



IN THE MATTER OF an application submitted by Thor 280 Richards Street, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at 280 Richards Street (Block 612, Lot 150), in an M3-1 district, Borough of Brooklyn, Community District 6.

WHEREAS, the City Planning Commission has received an application (N 180157 ZAK) dated November 28, 2017, with revisions filed on January 17, 2018 and February 28, 2018, from Thor 280 Richards Street, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards), in connection with a proposed five-story commercial development on a property generally bounded by Beard Street, and the U.S. Pierhead line (Block 612, Lot 150), in an M3-1 district, Borough of Brooklyn, Community District 6.

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

N 180158 ZAK Authorization pursuant to ZR section 62-822(b) to modify regulations pertaining to design requirements for waterfront public access areas.

N 180159 ZCK Chair Certification pursuant to ZR section 62-811 to show compliance with waterfront public access and visual corridor requirements.

WHEREAS, this application (N 180157 ZAK), in conjunction with the applications for the related non-ULURP applications, was duly referred to Brooklyn Community Board 6 on February 2, 2018 in accordance with the procedure for referring non-ULURP matters in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

WHEREAS, this application (N 180157 ZAK), in conjunction with the applications for the related actions (N 180158 ZAK, N 180159 ZCK), 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17BSA038K. The lead agency is the Board of Standards and Appeals.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on September 09, 2017.

WHEREAS, this application (N 180157 ZAK), in conjunction with the applications for the related actions (N 180158 ZAK, N 180159 ZCK), 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 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.). The designated WRP number is 16-104.

This action was determined to be consistent with the policies of the WRP.

WHEREAS, the City Planning Commission hereby makes the following findings pursuant to ZR Section 62-822(a)(2) of the Zoning Resolution:

- (1) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and
- (2) that the reduction or waiver of requirements is the minimum necessary; and

WHEREAS, the Commission has determined that the application warrants approval and therefore adopts the following 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, the City Coastal Commission, having reviewed the waterfront aspects of this action finds that the 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, that based on the environmental determination described in this report, the application submitted by Thor 280 Richards Street, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at 280 Richards Street (Block 612, Lot 150), in an M3-1 district, Borough of Brooklyn, Community District 6.

1. The properties that are the subject of this application (N 180157 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 SCAPE Landscape Architecture DPC, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
ZL 0.0	Title Sheet	11.20.17
ZL 0.1	Zoning Lot Site Plan	01.12.18
ZL 0.2	WPAA Site Key Plan	01.12.18
ZL 0.3	Site Part Plan A	01.12.18
ZL 0.4	WPAA Site Part Plan B	01.12.18
ZL 1.0	Zoning Analysis and Base Plan Calculations	01.05.18
ZL 1.1	Waterfront Zoning Calculations and Compliance	01.05.18
ZL 1.2	Waterfront Zoning Calculations and Compliance	01.05.18
ZL 2.1	WPAA Plan Part Plan A	01.12.18
ZL 2.2	WPAA Plan Part Plan B	01.12.18

ZL 3.1	WPPA Circulation Part Plan A	01.12.18
ZL 3.2	WPPA Circulation Part Plan B	01.12.18
ZL 4.1	Site Grading Part Plan A	11.20.17
ZL 4.2	Site Grading Part Plan B	01.12.18
ZL 5.1	Seating Plan Part Plan A	01.12.18
ZL 5.2	Seating Plan Part Plan B	01.12.18
ZL 5.3	Seating Schedule	01.12.18
ZL 6.1	Site Furnishings Part Plan A	01.12.18
ZL 6.2	Site Furnishings Part Plan B	01.12.18
ZL 6.3	Site Furnishings Part Plan B	11.20.17
ZL 7.1	Site Materials Part Plan A	01.12.18
ZL 7.2	Site Materials Part Plan B	01.12.18
ZL 8.1	Planting Part Plan A	01.12.18
ZL 8.2	Planting Part Plan B	01.12.18
ZL 9.1	Site Lighting Part Plan A	01.12.18
ZL 9.2	Site Lighting Part Plan B	01.12.18
ZL 9.3	Photometric Part Plan A	01.12.18
ZL 9.4	Photometric Part Plan B	01.12.18
ZL 9.5	Lighting Fixture Details	01.12.18
ZL 10.0	Site Sections Key Plan	01.12.18
ZL 10.1	East Site Sections	11.20.17
ZL 10.2	South Site Sections	11.20.17
ZL 10.3	Southwest Site Sections	01.12.18
ZL 10.4	Northwest Site Sections	01.12.18
ZL 10.5	Visual Corridor/ PAA Site Sections	11.20.17
ZL 10.6	Longitudinal Site Sections	01.12.18
ZL 10.7	Longitudinal Site Sections	11.20.17
ZL 10.8	Longitudinal Site Sections	01.12.18
ZL 10.9	Longitudinal Site Sections	01.12.18
ZL 11.1	Paving and Curb Details	11.20.17
ZL 11.2	Stair and Wall Details	11.20.17
ZL 11.3	Fences and Gate Details	01.12.18
ZL 11.4	Site Furnishings Details	01.12.18

ZL 11.5	Site Furnishings Details	01.12.18
ZL 11.6	Site Furnishings Details	01.12.18
ZL 11.7	Planting Details	01.12.18

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report, with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, King County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
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 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.

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 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 April 11, 2018 (Calendar No. 4) and is filed with the Office of the Speaker, City Council in accordance with the requirements of Section 62-822(a) of the Zoning Resolution.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chair*

RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,

RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,

ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*