



CITY PLANNING COMMISSION

October 19, 2011/Calendar No. 9

N 110383 ZRK

IN THE MATTER OF an application submitted by the Brooklyn Navy Yard Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 4 (Special Permits by the City Planning Commission), relating to ownership requirements for Large Scale General Developments.

The application for an amendment of the Zoning Resolution was filed by the Brooklyn Navy Yard Development Corporation (BNYDC) on June 9, 2011. The proposal would amend Section 74-742 (Ownership) of the Zoning Resolution to allow for an application for a special permit for a large-scale general development in cases when the proposed development is owned by the federal government and is in Brooklyn Community District 2.

RELATED ACTIONS

In addition to the application for a zoning text amendment (N 110383 POK), 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:

C 110380 POK	Application by the New York City Department of Citywide Administrative Services (DCAS) to acquire federally-owned property
C 110381 PPK	Application by the New York City Department of Small Business Services (SBS) to dispose of City-owned property to the Brooklyn Navy Yard.
C 110382 ZMK	Zoning map amendment changing an M1-2 zoning district to an M1-4 zoning district
C 110375 ZSK	Special permit pursuant to Section 74-743(a) to waive regulations related to rear yards in a Large Scale General Development
C 110376 ZSK	Special permit pursuant to Section 74-744 to allow signage that exceeds the otherwise applicable regulations.
C 110377 ZSK	Special permit pursuant to Section 74-53 to allow an accessory group parking facility with 266 spaces in an M1-4 zoning district.
C 110378 ZSK	Special permit pursuant to Section 74-922 to allow buildings containing retail uses with no limit on retail floor area.

N 110379 ZCK Certification pursuant to Section 62-811 for waterfront public access and visual corridors.

BACKGROUND

A full background discussion and project description appears in the report on the related Zoning Map amendment application (C 110382 ZMK).

ENVIRONMENTAL REVIEW

The application (N 110383 ZRK) in conjunction with the applications for the related actions (C 110380 POK, C 110381 PPK, C 110382 ZMK, C 110375 ZSK, C 110376 ZSK, C 110377 ZSK, C 110378 ZSK, N 110379 ZCK) were 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 11DEM001K. The lead agency is the Office of the Deputy Mayor for Economic Development.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for a zoning map amendment (C 110382 ZMK).

PUBLIC REVIEW

On June 20, 2011, this application (N 110383 ZRK) was referred to Brooklyn Community Board 2 and the Brooklyn Borough President in accordance with the procedures for non-ULURP matters along with the related applications (C 110380 POK, C 110381 PPK, C 110382 ZMK, C 110375 ZSK, C 110376 ZSK, C 110377 ZSK, C 110378 ZSK) which were certified as complete by the Department of City Planning on June 20, 2011 and were duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-029b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application on July 20, 2011 and, on July 25, 2011 by a vote of 7 to 0 with one abstention, adopted a resolution recommending approval of the application.

A summary of the vote and recommendations of Community Board 2 appears in the report on the related application for a zoning map amendment (C 110382 ZMK).

Borough President Recommendation

This application was considered by the Borough President of Brooklyn, who issued a recommendation on August 10, 2011 recommending approval of the application. A summary of Borough President's recommendations appears in the report on the related zoning map amendment (C 110382 ZMK).

City Planning Commission Public Hearing

On August 24, 2011 (Calendar No. 7), the City Planning Commission scheduled September 7, 2011 for a public hearing on this application and the related applications. The hearing was duly held on September 7, 2011 (Calendar No. 17), in conjunction with the public hearing for the related actions.

There were a number of speakers, as described in the report on the related application (C 110382 ZMK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

A discussion of the WRP Consistency Review appears in the report on the related Zoning Map amendment application (C 110382 ZMK).

CONSIDERATION

The Commission believes that this application for an amendment of the Zoning Resolution is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appears in the report on the related zoning map amendment application (C 110382 ZMK).

RESOLUTION

RESOLVED, by the City Planning Commission that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 6, 2011, with respect to this application (CEQR No. 11DEM001K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that, consistent with social, economic, and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to

the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(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 is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article VII: Administration

* * *

Chapter 4: Special Permits by the City Planning Commission

* * *

74-742

Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

When a #large-scale general development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, or when the site of a proposed #large-scale general development# is owned by the federal government and is within Community District 2 in the borough of Brooklyn, a special permit may be applied for and granted under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section.

* * *

The above resolution (N 110383 ZRK), duly adopted by the City Planning Commission on October 19, 2011 (Calendar No. 9), 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, FAICP, Chair

RICHARD W. EADDY, Vice Chairman,

ANGELA M. BATTAGLIA, RAYANNE BESSER, IRWIN G. CANTOR, P.E.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,

NATHAN LEVENTHAL, ANNA HAYES LEVIN, ORLANDO MARIN,

SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners