



CITY PLANNING COMMISSION

November 6, 2013/Calendar No. 6

N 140028 ZRK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 11-13 (Public Parks), Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), and 62-931 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg) relating to the development of parkland and schools in the Borough of Brooklyn, Community District 1.

The application for a Zoning Text Amendment was filed by Greenpoint Landing Associates, LLC on July 22, 2013, for an amendment of the Zoning Resolution of the City of New York, concerning Section 11-13 (Public Parks), Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), and 62-931 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg) relating to the development of parkland and schools in the Borough of Brooklyn, Community District 1.

RELATED ACTIONS

In addition to the proposed Zoning Text Amendment (N 140028 ZRK), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- | | |
|--------------|---|
| N 140019 HAK | Urban Development Action Area Project designation, approval, and disposition to facilitate the development of affordable housing and public open space. |
| N 140020 ZAK | Authorization by the City Planning Commission pursuant to 62-822(a) of the Zoning Resolution to modify location, area and dimension requirements of Section 62-50 for visual corridors and waterfront public access areas |
| 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.

BACKGROUND

A full background discussion and description of this application appears in the report for the application for a UDAAP disposition (C 140019 HAK).

ENVIRONMENTAL REVIEW

This application (N 140028 ZRK) was reviewed in conjunction with the related actions pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 14DCP004K. The lead agency is the Department of City Planning.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on July 19th, 2013. A revised Negative Declaration, based on a revised Environmental Assessment Statement, was issued on November 6, 2013.

A full discussion of the environmental review appears in the report for the application for a UDAAP disposition (C 140019 HAK).

WATERFRONT REVITALIZATION PROGRAM

This application and its related actions (N 140022 ZAK, C 140019 HAK, N 140028 ZRK, N 140020 ZAK, N 140021 ZAK, and N 140023 ZAK), were 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 for this application and its related actions is 12-137.

PUBLIC REVIEW

This application (N 140028 ZRK) was duly referred to Brooklyn Community Board 1 and the Borough President on July 22, 2013 in accordance with the procedure for referring non-ULURP matters, in conjunction with the related applications (N 140022 ZAK, , N 140028 ZRK, N 140020 ZAK, N 140021 ZAK, and N 140023 ZAK), and with the related application (C140019 HAK), which was certified as complete by the Department of City Planning and duly referred to Brooklyn Community Board 1 and to the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on August 13, 2013, and on September 9, 2013, by a vote of 32 in favor and 4 against with 1 abstention, adopted a resolution recommending disapproval of the application with conditions. A full description and discussion of the Community Board's conditions and recommendation, and a copy of the resolution, appear in the report on the related UDAAP disposition (C 140019 HAK).

Borough President Recommendation

This application (N 140028 ZRK) was considered by the Brooklyn Borough President who issued a recommendation on October 7, 2013, approving the application with conditions. A full description and discussion of the Borough President's conditions and recommendation, and a copy of the resolution, appear in the report on the related UDAAP disposition (C 140019 HAK).

City Planning Commission Public Hearing

On September 23, 2013 (Supplemental Calendar No. 2), the City Planning Commission scheduled October 9, 2013 for a public hearing on this application (C 140028 ZRK). The hearing was duly held on October 9, 2013 (Calendar No. 10). There were 17 speakers in favor and 9 speakers opposed. A full description is detailed in the report on the related UDAAP disposition (C 140019 HAK).

CONSIDERATION

The City Planning Commission believes that this amendment to the Zoning Resolution is appropriate. A full consideration of the issues and the reasons for approving this application appears in the report on the related UDAAP disposition (C 140019 HAK).

RESOLUTION

Therefore, the City Planning Commission, deeming the actions described herein to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Environmental Assessment Statement, dated July 19, 2013 and revised on November 6, 2013, prepared in connection with the ULURP Application (N 140022 ZAK, C 140019 HAK, N 140028 ZRK, N 140020 ZAK, N 140021 ZAK, and N 140023 ZAK), the City Planning Commission finds that the New York State Environmental Quality Review Act and Regulations have been met and that the proposed actions will have no significant effect on the quality of the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, having reviewed the waterfront aspects of this action and finds that the action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is so amended:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within ## is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article 1
Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

* * *

11-10
ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS,
AND INCORPORATION OF MAPS

* * *

11-13
Public Parks

District designations indicated on #zoning maps# do not apply to #public parks#, except as set forth in Section 105-91 (Special District Designation on Public Parks) and in paragraph (c) of Section 62-351 (Special floor area regulations). In the event that a #public park# or portion thereof is sold, transferred, exchanged, or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefore has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section 71-10 (PROCEDURE FOR AMENDMENTS).

* * *

Article IV
Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-35
Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

On #waterfront blocks# in #Inclusionary Housing designated areas# in Community District 1, Borough of Brooklyn, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

62-351

Special floor area regulations

* * *

(c) Special regulations for Parcel 5e within Waterfront Access Plan BK-1

On Parcel 5e within Waterfront Access Plan BK-1, in the event that a property is #developed# as a #public park#, such property shall continue to be considered part of a #zoning lot# for the purposes of generating #residential floor area# based on the #residential floor area ratio# applicable to the property prior to its #development# as a #public park#. In no event shall the #floor area# generated by the property #developed# as a #public park# be utilized within the #public park#, but may be utilized pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations). Floor space within any structure constructed pursuant to an agreement with the Department of Parks and Recreation within such #public park# shall be exempt from the definition of #floor area#.

(d) Special regulations for Parcel 5d within Waterfront Access Plan BK-1

On Parcel 5d within Waterfront Access Plan BK-1, up to 120,000 square feet of floor space within a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempt from the definition of #floor area# and from #lot coverage# requirements for the purposes of calculating the permitted #floor area ratio# and #lot coverage# for #community facility uses# and the maximum #floor area ratio# and total permitted #lot coverage# of the #zoning lot#.

* * *

62-354

Special height and setback regulations

Within Waterfront Access Plan BK-1, the provisions of Section 62-341 (Developments on land and platforms) are modified, as follows:

* * *

(j) On Parcel 5d, the provisions of paragraphs (c)(1) and (c)(2) shall be modified for public #schools# constructed in whole or in part pursuant to an agreement with the New York

City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, as follows:

- (1) the maximum base height provisions of paragraph (c)(1) shall not apply; and
- (2) the maximum #building# height provisions of paragraph (c)(2) shall be modified to permit a maximum #building# height of 100 feet or six #stories#, whichever is less.

62-355

Special yard regulations

On Parcel 5d within Waterfront Access Plan BK-1, the #yard# provisions of Section 24-36 (Minimum Required Rear Yards) shall not apply to public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

* * *

62-90

WATERFRONT ACCESS PLANS

* * *

62-93

Borough of Brooklyn

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62-931

Waterfront Access Plan BK-1: Greenpoint-Williamsburg

Maps BK-1a through BK-1c in paragraph (f) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on May 11, 2005, as follows:

* * *

Parcel 5a: Block 2472, Lot 100

Parcel 5b: Block 2472, Lot 32, south of the prolongation of the northern #street line# of DuPont Street

- Block 2494, Lot 6
- Parcel 5c: Block 2472, Lot 2
- ~~Block 2494, Lot 1~~
- Block 2502, Lot 1
- Block 2510, Lot 1
- Block 2520, Lot 57
- Parcel 5d: Block 2494, Lot 1
- Parcel 5e: Block 2472, Lot 32, north of the prolongation of the northern #street line# of DuPont Street
- Parcel 6: Block 2472, Lot 75

* * *

(d) Special public access provisions by parcel

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map BK-1b in paragraph (f) of this Section:

- (1) Parcels 1 and 2

* * *

- (4) Parcel 5b

The portion of Block 2472, Lot 32, located within Parcel 5b shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections 62-50 through 62-90, inclusive.

- ~~(4)~~(5) Parcel 5c

- (ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided on Parcel 5c. A #supplemental public access area# shall be bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7.

The remaining required #supplemental public access area# shall be

provided either on the #pier# or distributed evenly as a widening of the #shore public walkway# located between the Eagle Street and Green Street #upland connections#. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

The total #lot area# utilized in the calculation of required #supplemental public access area# for Parcel 5c, pursuant to Section 62-57, shall include the #lot area# within Parcel 5d.

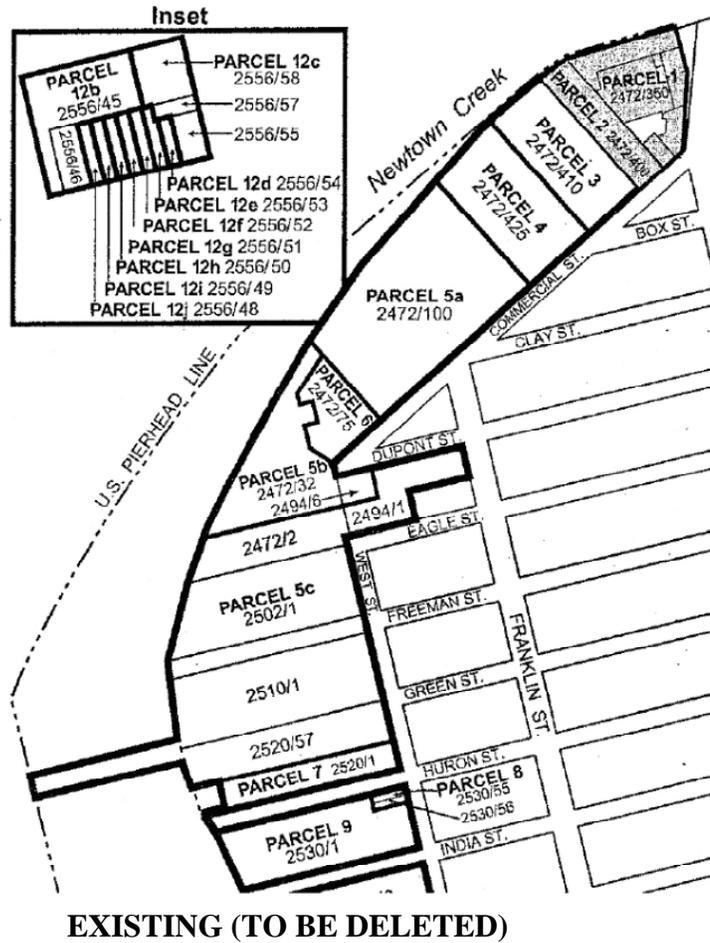
(6) Parcel 5e

The portion of Block 2472, Lot 32, located within Parcel 5e shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections 62-50 through 62-90, inclusive.

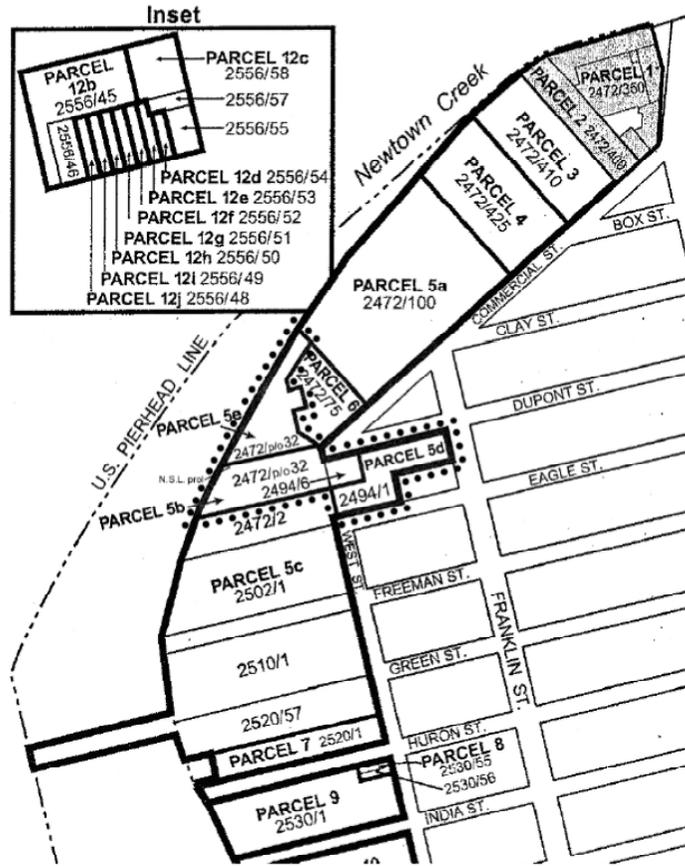
(5) (7)	Parcel 7	*	*	*
(6) (8)	Parcels 9, 10 and 11	*	*	*
(7) (9)	Parcel 13	*	*	*
(8) (10)	Parcel 14	*	*	*
(9) (11)	Parcel 15	*	*	*
(10) (12)	Parcels 19, 20, 21 and 22	*	*	*
(11) (13)	Parcel 25	*	*	*
(12) (14)	Parcel 26	*	*	*
(13) (15)	Parcel 27	*	*	*

NOTE: Maps BK-1a to BK-1c to be amended to show Parcels 5d and 5e

Map BK 1a: PARCEL DESIGNATION



MAP BK-1a: PARCEL DESIGNATION



[Area being changed is outlined in dotted line]

PROPOSED

[Maps BK-1b and BK-1c to be changed consistent with changes to Map BK-1a shown above]

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The above resolution (N 140028 ZRK), is duly adopted by the City Planning Commission on November 6, 2013 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

- AMANDA M. BURDEN, FAICP, Chair**
- KENNETH J. KNUCKLES, ESQ., Vice Chairman,**
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- ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,**
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- ANNA HAYES LEVIN, OLRANDO MARIN Commissioners**