



CITY PLANNING COMMISSION

April 22, 2009/Calendar No. 13

C 090181 ZMK

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 an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; and
2. establishing a Special Mixed Use District (MX-2) bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

The application for an amendment of the Zoning Map was filed by Two Trees Management Company on November 5, 2008, for an amendment to the Zoning Map changing an M1-2 district to an M1-2/R8 (MX-2) district in the DUMBO neighborhood of Community District 2, Brooklyn.

RELATED ACTIONS

In addition to the an amendment of the Zoning Map 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 0090183 ZSK Special Permit pursuant to Section 74-512 for a 465 space public parking garage.

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 090181 ZMK), in conjunction with the applications for the related actions (C 090183 ZSK) 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 090181 ZMK), in conjunction with the applications for the related actions (C 090183 ZSK) and (C 090184 ZSK) was certified as complete by the Department of City Planning on November 17, 2009, 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. 12), the City Planning Commission scheduled March 4, 2009, for a public hearing on this application (C 090181 ZMK). The hearing was duly held on March 4, 2009 (Calendar No. 29), in conjunction with the public hearings on the applications for the related actions (C 090183 ZSK), 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 090181 ZMK) for a zoning map amendment, to change an M1-2 District to a M1-2/R8 District and extending the Special Mixed Use District

(MX-2) 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).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment:

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 Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; and
2. establishing a Special Mixed Use District (MX-2) within the area bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street;

Borough of Brooklyn, Community District 2 as shown on a diagram (for illustrative purposes only), dated November 17, 2008.

The above resolution (C 090181 ZMK), duly adopted by the City Planning Commission on April 22, 2009 (Calendar No. 13), 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