



## **CITY PLANNING COMMISSION**

August 19, 2009/Calendar No. 26

N 090442 ZRK

---

IN THE MATTER OF an application submitted by the Atara Vanderbilt, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), relating to the application of the Inclusionary Housing Program to R9A districts in Community District 2, Borough of Brooklyn.

---

The application for an amendment of the Zoning Resolution was filed by Atara Vanderbilt, LLC on May 15, 2009. The proposed amendments will expand an existing Inclusionary Housing Designated Area to include the block bounded by Atlantic Avenue, Clermont Avenue, Fulton Street and Vanderbilt Avenue, and would allow the use of the provisions of the inclusionary housing program for projects in R9A districts in Brooklyn Community District 2. This application in conjunction with the related applications would facilitate development of a new mixed-use building containing 376 dwelling units, 32,358 square feet of ground floor retail space, and the reuse and expansion of an existing 565,700 square foot loft building for commercial uses.

### **RELATED ACTIONS**

In addition to the an amendment of the Zoning Resolution which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 090441 ZMK Zoning map amendment changing an M1-1 district and an R6/C2-3 district to a C6-3A district.

C 090443 ZSK Special permit pursuant to Section 74-743 to waive regulations related to distribution of residential lot coverage, dimensions of inner court recesses, and location of street walls within a General Large Scale Development.

### **BACKGROUND**

A full background discussion and description of this application appears in the report on the related zoning map amendment application (C 090443 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (N 090442 ZRK) in conjunction with the related applications (C 090441 ZMK and C 090443 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 09DCP081K. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on June 1, 2009. A revised Environmental Assessment Statement was prepared August 14th, 2009 to reflect the revisions to the project discussed below, and a revised Negative Declaration was issued on August 17th, 2009.

## **PUBLIC REVIEW**

On June 1, 2009, this application (N 090442 ZRK) was duly referred to Community Board 2 and the Borough President for information and review in accordance with the procedures for non-ULURP matters along with the related applications (C 090441 ZMK and C 090443 ZSK), which were certified as complete by the Department of City Planning on June 1, 2009, and were 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 June 10, 2009, and on that date, by a vote of 38 to 0, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on July 17, 2009 approving the application with conditions.

A full discussion of the Borough President's recommendation appears in the report on the related application for a special permit (C 090443 ZSK).

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

On July 1, 2009 (Calendar No. 7), the City Planning Commission scheduled July 22, 2009, for a public hearing on this application (N 090442 ZSK). The hearing was duly held on July 22, 2009 (Calendar No. 21) in conjunction with the public hearings on the related applications (C 090441 ZMK and C 090443 ZSK).

There were a number of speakers as described in the report for the related application for a special permit (C 090443 ZSK) and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this amendment to the zoning text (N 090442 ZRK) as modified is appropriate.

A full consideration of the issues, and the reasons for approving this application, as modified, appear in the report on the related application for a special permit (C 090443 ZSK).

### **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**, 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 further amended as follows:

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (In Inclusionary Housing designated areas). The locations of such districts are specified in Appendix A of this Chapter.

<u>Community District</u>	<u>Zoning District</u>
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A <u>R9A</u>
* * *	* * *

\* \* \*

#### APPENDIX F INCLUSIONARY HOUSING DESIGNATED AREAS

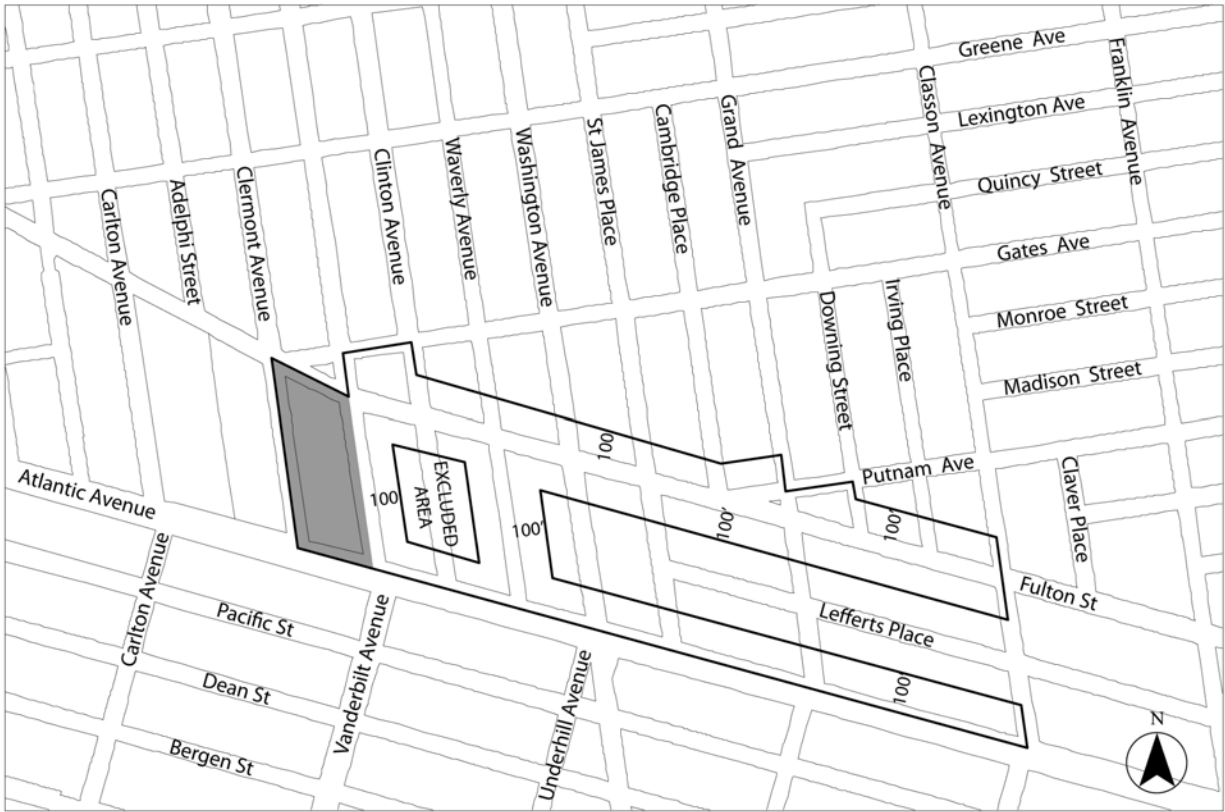
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

\* \* \*

#### **Brooklyn, Community District 2**

In the R7A, and R8A, and R9A Districts within the areas shown on the following Maps 1, 2, 3 and 4:

\* \* \*



Map 3

Portion of Community District 2, Brooklyn

*(Revised Map - Applicable Inclusionary housing area expanded, expanded area shown in grey)*

\* \* \*

The above resolution (N 090442 ZRK), duly adopted by the City Planning Commission on August 19, 2009 (Calendar No. 26), 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, RAYANN BESSER,**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,**  
**ALFRED C. CERULLO, III, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, SHIRLEY A. MCRAE,**  
**KAREN A. PHILLIPS, Commissioners**