



**Department of
Environmental
Conservation**

**BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION TO AMEND BROWNFIELD
CLEANUP AGREEMENT AND AMENDMENT**

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

<input checked="" type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
	<input checked="" type="checkbox"/> Add applicant(s) <input type="checkbox"/> Substitute applicant(s) <input type="checkbox"/> Remove applicant(s) <input type="checkbox"/> Change in name of applicant(s)
<input type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	<p>a. A copy of the recorded deed must be provided. Is this attached? Yes <input type="radio"/> No <input type="radio"/></p> <p>b. <input type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes <input type="radio"/> No <input type="radio"/> Submitted on: _____</p>
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input checked="" type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

IUV Phase I Owner, LLC, the prospective beneficial owner of the BCA Site, is being added to the BCA. IUV Phase I Owner, LLC has no prior relationship with any current or past owners or operators at the Site. IUV Phase I Owner, LLC did not cause any of the contamination of the Site, therefore, IUV Phase I Owner, LLC is a Volunteer. Current Volunteer Innovative Urban Living, LLC will remain a party on the BCA. Please see Ex. A DOS Entity Filing, Ex. B the Corporate Consents and Ex. C the Certification Statement. Christian Cultural Center, Inc. remains the title owner of the BCP Site, however, on or before the date of the Construction Loan Closing, title of the Site will be transferred to Urban Living Alternatives, LLC and then will be immediately transferred to IUV Phase 1A Housing Development Fund Corporation. Urban Living Alternatives, LLC and IUV Phase 1A Housing Development Fund Corporation are not being added to the BCA at this time. Please see Ex. D Site Access Agreement. In addition, proof is also being provided that the Site will be developed into an affordable housing project in support of the additional tangible property tax credit bump up of 5%. See Exhibit E November 22, 2022 Mandatory Inclusionary Housing Resolution passed by the New York City Council.

SECTION I: CURRENT AGREEMENT INFORMATION	
<i>This section must be completed in full. Attach additional pages as necessary.</i>	
BCP SITE NAME: 12096 Flatlands Avenue	BCP SITE CODE: C224290
NAME OF CURRENT APPLICANT(S): Innovative Urban Living, LLC	
INDEX NUMBER OF AGREEMENT: C224290-04-19	DATE OF ORIGINAL AGREEMENT: 05/31/2019

SECTION II: NEW REQUESTOR INFORMATION		
<i>Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.</i>		
NAME: IUUV Phase I Owner, LLC		
ADDRESS: c/o Gotham Organization, 432 Park Avenue South, 2nd Floor		
CITY/TOWN: New York, New York	ZIP CODE: 10016	
PHONE: (212) 599-0520	EMAIL: smaleh@gothamorg.com	
REQUESTOR CONTACT: Simeon Maleh		
ADDRESS: c/o Gotham Organization, 432 Park Avenue South, 2nd Floor		
CITY/TOWN: New York, New York	ZIP CODE: 10016	
PHONE: (212) 599-0520	EMAIL: smaleh@gothamorg.com	
REQUESTOR'S CONSULTANT: Langan	CONTACT: Amanda Forsburg	
ADDRESS: 30 Kimball Drive		
CITY/TOWN: Parsippany, New Jersey	ZIP CODE: 07054	
PHONE: (973) 560-4982	EMAIL: sciambroschini@Langan.com; aforsburg@langan.com	
REQUESTOR'S ATTORNEY: Knauf Shaw LLP	CONTACT: Linda R. Shaw, Esq.	
ADDRESS: 2600 Innovation Square 100 South Clinton Avenue		
CITY/TOWN: Rochester, New York	ZIP CODE: 14604	
PHONE: (585) 546-8430	EMAIL: lshaw@nyenvlaw.com	
	Y	N
1. Is the requestor authorized to conduct business in New York State?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?	<input checked="" type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?	N/A <input type="radio"/>	<input checked="" type="radio"/>
5. Describe the new requestor's relationship to all existing applicants: Please see organization chart attached as Exhibit A.		

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION		
<i>Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.</i>		
Owner listed below is: <input type="checkbox"/> Existing Applicant <input type="checkbox"/> New Applicant <input type="checkbox"/> Non-Applicant		
OWNER'S NAME:		CONTACT:
ADDRESS:		
CITY/TOWN:		ZIP CODE:
PHONE:	EMAIL:	
OPERATOR:		CONTACT:
ADDRESS:		
CITY/TOWN:		ZIP CODE:
PHONE:	EMAIL:	

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION		
<i>Complete this section only if adding new requestor(s). Attach additional pages if necessary.</i>		
If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.		
	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting or contaminants?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>	
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>	
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>	
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of a hazardous waste or discharge of petroleum. NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A <input type="radio"/>	Y <input checked="" type="radio"/> N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input checked="" type="checkbox"/> Other: <u>Prospective Beneficial Owner</u>			
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?		N/A <input type="radio"/>	Y <input checked="" type="radio"/> N <input type="radio"/>

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

2. Requested change (check appropriate boxes below):

a. Addition of property (may require additional citizen participation depending on the nature of the expansion – see instructions)

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____

c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: _____

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y	N
<input type="radio"/>	<input type="radio"/>

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input checked="" type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below?	<input type="radio"/>	<input checked="" type="radio"/>
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>		
5. Is the project and affordable housing project as defined below?	<input checked="" type="radio"/>	<input type="radio"/>
<p>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.</p>		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
<p>6. Is the project a planned renewable energy facility site as defined below?</p> <p>From ECL 27-1405(33) as of April 9, 2022:</p> <p>“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p>From ECL 75-0111 as of April 9, 2022:</p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p>	<input checked="" type="radio"/>	<input type="radio"/>

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

EXISTING AGREEMENT INFORMATION

BCP SITE NAME: 12096 Flatlands Avenue

BCP SITE CODE: C224290

NAME OF CURRENT APPLICANT(S): Innovative Urban Living, LLC

INDEX NUMBER OF AGREEMENT: C224290-04-19

DATE OF ORIGINAL AGREEMENT 05/31/2019

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Authorized Representative (title) of IUV Phase I Owner, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

David L. Picket's _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 8-14-23 Signature: 

Print Name: David L. Picket

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am ^{Authorized Representative of GO UCL, LLC,} ^{the Managing Member} (title) of Innovative Urban Living, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. David L. Picket's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 8-14-23 Signature: 

Print Name: David L. Picket

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 05/31/2019

Signature by the Department:

DATED: 12/20/2023

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

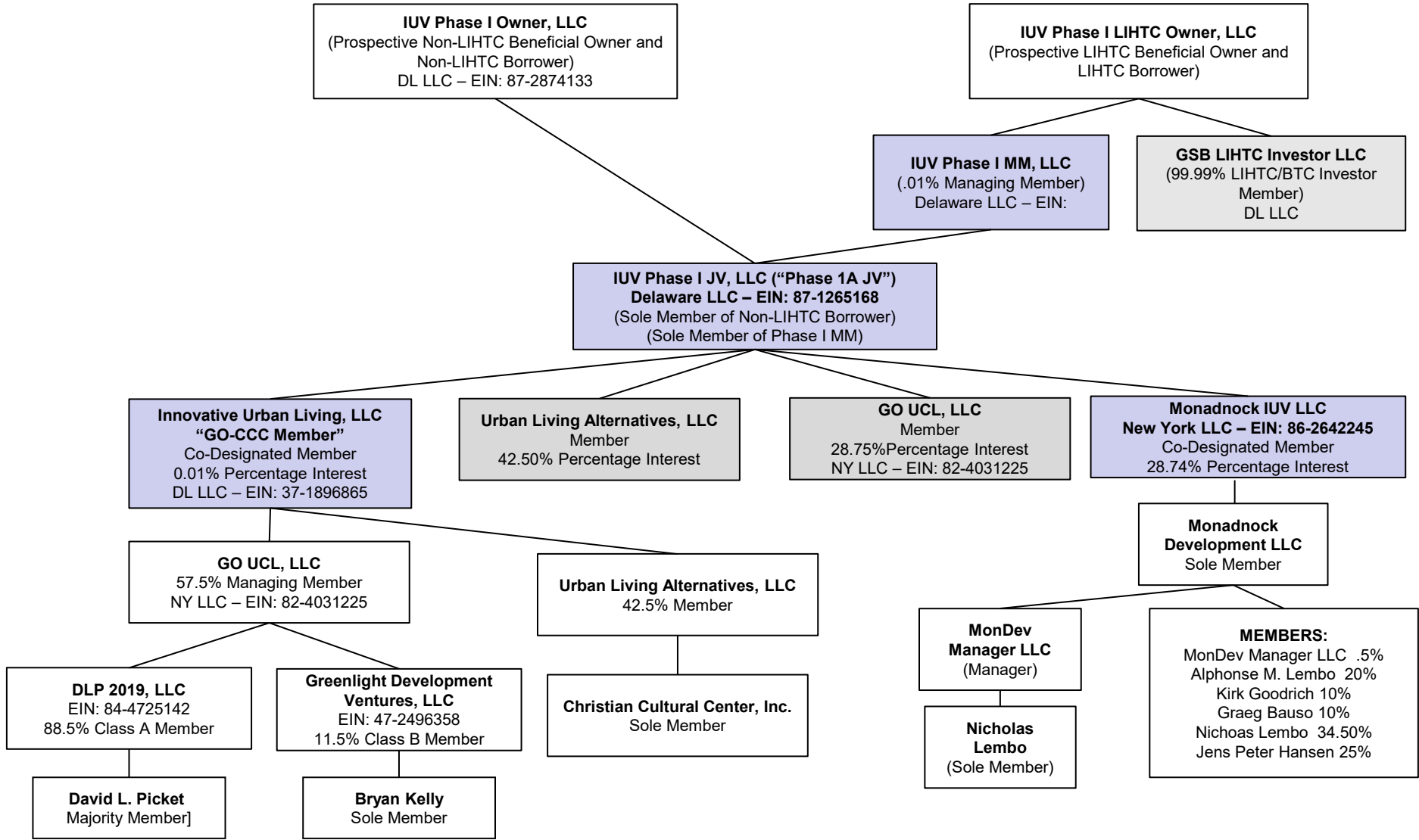


David Harrington, Assistant Director
 Division of Environmental Remediation

EXHIBIT A

Ownership structure for GS Affiliate Admission

Parcel A
Block 4434 Lot 10
(Buildings 1 & 2)



Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: IUV PHASE I OWNER, LLC	DOS ID: 6663953
FOREIGN LEGAL NAME: IUV PHASE I OWNER, LLC	FICTITIOUS NAME:
ENTITY TYPE: FOREIGN LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY - 802 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 12/07/2022	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 12/07/2022	INACTIVE DATE:
FOREIGN FORMATION DATE: 09/29/2021	STATEMENT STATUS: CURRENT
COUNTY: NEW YORK	NEXT STATEMENT DUE DATE: 12/31/2024
JURISDICTION: DELAWARE, UNITED STATES	NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O GOTHAM ORGANIZATION

Address: 432 PARK AVE SOUTY,, 2ND FLOOR , NEW YORK, NY, UNITED STATES, 10016

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

EXHIBIT B

WRITTEN CONSENT

The undersigned, GO UCL LLC, the Managing Member of Innovative Urban Living, LLC, does hereby certify as follows:

1. Innovative Urban Living, LLC is the prospective volunteer for the Brownfield Cleanup Program ("Volunteer"), which entity intends to perform investigation and remediation work on a portion of 12120 Flatlands Avenue, Brooklyn, New York 11207, Brooklyn Block 4434 Lot 1 (the "Site"). Final subdivision approval is pending, which will result in the Site being known as Block 4434 Lot 10.
2. The following person, David L. Pickett, the Authorized Representative of GO UCL LLC, which is the Managing Member of the Volunteer, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of the Volunteer, including but not limited to the BCP Application, the Brownfield Cleanup Agreement ("BCA"), Applications to Amend the BCA, Change of Use Notifications, Certificate of Completion, and if required, an Environmental Easement.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 19th day of November, 2018.

GO UCL LLC



By: Bryan Kelly

Authorized Representative of GO UCL LLC

Managing Member of Innovative Urban Living, LLC

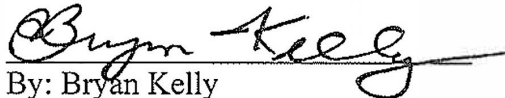
WRITTEN CONSENT

The undersigned, being an Authorized Representative of IUV Phase I Owner, LLC, the beneficial owner of the BCA Site described below, does hereby certify as follows:

1. IUV Phase I Owner, LLC, is a prospective volunteer to be added to the existing Brownfield Cleanup Program (“BCP”) Agreement (“BCA”) Index No. C224290-04-19 for real property located at 12096 Flatlands Avenue Brooklyn, New York 11207 (Brooklyn Block 4434 Lot 10) and which is known as the 12096 Flatlands Avenue BCP Site No. C224290, (the “BCP Site”).
2. The following person, David L Picket, the Authorized Representative of IUV Phase I Owner, LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of prospective BCP Site Volunteer IUV Phase I Owner, LLC, including but not limited to the BCA, Applications to Amend the BCA, Change of Use Notifications, Certificate of Completion, and if required, an Environmental Easement.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 15th day of August 2023.

IUV Phase I Owner, LLC



By: Bryan Kelly

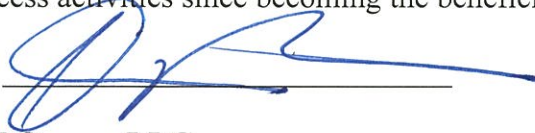
Authorized Representative of IUV Phase 1 Owner, LLC

EXHIBIT C

REQUESTOR CERTIFICATION

The Requestor IUV Phase I Owner, LLC certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators that caused the contamination of the Brownfield Cleanup Program (“BCP”) 12096 Flatlands Avenue BCP Site No. C224290 with an address of 12096 Flatlands Avenue, Brooklyn, New York (“BCP Site”) other than it is now the current beneficial owner of the Site. Requestor did not have involvement with the BCP Site at the time of disposal. The Requestor performed all required environmental due diligence prior to become the beneficial owner of the Site and has implemented due care of the BCP Site during any BCP Site access activities since becoming the beneficial owner.

Certified by



IUV Phase I Owner, LLC

David L. Picket, Authorized Signatory

EXHIBIT D

Christian Cultural Center, Inc.
Attn: A.R. Bernard Sr.
12020 Flatlands Avenue
Brooklyn, New York 11207

**Re: Site Access to Perform Brownfield Cleanup Program Work
12096 Flatlands Avenue
Brooklyn Block 4434 Lot 10**

Dear A.R. Bernard Sr.:

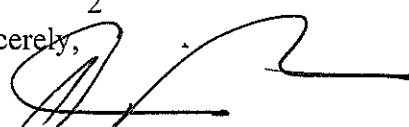
Innovative Urban Living, LLC submitted a Brownfield Cleanup Program (“BCP”) Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following property: 12096 Flatlands Avenue, Brooklyn, New York 11207 (1.572 acres) Brooklyn Block 4434, Lot 10. The BCP Site is known as 12096 Flatlands Avenue, Site Code C224290 (the “BCP Site”). As you know, Christian Cultural Center, Inc. owns the BCP Site. IUV Phase I Owner, LLC is being added to the Brownfield Cleanup Agreement (“BCA”) as a volunteer.

IUV Phase I Owner, LLC needs your written permission below to access your property for the purpose of performing environmental investigation and remediation work to be added to the BCA for this BCP Site.

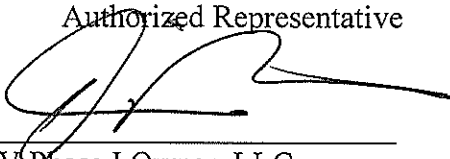
If you agree to sign below, you are granting IUV Phase 1 Owner, LLC a “temporary license” to allow an appropriate contractor hired to enter the property to perform investigation and remediation work. They promise to provide you with copies of any information generated about the property, and if they do accidentally damage your property in any way, they agree to repair the damages to restore the property to the way it was before entered. Their contractor will also maintain insurance that would cover any accidents on the job. They promise to minimize any and all inconvenience to you in connection with this work and will give you one week notice before the work begins.

In addition, in the unlikely circumstance that you still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, you are hereby also agreeing to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation. If you have any questions, please do not hesitate to call Stephen Strateman, our Project Manager at (212)599-0520. Otherwise, please sign below so that this work can proceed.

Thank you for your cooperation.

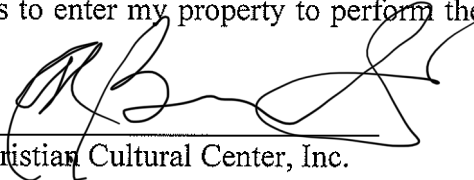
Sincerely, ²


GO UCL, LLC
Managing Member of Innovative Urban Living, LLC
By. David L. Picket
Authorized Representative



IUV Phase I Owner, LLC
By. David L. Picket
Authorized Representative

As a member of the site owner, I am authorized to grant this temporary license and agree to allow IUV Phase I Owner, LLC and its agents to enter my property to perform the BCP Investigation and/or remediation work required.



Christian Cultural Center, Inc.
By. A.R. Bernard Sr.
Authorized Representative

EXHIBIT E

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 401**

Resolution approving the decision of the City Planning Commission on ULURP No. C 220312 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 141).

By Council Members Salamanca and Riley

WHEREAS, Innovative Urban Living, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, changing from an R5 District to an R7-2 District, establishing within the proposed R7-2 District a C2-4 District, which 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 (ULURP No. C 220312 ZMX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022 its decision dated October 11, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 220313 ZRK (L.U. No. 142), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area; C 220311 ZSK (L.U. No. 145), a special permit to establish a LSGD and modify bulk regulations; C 220314 ZSK (L.U. No. 146), a special permit to allow a parking garage at the development site;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2022;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary), transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the

identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. 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
4. The adverse environmental impacts disclosed 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 environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220312 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 17d:

1. changing from an R5 District to an R7-2 District property bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of

Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue; and

2. establishing within the proposed R7-2 District a C2-4 District bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue;

as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-679, Borough of Brooklyn, Community District 5.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 22, 2022, on file in this office.



.....
City Clerk, Clerk of The Council

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 402**

Resolution approving the decision of the City Planning Commission on Application No. N 220313 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 142).

By Council Members Salamanca and Riley

WHEREAS, Innovative Urban Living, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying APPENDIX I for the purpose of expanding the Transit Zone, which 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 (ULURP No. N 220313 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022, its decision dated October 11, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 2200312 ZMK (L.U. No. 141), a zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district; C 220311 ZSK (L.U. No. 145), a special permit to establish a LSGD and modify bulk regulations; C 220314 ZSK (L.U. No. 146), a special permit to allow a parking garage at the development site;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2022;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary),

transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. 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
4. The adverse environmental impacts disclosed 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 environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 220313 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 5

* * *

Map 5 -- [date of adoption]

[PROPOSED MAP]

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N 220313 ZRK
Res. No. 402 (Pre. L.U. No. 142)

Transit Zone Map 12

[EXISTING MAP]

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N 220313 ZRK
Res. No. 402 (Pre. L.U. No. 142)

[PROPOSED MAP]



Transit Zone Map 12

Page 9 of 9
N 220313 ZRK
Res. No. 402 (Pre. L.U. No. 142)

* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 22, 2022, on file in this office.



.....
City Clerk, Clerk of The Council

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 403**

Resolution approving the decision of the City Planning Commission on ULURP No. C 220311 ZSK, for the grant of a special permit (L.U. No. 145).

By Council Members Salamanca and Riley

WHEREAS, Innovative Urban Living, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Sections of the Zoning Resolution Section 74-743(a)(2) of Zoning Resolution to modify: the side and rear yard regulations of Section 23-40 (YARD REGULATIONS), Section 23-50 (Additional Yard Regulations), Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), and 35-50 (MODIFICATION OF YARD REGULATIONS); the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings), 23-69 (Special Height Limitations), and 35-65 (Height and Setback Requirements for Quality Housing Buildings); and the minimum distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings); in connection with a proposed mixed-use development, within a Large-scale General Development generally bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4 District, which 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 (ULURP No. C 220311 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022, its decision dated October 11, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 2200312 ZMK (L.U. No. 141), a zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district; N 220313 ZRK (L.U. No. 142), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area; C 220314 ZSK (L.U. No. 146), a special permit to allow a parking garage at the development site;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2022;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary), transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. 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
4. The adverse environmental impacts disclosed 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 environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of

social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220311 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission for the grant of a special permit pursuant to the following Sections of the Zoning Resolution, Section 74-743(a)(2), to modify:

1. the side and rear yard regulations of Section 23-40 (YARD REGULATIONS), Section 23-50 (Additional Yard Regulations), Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), and 35-50 (MODIFICATION OF YARD REGULATIONS);
2. the height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings), 23-69 (Special Height Limitations), and 35-65 (Height and Setback Requirements for Quality Housing Buildings); and
3. the minimum distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings);

in connection with a proposed mixed-use development, within a Large-scale General Development generally bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue (Block 4430, Lot 1, and Block 4434, Lots 1 & 10), in an R7-2/C2-4 District, Borough of Brooklyn, Community District 5, as modified, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 220311 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 and MPFP PLLC, filed with this application and incorporated in this Resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-020.00	LSGD Zoning Analysis	10/4/2022
Z-021.00	LSGD Zoning Diagram	10/4/2022
Z-030.00	Overall Large Scale Site Plan	10/4/2022
Z-050.00	Waiver Plan	10/4/2022

Z-060.00	Zoning Section	10/4/2022
Z-061.00	Zoning Section	10/4/2022
Z-062.00	Zoning Section	10/4/2022
Z-063.00	Zoning Section	10/4/2022
Z-064.00	Zoning Section – Street Frontages	10/4/2022
Z-070.00	Urban Design Notes	10/4/2022
Z-071.00	Urban Design Notes	10/4/2022
L-000	Overall Landscape & Phasing Plan	10/4/2022
L-001	Publicly Accessible Area Plan	10/4/2022
L-002	Overall Key Plan	10/4/2022
L-003	Amenity Plan	10/4/2022
L-100	Key & Dim Plan	10/4/2022
L-101	Key & Dim Plan	10/4/2022
L-102	Key & Dim Plan - Garage Roof	10/4/2022
L-200	Materials & Grading Plan	10/4/2022
L-201	Materials & Grading Plan	10/4/2022
L-202	Materials & Grading Plan- Garage Roof	10/4/2022
L-300	Planting, Furniture & Lighting Plan	10/4/2022
L-301	Planting, Furniture & Lighting Plan	10/4/2022
L-600	Furniture Details	10/4/2022
L-601	Planting Details	10/4/2022
L-602	Lighting Details	10/4/2022
L-603	POP Signage Details	10/4/2022
L-604	Bollard Details	10/4/2022

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.

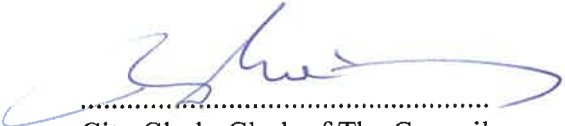
* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

Page 6 of 6
C 220311 ZSK
Res. No. 403 (L.U. No. 145)

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 22, 2022, on file in this office.


.....
City Clerk, Clerk of The Council

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 404**

Resolution approving the decision of the City Planning Commission on ULURP No. C 220314 ZSK, for the grant of a special permit (L.U. No. 146).

By Council Members Salamanca and Riley

WHEREAS, Innovative Urban Living, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the 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, which 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 (ULURP No. C 220314 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022, its decision dated October 11, 2022 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 220312 ZMK (L.U. No. 141), a zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district; N 220313 ZRK (L.U. No. 142), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area; and C 220311 ZSK (L.U. No. 145), a special permit to establish a LSGD and modify bulk regulations;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-745(a) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2022;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the

Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary), transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. 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
4. The adverse environmental impacts disclosed 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 environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220314 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
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.

* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 22, 2022, on file in this office.



.....
City Clerk, Clerk of The Council