



## **CITY PLANNING COMMISSION**

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November 6, 2013 / Calendar No. 12

N 140046 ZRK

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**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) and Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), relating to the development of parkland in the Borough of Brooklyn, Community District 1.

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The application for an amendment to the Zoning Resolution modifying Sections 11-13 and 62-351 to permit future adjacent parkland to continue to generate development rights on Parcel 4 within the Waterfront Access Plan BK-1, was filed by Waterview at Greenpoint, LLC and the Department of City Planning on July 30, 2013, to facilitate the construction of an approximately 647,851 square foot mixed-use development with public waterfront esplanade along the Newtown Creek in Greenpoint, Community District 1, Brooklyn.

### **RELATED ACTIONS**

In addition to the amendment to the Zoning Resolution, which is the subject of this report (N 140046 ZRK), implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- |              |   |
|--------------|---|
| C 140047 ZSK | Special Permit by the City Planning Commission pursuant to Section 62-836 to modify the height and setback requirements of Section 62-341 (Developments on land and platforms) and Section 62-354 (Special height and setback regulations). |
| N 140048 ZAK | Authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access areas and visual corridors.                              |

N 140049 ZAK Authorization by the City Planning Commission pursuant to Section 62-822(b) to modify the design requirements of Section 62-513 and 62-60 for waterfront public access areas and visual corridors.

In addition, the applicant is seeking the grant of a Certification, described below, which is a ministerial action not subject to ULURP or environmental review.

N 140050 ZCK Chair certification pursuant to Section 62-811 that a site plan has been submitted showing compliance with the provisions of Sections 62-50, 62-60, and 62-90, except as modified by the authorizations (N 140048 ZAK and N 140049 ZAK).

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the application for a Special Permit (C 140047 ZSK).

## **ENVIRONMENTAL REVIEW**

This application and its related actions (C 140047 ZSK, N 140048 ZAK, N 140049 ZAK, N and N 140050 ZCK), was reviewed pursuant to the Rules of Procedure for City Environmental Quality Review (CEQR) Executive Order No. 91 of 1977, and the State Environmental Quality Review Act (SEQRA) set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00. The designated CEQR number is 14DCP010K. Pursuant to Sections 5.03 and 5.05 of CEQR, the Department of City Planning, acting on behalf of the City Planning Commission, assumed lead agency status and this application, in conjunction with the related actions, was assigned CEQR No. 14DCP010K. After a study of the potential impact of the proposed action, a Negative Declaration was issued on August 2, 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 Special Permit (C 130118 ZSK).

## **WATERFRONT REVITALIZATION PROGRAM**

This application and its related actions (C 140047 ZSK, N 140048 ZAK, N 140049 ZAK, and N 140046 ZRK), 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 for this application and its related actions is 13-038.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this action is consistent with WRP policies.

## **PUBLIC REVIEW**

This application (N 140046 ZRK), in conjunction with the related actions (N 140048 ZAK, N 140049 ZAK, and N 140050 ZCK), were sent to Community Board 1 and the Borough President for information and review in accordance with the procedure for referring non-ULURP matters, along with the related application (C140046 ZSK), 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 Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Review**

Community Board 1 held a public hearing on this application and its related actions (C 140047 ZSK, N 140048 ZAK, N 140049 ZAK, and N 140050 ZCK) on August 20, 2013, and continued on August 27, 2013. On September 9, 2013, by a vote of 29 to 8 with 0 abstentions, the Community Board voted to disapprove 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 zoning special permit (C 140047 ZSK).

### **Borough President Recommendation**

This application and its related actions (C 140047 ZSK, N 140048 ZAK, N 140049 ZAK, N and N 140050 ZCK) was considered by the Borough President, who issues a recommendation to approve the application and its relate actions, held a public hearing on September 17, 2013. On October 4, 2013, the Borough President recommended to approve the actions 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 zoning special permit (C 140047 ZSK).

### **City Planning Commission Public Hearing**

On September 23, 2013 (Calendar No. 4), the City Planning Commission scheduled October 9, 2013, for a public hearing on this and application and its related actions (C 140047 ZSK, N 140048 ZAK, N 140049 ZAK, and N 140050 ZCK), and the hearing was duly held on October 9, 2013 (Calendar No. 12). There were a total number of 17 speakers, nine speakers in favor of the application and eight speakers in opposition. A full description is detailed in the report on the related zoning special permit application (C 140047 ZSK).

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 140046 ZRK) is appropriate. A full consideration of the issues and the reasons for approving this application appears in the report on the related special permit application (C 140047 ZSK).

**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 August 2, 2013, prepared in connection with the ULURP Application (Nos. 140046ZRK, 140047ZSK, N140048ZAK, N140049ZAK, N140050ZCK), 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,

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 4 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#.

\* \* \*

This application and its related actions (C 140047 ZSK, N 140048 ZAK, N 140049 ZAK, N 140046 ZRK, and N 140050 ZCK), is duly adopted by the City Planning Commission on November 6, 2013 (Calendar No. 12), 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,**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO, JOSEPH**  
**DOUECK, RICHARD W. EADDY, ANNA HAYES LEVIN, OLRANDO MARIN**  
**Commissioners**

**MICHELLE DE LA UZ, Commissioner, ABSTAINING**