



IN THE MATTER OF an application submitted by 962 Pacific St, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow the waiver of all required accessory off-street parking spaces for dwelling units in a development within the Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 962 Pacific Street (Block 1133, Lot 13), in M1-4/R7A District, within the a Special Mixed Use District (MX-20), Borough of Brooklyn, Community District 8.

This application for a special permit was filed by 962 Pacific Street, LLC on December 21, 2022. This application, in conjunction with the related zoning map amendment (C 230157 ZMK) and zoning text amendment (N 230158 ZRK), would facilitate the development of a nine-story, 154,000-square-foot mixed use building with 150 residential units, between 38 and 45 of which would be designated as permanently income-restricted, as well as 9,350 square feet of commercial floor area and 8,530 square feet of community facility floor area at 962 Pacific Street in the Crown Heights neighborhood of Community District 8, Brooklyn.

RELATED ACTION

In addition to the special permit (C 230159 ZSK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 230157 ZMK Zoning map amendment to change an M1-1 zoning district to an M1-4/R7A (MX-20) zoning district.

N 230158 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 230157 ZMK).

ENVIRONMENTAL REVIEW

This application (C 230159 ZSK), in conjunction with the related applications for zoning map amendment (C 230157 ZMK) and zoning text amendment (N 230158 ZRK), were 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 lead is the City Planning Commission. The designated CEQR number is 22DCP078K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 230157 ZMK).

UNIFORM LAND USE REVIEW

This application (C 230159 ZSK) and the related application for a zoning map amendment (C 230157 ZMK) were certified as complete by the Department of City Planning on July 24, 2023, and were duly referred to Brooklyn Community Board 8 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 230158 ZRK), which was referred in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

On September 7, 2023, Brooklyn Community Board 8 held a public hearing on this application (C 230159 ZSK), and by a vote of 29 in favor, three in opposition, and two abstaining, adopted a resolution recommending disapproval of the application with conditions. A summary of the community board's recommendation appears in the report for the related zoning map amendment (C 230157 ZMK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (N 230159 ZSK) and the related actions for a zoning map amendment (C 230157 ZMK) and zoning text amendment (N 230158 ZRK) on October 16, 2023, and on November 1, 2023, issued a recommendation to approve the application with conditions. A summary of the borough president's recommendations appears in the report for the related zoning map amendment (C 230157 ZMK).

City Planning Commission Public Hearing

On November 15, 2023 (Calendar No. TK), the City Planning Commission held a public hearing on this application (C 230159 ZSK) in conjunction with the related actions for a zoning map amendment (C 230157 ZMK) and zoning text amendment (N 230158 ZRK). Nine speakers testified in favor of the application and none in opposition, as described in the report for the related zoning map amendment (C 230157 ZMK), and the hearing was closed.

CONSIDERATION

The City Planning Commission believes this application for a special permit (C 230159 ZSK), in conjunction with the related applications for a zoning text amendment (C 230157 ZRK) and CPC zoning text amendment (N 230158 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 230157 ZMK).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-533 of the Zoning Resolution:

- (a) will facilitate such #development# or #enlargement. Such finding shall be made in consultation with the Department of Housing Preservation and Development;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses, or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

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, that the application submitted by 962 Pacific St, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow the waiver of all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 962 Pacific Street (Block 1133, Lot 13), in an M1-4/R7A district, Borough of Brooklyn, Community District 8 is approved, subject to the following conditions:

1. The property that is the subject of this application (C 230159 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 Archimaera Architects filed with this application and incorporated in this resolution:

Drawing No.

Title

Last Date Revised

Site Plan

04/21/2023

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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.
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.

The above resolution (C 230159 ZSK), duly adopted by the City Planning Commission on December 13, 2023 (Calendar No. 6), 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*

GAIL BENJAMIN, LEILA BOZORG, ALFRED C. CERULLO, III, ANTHONY CROWELL, Esq., JOSEPH I. DOUEK, DAVID GOLD, Esq., RASMIA KIRMANI-FRYE, ORLANDO MARÍN, JUAN CAMILO OSORIO, RAJ RAMPERSHAD, *Commissioners*

LEAH GOODRIDGE, Esq., *Commissioner, VOTING NO*