



CITY PLANNING COMMISSION

March 10, 2004/Calendar No. 30

C 040129 ZSK

IN THE MATTER OF an application submitted by Kingswood Partners 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 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 257 spaces on a portion of the first floor and in the cellar and sub-cellar of a proposed 2-story retail development to be constructed on property located at 1630-1642 East 15th Street** (Block 6777, Lots 17 and 24), in a C4-2 District, Borough of Brooklyn, Community District 15.

The application for a special permit pursuant to Section 74-512 was filed by Kingswood Partners, LLC and the Economic Development Corporation (EDC) on September 25, 2003, to allow an unattended public parking garage with a maximum capacity of 257 spaces on a portion of the first floor and in the cellar and sub-cellar of a proposed 2-story retail development to be constructed on property located at 1630-1642 East 15th Street. A revised application was filed on February 27, 2004.

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 which is being considered concurrently with this application:

C 040128 PPK: Disposition of three (3) city-owned properties, Block 6777, Lots 17 & 24 and Block 6796, Lot 9 pursuant to zoning.

BACKGROUND

The subject properties are the Kings Highway Municipal Lot #1 (Block 6777, Lots 17 and 24), is located at 1630-42 East 15th Street between Kings Highway and Avenue P and the Kings Highway Municipal Lot #2 (Block 6796, Lot 9) located at 1730 East 14th Street between Kings Highway and Avenue R in the Kings Highway area of Brooklyn. The area of Kings Highway from East 18th Street to East 8th Street is a vibrant regional shopping district, including a mix of local services, convenience retail and destination retail, with several national and regional chain stores. The areas surrounding the Kings Highway commercial district contain a mix of low-rise, predominantly detached residences, mid-rise apartment buildings and community facilities including medical facilities and schools. The area is well served by mass transit including the B7 bus along Kings Highway and the “Q” line train station at Kings Highway and East 16th Street.

Kings Highway Municipal Lot #1 is a 47,860 square foot, through lot currently containing 159 parking spaces located one-half block north of Kings Highway between East 14th Street and East 15th Street in a C4-2 district. The parking lot has an entrance/exit on both streets, as well as an entrance only on East 14th Street. A fire house for Engine 276 and Ladder 156 is located in the middle of the parking lot at 1635 East 14th Street and is to remain. Kings Highway Municipal Lot #1 is bounded by a two-story mixed commercial and community facility building to the south and a mix of two-story detached houses, row houses and a four-story apartment building to the north. Uses across East 14th Street and East 15th Street from the parking lot include two-story row houses, a school and medical offices. East 14th Street runs north between Kings Highway and Avenue P. East 15th Street runs northbound.

Kings Highway Municipal Lot #2 is a 22,480 square foot through lot currently containing 64 spaces located south of Kings Highway between East 13th Street and East 14th Street in a C4-2 district. The parking lot has an entrance/exit on East 13th Street and East 14th Street. Kings Highway Municipal Lot #2 is bounded by three-story commercial buildings to the north and six-story apartment buildings to the south. Uses across East 13th Street and East 14th Street from the parking lot include three-story row houses and a six-story apartment building.

EDC issued a Request for Proposal and on November 14, 2001 selected Kingswood Partners LLC as the developer for the proposed project. Kingswood Partners LLC is proposing an approximately 87,306 square foot, two-level, forty foot high shopping center on Municipal Lot #1 with an underground, 257 space public parking garage on a portion of the first floor, in the cellar and sub-cellar. The underground parking facility would be a self-park garage with a ticket spitter and contain thirteen reservoir spaces. The new development would have an entrance/exit for pedestrians and vehicles on East 15th Street and a vehicular entrance on East 14th Street. Truck loading would be located on East 14th Street with two truck loading docks.

In addition to the proposed shopping center and underground public parking facility, Kingswood Partners, LLC is proposing to build an as-of-right public parking facility for 120 cars at 1730 East 14th Street (Block 6796, Lot 9), the site of Kings Highway Municipal Lot #2, located south of Kings Highway between East 14th Street and East 13th Street in a C4-2 district. The proposed parking facility would have self-parking with a ticket spitter and an entrance/exit on both East 13th Street and East 14th Street.

The proposed project requires a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 257 spaces at 1630-42 East 15th Street (Block 6777, Lots 17 and 24). The related disposition application (C 040128 PPK) would facilitate Kingswood Partners LLC eventual purchase of Block 6777, Lots 17 and 24 and Block 6796, Lot 9. The Department of Citywide Administrative Services (DCAS) intends to dispose these three city-owned properties to EDC which intends to go into a direct sale to Kingswood Partners LLC.

ENVIRONMENTAL REVIEW

This application (C 040129 ZSK), in conjunction with the application for the related action (C 040128 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 03DME004K. The lead agency is 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 September 29, 2003.

UNIFORM LAND USE REVIEW

This application (C 040129 ZSK), in conjunction with the application for the related action

(C 040128 PPK), was certified as complete by the Department of City Planning on October 20, 2003, and was duly referred to Community Board 15 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 15 held a public hearing on this application on December 16, 2003, and on December 16, 2003, by a vote of 22 to 19 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 disapproving the application with conditions on January 28, 2004.

The Borough President's recommendation included the following comments:

1. That Kingswood Partners, LLC undertakes a significant effort to attract uses such as restaurants and supermarkets and carefully considers other uses in consultation with the Community Board, the BID and other local elected officials.
2. That the Fire Department must be kept abreast of all changes and modifications to the proposal and must continue to support the project in its final phase.
3. That Kingswood Partners, LLC must make an intensive effort to recruit local residents for the retail job opportunities as well as local, minority, and women owned construction firms for the construction opportunities.
4. That Kingswood Partners, LLC should provide the stores on the south side of Kings Highway, between 13th and 14th Street, means of egress through the rear of the buildings.
5. That the fees for parking in the new facilities should be comparable to current parking

fees in the municipal lots and others across the borough. The facilities should also offer overnight parking for a reasonable fee.

City Planning Commission Public Hearing

On January 28, 2004 (Calendar No. 2), the City Planning Commission scheduled February 11, 2004, for a public hearing on this application (C 040129 ZSK). The hearing was duly held on February 11, 2004 (Calendar No. 12), in conjunction with the public hearing on the application for the related action (C 040128 PPK). There were seven speakers in favor of the applications and one speaker in opposition.

Those speaking in favor of the applications included a representative from EDC, the attorney for Kingswood Partner LLC, a representative from Community Board 15, a representative from the Kings Highway Business Improvement District (BID), an economic consultant and a transportation consultant retained by the BID, and a representative from the Fire Department.

Those speaking in favor of the application stated that approval of the special permit application and the related disposition application would allow the construction of the proposed shopping center and two public parking facilities which would be a benefit to the Kings Highway area and ensure that Kings Highway would continue to be a prime shopping area in Brooklyn. They further stated that the proposed project would have an overall beneficial impact on the BID merchants because it would increase the number of people visiting the area due to the presence of two national anchors, as well as result in a net increase in the amount of parking in the area.

In addition, the attorney for the developer stated that at the request of the Fire Department, the

developer would revise the project plans to move the entrance/exit on East 14th Street from north of the Fire House to south of the Fire House. He further stated that the developer has agreed to the Borough President's recommendations and described how the developer would comply.

The speaker in opposition to the applications was the Council Member for District 48 which includes the site of the proposed project. He stated that he was concerned that the proposed project would create traffic congestion, create safety issues for the adjacent fire engine company, cause disruption of Kings Highway and the surrounding area during construction, increase parking fees for users of the public parking facilities and limit overnight parking.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit and related disposition application are appropriate.

The construction of the proposed underground public parking facility for 257 cars as part of a proposed two-story, approximately 87,306 square foot shopping center would enhance the Kings Highway regional shopping district and ensure that it would continue to be a prime shopping area in Brooklyn. In addition, the proposed project would have a beneficial impact on the existing businesses because it is expected to increase the shoppers in the area. In addition there

will be a net increase in the amount of parking in the area. The proposed underground public parking facility for 257 cars would replace an existing municipal parking lot containing 159 parking spaces on Block 6777, Lots 17 and 24.

Kingswood Partners, LLC would also develop an as-of-right two-story public parking facility for 150 cars on the site of another municipal parking lot containing 64 parking spaces on Block 6796, Lot 9. The developer initially proposed an as-of-right public parking facility for 120 cars. In response to Community Board 15's request for additional parking during its review of the proposed project, Kingswood Partners LLC agreed to increase the number of parking spaces from 120 to 150. With the added parking, the proposed parking facility would be a two-story structure with self-parking and a ticket spitter. The related disposition application (C 040128 PPK) would facilitate the eventual purchase of these three city-owned properties by Kingswood Partners, LLC.

The Commission notes that the principal vehicular access for the proposed public parking garage is located on a secondary street within one-quarter mile of a major street. The site is a through-lot from East 15th Street to East 14th Street, less than 90 feet north of Kings Highway along East 15th Street and less than 164 feet north of Kings Highway along East 14th Street. Kings Highway is a major street that runs from Bay Parkway in southwestern Brooklyn to Eastern Parkway in northeastern/central Brooklyn.

The proposed public parking garage, to be located on a portion of the first floor and in the cellar

and sub-cellar of a proposed two-story retail building, will have a combined parking entrance/exit on East 15th Street, located 325 feet north of Kings Highway, and a parking entrance on East 14th Street, located approximately 165 feet north of Kings Highway. At 325 and 165 feet, both of the parking garage accesses are located less than one-quarter of a mile from Kings Highway, a major street.

The proposed public parking garage is located to draw a minimum of vehicular traffic to and through local streets in nearby residential areas. The project site is within a C4-2 zoning district and is part of the Kings Highway shopping strip. The shopping strip runs for ten blocks from East 18th Street to East 8th Street. East 15th Street and East 14th Street are primarily improved with commercial uses and medical offices with some medium and low density residential uses also present. Most traffic utilizing the proposed garage will use Kings Highway and Avenue P as their access route, bypassing local residential streets in the area, therefore drawing a minimum of vehicular traffic to and through local streets in nearby residential areas.

The proposed public parking garage will provide 13 reservoir spaces as required by the Zoning Resolution.

The streets providing access to the proposed public parking garage are adequate to handle the traffic generated by the proposed facility. According to the environmental assessment statement, the incremental increase in traffic resulting from the replacement of the 159-space parking lot with the 257-space parking garage would not significantly alter traffic conditions on the local

street network with the exception of the northbound approach to the intersection of East 15th Street and Avenue P. To address this potential adverse condition, the proposed project includes a traffic improvement measure consisting of the establishment of a no standing zone at this location.

At the City Planning Commission public hearing, the attorney for Kingswood Partners LLC stated that the developer has agreed to the Borough President's recommendations.

Specifically, the developer has agreed to make a significant effort to reach out to a wide variety of potential tenants, including restaurants and supermarkets. With respect to the involvement of the Fire Department in plans for the proposed project, the developer would revise the plans to amend the location of the parking garage entrance/exit. The Fire Department requested that the entrance/exit on East 14th Street be moved from north of the Fire House to south of the Fire House. The Fire Department had raised a concern, that with vehicular traffic traveling northbound on East 14th Street between Kings Highway and Avenue P, autos might queue in front of the existing fire house or block the fire trucks traveling northbound. As a result of this change, the applicant would also move the location of the East 15th Street vehicular entrance/exit to the shopping center garage from the south end of the site to the north end of the site. The revised plans were filed with the City Planning Commission on February 27th, 2004.

The developer has agreed to sponsor a job fair in the local area together with Community Board 15, the Borough President and the local Council Member to ensure that local residents are given an opportunity to apply for the permanent jobs at the new retail stores. Additionally, the

developer has agreed to work with Brooklyn construction firms to ensure that they have an opportunity to bid on all of the various trades. The developer has also agreed that any building having legal access through the rear of its building adjacent to the proposed public parking facility at 1730 East 14th Street, will be provided with either an alleyway or with access to a secure hallway in the garage structure. The developer's attorney further stated that the applicant has agreed that daytime parking rates in the proposed public parking facilities will be comparable to current parking fees in other similar municipal garages across Brooklyn and overnight residential parking would be offered at a reasonable fee.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-512 (Public Parking Garages or Public Parking Lots outside High Density Central Areas) of the Zoning Resolution:

- (a) that the principal vehicular access for such use is located on an arterial highway, a major street, or a secondary street within one-quarter mile of an arterial highway or major street, except that in C5 or C6 Districts such access may be located on a local street;
- (b) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (c) that such use has adequate reservoir space at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided by the use, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

- (d) that the streets providing access to such use will be adequate to handle the traffic generated thereby;
- (e) Not applicable.
- (f) Not applicable.

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 Kingswood Partners LLC and the Economic Development Corporation for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 257 spaces on a portion of the first floor and in the cellar and sub-cellar of a proposed 2-story retail development to be constructed on property located at 1630-1642 East 15th Street (Block 6777, Lots 17 and 24), in a C4-2 District, Borough of Brooklyn, Community District 15, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 040129 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 Economic Development Corporation, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-1	Site Plan	February 19, 2004
A-2	Floor Plan	February 19, 2004

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. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

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 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.

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.

The above resolution (C 040129 ZSK), duly adopted by the City Planning Commission on March 10, 2004 (Calendar No. 30), 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, ANGELA R. CAVALUZZI, R.A.,
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DOLLY WILLIAMS, Commissioner, Abstain