



## Legislation Text

**File #:** Res 0245-2014, **Version:** \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 245

Resolution approving the decision of the City Planning Commission on ULURP No. C 140135 ZSK (L.U. No. 31), for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to waive the requirements for loading berth for retail or service uses listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B & 14A, and where no single establishment exceeds 8,500 square feet for a zoning lot (Zoning Lot 3, Block 2428, Lot 1), in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3<sup>rd</sup> Street, a line 100 feet northwesterly of Wythe Avenue, South 4<sup>th</sup> Street, Kent Avenue, South 5<sup>th</sup> 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, Borough of Brooklyn.

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, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution of the City of New York to waive the requirements for loading berth for retail or service uses listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B & 14A, and where no single establishment exceeds 8,500 square feet for a zoning lot (Zoning Lot 3, Block 2428, Lot 1), in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3<sup>rd</sup> Street, a line 100 feet northwesterly of Wythe Avenue, South 4<sup>th</sup> Street, Kent Avenue, South 5<sup>th</sup> 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 (ULURP No. C 140135 ZSK), Community District 1, 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; 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; and N 140136 ZAK (L.U. No. 33), an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas;

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 74-745 (b) 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 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 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 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, C 140135 ZSK, incorporated by reference herein, the Council approves the Decision subject to the following terms and conditions:

1. The property that is the subject of this application (C 140135 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 SHoP Architects, P.C. and James Corner Field Operations, filed with this application and incorporated in this resolution:

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<b>Dwg. No.</b>	<b>Title</b>	<b>Last Date Revised</b>
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
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 - Area 1	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

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 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, King County. 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. The development shall include those project components related to the environment and mitigation

measures identified in the Final Environmental Impact Statement (CEQR No. 07DCP094K) issued on May 28, 2010, as adjusted by the subsequent Technical Memoranda, dated June 4, 2010, July 10, 2010, October 31, 2013, March 5, 2014, and in accordance with the restrictive declaration attached as Exhibit A to the CPC Decision C 140132 ZSK, **as modified by the New York City Council as of April 24, 2014,** .

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.
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 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.
9. 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 May 14, 2014, on file in this office.

City Clerk, Clerk of The Council