



## CITY PLANNING COMMISSION

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August 22, 2011 / Calendar No. 3

C 110049 ZSK

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**IN THE MATTER OF** an application submitted by Thor Shore Parkway Developers, LLC. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developments on land and platforms), in connection with a proposed 2-story commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development, Borough of Brooklyn, Community District 11.

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This application for a special permit pursuant to Section 62-836 (“Bulk Modifications on Waterfront Blocks”) was filed by Thor Shore Parkway Developers, LLC., on August 19, 2010 to facilitate the development of a 2-story large-scale retail complex, a 690-space public parking garage, and public waterfront access area to be located at 1752 Shore Parkway (Block 6491, Lots 207 and 292) bounded by Shore Parkway Service Road and Gravesend Bay, between 24th Avenue and Bay 37th Street, in Brooklyn Community District 11.

### **RELATED ACTIONS**

In addition to the proposed special permit (C 110049 ZMK), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

**C 110047 ZMK:** Zoning Map Amendment **to change an existing** M3-1 District to an M1-1 District.

**C 110048 ZSK:** Special Permit pursuant to Section 74-922 to allow large retail establishments over 10,000 square feet within a Large-Scale General Development.

**C 110050 ZSK:** Special Permit pursuant to Section 74-744(c) to allow the modification of

signage height requirements of Section 42-543 within a Large-Scale General Development.

**C 110051 ZSK:** Special Permit pursuant to Section 74-512 to allow for the operation of an unattended public parking garage with a maximum capacity of 690 spaces within a Large-Scale General Development.

**N 110052 ZAK:** Authorization pursuant to ZR 62-822(a) to modify the design and area requirements of Section 62-56 in order to reduce the number of required upland connections within a Large-Scale General Development.

**N 110053 ZCK:** Chair certification pursuant to Section 62-811 that a site plan has been submitted showing compliance with the provisions of Sections 62-50 and 62-60 for waterfront public access and visual corridors, as modified by the authorization N 110052 ZAK, within a Large-Scale General Development.

## **BACKGROUND**

A background discussion and description of this application appears in the report for a related application for a zoning map amendment (C 110047 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (C 110049 ZSK), 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 10DCP002K. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for a zoning map amendment (C 110047 ZMK).

## **UNIFORM LAND USE REVIEW**

This application (C 110049 ZSK), in conjunction with the applications for the related ULURP actions, was certified as complete by the Department of City Planning on March 14, 2011, and was duly referred to Community Board 11 and Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP actions, which were referred for information and review on March 14<sup>th</sup>, 2011 in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Community Board 11 held a public hearing on this application (C 110049 ZSK) and on applications for the related actions on May 16, 2011, and on May 19, 2011, by a vote of 26 in favor, 1 in opposition, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendations of Community Board 11 appears in the report on the related application for a zoning map amendment (C 110047 ZMK).

### **Borough President Recommendation**

This application (C 110049 ZSK), in conjunction with the related actions, was considered by the Borough President, who recommended approval of the application with conditions on June 21, 2011.

A summary of the recommendations of the Borough President appears in the report on the related application for a special permit (C 110047 ZMK).

### **City Planning Commission Public Hearing**

On June 22, 2011 (Calendar No.12), the City Planning Commission scheduled July 13<sup>th</sup>, 2011 for a public hearing on this application (C 110049 ZSK). The hearing was duly held on July 13<sup>th</sup>,

2011 (Calendar No. 13) in conjunction with the public hearing on the applications for related actions. There were four speakers in favor of the application and no speakers opposed, as described in the report on the related application for a zoning map amendment (C 110047 ZMK), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 110049 ZSK), in conjunction with the related actions, 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 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 Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 09-053.

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

### **CONSIDERATION**

The Commission believes that the special permit proposed in this application (C 110049 ZSK), in conjunction with the related actions, is appropriate.

A full description of Commission consideration and analysis of the issues, and reason for approving this application appear in the related report for a special permit amendment (C 110047 ZMK).

### **FINDINGS**

The Commission hereby makes the following findings pursuant to Section 62-836:

- a) Such modification will not adversely affect access to light and air for the surrounding

#waterfront public access areas#, #streets# and properties;

- b) will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding #development#, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations;
- c) not applicable

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 12 2011, with respect to this application (CEQR No. 10DCP002K), 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**, 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 Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developments on land and platforms), in connection with a proposed 2-story commercial development on property located at 1752 Shore Parkway (Block 6491, Lots 207, 292, and 8900), in an M1-1 District, within a Large-Scale General Development, Borough of Brooklyn, Community District 11, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 110048 ZMK) 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, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z2.1	Survey	August 2, 2010
Z3.1	Proposed Site Plan	June 29, 2011
Z3.2	Proposed Site Plan	June 29, 2011
Z4.1	Proposed Garage Floor Plans	October 4, 2010
Z5.1	Zoning Analysis & Base Plan Calculations	August 2, 2010
Z6.1	Height and Setback Diagrams	August 2, 2010
Z6.2	Height and Setback Diagrams	August 2, 2010
Z6.3	Height and Setback Diagrams	August 2, 2010
Z7.1	Signage Waiver Drawings	August 2, 2010
Z8.1	Building Elevations	August 2, 2010

Z9.1	Streetscape Elevations	August 2, 2010
ZL 0.1	Waterfront Zoning Diagram	August 2, 2010
ZL 0.2	Waterfront Zoning Diagram	August 2, 2010
ZL1.1	DCP Regulation Compliance Chart	August 2, 2010
ZL1.2	DCP Regulation Compliance Chart	August 2, 2010
ZL1.3	DCP Regulation Compliance Chart	August 2, 2010
ZL2.1	Material Plan Part1	August 2, 2010
ZL2.2	Material Plan Part2	August 2, 2010
ZL3.1	Dimension Plan Part1	August 2, 2010
ZL3.2	Dimension Plan Part2	August 2, 2010
ZL4.1	Planting Plan Part1	August 2, 2010
ZL4.2	Planting Plan Part2	August 2, 2010
ZL4.3	Planting Schedule and Details	August 4, 2011
ZL5.0	Site Details	August 4, 2011
ZL5.1	Food Service Area & Sculptural Detail	August 2, 2010
ZL6.0	Lighting Plan and Details	August 4, 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. The development shall include those mitigative measures listed in the Final Environmental Impact Statement (CEQR No. 10DCP002K) issued on August 12, 2011, and identified as practicable.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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, sub-lessee or occupant.
7. 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.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

The above resolution (C 110049 ZSK), duly adopted by the City Planning Commission on



August 22, 2011 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman,**  
**ANGELA M. BATTAGLIA, RAYANN BESSER,**  
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