



CITY PLANNING COMMISSION

August 25, 2010 / Calendar No. 6

N 100346 ZRK

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, concerning Article XII, Chapter 3 (Special Mixed Use Districts), relating to the establishment of a new Special Mixed Use District in Brooklyn's Community District 12.

This application for an amendment to the Zoning Resolution was filed by the Department of City Planning on May 4, 2010. The proposed amendment would establish a Special Mixed Use District (MX-12) within a portion of the proposed Culver El Rezoning area, generally bounded by; 36th Street, Old New Utrecht Road, 14th Avenue, 40th Street, and 12th Avenue, within Brooklyn's Community District 12.

RELATED ACTIONS

In addition to the application for an amendment to the Zoning Resolution, which is the subject of this report (N 100346 ZRK), implementation of the proposed zoning text amendment also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

C 100345 ZMK: An amendment to the Zoning Map Section No. 22c, changing existing M1-2, and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36th Street on the north, Old New Utrecht Road and 14th Avenue on the east, 40th Street on the south, and 12th Avenue on the west.

C 100347 HAK: An application submitted by the Department of Housing Preservation and Development for the designation of the property located at 1248 37th Street (Block 5295, Lot 4) and 1300 37th Street (Block 5300, Lot9) as an Urban Development Action Area Project, and for the disposition of such

property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and 48 spaces of accessory community facility parking.

**C 100348 ZSK –
C 100361 ZSK:**

Applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution to allow portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4.

BACKGROUND

A full background discussion and project description appears in the report on the related Zoning Map amendment application (C 100345 ZMK).

ENVIRONMENTAL REVIEW

This application (N 100346 ZRK), in conjunction with the related applications (C 100345 ZMK, C 100347 HAK, C 100348 ZSK – C 100361 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 10DCP029K. 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 May 10, 2010, which included (E) designations (E-252) to avoid the potential for hazardous materials, air quality and noise impacts. A summary of the

environmental review appears in the report on the related Zoning Map amendment application (C 100345 ZMK).

PUBLIC REVIEW

On October 18, 2000, this text change application (N100316 ZRK) was duly referred to Community Board 12 and the Brooklyn Borough President, for information and review in accordance with the procedure for referring Non-Uniform Land Use Review Procedure (ULURP) matters.

Community Board Public Hearing

Community Board 12 held a public hearing on this and the related applications on June 22, 2010 and on June 23, 2010, by a vote of 32 to 2 with 2 abstaining, adopted a resolution recommending approval without modification of this and the related applications.

Borough President Recommendation

This application (C 100346 ZRK) and the related applications were considered by the Office of President of the Borough of Brooklyn, who issued a recommendation on July 26, 2010 approving the application with conditions. A summary of Borough President's recommendation appears in the report on the related zoning map amendment (C 100345 ZMK).

City Planning Commission Public Hearing

On July 14, 2010 (Calendar No. 5), the City Planning Commission scheduled July 28, 2010 for a public hearing on this application (N 100346 ZRK). The hearing was duly held on July 28, 2010 (Calendar No.22), in conjunction with the public hearing on the related applications (C 100345 ZMK, C 100347

HAK, C 100348 ZSK – C 100361 ZSK). There were a number of speakers as described in the related zoning map amendment application (C 100345 ZMK) and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the zoning text (N 100346 ZRK) is appropriate.

A full consideration and analysis of the issues and the reasons for approving this application, appears in the report on the related zoning map amendment application (C 100345 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, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective December 15, 1961, and as amended subsequently, 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 (DEFINITIONS);

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

123-90

Special Mixed Use Districts Specified

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 1

Port Morris, The Bronx

The **#Special Mixed Use District# - 1** is established in Port Morris in The Bronx as indicated on the **#zoning maps#**.

* * *

#Special Mixed Use District# - 12

Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

* * *

The above resolution, duly adopted by the City Planning Commission of August 25, 2010 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
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