



CITY PLANNING COMMISSION

March 8, 2010/Calendar No. 1

C 080339 ZMK

IN THE MATTER OF an application submitted by Rose Plaza on River LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M3-1 District to an R7-3 District property bounded by a line 850 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, Division Avenue, a U.S. Pierhead and Bulkhead Line, and a U.S. Pierhead Line; and
2. establishing within the proposed R7-3 District a C2-4 District bounded by a line 850 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, Division Avenue, a U.S. Pierhead and Bulkhead Line, a line 100 feet northeasterly of Division Avenue, and a line 100 feet westerly of Kent Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only), dated November 2, 2009.

The application for an amendment of the Zoning Map was filed by Rose Plaza on the River LLC on March 24, 2008 to rezone Block 2134, Lots 1, 150 and a portion of Lot 126 from an M3-1 district to an R7-3 district with a C2-4 overlay along Kent and Division Avenues in the Williamsburg area of Community District 1, Brooklyn.

RELATED ACTIONS

In addition to this application (C 080339 ZMK) for an amendment of the Zoning Map, which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

N 100056 ZRK A zoning text amendment to Appendix F to apply the Inclusionary Housing Program to the proposed R7-3 district.

- C 080340 ZSK** A Special Permit pursuant to Section 62-736 for bulk modifications on a waterfront block.
- N 080341 ZRK** 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 project appears in the report on the related application for a special permit (C 080340 ZSK).

ENVIRONMENTAL REVIEW

This application (C 080339 ZMK), in conjunction with the applications for the related actions (C 080340 ZSK, N 100056 ZRK, N 080341 ZAK and N080342 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 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).

UNIFORM LAND USE REVIEW

This application (C 080339 ZMK), in conjunction with the applications for the related action (C 080340 ZSK), was certified as complete by the Department of City Planning on November 2, 2009, and was duly referred to Community Board 1 and the 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 applications (N 100056 ZRK , N 080341 ZAK and N 080342 ZCK) which were referred for information and review.

Community Board Public Hearing

Community Board 1 held a public hearing on November 24, 2009 on this application (C 080339 ZMK), and the related applications and on December 1, 2009, by a vote of 31 in favor, 8 opposed, 0 abstentions adopted a resolution recommending disapproval of the application with conditions.

A summary of Community Board 1's recommendation appears in the report on the related application for a special permit (C 080340 ZSK).

Borough President Recommendation

This application (C 080339 ZMK) and the related applications were considered by the Borough President who issued a recommendation approving the applications for zoning map and text amendments (N 100056 ZRK) and disapproving the special permit application (C 080340 ZSK), with conditions on January 6, 2010.

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. 1), the City Planning Commission scheduled January 27, 2010, for a public hearing on this application (C 080339 ZMK). The hearing was duly held on January 27, 2010 (Calendar No. 11), in conjunction with the hearing on the related actions (C 080340 ZSK and N 100056 ZRK).

There were several speakers, as described in the report on the 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 the proposed amendment to the zoning map is appropriate.

A full consideration and analysis 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 Sections 197-c and 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 by changing the Zoning Map, Section No. 12d:

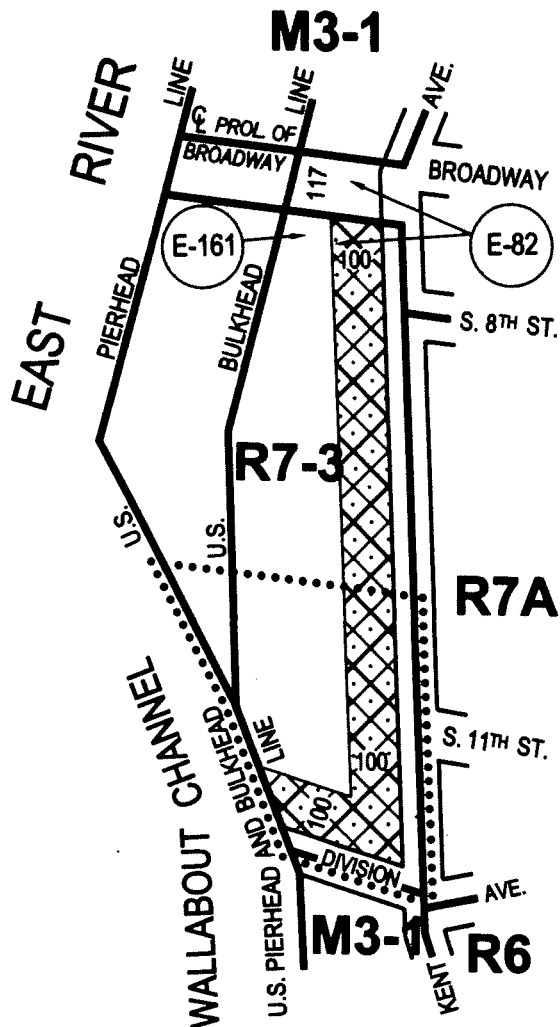
1. changing from an M3-1 District to an R7-3 District property bounded by a line 850 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, Division Avenue, a U.S. Pierhead and Bulkhead Line, and a U.S. Pierhead Line; and
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Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only), dated November 2, 2009.

The above resolution (C 080339 ZMK), duly adopted by the City Planning Commission on March 8, 2010 (Calendar No. 1), is filed with the Office of the Speaker, City Council and the Brooklyn Borough President, pursuant to 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

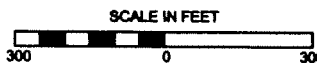
KENNETH J. KNUCKLES, ESQ., Vice Chairman,
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners
Voting No.



New York, Certification Date

CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
 12d
 BOROUGH OF
BROOKLYN

S. Voyages
 S. Voyages, R.A., Director
 Technical Review Division



- NOTE:**
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing from an M3-1 District to an R7-3 District and by establishing a C2-4 District within a proposed R7-3 District.
 - Indicates a C2-4 District.
 - Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.