



## **CITY PLANNING COMMISSION**

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November 6<sup>th</sup>, 2013 | Calendar No. 9

N 140020 ZAK

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**IN THE MATTER OF** an application submitted by Greenpoint Landing Associates LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and in conjunction therewith the requirements of Section 62-332 (Rear yards and waterfront yards), and Section 62-931 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg), in connection with a proposed mixed-use development on property located at 37 Commercial Street (Zoning Lot 5a, Block 2472, Lot 100), in R6/C2-4 and R8 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 5a), Borough of Brooklyn, Community District 1.

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**WHEREAS**, the City Planning Commission has received an application (N 140020 ZAK) dated July 16, 2013, from Greenpoint Landing Associates, LLC requesting an authorization pursuant to ZR Section 62-822(a) of the Zoning Resolution to modify the requirements of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and in conjunction therewith the requirements of Section 62-332 (Rear Yards and Waterfront Yards), and Section 62-931 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg) to facilitate the construction of a proposed residential development on property on Block 2742, Lot 100 in the Williamsburg neighborhood, Borough of Brooklyn, Community District 1; and

**WHEREAS**, implementation of the project also requires the following related approvals

N 140019 HAK	Urban Development Action Area Project designation, approval, and disposition to facilitate the development of affordable housing and public open space.
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N 140028 ZRK	Zoning Text Amendment to facilitate the development of affordable housing, open space, and a public school.
N 140021 ZAK	Authorization by the City Planning Commission pursuant to 62-822(b) to modify the requirements of Section 62-60 , 62-513 and 62-90 for waterfront public access areas, visual corridors and waterfront access plans on Zoning Lot 5a.
N 140022 ZAK	Authorization by the City Planning Commission pursuant to 62-822(a) of the Zoning Resolution to modify location and dimension requirements of Section 62-50 for visual corridors and waterfront public access areas, and in conjunction therewith the rear yard requirements of Section 62-332 on Zoning Lot 5b-1.
N 140023 ZAK	Authorization by the City Planning Commission pursuant to 62-822(b) of the Zoning Resolution to modify requirements of Section 62-60, 62-513 and 62-90 for waterfront public access areas, visual corridors and waterfront access plans on Zoning Lot 5b-1.
N 140024 ZCK	Chair Certification pursuant to ZR section 62-811 that a site plan has been submitted showing compliance with the provisions of Section 62-50, 62-60 and 62-90, except as modified by the authorizations (N 140020 ZAK and N 140021 ZAK) on Zoning Lot 5a.
N 140025 ZCK	Chair Certification pursuant to ZR section 62-811 to allow for the phased implementation of all required waterfront public access areas on Zoning Lot 5a
N 140026 ZCK	Chair Certification pursuant to ZR Section 62-811 that a site plan has been submitted showing compliance with the provisions of Section 62-50, 62-60 and 62-90, except as modified by the authorizations (N 140022 ZAK

and N 140023 ZAK) on Zoning Lot 5b-1.

N 140027 ZCK      Chair Certification pursuant to ZR Section 62-811 that a site plan has been submitted showing compliance with the provisions of Section 62-50, 62-60 and 62-90 on Zoning Lot 5d.

**WHEREAS**, detailed descriptions of this and the related actions are provided in the report for the related UDAAP application (C 140019 HAK); and

**WHEREAS**, A full summary of the environmental review (CEQR No. 14DCP004K) appears in the report on the related application for a related UDAAP application (C 140019 HAK); and

**WHEREAS**, this application (N 140020 ZAK) in conjunction with the applications for the related non-ULURP applications was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President on July 22, 2013 in accordance with the procedure for referring non-ULURP matters in conjunction with the applications for the related ULURP actions which were certified as complete by the Department of City Planning on July 22, 2013 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

**WHEREAS**, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related UDAAP action (C 140019 HAK); and

**WHEREAS**, this application, in conjunction with the related applications, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*) and determined that it was consistent with the policies

of the WRP. The designated WRP number is 12-137; and

**WHEREAS**, the City Planning Commission hereby makes the following findings pursuant to ZR Section 62-822(a)(1) of the Zoning Resolution:

- (i) comply with the required minimum dimensions and equal the required total area, in aggregate; and
- (ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; and

**WHEREAS**, the Commission has determined that the application warrants approval and therefore adopts the following resolution:

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, that based on the environmental determination described in this report, the application submitted by Greenpoint Landing Associates, LLC for the grant of an authorization pursuant to ZR Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and in conjunction therewith the requirements of Section 62-332 (Rear Yards and

Waterfront Yards), and Section 62-931 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg), in connection with a proposed mixed-use development on property located at 37 Commercial Street (Zoning Lot 5a, Block 2742, Lot 100), in R6/C2-4 and R8 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 5a), Borough of Brooklyn, Community District 1, is approved subject to the following terms and conditions:

1. The development that is the subject of this application (N 140020 ZAK) 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 Handel Architects LLP and James Corner Field Operations, and filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	ULURP Master Plan	07-15-2013
G-050.00	Survey	07-08-2013
L-001.00	WPAA Diagram	07-08-2013
L-101.00	Zoning Calculations Chart 1	07-08-2013
L-102.00	Zoning Calculations Chart 2	07-08-2013
L-103.00	Zoning Calculations Chart 3	07-19-2013
L-104.00	Zoning Calculations Chart 4	07-08-2013
L-110.00	WPAA Layout Plan	07-08-2013
L-120.00	Material Plan	07-08-2013
L-130.00	Seating Plan	07-08-2013
L-131.00	Seating Schedule	07-08-2013
L-140.00	Furnishing and Signage Plan	07-08-2013
L-150.00	Planting Plan (Trees)	07-08-2013
L-151.00	Planting Plan (Grasses + Perennials + Vines)	07-08-2013
L-160.00	Lighting Plan	07-19-2013
L-165.00	Lighting Plan Photometrics	07-08-2013

L-170.00	Grading Plan	07-08-2013
L-180.00	WPAA Layout Enlargement Plan	07-08-2013
L-210.00	Site Details - Paving & Edging	07-08-2013
L-211.00	Site Details – Paving & Edging	07-08-2013
L-220.00	Site Details - Steps and Walls	07-08-2013
L-230.00	Site Details – Guardrails and Handrails	07-08-2013
L-231.00	Site Details - Fence + Gate	07-08-2013
L-240.00	Site Details - Furnishing	07-08-2013
L-241.00	Site Details - Furnishing	07-08-2013
L-242.00	Site Details - Furnishing	07-08-2013
L-243.00	Site Details - Furnishing	07-08-2013
L-244.00	Site Details - Furnishing	07-08-2013
L-250.00	Site Details – Lighting	07-08-2013
L-260.00	Site Details – Planting	07-08-2013
L-270.00	Site Details - Signage	07-08-2013
L-271.00	Site Details – Signage	07-08-2013
L-300.00	Site Sections- Section through Franklin Street V.C.	07-08-2013
L-301.00	Site Sections 1	07-08-2013
L-302.00	Site Sections 2	07-08-2013
L-303.00	Site Section 3	07-08-2013

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, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report on the related application for UDAAP approval (C 140019 HAK), 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 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 or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the authorization hereby granted.
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.

The above resolution duly adopted by the City Planning Commission on November 6<sup>th</sup>, 2013 (Calendar No. 5) is filed with the Office of the Speaker, City Council in accordance with the requirements of Section 62-822(a) of the Zoning Resolution.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman,**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,**  
**MARIA M. DEL TORO, JOSEPH DOUECK, RICHARD W. EADDY,**  
**ANNA HAYES LEVIN, OLRANDO MARIN Commissioners**