



CITY PLANNING COMMISSION

August 22, 2011 | Calendar No. 6

N 110052 ZAK

IN THE MATTER OF an application submitted by Thor Shore Parkway Developers, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the design and area requirements of Section 62-56 (Requirements for Upland Connections); 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.

WHEREAS, the City Planning Commission has received an application (N 110052 ZAK) dated August 19th, 2010, from Thor Shore Parkway Developers, LLC requesting an authorization pursuant to ZR Section 62-822 of the Zoning Resolution to modify the design and area requirements of Section 62-56 (Requirements for Upland Connections); 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, on Gravesend Bay, Borough of Brooklyn, Community District 11; and

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

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 110049 ZSK: Special Permit pursuant to Section 62-836 to modify the maximum height requirements of Section 62-341 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 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.

WHEREAS, detailed descriptions of this and the related actions are provided in the report for the related zoning map amendment application (C 110047 ZMK); and

WHEREAS, this application (C 110051 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; and

WHEREAS, a full summary of the environmental review appears in the report on the related application for a zoning map amendment (C 110047 ZMK); and

WHEREAS, this application (N 110052 ZAK), was duly referred to Brooklyn Community Board 11 and the Brooklyn Borough President on March 14, 2011 in accordance with the procedure for referring non-ULURP matters in conjunction with the applications for the related ULURP actions which were certified as complete by the Department of City Planning on March 14, 2011 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

WHEREAS, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related zoning map amendment application (C 110047 ZMK); and

WHEREAS, this application, in conjunction with the related applications, 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 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.*) and determined that it was consistent with the policies of the WRP. The designated WRP number is 09-053; and

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, 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, that based on the environmental determination described in this report, the application submitted by Thor Shore Parkway Developers, LLC for the grant of an authorization pursuant to ZR Section 62-822 of the Zoning Resolution to modify the design and area requirements of Section 62-56 (Requirements for Upland Connections); 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 properties that are the subject of this application (N 110052 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 GreenbergFarrow, and 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.
3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
4. 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.

5. 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 August 22, 2011
(Calendar No. 6).

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman,
ANGELA M. BATTAGLIA, RAYANN BESSER,
ALFRED C. CERULLO, III, MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE,
KAREN A. PHILLIPS Commissioners