



## **CITY PLANNING COMMISSION**

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August 5, 2009/ Calendar No. 12

N 090386 ZRK

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts, Borough of Brooklyn, Community District 7.

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This application for an amendment to the Zoning Resolution was filed by the Department of City Planning on April 13, 2009. The proposed text amendment will allow the Inclusionary Housing program to be used in the proposed R7A districts on Fourth and Seventh Avenues in the Borough of Brooklyn, Community District 7.

### **RELATED ACTION**

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

C 090387 ZMK	Application for an amendment of the Zoning Map, to rezone all or portions of 128 blocks in the Brooklyn neighborhood of Sunset Park from R6 and C4-3 districts to R4-1, R4A, R6B, R6A, R7A, and C4-3A districts.
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### **BACKGROUND**

A full background discussion and description of this application appears in the report on the related zoning map amendment application (C 090387 ZMK).

### **ENVIRONMENTAL REVIEW**

This application (N 090386 ZRK) in conjunction with the related application (C 090387 ZMK), 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 09DCP075K. The lead agency is the City Planning Commission.

After a study of the environmental impacts of the subject application (C 090387 ZMK), a negative declaration was issued on April 20, 2009, which included (E) designations for hazardous materials and air quality. A summary of the environmental review and the Environmental Assessment Statement appears in the report on the related zoning map amendment application (C 090387 ZMK).

## **PUBLIC REVIEW**

On April 20, 2009 this application was referred to Brooklyn Community Board 7 and the Brooklyn Borough President in accordance with the procedures for non-ULURP matters.

The related action (C 090387 ZMK) was certified as complete by the Department of City Planning on April 20, 2009 and was duly referred to Brooklyn Community Board 7 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 Review**

Community Board 7 held public hearings on May 13 and May 16, 2009 on this application (N 090386 ZRK) and on May 20, 2009 issued a recommendation to approve the application with conditions. A full discussion of the Community Board 7 resolution appears in the report on the related zoning map amendment application (C 090387 ZMK).

## **Borough President Review**

This application was considered by the Borough President, who issued a recommendation on June 22, 2009 approving the application with conditions. A full discussion of the Borough

President's recommendation appears in the report on the related zoning map amendment application (C 090387 ZMK).

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

On June 17, 2009 (Calendar No. 6), the City Planning Commission scheduled July 1, 2009, for a public hearing. The hearing was duly held on July 1, 2009 (Calendar No. 32) in conjunction with the public hearing on the application for the related zoning map change (C 090387 ZMK).

There were a number of speakers, as described in the report on the related zoning map amendment application (C 090387 ZMK), and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with the application for the related action, 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 09-018.

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

### **CONSIDERATION**

The Commission believes that this amendment to the zoning text (N 090386 ZRK) is appropriate.

A full consideration of the issues, and the reasons for approving this application, appear in the report on the related zoning map amendment application (C 090387 ZMK).

**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 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 old, to be deleted;  
Mater in # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

~~11/19/08~~  
~~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 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A

Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	<u>R7A</u> R8A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

\* \* \*

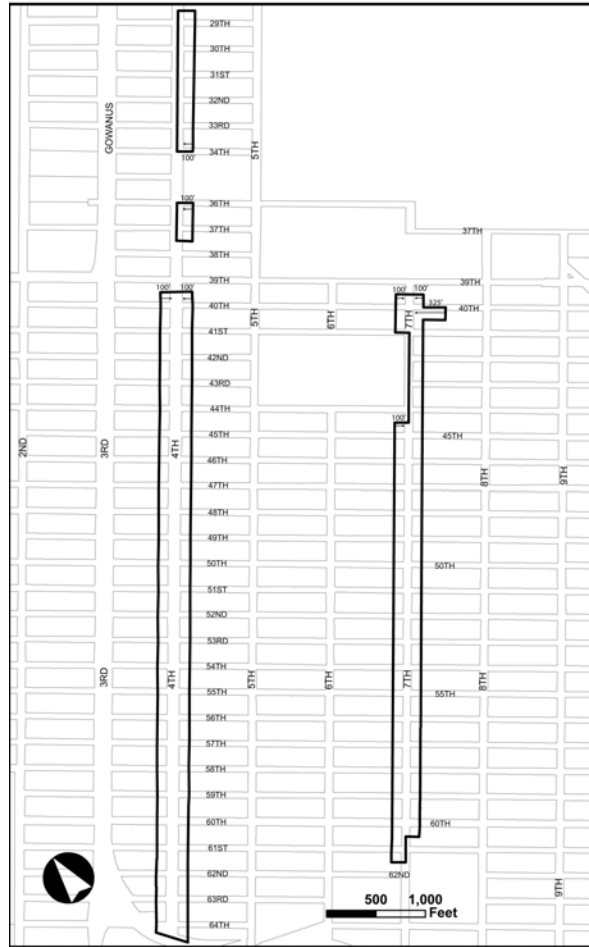
**23-922**

**Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

\* \* \*

(x) In Community District 7, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Map X1:



Map X1. Portion of Community District 7, Brooklyn

\* \* \*

The above resolution (N 090386 ZRK), duly adopted by the City Planning Commission on August 5, 2009 (Calendar No. 12), 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, RAYANNE BESSER, 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,**  
**SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**