



## Legislation Details (With Text)

<b>File #:</b>	Res 2205-2009	<b>Version:</b>	*	<b>Name:</b>	LU 1191 - ULURP, Sunset Park Rezoning, Brooklyn (C090387ZMK)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Adopted:</b>	Adopted
		<b>In control:</b>		<b>Committee on Land Use:</b>	Committee on Land Use
<b>On agenda:</b>	9/30/2009				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving the decision of the City Planning Commission on ULURP No. C 090387 ZMK, a Zoning Map amendment (L.U. No. 1191).				
<b>Sponsors:</b>	Melinda R. Katz				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Committee Report, 2. Hearing Transcript - Stated Meeting 9/30/09				

Date	Ver.	Action By	Action	Result
9/24/2009	*	Committee on Land Use	Approved by Committee	
9/30/2009	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2205

Resolution approving the decision of the City Planning Commission on ULURP No. C 090387 ZMK, a Zoning Map amendment (L.U. No. 1191).

By Council Member Katz

WHEREAS, the City Planning Commission filed with the Council on August 12, 2009 its decision dated August 5, 2009 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 090387 ZMK) 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 (the "Application");

WHEREAS, the Application is related to Application Number N 090386 ZRK (L.U. No. 1190), a 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;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 22, 2009;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on April 20, 2009, which included (E) designations for hazardous materials and air quality (CEQR No. 09DCP075K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the Decision.

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:
  - a. a line 150 feet northwesterly of Fourth Avenue, 41<sup>st</sup> Street, Fourth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, a line 150 feet southeasterly of Fourth Avenue, and 42<sup>nd</sup> Street;
  - b. a line 150 feet northwesterly of Fourth Avenue, 44<sup>th</sup> Street, a line 150 feet southeasterly of Fourth Avenue, a line midway between 45<sup>th</sup> Street and 46<sup>th</sup> Street, Fourth Avenue, and 45<sup>th</sup> Street;
  - c. a line 150 feet northwesterly of Fourth Avenue, 47<sup>th</sup> Street, Fourth Avenue, 46<sup>th</sup> Street, a line 150 feet southeasterly of Fourth Avenue, 61<sup>st</sup> Street, a line 150 feet northwesterly of Fourth Avenue, 58<sup>th</sup> Street, Fourth Avenue, and 57<sup>th</sup> Street;
  - d. a line 150 feet northwesterly of Fifth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, a line 150 feet southeasterly of Fifth Avenue, and 41<sup>st</sup> Street;
  - e. a line 150 feet northwesterly of Fifth Avenue, 43<sup>rd</sup> Street, Fifth Avenue, 44<sup>th</sup> Street, a line 150 feet southeasterly of Fifth Avenue and 50<sup>th</sup> Street;
  - f. a line 150 feet northwesterly of Fifth Avenue, 56<sup>th</sup> Street, a line 150 feet southeasterly of Fifth

Avenue, 59<sup>th</sup> Street, Fifth Avenue, and 60<sup>th</sup> Street;

g. a line 150 feet northwesterly of Sixth Avenue, a line midway between 48<sup>th</sup> Street and Sunset Terrace, a line 150 feet southeasterly of Sixth Avenue, a line midway between 54<sup>th</sup> Street and 55<sup>th</sup> Street, Sixth Avenue, a line midway between 52<sup>nd</sup> Street and 53<sup>rd</sup> Street, a line 150 feet northwesterly of Sixth Avenue, 51<sup>st</sup> Street, Sixth Avenue, and 50<sup>th</sup> Street;

h. a line 150 feet northwesterly of Sixth Avenue, 56<sup>th</sup> Street, a line 150 feet southeasterly of Sixth Avenue, and a line midway between 58<sup>th</sup> Street and 59<sup>th</sup> Street;

i. a line 150 feet northwesterly of Seventh Avenue, 58<sup>th</sup> Street, a line 150 feet southeasterly of Seventh Avenue, a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street, Seventh Avenue, and a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> Street; and

j. a line 150 feet northwesterly of Eighth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street/ Finlandia Street, a line 150 feet southeasterly of Eighth Avenue, and a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street;

2. eliminating from within an existing R6 District a C2-3 District bounded by:

a. Fourth Avenue, 30<sup>th</sup> Street, a line 150 feet southeasterly of Fourth Avenue, and 34<sup>th</sup> Street;

b. a line 150 feet northwesterly of Fourth Avenue, 61<sup>st</sup> Street, a line 150 feet southeasterly of Fourth Avenue, the northeasterly service road of the Gowanus Expressway, Fourth Avenue, 64<sup>th</sup> 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, 60<sup>th</sup> Street, a line 150 feet southeasterly of Fifth Avenue, a line midway between 62<sup>nd</sup> Street and 63<sup>rd</sup> Street, a line 100 feet southeasterly of Fifth Avenue, and 63<sup>rd</sup> Street;

3. changing from an R6 District to an R4-1 District property bounded by Gowanus Expressway, a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> Street, a line 100 feet northwesterly of Fourth Avenue, and a line

midway between 62<sup>nd</sup> Street and 63<sup>rd</sup> 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 61<sup>st</sup> Street and 62<sup>nd</sup> Street and its northwesterly prolongation, a line 380 feet southeasterly of Second Avenue, 62<sup>nd</sup> Street, a north westerly service road of the Gowanus Expressway, and a line midway between 62<sup>nd</sup> Street and 63<sup>rd</sup> 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 57<sup>th</sup> Street and 58<sup>th</sup> Street, a line 100 feet northwesterly of Fourth Avenue, and 60<sup>th</sup> Street;
  - b. a line 100 feet northwesterly of Gowanus Expressway, 61<sup>st</sup> Street, a line 100 feet northwesterly of Fourth Avenue, a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> Street, Gowanus Expressway, a line midway between 62<sup>nd</sup> and 63<sup>rd</sup> Street, a line 100 feet northwesterly of Fourth Avenue, Gowanus Expressway, 64<sup>th</sup> Street, Third Avenue (Northwesterly portion), a north westerly service road of the Gowanus Expressway, and 62<sup>nd</sup> Street;
  - c. a line 100 feet southeasterly of Fourth Avenue, a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street, a line 100 feet northwesterly of Fifth Avenue, 57<sup>th</sup> Street, a line 100 feet southeasterly of Fifth Avenue, 63<sup>rd</sup> Street, Fifth Avenue, 64<sup>th</sup> Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> street;
  - d. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> 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 47<sup>th</sup> Street;
  - e. a line 505 feet northwesterly of Sixth Avenue and its southwesterly prolongation, 40<sup>th</sup> 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 61<sup>st</sup> 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 28<sup>th</sup> Street and 29<sup>th</sup> Street, Fifth Avenue, 35<sup>th</sup> Street, a line 200 feet northwesterly of Fifth Avenue, a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street, a line 100 feet southeasterly of Fourth Avenue, 36<sup>th</sup> Street, Fourth Avenue, and 34<sup>th</sup> Street;
  - b. Gowanus Expressway, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 57<sup>th</sup> Street and 58<sup>th</sup> Street;
  - c. the northwesterly street line of Second Avenue, a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street and its northwesterly prolongation, a line 350 feet southeasterly of Second Avenue, a line midway between 59<sup>th</sup> Street and 60<sup>th</sup> Street, a line 100 feet northwesterly of Third Avenue, 60<sup>th</sup> Street, a line 100 feet northwesterly of Fourth Avenue, 61<sup>st</sup> Street, a line 100 feet northwesterly of Third Avenue, 62<sup>nd</sup> Street, a line 380 feet southeasterly of Second Avenue, and a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> Street and its northwesterly prolongation;
  - d. a line 100 feet southeasterly of Fourth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, a line 100 feet northwesterly of Fifth Avenue, 50<sup>th</sup> Street, a line 150 feet northwesterly of Fifth Avenue, 56<sup>th</sup> Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street;
  - e. a line 100 feet southeasterly of Fourth Avenue, a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> Street, a line 100 feet northwesterly of Fifth Avenue, 64<sup>th</sup> Street, Fifth Avenue, and the northeasterly service road of Gowanus Expressway;
  - f. a line 100 feet southeasterly of Fifth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> 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, 40<sup>th</sup> 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, 61<sup>st</sup> 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 44<sup>th</sup> Street and 45<sup>th</sup> Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> Street, a line 100 feet northwesterly of Sixth Avenue, a line midway between 62<sup>nd</sup> Street and 63<sup>rd</sup> Street, a line 100 feet southeasterly of Fifth Avenue, 56<sup>th</sup> Street, a line 150 feet southeasterly of Fifth Avenue, and 50<sup>th</sup> Street; and

- h. a line 100 feet southeasterly of Seventh Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street/ Finlandia Street, a line 100 feet northwesterly of Eighth Avenue, a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 40<sup>th</sup> Street/ Finlandia Street and 41<sup>st</sup> Street, a line 325 feet southeasterly of Seventh Avenue, and 40<sup>th</sup> 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, 50<sup>th</sup> Street, a line 100 feet northwesterly of Fifth Avenue, and 56<sup>th</sup> Street; and
- b. a line 100 feet southeasterly of Fifth Avenue, 50<sup>th</sup> Street, a line 150 feet southeasterly of Fifth Avenue, and 56<sup>th</sup> Street;

- 8. changing from an R6 District to an R7A District property bounded by:

- a. Fourth Avenue, a line midway between 28<sup>th</sup> Street and 29<sup>th</sup> Street, a line 100 feet southeasterly of Fourth Avenue, and 34<sup>th</sup> Street;
- b. Fourth Avenue, 36<sup>th</sup> Street, a line 100 feet southeasterly of Fourth Avenue, and a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street;
- c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup>

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 39<sup>th</sup> Street and 40<sup>th</sup> Street, a line 100 feet southeasterly of Seventh Avenue, 40<sup>th</sup> Street/ Finlandia Street, a line 325 feet southeasterly of Seventh Avenue, a line midway between 40<sup>th</sup> Street/ Finlandia Street and 41<sup>st</sup> Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street, Seventh Avenue, a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 44<sup>th</sup> Street and 45<sup>th</sup> 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, 47<sup>th</sup> Street, a line 100 feet southeasterly of Fifth Avenue, and 50<sup>th</sup> Street; and
  - b. a line 100 feet northwesterly of Fifth Avenue, 56<sup>th</sup> Street, a line 100 feet southeasterly of Fifth Avenue and 57<sup>th</sup> Street;
10. changing from a C4-3 District to an C4-3A District property bounded by a line 100 feet northwesterly of Fifth Avenue, 50<sup>th</sup> Street, a line 100 feet southeasterly of Fifth Avenue, and 56<sup>th</sup> 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 39<sup>th</sup> Street and 40<sup>th</sup> Street/ Finlandia Street, Eighth Avenue, and a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street;
12. establishing within a proposed R6A District a C2-4 District bounded by:
- a. a line 100 feet northwesterly of Third Avenue, 61<sup>st</sup> Street, Third Avenue, and 62<sup>nd</sup> Street;
  - b. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> 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 47<sup>th</sup> Street;

- c. a line 100 feet northwesterly of Fifth Avenue, 57<sup>th</sup> Street, a line 100 feet southeasterly of Fifth Avenue, 59<sup>th</sup> Street, Fifth Avenue, 60<sup>th</sup> Street, a line 100 feet southeasterly of Fifth Avenue, 63<sup>rd</sup> Street, Fifth Avenue, and 64<sup>th</sup> Street;
- d. Sixth Avenue, 50<sup>th</sup> Street, a line 100 feet southeasterly of Sixth Avenue and 51<sup>st</sup> Street;
- e. a line 100 feet northwesterly of Sixth Avenue, 51<sup>st</sup> Street, Sixth Avenue, 52<sup>nd</sup> Street, a line 100 feet southeasterly of Sixth Avenue, 53<sup>rd</sup> Street, Sixth Avenue, and a line midway between 52<sup>nd</sup> Street and 53<sup>rd</sup> Street;
- f. a line 100 feet northwesterly of Sixth Avenue, 56<sup>th</sup> Street, Sixth Avenue, and 57<sup>th</sup> Street;
- g. Sixth Avenue, 57<sup>th</sup> Street, a line 100 feet southeasterly of Sixth Avenue, and 58<sup>th</sup> Street; and
- h. a line 100 feet northwesterly of Sixth Avenue, 58<sup>th</sup> Street, Sixth Avenue, and a line midway between 58<sup>th</sup> Street and 59<sup>th</sup> Street;

13. establishing within a proposed R7A a C2-4 District bounded by:

- a. Fourth Avenue, a line midway between 28<sup>th</sup> Street and 29<sup>th</sup> Street, a line 100 feet southeasterly of Fourth Avenue, and 34<sup>th</sup> Street;
- b. Fourth Avenue, 36<sup>th</sup> Street, a line 100 feet southeasterly of Fourth Avenue, and 37<sup>th</sup> Street;
- c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, a line 100 feet southeasterly of Fourth Avenue, the northeasterly service road of Gowanus Expressway, Fourth Avenue, and 64<sup>th</sup> Street; and



d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 45<sup>th</sup> Street and 46<sup>th</sup> Street, Seventh Avenue, Sunset Terrace, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60<sup>th</sup> Street and 61<sup>st</sup> Street, Seventh Avenue, and a line midway between 61<sup>st</sup> Street and 62<sup>nd</sup> Street;

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

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on September 30, 2009, on file in this office.

City Clerk, Clerk of The Council