



CITY PLANNING COMMISSION

November 17, 2021 / Calendar No. 10

C 220064 ZSK

IN THE MATTER OF an application submitted by River Street Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for, for the grant of special permits pursuant to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(2) - to modify the height and setback, floor area distribution, maximum residential tower size, and maximum width of building walls facing a shoreline requirements of Section 62-341 (Developments on land and platforms); and
2. Section 74-743(a)(13):
 - a. to allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot;
 - b. to allow such new piers and platforms to be considered lot area for the purposes of determining allowable floor area, dwelling units, and other bulk regulations of Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots); and
 - c. to waive the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers, and Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures);

in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in a C6-2 District, Borough of Brooklyn, Community District 1.

This application for the grant of special permits (C 220064 ZSK) 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 special permits (C 220064 ZSK), which are 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:

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|--------------|---|
| 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. |
| N 220063 ZRK | Zoning text amendment to establish the project area as a Mandatory Inclusionary Housing (MIH) area; allow an LSGD that does not meet the ownership requirements of Zoning Resolution (ZR) Section 74-742, and allow new piers and in-water structures that are accessible to the public to generate floor area. |
| 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 (C 220064 ZSK), in conjunction with the related applications (C 210425 MMK, C 220061 MLK, C 220062 ZMK, C 220070 ZSK, N 220063 ZRK, 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 (C 220064 ZSK) 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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UNIFORM LAND USE REVIEW

This application (C 220064 ZSK), and the related applications (C 210425 MMK, C 220061 MLK, C 220062 ZMK, C 220070 ZSK), was 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) along with the related actions for a zoning text amendment (N 220063 ZRK) and zoning authorizations (N 220065 ZAK, N 220068 ZAK, N 220069 ZAK), which were referred for information and review on August 16, 2021 in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 1 held a public hearing on this application (C 220064 ZSK), in conjunction with the related actions, on September 14, 2021, and 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 (C 220064 ZSK), 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. 3), the City Planning Commission scheduled October 6, 2021, for a public hearing on this application (C 220064 ZSK). The hearing was duly held on October 6, 2021 (Calendar No. 33) 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 this application for a grant of special permits (C 220064 ZSK), in conjunction with the related applications (C 210425 MMK, C 220061 MLK, C 220070 ZSK, N 220063 ZRK, 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).

FINDINGS

The Commission hereby makes the following findings pursuant to Section 74-743 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 a 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 buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or 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) Not applicable;
- (7) Not applicable;
- (8) Not applicable;
- (9) Not applicable;
- (10) a declaration with regard to ownership requirement in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been

filed with the Commission; and

- (11) Not applicable;
- (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#.

The Commission also makes the following findings pursuant to Section 62-132 of the zoning resolution:

- (c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

RESOLUTION

RESOLVED, that having considered the 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 application submitted by River Street Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for, for the grant of special permits pursuant to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(2) - to modify the height and setback, maximum residential tower size, and maximum width of building walls facing a shoreline requirements of Section 62-341 (Developments on land and platforms); and

2. Section 74-743(a)(13):

a. to allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot; and

b. to waive the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers, and Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures);

in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in a C6-2 District, Borough of Brooklyn, Community District 1, is approved, as modified, and subject to the following terms and conditions:

1. The property that is the subject of this application (C 220064 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by BIG, James Corner Field Operations, and Control Point Associates INC. PC, filed with this application and incorporated in this Resolution:

| <u>Dwg. No.</u> | <u>Title</u> | <u>Last Date Revised</u> |
|------------------------|---|---------------------------------|
| V-001.00 | ALTA/NSPS LAND TITLE SURVEY | 05.29.2020 |
| Z00-2 | ZONING CALCULATIONS | 11.05.2021 |
| Z00-3A | UPLAND AND SEAWARD LOT CALCULATIONS – EXISTING | 11.05.2021 |

| | | |
|------------|--|--------------------------|
| Z00-3B | UPLAND AND SEAWARD LOT CALCULATIONS - PROPOSED | 11.05.2021 |
| Z01-1 | LSGD SITE PLAN | 11.05.2021 |
| Z01-2Z03-1 | DIMENSIONED BUILDING PLAN NORTHEAST AXONOMETRIC | 11.05.2021 11.05.2021 |
| Z03-2 | SOUTHEAST AXONOMETRIC | 11.05.2021 |
| Z03-3 | NORTHWEST AXONOMETRIC | 11.05.2021 |
| Z03-4 | SOUTHWEST AXONOMETRIC | 11.05.2021 |
| Z04-1 | ARCADE DESIGN CONTROLS | 11.05.2021 |
| Z05-1 | TOWER AND BULK WAIVER PLAN | 11.05.2021 |
| Z06-1 | BULK WAIVER SECTIONS | 11.05.2021 |
| Z06-2 | BULK WAIVER SECTIONS | 11.05.2021 |
| Z06-3 | BULK WAIVER SECTIONS | 11.05.2021 |
| Z06-4 | BULK WAIVER SECTIONS | 11.05.2021 |
| Z07-1A | SHORELINE FACING WALLS | 11.05.2021 |
| Z07-1B | SHORELINE FACING WALLS | 11.05.2021 |
| L-001.00 | WPAA ZONING CALCULATIONS 1 | 11.05.2021 |
| L-002.00 | WPAA ZONING CALCULATIONS 2 | 11.05.2021 |
| L-003.00 | WPAA ZONING CALCULATIONS 3 | 11.05.2021 |
| L-004.00 | WPAA ZONING CALCULATIONS 4 | 11.05.2021 |
| L-005.00 | WPAA ZONING CALCULATIONS 5 | 11.05.2021 |
| L-006.00 | WPAA ZONING CALCULATIONS 6 | 11.05.2021 |
| L-007.00 | WPAA ZONING CALCULATIONS 7 | 11.05.2021 |
| L-100.00 | OVERALL WPAA SITE PLAN | 11.05.2021 |
| L-101.00 | WATERFRONT PUBLIC AREA ACCESS DIAGRAM | 11.05.2021 |
| L-102.00 | SPAA ANALYSIS | 11.05.2021 |
| L-110.00 | LAYOUT PLAN | 11.05.2021 |
| L-120.00 | GRADING PLAN | 11.05.2021 |

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| L-130.00 | MATERIAL PLAN | 11.05.2021 |
| L-150.00 | FURNISHING PLAN | 11.05.2021 |
| L-151.00 | FURNISHING SCHEDULE | 11.05.2021 |
| L-152.00 | RAILING PLAN | 11.05.2021 |
| L-160.00 | TREE CANOPY AND PLANTING PLAN | 11.05.2021 |
| L-170.00 | LIGHTING PLAN | 11.05.2021 |
| L-171.00 | PHOTOMETRIC PLAN | 11.05.2021 |
| L-300.00 | SITE SECTIONS 1 | 11.05.2021 |
| L-301.00 | SITE SECTIONS 2 | 11.05.2021 |
| L-302.00 | SITE SECTIONS 3 | 11.05.2021 |
| L-303.00 | SITE SECTIONS 4 | 11.05.2021 |
| L-304.00 | SITE SECTIONS 5 | 11.05.2021 |
| L-305.00 | SITE SECTIONS 6 | 11.05.2021 |
| L-501.00 | PAVING DETAILS 1 | 11.05.2021 |
| L-510.00 | SIGNAGE DETAILS 2 | 11.05.2021 |
| L-511.00 | FURNISHING DETAILS 1 | 11.05.2021 |
| L-512.00 | FURNISHING DETAILS 2 | 11.05.2021 |
| L-513.00 | FURNISHING DETAILS 3 | 11.05.2021 |
| L-514.00 | FURNISHING DETAILS 4 | 11.05.2021 |
| L-515.00 | FURNISHING DETAILS 5 | 11.05.2021 |
| L-521.00 | RAILING DETAILS 8 | 11.05.2021 |
| L-531.00 | LIGHTING DETAILS 9 | 11.05.2021 |
| L-541.00 | PLANTING DETAILS | 11.05.2021 |

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. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance
4. Development pursuant to this resolution shall be allowed only after (a) the restrictive declaration attached hereto as Exhibit A, 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, Kings County; and (b) the Maintenance and Operations Agreement associated with such declaration and attached as Exhibit G thereto shall have been executed. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. The development shall include those project components related to the environment and mitigation measures identified in the Final Environmental Impact Statement (CEQR No. 21DCP157K) issued on November 5, 2021, and in accordance with the restrictive declaration attached hereto as Exhibit A.
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. 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, sub-lessee or occupant.

8. 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 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 restrictive declaration.
9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

The above resolution (C 220064 ZSK), duly adopted by the City Planning Commission on November 17, 2021 (Calendar No. 10), 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*