



CITY PLANNING COMMISSION

March 28, 2012 / Calendar No. 12

N 120109 ZAK

IN THE MATTER OF an application submitted by NYC Department of Small Business Services for the grant of an authorization pursuant to Section 62-822(a)(1) of the Zoning Resolution to modify the location requirements of Sections 62-511 (Location of visual corridors) and 62-56 (Requirements for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts, Borough of Brooklyn, Community District 18.

WHEREAS, the City Planning Commission has received an application (N 120109 ZAK) dated November 21, 2011 and revised on January 12, 2012 from the New York City Department of Small Business Services, for the grant of an authorization pursuant to Section 62-822(a)(1) of the Zoning Resolution to modify the location requirements of Sections 62-511 (Location of visual corridors) and 62-56 (Requirements for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts, Borough of Brooklyn, Community District 18; and

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

- C 120108 ZMK:** An amendment to the Zoning Map changing from a C3 District to a C8-1 District.
- C 070512 MMK:** The narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street; the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin and the adjustment of grades necessitated thereby.
- C 120111 PPK:** The Disposition of City-owned Property (Block 8591, p/o Lots 100, 125 and 175).

N 120110 ZCK: Certification by the Chairperson of the City Planning Commission pursuant to ZR Section 62-812, Waterfront zoning lot subdivision (Block 8591, p/o Lot 100, Lots 125, 175, and 980).

WHEREAS, detailed descriptions of this and the related actions are provided in the report for the related zoning map amendment application (C 120108 ZMK); and

WHEREAS, this application (C 120109 ZAK), in conjunction with the related applications, was reviewed 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The CEQR number is 12DME002K; and

WHEREAS, a full summary of the environmental review appears in the report on the related application for a zoning map amendment (C 120108 ZMK); and

WHEREAS, this application (N 120109 ZAK), was duly referred to Brooklyn Community Board 18 and the Brooklyn Borough President on December 7, 2011 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 28, 2011 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 zoning map amendment application (C 120108 ZMK); 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 11-073; and

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

- (1) In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission finds that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, will:
 - (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:

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, an application submitted by NYC Department of Small Business Services for the grant of an authorization pursuant to Section 62-822(a)(1) of the Zoning Resolution to modify the location requirements of Sections 62-511 (Location of visual corridors) and 62-56 (Requirements for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts, Borough of Brooklyn, Community District 18 is approved subject to the following terms and conditions:

1. The properties that are the subject of this application (N 120109 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 AKRF, and filed with this application and incorporated in this resolution:

<u>Drawing. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
ZL 1.01	Waterfront Zoning Lot Site Plan	November 21, 2011
ZL 1.02	Waterfront Zoning Lot Site Plan	November 21, 2011
ZL 1.03	Waterfront Zoning Lot Waiver Areas	November 21, 2011
SD 1.01	Waterfront Zoning Lot Subdivision	November 21, 2011
SD 1.02	Waterfront Zoning Lot Subdivision	November 21, 2011
ZC 1.0	Waterfront Zoning Compliance Analysis	November 16, 2011

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. 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.
5. 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 28, 2012
(Calendar No. 12).

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
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SHIRLEY A. McRAE, Commissioners