



CITY PLANNING COMMISSION

August 5, 2009/Calendar No. 11

C 090387 ZMK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16b, 16d, 22a & 22c:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. a line 150 feet northwesterly of Fourth Avenue, 41st Street, Fourth Avenue, a line midway between 39th Street and 40th Street, a line 150 feet southeasterly of Fourth Avenue, and 42nd Street;
 - b. a line 150 feet northwesterly of Fourth Avenue, 44th Street, a line 150 feet southeasterly of Fourth Avenue, a line midway between 45th Street and 46th Street, Fourth Avenue, and 45th Street;
 - c. a line 150 feet northwesterly of Fourth Avenue, 47th Street, Fourth Avenue, 46th Street, a line 150 feet southeasterly of Fourth Avenue, 61st Street, a line 150 feet northwesterly of Fourth Avenue, 58th Street, Fourth Avenue, and 57th Street;
 - d. a line 150 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 150 feet southeasterly of Fifth Avenue, and 41st Street;
 - e. a line 150 feet northwesterly of Fifth Avenue, 43rd Street, Fifth Avenue, 44th Street, a line 150 feet southeasterly of Fifth Avenue and 50th Street;
 - f. a line 150 feet northwesterly of Fifth Avenue, 56th Street, a line 150 feet southeasterly of Fifth Avenue, 59th Street, Fifth Avenue, and 60th Street;
 - g. a line 150 feet northwesterly of Sixth Avenue, a line midway between 48th Street and Sunset Terrace, a line 150 feet southeasterly of Sixth Avenue, a line midway between 54th Street and 55th Street, Sixth Avenue, a line midway between 52nd Street and 53rd Street, a line 150 feet northwesterly of Sixth Avenue, 51st Street, Sixth Avenue, and 50th Street;
 - h. a line 150 feet northwesterly of Sixth Avenue, 56th Street, a line 150 feet southeasterly of Sixth Avenue, and a line midway between 58th Street and 59th Street;
 - i. a line 150 feet northwesterly of Seventh Avenue, 58th Street, a line 150 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, and a line midway between 61st Street and 62nd Street; and
 - j. a line 150 feet northwesterly of Eighth Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, a line 150 feet southeasterly of Eighth Avenue, and a line midway between 60th Street and 61st Street;

2. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. Fourth Avenue, 30th Street, a line 150 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. a line 150 feet northwesterly of Fourth Avenue, 61st Street, a line 150 feet southeasterly of Fourth Avenue, the northeasterly service road of the Gowanus Expressway, Fourth Avenue, 64th Street, a southeasterly boundary line of a Park and its southwesterly prolongation, and a northeasterly boundary line of a Park; and
 - c. a line 150 feet northwesterly of Fifth Avenue, 60th Street, a line 150 feet southeasterly of Fifth Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of Fifth Avenue, and 63rd Street;
3. changing from an R6 District to an R4-1 District property bounded by Gowanus Expressway, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 62nd Street and 63rd Street;
4. changing from an R6 District to an R4A District property bounded by the northwesterly street line of Second Avenue, a line midway between 61st Street and 62nd Street and its northwesterly prolongation, a line 380 feet southeasterly of Second Avenue, 62nd Street, a north westerly service road of the Gowanus Expressway, and a line midway between 62nd Street and 63rd Street and its northwesterly prolongation;
5. changing from an R6 District to an R6A District property bounded by:
 - a. Gowanus Expressway, a line midway between 57th Street and 58th Street, a line 100 feet northwesterly of Fourth Avenue, and 60th Street;
 - b. a line 100 feet northwesterly of Gowanus Expressway, 61st Street, a line 100 feet northwesterly of Fourth Avenue, a line midway between 61st Street and 62nd Street, Gowanus Expressway, a line midway between 62nd and 63rd Street, a line 100 feet northwesterly of Fourth Avenue, Gowanus Expressway, 64th Street, Third Avenue (Northwesterly portion), a north westerly service road of the Gowanus Expressway, and 62nd Street;
 - c. a line 100 feet southeasterly of Fourth Avenue, a line midway between 60th Street and 61st Street, a line 100 feet northwesterly of Fifth Avenue, 57th Street, a line 100 feet southeasterly of Fifth Avenue, 63rd Street, Fifth Avenue, 64th Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 61st Street and 62nd street;

- d. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fifth Avenue, the northeasterly, northwesterly and southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Fifth Avenue, and 47th Street;
 - e. a line 505 feet northwesterly of Sixth Avenue and its southwesterly prolongation, 40th Street, a line 155 feet northwesterly of Sixth Avenue and its southwesterly prolongation, and the northeasterly boundary line of Sunset Park; and
 - f. a line 100 feet northwesterly of Sixth Avenue and its northeasterly prolongation, the southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Sixth Avenue and its northeasterly prolongation, the northeasterly, northwesterly and southwesterly boundary line of Rainbow Park, a line 100 feet southeasterly of Sixth Avenue, and 61st Street;
6. changing from an R6 District to an R6B District property bounded by:
- a. a line 100 feet southeasterly of Fourth Avenue, a line midway between 28th Street and 29th Street, Fifth Avenue, 35th Street, a line 200 feet northwesterly of Fifth Avenue, a line midway between 37th Street and 38th Street, a line 100 feet southeasterly of Fourth Avenue, 36th Street, Fourth Avenue, and 34th Street;
 - b. Gowanus Expressway, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 57th Street and 58th Street;
 - c. the northwesterly street line of Second Avenue, a line midway between 60th Street and 61st Street and its northwesterly prolongation, a line 350 feet southeasterly of Second Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northwesterly of Third Avenue, 60th Street, a line 100 feet northwesterly of Fourth Avenue, 61st Street, a line 100 feet northwesterly of Third Avenue, 62nd Street, a line 380 feet southeasterly of Second Avenue, and a line midway between 61st Street and 62nd Street and its northwesterly prolongation;
 - d. a line 100 feet southeasterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Fifth Avenue, 50th Street, a line 150 feet northwesterly of Fifth Avenue, 56th Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 60th Street and 61st Street;
 - e. a line 100 feet southeasterly of Fourth Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Fifth Avenue, 64th Street, Fifth Avenue, and the northeasterly service road of Gowanus Expressway;

- f. a line 100 feet southeasterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Seventh Avenue, the northeasterly boundary line of Sunset Park, a line 155 feet northwesterly of Sixth Avenue and its southwesterly prolongation, 40th Street, a line 505 feet northwesterly of Sixth Avenue and its southwesterly prolongation, and the northeasterly boundary line of Sunset Park;
 - g. a line 100 feet southeasterly of Fifth Avenue, the southwesterly boundary line of Sunset Park, a line 100 feet northwesterly of Sixth Avenue and its northeasterly prolongation, 61st Street, a line 100 feet southeasterly of Sixth Avenue, the southwesterly, northwesterly and northeasterly boundary line of Rainbow Park, a line 100 feet southeasterly of Sixth Avenue and its northeasterly prolongation, the southwesterly boundary line of Sunset Park and its southeasterly prolongation, Seventh Avenue, a line midway between 44th Street and 45th Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Sixth Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of Fifth Avenue, 56th Street, a line 150 feet southeasterly of Fifth Avenue, and 50th Street; and
 - h. a line 100 feet southeasterly of Seventh Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, a line 100 feet northwesterly of Eighth Avenue, a line midway between 60th Street and 61st Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 40th Street/ Finlandia Street and 41st Street, a line 325 feet southeasterly of Seventh Avenue, and 40th Street/ Finlandia Street;
7. changing from a C4-3 District to an R6B District property bounded by:
- a. a line 150 feet northwesterly of Fifth Avenue, 50th Street, a line 100 feet northwesterly of Fifth Avenue, and 56th Street; and
 - b. a line 100 feet southeasterly of Fifth Avenue, 50th Street, a line 150 feet southeasterly of Fifth Avenue, and 56th Street;
8. changing from an R6 District to an R7A District property bounded by:
- a. Fourth Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. Fourth Avenue, 36th Street, a line 100 feet southeasterly of Fourth Avenue, and a line midway between 37th Street and 38th Street;
 - c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fourth Avenue, and the north

easterly service road of Gowanus Expressway, Fourth Avenue, and Gowanus Expressway; and

- d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Seventh Avenue, 40th Street/Finlandia Street, a line 325 feet southeasterly of Seventh Avenue, a line midway between 40th Street/Finlandia Street and 41st Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 44th Street and 45th Street, Seventh Avenue, the southeasterly prolongation of the southwesterly boundary line of Sunset Park, and the southeasterly and northeasterly boundary line of Sunset Park;
9. changing from an R6 District to a C4-3A District property bounded by:
 - a. a line 100 feet northwesterly of Fifth Avenue, 47th Street, a line 100 feet southeasterly of Fifth Avenue, and 50th Street; and
 - b. a line 100 feet northwesterly of Fifth Avenue, 56th Street, a line 100 feet southeasterly of Fifth Avenue and 57th Street;
 10. changing from a C4-3 District to an C4-3A District property bounded by a line 100 feet northwesterly of Fifth Avenue, 50th Street, a line 100 feet southeasterly of Fifth Avenue, and 56th Street;
 11. establishing within an existing R6 District a C2-4 District bounded by a line 100 feet northwesterly of Eighth Avenue, a line midway between 39th Street and 40th Street/Finlandia Street, Eighth Avenue, and a line midway between 60th Street and 61st Street;
 12. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. a line 100 feet northwesterly of Third Avenue, 61st Street, Third Avenue, and 62nd Street;
 - b. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fifth Avenue, the northeasterly, northwesterly and southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Fifth Avenue, and 47th Street;
 - c. a line 100 feet northwesterly of Fifth Avenue, 57th Street, a line 100 feet southeasterly of Fifth Avenue, 59th Street, Fifth Avenue, 60th Street, a line 100 feet southeasterly of Fifth Avenue, 63rd Street, Fifth Avenue, and 64th Street;

- d. Sixth Avenue, 50th Street, a line 100 feet southeasterly of Sixth Avenue and 51st Street;
 - e. a line 100 feet northwesterly of Sixth Avenue, 51st Street, Sixth Avenue, 52nd Street, a line 100 feet southeasterly of Sixth Avenue, 53rd Street, Sixth Avenue, and a line midway between 52nd Street and 53rd Street;
 - f. a line 100 feet northwesterly of Sixth Avenue, 56th Street, Sixth Avenue, and 57th Street;
 - g. Sixth Avenue, 57th Street, a line 100 feet southeasterly of Sixth Avenue, and 58th Street; and
 - h. a line 100 feet northwesterly of Sixth Avenue, 58th Street, Sixth Avenue, and a line midway between 58th Street and 59th Street;
13. establishing within a proposed R7A a C2-4 District bounded by:
- a. Fourth Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. Fourth Avenue, 36th Street, a line 100 feet southeasterly of Fourth Avenue, and 37th Street;
 - c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fourth Avenue, the northeasterly service road of Gowanus Expressway, Fourth Avenue, and 64th Street; and
 - d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 45th Street and 46th Street, Seventh Avenue, Sunset Terrace, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, and a line midway between 61st Street and 62nd Street;

as shown on a diagram (for illustrative purposes only) dated April 20, 2009, and subject to the conditions of CEQR Declaration E-236.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on April 13, 2009, to rezone all or portions of 128 blocks in an area generally bounded by Third Avenue, 28th Street, 63rd Street, and 8th Avenue from R6 and C4-3 to R4A, R4-1, R6B, R6A, R7A, and C4-3A.

RELATED ACTION

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

N 090386 ZRK Zoning Text Amendment to Article 2, Chapter 3 of the Zoning Resolution, to apply the Inclusionary Housing program to the proposed R7A districts along Fourth and Seventh Avenues.

BACKGROUND

At the request of local elected officials and Community Board 7, the Department of City Planning proposes zoning map text amendments for 128 blocks located in the neighborhood of Sunset Park within Community District 7 in Brooklyn to respond to recent out-of-character development.

The rezoning area consists of three residential areas within the Sunset Park neighborhood. The northern area consists of portions of nine blocks between 4th and 5th avenues generally bounded by 29th Street on the north and 38th Street on the south. The western area consists of parts of four blocks between Second and Third avenues generally bounded by 59th Street on the north and 63rd Street on the south. The larger area consists of 115 blocks in an area generally bounded by Third Avenue to the west, Eighth Avenue on the east, a line between 39th Street and 40th Street to the north, and a line generally along the Gowanus Expressway to the south. The area is predominantly zoned R6, with a small C4-3 district mapped along a portion of Fifth Avenue.

The rezoning proposal has been developed after extensive discussion with the Community Board, elected officials, and neighborhood residents. The rezoning aims to preserve neighborhood character and scale by placing height limits throughout the area, allowing for new development where appropriate at a height and scale that is in keeping with the existing

context, to create opportunities and incentives for affordable housing through inclusionary zoning, and to support local retail corridors while protecting the residential character of nearby side streets.

Neighborhood Character

The neighborhood of Sunset Park is located south of Green-Wood Cemetery and north of Bay Ridge, and takes its name from the 24 acre Sunset Park bounded by 41st and 44th streets and Fifth and Seventh avenues. The park includes the second highest point in Brooklyn with views of the harbor, the Statue of Liberty, and the Manhattan skyline. The rezoning area is generally bounded by Third Avenue to the west, 28th Street to the north, 63rd Street to the south, and 8th Avenue to the east.

Sunset Park is a predominantly residential neighborhood, characterized by row houses on the side streets and larger apartment buildings along the avenues. The blocks within the rezoning area were originally developed in the early 1900s as housing for employees of the industrial businesses along the Upper New York harbor waterfront. Most residential construction halted in the 1930s with the Great Depression, but there has been a recent increase in construction of housing in the neighborhood.

Most blocks in the rezoning area consist of 2 to 4 story row houses and apartment buildings, mostly on the side streets, while some buildings rise to five or six stories and are predominantly located along the avenues. There are also small areas of detached and semi-detached houses on the southwest corner of the rezoning area.

These buildings often include ground floor commercial uses when located along the commercial corridors of Fourth, Fifth, Seventh, and Eighth avenues. Community facilities such as schools and churches are common.

The area is served by the N and R trains that run along Fourth Avenue, and the N train also stops at the southeast corner of the neighborhood at 8th Avenue and 62nd Street. The D

and M trains also run along Fourth Avenue to 36th Street before turning east to a stop at 9th Avenue and 39th Street, just east of the rezoning area. The area is served by New York City Transit's 9, 11, 35, 37, 63, and 70 bus lines.

Existing Zoning

The area is predominantly zoned R6, with a small C4-3 district mapped along a portion of Fifth Avenue. C1 and C2 commercial overlays occur on blocks along retail corridors. Most zoning designations within the rezoning area have been in place since the current Zoning Resolution was adopted in 1961.

R6

An R6 district is currently mapped over the entire study area, except for the small C4-3 zoning district along 5th Avenue. R6 districts permit residential use and community facility uses such as hospitals, schools, churches, and medical offices. R6 is a height factor district with no height limits and which permits tower construction on large lots. Building envelopes heights are regulated by the sky exposure plane. The maximum floor area ratio (FAR) in R6 is 2.43 for residential buildings and 4.8 for community facilities. The optional Quality Housing program permits an FAR of 2.2 on narrow streets and 3.0 on wide streets and limits building heights to 55 feet and 70 feet, respectively. Off-street parking is required for 70 percent of the dwelling units, or for 50 percent of the dwelling units when the Quality Housing program is utilized.

C4-3

A C4-3 district is mapped along Fifth Avenue for the six blocks between 50th Street and 56th Street, extending 150 feet from Fifth Avenue. C4-3 district regulations permit general commercial uses to an FAR of 3.4 and community facility uses to an FAR of 4.8. Unlike C1 and C2 commercial overlays, C4-3 districts permit commercial uses on multiple floors when residences are located above, and permit larger and more varied retail establishments such as department stores. Residential uses are also permitted and are largely governed by R6 regulations. As in R6 districts, C4-3 districts do not have height limits and building envelopes

are regulated by the sky exposure plane. Under optional Quality Housing program, residential uses are permitted to 2.2 FAR on narrow streets and 3.0 FAR on wide streets and building heights are limited to 55 feet and 70 feet on narrow and wide streets, respectively.

Most commercial uses within C4-3 districts are required to provide one off-street parking space for each 800 square feet of commercial space, with a waiver for uses requiring less than 25 spaces. Off-street parking is required for 70 percent of the dwelling units; for Quality Housing buildings, off-street parking is required for 50 percent of the dwelling units.

Commercial Overlays

There are 150 feet deep C1-3 overlays for local retail and service uses mapped on portions of Fourth, Fifth, Sixth, Seventh and Eighth avenues. C2-3 commercial districts are mapped 150 feet deep on a few sections of Fourth and Fifth avenues. C1 overlays permit small scale retail shops and offices. C2 overlays permit a slightly broader range of service uses, such as local repair services. C1 and C2 overlays have a maximum FAR of 2.0 when mapped in R6 districts, though commercial uses are limited to the first floor when residences are located above. These overlays require parking for general retail space at rates of between one space per 300 square feet and one space per 1,000 square feet.

Proposed Zoning Map Changes (C 090387 ZMK)

The proposed zoning map and text amendments would:

- Preserve neighborhood character and scale by replacing the R6 district with contextual zoning districts having height limits that allow for new development at a height and scale that is in keeping with the existing context;
- Create opportunities and incentives for affordable housing through the inclusionary housing bonus at appropriate locations;
- Adjust boundaries of commercial districts to reflect existing development patterns and preclude commercial intrusions into residential mid-blocks.

R4A

R4A is proposed for a portion of 2 blocks between Second and Third avenues on 62nd Street where there are one-and two-family detached houses. R4A districts only allow detached, one and two family homes with a maximum FAR of 0.9 (including the attic allowance). The minimum lot width for the R4A district is 30 feet, with a minimum lot area of 2,850 square feet. Maximum building height is 35 feet, with a maximum perimeter wall of 21 feet. The front yard must be a minimum of ten feet and must be as deep as an adjacent front yard. Two side yards, each a minimum of two feet and totaling a minimum of ten feet are required. One parking space is required per dwelling unit.

R4-1

R4-1 is proposed for a portion of 2 blocks between Third and Fourth avenues on 62nd Street where there are one-and two-family semi-detached houses. R4-1 districts allow both detached and semi-detached one- and two-family residences with a maximum FAR of 0.9 (including the attic allowance). The minimum lot width for detached homes is 25 feet with a minimum area of 2,375 square feet, and 18 feet for semi-detached homes with a minimum area of 1,700 square feet. Maximum building height is 35 feet, with a maximum perimeter wall of 25 feet. The front yard must be a minimum of ten feet and must be at least as deep as an adjacent front yard. For detached homes, two side yards are required for an eight feet total. For semi-detached buildings, one four foot side yard is required. One parking space is required per dwelling unit.

R6B

R6B is proposed for over 65% of the rezoning area (121 full or partial blocks) to reflect the prevailing rowhouse character of these areas. R6B would be mapped on residential side streets that are narrower and are not major commercial or transportation corridors. These areas are currently zoned R6. The primary areas to be zoned R6B would be the midblocks between Third and Eighth avenues.

R6B is a typical row house district that includes height limits and street wall lineup provisions to ensure new buildings are consistent with the scale of the existing context. R6B permits residential and community facility uses to an FAR of 2.0. Base heights are required to be between 30 and 40 feet, and the maximum building height is 50 feet after a setback from the street. This typically produces four- to five-story buildings. New development in the proposed R6B district would be required to line up with adjacent structures to maintain the existing street wall. New multifamily residences in R6B districts must provide off-street parking spaces for 50 percent of dwelling units.

R6A

R6A is proposed for approximately 13% of the rezoning area (60 full or partial blocks). R6A would be mapped along all of Sixth Avenue and portions of Fifth Avenue, as well as in two midblock areas that have densities that are higher than typically found on side streets in the study area. These are areas currently zoned R6.

R6A is a typical apartment district with height limits and street wall lineup provisions to ensure that new development would be in context with the scale of existing buildings. R6A permits residential and community facility uses to an FAR of 3.0. Base heights are required to be between 40 and 60 feet, and the maximum building height is 70 feet after a setback from the street. This typically produces six- to seven-story buildings. New buildings in R6A districts must be located no closer to the street than a neighboring building. Off-street parking is required for 50 percent of new residential units.

R7A

R7A is proposed for approximately 16% of the rezoning area (101 partial blocks). R7A would be mapped along all of Fourth and Seventh avenues in the rezoning area. Fourth Avenue is 120 feet wide, and both avenues are well served by transit and appropriate for more development. These areas are currently zoned R6.

The proposed zoning text amendment (N 090386 ZRK) will apply the Inclusionary Housing program to all proposed R7A districts. R7A is also an apartment house district with height limits and street wall lineup provisions. With the related zoning text amendment, any building containing residences would be limited to a base FAR of 3.45. The FAR may be increased to 4.6 if affordable housing is provided. Base heights are required to be between 40 and 65 feet, and the maximum building height is 80 feet after a setback from the street. This typically produces six- to eight-story buildings. New buildings in R7A districts must be located no closer to the street than a neighboring building. Buildings containing only community facility uses have a maximum FAR of 4.0. Off -street parking is required for 50 percent of new residential units.

C4-3A

C4-3A is proposed for the commercial center on Fifth Avenue from 47th to 57th Streets. This area is currently zoned C4-3 and R6 with a C1-3 commercial overlay. The proposal would rezone the existing C4-3 district to C4-3A, and extend it to 47th Street on the north and 57th Street on the south, adding four blocks to allow for more flexibility in the commercial mix of the street and second floor commercial uses in mixed residential and commercial buildings.

C4-3A districts are mapped in commercial centers that are located outside of central business districts. These districts permit, specialty and department stores, theaters, and offices, which are not permitted in C1 or C2 overlays intended for smaller neighborhood shopping centers. C4-3A is an R6A-equivalent district that permits residential, commercial, and community facility uses to an FAR of 3.0. Base heights are required to be between 40 and 60 feet, and the maximum building height is 70 feet after a setback from the street. This typically produces a six- to seven-story building. Off-street parking is required for 50 percent of residential units and requirements vary by use for commercial space.

C2-4 Overlays

C2-4 commercial overlays are proposed on Third, Fourth, Fifth, Sixth and Seventh avenues, replacing C1-3 and C2-3 overlays, and reducing overlay depths from 150 feet to 100 feet. This

would allow a slightly wider range of local uses and prevent commercial uses from encroaching on residential side streets. In addition, new C2-4 overlays would be mapped at specific locations along Seventh Avenue where stores already exist, but where no commercial zoning is present. On Fourth Avenue, some new C2-4 overlays would be mapped to create a more cohesive commercial corridor along the entire length of Fourth Avenue. Similarly, some C1-3 overlays would be removed at specific locations on Sixth Avenue where no commercial uses exist but commercial zoning is present.

C2-4 overlays permits local retail and services uses to a maximum 2.0 FAR or one commercial floor in mixed buildings.

Proposed Zoning Text Amendment (N 090386 ZRK)

A related action (N 090386 ZRK) would amend the Zoning Resolution text to apply the Inclusionary Housing program to all of the R7A districts mapped as part of this action, establishing incentives for the creation and preservation of affordable housing in conjunction with new development.

For residential development without an affordable housing component, the maximum FAR within the areas proposed to be rezoned to R7A would be limited to a base FAR of 3.45. Under the Inclusionary Housing program, a development providing affordable housing is eligible for a floor area bonus within the underlying contextual height and bulk regulations. Developments could qualify for a maximum FAR of 4.6 by providing 20 percent of the residential floor area in the development as permanently affordable housing for low- and moderate-income households. Affordable units can be provided either on-site or off-site. Off-site units can be provided through new construction or through preservation of existing affordable units in perpetuity and must be located within Community District 7 or within a half-mile of the bonused development if in a different community district. Other city, state and federal housing finance programs may be used to provide further assistance in creating affordable units.

ENVIRONMENTAL REVIEW

This application (C 090387 ZMK) 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 09DCP075K. The lead agency is the City Planning Commission.

After a study of the environmental impact of the subject application (C 090387 ZMK), a negative declaration was issued on April 20, 2009, which included (E) designations for hazardous materials and air quality.

To avoid potential impacts associated with hazardous materials an (E) designation for hazardous materials would be placed on the following properties:

Block	Lot
673	1
677	3
681	1, 6
685	2, 3, 6, 7
708	42
714	1, 6
719	6
756	3, 4
783	6
798	41
799	6
806	35

807	1, 2
919	16
5790	35
5799	34
5800	1
5809	1, 3
5818	5

The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text for the (E) designation is as follows:

Task 1-Sampling Protocol

A. Petroleum

soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what

extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

With the placement of the (E) designations on the above block and lots, no significant adverse impacts related to hazardous materials are anticipated.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be placed the following properties:

Block	Lot
681	1, 6
714	1, 6
719	6
915	1, 2, 3, 4
919	12, 13, 16

The text for the (E) designations is as follows:

Block 681, Lot 6 (Projected Development Site 1): Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 70 feet for Oil No. 2 from the lot line facing 33rd Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 681, Lot 1 (Projected Development Site 2): Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 60 feet for Oil No. 2 from the lot line facing 32nd Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 714, Lot 6 (Projected Development Site 3): Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 60 feet for Oil No. 2 from the lot line facing 41st Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 714, Lot 1 (Projected Development Site 4): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least at least 60 feet for Oil No. 2 from the lot line facing 40th Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 919, Lot 16 (Projected Development Site 8): Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 60 feet for Oil No. 2 from the lot line facing 7th Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 719, Lot 6 (Potential Development Site F): Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 15 feet for Oil No. 2 from the lot line facing 41st Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 915, Lots 3, 4 (Potential Development Site O): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 40 feet for Oil No. 2 from the lot line facing 40th Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 915, Lots 1, 2 (Potential Development Site P): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least at least 40 for Oil No. 2 from the lot line facing 39th Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 919, Lots 12, 13 (Potential Development Site Q): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 40 feet for Oil No. 2 from the lot line facing 8th Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no significant adverse

impacts related to stationary source air quality are expected.

UNIFORM LAND USE REVIEW

This application (C 090387 ZMK) was certified as complete by the Department of City Planning on April 20, 2009, and was duly referred to Community Board 7 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 text change application (N 090396 ZRK) which was referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 7 held public hearings on this application on May 13, 2009 and on May 16, 2009 and on May 20, 2009, by a vote of 34 to 0 with 1 abstention, adopted a resolution recommending approval of the application with the following conditions:

1. That 4th Avenue be zoned R6A as opposed to R7A in an effort to protect existing affordable housing stock which is concentrated along 4th Avenue, as well as ensure without any doubt, that the view of the harbor will remain unobstructed; and
2. That the City designate the rezoned areas as a Anti-Harassment Special District that will afford additional protections to area residents, especially low-income residents, from landlords seeking to demolish buildings or change the existing use or their property.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on June 22, 2009 approving the application with the following conditions:

1. That the City Council should review anti-harassment measures of Section 23-90 and 93-90 of the Zoning Resolution and The Tenant Protection Act (Local Law 7 of 2008) to determine the best means of protecting the tenants of Sunset Park from harassment that could arise as a result of the threat of displacement that may result from the adoption of this zoning map amendment. The City Council should then take appropriate action to protect tenants in Sunset Park, including possible amendments to Local Law 7;
2. That Community Board 7 and concerned advocates monitor building demolition requests that may result in direct residential displacement along both Fourth and Seventh Avenues in Sunset Park as a means of determining whether targeted downzoning may be

warranted as an appropriate deterrent to prevent direct displacement;

3. That the City should do everything it can to achieve a result where 30 percent of the number of units constructed in the area are affordable, with a significant percentage affordable to very-low income households and that at least fifty percent preference be given to residents of CD7.

City Planning Commission Public Hearing

On June 17, 2009 (Calendar No. 5), the City Planning Commission scheduled July 1, 2009, for a public hearing on this application (C 090387 ZMK). The hearing was duly held on July 1, 2009 (Calendar No. 31) in conjunction with the related application (N 090386 ZRK).

There was 1 speaker in favor of the application and 4 speakers in opposition.

The speaker in favor was a local resident who also represented Friends of Sunset Park, a local volunteer organization. She stated the need in the community for contextual zoning which is being addressed with this rezoning, but also pointed out that the maximum height allowed in the proposed zoning districts along 4th and 5th avenues immediately to the west of Sunset Park were too high.

One local resident whose property is proposed to be rezoned to R6B voiced concern that the rezoning would limit the property's development potential. Another local resident testified against the rezoning, citing his concern about increased gentrification that may arise with this rezoning.

Others in opposition included members of the Committee to Protect Sunset Park and Sunset Park Alliance of Neighbors (SPAN), who stated their concern about displacement of local residents, requested a more thorough environmental review to study possible displacement effects that they felt were not adequately analyzed in the Environmental Assessment Statement, and referred to a petition that had collected signatures in the neighborhood against the rezoning. They asked for more community input and involvement.

There were no other speakers, and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the application for the related action, 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 09-018.

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 of the Zoning Map (C 090387 ZMK), in conjunction with the related application for a zoning text amendment (N 090386 ZRK), is appropriate.

The rezoning proposal was developed in response to the concerns of Community Board 7, the local City Councilmember and various local resident and community groups about new development in the area that was inconsistent with the exiting built character. The Commission notes that the proposal was developed and refined over the last two years by the Department of City Planning through a fully participatory public process and close collaboration with Community Board 7.

The proposed actions would preserve the existing scale of the Sunset Park neighborhood by limiting the height of new development, while also creating incentives for affordable housing through the Inclusionary Housing program along certain major corridors. In addition, the proposed actions would support local retail corridors while protecting the residential character of residential side streets.

The proposed actions would replace existing R6 and C4-3 districts, which do not have height limits and permit residential tower development, with R4A, R4-1, R6B, R6A, C4-3A, and R7A contextual districts with height limits that are more consistent with the existing scale of this neighborhood. These districts would ensure that future residential and commercial development would be more consistent with the exiting built character.

The related zoning text amendment (N 090386 ZRK) would make all proposed R7A districts Inclusionary Housing designated areas, within which FAR bonuses would be available to incentivize the development of affordable housing. Inclusionary Housing designated areas proposed for corridors with transit access and appropriate for more density would also establish height limits and streetwall lineup provisions while creating new housing opportunities in areas that can support modest increases in permitted density. These districts would be mapped along Fourth and Seventh avenues.

The Inclusionary Housing program would maintain height limits for the contextual districts while allowing a floor area bonus of up to 33 percent for developments providing 20 percent affordable housing. The Commission believes this program is an effective tool for promoting affordable housing in conjunction with new developments and investment in rehabilitation and permanent preservation of existing affordable units in an area where city-owned land is limited.

Regarding the Community Board's recommendation that Fourth and Seventh avenues be rezoned to R6A to protect existing affordable housing stock and to protect the views of the harbor from the top of Sunset Park, the Commission believes that the R7A with the Inclusionary Housing program represents an appropriate balance between the interests of neighborhood preservation and the production of affordable housing. The Commission notes that a majority of the housing along Fourth Ave is in rent stabilized buildings which are already afforded protections under rent stabilization rules set forth by the New York State Department of Housing and Community Renewal (DHCR). Both Fourth and Seventh avenues are wide streets well served by mass transit, making development permitted by R7A districts appropriate. It also provides an opportunity to develop much needed affordable housing in new developments.

The Commission notes that the 80 foot height limit along within the proposed R7A district along Fourth Avenue would result in buildings that are in keeping with the general scale of several buildings along Fourth Avenue. In addition, steep grade of the area to the west of Sunset Park, together with the height limit of the proposed R7A district, will continue to allow views of the harbor from the Park.

The Community Board also recommended Sunset Park be rezoned as an Anti-Harassment Special District. The Commission notes that harassment of tenants is illegal; that Local Law 7 of 2008, adopted by the City Council in March 2008, allows tenants facing harassment to seek injunctive relief against and civil penalties from their landlords in Housing Court; and that such Local Law would address the issues raised by this testimony, eliminating the need for the specified provisions as part of the proposed actions.

The Commission acknowledges the Borough President's recommendations, and notes that the Inclusionary Housing program requires eligibility to households earning up to 80 percent of the AMI but can target those earning less. The Commission also notes that for affordable units generated by a combination of the Inclusionary Housing and the Department of Housing Preservation and Development (HPD)-administered programs, there is a community preference for 50 percent of the units.

The Commission notes that the Inclusionary Housing program bonus can also be achieved by preserving existing units as permanently affordable, and that use of this option would also address the housing needs of existing community residents.

With regards to the testimony of the resident of 61st Street who testified in opposition to the proposal, the Commission notes that the proposed R6B zoning district is appropriate for his property, and while the rezoning would result in a slight reduction in buildable floor area on some lots, it would also help preserve the scale and character of the neighborhood.

With regards to the petition that was collected against the rezoning as mentioned by the members of SPAN and Committee to Protect Sunset Park, the Commission notes that the items listed in

the petition are not related to the actions proposed in this rezoning or are being addressed. It specifically mentions the opposition to upzone Eighth Avenue. The Commission notes that Eighth Avenue is not being upzoned; that this rezoning addresses only the commercial overlay along the avenue and leaves the underlying R6 zoning in place. The Commission further notes that the Environmental Assessment Statement prepared for this proposal found no significant adverse impacts that would require preparation of an environmental impact statement

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 200 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, Section Nos. 16b, 16d, 22a, and 22c:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
 - k. a line 150 feet northwesterly of Fourth Avenue, 41st Street, Fourth Avenue, a line midway between 39th Street and 40th Street, a line 150 feet southeasterly of Fourth Avenue, and 42nd Street;
 - l. a line 150 feet northwesterly of Fourth Avenue, 44th Street, a line 150 feet southeasterly of Fourth Avenue, a line midway between 45th Street and 46th Street, Fourth Avenue, and 45th Street;
 - m. a line 150 feet northwesterly of Fourth Avenue, 47th Street, Fourth Avenue, 46th Street, a line 150 feet southeasterly of Fourth Avenue, 61st Street, a line 150 feet northwesterly of Fourth Avenue, 58th Street, Fourth Avenue, and 57th Street;

- n. a line 150 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 150 feet southeasterly of Fifth Avenue, and 41st Street;
 - o. a line 150 feet northwesterly of Fifth Avenue, 43rd Street, Fifth Avenue, 44th Street, a line 150 feet southeasterly of Fifth Avenue and 50th Street;
 - p. a line 150 feet northwesterly of Fifth Avenue, 56th Street, a line 150 feet southeasterly of Fifth Avenue, 59th Street, Fifth Avenue, and 60th Street;
 - q. a line 150 feet northwesterly of Sixth Avenue, a line midway between 48th Street and Sunset Terrace, a line 150 feet southeasterly of Sixth Avenue, a line midway between 54th Street and 55th Street, Sixth Avenue, a line midway between 52nd Street and 53rd Street, a line 150 feet northwesterly of Sixth Avenue, 51st Street, Sixth Avenue, and 50th Street;
 - r. a line 150 feet northwesterly of Sixth Avenue, 56th Street, a line 150 feet southeasterly of Sixth Avenue, and a line midway between 58th Street and 59th Street;
 - s. a line 150 feet northwesterly of Seventh Avenue, 58th Street, a line 150 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, and a line midway between 61st Street and 62nd Street; and
 - t. a line 150 feet northwesterly of Eighth Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, a line 150 feet southeasterly of Eighth Avenue, and a line midway between 60th Street and 61st Street;
2. eliminating from within an existing R6 District a C2-3 District bounded by:
- d. Fourth Avenue, 30th Street, a line 150 feet southeasterly of Fourth Avenue, and 34th Street;
 - e. a line 150 feet northwesterly of Fourth Avenue, 61st Street, a line 150 feet southeasterly of Fourth Avenue, the northeasterly service road of the Gowanus Expressway, Fourth Avenue, 64th Street, a southeasterly boundary line of a Park and its southwesterly prolongation, and a northeasterly boundary line of a Park; and
 - f. a line 150 feet northwesterly of Fifth Avenue, 60th Street, a line 150 feet southeasterly of Fifth Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of Fifth Avenue, and 63rd Street;

3. changing from an R6 District to an R4-1 District property bounded by Gowanus Expressway, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 62nd Street and 63rd Street;
4. changing from an R6 District to an R4A District property bounded by the northwesterly street line of Second Avenue, a line midway between 61st Street and 62nd Street and its northwesterly prolongation, a line 380 feet southeasterly of Second Avenue, 62nd Street, a north westerly service road of the Gowanus Expressway, and a line midway between 62nd Street and 63rd Street and its northwesterly prolongation;
5. changing from an R6 District to an R6A District property bounded by:
 - a. Gowanus Expressway, a line midway between 57th Street and 58th Street, a line 100 feet northwesterly of Fourth Avenue, and 60th Street;
 - b. a line 100 feet northwesterly of Gowanus Expressway, 61st Street, a line 100 feet northwesterly of Fourth Avenue, a line midway between 61st Street and 62nd Street, Gowanus Expressway, a line midway between 62nd and 63rd Street, a line 100 feet northwesterly of Fourth Avenue, Gowanus Expressway, 64th Street, Third Avenue (Northwesterly portion), a north westerly service road of the Gowanus Expressway, and 62nd Street;
 - c. a line 100 feet southeasterly of Fourth Avenue, a line midway between 60th Street and 61st Street, a line 100 feet northwesterly of Fifth Avenue, 57th Street, a line 100 feet southeasterly of Fifth Avenue, 63rd Street, Fifth Avenue, 64th Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 61st Street and 62nd street;
 - d. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fifth Avenue, the northeasterly, northwesterly and southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Fifth Avenue, and 47th Street;
 - e. a line 505 feet northwesterly of Sixth Avenue and its southwesterly prolongation, 40th Street, a line 155 feet northwesterly of Sixth Avenue and its southwesterly prolongation, and the northeasterly boundary line of Sunset Park; and
 - f. a line 100 feet northwesterly of Sixth Avenue and its northeasterly prolongation, the southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Sixth Avenue and its northeasterly prolongation , the northeasterly, northwesterly and southwesterly boundary line of Rainbow Park, a line 100 feet southeasterly of Sixth Avenue, and 61st Street;

6. changing from an R6 District to an R6B District property bounded by:
- a. a line 100 feet southeasterly of Fourth Avenue, a line midway between 28th Street and 29th Street, Fifth Avenue, 35th Street, a line 200 feet northwesterly of Fifth Avenue, a line midway between 37th Street and 38th Street, a line 100 feet southeasterly of Fourth Avenue, 36th Street, Fourth Avenue, and 34th Street;
 - b. Gowanus Expressway, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 57th Street and 58th Street;
 - c. the northwesterly street line of Second Avenue, a line midway between 60th Street and 61st Street and its northwesterly prolongation, a line 350 feet southeasterly of Second Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northwesterly of Third Avenue, 60th Street, a line 100 feet northwesterly of Fourth Avenue, 61st Street, a line 100 feet northwesterly of Third Avenue, 62nd Street, a line 380 feet southeasterly of Second Avenue, and a line midway between 61st Street and 62nd Street and its northwesterly prolongation;
 - d. a line 100 feet southeasterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Fifth Avenue, 50th Street, a line 150 feet northwesterly of Fifth Avenue, 56th Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 60th Street and 61st Street;
 - e. a line 100 feet southeasterly of Fourth Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Fifth Avenue, 64th Street, Fifth Avenue, and the northeasterly service road of Gowanus Expressway;
 - f. a line 100 feet southeasterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Seventh Avenue, the northeasterly boundary line of Sunset Park, a line 155 feet northwesterly of Sixth Avenue and its southwesterly prolongation, 40th Street, a line 505 feet northwesterly of Sixth Avenue and its southwesterly prolongation, and the northeasterly boundary line of Sunset Park;
 - g. a line 100 feet southeasterly of Fifth Avenue, the southwesterly boundary line of Sunset Park, a line 100 feet northwesterly of Sixth Avenue and its northeasterly prolongation, 61st Street, a line 100 feet southeasterly of Sixth Avenue, the southwesterly, northwesterly and northeasterly boundary line of Rainbow Park, a line 100 feet southeasterly of Sixth Avenue and its northeasterly prolongation, the southwesterly boundary line of Sunset Park and its southeasterly prolongation, Seventh Avenue, a line midway between 44th Street and 45th Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 61st Street and 62nd Street,

a line 100 feet northwesterly of Sixth Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of Fifth Avenue, 56th Street, a line 150 feet southeasterly of Fifth Avenue, and 50th Street; and

- h. a line 100 feet southeasterly of Seventh Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, a line 100 feet northwesterly of Eighth Avenue, a line midway between 60th Street and 61st Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 40th Street/ Finlandia Street and 41st Street, a line 325 feet southeasterly of Seventh Avenue, and 40th Street/ Finlandia Street;
7. changing from a C4-3 District to an R6B District property bounded by:
- a. a line 150 feet northwesterly of Fifth Avenue, 50th Street, a line 100 feet northwesterly of Fifth Avenue, and 56th Street; and
 - b. a line 100 feet southeasterly of Fifth Avenue, 50th Street, a line 150 feet southeasterly of Fifth Avenue, and 56th Street;
8. changing from an R6 District to an R7A District property bounded by:
- a. Fourth Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. Fourth Avenue, 36th Street, a line 100 feet southeasterly of Fourth Avenue, and a line midway between 37th Street and 38th Street;
 - c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fourth Avenue, and the north easterly service road of Gowanus Expressway, Fourth Avenue, and Gowanus Expressway; and
 - d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Seventh Avenue, 40th Street/ Finlandia Street, a line 325 feet southeasterly of Seventh Avenue, a line midway between 40th Street/ Finlandia Street and 41st Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 44th Street and 45th Street, Seventh Avenue, the southeasterly prolongation of the southwesterly boundary line of Sunset Park, and the southeasterly and northeasterly boundary line of Sunset Park;
9. changing from an R6 District to a C4-3A District property bounded by:

- a. a line 100 feet northwesterly of Fifth Avenue, 47th Street, a line 100 feet southeasterly of Fifth Avenue, and 50th Street; and
 - b. a line 100 feet northwesterly of Fifth Avenue, 56th Street, a line 100 feet southeasterly of Fifth Avenue and 57th Street;
10. changing from a C4-3 District to an C4-3A District property bounded by a line 100 feet northwesterly of Fifth Avenue, 50th Street, a line 100 feet southeasterly of Fifth Avenue, and 56th Street;
11. establishing within an existing R6 District a C2-4 District bounded by a line 100 feet northwesterly of Eighth Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, Eighth Avenue, and a line midway between 60th Street and 61st Street;
12. establishing within a proposed R6A District a C2-4 District bounded by:
- i. a line 100 feet northwesterly of Third Avenue, 61st Street, Third Avenue, and 62nd Street;
 - j. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fifth Avenue, the northeasterly, northwesterly and southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Fifth Avenue, and 47th Street;
 - k. a line 100 feet northwesterly of Fifth Avenue, 57th Street, a line 100 feet southeasterly of Fifth Avenue, 59th Street, Fifth Avenue, 60th Street, a line 100 feet southeasterly of Fifth Avenue, 63rd Street, Fifth Avenue, and 64th Street;
 - l. Sixth Avenue, 50th Street, a line 100 feet southeasterly of Sixth Avenue and 51st Street;
 - m. a line 100 feet northwesterly of Sixth Avenue, 51st Street, Sixth Avenue, 52nd Street, a line 100 feet southeasterly of Sixth Avenue, 53rd Street, Sixth Avenue, and a line midway between 52nd Street and 53rd Street;
 - n. a line 100 feet northwesterly of Sixth Avenue, 56th Street, Sixth Avenue, and 57th Street;
 - o. Sixth Avenue, 57th Street, a line 100 feet southeasterly of Sixth Avenue, and 58th Street; and
 - p. a line 100 feet northwesterly of Sixth Avenue, 58th Street, Sixth Avenue, and a line midway between 58th Street and 59th Street;

13. establishing within a proposed R7A a C2-4 District bounded by:
 - a. Fourth Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. Fourth Avenue, 36th Street, a line 100 feet southeasterly of Fourth Avenue, and 37th Street;
 - c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fourth Avenue, the northeasterly service road of Gowanus Expressway, Fourth Avenue, and 64th Street; and
 - d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 45th Street and 46th Street, Seventh Avenue, Sunset Terrace, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, and a line midway between 61st Street and 62nd Street;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated April 20, 2009, and which includes CEQR Designation E-236.

The above resolution (C 090387 ZMK), duly adopted by the City Planning Commission on August 5, 2009 (Calendar No. 11), 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, RAYANNE BESSER, IRWIN G. CANTOR, P.E.,
ANGELA R.CAVALUZZI, AIA, ALFRED C. CERULLO, III, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners