



Legislation Text

File #: Res 2097-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2097

Resolution approving the decision of the City Planning Commission on ULURP No. C 140047 ZSK (L.U. No. 961), for the grant of a special permit pursuant to Sections 62-836 of the Zoning Resolution of the City of New York 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) 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, Borough of Brooklyn.

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 pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution 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) 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 (ULURP No. C 140047 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications 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 and N 140048 ZAK (L.U. No. 963), an Authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access areas and visual corridors;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-836 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 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 Sections 197-d and 200 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, C 140047 ZSK, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The properties that are the subject of the related application (N 140047 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Cetra/CRI Architecture PLLC and MPFP LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-03	Site Plan	07/30/2013
Z-03.1	Tower Details	07/30/2013
Z-05 Z-06	Zoning Calculations Base Height, Building Height, Setback and Bulkhead Modifications - Plan	07/30/2013
Z-06.1	Base Height, Building Height, Setback and Bulkhead Modifications - Section 1	07/30/2013
Z-06.2	Base Height, Building Height, Setback and Bulkhead Modifications - Sections 2 and 3	07/30/2013
Z-06.3	Base Height, Building Height, Setback and Bulkhead Modifications - Section 4	07/30/2013
Z-06.4	Base Height, Building Height, Setback and Bulkhead Modifications - Section 5 and 6	07/30/2013

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. 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.
5. 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 and technical changes as are acceptable to Counsel to the City Planning Commission, and subject to the approval of the New York City Corporation Counsel for the insurance provisions and the indemnification

provisions, has been executed and recorded in the Office of the City Register, Kings County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

6. 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.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

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.

City Clerk, Clerk of The Council