

CITY PLANNING COMMISSION

November 15, 2004/Calendar No. 3

C 040217 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 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 1,100 spaces on portions of two above grade floors (parking levels 1 and 2) and three cellar levels (parking levels 3, 4 and 5) and to allow up to 76,835 square feet of floor area on parking levels 1 and 2 below a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), of a proposed community facility building at 85 Jay Street 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), Community District 2, Borough of Brooklyn.

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 an 1,100 car public parking garage on the block bounded by Front Street, Jay Street, Bridge Street and York 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 M1-2/R6 (MX-2) and M1-2/R8 (MX-2) Districts.
2. C 040216 ZSK Special Permit pursuant to Section 74-743(a)(2) to modify Streetwall height, outer court and outer court recess regulations in a General Large Scale Development Designation.

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 040216 ZSK).

ENVIRONMENTAL REVIEW

This application (C 040217 ZSK), in conjunction with the applications for the related actions (C 040215 ZMK) and (C 040216 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.

UNIFORM LAND USE REVIEW

This application (C 040217 ZSK), in conjunction with the applications for the related actions (C 040215 ZMK) and (C 040216 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 20 to 10 with four abstentions, adopted a resolution recommending approval of the application with conditions.

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 040216 ZSK)..

Borough President Recommendation

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

A summary of the recommendation of the Borough President appears in the report on the related application for the grant of a special permit (C 040216 ZSK).

City Planning Commission Public Hearing

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

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 040216 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), 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 the special permit 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 040216 ZSK).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-512 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas) of the Zoning Resolution:

- a) **The principal vehicular access for such use is located on an arterial highway, a major street, or secondary street within ¼ mile of an arterial highway or major street, except that in C5 or C6 Districts such access may be located on a local street.**
- b) **That such use is located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas.**
- c) **That such use has adequate reservoir space at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided by the use, whichever is greater, but in no event shall such reservoir space be required for more than 50 automobiles.**
- d) **That the streets providing access to such use will be adequate to handle the traffic generated thereby.**
- e) Not applicable.
- f) Not applicable.

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 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 1100 spaces on portions of two above grade floors (parking levels 1 and 2) and three cellar levels (parking levels 3, 4 and 5), of a proposed community facility building at 85 Jay Street 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, pursuant to Section findings of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 040217 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, LLP, 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

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. 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.
5. 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 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.

6. 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.

The above resolution (C 040217 ZSK), duly adopted by the City Planning Commission on November 15, 2004 (Calendar No. 3), 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 A. PHILLIPS, DOLLY WILLIAMS
Commissioners, voting no