



IN THE MATTER OF an application submitted by Hamilton Plaza Associates for a modification of the previously approved Special Permit and Restrictive Declaration (C 780389 ZSK) to remove from among the properties subject to the conditions of the Restrictive Declaration, to facilitate a change of use and an enlargement of the third floor of an existing 4-story building on property located at 1-37 12th Street (Block 1007, Lot 172; Block 1025, Lots 1, 16, 18, 20, & 200), in an M1-2 District, Borough of Brooklyn, Community District 6.

WHEREAS, on August 4, 2015, Hamilton Plaza Associates submitted an application (M 780389(B) ZSK) for a modification to the previously approved Special Permit and Restrictive Declaration (C 780389 ZSK) in order to remove the Proposed Development Site (Block 1007, Lot 172 and Block 1025, Lots 1, 16, 18, 20, 200) from the conditions of the Restrictive Declaration to facilitate a change of use on the third floor of the existing building located on the Proposed Development Site from a warehouse to a physical culture establishment and an enlargement of the third floor by the addition of a 2,364 square foot mezzanine; and

WHEREAS, the Proposed Development Site is a portion of the property which was the subject of a special permit application (ULURP No. C 760044 ZSK approved by the City Planning Commission on May 16, 1977 (Cal. No. 3)), to facilitate the conversion of the Goya Industrial Building into a 45,000 square foot supermarket with 23,000 square feet of accompanying retail space, office, and warehouse space, and off-street parking pursuant to Section 74-922 of the New York City Zoning Resolution (Certain Large Retail Establishments); and

WHEREAS, the Board of Estimate modified the City Planning Commission (the “Commission”) approval on June 23, 1977 (Board of Estimate Cal. No. 7) to, among other things, require that “any uses on the third and fourth floors above the shopping mall, other than office and warehousing uses shall only be permitted by written authorization of the Board of Estimate, upon recommendation by the City Planning Commission after consultation with the community, including local merchants”; and

WHEREAS, a Restrictive Declaration, dated July 28, 1977, was recorded in the Office of the New York City Register, Kings County, on October 21, 1977 (Reel 952, Page 1344) in conjunction with the special permit (C 760044 ZSK), which included the special permit conditions, including the above-mentioned restriction adopted by the Board of Estimate applicable to the Proposed Development Site, in addition to

other restrictions that were binding against other properties in the vicinity of the Proposed Development Site; and

WHEREAS, a new special permit application designated C 780389 ZSK (City Planning Commission Cal. No. 1, March 5, 1979; Board of Estimate Cal. No. 5, March 22, 1979) was submitted and subsequently approved in order to replace the aforesaid special permit, including all of its conditions, which special permit had expired; and

WHEREAS, a modification to the previously approved Special Permit (C 780389 ZSK superceding C 760044 ZSK) to relocate accessory off-street parking from and permit manufacturing and lower performance commercial uses upon that portion of the subject property located in the vicinity of Hamilton Avenue and 13th Street (Block 1031, Lots 1,4,9, and 75 through 82) was approved by the Commission on October 13, 1981 (M 780389 ZSK); and

WHEREAS, in conjunction with the modified special permit (M 780389 ZSK), a Modified Declaration, dated October 2, 1981, was recorded in the Office of the New York City Register, Kings County, on November 25, 1981 (Reel 1280, Page 1448); and

WHEREAS, a special permit application (pursuant to Section 73-36 of the New York City Zoning Resolution) was submitted and subsequently approved by the Board of Standards and Appeals on January 13, 2015 (Calendar No. 184-14-BZ) to allow the operation of a physical culture establishment on the third floor and mezzanine level of the existing building; and

WHEREAS, the current application (M 780389(B) ZSK) would modify the Special Permit (C 780389 ZSK superceding C 760044 ZSK, modified by M 780389 ZSK) and remove the Proposed Development Site (Block 1007, Lot 172 and Block 1025, Lots 1, 16, 18, 20, 200) from the conditions of the Restrictive Declaration, as modified, which limits as-of-right uses on the third and fourth floors of the Proposed Development Site to office and warehouse uses; and

WHEREAS, specifically, the subject modification (M 780389(B) ZSK) would: (1) allow for the change of use on the third floor of the existing building on the Proposed Development Site from a warehouse use to a physical culture establishment; (2) allow for the enlargement of the third floor of the existing building by the addition of a 2,364 square foot mezzanine, to be occupied by the physical culture establishment; and (3)

remove the Proposed Development Site (Block 1007, Lot 172 and Block 1025, Lots 1, 16, 18, 20, 200) from the conditions of the Special Permit, through the filing of a Notice of Cancellation of Declaration at the Office of the New York City Register, Kings County; and

WHEREAS, this application (M 780389(B) ZSK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set form in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DCP019K. The lead is the City Planning Commission. On August 14, 2015, an Environmental Assessment Statement (EAS) was issued which describes and analyzes the proposed actions. The EAS concluded that the proposed actions would not result in any significant adverse environmental impacts. A Negative Declaration was issued on August 17, 2015; and

WHEREAS, this application (M 780389(B) ZSK) was referred to Community Board 6 and at its general meeting on September 9, 2015, Community Board 6 voted to support the application (31 in favor, 2 against, 0 abstentions); and

WHEREAS, the Commission has determined that the application warrants approval and authorizes the removal of the Proposed Development Site (Block 1007, Lot 172 and Block 1025, Lots 1, 16, 18, 20, 200) from the conditions of the Restrictive Declaration, in order to facilitate a change of use on the third floor and an enlargement of the third floor of the premises in accordance with the plans submitted under application M 780389(B) ZSK; therefore be it

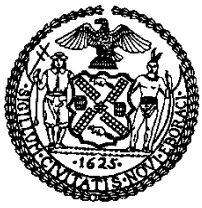
RESOLVED, that the application (M 780389(B) ZSK) submitted by Hamilton Plaza Associates for a modification of the previously approved Special Permit and Restrictive Declaration (C 780389 ZSK) to remove from among the properties subject to the conditions of the Restrictive Declaration, to facilitate a change of use and an enlargement of the third floor of an existing 4-story building on property located at 1-37 12th Street (Block 1007, Lot 172; Block 1025, Lots 1, 16, 18, 20, & 200), in an M1-2 District, Borough of Brooklyn, Community District 6, is approved.

The above resolution (M 780389(B) ZSK), duly adopted by the City Planning Commission on October 7, 2015 (Supplemental Calendar No. 1), is filed with the Office of the Speaker, City Council.

CARL WEISBROD, *Chairman*

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

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MICHELLE DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN
EFFRON, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*



THE CITY OF NEW YORK COMMUNITY BOARD SIX

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Chairperson

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District Manager

September 18, 2015

Carl Weisbrod
Chairperson
City Planning Commission
22 Reade Street, 2E
New York, New York 10007

Re: Application No. M 780389(B) ZSK
Hamilton Plaza Modification, 1-37 12th Street, Brooklyn

Dear Chairperson Weisbrod:

I am writing to advise you that at its September 9, 2015 general meeting Brooklyn Community Board 6 resolved by a vote of 31 yeas, 2 nays and 0 abstentions, to approve the modification of the previously approved Special Permit and Restrictive Declaration (C 780389 ZSK) to remove Block 1007. Lot 172 from among the properties subject to the conditions of the Declaration, to facilitate a change of use and an enlargement of the third floor of an existing building located at the above referenced location.

As the applicant in this matter has accurately conveyed to you, Brooklyn Community Board 6 did as a separate action review and approve of a Board of Standards and Appeals application (BSA Cal. No. 184-14-BZ) to authorize the use of this location as a physical culture establishment which was approved by the BSA on January 13, 2015. We see this subject action as being consistent with our prior position and not inconsistent with the other prior land use actions which this site has been subject to over the last few decades.

For all these reasons, we encourage you to favorably consider this application and support the requested modification.

Thank you for your attention in this matter.

Sincerely,

/ S /

Gary G. Reilly
Chairperson