CITY PLANNING COMMISSION

March 5, 2014 / Calendar No. 14 N 140136 ZAK

IN THE MATTER OF an application submitted by Two Trees Management, 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) in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th 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, Community District 1.

WHEREAS, the City Planning Commission has received an application (N 140136 ZAK) dated October 15, 2013, from Two Trees Management, 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) to facilitate the construction of a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet westerly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead Line on an approximately 11-acre site in the Williamsburg neighborhood, Borough of Brooklyn, Community District 1; and

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

N 140131 ZRK	Zoning Text Amendment of ZR Section 62-352 and 74-745 related to inclusionary housing and loading requirements.

C 140132 ZSK	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	Special Permit pursuant to ZR Section 74-744(a) to use regulations as part of a general large-scale development.
C 140134 ZSK	Special Permit pursuant to ZR Section 74-745(a) to modify parking location regulations as part of a general large-scale development.
C 140135 ZSK	Special Permit pursuant to ZR Section 74-745(b) (proposed) to modify loading regulations as part of a general large-scale development.
N 140137 ZAK	Authorization pursuant to ZR Section 62-822(b) to modify regulations pertaining to design requirements for waterfront public access areas.
N 140138 ZAK	Authorization pursuant to ZR Section 62-822(c) to permit phasing of construction of required waterfront public access areas.
N 140139 ZCK	Chair Certification pursuant to ZR Section 62-812 to subdivide a waterfront lot.
N 140140 ZCK	Chair Certification pursuant to ZR Section 62-811 to show compliance with waterfront public access and visual corridor requirements for Zoning Lot 1.
N 140141 ZCK	Chair Certification pursuant to ZR Section 62-811 to show compliance with waterfront public access and visual corridor requirements for Zoning Lot 2.

WHEREAS, detailed descriptions of this and the related actions are provided in the report for the related special permit application (C 140132 ZSK); and

WHEREAS, A full summary of the environmental review (CEQR No.07DCP094K) appears in the report on the related application for a special permit (C 140132 ZSK); and

WHEREAS, this application (N 140136 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 November 4, 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 November 4, 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 Community Board 1 and the Borough President may be found in the report on the related special permit action (C 140132 ZSK); and

WHEREAS, this application (N 140136 ZAK) was reviewed by the City Coastal Commission 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.) The designated WRP number is 13-004.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

WHEREAS, the City Planning Commission hereby makes the following findings pursuant to ZR Section 62-822(a)(2) of the Zoning Resolution:

(1) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and

(2) that the reduction or waiver of requirements is the minimum necessary; 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, the City Coastal Commission, having reviewed the waterfront aspects of this action finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this 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 Two Trees Management, 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) in connection with a proposed mixed use development on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th 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, Community District 1, is approved subject to the following terms and conditions:

1. The properties that are the subject of this application (N 140136 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 SHoP Architects P.C. and James Corner Field Operations, filed with this application and incorporated in this resolution:

Dwg. No.	**Title**	**Last Date Revised**
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 – Area1	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
L-601.00	Waterfront Zoning Lot Phasing: Phase 1	10.29.13
L-602.00	Waterfront Zoning Lot Phasing: Phase 2	10.29.13
L-603.00	Waterfront Zoning Lot Phasing: Phase 3	10.29.13
L-604.00	Waterfront Zoning Lot Phasing: Phase 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.

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 (a) the restrictive declaration attached as Exhibit A to the report on the related special permit (C 140132 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; and (b) the Maintenance and Operations Agreement associated with such declaration and attached as Exhibit G to the report on the related special permit (C 140132 ZSK), thereto shall have been executed. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. 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 a special permit (C 140132 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, King County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

6. 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.

7. 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 is duly adopted by the City Planning Commission on March 5, 2014 (Calendar No. 14) and is filed with the Office of the Speaker, City Council in accordance with the requirements of Section 62-822(a) of the Zoning Resolution.

CARL WEISBROD, *Chairman*
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 I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*