CND was signed on January 25th, 2008.

A full discussion of the environmental review appears in the report on the related zoning map amendment application (C 050236 ZMK).

UNIFORM LAND USE REVIEW

This application (C 050237 ZSK) in conjunction with the related action (C 050236 ZMK) was certified as complete by the Department of City Planning on September 4, 2007 and was duly referred to Community Board 12 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 12 held a public hearing on this application (C 050237 ZSK) in conjunction with the related action (C 050236 ZMK) on October 22, 2007, and on October 23 by a vote of 31 in favor, 0 opposed and 0 abstention, adopted a resolution recommending disapproval of the applications.

A summary of the Community Board 12 recommendations appears in the report on the related zoning map amendment application (C 050236 ZMK).

Borough President Recommendation

This application (C 050237 ZSK) in conjunction with the related action (C 050236 ZMK) was considered by the Borough President, who issued a recommendation approving the applications with

conditions on November 30, 2007.

A summary of the recommendations of the Borough President appears in the report on the related zoning map amendment application (C 050236 ZMK).

City Planning Commission Public Hearing

On December 5th, 2007 (Calendar No. 2), the City Planning Commission scheduled December 19, 2007 for a public hearing on this application (C 050237 ZSK). The hearing was duly held on December 19, 2007 (Calendar No. 41) in conjunction with the hearing on related action (C 050236 ZMK).

There were a number of speakers, as described in the report on the related application for the amendment of the zoning map (C 050236 ZMK) and the hearing was closed.

CONSIDERATION

The Commission believes that the application for a special permit (C 050237 ZSK) in conjunction with related application for a zoning map change (C 050236 ZMK) is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for the amendment of the zoning map (C 050236 ZMK).

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-52 of the Zoning Resolution:

- a) that such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;
- b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;

d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

e) that the streets providing access to such use will be adequate to handle the traffic generated thereby;

(f) Not applicable

(g) Not applicable

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to following condition:

The applicant agrees via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the Department of Environmental Protection (DEP) for approval. Remediation measure would be undertaken to pursuant to the remediation plan.

and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 886-894 Dahill Road LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 259 spaces on portions of the Basement and Parking Levels of a proposed mixed-use building on property located at 886 Dahill Road (Block 5457, Lots 5 & 6) in a C4-5X District, Borough of Brooklyn, Community District 12 is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 050237 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 Karl Fischer Architects, filed with this application and incorporated in this resolution:

<i>Drawing No.</i>	<i>Title</i>	<i>Drawing Date</i>
A-100 A	Basement	01/17/08
A-100 B	Parking Levels	01/17/08

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 plan listed above which has 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 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, and terms or conditions of this resolution, 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 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 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.
7. The development shall conform to all conditions, modifications and alterations set forth in the conditional negative declaration (CEQR No. 05DCP050K) dated September 4, 2007, issued pursuant to the New York State and New York City Environmental Quality Review. These conditions, modifications and alterations are as follows:

The applicant agrees via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the Department of Environmental Protection (DEP) for approval. Remediation measure would be undertaken to pursuant to the remediation plan.

The above resolution (C 050237 ZSK), duly adopted by the City Planning Commission on January 28, 2008 (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.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED CERULLO. III, BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W.

EADDY, NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILIPS, Commissioners

SHIRLY A. MCRAE, Commissioner, ABSTAINING