



November 17, 2021 / Calendar No. 9

N 220063 ZRK

**IN THE MATTER OF** an application submitted by River Street Partners LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying Large-scale General Development provisions, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area.

This application for a zoning text amendment (N 220063 ZRK) was filed by River Street Partners LLC, on August 4, 2021. This application, in conjunction with the related actions, would facilitate the construction of an approximately 1.16 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 1,050 residential units, 30,000 square feet of community facility uses, 79,000 square feet of commercial space, and 2.9 acres of open space located at 105 River Street in the Williamsburg neighborhood of Brooklyn, Community District 1.

#### **RELATED ACTIONS**

In addition to the proposed text amendment (N 220063 ZRK), 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 220062 ZMK      Zoning map amendment to (a) rezone an M3-1 zoning district to a C6-2 zoning district; and (b) rezone an M3-1 zoning district to a M1-4 zoning district.

C 220064 ZSK      Special permit pursuant to ZR Section 74-74 to establish a LSGD, allow reconstructed piers to retain floor area, and modify bulk regulations.

C 220070 ZSK      Special permit pursuant to ZR Section 74-533 to reduce the parking requirements for accessory group parking facilities in a Transit Zone.

N 220065 ZAK Authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas.

N 220068 ZAK Authorization pursuant to ZR Section 62-822(b) to modify regulations pertaining to design requirements for waterfront public access areas.

N 220069 ZAK Authorization pursuant to ZR Section 62-822(c) to permit phasing of construction of required waterfront public access areas.

C 220061 MLK A landfill action to add approximately 6,320 square feet to create open area as part of the waterfront public space.

C 210425 MMK City Map change to eliminate, discontinue, close, and dispose of a segment of Metropolitan Avenue to the west of River Street and a portion of North First Street west of River Street.

## **BACKGROUND**

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 220062 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (N 220063 ZRK), in conjunction with the related applications (C 210425 MMK, C 220061 MLK, C 220062 ZMK, C 220064 ZSK, C 220070 ZSK, N 220065 ZAK, N 220068 ZAK, N 220069 ZAK), 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

designated CEQR number is 21DCP157K. The lead is the City Planning Commission.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated November 5, 2021, appears in the report on the related application for a zoning map amendment (C 220062 ZMK).

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**

This application (N 220063 ZRK) 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 30, 2013 and by the New York State Department of State on February 3, 2016, 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 21-080. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

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## **PUBLIC REVIEW**

This application (N 220063 ZRK), along with the related actions for zoning authorizations (N 220065 ZAK, N 220068 ZAK, N 220069 ZAK) was referred for information and review in accordance with the procedures for non-ULURP matters, in conjunction with the related applications (C 210425 MMK, C 220061 MLK, C 220062 ZMK, C 220064 ZSK, C 220070 ZSK), which were certified as complete by the Department of City Planning on August 16, 2021 and was duly referred to Community Board 1 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Review**

Community Board 1 held a public hearing on this application (N 220063 ZRK), in conjunction

with the related actions, on September 14, 2021, by a vote of 20 in favor, 15 in opposition, and one abstaining, adopted a resolution recommending approval of the application with conditions.

A summary of the Community Board's recommendation and conditions appears in the report for the related zoning map amendment (C 220062 ZMK).

### **Borough President Recommendation**

This application (N 220063 ZRK), in conjunction with the related actions, was considered by the Brooklyn Borough President who held a public hearing on September 27, 2021, and on October 5, 2021, issued a recommendation to approve the application with conditions.

A summary of the Borough President's recommendation and conditions appears in the report for the related zoning map amendment (C 220062 ZMK).

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

On September 22, 2021 (Supplemental Calendar No. 2), the City Planning Commission scheduled October 6, 2021, for a public hearing on this application (N 220063 ZRK). The hearing was duly held on October 6, 2021 (Calendar No. 32) in conjunction with the public hearing on the applications for related actions.

There were 40 speakers in favor of the application and none opposed as described in the report on the related zoning map amendment (C 220062 ZMK).

## **CONSIDERATION**

The Commission believes that the proposed zoning text amendment (N 220063 ZRK), in conjunction with the related applications (C 210425 MMK, C 220061 MLK, C 220064 ZSK, C 220070 ZSK, N 220065 ZAK, N 220068 ZAK, N 220069 ZAK) and as modified, is appropriate. A full consideration and analysis of the issues, a description of the Commission's modifications, and the reasons for approving the application appear in the report for the related zoning map amendment (C 220062 ZMK).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on November 5, 2021, with respect to this application (CEQR No. 21DCP157K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated November 15, 2021, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, issued November 5, 2021, constitutes the written statement of findings, 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 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, 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 Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

## **ARTICLE VII ADMINISTRATION**

### **Chapter 4 Special Permits by the City Planning Commission**

#### **74-74 Large-scale General Development**

\* \* \*

#### **74-742 Ownership**

\* \* \*

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

\* \* \*

(d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Hallets Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

- (1) tracts of land in State or City ownership; or
- (2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the bulkhead line; or

(e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:

\* \* \*

- (2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#; or

(f) partially under State or City ownership, and is located within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to such tracts of land in State or City ownership.

\* \* \*

#### **74-743** **Special provisions for bulk modification**

(a) For a #large-scale general development#, the City Planning Commission may permit:

\* \* \*

- (11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District and within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

\* \* \*

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

\* \* \*

(b) a letter that shall include:

\* \* \*

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement; or

(12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Hallets Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

\* \* \*

(ii) the existing light industrial #buildings# on the separate parcel of land are demolished; or

(13) within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, portions of the land, #piers# or #platforms# projecting seaward of the bulkhead line and existing on [date of adoption] may be replaced or reconstructed with #new piers# or #new platforms#, as follows:

(i) any such existing land projecting seaward of the bulkhead line may be replaced or reconstructed with #new platforms# and such #new platforms# may be included as part of the #upland lot#. In no event shall the #lot area# generated by such #new platforms# exceed the #lot area# of the land projecting seaward of the bulkhead line, as it existed on [date of adoption]; and

(ii) any #new piers# or #new platforms# that are subject to the provisions of this paragraph (a)(13) need not meet the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers), or 62-63 (Design Requirements for Public Access on Piers and Floating Structures), inclusive.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

\* \* \*

(10) 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; ~~and~~

(11) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such #floor area# distribution shall contribute to better site planning of the #waterfront public access area# and shall facilitate the #development# of affordable housing units within a #large-scale general development#: ~~and~~

(12) where #new piers# or #new platforms# are constructed, replaced or reconstructed in accordance with the provisions of paragraph (a)(13) of this Section, such #new piers# and #new platforms# are an integral part of such #large-scale general development#, result in a superior site plan and form an appropriate relationship with adjacent #waterfront public access areas# and #shorelines#, and provide significant public access to or within the #seaward lot# portion of the #waterfront zoning lot#.

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, where the Commission has approved a #large-scale general development# and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

\* \* \*

## APPENDIX F

### Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

\* \* \*

## BROOKLYN

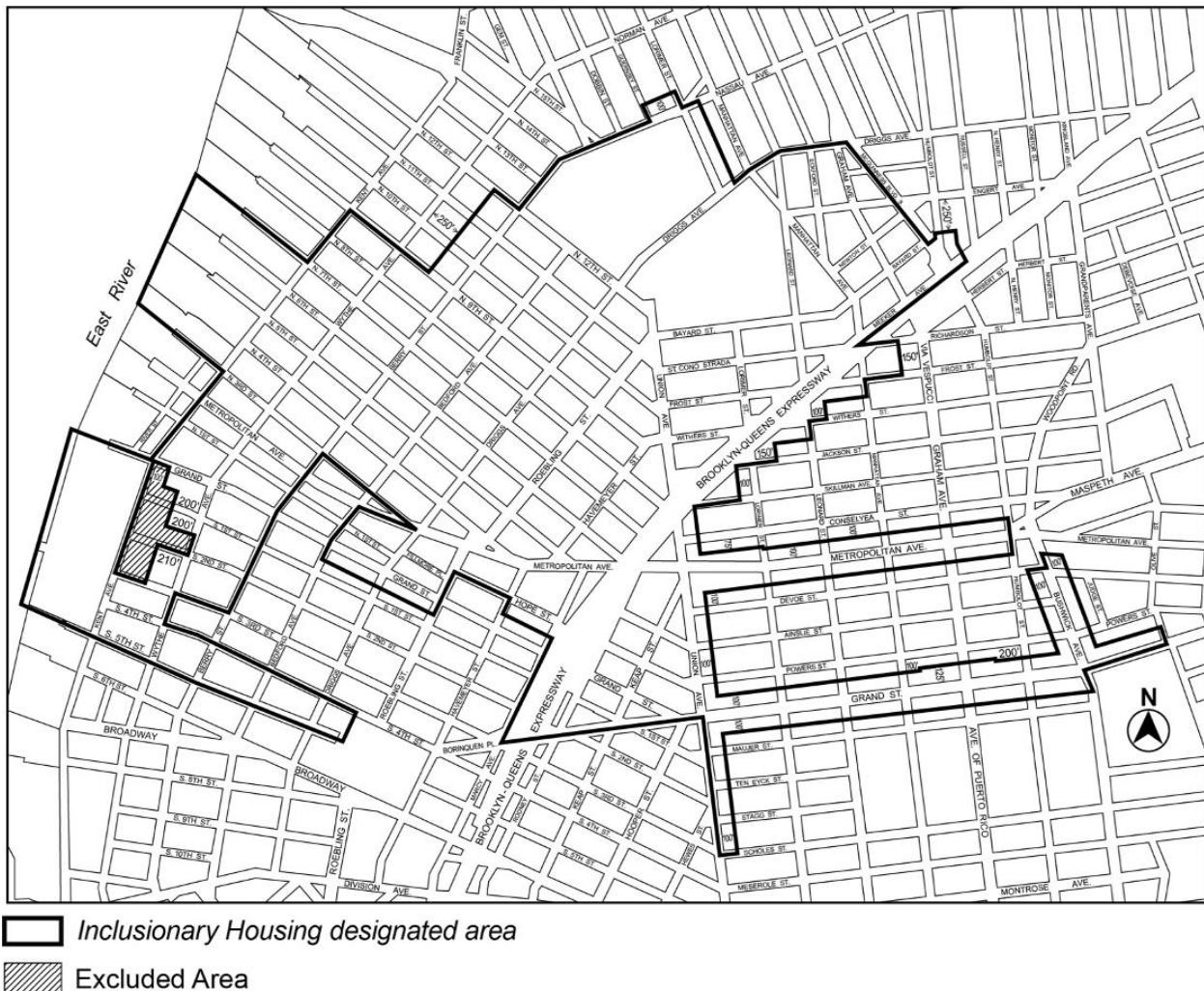
\* \* \*

## Brooklyn Community District 1

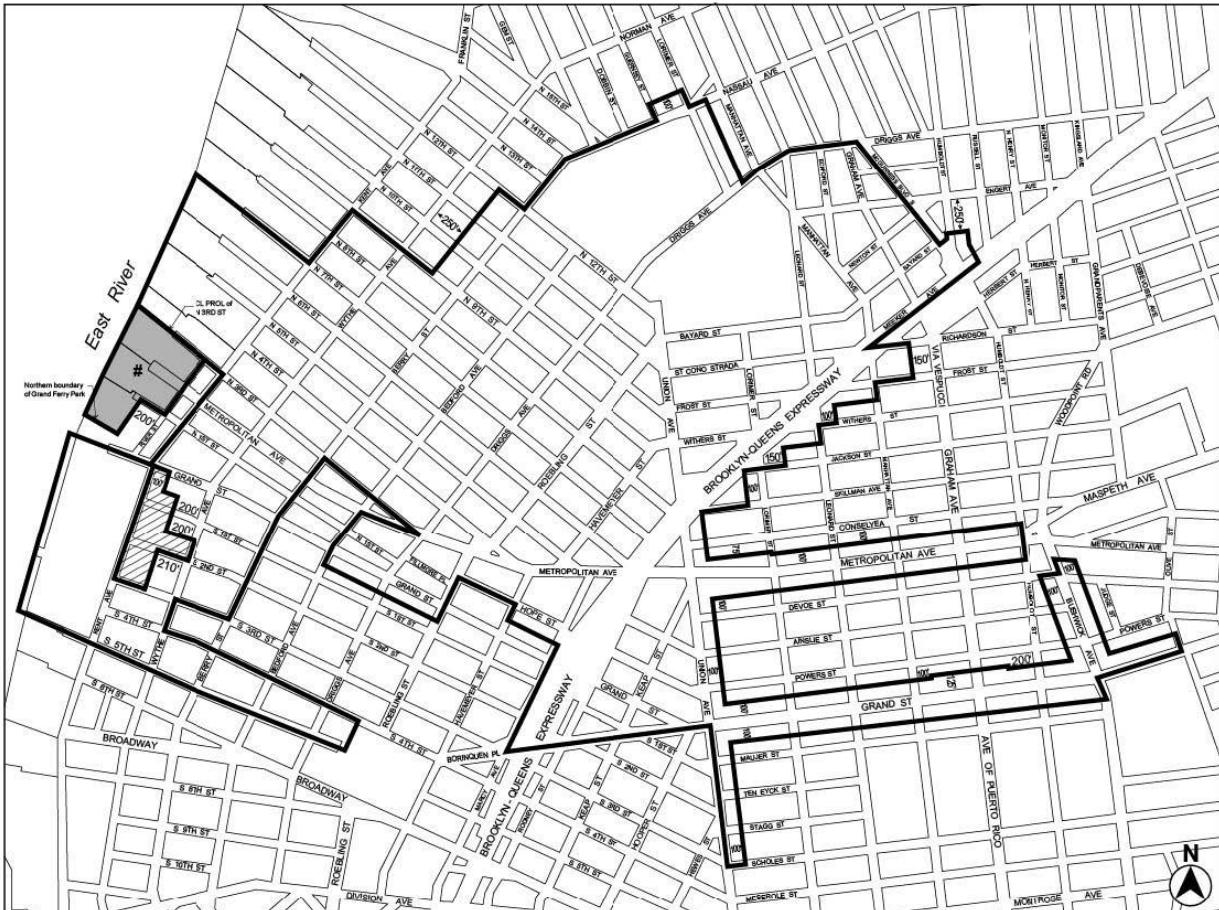
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## Map 2 - [date of adoption]

## EXISTING MAP



[PROPOSED MAP]



**Inclusionary Housing designated area**

**Mandatory Inclusionary Housing Program area** see Section 23-154(d)(3)

**Area # - [date of adoption] MIH Program Option 1**

**Excluded Area**

Portion of Community District 1, Brooklyn

\* \* \*

The above resolution (N 220063 ZRK), duly adopted by the City Planning Commission on November 17, 2021 (Calendar No. 9), 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.

**ANITA LAREMONT**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,**

**JOSEPH DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN,**

**ORLANDO MARIN, RAJ RAMPERSHAD**, *Commissioners*