



CITY PLANNING COMMISSION

October 19, 2011/Calendar No. 10

C 110375 ZSK

IN THE MATTER OF an application submitted by Brooklyn Navy Yard Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to allow the location of a proposed building without regard for the rear yard regulations of Section 43-20 (Yard Regulations) in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street, Borough of Brooklyn, Community District 2.

This application for a special permit pursuant to Section 74-743(a)(2) (“Special provisions for bulk modification”) to modify requirements for a rear yard in an M1-4 district was filed on June 9, 2011, by the Brooklyn Navy Yard Development Corporation to facilitate the development of Admiral’s Row Plaza, a development consisting of five buildings containing approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area on a site generally bounded by Nassau Street, Navy Street and the Brooklyn Navy Yard in Brooklyn’s Community District 2.

RELATED ACTIONS

In addition to the application for a special permit for bulk modification (C 110375 ZSK), 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 110381 PPK | Application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard. |
| 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 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 110375 ZSK) in conjunction with the applications for the related actions (C 110380 POK, C 110381 PPK, C 110382 ZMK, N 110383 ZRK, 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 110375 ZSK) 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 110381 PPK, C 110382 ZMK, 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 the Executive Committee of Community Board 2 by a vote of 7 to 0 with 1 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. 8), 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. 18), 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 application for a special permit 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).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-743 of the Zoning Resolution:

- (1) The distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the large-scale general development, the neighborhood and the City as a whole;
- (2) The distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
- (3) Not applicable
- (4) Considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;
- (5) Not applicable;
- (6) Not applicable;
- (7) Not applicable;
- (8) A declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

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, 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 and findings described in this report, the application submitted by the Brooklyn Navy Yard Development Corporation (BNYDC) pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the development of Admiral’s Row Plaza, containing approximately 287,000 square feet of retail, industrial and community facility/non-profit floor area in five buildings on the Admiral’s Row site (Block 2023, Lot 50), bounded by Nassau Street, Navy Street and the Brooklyn Navy Yard in Brooklyn’s Community District 2, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 110375 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by GreenbergFarrow, incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z2.0	Site Plan	June 8, 2011
Z3.0	Zoning Analysis	June 8, 2011
Z7.0	Signage Waiver Elevations	June 8, 2011
Z8.0	Encroachment Diagram Site Plan	June 8, 2011
Z9.0	Project and Encroachment Diagram Sections	June 8, 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. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
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 covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party , revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other 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 or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration
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 agents failure to act in accordance with the provisions of this special permit.

The above resolution (C 110375 ZSK), duly adopted by the City Planning Commission on October 19, 2011 (Calendar No. 10), 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