



CITY PLANNING COMMISSION

October 19, 2011/Calendar No. 7

C 110381 PPK

IN THE MATTER OF an application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for disposition to the Brooklyn Navy Yard Development Corporation (BNYDC) of city-owned property located in the Brooklyn Navy Yard at 2 Wallabout Street, on the northeasterly corner of Navy and Nassau streets (Block 2023, Lots 50 and p/o Lot 1), Community District 2, subject to restrictions limiting development to the project that is the subject of a special permit for bulk modification to allow certain rear yard encroachments pursuant to ZR Section 74-743(a)(2), a special permit to provide a 266 space group parking facility pursuant to ZR Section 74-53, and a special permit to construct and occupy five retail buildings with no limitation on floor area per establishment pursuant to ZR Section 74-922, respectively.

This application (C 110381 PPK) was filed on June 9, 2011, by the New York City Department of Small Business Services (SBS) for disposition of City-owned property to the Brooklyn Navy Yard Development Corporation restricted to the project that is the subject of special permits related to rear yards (C 110375 ZSK), parking (C 110377 ZSK) and size of retail establishments (C 110378 ZSK).

RELATED ACTIONS

In addition to the application for disposition of City-owned property (C 110381 PPK), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

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| C 110380 PQK | Application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property |
| C 110382 ZMK | Zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district |
| N 110383 ZRK | Zoning text amendment to Section 74-742 of the Zoning Resolution to allow special permits for Large Scale General Developments. |
| C 110375 ZSK | Special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development |
| C 110376 ZSK | Special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations. |

- C 110377 ZSK Special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district.
- C 110378 ZSK Special permit pursuant to Section 74-922 to allow buildings containing retail uses with no limit on retail floor area.
- N 110379 ZCK Certification pursuant to Section 62-811 for waterfront public access and visual corridors.

BACKGROUND

A full background discussion and project description appears in the report on the related Zoning Map amendment application (C 110382 ZMK).

ENVIRONMENTAL REVIEW

The application (C 110381 PPK) in conjunction with the applications for the related actions (C 110380 POK, C 110382 ZMK, N 110383 ZRK, C 110375 ZSK, C 110376 ZSK, C 110377 ZSK, C 110378 ZSK, N 110379 ZCK) were 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 designated CEQR number is 11DEM001K. The lead agency is the Office of the Deputy Mayor for Economic Development.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for a zoning map amendment (C 110382 ZMK).

UNIFORM LAND USE REVIEW

This application (C 110381 PPK) was certified as complete by the Department of City Planning on June 20, 2011 and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-029b) along with the related applications (C 110380 POK, C 110382 ZMK, C 110375 ZSK, C 110376 ZSK, C 110377 ZSK, C 110378 ZSK) and the related application for a zoning text amendment (N 110383 ZRK) which was referred to Community Board 2 and the Borough President in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on July 20, 2011 and, on July 25, 2011 by a vote of 7 to 0 with one abstention, adopted a resolution recommending approval of the application.

A summary of the vote and recommendations of Community Board 2 appears in the report on the related application for a zoning map amendment (C 110382 ZMK).

Borough President Recommendation

This application was considered by the Borough President of Brooklyn, who issued a recommendation on August 10, 2011 recommending approval of the application. A summary of Borough President's recommendations appears in the report on the related zoning map amendment (C 110382 ZMK).

City Planning Commission Public Hearing

On August 24, 2011 (Calendar No. 5), the City Planning Commission scheduled September 7, 2011 for a public hearing on this application and the related applications. The hearing was duly held on September 7, 2011 (Calendar No. 15), in conjunction with the public hearing for the related actions.

There were a number of speakers, as described in the report on the related application (C 110382 ZMK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

A discussion of the WRP Consistency Review appears in the report on the related Zoning Map amendment application (C 110382 ZMK).

CONSIDERATION

The Commission believes that this disposition of City-owned property is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appears in the report on the related zoning map amendment application (C 110382 ZMK).

RESOLUTION

RESOLVED, by the City Planning Commission that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 6, 2011, with respect to this application (CEQR No. 11DEM001K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that, consistent with social, economic, and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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, that the City Planning Commission, pursuant to Sections 197-c of the New York City Charter that, based on the environmental determination and the consideration described in this report, the application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for disposition to the Brooklyn Navy Yard Development Corporation (BNYDC) of city-owned property located in the Brooklyn Navy Yard at 2 Wallabout Street, on the northeasterly corner of Navy and Nassau streets (Block 2023, Lots 50 and p/o Lot 1), Community District 2, subject to restrictions limiting development to the project that is the subject of a special permit for bulk modification to allow certain rear yard encroachments pursuant to ZR Section 74-743(a)(2), a special permit to provide a 266 space group parking facility pursuant to ZR Section 74-53, and a special permit to construct and occupy five retail buildings with no limitation on floor area per establishment pursuant to ZR Section 74-922, respectively, is approved.

The above resolution (C 110381 PPK), duly adopted by the City Planning Commission on October 19, 2011 (Calendar No. 7), 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
RICHARD W. EADDY, Vice Chairman,
ANGELA M. BATTAGLIA, RAYANNE BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners