

CITY PLANNING COMMISSION

November 15, 2004/Calendar No. 2

C 040216 ZSK

IN THE MATTER OF an application submitted by the Watchtower Bible and Tract Society of New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to permit location of buildings without regard for the applicable:

- a) height and setback regulations as set forth in Section 123-662; and
- b) outer court and outer court recess regulations as set forth in Sections 123-61, 43-51, 24-632 and 24-633;

to facilitate the construction of a community facility building within a general large-scale development on a zoning lot, bounded by Front Street, Bridge Street, York Street, and Jay Street (Block 54, Lot 1), in an M1-2/R8 District, within a Special Mixed Use District (MX-2), Borough of Brooklyn, Community District 2.

The application for the special permit was filed by Watchtower Bible and Tract Society of New York, on December 16, 2003, and revised on November 9, 2004, to facilitate the development of a community facility building with living quarters for members of the Watchtower's Brooklyn staff and an 1,100 car public parking garage on the block bounded by Front Street, Jay Street, York Street and Bridge Street in the DUMBO neighborhood of Community District 2, Brooklyn.

RELATED ACTIONS

In addition to the special permit 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 040215 ZMK Amendment to the Zoning Map changing an M1-2 District to an M1-2/R6 (MX-2) and an M1-2/R8 (MX-2) District.

- 2. C 040217 ZSK Special Permit pursuant to Section 74-512 for a Public Parking Garage in excess of 150 spaces.

BACKGROUND

The Watchtower Bible Tract Society (Watchtower) is seeking a Special Permit pursuant to Z.R. Section 74-743(a)(2) for bulk modifications in conjunction with the proposed development of a community facility building with living quarters on the full block bounded by Jay Street, Front Street, Bridge Street, and York Street in the DUMBO neighborhood of Community District 2, Brooklyn.

In conjunction with the Special Permit, the applicant also proposes a zoning map change from an M1-2 district to an M1-2/R8 (MX-2) district for the block of the Watchtower's proposed development site, and to an M1-2/R6 (MX-2) district for a portion of the block immediately south that is not controlled by the applicant. The applicant is also seeking a Special Permit for a public parking garage in excess of 150 spaces and to allow a portion of the garage floor area to be exempted from the definition of floor area.

The requested actions would facilitate the development of an approximately 800,000 square foot community facility building with living quarters for members of the Watchtower's Brooklyn staff. The proposed building would contain approximately 1,000 units of sleeping accommodations, an approximately 1,600 seat cafeteria, an approximately 2,500 seat assembly hall, an 1,100 space public parking garage and accessory office and support spaces. The rezoning would also allow for the conversion of an existing building located on a portion of an adjoining block to the south (not owned by the Watchtower) to residential use while preserving the conforming status of the existing commercial and light-industrial uses.

Area Description

The rezoning area consists of the block owned by the Watchtower, Block 54, lot 1, and portion of the block immediately south of the project site that is not owned by Watchtower, Block 66 Lot 18 (aka Thompson Meter Company Building). The Watchtower's property is an approximately 3-acre block located at the southeastern edge of DUMBO. It is currently fenced, but otherwise

unimproved, and is used by the Watchtower partially for storage and partially as a parking facility for staff vehicles. At approximately 135,000 square feet, the site is one of the largest undeveloped blocks in the area. In the rezoning area immediately south of the Watchtower's block, at the southwestern corner of York and Bridge Streets, is the Thompson Meter Company Building (later New York Eskimo Pie Corporation building). This four-story loft building, currently occupied by shipping and warehousing businesses, was designated by the Landmarks Preservation Commission as a landmark on April 21, 2004.

The block owned by the Watchtower is located immediately north of the York Street, F train, subway station and fronts on Jay Street, a principal pedestrian route linking Downtown Brooklyn to DUMBO and the East River. The eastern frontage of the site along Bridge Street is adjacent to Vinegar Hill, the mixed residential and industrial neighborhood of row houses and manufacturing buildings contextually rezoned by the City Planning Commission in 1998 (C 980067 ZMK). Across the street and to the west is 100 Jay Street, a site recently rezoned from M1-2 to an M1-5/R9-1 mixed-use zoning district to facilitate the construction of a 23-story, 269 foot tall apartment building with offices, ground floor retail and a 268-space, below-grade public parking garage. The rezoning and garage special permit were approved by the Commission in 2000, but construction has not yet started (C 010725 ZMK). North of the site is an area of DUMBO currently zoned M1-2 and M3-1 that comprises a mixture of low- and high-density warehouses and loft buildings that house commercial, residential, mixed-use and light-industrial uses.

The proposed rezoning area is currently zoned M1-2 which allows manufacturing and most commercial uses up to a maximum FAR of 2.0. Residential uses and community facility uses with sleeping accommodations are prohibited in M1-2 zoning districts. Other community facilities are permitted, but only by special permit from the City Planning Commission. However, under the recently approved Community Facility Zoning Text, Houses of Worship are now permitted as-of-right.

Watchtower assembled the block proposed for development during the late 1980s and early 1990s with the intention of constructing a manufacturing facility with a large accessory parking facility consistent with the underlying zoning. However, land use changes in the area and changes relating to Watchtower's operations have resulted in changes to their development plans. Watchtower has upgraded many of its existing printing operations to increase efficiency and boost production. These improvements to the existing manufacturing plant have ameliorated the need for industrial expansion in Brooklyn at the present time. Moreover, expansion of Watchtower's printing operations is now being transferred outside of Brooklyn, allowing for the conversion of these manufacturing facilities to office and administrative use.

Most recently, the City, State and Port Authority have announced their commitment to the creation of Brooklyn Bridge Park, a 1.3 mile, 67-acre project that will stretch from Jay Street along the East River to Atlantic Avenue. The creation of this park will transform the Brooklyn Waterfront, but it will also result in the loss of an approximately 700-space parking facility currently leased to the Watchtower on Peir 5.

Due to these operational and land use seeks to construct a project containing living quarters for members of the Watchtower's Brooklyn staff, together with support spaces, and a large parking garage for its staff's vehicles.

Proposed Development

The applicant proposes to develop an approximately 800,000 square foot facility that would contain 1,000 units of sleeping accommodations, an approximately 1,600 seat cafeteria, an approximately 2,500 seat assembly hall, an 1,100 space public parking garage and accessory office and support space. The sleeping accommodations and the parking garage would be limited to use by Watchtower and Watchtower's Brooklyn staff and would accommodate all of the vehicles that now park on the project site and those now parking on Pier 5. The cafeteria and assembly hall would serve members of Watchtower's Brooklyn staff living in the project facility, members working in the surrounding area and visitors.

As certified, the proposed living quarters would be arranged in four buildings fronting on York and Front Streets at the midblocks ranging in height from 164 feet to 222 feet above the adjusted base planes. All of the buildings would be connected at their first, second, and third stories, permitting movement between the various elements of the project and enhancing the streetwall character of the development as a whole. Above this base, the buildings would be arranged around a wide courtyard that would become a focal point and organizing element within the project.

The taller residential buildings would be complemented by a series of lower structures consisting principally of an assembly hall, proposed for the corner of York and Bridge Streets, and a cafeteria, proposed for the corner of Jay and Front Streets. Each of these elements would be limited to a development envelope having a maximum height of 66 feet above the adjusted base plane for the building. There would also be lower building elements along the Front and York Street frontages that would provide at least 40-foot separations between the buildings containing living quarters, as well as breaks along all of the street frontages to allow for small, landscaped courts to be introduced at the lower levels of the project providing visual cues to the interior courtyard. As with the taller buildings, the lower forms would have a strong, high streetwall presence. The variation between low and high elements is intended to create a richness and variety patterned after neighboring streets, as well as allow for light and air to reach the interior of the project site.

The design of the proposed building intends to provide maximum transparency on all ground-floor frontages and draw foot-traffic and pedestrian interest to all frontages of the block by positioning the main entrance immediately across the street from the York Street subway station, the dining and assembly halls at opposite corners of the block, and the main and secondary residential entrances along the lengths of the block.

The proposed 1,100-space, unattended, public parking garage would be five levels, containing approximately 415,137 square feet of floor area, and would provide 50 reservoir spaces. The use

of the parking garage would be limited to vehicles owned or operated by Watchtower staff, not all of whom would reside on the site. The entrances and exits to the garage would be located on both York and Front Streets and would be accessed by 30-foot wide curb cuts. It is anticipated that access to the garage would be controlled by radio- or remote-controlled devices issued to Watchtower Staff, enabling drivers to open the garage door automatically from their vehicles, avoiding delay on the surrounding streets.

PROPOSED ACTIONS

The proposed project requires the following actions:

Zoning Map Change (C 040215 ZMK)

The applicants are seeking a zoning map change from an M1-2 zoning district to a Special Mixed Use MX-2, M1-2/R8 and M1-2/R6, district to allow for the uses and density required to develop the not-for-profit facility with sleeping accommodations as proposed by Watchtower and for the potential conversion to residential use of an adjoining loft building.

M1-2/R8 districts allow most community facility up to an FAR of 6.50. However, community facility uses with sleeping accommodations are limited to an FAR of 6.02 unless a special permit is obtained. Residential uses are also limited to an FAR of 6.02. Any commercial or manufacturing uses would be limited to an FAR of 2.0, the density allowed by the current zoning. The M1-2/R8 zoning proposed for the project site generally permits a lower FAR than the M1-5/R9-1 zone mapped to the west which allows a commercial and manufacturing FAR of 5.0, a community facility FAR of 6.5 and a maximum residential FAR of 9.0, with a maximum building height of 280 feet and tower provisions permitting an additional four stories or 40 feet.

In addition to the rezoning of the project site, the proposed action would also rezone a portion of the block immediately to the south located between York, Bridge, Jay and Prospect Streets, from and M1-2 district to an MX-2 M1-2/R6 district. This zoning change would allow the flexibility for the existing manufacturing and commercial uses to continue or would allow for the

conversion to residential and community facility uses. The R6 portion of the mixed-use district would permit a residential FAR up to a maximum of 2.2 FAR and the FAR for community facility uses would be 4.8. Commercial and industrial uses would continue to be permitted up to an FAR of 2.0.

The proposed M1-2/R8 and M1-2/R6 districts are intended to provide a transition to the lower scale, contextually zoned neighborhood of Vinegar Hill to the east.

Special Permit for Bulk Modification (C 040216 ZSK)

The applicant is requesting a special permit pursuant to Section 74-743(a)(2) for two bulk modifications.

In order to permit a development more in keeping with the loft character of the surrounding area, the applicant is requesting a waiver of the required 15-foot setback at 85 feet of each of the residential towers. The proposed building design responds to the surrounding neighborhood context by rising from the street without setback at the lower levels. As certified, the maximum street wall heights of the proposed buildings would range from 143 feet to 201 feet above the adjusted base plane. The applicant is requesting a waiver of the required setbacks pursuant to Section 123-66 (Height and Setback Regulations) which limits the maximum street wall height for development within an M1-2/R8 zone would to 85 feet. After that height, a building is required to set back from the street line at least 15 feet. Thereafter, a building may rise to a height of 210 feet above curb level without setting back, and may rise an additional 40 feet, provided that the floor plate of each story above 210 feet is no more than 80 percent of the floor plate of the floor immediately below such story.

Second, as envisioned, the proposed building would provide landscaped courtyards, roughly at street level along Jay, York and Front Streets (the courtyard along Bridge Street would be at a higher level); these courts would then step up in elevation to the height of the inner court providing a visual cue to the interior space and creating small, “pocket parks” along each of the

street frontages allowing public access. In order to provide these spaces, the applicant is requesting outer court and outer court recess regulations to permit courts with a width of less than 40 feet to have a depth greater than its width. On Jay Street, the proposed outer court would have a width of no less than 20 feet; however, the depth could be as much as 75 feet. Similarly, the minimum width of the Front Street and York Street courts would be 26 feet at the lower stories; however, the maximum depth of the courts would be 75 feet along these streets. Additional court waivers are required to permit separation between residential buildings and the adjoining cafeteria and assembly hall elements. The waivers are only required at the lower levels of the project; because of the varying heights and configurations of the building elements, all courts would comply with the zoning requirements above a height of approximately 66 feet above the adjusted base plane.

Special Permit for a Public Parking Garage (C 040217 ZSK)

The applicant is requesting a special permit pursuant to Section 74-512 to allow the development of a public parking garage in excess of 150 spaces and to allow approximately 76,835 square feet of floor area located on the first level of the building to be exempted from the calculation of floor area. The special permit is requested since not all users of the garage would be residents of the building and the garage could not, therefore, be considered accessory.

ENVIRONMENTAL REVIEW

This application (C 040216 ZSK), in conjunction with the applications for the related actions (C 040215 ZMK) and (C 040217 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 04DCP018K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative

Declaration was issued on June 7, 2004.

In conjunction with the revised ULURP application submitted on November 9, 2004, a Technical Memorandum was submitted and a Revised Negative Declaration was issued on November 15, 2004.

UNIFORM LAND USE REVIEW

This application (C 040216 ZSK), in conjunction with the applications for the related actions (C 040215 ZMK) and (C 040217 ZSK), was certified as complete by the Department of City Planning on June 7, 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 June 30, 2004, and on July 14, 2004, by a vote of 24 to nine with one abstention, adopted a resolution recommending approval of the application with the following conditions:

- 1.) On the proposed site the applicant will create a consolidation of height close to the York Street subway station and adjacent M1-5/R9-1 site resulting in a lowering of the height not to exceed 120 feet to Bridge Street and the Vinegar Hill area.
- 2) New York City parks in the DUMBO and Farragut communities will be re-developed and maintained by the applicant.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation disapproving the application on September 15, 2004 with the following conditions:

Be it resolved that the Borough President of the Borough of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends disapproval of the applications unless the City Planning Commission and/or the City Council:

- 1) Reduce the entire bulk of the project to approximately 60% of the proposed floor area;
- 2) Restrict height to 120 feet (i.e. a zoning map amendment of M1-2/R8A) along Jay Street;
- 3) Restrict height to 70 feet (i.e. a zoning map amendment of M1-2/R6A) for the balance of the rezoning area;
- 4) Reduce the number of spaces for the public parking garage to approximately 60% of the proposed capacity as well as disallow the 76,000 sf of the proposed exempt garage floor area.

City Planning Commission Public Hearing

On September 8, 2004 (Calendar No. 2), the City Planning Commission scheduled September 22, 2004, for a public hearing on this application (C 040216 ZSK). The hearing was duly held on September 22, 2004 (Calendar No. 3), in conjunction with the public hearings on the applications for the related actions (C 040215 ZMK) and (C 040217 ZSK). There were 4 speakers in favor of the application and 16 speakers in opposition.

Speakers in favor included the developer, the attorney for the developer and the architects. The speakers described the purpose and need for the proposed project and the positive effects on the pedestrian experience that the new development would have on the currently vacant block. They testified that the proposed development would compliment the neighborhood character with a contextual, loft-like design and enhance the street life along each of the block frontages. The speakers also described that the proposed development would serve to consolidate the Watchtower's residential and parking facilities in Brooklyn Heights and DUMBO, thus resulting in the eventual return of several properties in the area to the City's tax roll and relocation of cars that would otherwise park in local parking facilities and city streets to the project site.

The attorney for the developer explained that the Watchtower is willing to respond to the request of Community Board 2 by completing restoration of the Bridge Park, located across York Street adjacent to the subway station and consolidate the height of the proposed residential building at

Bridge and Front Streets to 82 feet at the streetwall height, then setting back and rising a maximum height of 120 feet. The project's architect described the resulting transfer of bulk from the Bridge Street frontage to the interior portion of the residential building proposed at the northwestern corner of the project site. The architect stated that the proposed addition to would have a minimal impact along any street frontage of the site.

Speakers in opposition included area residents, community advocates, representatives of local community organizations, a representative of the Councilmember from Districts 33 and 35, and a representative from the Brooklyn Borough President's office.

Many of the speakers in opposition were complimentary of the Watchtower organization, and the quality of their presence in the neighborhood, but expressed concern regarding the height and density of the proposed project with respect to the surrounding area context. The testimony reflected the concern that the proposed development would overwhelm the scale of the historic waterfront neighborhoods destroying their sense of space. Many speakers testified that the lack of retail would have long-term, deleterious effects on the emerging, mixed-use, DUMBO neighborhood.

The representative of the Brooklyn Borough President testified that the height and density were out of context and suggested building envelopes of M1-2/R8A along Jay Street and M1-2/R6A along Bridge Street, reducing the entire bulk of the project to 60 percent of the proposed floor area and reduce the number of spaces for the proposed garage to approximately 60 percent of the proposed capacity. Both representatives of the local Council members testified that the project, even as revised per the Community Board's recommendation, remains out of scale and context with the surrounding built character of DUMBO.

Several speakers in opposition testified that the Watchtower should consider using other existing Watchtower-owned properties in lieu of development at 85 Jay Street. They suggested the re-use of their complex at Sands Street and developing on the approximately 50,000 square foot

parking lot at the intersection of Front and Old Fulton Street. Speakers testified that the new residents and approximately 1,100 new cars in the DUMBO neighborhood would over tax the existing infrastructure and result in traffic congestion.

There were no other speakers 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), 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 04-038.

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

CONSIDERATION

The Commission believes that the grant of this special permit, as revised, in conjunction with the related applications for the amendment of the Zoning Map (C 040215 ZMK), and Special Permit (C 040217 ZSK) for a public parking garage in excess of 150 spaces, is appropriate.

The Commission notes that, in response to the testimony heard at the Commission's Public Hearing, the recommendations of Community Board 2 and of the Brooklyn Borough President, the applicant revised the applications for the proposed project on November 9, 2004. The revised proposal would lower the height of the residential building at Bridge and Front Streets to the height of approximately 80 feet and a maximum building height of approximately 120 feet above the adjusted base plane at elevations 17 feet and 155 feet. The displaced floor area would

be transferred to the rear portion of the proposed residential building adjacent to the dining hall at Jay and Front Streets. The applicants also revised the applications to remove the request to allow a portion of the garage floor area to be exempted from the definition of floor area. The exemption would have allowed an additional 76,835 square feet of floor area on the project site. The Commission notes that this revision represents a reduction of approximately 112 units, or 11 percent of the total project density.

The proposed actions would facilitate the development of an approximately 736,000 square-foot community facility building with living quarters for members of the Watchtower's Brooklyn Staff. The building would contain approximately 890 units of sleeping accommodations, an approximately 1,600 seat cafeteria, an approximately 2,500 seat assembly hall, an 1,100 space parking garage and accessory office and support spaces. Development of this facility would allow the Watchtower to consolidate their services in one centralized location and potentially vacate a number of their real estate holdings in Brooklyn Heights.

While it is not within the Commission's purview, the Commission acknowledges that the applicant has agreed to restore the adjacent Bridge Park, a city-owned park located immediately across York Street to the south of the site which serves the Farragut Houses and the neighborhoods of DUMBO and Vinegar Hill. The proposed renovations would include rehabilitation of a baseball field with artificial turf and an existing playground, improving the surrounding landscaping, seating area and retaining wall and reopening a comfort station. A clearly identified, lighted path from the York Street subway station to the Farragut Houses development through the refurbished park is also proposed. These improvements by the Watchtower would provide a valuable contribution to the surrounding neighborhoods of DUMBO, Vinegar Hill and the residents of Farragut Houses.

Special Permit for Bulk Modifications (C 040216 ZSK)

The Commission believes that the Special Permit for bulk modifications, as revised, is appropriate.

The Commission believes that the Special Permit would allow for a new development in context with the bulk and character of the DUMBO neighborhood. The design, as revised, would reflect the high-density, high-streetwall loft buildings which characterize DUMBO along Jay Street to the north and west and would provide a transition to the lower-scale buildings of the historic Vinegar Hill neighborhood to the east. The Commission notes that the reduction of height improves the project's transition to the lower building heights of the adjacent Vinegar Hill neighborhood and addresses the recommendation of Community Board 2. The resulting transfer of floor area from the lowered floors to the interior of the site would have a minimal impact on light and air on the surrounding streets.

In response to the recommendation by the Borough President and testimony given at the public hearing, the Commission notes that the suggested combination of an M1-2/R8A (MX-2) and M1-2/R6A zoning districts, a reduction of the project's proposed floor area by 40 percent, would unduly reduce development on the site and make it infeasible for the applicants to attain their desired project goals. The Commission believes that the project, as revised, responds well to concerns about height and scale by providing an improved transition from the higher density area along Jay Street to the lower density Vinegar Hill.

The Commission notes that in response to testimony heard at the public hearing requesting that the Watchtower provide retail space along some portion of their site, the applicant has stated in a letter dated May 9, 2003, that their charter prohibits them from entering into commercial transactions not related to their not-for-profit, religious and charitable institution. The Commission further notes that the applicants have sited uses on the ground floors on all four sides of their proposed building that maximize pedestrian interaction and provide a maximum amount of transparency along the ground floors of highly pedestrian-active streets; the main public entrance to the entire project, which would be open 24 hours a day, seven days a week, would be immediately across the street from the York Street subway station, while the public reading room, dining and assembly halls and their public entrances would be at opposite corners of the block. The secondary entrances to the residential buildings would be along each of the

two lengths of the block. Furthermore, the main entrance, dining and assembly halls would be lined with glass and would allow pedestrians on the sidewalk to look inside and the residential buildings would allow views towards the private interior open space from the public sidewalk. This proposed design would thus maximize the pedestrian experience by activating the building along all street frontages with a 24-hours a day, “eyes-on-the-street” effect that exceeds a typical retail store’s operating hours.

In response to the testimony given regarding using other existing Watchtower properties in lieu of development at 85 Jay Street, the Commission notes the applicant has stated that these properties are either fully utilized for other programmatic needs or not suitable for reuse.

The Commission notes that the requested Special Permit would limit the height of the proposed buildings while allowing a building form that would be more consistent with the surrounding built context. The Special Permit would permit waivers that would allow the building’s envelope to rise to building heights exceeding 85 feet from the street line without setback before setting back to the maximum building heights. The Commission believes that the height and setback regulations of the M1-2/R8 zoning district on this site would otherwise unduly inhibit design flexibility and allow a building form that would be out of context with the surrounding buildings in the DUMBO area.

The proposed building, as revised, would have an envelope with setbacks at heights of approximately 81 feet, 145 feet, 164 feet and 184 feet and maximum building heights of approximately 120 feet, 184 feet, 203 feet and 222 feet from grade. The proposed modification of street wall heights would result in a development more in keeping with the form and character of the loft buildings with strong street wall presence in the surrounding neighborhood. Without the proposed modifications, the buildings would be required to set back 15 feet from each lot line at a maximum height of 85 feet before rising to a maximum building height of 250 feet. This building form would be inconsistent with the surrounding neighborhood. Rather than pushing the mass of development toward the street, the as-of-right zoning envelope would shift density to the center of the site. The Commission notes that the applicant has proposed a

building design with maximum transparency along all street frontages and responds to a number of the community's concerns relating to the proposed density and building heights of the residential building along Bridge Street, adjacent to the lower density neighborhood of Vinegar Hill.

In addition to the modification to street wall heights, the application also seeks a modification to the outer court and outer court recess regulations contained in the Zoning Resolution. The Commission believes the granting of the requested special permit would result in a better site plan and better relationship among buildings and open areas to adjacent streets. As part of the overall design, the applicant proposes to introduce small landscaped courtyards along each street frontage. The courtyards would be located partly at the same level as the interior courtyard and partly at street level along the Jay Street, York Street, and Front Street frontages, and would provide a view into the interior space as well as introduce additional variety along the streets. The court openings would be approximately 20 to 26 feet wide at their narrowest points and will extend back through the depth of the buildings to the inner court space.

The applicant believes that the requested depth of the courts would provide a visual link between the inner and outer courts and add a richness to the streetscape that would not otherwise be possible. The relatively narrow width of the courts would preserve the strong street wall character of the development, while providing variety along the lower levels of the building. Moreover, all court areas within the project would comply with court controls above a height of 66.19 feet above the adjusted base plane. In addition, all court areas below a height of 21.86 feet above the adjusted base plane would comply with the Zoning Resolution.

The Commission believes that the distribution of floor area and location of the buildings would not unduly increase the bulk of buildings in any one block. While the proposal does not transfer floor area from one zoning lot to another, the proposed modification to height and setback controls and proposed development envelope would ensure that floor area would be distributed over the site such that less density would be located on the eastern half of the block near the

Vinegar Hill neighborhood.

The Commission believes that the higher street wall elements would not have an effect on light and air on the surrounding streets. The building heights of even the tallest elements of the proposal are well within the heights permitted by the underlying zoning. While the street wall itself is higher than would be permitted, the incremental effect of the higher street wall on light and air as compared to that of a building wall set back 15 feet from the street line is insubstantial. In addition, the proposed project is broken down into a series of low and high building forms, many of which will be significantly less than would be permitted by the underlying zoning. This interplay of lower and higher street wall and building elements guarantees that adequate light and air will reach the surrounding streets. In addition, the introduction of outer courts into the development will permit the introduction of more light and air to the surrounding streets.

The Commission notes that the Environmental Assessment Statement prepared for the applications found that there were no significant traffic impacts generated by the proposed development.

ZONING MAP CHANGE (C 040215 ZMK)

The Commission believes that the amendment to the zoning map is appropriate because it would allow for redevelopment of a currently desolate, 3-acre block in DUMBO. The Special Mixed Use District was designed to encourage investments in mixed residential and industrial neighborhoods, promote the opportunity for workers to live proximate to their jobs, create new opportunities for mixed-use communities and recognize and enhance the vitality and character of existing and potential mixed-use neighborhoods. The proposed project would bring 24-hour activity and street life to an underutilized block. The Commission believes the proposed building would contribute to the vitality of the emerging DUMBO neighborhood, help to enliven the waterfront and improve the pedestrian experience in this area at all hours of the day.

The Commission believes the proposed M1-2/R8 (MX-2) and M1-2/R6 (MX-2) districts would

be appropriate densities for the Watchtower site and the adjacent lot to the south at 110 Bridge Street. The proposed M1-2/R8 would allow a maximum commercial and manufacturing FAR of 2.0 and a maximum residential and community facility FAR of 6.02, while the M1-2/R6 would permit the same commercial and manufacturing FAR with a maximum residential FAR of 2.2. The Commission notes that the rezoning would provide a transition from the high-density, mixed-use districts to the west in DUMBO (ranging in FAR from 7.5 to 9.5) to the medium-, to low-density, residential district to the east in Vinegar Hill (ranging in FAR from 1.5 to 4.5).

In addition, the rezoning of 110 Bridge Street would allow existing commercial and warehousing uses to continue while permitting possible future conversion to residential or community facility uses. This would be in keeping with current land use trends in the DUMBO area and the proposed M1-2/R6 (MX-2) district would be consistent with the FAR of the existing structure.

Special Permit for a Public Parking Garage in Excess of 150 Spaces (C 040217 ZSK)

The Commission believes that the granting of a special permit for a public parking garage is appropriate.

The proposed 1,100-space public parking garage would be accessed by 30 foot wide curb cuts at entrance/egress points on York and Front Streets and would provide 50 reservoir spaces, as required by the Zoning Resolution, which would be adequate to accommodate expected demand at peak times. The garage would be designed to optimize traffic flow in and out of the facility and to minimize traffic on local streets and in nearby residential neighborhoods. The proposed garage is within one-quarter mile of the Brooklyn-Queens Expressway, the Manhattan Bridge and its approaches and the Brooklyn Bridge and its approaches, all of which are arterial highways or major streets.

The Commission notes that, as described in the Environmental Assessment Statement prepared for this project, the proposed garage would generate very little traffic throughout the day. Use of the proposed garage would be limited to use by Watchtower and Watchtower's Brooklyn

Staff. Because Watchtower's Brooklyn Staff lives and works in the same area, virtually all persons coming to and leaving the project would either walk or take a shuttle bus operated by the Watchtower.

The applicant has stated that the maximum amount of vehicle trips is expected to occur in the early evening just after the normal commuter peak period when staff drives to congregations throughout the metropolitan area, later in the evening when staff returns, and at certain times on the weekend. In the early evening, after the p.m. peak traffic hour, it is expected that approximately 351 vehicles would be entering or leaving the garage (the vast majority would be leaving), utilizing two separate access/egress points on two separate streets. These cars would leave the garage and quickly enter onto the major traffic arterials just to the west of the Project Site, away from the Vinegar Hill neighborhood, to reach the congregations.

The Commission believes that the surrounding streets and nearby major arterial routes would adequately handle the traffic generated by the proposed project. The number of vehicle trips that would occur over the weekend would be no more than 311 in any hour and the lightly-used streets in the area would accommodate traffic from the garage. The number of vehicle trips anticipated at any other time would be substantially less, including in all standard peak hours.

The applicant states that many of the vehicles accessing the major arterial routes would head west upon leaving the garage, using a combination of York, Franklin and Sands Street. None of these routes are local residential streets. Upon return, the vehicles traveling from congregations in Queens and Long Island would use a combination of York and Gold Streets from the Brooklyn Queens Expressway to return to the Project Site. York Street between Bridge and Navy Streets is a wide street separating the commercial frontage of Vinegar Hill to the north and the Farragut Houses to the south and is not a local residential street. Gold Street is already a primary egress point from the Brooklyn Queens Expressway. Therefore, the Commission believes that the proposed public parking garage would draw a minimum of vehicular traffic to and through local streets in nearby residential areas.

The Commission notes that the proposed application for a public parking garage is in response to the Watchtower's need for replacement of their principal parking facility currently located on Pier 5. The Watchtower holds a long-term year lease on Pier 5 from the Port Authority of New York and New Jersey and uses this Pier for parking for approximately 700 vehicles owned by Watchtower staff. Pier 5 is an important element of the proposed development of Brooklyn Bridge Park. Accordingly, these vehicles will need to be relocated if the Park is to proceed as desired. Moreover, one of Watchtower's parking facilities is located on the Project Site; approximately 220 vehicles use this facility. These spaces would be lost if that proposed development were to proceed.

The Commission believes that the proposed parking garage would provide off-street parking for Watchtower vehicles might otherwise need to find parking on neighborhood streets, exacerbating what is already a severe shortage of on-street parking in DUMBO and the surrounding residential neighborhoods. With the development of the proposed facility, all of the vehicles presently parking on the Project Site and on Pier 5 would relocate to the garage. The approximately 200 additional spaces within the facility could be used to accommodate Watchtower vehicles currently parking on the street or in other parking lots in the area, thereby freeing up additional spaces in the neighborhood.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-743 (Special provisions for bulk modification) of the Zoning Resolution:

- (1) The distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances, and show windows will result in a better site plan and better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas, and shorelines than would be possible without such distribution and will thus benefit both the occupants of the**

general large scale development, the neighborhood, and the City as a whole.

- (2) **The distribution of floor area and location of the buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access to light and air to the detriment of the occupants or the users of buildings in the block or nearby blocks or of people using the public streets**
- (3) Not applicable.
- (4) **Considering the size of the proposed general large-scale development, the streets providing access to such general large-scale development will be adequate to handle traffic resulting therefrom.**
- (5) Not applicable.
- (6) **A declaration with regard to ownership requirements in paragraph (b) of the general large-scale development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.**

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, 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 of Watchtower Bible and Tract Society of New

York, Inc. for the grant of a special permit pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to permit location of buildings without regard for the applicable:

- a) height and setback regulations as set forth in Section 123-662; and
- b) outer court and outer court recess regulations as set forth in Sections 123-61, 43-51, 24-632 and 24-633;

to facilitate the construction of a community facility building within a general large-scale development on a zoning lot, bounded by Front Street, Bridge Street, York Street, and Jay Street (Block 54, Lot 1), in an M1-2/R8 District, within a Special Mixed Use District (MX-2), Borough of Brooklyn, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 040216 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Beyer, Blinder, Belle Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-5	Illustrative Ground Floor Plan at York Street	March 18, 2004
Z-6	Zoning Analysis	November 9, 2004
Z-7	Base Plane Calculations	March 18, 2004
Z-8	Envelope Control Elevation Diagrams- I	October 8, 2004
Z-9	Envelope Control Elevation Diagrams- II	October 8, 2004
Z-10	Elevation Control Plan Diagram at Roof	October 8, 2004
Z-11	Court Control Plan Diagram (Elev.22.58' to Elev. 57.74)	March 18, 2004
Z-12	Court Control Plan Diagram (Elev.57.74' to Elev. 67.41)	March 18, 2004
Z-13	Court Control Plan Diagram (Elev.67.41' to Elev. 102.07)	March 18, 2004
Z-14	Court Control Plan Diagram (above Elev. 102.07)	March 18, 2004
Z-15	Encroachment Diagrams-Long Sections-	October 8, 2004
Z-16	Encroachment Diagrams-Cross Sections-I-	October 8, 2004
Z-17	Encroachment Diagrams-Cross Sections II-	October 8, 2004
Z-18	Parking Garage Plans	November 9, 2004
Z-19	Parking Garage Plans	November 9, 2004

3. 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.

4. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
5. 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, sublessee or occupant.
6. 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 attached 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 attached restrictive declaration.
7. 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 special permit.
8. The above resolution (C 040216 ZSK), duly adopted by the City Planning Commission

on November 15, 2004 (Calendar No. 2), 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, AICP, Chair,
KENNETH J. KNUCKLES, Esq., Vice-Chairman
ANGELA M. BATTAGLIA, **IRWIN G. CANTOR**, P.E., **ANGELA CAVALUZZI**, R.A.,
ALFRED C. CERULLO, III, **RICHARD W. EADDY**, **JANE D. GOL**, **CHRISTOPHER KUI**, **JOHN MEROLO**, Commissioners

KAREN PHILLIPS, **DOLLY WILLIAMS**,
Commissioners, voting no