



CITY PLANNING COMMISSION

February 17, 2009 / Calendar 1

C 090047 ZMK

IN THE MATTER OF an application submitted by the Toll Brooklyn, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. Changing from an M2-1 District to an M1-4/R7-2 District property bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street; and
 2. Establishing a Special Mixed Use District (MX-11) District bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street as shown on a diagram (for illustrative purposes only) dated September 8, 2008, and subject to the conditions of CEQR Declaration E-221.
-

This application for an amendment of the Zoning Map was filed by Toll Brooklyn LP on July 28, 2008 for a zoning map change from an M2-1 district to an M1-4/R7-2 (MX-11) district along Bond Street between Carroll Street and Second Street on the western edge of the Gowanus Canal in Brooklyn Community District 6.

RELATED ACTIONS

In addition to 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 090048 ZSK | Special Permit pursuant to Section 74-743(a)(2) for bulk modification |
| N 090049 ZRK | Amendment to the Zoning Resolution |

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 090048 ZSK).

ENVIRONMENTAL REVIEW

This application (C 090047 ZMK), in conjunction with the application for the related actions (C 090048 ZSK, N 090049 ZRK) 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 lead agency is the City Planning Commission. The designated CEQR number is 08DCP033K.

It was determined that the proposed action may have a significant effect on the environment. A Positive Declaration was issued on February 4, 2008, and distributed, published and filed. A summary appears in the application on the related report for a special permit (C 090048 ZSK).

To avoid any potential impacts associated related to air quality, the proposed action would place an (E) designation on Block 452, Lots 1 and 15 and Block 458, Lot 1.

The text of the (E) designation for air quality for the above properties is as follows:

Any new development must use natural gas as the type of fuel for HVAC systems. Boiler exhaust stack(s) for all development shall be located on the highest tier of each building.

UNIFORM LAND USE REVIEW

This application, C 090047 ZRK, in conjunction with the applications for related actions (C 090048 ZRK, N 090049 ZRK) was certified as complete by the Department of City Planning on September 8, 2008 and was duly referred to Brooklyn Community Board 6 and the Brooklyn 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 6 held a public hearing on this application on September 25, 2008, and on November 12, 2008, by a vote of 23 to 10 with five abstentions, adopted a resolution

recommending approval of the application with conditions. A summary of the recommendations of Community Board 6 appears on the related application for a special permit (C 090048 ZSK).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on December 17, 2008. A summary of the recommendations of the Borough President appears on the related application for a special permit (C 090048 ZSK).

City Planning Commission Public Hearing

On December 17, 2008 (Calendar No. 7) the City Planning Commission scheduled January 7, 2009, for a public hearing on this application (C 090047 ZMK). The hearing was duly held on January 7, 2009 for this application (Calendar No. 36) and related applications (C 090048 ZSK, N 090049 ZRK).

There were a number of appearances, as described in the related application for a special permit (C 090048 ZSK), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application 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 08-014.

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

CONSIDERATION

The Commission believes that the amendment of the Zoning Map is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appear in the application of the related report for a special permit (C 090048 ZSK).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 6, 2009, with respect to this application (CEQR No. 08DCP033K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, 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 mitigative measures that were identified as practicable

This report of the City Planning Commission, together with the FEIS, constitutes 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, 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

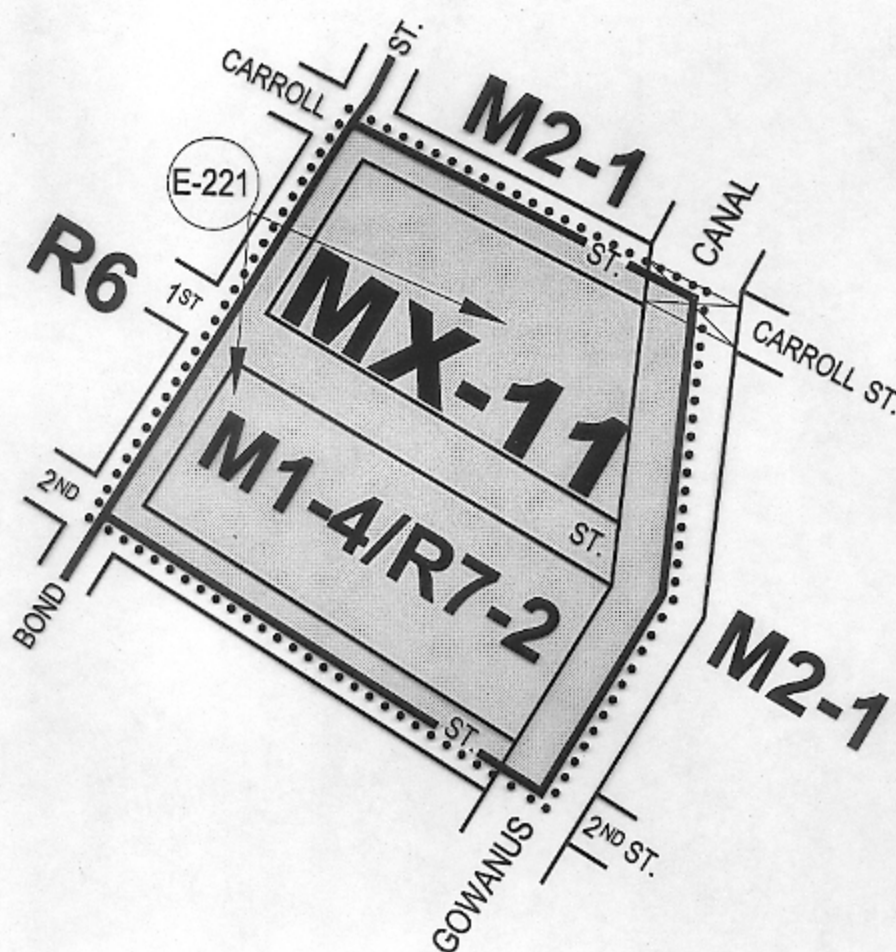
RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No.16c:

1. Changing from an M2-1 District to an M1-4/R7-2 District property bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street; and
2. Establishing a Special Mixed Use District (MX-11) District bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street

as shown on a diagram (for illustrative purposes only) dated September 8, 2008, and subject to the conditions of CEQR Declaration E-221.

The above resolution (C 090047 ZMK), duly adopted, by the City Planning Commission on February 17, 2009 (Calendar No. 1), 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, A.I.A.,
ALFRED C. CERULLO III, BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,
SHIRLEY A. MCRAE, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
16c

BOROUGH OF
BROOKLYN

New York, Certification Date
SEPTEMBER 8, 2008

Director of Technical Review

S. Hagan

SCALE IN FEET



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by changing from an M2-1 District to an M1-4/R7-2 District and by establishing a Special Mixed Use District (MX-11).
- MX-11** Indicates a Special Mixed Use District (MX-11).
- (E)** Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.