Legislation Details (With Text)

File #:	Res 1899-2021	**Version:** *	**Name:**	LU 935 - Zoning, River Ring, Brooklyn (C 220070 ZSK)
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On agenda:	12/15/2021			
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Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 220070 ZSK, for the grant of a special permit (L.U. No. 935).

Sponsors:

Indexes:

Attachments: 1. Res. No. 1899, 2. November 23, 2021 - Stated Meeting Agenda with Links to Files, 3. Calendar of the Zoning Subcommittee Meeting - December 2, 2021, 4. Calendar of the Zoning Subcommittee and Land Use Meetings - December 9, 2021, 5. December 15, 2021 - Stated Meeting Agenda with Links to Files, 6. LOCATING ENVIRONMENTAL REVIEW MATERIALS FOR CERTAIN LAND USE APPLICATIONS, 7. City Planning Commission Approval Letter, 8. Committee Report, 9. Hearing Transcript - Stated Meeting 12-15-21, 10. Minutes of the Stated Meeting - December 15, 2021

Date	Ver.	Action By	Action	Result
12/9/2021	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
12/15/2021	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1899

Resolution approving the decision of the City Planning Commission on ULURP No. C 220070 ZSK, for the grant of a special permit (L.U. No. 935).

By Council Members Salamanca and Moya

WHEREAS, River Street Partners, 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 Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces from 40 percent to 20 percent, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in C6-2 District, which in conjunction with the related actions would facilitate the construction of an approximately 1.16 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 1,050 residential units, 30,000 square feet of community facility uses, 79,000 square feet of commercial space, and 2.9 acres of open space located at 105 River Street in the Williamsburg neighborhood of Brooklyn, Community District 1 (ULURP No. C 220070 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on November 17, 2021, its decision

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dated November 17, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 220062 ZMK (Pre. L.U. No. 929), a zoning map amendment to (a) rezone an M3-1 zoning district to a C6-2 zoning district; and (b) rezone an M3-1 zoning district to a M1-4 zoning district; N 220063 ZRK (Pre. L.U. No. 930), a zoning text amendment to establish the project area as a Mandatory Inclusionary Housing (MIH) area; allow an LSGD that does not meet the ownership requirements of Zoning Resolution (ZR) Section 74-742, and allow new piers and in-water structures that are accessible to the public to generate floor area; C 220061 MLK (L.U. No. 932), a landfill action to add approximately 6,320 square feet to create open area as part of the waterfront public space; C 220064 ZSK (L.U. No. 933), a special permit pursuant to ZR Section 74-74 to establish a LSGD, allow reconstructed piers to retain floor area, and modify bulk regulations; N 220065 ZAK (L.U. No. 934), an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas; and C 210425 MMK (L.U. No. 936), city map change to eliminate, discontinue, close, and dispose of a segment of Metropolitan Avenue to the west of River Street and a portion of North First Street west of River Street;

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 74-533 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 2, 2021;

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 March 22nd, 2021 (CEQR No. 21DCP157K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on November 5, 2021, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-636) on the project sites. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (pedestrians, street user safety) and construction (noise) and to ensure the implementation of the mitigation measures identified in the FEIS, they are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS 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 action[s] 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

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(4) The adverse environmental impacts identified 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 November 15, 2021, those project components related to the 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 220070 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 220070 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 BIG and James Corner Field Operations, filed with this application and incorporated in this Resolution:

Dwg. No.	**Title**	**Last Date Revised**
Z00-2	ZONING CALCULATIONS	11.05.2021
Z01-1	LSGD Site Plan	11.05.2021

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. Development pursuant to this resolution shall be allowed only after (a) the restrictive declaration attached hereto as Exhibit A, 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 thereto shall have been executed. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 21DCP157K) issued on November 5, 2021, 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.

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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 _____, 2021, on file in this office.

City Clerk, Clerk of The Council

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