



CITY PLANNING COMMISSION

March 28, 2012 / Calendar No. 11

C 120111 PPK

IN THE MATTER OF an application submitted by the NYC Department of Small Business Services (DSBS), pursuant to Section 197-c of the New York City Charter, for disposition to the New York City Economic Development Corporation (EDC) of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 100, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125, Borough Brooklyn, Community District 18.

This application for the disposition of City-owned property was filed by the NYC Department of Small Business Services (DSBS) on November 21, 2011 and revised on January 12, 2012. The applicant's seek a direct disposition from the DSBS to the NYC Economic Development Corporation (EDC) with restrictions, to facilitate the development of 106,781 square-foot automotive sales and service establishment and the re-configured parking for an existing retail use. The property is generally located at 2875 Flatbush Avenue (Block 8591, part of Lot 100, part of Lot 125 and part of Lot 175), Borough of Brooklyn, Community District 18.

The application includes the direct fee disposition of two city owned parcels: 1) Kristal Auto Mall with a proposed zoning lot area of 110,302 square feet on Block 8591, part of Lot 125 and part of Lot 175; and 2) Toys 'R' Us, with a proposed zoning lot area of 132,500 square feet on Block 8591 part of Lot 125. In addition, a 26,800 square foot portion of the Lot 100 would be disposed of as a lease easement to Toy 'R' Us for use as surface off-site parking for 81 cars.

Restrictions are proposed for the disposition of the Toys 'R' Us property and the easement for the 26,800 square foot parking area which will remain in City ownership (Block 8591, p/o Lot 100 and p/o Lot 125). The restriction will not allow any Use Group 16 uses on either of these properties, regardless of uses allowed by the underlying zoning district. This restriction will not apply to the parcel proposed to be disposed for the development of the Kristal Auto Mall.

RELATED ACTIONS

In addition to the proposed disposition of City-owned property (C 120111 PPK), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 120108 ZMK:** An amendment to the Zoning Map changing from a C3 District to a C8-1 District.
- C 070512 MMK:** The narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street; the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin and the adjustment of grades necessitated thereby.
- N 120110 ZCK:** Certification by the Chairperson of the City Planning Commission pursuant to ZR Section 62-812, Waterfront zoning lot subdivision (Block 8591, p/o Lot 100, Lots 125, 175, and 980).
- N120109 ZAK:** Authorization by the City Planning Commission, pursuant to ZR Section 62-822 (a) (1), Modification of waterfront public access area and visual corridor requirements, modifying the minimum width of portions of the shore public walkway and the location requirements of visual corridors and upland connections (Block 8591, p/o Lot 100, and Lots 125, 175, and 980).

BACKGROUND

A full background discussion and project description appears in the report on the related Zoning Map amendment application (C 120108 ZMK).

ENVIRONMENTAL REVIEW

This application (C120111 PPK) in conjunction with the related actions (C 120108 ZMK, C 070512 MMK, N12010 ZCK and N 120109 ZAK) 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 12DME002K. The lead agency is the Office of the Deputy Mayor for Economic Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 23, 2011.

UNIFORM LAND USE REVIEW

This application (C 120111 PPK), in conjunction with the applications for the related actions, was certified as complete by the Department of City Planning on November 28, 2011 and was duly referred to Community Board 18 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) on December 7, 2011.

Community Board Review

Community Board 18 held a public hearing on this application (C 120111 PPK, on January 18, 2012 and by a vote of 30 in favor, 1 in opposition, and 2 abstaining adopted a resolution recommending approval of the application with conditions.

A summary of the vote and recommendations of Community Board 18 appears in the report on the related application for a zoning map amendment (C 120108 ZMK).

Borough President Recommendation

This application (C 120111 PPK) was considered by the Borough President. On February 23, 2012 the Borough President recommended approval of the application with conditions.

A summary of Borough President's recommendations appears in the report on the related zoning map amendment (C 120108 ZMK).

City Planning Commission Public Hearing

On February 8, 2012 (Calendar No.7), the City Planning Commission scheduled February 29, 2012, for a public hearing on this application (C 120111 PPK) application. The hearing was duly held February 29, 2012 (Calendar No. 16) in conjunction with the public hearing on the applications for related actions.

There were a number of speakers, as described in the report on the related application (C 120108 ZMK) and the hearing was closed.

Waterfront Revitalization Program Consistency Review

A discussion of the WRP Consistency Review appears in the report on the related Zoning Map amendment application (C 120108 ZMK).

CONSIDERATION

The Commission believes that this disposition of City-owned property is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appears in the report on the related zoning map amendment application (C 120108 ZMK).

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, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, that the City Planning Commission, pursuant to Sections 197-c of the New York City Charter that, based on the environmental determination and the consideration described in this report, the application submitted by the NYC Department of Small Business Services (DSBS),

pursuant to Section 197-c of the New York City Charter for disposition to the New York City Economic Development Corporation (EDC) of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 100, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125, Borough Brooklyn, Community District 18 is approved subject to the following plan:

The properties that are the subject of this application (C 120111 PPK) shall be disposed of in accordance with the following plan, prepared by AKRF and filed with this application and incorporated into this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
DD 1.0	Disposition Drawing	November 21, 2011

The above resolution (C 120111 PPK), duly adopted by the City Planning Commission March 28, 2012 (Calendar No. 11), 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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. McRAE, Commissioners