



**IN THE MATTER OF** an application submitted by Stellar 341 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors), and the rear yard regulations of Section 23-47 (Minimum Required Rear Yards) and Section 23-532 (Required rear yard equivalents), in connection with a proposed mixed-use development, within a large-scale general development, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), within R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts, Borough of Brooklyn, Community District 6.

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This application was filed by Stellar 341 LLC on May 11, 2023. This application, in conjunction with the related actions, would facilitate the development of two new 17- and 19-story mixed-use buildings totaling approximately 245,000 square feet with 305 residential units, 162 of which would be income restricted, and ground floor community facility and retail space at 341 10th Street (Block 1010, Lot 26) in the Park Slope neighborhood of Brooklyn, Community District 6.

### **RELATED ACTIONS**

In addition to the zoning special permit (C 230339 ZSK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

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|---------------------|---|
| <b>C 230337 ZMK</b> | Zoning map amendment to change R6A and R6B zoning districts to R7-3 and R7-3/C2-4 zoning districts;   |
| <b>N 230338 ZRK</b> | Zoning text amendment to establish bulk regulations applicable to R7-3 within Mandatory Inclusionary Housing (MIH) areas and establish an MIH area; |
| <b>C 230340 ZSK</b> | Zoning special permit to reduce parking requirements in the Large Scale General Development (LSGD).   |

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 230337 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (C 230339 ZSK), in conjunction with the applications for the related actions (C 230337 ZMK, N 230338 ZRK, C 230340 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 lead is the City Planning Commission. The designated CEQR number is 23DCP145K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 2, 2023. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-730). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

## **UNIFORM LAND USE REVIEW**

This application (C 230339 ZSK), in conjunction with the related applications (C 230337 ZMK, C 230340 ZSK), was certified as complete by the Department of City Planning on October 2, 2023 and duly referred to Brooklyn Community Board 6 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 230338 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

## **Community Board Public Hearing**

Brooklyn Community Board 6 held a public hearing on this application (C 230339 ZSK), in conjunction with the related applications (C 230337 ZMK, N 230338 ZRK, C 230340 ZSK) on December 8, 2023. On December 14, 2023, by a vote of 22 in favor, one opposed, and with three 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 action (C 230337 ZMK).

### **Borough President Recommendation**

On December 18, 2023, the Brooklyn Borough President held a public hearing on this application (C 230339 ZSK), in conjunction with the applications for the related actions (C 230337 ZMK, N 230338 ZRK, C 230340 ZSK), and issued a recommendation on January 10, 2024 to approve the application with conditions. A summary of the Borough President’s recommendation appears in the report for the related zoning map amendment action (C 230337 ZMK).

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

On January 3, 2024 (Calendar No. 5), the City Planning Commission scheduled January 24, 2024 for a public hearing on this application (C 230339 ZSK) and the related applications (C 230337 ZMK, N 230338 ZRK, C 230340 ZSK). The hearing was duly held on January 24, 2024 (Calendar No. 28).

Eight speakers testified in favor of the application, and four in opposition, as described in the report for the related zoning map amendment action (C 230337 ZMK), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning special permit (C 230339 ZSK), in conjunction with the applications for the related actions (C 230337 ZMK, N 230338 ZRK, C 230340 ZSK), 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 action (C 230337 ZMK).

### **FINDINGS**

The Commission hereby makes the following findings pursuant to Section 74-743 of the Zoning Resolution:

- (1) the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in

a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the general large-scale development, the neighborhood, and the City as a whole;

- (2) the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
- (3) Not applicable;
- (4) considering the size of the proposed general large-scale development, the streets providing access to such general large-scale development will be adequate to handle traffic resulting therefrom;
- (5) Not applicable;
- (6) Not applicable;
- (7) Not applicable;
- (8) Not applicable;
- (9) Not applicable;
- (10) a declaration with regard to ownership requirement in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission;
- (11) Not applicable; and
- (12) Not applicable.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which Negative Declaration was issued on October 2, 2023 with respect to this application (CEQR No. 23DCP145K), the City Planning Commission finds that the actions 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 submitted by Stellar 341 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors), and the rear yard regulations of Section 23-47 (Minimum Required Rear Yards) and Section 23-532 (Required rear yard equivalents), in connection with a proposed mixed-use development, within a large-scale general development, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), within R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts, Borough of Brooklyn, Community District 6, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 230339 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 Marvel Architects, filed with this application and incorporated in this Resolution:

<b>Drawing No.</b>	<b>Title</b>	<b>Last Date Revised</b>
U-002.00	LSGD Site Plan	9/15/2023
U-003.00	LSGD Zoning Calculations	10/2/2023
U-006.00	Zoning Diagrams - Waiver Plan	10/2/2023
U-007.00	Zoning Sections I	10/2/2023
U-008.00	Zoning Sections II	9/15/2023
U-009.00	Zoning Diagrams - Axonometrics	9/15/2023

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. No development pursuant to this resolution shall be permitted until the Restrictive Declaration dated February 29, 2024 and executed by Stellar 341 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. 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.
6. 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.
7. 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.

8. 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 (N 230339 ZSK), duly adopted by the City Planning Commission on March 6, 2024 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough President, 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, ALFRED C. CERULLO, III, ANTHONY CROWELL**, Esq.,

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**RASMIA KIRMANI-FRYE, ORLANDO MARÍN , JUAN CAMILO OSORIO**,

**RAJ RAMPERSHAD**, *Commissioners*