



CITY PLANNING COMMISSION

August 22, 2001/Calendar No. 23

C 010484 ZSK

IN THE MATTER OF an application submitted by Triangle Equities Development Company 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 74-52 of the Zoning Resolution to permit an unattended public parking garage with a maximum capacity of 552 spaces on a zoning lot, bounded by Avenue H, Flatbush Avenue, the former southerly boundary line of a public place and its easterly and westerly prolongations, and Nostrand Avenue (Block 7576, Lots 27, 29 and 33 and Block 7577, Lots 50 and 56), in a proposed C8-4 District, Borough of Brooklyn, Community District 14.

The application for the special permit was filed by Triangle Equities Development Company LLC and the Economic Development Corporation on March 13, 2001 and revised on August 13, 2001 to permit an unattended public parking garage with a maximum capacity of 552 spaces on a zoning lot, bounded by Avenue H, Flatbush Avenue, the former southerly boundary line of a public place and its easterly and westerly prolongations, and Nostrand Avenue to facilitate the construction of a retail and parking complex in the Flatbush area of Brooklyn.

RELATED ACTIONS

In addition to the 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 010026 MMK:

Amendment to the City Map involving the elimination, discontinuance and closing of a Public Place, generally located south of Avenue H, between Nostrand and Flatbush

Avenues, the adjustment of grades necessitated thereby, and any acquisition or disposition of real property related thereto.

2. C 010483 ZMK:

Amendment of the Zoning Map, Section No. 23a, changing from a C8-2 District to a C8-4 District property bounded by Avenue H, Flatbush Avenue, the former southerly line of a public place and its easterly and westerly prolongations, and Nostrand Avenue.

3. C 010486 ZSK:

A special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to permit portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area for the development of a retail and parking complex on a zoning lot.

BACKGROUND

The application, as certified, for a proposed special permit pursuant to Section 74-52 would facilitate the development of an unattended public parking garage with a maximum capacity of 552 spaces on a zoning lot, bounded by Avenue H, Flatbush Avenue, the former southerly boundary line of a public place and its easterly and westerly prolongations, and Nostrand Avenue as part of a proposed retail complex in a proposed C8-4 district in the Flatbush area of Brooklyn. The public parking garage is proposed as a five level above grade structure located on the southwest corner of the site, fronting on Nostrand Avenue. The proposed garage is an open-deck

facility with rooftop parking.

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 010486 ZSK).

ENVIRONMENTAL REVIEW

This application (C 010484 ZSK), in conjunction with the applications for the related actions (C 010026 MMK, C 010483 ZMK and C 010486 ZSK), 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 01DME002K. The lead agency is the Deputy Mayor for Economic Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 23, 2001.

UNIFORM LAND USE REVIEW

This application (C 010484 ZSK), in conjunction with the applications for the related actions (C 010026 MMK, C 010483 ZMK and C 010486 ZSK), was certified as complete by the Department of City Planning on March 26, 2001, and was duly referred to Community Board 14 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review

Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 14 held a public hearing on this application on May 7, 2001, and on May 14, 2001, by a vote of 19 to 7 with 4 abstentions, adopted a resolution recommending disapproval of the application.

A summary of Community Board 14's recommendation appears in the report on the related application for the grant of a special permit (C 010486 ZSK).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on July 3, 2001 approving the application with conditions.

A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit (C 010486 ZSK).

City Planning Commission Public Hearing

On June 27, 2001 (Calendar No. 8), the City Planning Commission scheduled July 11, 2001, for a public hearing on this application (C 010484 ZSK). The hearing was duly held on July 11, 2001 (Calendar No. 19), in conjunction with the public hearings on the applications for the related actions (C 010026 MMK, C 010483 ZMK and C 010486 ZSK).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 010486 ZSK), and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit to permit a public parking garage is appropriate.

This action, in conjunction with the related actions (C 010026 MMK, C 010483 ZMK and C 010486 ZSK), would facilitate the development, as revised, of an unattended public parking garage with a maximum capacity of 518 spaces as part of a proposed retail complex in a proposed C8-4 district in the Flatbush area of Brooklyn.

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 grant of a special permit (C 010486 ZSK).

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 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) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas;
 - (g) 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 Triangle Equities Development Company

LLC and the Economic Development Corporation for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to permit an unattended public parking garage with a maximum capacity of 518 spaces on a zoning lot, bounded by Avenue H, Flatbush Avenue, the former southerly boundary of a public place and its easterly and westerly prolongations, and Nostrand Avenue (Block 7576, Lots 27, 29 and 33 and Block 7577, Lots 50 and 56), in a proposed C8-4 District, Borough of Brooklyn, Community District 14, is approved, pursuant to Section 74-52 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 010484 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 Cooper Carry, filed with this application and incorporated in this resolution:

| <u>Drawing No.</u> | <u>Title</u> | <u>Last Date Revised</u> |
|--------------------|----------------------------------|--------------------------|
| Z-1 | Site Plan | 8/15/01 |
| Z-3 | Retail Level 1, Parking Level 1 | 8/13/01 |
| Z-4 | Parking Level 2 | 8/13/01 |
| Z-5 | Parking Level 2, Parking Level 3 | 8/13/01 |
| Z-6 | Parking Level 4 | 8/13/01 |
| Z-7 | Retail Level 3, Parking Level 5 | 8/13/01 |
| Z-8 | Building Sections | 8/13/01 |
| Z-9 | Section @ L.I.R.R. Easement | 8/13/01 |
| Z-10 | Elevations and Notes | 8/17/01 |

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. 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 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.

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 above resolution (C 010484 ZSK), duly adopted by the City Planning Commission on August 22, 2001 (Calendar No. 23), 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.

JOSEPH B. ROSE, Chairman
ALBERT ABNEY, ANGELA M. BATTAGLIA,
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
KATHY HIRATA CHIN, ESQ., ALEXANDER GAVIN, MARILYN GELBER,
WILLIAM J. GRINKER, KENNETH J. KNUCKLES, ESQ., Commissioners