



## **CITY PLANNING COMMISSION**

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February 16, 2011/ Calendar No. 14

N 070246 ZRK

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**IN THE MATTER OF** an application submitted by JBJ LLC, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the inclusionary housing program in the Borough of Brooklyn, Community District 1.

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This application for an amendment to the Zoning Resolution was filed by JBJ LLC, Inc on December 19, 2006. The proposed text amendment will allow the Inclusionary Housing Program to be used in a proposed MX8: M1-4/R6A district, to facilitate a 6-story, 104,000-square-foot mixed use development with 79 dwelling units and ground floor retail located on the eastern half of Block 2415, between South Second and South third Streets and Kent and Wythe Avenues, in Community District 1, Brooklyn

### **RELATED ACTION**

In addition to the amendment to the Zoning Resolution that is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 070245 ZMK      Zoning Map amendment to replace an M3-1 district with an MX8: M1-4/R6A district.

### **BACKGROUND**

A full background discussion and description of this application appears in the report on the related application for a Zoning Map amendment (C 070245 ZMK).

### **ENVIRONMENTAL REVIEW**

This application (N 070246 ZRK), in conjunction with the related application, 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 07DCP035K. The lead is the City Planning Commission.

A full summary of the environmental review appears in the report on the related application for a zoning map amendment (C 070245 ZMK).

## **PUBLIC REVIEW**

This application (N 070246 ZRK), was duly referred to Community Board 1 and the Brooklyn Borough President on September 13, 2010, in accordance with the procedure for referring non-ULURP matters, along with the application for related ULURP action for a Zoning Map change (C070245 ZMK), which was certified as complete by the Department of City Planning on September 13, 2010 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (N 070246 ZRK) and on the application for the related action on October 13, 2010, and on November 9, 2010, by a vote of 15 in favor and 4 in opposition with 4 abstentions, 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 zoning map amendment (C 070245 ZMK).

### **Borough President Recommendation**

This application (N 070246 ZRK), in conjunction with the related action, was considered by the Borough President, who recommended approval of the application on December 10, 2010.

A summary of the recommendations of the Borough President appears in the report on the related application for a zoning map amendment (C 070245 ZMK).

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

On January 5, 2011 (Calendar No. 10), the City Planning Commission scheduled January 26, 2011, for a public hearing on this application (N 070246 ZRK). The hearing was duly held on January 26, 2011 (Calendar No. 24) in conjunction with the related application for a zoning map amendment (C 070245 ZMK). There were a total of nine speakers in favor and three speakers in opposition and the hearing was closed. A summary of the public hearing is contained in the report on the related application (C 070245 ZMK).

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

This application (N 070246 ZRK), 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 10-010.

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

### **CONSIDERATION**

The Commission believes this zoning text amendment (N 070246 ZRK), in conjunction with the related action, is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appears in the related report for a zoning map amendment (C 070245 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**, 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 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 subsequently amended, is further amended as follows:

**APPENDIX F  
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 and in the R6, R6A, R6B, R7A, R7-3 and R8 Districts within the areas shown on the following Maps 1, 2, 3 and 4\*:

\* \* \*

# EXISTING

(TO BE DELETED)

Map 2 (7/29/10)



Portion of Community District 1, Brooklyn

# PROPOSED

(TO REPLACE EXISTING)

Map 2 (x/xx/xx)



Portion of Community District 1, Brooklyn

\* \* \*

The above resolution (N 070246 ZRK), duly adopted by the City Planning Commission on February 16, 2011 (Calendar No. 14), 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,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN,**  
**MARIA M. DEL TORO, RICHARD W. EADDY,**  
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