



## **CITY PLANNING COMMISSION**

April 22, 2009/Calendar No. 14

C 090183 ZSK

IN THE MATTER OF an application submitted by Two Trees Management Company 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 a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in connection with a proposed mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Blocks 36, Lots 1, 3, 14, 49, 52 & 53), in an M1-2/R8 (MX-2) District, with a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52 & 53, and Block 26, Lots 33 & 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts, Borough of Brooklyn, Community District 2.

This application for a special permit pursuant to Section 74-512 of the Zoning Resolution was filed by Two Trees Management Company on November 5, 2008, to facilitate the construction of a public parking garage with 465 spaces 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:

C 090181 ZMK      Zoning map amendment changing from an M1-2 zoning district to an M1-2/R8, Special Mixed Use District (MX-2).

C 090184 ZSK      Special permit pursuant to Section 74-743 to waive regulations related to height and setback, rear yard, inner court and the minimum distance between legally required windows and a side lot line in a General Large Scale Development.

## **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 090184 ZSK).

## **ENVIRONMENTAL REVIEW**

This application (C 090183 ZSK), in conjunction with the applications for the related actions (C 090181 ZMK) and (C 090184 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 09DCP025K. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on November 17, 2008. A revised Environmental Assessment Statement was prepared to address the modifications to the project, discussed in the report on the related application for the grant of a special permit (C 090184 ZSK), to note the withdrawal of the related application for a zoning text amendment (N090182 ZRK), and to reflect the issuance of a Certificate of No Effect by the Landmarks Preservation Commission with regard to the portion of Block 36, Lot 1 that has landmark status. A Negative Declaration reflecting the revised Environmental Assessment Statement was issued on April 22, 2009.

## **UNIFORM LAND USE REVIEW**

This application (C 090183 ZSK), in conjunction with the applications for the related actions (C 090181 ZMK) and (C 090184 ZSK), was certified as complete by the Department of City Planning on November 17, 2008, and was 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 2-02(b).

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application on December 17, 2008, and on January 14, 2009, by a vote of 32 to 7, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on February 25, 2009 approving the application with conditions

A full discussion of the Borough President's recommendation appears in the report on the related application for the grant of a special permit (C 090184 ZSK).

### **City Planning Commission Public Hearing**

On February 18, 2009 (Calendar No. 13), the City Planning Commission scheduled March 4, 2009, for a public hearing on this application (C 090183 ZSK). The hearing was duly held on March 4, 2009 (Calendar No. 30), in conjunction with the public hearings on the applications for the related actions (C 090181 ZMK) and (C 090184 ZSK).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 090184 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), 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 08-109.

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

### **CONSIDERATION**

The Commission believes that this application (C 090183 ZSK) for a 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 090184 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) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter 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 so 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 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount 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; and
- (f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

## **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 consideration and findings described in this report, the application submitted by Two Trees Management Company 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 a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in connection with a proposed mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Blocks 36, Lots 1, 3, 14, 49, 52 & 53), in an M1-2/R8 (MX-2) District, with a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52 & 53, and Block 26, Lots 33 & 38), in M1-2/R8 (MX-2), M1-2/R8A (MX-2), and M3-1 Districts, 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 090183 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, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
3a	Zoning Diagram Site Plan	April 22, 2009
3b	Zoning Calculations	April 22, 2009
3c	Site Plan and Roof Plan	April 22, 2009
4a	Encroachment Diagrams	April 22, 2009
4b	Encroachment Diagrams	April 22, 2009

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
6a	Parking Level P1	November 6, 2008
6b	Parking Level P2 and P3	November 6, 2008

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 090183 ZSK), duly adopted by the City Planning Commission on April 22, 2009 (Calendar No. 14), 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,  
**KENNETH J. KNUCKLES**, Esq., Vice-Chairman  
**ANGELA M. BATTAGLIA**, **IRWIN G. CANTOR**, P.E., **ANGELA R. CAVALUZZI**, AIA.,  
**ALFRED C. CERULLO, III**, **BETTY Y. CHEN**, **MARIA M. DEL TORO**,  
**RICHARD W. EADDY**, **NATHAN LEVENTHAL**,  
**JOHN MEROLO**, Commissioners

**SHIRLEY A. MCRAE**, **KAREN A. PHILLIPS**, Commissioners, voting no