



Legislation Details (With Text)

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In control: Committee on Land Use

On agenda: 5/14/2014

Enactment date: **Enactment #:**

Title: 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 of the City of New York, to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead line (Block 2414, Lot 1; and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development in Community District 1, Borough of Brooklyn (Non-ULURP No. N 140136 ZAK; L.U. No. 33).

Sponsors: David G. Greenfield, Mark S. Weprin

Indexes:

Attachments: 1. City Planning Commission Approval Letter, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 5-14-14, 4. Minutes of the Stated Meeting - May 14, 2014

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|--|--------|
| 4/24/2014 | * | Committee on Land Use | Approved by Committee with Modifications and Referred to CPC | |
| 5/14/2014 | * | City Council | Approved, by Council | Pass |

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 247

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 of the City of New York, to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead line (Block 2414, Lot 1; and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development in Community District 1, Borough of Brooklyn (Non-ULURP No. N 140136 ZAK; L.U. No. 33).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on March 10, 2014 its decision dated March 5, 2014 (the "Decision"), on the application submitted by Two Trees Management, LLC, for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) in connection with a proposed

mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead line (Block 2414, Lot 1; and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development, Community District 1 (Non-ULURP No. N 140136 ZAK), Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications C 140132 ZSK (L.U. No. 28), a special permit pursuant to ZR Section 74-743 to transfer floor area between zoning lots and modify height and setback, minimum distance, floorplate, lot coverage, and yard regulations; C 140133 ZSK (L.U. No. 29), a special permit pursuant to ZR Section 74-744(a) to use regulations as part of a general large-scale development; C 140134 ZSK (L.U. No. 30), a special permit pursuant to ZR Section 74-745(a) to modify parking location regulations as part of a general large-scale development; C 140135 ZSK (L.U. No. 31), a special permit pursuant to ZR Section 74-745(b) (proposed) to modify loading regulations as part of a general large-scale development; and N 140131 ZRK (L.U. No. 32), a zoning text amendment of ZR Section 62-352 and 74-745 related to inclusionary housing and loading requirements;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 62-822 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 April 1, 2014;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-822 (a)(2) of the Zoning Resolution of the City of New York;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") (CEQR No. 07DCP094K), for which a Notice of Completion was issued on May 28, 2010, as adjusted by the subsequent CEQR Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013, and March 5, 2014 (the "Technical Memoranda");

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS and Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014**, those

mitigation measures that were identified as practicable.

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

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 140136 ZAK, incorporated by reference herein, the Council approves the Decision subject to the following terms and conditions:

1. The properties that are the subject of this application (N 140136 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 SHoP Architects P.C. and James Corner Field Operations, filed with this application and incorporated in this resolution:

| Dwg. No. | Title | Last Date Revised |
|-----------------|--|--------------------------|
| Z00-0 | Title Sheet | 10.31.2013 |
| Z00-2A | Zoning Lot Calculations | 10.31.2013 |
| Z00-2B | Zoning Waivers | 10.31.2013 |
| Z00-2C | Zoning Actions and Design Guidelines | 03.05.2014 |
| Z00-3 | Upland/Seaward Lot Calculations | 10.31.2013 |
| Z01-1 | Site Plan | 10.31.2013 |
| Z03-1 | Adjusted Base Plane Calculations | 10.31.2013 |
| Z03-2 | Shoreline Facing Walls | 10.31.2013 |
| Z05-B | Zoning Lot 1 Building A - Site Plan | 10.31.2013 |
| Z05-C1 | Zoning Lot 1 Building A - Height and Setback Diagrams | 10.31.2013 |
| Z05-C2 | Zoning Lot 1 Building A - Height and Setback Diagrams | 10.31.2013 |
| Z05-C3 | Zoning Lot 1 Building A - Height and Setback Diagrams | 10.31.2013 |
| Z06-B | Zoning Lot 1 Building B - Site Plan | 03.05.2014 |
| Z06-C1 | Zoning Lot 1 Building B - Height and Setback Diagrams | 03.05.2014 |
| Z06-C2 | Zoning Lot 1 Building B - Height and Setback Diagrams | 03.05.2014 |
| Z06-C3 | Zoning Lot 1 Building B - Height and Setback Diagrams | 03.05.2014 |
| Z06-C4 | Zoning Lot 1 Building B - Height and Setback Diagrams | 03.05.2014 |
| Z06-C5 | Zoning Lot 1 Building B - Height and Setback Diagrams | 03.05.2014 |
| Z06-C6 | Zoning Lot 1 Building B - Height and Setback Diagrams | 03.05.2014 |
| Z07-B | Zoning Lot 2 Refinery Building - Site Plan | 10.31.2013 |
| Z07-C1 | Zoning Lot 2 Refinery Building - Height and Setback Diagrams | 10.31.2013 |
| Z07-C2 | Zoning Lot 2 Refinery Building - Height and Setback Diagrams | 10.31.2013 |
| Z09-B | Zoning Lot 1 Building D - Site Plan | 10.31.2013 |
| Z09-C1 | Zoning Lot 1 Building D - Height and Setback Diagrams | 10.31.2013 |
| Z09-C2 | Zoning Lot 1 Building D - Height and Setback Diagrams | 10.31.2013 |
| Z09-C3 | Zoning Lot 1 Building D - Height and Setback Diagrams | 10.31.2013 |
| Z10-B | Zoning Lot 3 Building E - Site Plan | 03.05.2014 |
| Z10-C1 | Zoning Lot 3 Building E - Height and Setback Diagrams | 03.05.2014 |
| Z10-C2 | Zoning Lot 3 Building E - Height and Setback Diagrams | 03.05.2014 |

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|------------|--|------------|
| Z11-1 | Location of Uses | 10.31.2013 |
| G-001.00 | Title Sheet | 10.29.13 |
| G-100.00 | Survey | 09.14.13 |
| G-110.00 | Zoning Lots | 10.29.13 |
| L-001.00 | WPAA Zoning Calculations | 10.29.13 |
| L-002.00 | WPAA Zoning Calculations | 10.29.13 |
| L-003.00 | WPAA Zoning Calculations | 10.29.13 |
| L-100.00 | Waterfront Public Area Access Diagram | 10.29.13 |
| L-121.00-A | Layout Plan - Area 1 | 10.29.13 |
| L-122.00-A | Layout Plan - Area 2 | 10.29.13 |
| L-131.00-A | Materials Plan - Area1 | 10.29.13 |
| L-132.00-A | Materials Plan - Area 2 | 10.29.13 |
| L-141.00-A | Grading Plan - Area 1 | 10.29.13 |
| L-142.00-A | Grading Plan - Area 2 | 10.29.13 |
| L-151.00-A | Planting Plan - Area 1 | 10.29.13 |
| L-152.00-A | Planting Plan - Area 2 | 10.29.13 |
| L-161.00-A | Furnishing Plan - Area 1 | 10.29.13 |
| L-162.00-A | Furnishing Plan - Area 2 | 10.29.13 |
| L-171.00-A | Lighting Plan - Area 1 | 10.29.13 |
| L-172.00-A | Lighting Plan - Area 2 | 10.29.13 |
| L-181.00-A | Lighting Foot Candle Diagram - Area 1 | 10.29.13 |
| L-182.00-A | Lighting Foot Candle Diagram - Area 2 | 10.19.13 |
| L-121.00-B | Layout Plan | 10.19.13 |
| L-131.00-B | Materials Plan | 10.29.13 |
| L-141.00-B | Grading Plan | 10.29.13 |
| L-151.00-B | Planting Plan | 10.29.13 |
| L-161.00-B | Furnishing Plan | 10.29.13 |
| L-171.00-B | Lighting Plan | 10.29.13 |
| L-181.00-B | Lighting Foot Candle Diagram | 10.29.13 |
| L-210.00 | Typical Details 1 | 10.15.13 |
| L-211.00 | Typical Details 2 | 10.15.13 |
| L-220.00 | Typical Details 3 | 10.15.13 |
| L-230.00 | Typical Details 4 | 10.15.13 |
| L-231.00 | Typical Details 5 | 10.15.13 |
| L-232.00 | Typical Details 6 | 10.15.13 |
| L-233.00 | Typical Details 7 | 10.15.13 |
| L-234.00 | Typical Details 8 | 10.15.13 |
| L-235.00 | Typical Details 9 | 10.15.13 |
| L-300.00 | Site Sections 1 | 10.15.13 |
| L-301.00 | Site Sections 2 | 10.29.13 |
| L-302.00 | Site Sections 3 | 10.29.13 |
| L-303.00 | Site Sections 4 | 10.29.13 |
| L-601.00 | Waterfront Zoning Lot Phasing: Phase 1 | 10.29.13 |
| L-602.00 | Waterfront Zoning Lot Phasing: Phase 2 | 10.29.13 |
| L-603.00 | Waterfront Zoning Lot Phasing: Phase 3 | 10.29.13 |
| L-604.00 | Waterfront Zoning Lot Phasing: Phase 4 | 10.29.13 |

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 (a) the restrictive declaration attached as Exhibit A to the CPC Decision on the related special permit (C 140132 ZSK), **as modified by the New York City Council as of April 24, 2014**, 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; and (b) the Maintenance and Operations Agreement associated with such declaration and attached as Exhibit G to such restrictive declaration, thereto shall have been executed. Such restrictive declaration, **as modified by the New York City Council as of April 24, 2014**, 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 May 14, 2014, on file in this office.

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City Clerk, Clerk of The Council