



## **CITY PLANNING COMMISSION**

March 28, 2012, Calendar No. 10

C 070512 MMK

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**IN THE MATTER OF** an application submitted by the Department of Small Business Services pursuant to Sections 1302, 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street;
- the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin\*;
- and the adjustment of grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in Community District 18, Borough of Brooklyn, in accordance with Map Nos. Z-2703 and Z-2704, dated July 30, 2008 and signed by the Borough President.

\* This change to Marginal Street, Wharf or Place, where such Marginal Street, Wharf or Place is shown on any existing plans for the water front or portion thereof, shall be incorporated into the City Map.

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The application (C 070512 MMK) for an amendment to the City Map was filed by the Department of Small Business Services on June 6, 2007 to facilitate commercial development.

### **RELATED ACTIONS**

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

**C 120108 ZMK:** An amendment to the Zoning Map changing from a C3 District to a C8-1 District.

**C 120111 PPK:** The Disposition of City-owned Property (Block 8591, p/o Lots 100, 125 and 175).

**N 120110 ZCK:** Certification by the Chairperson of the City Planning Commission

pursuant to ZR Section 62-812, Waterfront zoning lot subdivision (Block 8591, p/o Lot 100, Lots 125, 175, and 980).

**N120109 ZAK:** Authorization by the City Planning Commission, pursuant to ZR Section 62-822 (a) (1), Modification of waterfront public access area and visual corridor requirements, modifying the minimum width of portions of the shore public walkway and the location requirements of visual corridors and upland connections (Block 8591, p/o Lot 100, and Lots 125, 175, and 980).

### **BACKGROUND**

A full background description and discussion of this application appears in the report on the related zoning map change application (C 120108 ZMK).

### **ENVIRONMENTAL REVIEW**

This application (C 070512 MMK), in conjunction with the applications for the related actions (C 120108 ZMK, C 120111 PPK, C 120109 ZAK and N 120110 ZCK), 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 12DME002K.

The lead agency is the Office of the Deputy Mayor for Economic Development. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 23, 2011.

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

This application (C 070512 MMK), in conjunction with the applications for the related actions (C 120108 ZMK, C 120111 PPK, C 120109 ZAK and N 120110 ZCK), 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 11-073. The application was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **UNIFORM LAND USE REVIEW**

This application (C 070512 MMK), in conjunction with the applications for the related actions (C 120108 ZMK, C 120111 PPK, C 120109 ZAK and N 120110 ZCK), was certified as complete by the Department of City Planning on November 28, 2011, and was duly referred to Community Board 18 and the Borough President of Brooklyn in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 18 held a public hearing on this application (C 070512 MMK), on January 18, 2012, and on that day, by a vote of 30 to 1, with 2 abstentions, adopted a resolution recommending conditional approval of the application. A full description and discussion of the Community Board's conditions and recommendation, and a copy of the resolution, appear in the report on the related zoning map change application (C 120108 ZMK).

### **Borough President's Recommendation**

This application (C 070512 MMK), was considered by the Borough President of Brooklyn, who issued a recommendation of conditional approval of the application on February 23, 2012. A full description and discussion of the Borough President's conditions and recommendation, and a copy of the resolution, appear in the report on the related zoning map change application (C 120108 ZMK).

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

On February 8, 2012 (Calendar No. 6), the City Planning Commission scheduled February 29, 2012 for a public hearing on this application (C 070512 MMK). The public hearing was duly

held on February 29, 2012 (Calendar No. 15), in conjunction with the public hearings for the related applications (C 120108 ZMK, C 120111 PPK, C 120109 ZAK and N 120110 ZCK). There were a number of speakers as described in the report on the related zoning map change application (C 120108 ZMK), and the hearing was closed.

### **CONSIDERATION**

The City Planning Commission believes that this amendment to the City Map is appropriate. A full consideration of the issues and the reasons for approving this application appears in the report on the related zoning map change application (C 120108 ZMK).

### **RESOLUTION**

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following 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 Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 070512 MMK) for the amendment to the City Map involving:

- the narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street;
- the elimination, discontinuance and closing of Marginal Street, Wharf or Place

bounded by Flatbush Avenue, Shore Parkway and Mill Basin (such Marginal Street, Wharf or Place, where the same is shown on any existing plans for the waterfront or portion thereof, shall be incorporated, as modified herein, into the City Map, in accordance with Section 1302(a) of the New York City Charter);

- and the adjustment of grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in Community District 18, Borough of Brooklyn, in accordance with Map Nos. Z-2703 and Z-2704, dated July 30, 2008 and signed by the Borough President, is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. Z-2704, dated July 30, 2008, providing for the discontinuance and closing of Flatbush Avenue between Avenue U and Pelican Street, and of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin, more particularly described as follows:

**Flatbush Avenue between Avenue U and Pelican Street**

Starting at a Point of Beginning located at the newly established angle point on the northeasterly street line of Flatbush Avenue, which is also a point on the coterminous southwesterly United States Pierhead and Bulkhead Line of Mill Basin, said point being distant 3075.42 feet southeasterly along the northeasterly street line of Flatbush Avenue from its intersection with the southeasterly street line of Avenue U, as those streets and waterway were hereinbefore laid out on the City Map;

- 1) Running thence southeasterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, which is coterminous with the southwesterly United States Pierhead and Bulkhead Line of Mill Basin, 227.89 feet to a point of curvature on the former northeasterly street line of Flatbush Avenue, discontinued and closed;
- 2) Continuing thence southeasterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, on the said tangential curve to the right, having a radius of 1000.00 feet and a central angle of 03 degrees 59 minutes 50 seconds, a curve length of 69.76 feet to its point of tangency on the former northeasterly street line of Flatbush Avenue, discontinued and closed;
- 3) Continuing thence southeasterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, on a line tangent to the last mentioned course or curve, 862.68 feet to a point of curvature on the former northeasterly street line of Flatbush Avenue, discontinued and closed;
- 4) Continuing thence southeasterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, on the said tangential curve to the left, having a radius of 1000.00 feet and a central angle of 03 degrees 59 minutes 50 seconds, a curve length of 69.76 feet to its point of tangency on the former northeasterly street line of Flatbush Avenue, discontinued and closed;
- 5) Continuing thence southeasterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, on a line tangent to the last mentioned course or curve, 610.40 feet to an angle point on the former northeasterly street line of Flatbush Avenue, discontinued and closed;
- 6) Running thence westerly, along the former northeasterly street line of Flatbush

Avenue, discontinued and closed, which is coterminous with the northerly right-of-way line of Shore Parkway, said course forming a deflection angle to the right with the last mentioned course of 143 degrees 05 minutes 41 seconds, 58.29 feet to a point on the newly established northeasterly street line of Flatbush Avenue;

7) Running thence northwesterly, along the newly established northeasterly street line of Flatbush Avenue, said course forming a deflection angle to the right with the last mentioned course of 36 degrees 54 minutes 19 seconds, 1552.59 feet to an angle point on the newly established northeasterly street line of Flatbush Avenue;

8) Running thence northerly, along the newly established northeasterly street line of Flatbush Avenue, said course forming a deflection angle to the right with the last mentioned course of 22 degrees 41 minutes 49 seconds, 259.16 feet to an angle point on the newly established northeasterly street line of Flatbush Avenue, the Point or Place of Beginning.

The area described above consists of 98,886.09 square feet, more or less;

**Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin**

Starting at a Point of Beginning located at the point of curvature on the former northeasterly street line of Flatbush Avenue, discontinued and closed, which is also an angle point on the coterminous southwesterly United States Pierhead and Bulkhead Line of Mill Basin, said point being distant 3303.31 feet southeasterly along the northeasterly street line of Flatbush Avenue from its intersection with the southeasterly street line of Avenue U, as those streets and waterway were hereinbefore laid out on the City Map;

1) Running thence easterly, along the southerly United States Pierhead and Bulkhead Line of Mill Basin, which is coterminous with the former northerly line of Marginal

Street, Wharf or Place, discontinued and closed, said course forming a deflection angle to the left with the said Flatbush Avenue of 36 degrees 52 minutes 16 seconds, 961.71 feet to an angle point on the southerly United States Pierhead and Bulkhead Line of Mill Basin;

2) Continuing thence easterly, along the southerly United States Pierhead and Bulkhead Line of Mill Basin, which is coterminous with the former northerly line of Marginal Street, Wharf or Place, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 22 degrees 11 minutes 00 seconds, 3202.60 feet to a point on a non-tangent curve on the northerly right-of-way line of Shore Parkway;

3) Running thence southerly and westerly, along the northerly right-of-way line of Shore Parkway, which is coterminous with the former southerly and westerly line of Marginal Street, Wharf or Place, discontinued and closed, on the said curve to the right, having a radius of 1523.46 feet and a central angle of 21 degrees 01 minute 22 seconds, its tangent forming a deflection angle to the right with the last mentioned course of 112 degrees 39 minutes 56 seconds, a curve length of 558.98 feet to its point of compound curvature with a tangential curve on the northerly right-of-way line of Shore Parkway;

4) Continuing thence westerly, along the northerly right-of-way line of Shore Parkway, which is coterminous with the former southerly line of Marginal Street, Wharf or Place, discontinued and closed, on the said tangential curve to the right, having a radius of 2300.00 feet and a central angle of 30 degrees 15 minutes 07 seconds, a curve length of 1214.39 feet to its point of tangency on the northerly right-of-way line of Shore Parkway;

5) Continuing thence westerly, along the northerly right-of-way line of Shore Parkway, which is coterminous with the former southerly line of Marginal Street, Wharf



or Place, discontinued and closed, on a line tangent to the last mentioned course or curve, 1160.00 feet to an angle point on the northerly right-of-way line of Shore Parkway;

6) Continuing thence westerly, along the northerly right-of-way line of Shore Parkway, which is coterminous with the former southerly line of Marginal Street, Wharf or Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 38 degrees 12 minutes 28 seconds, 944.67 feet to an angle point on the former northeasterly street line of Flatbush Avenue, discontinued and closed;

7) Running thence northwesterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, which is coterminous with the former southwesterly line of Marginal Street, Wharf or Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 36 degrees 54 minutes 19 seconds, 610.40 feet to a point of curvature on the former northeasterly street line of Flatbush Avenue, discontinued and closed;

8) Continuing thence northwesterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, which is coterminous with the former southwesterly line of Marginal Street, Wharf or Place, discontinued and closed, on the said tangential curve to the right, having a radius of 1000.00 feet and a central angle of 03 degrees 59 minutes 50 seconds, a curve length of 69.76 feet to its point of tangency on the former northeasterly street line of Flatbush Avenue, discontinued and closed;

9) Continuing thence northwesterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, which is coterminous with the former southwesterly line of Marginal Street, Wharf or Place, discontinued and closed, on a line tangent to the last mentioned course or curve, 862.68 feet to a point of curvature on the former northeasterly street line of Flatbush Avenue, discontinued and closed;

10) Continuing thence northwesterly, along the former northeasterly street line of Flatbush Avenue, discontinued and closed, which is coterminous with the former southwesterly line of Marginal Street, Wharf or Place, discontinued and closed, on the said tangential curve to the left, having a radius of 1000.00 feet and a central angle of 03 degrees 59 minutes 50 seconds, a curve length of 69.76 feet to its point of tangency and being the Point or Place of Beginning.

The area described above consists of 3,854,571.40 square feet, more or less;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. Z-2703 and Z-2704 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission;
- c. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 070512 MMK), duly adopted by the City Planning Commission on

March 28, 2012 (Calendar No. 10), 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**

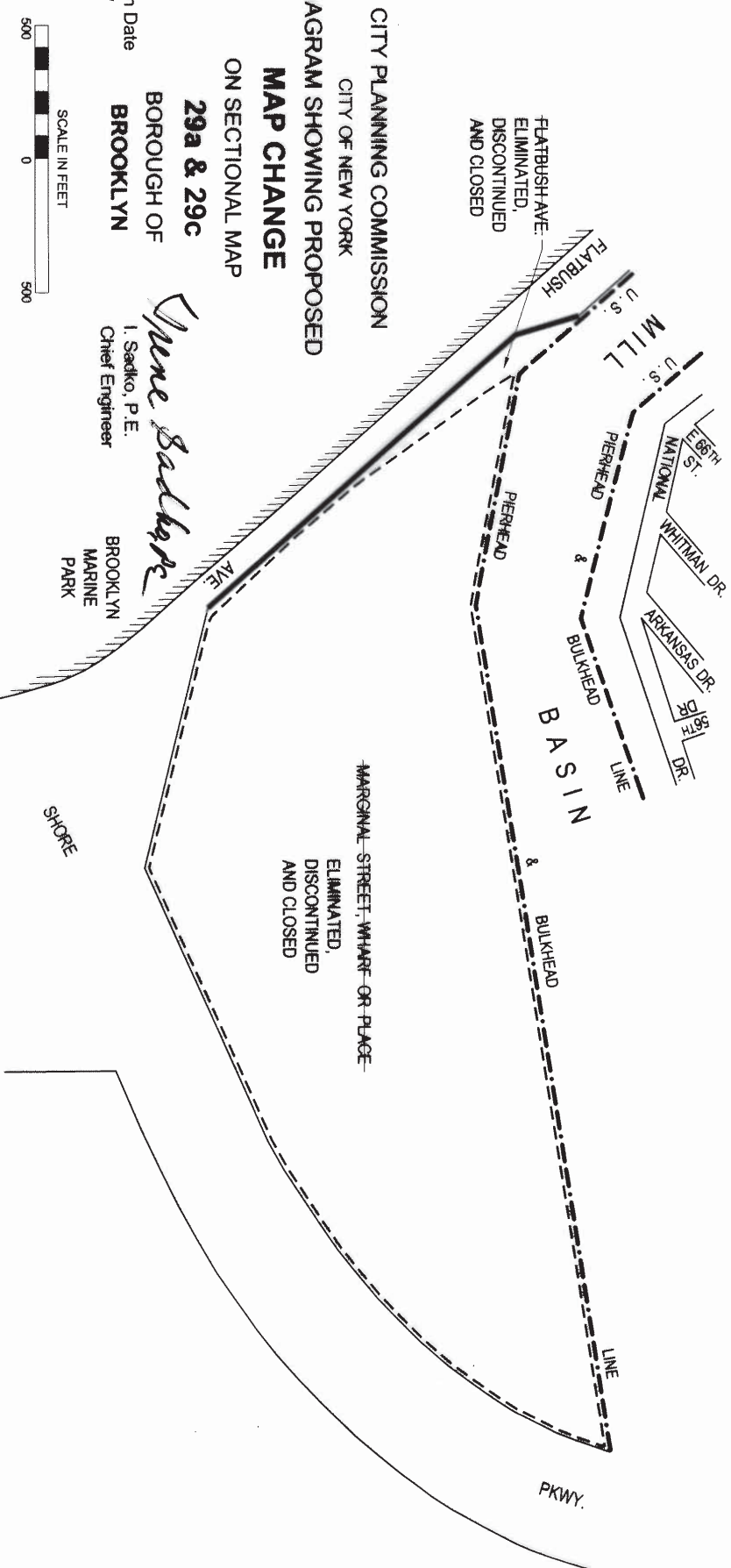
**KENNETH J. KNUCKLES, *Esq.*, Vice Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, *P.E.*,**

**ALFRED C. CERULLO, *III*, MARIA M. DEL TORO,**

**RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,**

**SHIRLEY A. McRAE, Commissioners**



NOTE:

- Indicates line of street legally adopted.
- Indicates line of street proposed to be established.
- Indicates line of street proposed to be eliminated.
- Indicates Park line heretofore established and hereby retained.
- (Discontinuance and Closing is shown on Map No. Z-2704)

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.