

CITY PLANNING COMMISSION



March 8, 2010/ Calendar No. 4

N 100056 ZRK

IN THE MATTER OF an application submitted by Rose Plaza on the River LLC, 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 Appendix F (INCLUSIONARY HOUSING DESIGNATED AREAS), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7-3 districts, in the Borough of Brooklyn, Community District 1.

This application for an amendment to the Zoning Resolution was filed by Rose Plaza on the River LLC on August 5, 2009. The proposed text amendment will allow the Inclusionary Housing program to be applied to the proposed R7-3 district mapped on the west side of Kent Avenue between a line 850 feet south of Broadway and Division Avenue in the Borough of Brooklyn, Community District 1.

RELATED ACTION

In addition to the amendment of the Zoning Resolution, which is the subject of this report (N 100056 ZRK), 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 080339 ZMK | A zoning map amendment to change an M3-1 district to an R7-3 district with a C2-4 overlay. |
| C 080340 ZSK | A special permit pursuant to Section 62-736 for Bulk modifications on a waterfront block. |
| N 080341 ZAK | An authorization pursuant to Section 62-722(b) to modify the waterfront public access requirements. |
| N 080342 ZCK | A certification pursuant to Section 62-711 that a site plan has been submitted showing compliance with the zoning regulations for waterfront public access areas and visual corridors. |

BACKGROUND

A full background discussion and description of this application appears in the report on the related Rose Plaza on the River special permit application (C 080340 ZSK).

ENVIRONMENTAL REVIEW

This application (N 100056 ZRK) in conjunction with the related applications (C 080339 ZMK, C 080340 ZSK, N 080341 ZAK, and 080342 ZCK), 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP056K. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for a special permit (C 080340 ZSK).

PUBLIC REVIEW

This application (N 100056 ZRK) in conjunction with the applications for the related non-ULURP applications (N 080341 ZAK and N 080342 ZCK) was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President on November 2, 2009 in accordance with the procedure for referring non-ULURP matters in conjunction with the related actions (C 080339 ZMK and C 080340 ZSK) which were certified as complete by the Department of City Planning on November 2, 2009 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 1 held a public hearing on November 24, 2009 on this application (N 100056 ZRK) and the related applications and on December 1, 2009, by vote of 31 in favor, 8 opposed, and 0 abstentions adopted a resolution recommending disapproval of the application with conditions.

A full discussion of the Community Board 1 recommendation appears in the report on the related special permit application (C 080340 ZSK).

Borough President's Review

This application was considered by the Borough President, who issued a recommendation on January 6, 2010 approving the application with conditions.

A summary of the Borough President's recommendation appears in the report on the related application for a special permit (C 080340 ZSK).

City Planning Commission Public Hearing

On January 6, 2010 (Calendar No. 3), the City Planning Commission scheduled January 27, 2010, for a public hearing. The hearing was duly held on January 27, 2010 (Calendar No. 13), in conjunction with the public hearing on the related applications (C 080339 ZMK and C 080340 ZSK).

There were a number of speakers, as described in the report on the related application for the Special Permit (C 080340 ZSK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for the 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 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 08-047.

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

CONSIDERATION

The Commission believes that this amendment to the zoning text (N 100056 ZRK) is appropriate.

A full consideration of the issues and the reasons for approving this application appear in the report on the related application for a special permit (C 080340 ZSK).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; subject to the following conditions:

1. The applicant, Rose Plaza on the River LLC, has entered into a restrictive declaration with the New York City Landmarks Preservation Commission (LPC) to develop and implement an archaeological monitoring program consultation with LPC.
2. The applicant agrees via a restrictive declaration with the New York City Department of Environmental Protection (DEP) to require that the applicant identify and remediate any hazardous materials found in connection with the development of the project site.
3. The applicant agrees via a restrictive declaration with the New York City Department of Transportation (DOT) to identify the existence of any additional potential traffic impacts, if any, resulting from the development of the property thirty days from the implementation of the Kent Avenue Improvement, a date no later than December 31,

2011, and has agreed to submit to DOT and DCP a traffic study prepared by a qualified traffic consultant, to test and identify whether any potential additional traffic impacts would result.

4. The applicant agrees via a restrictive declaration to restrict the fuel type for all HVAC systems to ensure that no significant adverse impacts associated with Air Quality will occur.
5. The applicant agrees via a restrictive declaration to provide window attenuation to ensure that no significant adverse impacts associated with Noise will occur.

And be it further

RESOLVED, that the City Planning Commission, in its capacity as the City's Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed project 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;

Matter within # # is defined in Section 12-10;

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

APPENDIX F (2/24/2010)

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#.

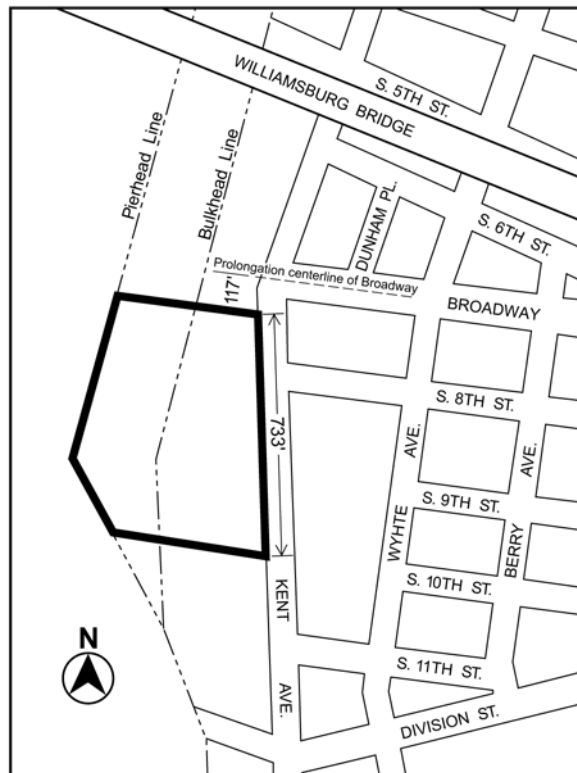
* * *

Brooklyn, Community District 1

In Waterfront Access Plan BK-1, as set forth in Section 62-352, and in the R6, R6A, R6B, R7A and R7-3 Districts within the areas shown on the following Maps 1, 2 and 3:

* * *

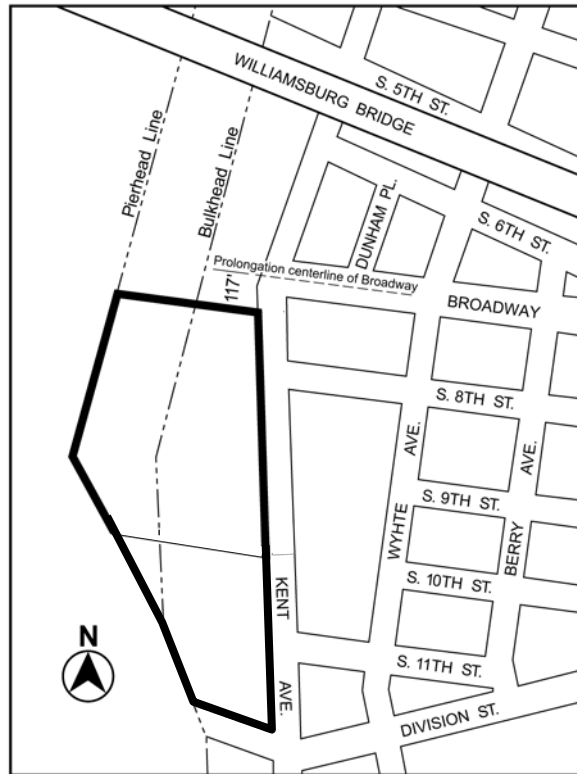
Map 3 (8/16/06)



Portion of Community District 1, Brooklyn

EXISTING

Map 3 (2/24/2010)



Portion of Community District 1, Brooklyn

PROPOSED

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The above resolution (N 100056 ZRK), duly adopted by the City Planning Commission on March 8, 2010 (Calendar No. 4), 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
RAYANN BESSER, ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,
ANNA HAYES LEVIN, Commissioners

KENNETH J. KNUCKLES, ESQ., Vice Chairman,
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners
Voting No.