



## Legislation Text

**File #:** Res 1141-2011, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1141

Resolution approving the decision of the City Planning Commission on Application No. N 110383 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 4 (Special Permits by the City Planning Commission), relating to ownership requirements for Large Scale General Developments in Community District 2, Borough of Brooklyn (L.U. No. 512).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on October 24, 2011 its decision dated October 19, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Brooklyn Navy Yard Development Corporation (BNYDC), for an amendment of the text of the Zoning Resolution of the City of New York, to allow for an application for a special permit for a large-scale general development in cases when the proposed development is owned by the federal government (Application No. N 110383 ZRK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Nos. C 110380 PQK (L.U. No. 517), an application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property; C 110381 PPK (L.U. No. 518), an application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard; C 110382 ZMK (L.U. No. 511), a zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district; C 110375 ZSK (L.U. No. 513), a special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development; C 110376 ZSK (L.U. No. 514), a special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations; C 110377 ZSK (L.U. No. 515), a special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district; C 110378 ZSK (L.U. 516), a special permit pursuant to Section 74-922 to allow buildings containing retail uses with no limit on retail floor area; and N 110379 ZCK, a certification pursuant to Section 62-811 for waterfront public access and visual corridors;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 16, 2011;

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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 6, 2011 (CEQR No.

11DEM001K).

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) 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 those mitigation measures that were identified as practicable.

The Decision and 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 this report, N 110383 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

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

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

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## **Article VII: Administration**

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## **Chapter 4: Special Permits by the City Planning Commission**

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74-742

Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is

made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant (s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

When a #large-scale general development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, or when the site of a proposed #large-scale general development# is owned by the federal government and is within Community District 2 in the borough of Brooklyn, a special permit may be applied for and granted under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section.

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 29, 2011, on file in this office.

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City Clerk, Clerk of The Council