



Legislation Text

File #: Res 2099-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2099

Resolution approving the decision of the City Planning Commission for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and in conjunction therewith the requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 3), Borough of Brooklyn (Non-ULURP No. N 140048 ZAK; L.U. No. 963).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on November 8, 2013 its decision dated November 6, 2013 (the "Decision"), on the application submitted by Waterview at Greenpoint, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and in conjunction therewith the requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 3), Community District 1, Borough of Brooklyn (Non-ULURP No. N 140048 ZAK) (the "Application");

WHEREAS, the application is related to Applications C 140047 ZSK (L.U. No. 961), a Special Permit by the City Planning Commission pursuant to Section 62-836 to modify the height and setback requirements of Section 62-341 (Developments on land and platforms) and Section 62-354 (Special height and setback regulations) and N 140046 ZRK (L.U. No. 962), with the Department of City Planning as co-applicant, an amendment to the Zoning Resolution modifying Sections 11-13 and 62-351 to permit future adjacent parkland to continue to generate development rights on Parcel 4 within the Waterfront Access Plan BK-1;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 62-822(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 December 5, 2013;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-822 (a)(1) of the Zoning Resolution of the City of New York;

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 and the revised negative declaration (CEQR No. 14DCP010K), issued on November 6, 2013 (the “Revised Negative Declaration”).

RESOLVED:

Having considered the Decision and Application, the Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

Pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140048 ZAK, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The properties that are the subject of this application (N 140048 ZAK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Cetra/CRI Architecture PLLC and MPFP LLC, filed with this application and incorporated in this resolution:

<u>Number</u>	<u>Title</u>	<u>Last Date Revised</u>
L-01 L-02	Survey Open Space Diagram	08/05/2013 08/05/2013
L-03	Zoning Calculations	08/05/2013
L-04	Zoning Calculations	08/05/2013
L-100	Open Space Key & Dimension Plan	08/05/2013
L-101	Enlargement Plans	08/05/2013
L-102 L-200	Seating Plan Grading Plan	08/05/2013 08/05/2013
L-300	Planting Plan	08/05/2013
L-400	Material Plan	08/05/2013
L-604	Site Section through Upland Connection	08/05/2013
L-604A	Upland Connection Enlarged Section	08/05/2013
L-700	Details	08/05/2013
L-701	Details	08/05/2013
L-702	Bench & Seating Details	08/05/2013
L-702A	Bench & Seating Details	08/05/2013
L-703	Planting Details	08/05/2013
L-704	Trellis Plan & Details	08/05/2013
L-705	Guardrail Details	08/05/2013
L-800	Lighting Plan	08/05/2013
L-801	Lighting Photometric Plan	08/05/2013
L-900	Signage Plan & Details	08/05/2013

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.

3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached to the City Planning Commission Report C 140047 ZSK, with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, Kings County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
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 authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. 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 authorization.
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 authorization.

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 December 19, 2013, on file in this office.

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City Clerk, Clerk of The Council