



CITY PLANNING COMMISSION

August 25, 2004/Calendar No. 12

C 010645 ZMK

IN THE MATTER OF an application submitted by the Two Trees Management Co. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 12d:**

1. **changing from an M1-2 District to an M1-2/R8 District property bounded by** Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; and
2. **establishing a Special Mixed Use District (MX-2) within the area bounded by** Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated March 24, 2004, and subject to the conditions of CEQR Declaration E-132.

The application for an amendment of the Zoning Map was filed by Two Trees Management Company on May 11, 2001, for an amendment to the Zoning Map changing an M1-2 district to an M1-2/R8 (MX-2) district in the DUMBO neighborhood of Community District 2, Brooklyn.

RELATED ACTIONS

In addition to the an amendment of the Zoning Map 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:

1. C 010646 ZSK Special Permit pursuant to Z.R. Section 74-743 (a)(2) for bulk modification.

2. C 010647 ZSK Special Permit pursuant to Z.R. Section 74-512 for a Public Parking Garage in excess of 150 spaces and exemption of floor area from the definition of floor area.

3. C 030492 ZSK Special Permit pursuant to Z.R. Section 74-711 for a Use Conversion within a Historic District.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 010646 ZSK).

ENVIRONMENTAL REVIEW

This application (C 010645 ZMK), in conjunction with the applications for the related actions (C 010646 ZSK), (C 010647 ZSK) and (C 030492 ZSK), 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 01DCP004. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for the grant of a special permit (C 010646 ZSK).

UNIFORM LAND USE REVIEW

This application (C 010645 ZMK), in conjunction with the applications for the related actions (C 010646 ZSK), (C 010647 ZSK) and (C 030492 ZSK), was certified as complete by the Department of City Planning on March 24, 2004, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on April 21, 2004, and on May 12, 2004, by a vote of 39 to 0 with one abstention, adopted a resolution recommending disapproval of the application.

A summary of the recommendation of Community Board 2 appears in the report on the related application for the grant of a special permit (C 010646 ZSK).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation disapproving the application on July 1, 2004.

The Borough President's recommendation included the following comments:

Be it resolved that the Borough President of the Borough of Brooklyn, pursuant to section 197-c of the New York City Charter, and based on the rezoning described in this attachment, recommends disapproval of the applications unless the City

Planning Commission and/or City Council approve a zoning map amendment of M1-2/R7A instead of the M1-2/R8 proposed by the applicant.

Be it further resolved that, should a district permitting residential use be approved by the City Council, Two Trees Management is urged to construct a signature building respectful of the built character of DUMBO, consistent of the quality of design and construction that has been the standard of Two Tres in its conversion of industrial lofts and new construction as demonstrated at Court Street and Atlantic Avenue.

City Planning Commission Public Hearing

On June 23, 2004 (Calendar No.1), the City Planning Commission scheduled July 14, 2004, for a public hearing on this application (C 010645 ZMK). The hearing was duly held on July 14, 2004 (Calendar No. 19), in conjunction with the public hearings on the applications for the related actions (C 010646 ZSK), (C 010647 ZSK) and (C 030492 ZSK).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 010646 ZSK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for 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), 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 03-013.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for the grant of a special permit (C 010646 ZSK).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 13, 2004, with respect to this application (CEQR No. 01DCP004), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those

mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.1(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 described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, is further amended by changing the Zoning Map, Section No. 12d, changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; and establishing a Special Mixed Use District (MX-2) within the area bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; Borough of Brooklyn as shown on a diagram dated March 24, 2004 (C 010645 ZMK) which includes the environmental designation E-132.

The above resolution (C 010645 ZMK), duly adopted by the City Planning Commission on August 25, 2004 (Calendar No. 12), 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, AICP, Chair,
KENNETH J. KNUCKLES, Esq., Vice-Chairman
ANGELA M. BATTAGLIA, **IRWIN G. CANTOR**, P.E.,
ANGELA CAVALUZZI, R.A., **RICHARD W. EADDY**,
CHRISTOPHER KUI, **KAREN A. PHILLIPS**, **DOLLY WILLIAMS**,
Commissioners