



## **CITY PLANNING COMMISSION**

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May 10, 2004/Calendar No. 17

C 040183 ZSK

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**IN THE MATTER OF** an application submitted by the Brooklyn Academy of Music Local Development Corporation 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 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 466 spaces on a portion of the first floor, in the cellar and the sub-cellar of a proposed mixed use development to be constructed on property bounded by Lafayette Avenue, Ashland Place and Flatbush Avenue (Block 2110, Lot 3), in a C6-1 District.

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The application for a special permit for a public parking garage was filed by the Economic Development Corporation on November 26, 2004, to create opportunities to stimulate new commercial, residential, academic, and cultural development in Downtown Brooklyn.

### **RELATED ACTIONS**

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 applications which are being considered concurrently with this application:

1. C 030514 MMK Elimination, discontinuance and closing of Pearl Street between Willoughby Street and Fulton Street;
2. C 030515 MMK Elimination, discontinuance and closing of Red Hook Lane between Boerum Place and Fulton Street;
3. C 030516 MMK Widening of Willoughby Street between Albee Square and Flatbush Avenue Extension;
4. C 030517 MMK Elimination, discontinuance and closing of Fair Street between Prince Street and Fleet Place and Prince Street between Myrtle Avenue and Flatbush Avenue Extension; establishment and widening of Fleet Place between Willoughby Street and Myrtle Avenue; widening of Myrtle Avenue between Flatbush Avenue Extension and Fleet Place; modification of a sewer easement at Fleet Place;
5. C 040171 ZMK Amendment of the Zoning Map, Section Nos. 12d and 16c to rezone seven

areas to C6-2, C6-4, C6-4.5 and R7-1/C2-4 in the Special Downtown Brooklyn District

6. C 040173 HUK Fifth amendment to the Brooklyn Center Urban Renewal Plan for the Brooklyn Center Urban Renewal Area. The amendment, in tandem with the rezonings and changes to the City Map would allow the development of new residential, commercial, public parking and public open space uses;
7. C 040174 HUK Second amendment to the MetroTech Urban Renewal Plan for the MetroTech Urban Renewal Area to develop open space;
8. C 040175 HUK Tenth amendment to the Atlantic Terminal Urban Renewal Plan for the Atlantic Terminal Urban Renewal Area to facilitate residential development on Site 6A and a public library and other community facility use with below-grade parking on Site 20;
9. C 040177 HDK Disposition of city-owned properties within the Brooklyn Center Urban Renewal Area;
10. C 040178 HDK Disposition of city-owned property located at 242 Flatbush Avenue (Block 2060, Lot 8), Site SW, within the MetroTech Urban Renewal Area;
11. C 040179 HDK Disposition of city-owned properties within the Atlantic Terminal Urban Renewal Area;
12. C 040180 PPK Disposition of one city-owned property located at 370 Jay Street (Block 140, lot 111), pursuant to zoning;
13. C 040181 ZSK Special Permit for an unattended public parking garage with a maximum capacity of 694 spaces on a portion of the ground level, in the cellar and three sub-cellars on property located on the southerly side of Willoughby Street between Duffield Street and Gold Street, in a C6-4.5 District;
14. C 040182 ZSK Special Permit for an attended public parking garage with a maximum capacity of 465 spaces on a portion of the first floor and in the cellar of a proposed mixed-use development to be constructed on property generally bounded by Fulton Street, Ashland Place, Lafayette Street and Rockwell Place (Block 2107, Lots 2, 15, 24, 30, 36, 40 and 41), in a C6-4 District;
15. C 040184 ZSK Special Permit for an unattended public parking garage with a maximum capacity of 457 spaces on portions of the cellar, ground floor, 2nd floor and 3rd floor and to allow the floor area below a height of 23 feet above

curb level to be exempted from the definition of floor area on property bounded by Myrtle Avenue, Fleet Place, Willoughby Street and Flatbush Avenue Extension in a C6-4 District;

16. C 040185 PSK Site selection for property located on block 2110, lot 3, on the block bounded by Flatbush Avenue, Lafayette Avenue and Ashland Place, for use as a public library.
17. M 860689(B)ZSK Modification of a Special Permit to change the allowable floor area of Building D and removing preserved but not built floor area;
18. M 930481(E)ZSK Modification of the MetroTech General Large-Scale Development Special Permit to increase the maximum permitted floor area and allow the distribution of floor area from zoning lot C to zoning lot A;
19. M 000592(A)ZSK Modification of the MetroTech General Large Scale Development Special Permit to authorize bulk modifications and floor area;
20. N 040172 ZRK Amendments of the Zoning Resolution Section 37-03 (Off Street Relocation or Renovation of a Subway Stair), Article VII, Chapter 4 (Special Permits by the City Planning Commission) and Article X, Chapter 1 (Special Downtown Brooklyn District);
21. N 040176 HGK Designation of properties in the Brooklyn Center Urban Renewal Plan;

## **BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for an amendment of the Zoning Map (C 040171 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (C 040183 ZSK ), in conjunction with the applications for the related actions (C 030514 MMK, C 030515 MMK, C 030516 MMK and C 030517 MMK, C 040171 ZMK, C 040173 HUK, C 040174 HUK, C 040175 HUK, C 040177 HDK, C 040178 HDK, C 040179 HDK, C 040180 PPK, C 040181 ZSK, C 040182 ZSK, C 040184 ZSK, C 040185 PSK, M860689(B) ZSK), M 930481(E) ZSK, M 000592(A) ZSK, N 040172 ZRK, N 040176 HGK) 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 03DME016K. The lead agency is Office of the Deputy Mayor for Economic Development and Rebuilding.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for an amendment of the Zoning Map (C 040171 ZMK).

### **UNIFORM LAND USE REVIEW**

This application (C 040181 ZSK), in conjunction with the applications for the related actions (C 030514 MMK, C 030515 MMK, C 030516 MMK and C 030517 MMK, C 040171 ZMK, C 040173 HUK, C 040174 HUK, C 040175 HUK, C 040177 HDK, C 040178 HDK, C 040179 HDK, C 040180 PPK, C040181 ZSK, C040182 ZSK, C040184 ZSK, C040185 PSK), was certified as complete by the Department of City Planning on December 1, 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 applications (M860689(B) ZSK, M 930481(E) ZSK, M 000592(A) ZSK, N 040172 ZRK, N 040176 HGK), which were sent to the board and the Borough President for information and review.

### **Community Board Public Hearing**

The Community Board's action is described on the related application for an amendment of the Zoning Map (C 040171 ZMK).

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on March 10, 2004.

A summary of the Borough President's recommendation appears in the report on the related application for an amendment of the Zoning Map (C 040171 ZMK).

### **City Planning Commission Public Hearing**

On March 10, 2004 (Calendar No. 18), the City Planning Commission scheduled March 24, 2004 for a public hearing on this application (C 040171 ZMK). The hearing was duly held on March 24, 2004 (Calendar No. 27), in conjunction with the public hearings on the applications for the related actions (C 030514 MMK, C 030515 MMK, C 030516 MMK and C 030517 MMK, C 040171 ZMK, C 040173 HUK, C 040174 HUK, C 040175 HUK, C 040177 HDK, C 040178 HDK, C 040179 HDK, C 040180 PPK, C 040181 ZSK, C 040182 ZSK, C 040184 ZSK, C 040185 PSK, M860689(B) ZSK, M 930481(E) ZSK, M 000592(A) ZSK, N 040172 ZRK, N 040176 HGK).

There were a number of speakers, as described in the report on the related application for an amendment of the Zoning Map (C 040171 ZMK), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the grant of this special permit is appropriate and that the proposed attended public parking garage with a maximum capacity of 466 spaces would help to accommodate the demand from the displacement of existing parking facilities on proposed development sites as well as the demand from new development associated with the project.

A full consideration of the issues, and the reasons for approving this application, appear in the report on the related application for an amendment of the Zoning Map (C 040171 ZMK).

### **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) 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 5 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 having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 30, 2004, with respect to this application (CEQR No. 03DME016K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable.
3. The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d)(3) of the SEQRA regulations; 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 the Brooklyn Academy of Music Local

Development Corporation and the Economic Development Corporation for the grant of a special permit , 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 040183 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 Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1	Area Map	10/23/03
5	Parking Plan	10/23/03

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. The development shall include those mitigative measures listed in the Final Environmental Impact Statement (CEQR No. 03DME016K) issued on April 30, 2004, (and identified as practicable), as follows:  
Demand from projected development sites and the effects of street system changes related to the proposed actions would combine to result in significant traffic impacts at 29 signalized intersections in one or more peak periods. To address these impacts, a mitigation plan for the Downtown Brooklyn street network was developed.

A full background discussion and description of this mitigation plan appears in the report on the related application for an amendment of the Zoning Map (C 040171 ZMK).

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, sublessee 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 and authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit and authorization. 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 and authorization 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 and authorization.

The above resolution (C 040183 ZSK), duly adopted by the City Planning Commission on May 10, 2004 (Calendar No. 17), 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.,**

**ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,**

**KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**

**RICHARD W. EADDY, Commissioner, Recused**