

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 110047 ZMK-110048 ZSK-110049 ZSK-110050 ZSK-110051 ZSK-110052 ZAK-110053 ZCK
Brooklyn Bay Center

In the matter of an application submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for:

- a) the amendment of the Zoning Map changing from an M3-1 District to an M1-1 District property bounded by Leif Ericson Drive, a line 210 feet northwesterly of Bay 38th Street and its southwesterly prolongation, the U.S. Pierhead Line, and a line 525 feet northwesterly of Bay 38th Street and its southwesterly prolongation;
- b) the grant of Special Permits pursuant to Sections 74-922, 62-836, 74-744(c), and 74-512 of the Zoning Resolution

in connection with a proposed 214,000 square foot retail development, publicly accessible waterfront open space, and 690 parking spaces on property located at 1752 Shore Parkway.

COMMUNITY DISTRICT NO. 11

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

CONSIDERATION

Community Board 11 (CB 11) voted to conditionally approve these applications. CB 11 called on the developer to: conduct local hiring initiatives for residents of the community; provide onsite parking for employees; work with appropriate agencies for feasibility of providing public access to the water and an Eco Dock. CB 11 further called for the Department of Transportation (DOT) to work with the community to mitigate traffic issues.

UTILIZATION OF THE PUBLICLY ACCESSIBLE WATERFRONT

The Borough President notes that while Brooklyn is surrounded on three sides by water, access of its waterfront needs to be improved. This project would provide 2.4 acres of publicly accessible open space along the perimeter of the site where it extends out of the harbor. This is a welcomed addition. The Borough President believes that being able to sit and stroll by this waterfront space, while a wonderful opportunity, will not be extensively utilized due to the limited street access along Bay Parkway and Bay 26th Street from the nearby residential community north of Shore Parkway.

In the attached letter dated June 9, 2011, the Borough President highlighted that one of his goals towards strengthening the allure of the waterfront is to attract destination restaurants to the borough. The availability of locations to site such a restaurant along the waterfront are scarce, however this proposal serves as an appropriate opportunity to meet

that end. The Borough President strongly encourages the applicant to include such a destination restaurant as part of the project and locate the restaurant adjacent to the outermost publicly accessible waterfront.

JOBS

The applicant has publicly stated that a tentative lease with BJ's Wholesalers is in place for this project. Given other Brooklyn locations served by BJ's, the Borough President anticipates that it would make respectable efforts to hire willing residents within the local community. In terms of the construction phase of this project, it is the Borough President's policy that applicants develop a strategy to include Brooklyn based contractors and material supply firms in the construction of the project. He calls on the applicant to utilize such locally based firms as a means to provide the maximum number of jobs for Brooklyn residents.

In the attached letter dated June 16, 2011, the applicant provided a commitment to: purchasing building supplies for the development from Brooklyn suppliers, given equivalent availability and pricing; use local contractors for the construction of the store while working with the structure of all applicable labor agreements; and, working with its retail tenants to maximize its hiring from the local community.

TRAFFIC MITIGATION

The traffic disclosure in the Draft EIS (DEIS) for this proposal was based on 20 intersections. In the Final EIS (FEIS), traffic recommendations for mitigation will likely include some combination of signal installation and other measures including: standard traffic engineering measures such as signal timing adjustments, lane re-striping and parking prohibition (to create turning lanes at intersections and in front of the development). It is possible that residents and business entrepreneurs might not want measures that require the loss of nearby parking spaces implemented, despite anticipated benefits associated with reduced congestion for the neighborhood at large.

In order for the community to weigh in on these recommended mitigation measures, the Borough President believes that it is appropriate, soon after the issuance of the FEIS, for the applicant to engage CB 11, along with the area's affected local elected officials, in a proactive role in formulating a community position in terms of what mitigation should be pursued prior to the opening of the retail complex. The applicant should then advise DOT, in writing, of its consultation with CB 11 of which measures the board would like to be implemented in advance of construction, where feasible. The applicant should then be of assistance to DOT as the agency reviews the analysis and develops an implementation plan.

In the attached letter dated June 16, 2011, the applicant provided a commitment to working with CB 11 and elected officials to identify the EIS traffic mitigation measures that should be implemented prior to the project's completion and encourage DOT to implement all identified measures.

The Borough President has a concern regarding certain proposed traffic mitigation measures that would eliminate parking along the service road. He believes that the loss of such parking would be a burden to patrons of such businesses like the New York Sports Club and Adventurer's amusement park. In anticipation of DOT implementing such a plan, the borough president believes that the applicant should seek the authorization of its tenants to reach out to these businesses in regards to supplementing some of the parking that will be lost to their respective patrons.

It should be noted that traffic studies developed as part of the required environmental assessment are more theoretical than exact. Environmental assessments serve as predictive tools, whereas actual conditions will demonstrate a more valid view on the impacts that development have on a community. The Borough President has concerns with the assumptions made in the DEIS that detail traffic patterns flowing in ways he believes will not be replicated post-construction. The Borough President believes that the projected routing of traffic modeled in the traffic analysis is questionable in how it suggests borough residents will go to and from the store. For example, the assumption that residents will choose to travel first to Cropsey Avenue, then go around to access the westbound ramp onto the Belt Parkway seems inconsistent with human nature to take the shortest route available (i.e. – taking 26th Avenue to head to the Bay Parkway entrance). Similarly, the Borough President does not believe that motorists will turn off of 26th Avenue at Cropsey Avenue to head along Bay Parkway to travel north, when it is more direct to continue onto Stillwill Avenue which angles to Bay Parkway. He believes that the only way to be sure is to have a post-opening traffic analysis performed. This should determine traffic impacts at various intersections and what, if any, additional mitigation should be implemented by DOT based on analysis of actual travel patterns.

Therefore, the Borough President calls upon the developer to perform a traffic analysis in conjunction with DOT, CB 11 and its local elected officials to determine the actual impacts on the Bath Beach and Gravesend community approximately one year after the opening of the primary tenant. If the study reveals that this project contributes to traffic impact, the applicant should provide funds for any traffic improvements deemed necessary.

In the attached letter dated June 16, 2011, the applicant provided a commitment to fund and implement a traffic monitoring program one year after the opening of the primary retailer.

TRAFFIC CONCERNS – BELT PARKWAY ACCESS

The Borough President acknowledges that the traffic conditions leading to Caesar's Bay and the proposed site are already strained. These conditions pose an adverse effect on customers and retailers in the area as access becomes limited. With the construction of this proposed development, the already burdened traffic intersection will continue to operate in a manner that affects the quality-of-life for both area residents and customers of the retailers. Even with the recommended mitigation and possible mitigation that might be proposed based on a post-opening traffic analysis, one of the prime challenges is the constraints of entering and exiting the Belt Parkway and the concentration of vehicles doing so. That is why it is important to implement appropriate mitigation measures, where possible. Given the commercial and retail development both in this proposal and over time, gaining improved access to this area will become a necessity.

Therefore, in order to best maximize the area's capacity to handle traffic, especially in light of the expected increasing of traffic with more commercial development, the Borough President believes that in addition to the implementation of the proposed mitigation and any mitigation that might be disclosed in a post-opening traffic analysis, a study should be conducted concerning modifications to the entrances and exits of the Belt Parkway at Bay Parkway.

Specifically, he believes that the Bay Parkway westbound entrance ramp should be re-aligned and perhaps widened in order to permit those travelling north along Bay Parkway to more easily enter the parkway without navigating the often already congested

residential neighboring streets to be able to head southbound on Bay Parkway. Such a measure will cut down on unnecessary traffic around these neighboring blocks.

As for eastbound traffic, he recommends analyzing the potential to supplement the existing exit ramp to Bay Parkway with a second exit ramp east of Bay Parkway. Such an exit would serve residents living near the 26th Avenue parkway under path, existing uses such as the amusement park, activities at Drier-Offerman Park and the proposed Brooklyn Bay Center, while diverting traffic away from Bay Parkway. To accommodate such a ramp, the Borough President acknowledges that the existing eastbound on-ramp change would need to be relocated further east while necessitating the widening of the 26th Avenue overpass to allow cars to merge safely and perhaps shift the eastbound Cropsey Avenue exit further east.

In the attached letter to the Commissioner of DOT, dated June 20, 2011, the Borough President requested such an analysis. The already congested conditions at the Bay Parkway and Shore Parkway intersection can be minimized or eliminated by better accommodating those seeking destinations other than Caesar's Bay and the residential areas to its north, should these changes go into effect.

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and the City Council approve of the Zoning Map Amendment, and Special Bulk and Use Permit applications on the condition that:

- 1) the applicant takes necessary steps to utilize local contractors and material supply firms for the project's construction and conduct a local hiring initiative for local residents;
- 2) on the issuance of the FEIS, the applicant shall work with CB 11 and local elected officials to identify feasible mitigation measures that DOT should implement prior to the site opening;
- 3) the applicant shall seek authorization of its tenants to correspond with New York Sports Club and Adventurer's amusement park to offer parking in the new garage as a means to offset any loss of on-street parking along the service road; and,
- 4) approximately one year after the opening of the primary tenant, the applicant shall conduct a traffic study in consultation with DOT, CB 11, and local elected officials and funds any improvements deemed necessary that are directly attributed to the operation of the retail center.

Be it further resolved that the DOT review and respond to the Borough President's ramp recommendations for the Shore Parkway at Bay Parkway.



BOROUGH PRESIDENT

June 21, 2011

DATE



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

June 9, 2011

Mr. Joseph Sitt
Thor Equities
25 West 39th Street, 16th Floor
New York, New York 10018

Dear Mr. Sitt:

I am writing in regards to your Brooklyn Bay Center development located at 1752 Shore Parkway.

As you know, I held my hearing on June 6, 2011 for the requested land use actions required to permit your intended project. I look forward to submitting my recommendation to the City Planning Commission and City Council on June 21, 2011.

Ever since I had the opportunity to become familiar with your intended development I marveled about the potential it would have to incorporate a bay fronting quality destination restaurant. In fact I had publicly conveyed that in my November 9, 2009 letter to Ms. Amanda Burden as part of my comments pertaining to the draft scope of work for the preparation of the project's environmental impact statement.

I believe that such a destination restaurant would compliment the required waterfront open space at the end of the peninsula. Having such a dining opportunity would benefit the publicly accessible area by bringing more people to enjoy this waterfront, while the landscaping of the open space would provide the perfect foreground to the marvelous harbor vistas extending from Sea Gate to the Verrazano-Narrows Bridge. Unfortunately, the gesture in your plans to place a mobile food concession along the pathway does not even come close to achieving the potential for transforming this waterfront location as a destination for Brooklynites.

Given Brooklyn's population, the borough is truly lacking when it comes to having waterfront dining opportunities. There are really only a handful of opportunities that I believe can entice destination restaurants such as Legal Seafood and Grand Lux Café to open the first venue in Brooklyn. This is the perfect site to lure such establishment to Brooklyn. With your great business acumen, I believe you could bring this to fruition.

Mr. Joseph Sitt

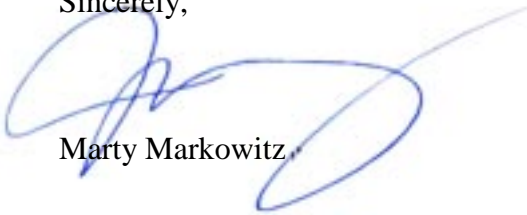
June 9, 2011

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With the announcement at my hearing that you have secured BJ's Wholesale Club as the primary tenant, I expect you will be preparing for a building department filing in the months ahead. Given that accommodating a destination restaurant would require a shifting of some of your second floor retail space to the outer area of the parking garage, it would be greatly appreciated if you would actively seek such a destination restaurant tenant immediately so as to not delay construction should your requested land use actions be approved.

I truly believe that securing a water's edge destination restaurant would be a perfect win-win for you as the developer and for the Borough of Brooklyn. I would look forward to dining with you to celebrate such a success.

Sincerely,



Marty Markowitz

cc: Jesse Maysr
Ethan Goodman

MM/rb

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June 16, 2011

VIA EMAIL

Honorable Marty Markowitz
Brooklyn Borough President
209 Joralemon Street
Brooklyn, NY 11201

Re: Brooklyn Bay Center at 1752 Shore Parkway

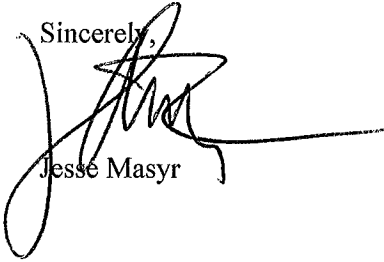
Dear Borough President Markowitz:

We represent Thor Shore Parkway Developers, LLC, applicants for zoning approvals for the Brooklyn Bay Center, which was the subject of your public hearing on June 6th. This letter will serve to affirm the developer's commitment with regard to certain issues that arose at the meeting:

- Implementing traffic mitigation prior to opening the retail uses at the site: You expressed a desire for the neighborhood to enjoy the benefits of certain components of the traffic mitigation measures identified in the DEIS prior to completion of construction at the site. In response, the developer will commit to working with the local Community Board and elected officials to identify the EIS traffic mitigation measures that they would like to see implemented prior to completion of the project. Once those measures are identified, the developer will commit to working with DOT to support implementation of those measures. While actual implementation of the mitigation falls within the purview of DOT, the developer will nonetheless work to encourage DOT to implement all identified measures prior to the opening of the retailers on the site.
- Post-opening traffic monitoring program: In order to identify the effectiveness of the proposed EIS traffic mitigation measures, the developer commits to fund and implement a traffic monitoring program one year after the opening of the primary retailer on the site. This program will serve to identify the effectiveness of the EIS traffic mitigation measures and, if applicable, to recommend potential additional measures to improve the flow of traffic to and from the store.
- Using local contractors and materials suppliers: At the hearing you stated the importance of contracting with local contractors and purchasing materials locally and expressed a desire for the developer to commit to such efforts. Towards these ends, the developer will commit to the following efforts:

- Given equivalent availability and pricing, the developer will commit to maximizing the purchase of building supplies for the development from Brooklyn suppliers.
- While working within the structures of all applicable labor agreements to construct the store, the developer will commit to maximizing the use of local contractors in store construction.
- The developer will also commit to working with its retail tenants to maximize hiring for their retail stores from the local communities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse Masyr', with a long horizontal flourish extending to the right.

Jesse Masyr



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

June 20, 2011

Janette Sadik-Khan
Commissioner
New York City Department of Transportation
55 Water Street
New York, NY 10041

Dear Commissioner Sadik-Khan:

The purpose of this letter is to request that the Department of Transportation (DOT) study the feasibility of making substantive changes to the connections between the Belt Parkway, its eastbound Shore Parkway service road, and 22nd Avenue / Bay Parkway on the commercial waterfront of the Bath Beach and Gravesend neighborhoods of Brooklyn. These changes are necessary in order to improve the flow of traffic in the area generated by continued large scale commercial development.

The Bath Beach/Gravesend section of Brooklyn contains a waterfront that is home to numerous commercial businesses and large retailers such as Kohl's, Toys 'R' Us, Best Buy and others located within the "Caesar's Bay Bazaar" shopping center. Currently a large new development called "Brooklyn Bay Center" is proceeding through the city's Uniform Land Use Review Process (ULURP) and is slated for a site adjacent to other retailers at this location. This development proposal entails the construction of approximately 214,000 square feet of commercial space, a 690-space public parking garage, and approximately 2.4 acres of public open space and construction is scheduled for completion in 2013 contingent upon final approval.

According to the project's Draft Environmental Impact Statement (DEIS), which evaluated traffic conditions in a study area encompassing 20 intersections, existing conditions for the intersections in this area already show strains on the network's capacity to handle current traffic demand. At least five intersections studied were observed to provide poor existing peak-hour Levels of Service (LOS) and therefore received ratings of E through F while many of the remaining intersections were observed to operate at existing peak-hour LOS of D. Additionally, the "No-Build" DEIS traffic analysis indicates that the LOS in the study area is unlikely to improve should this specific project not be built since continued and unrelated background growth is anticipated.

The area's commercial sites are located far from mass-transit and as a result feature a high proportion of their customers from cars that either accesses the retail center from the neighborhoods north and east of the Belt Parkway or from the Belt Parkway itself. Therefore, traffic patterns tend to concentrate heavily on the roads that connect directly to the Belt Parkway or transverse it. These specific roadways include: 22nd Avenue/ Bay Parkway, which both spans the width of the Belt Parkway and features the area's local Belt Parkway connections and to a lesser extent 26th Avenue further east. Correspondingly, the worst intersections identified in the DEIS include Cropsey Avenue and Bay Parkway, Shore Parkway and Bay Parkway at the eastbound exit ramp from the Belt Parkway, and the westbound entrance ramp to the Belt Parkway and Bay Parkway. These roadways have been found to have among the highest traffic volumes in the area, with the DEIS indicating that 22nd Avenue/Bay Parkway has peak two-way traffic volumes of approximately 1,400 to 3,000 vehicles per hour (vph), the eastbound exit ramp off the Belt Parkway to 22nd Avenue/Bay Parkway handling approximately 800 to 900 peak-hour vph and Cropsey Avenue handling a peak-hour vph of 900 to 2,700 vehicles.

Given the high volumes of traffic on the roadways leading to or going under the Belt Parkway and the already poor LOS for much of the intersections in the area, I believe it is imperative that the DOT initiate measures to improve connectivity to the Belt Parkway by reviewing the feasibility of making the following improvements:

1) **Facilitate left-turn access from 22nd Ave/ Bay Pkwy to entrance ramp of westbound Belt Parkway:**

The DOT should analyze the realignment and possibly widening of the entrance ramp to the westbound Belt Parkway to allow for left-turn access for vehicles heading north and away from the waterfront commercial sites along 22nd Avenue/ Bay Parkway. Current roadway alignment prohibits such left turns and vehicles seeking to access this entrance ramp may only do so from the southbound side of 22nd Avenue/Bay Parkway via right turns. Facilitating left-turns to this entrance ramp from 22nd Avenue/Bay Parkway would eliminate a large amount of unnecessary traffic in surrounding intersections including Cropsy Avenue and its surroundings as circuitous trips from vehicles heading north on 22nd Avenue/Bay Parkway seeking the westbound Belt Parkway would be eliminated.

2) **Add a second exit ramp from the eastbound Belt Parkway further east of 22nd Avenue/ Bay Parkway:**

The current exit ramp from the eastbound Belt Parkway deposits traffic at the congested intersection of this ramp and 22nd Avenue/Bay Parkway although the waterfront commercial area extends further south down the coast. Traffic seeking to access the locations further down the coast is led into the congestion of 22nd Avenue/ Bay Parkway. The DOT should analyze the accommodation a vehicles bypassing 22nd Avenue/Bay Parkway from the Belt Parkway by installing a new, second eastbound exit ramp from the Belt Parkway east of 22nd Avenue/Bay Parkway onto the service road. The provision of this second exit ramp would allow vehicles to skip the congested intersection of 22nd Avenue/Bay Parkway, facilitate improved motor vehicle access to the commercial sites east of this intersection, and help avoid further LOS deterioration brought on by additional development.

3) **Relocate the current eastbound entrance ramp to Belt Parkway further east along the service road:**

To accommodate a second eastbound exit ramp and to further improve the flow of traffic, DOT should analyze the relocation of the entrance ramp to the eastbound Belt Parkway further east of its current location. Vehicles heading east are already served by the eastbound service road. As a result, vehicles may use the service road to head to the relocated entrance ramp to the eastbound Belt Parkway with little to no impact on travel time or LOS.

Improvements to the intersections and the Belt Parkway access points to and from the waterfront commercial area of Bath Beach and Gravesend is necessary to minimizing the environmental impacts of current and anticipated growth. Therefore, I ask that you review these recommendations and advise me and Community Board 11 of your determination. I look forward to a positive response on this matter.

Sincerely,



Marty Markowitz

MM/ld/rb