



## **CITY PLANNING COMMISSION**

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November 6, 2013 / Calendar No. 13

N 140048 ZAK

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**IN THE MATTER OF** an application submitted by Waterview at Greenpoint, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location 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), in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 3), Borough of Brooklyn, Community District 1.

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**WHEREAS**, the City Planning Commission has received an application (N 140048 ZAK) dated July 30, 2013, from Waterview at Greenpoint, LLC requesting an 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, 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, Borough of Brooklyn; and

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

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 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.

N 140046 ZRK      With the Department of City Planning as co-applicant, 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.

In addition, the applicant is seeking the grant of a Certification, described below, which is 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); and

**WHEREAS**, detailed descriptions of this and the related actions are provided in the report for the related special permit application (C 140047 ZSK); and

**WHEREAS**, A full summary of the environmental review (CEQR No. 14DCP010K) appears in the report on the related application for a special permit (C 140047 ZSK); and

**WHEREAS**, this application (N 140048 ZAK) in conjunction with the applications for the related actions, was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President on August 5, 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 August 5, 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 special permit (C 140047 ZSK); and

**WHEREAS**, this application and its related actions (N 140048 ZAK, C 140047 ZSK , 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.

**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 Waterview at Greenpoint LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location 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), in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan

(Parcel 3), Borough of Brooklyn, Community District 1, is approved subject to the following terms and conditions:

1. The properties that are the subject of this application (N 140048 ZAK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Cetra/CRI Architecture PLLC and MPFP LLC, filed with this application and incorporated in this resolution:

<u>Number</u>	<u>Title</u>	<u>Last Date Revised</u>
L-01	Survey	08/05/2013
L-02	Open Space Diagram	08/05/2013
L-03	Zoning Calculations	08/05/2013
L-04	Zoning Calculations	08/05/2013
L-100	Open Space Key & Dimension Plan	08/05/2013
L-101	Enlargement Plans	08/05/2013
L-102	Seating Plan	08/05/2013
L-200	Grading Plan	08/05/2013
L-300	Planting Plan	08/05/2013
L-400	Material Plan	08/05/2013
L-604	Site Section through Upland Connection	08/05/2013
L-604A	Upland Connection Enlarged Section	08/05/2013
L-700	Details	08/05/2013
L-701	Details	08/05/2013
L-702	Bench & Seating Details	08/05/2013
L-702A	Bench & Seating Details	08/05/2013
L-703	Planting Details	08/05/2013
L-704	Trellis Plan & Details	08/05/2013
L-705	Guardrail Details	08/05/2013
L-800	Lighting Plan	08/05/2013
L-801	Lighting Photometric Plan	08/05/2013
L-900	Signage Plan & Details	08/05/2013

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 and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached to the report on the related application for a special permit (C 140047 ZSK), 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. 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 to disapprove any application for modification, cancellation or amendment of the authorization.
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, 2013 (Calendar No. 9) 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, MARIA M. DEL TORO, JOSEPH**  
**DOUECK, RICHARD W. EADDY, ANNA HAYES LEVIN, OLRANDO MARIN**  
**Commissioners**

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