



**IN THE MATTER OF** an application submitted by Innovative Urban Living, LLC 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 500 spaces within a proposed 7-story garage building, and to permit some of such spaces to be located on the roof of such public parking garage, in connection with a proposed mixed-use development, on property located at 12020 Flatlands Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4 District, Borough of Brooklyn, Community District 5.

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This application for a special permit was filed by Innovative Urban Living, LLC on February 10, 2022. This application, in conjunction with the related actions, would facilitate the construction of an approximately 1.93 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 2,050 residential units, 98,000 square feet of community facility uses, 108,000 square feet of commercial space, four acres of public open space, and a public parking garage located in the East New York neighborhood of Brooklyn, Community District 5.

### **RELATED ACTIONS**

In addition to the special permit (C 220314 ZSK) that 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:

N 220313 ZRK            Zoning text amendment to Appendix F to establish the project area as a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area;

C 220312 ZMK            Zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district;

C 220311 ZSK            Special permit to establish a LSGD and modify bulk regulations.

## **BACKGROUND**

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 220312 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (C 220314 ZSK), in conjunction with the related applications (C 220312 ZMK, C 220311 ZSK, and N 220313 ZRK), 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 20DCP057K. The lead is the City Planning Commission.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated September 30, 2022, appears in the report on the related application for a zoning map amendment (C 220312 ZMK).

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**

This application (C 220314 ZSK) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 18-208. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

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## **UNIFORM LAND USE REVIEW**

This application (C 220314 ZSK), along with the related applications (C 220312 ZMK and C 220311 ZSK), was certified as complete by the Department of City Planning on May 6, 2022 and was duly referred to Community Board 5 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related application for a zoning text amendment (N 220313 ZRK), which was referred for information and review on May 6, 2022 in accordance with the procedures for non-ULURP matters.

### **Community Board Review**

Community Board 5 held a public hearing on this application (C 220314 ZSK), in conjunction with the related actions, on July 19, 2022, and, on August 8, 2022, by a vote of 29 in favor, one opposed, and one abstaining, adopted a resolution recommending approval of the application with conditions. A summary of the community board's recommendation and conditions appears in the report for the related zoning map amendment (C 220312 ZMK).

### **Borough President Recommendation**

This application (C 220314 ZSK), in conjunction with the related actions, was considered by the Brooklyn Borough President, who held a public hearing on July 21, 2022, and on August 17, 2022, issued a recommendation to approve the application with conditions. A summary of the borough president's recommendation and conditions appears in the report for the related zoning map amendment (C 220312 ZMK).

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

On August 10, 2022 (Calendar No. 9), the City Planning Commission scheduled August 24, 2022, for a public hearing on this application (C 220314 ZSK). The hearing was duly held on August 24, 2022 (Calendar No. 25). There were 12 speakers in favor of the application and none in opposition, as described in the report on the related zoning map amendment (C 220312 ZMK), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a grant of a special permit (C 220314 ZSK), in

conjunction with the related applications (C 220312 ZMK, C 220311 ZSK, and N 220313 ZRK), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment (C 220312 ZMK).

## **FINDINGS**

The Commission hereby makes the following findings pursuant to Section 74-512 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 10 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) 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; and
- (f) Not Applicable.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 30, 2022, with respect to this application (CEQR No. 20DCP057K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated October 11, 2022, those project components related to the environment and mitigation measures that were identified as practicable.

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) of the SEQRA regulations; and be it further

**RESOLVED**, that 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 will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; 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 submitted by Innovative Urban Living, LLC pursuant to Sections 197-c and 201 of the New York City Charter for, 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 500 spaces within a proposed 7-story garage building, and to permit some of such spaces to be located on the roof of such public parking garage, in connection with a proposed mixed-use development, on property located at 12020 Flatlands Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4 District, Borough of Brooklyn, Community District 5, is approved, subject to the following terms and

conditions:

1. The property that is the subject of this application (C 220314 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Practice for Architecture Urbanism DPC & VHB, filed with this application and incorporated in this Resolution:

<b><u>Drawing No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
P-000	Public Parking Garage Plan - Zoning Lot	5/09/2022
P-100	Enlarged Public Parking Garage Plan	5/09/2022
P-101	Enlarged Public Parking Garage Plan - Level 1	5/09/2022
P-102	Enlarged Public Parking Garage Plan - Level 2 & 3	5/09/2022
P-103	Enlarged Public Parking Garage Plan - Level 4 & 5	5/09/2022
P-104	Enlarged Public Parking Garage Plan - Level 6 & 7	5/09/2022
P-105	Enlarged Public Parking Garage Plan - Roof	5/09/2022

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. No development pursuant to this resolution shall be permitted until the Restrictive Declaration dated October 11, 2022 and executed by Innovative Urban Living, LLC, as a condition of the special permit, is recorded and filed in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed

incorporated herein.

5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 20DCP057K) issued on September 30, 2022, and in accordance with the restrictive declaration attached hereto as Exhibit A.
6. 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 report and 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.
7. 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, sub-lessee or occupant.
8. 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 and the restrictive declaration 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 or of the restrictive declaration.

9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

The above resolution (C 220314 ZSK), duly adopted by the City Planning Commission on October 11, 2022 (Calendar No. 15), 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.

**DANIEL R GARODNICK, Esq.,** *Chair*

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

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