



**IN THE MATTER OF** an application submitted by The Refinery LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 12d:

1. changing from an M3-1 District to an R6 District property bounded by South 3<sup>rd</sup> Street, a line 100 feet northwesterly of Wythe Avenue, South 4<sup>th</sup> Street and Kent Avenue;
2. changing from an M3-1 District to an R8 District property bounded by the northwesterly centerline prolongation of South 1<sup>st</sup> Street, Kent Avenue, the northwesterly centerline prolongation of South 2<sup>nd</sup> Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3<sup>rd</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;
3. changing from an M3-1 District to a C6-2 District property bound by:
  - a. Grand Street and its northwesterly centerline prolongation, Kent Avenue, the northwesterly centerline prolongation of South 1<sup>st</sup> Street, and the U.S. Pierhead Line; and
  - b. the northwesterly centerline prolongation of South 2<sup>nd</sup> Street, Kent Avenue, the northwesterly centerline prolongation of South 3<sup>rd</sup> Street, and a line 235 feet northwesterly of Kent Avenue;
4. establishing within a proposed R6 District a C2-4 District bounded by South 3<sup>rd</sup> Street, a line 100 feet northwesterly of Wythe Avenue, South 4<sup>th</sup> Street and Kent Avenue; and
5. establishing within a proposed R8 District a C2-4 District bounded by the northwesterly centerline prolongation of South 1<sup>st</sup> Street, Kent Avenue, the northwesterly centerline prolongation of South 2<sup>nd</sup> Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3<sup>rd</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010, Borough of Brooklyn, Community District 1.

---

The application for an amendment to the Zoning Map was filed by Refinery, LLC, Inc. December 24, 2009 to change an M3-1 district to R6 and R8 districts with a C2-4 commercial overlay, and to C6-2 districts to facilitate a 2.75 million-square-foot general large-scale development located at 264-350 & 317-329 Kent Avenue, Community District 1, Brooklyn.

## **RELATED ACTIONS**

In addition to the zoning map amendment which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

- |              |  |
|--------------|--|
| N 100186 ZRK | Zoning text amendment relating to the Inclusionary Housing Program and regulations for non-conforming advertising signs.             |
| C 100187 ZSK | Special Permit pursuant to ZR section 74-743 to modify height and bulk regulations as part of a general large-scale development.     |
| C 100188 ZSK | Special Permit pursuant to ZR section 74-744 to modify use regulations as part of a general large-scale development.                 |
| N 100190 ZAK | Authorization pursuant to ZR section 62-822 to modify regulations pertaining to required waterfront public access areas.             |
| N 100191 ZCK | Chair Certification pursuant to ZR section 62-811 to show compliance with waterfront public access and visual corridor requirements. |
| N 100192 ZCK | Chair Certification pursuant to ZR Section 62-812 to subdivide a waterfront lot.   |

In addition to these actions, the applicant proposed a special permit pursuant to ZR section 74-53 to exceed the maximum number of permitted parking spaces accessory to uses in a general large-scale development (C 100189 ZSK). This application was certified in conjunction with the above listed applications but was withdrawn by the applicant on June 2, 2010.

## **BACKGROUND**

A background discussion and description of this application appears in the report for a related application for a special permit (C 100187 ZSK).

## **ENVIRONMENTAL REVIEW**

This application (C 100185 ZMK), in conjunction with the related applications, 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The CEQR number is 07DCP094K. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for a special permit (C 100187 ZSK).

## **UNIFORM LAND USE REVIEW**

This application (C 100185 ZMK), in conjunction with the applications for the related ULURP actions, was certified as complete by the Department of City Planning on January 4, 2010, and was duly referred to Community Board 1 and Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP actions, which were referred for information and review on January 4, 2010 in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (C 100185 ZMK) and on applications for the related actions on February 9, 2010, and on March 9, 2010, by a vote of 23 in favor, 12 in opposition and 1 abstention, adopted a resolution recommending disapproval of the application with conditions.

A summary of the recommendations of Community Board 1 appears in the report on the related application for a special permit (C 100187 ZSK).

### **Borough President Recommendation**

This application (C 100185 ZMK), in conjunction with the related actions, was considered by the Borough President, who recommended approval of the application with conditions on April 9<sup>th</sup> 2010.

A summary of the recommendations of the Borough President appears in the report on the related application for a special permit (C 100187 ZSK).

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

On April 14, 2010 (Calendar No.5), the City Planning Commission scheduled April 28, 2010, for a public hearing on this application (C 100185 ZMK). The hearing was duly held on April 28, 2010 (Calendar No. 30) in conjunction with the public hearing on the applications for related actions. There were 37 speakers in favor of the application and 24 speakers opposed, as described in the report on the related application for a special permit (C 100187 ZSK), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 100185 ZMK), in conjunction with related actions, 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 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 Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 07-058.

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 map (C 100185 ZMK), in conjunction with the related actions, is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appears in the related report for a special permit (C 100187 ZSK).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on May 28, 2010, with respect to this application (CEQR No. 07DCP094K), together with the Technical Memorandum, dated June 4, 2010, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that, consistent with social, economic, and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, 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, pursuant to the Restrictive Declaration attached as Exhibit A to the report on the related application for a special permit (C 100187 ZSK), those mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS and the Technical Memorandum, constitute 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 Sections 197-c and 201 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 as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Sections 12c and 12d:

1. changing from an M3-1 District to an R6 District property bounded by South 3<sup>rd</sup> Street, a line 100 feet northwesterly of Wythe Avenue, South 4<sup>th</sup> Street and Kent Avenue;
2. changing from an M3-1 District to an R8 District property bounded by the northwesterly centerline prolongation of South 1<sup>st</sup> Street, Kent Avenue, the northwesterly centerline prolongation of South 2<sup>nd</sup> Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3<sup>rd</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;
3. changing from an M3-1 District to a C6-2 District property bound by:
  - a. Grand Street and its northwesterly centerline prolongation, Kent Avenue, the northwesterly centerline prolongation of South 1<sup>st</sup> Street, and the U.S. Pierhead Line; and
  - b. the northwesterly centerline prolongation of South 2<sup>nd</sup> Street, Kent Avenue, the northwesterly centerline prolongation of South 3<sup>rd</sup> Street, and a line 235 feet northwesterly of Kent Avenue;
4. establishing within a proposed R6 District a C2-4 District bounded by South 3<sup>rd</sup> Street, a line 100 feet northwesterly of Wythe Avenue, South 4<sup>th</sup> Street and Kent Avenue; and
5. establishing within a proposed R8 District a C2-4 District bounded by the northwesterly centerline prolongation of South 1<sup>st</sup> Street, Kent Avenue, the northwesterly centerline prolongation of South 2<sup>nd</sup> Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3<sup>rd</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010, Borough of Brooklyn, Community District 1.

The above resolution (C 100185 ZMK), duly adopted by the City Planning Commission on June 7, 2010 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the 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**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman,**  
**ANGELA M. BATTAGLIA, RAYANN BESSER,**  
**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**  
**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE,**  
**KAREN A. PHILLIPS Commissioners**