



## Legislation Details (With Text)

<b>File #:</b>	Res 0404-2010	<b>Version:</b>	*	<b>Name:</b>	LU 133 - ULURP, Special Permit (C100188ZSK)
<b>Type:</b>	Resolution	<b>Status:</b>	Adopted	<b>In control:</b>	Committee on Land Use
<b>On agenda:</b>	6/29/2010				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100188 ZSK (L.U. No. 133), for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-42 (Location within Buildings), in connection with a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet westerly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2- 4, R8/C2-4 and C6-2 Districts, within a General Large-Scale Development, Borough of Brooklyn.				
<b>Sponsors:</b>	Leroy G. Comrie, Jr., Mark S. Weprin				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Committee Report, 2. Hearing Transcript - Stated Meeting 7/29/10				

Date	Ver.	Action By	Action	Result
6/29/2010	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
7/29/2010	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 404

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100188 ZSK (L.U. No. 133), for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-42 (Location within Buildings), in connection with a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3<sup>rd</sup> Street, a line 100 feet westerly of Wythe Avenue, South 4<sup>th</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a General Large-Scale Development, Borough of Brooklyn.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on June 7, 2010 its decision dated June 7, 2010 (the "Decision"), on the application submitted by The Refinery LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-42 (Location within Buildings), in connection with a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3<sup>rd</sup> Street, a line 100 feet westerly of Wythe Avenue, South 4<sup>th</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its

northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a General Large-Scale Development (ULURP No. C 100188 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 100185 ZMK (L.U. No. 130), a zoning map amendment to replace an M3-1 district with C6-2 districts and with R6 and R8 districts with C2-4 commercial overlays; N 100186 ZRK (L.U. No. 131), a zoning text amendment relating to the Inclusionary Housing Program and regulations for non-conforming advertising signs; and C 100187 ZSK (L.U. No. 132), a special permit pursuant to Zoning Resolution Section 74-743 to modify height and bulk regulations as part of a general large-scale development;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-744 (b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 21, 2010;

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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on May 28, 2010 (CEQR No. 07DCP094K), together with the Technical Memorandum, dated June 4, 2010;

**RESOLVED:**

Having considered the FEIS, together with the Technical Memorandum, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration known as Exhibit A and incorporated by reference herein, those mitigation measures that were identified as practicable.
- (4) The Decision and the FEIS together with the Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and

Application, the Technical Memorandum dated June 4, 2010, and based on the environmental determination and consideration described in this report, C 100188 ZSK, incorporated by reference herein, the Council approves the Decision with the following modifications that shall reduce the height of the tallest segment on Zoning Lot A Site B and on Zoning Lot A Site C to 34 stories, restore the height of the segments in Zoning Lot A, Site A to their original heights.

Matter in [brackets] is old, to be deleted by the Council;  
Matter double-underlined is new, to be added by the Council.

The property that is the subject of this application (C 100188 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rafael Vinoly Architects PC, filed with this application and incorporated in this resolution:

<b><u>Number</u></b>	<b><u>Title</u></b>	<b><u>Date Last Revised</u></b>
T-1	Title Sheet	06-07-10
Z00-2	Zoning Lot Calculations, Actions, and Design Guidelines	[06-07-10] <u>06-29-10</u>
Z00-3	Upland/Seaward Lot Calculations	12-24-09
<a href="#">Z00-4</a>	<a href="#">Sub-Division Plan</a>	<a href="#">12-24-09</a>
Z01-1	Site Plan	[06-07-10] <u>06-29-10</u>
<a href="#">Z02-B1</a>	<a href="#">Illustrative Basement Plan</a>	<a href="#">06-07-10</a>
<a href="#">Z02-1</a>	<a href="#">Illustrative Ground Floor Plan</a>	<a href="#">12-24-09</a>
Z05-A	Zoning Lot A Site A - Adjusted Base Plane Calculations	12-24-09
Z05-B	Zoning Lot A Site A - Site Plan	[06-07-10] <u>06-29-10</u>
Z05-C	Zoning Lot A Site A - Height and Setback Diagrams	[06-07-10] <u>06-29-10</u>
Z06-A	Zoning Lot A Site B - Adjusted Base Plane Calculations	12-24-09
Z06-B	Zoning Lot A Site B - Site Plan	[12-24-09] <u>06-29-10</u>
Z06-C	Zoning Lot A Site B - Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z07-A	Zoning Lot A Site C - Adjusted Base Plane Calculations	12-24-09
Z07-B	Zoning Lot A Site C - Site Plan	[12-24-09] <u>06-29-10</u>
Z07-C	Zoning Lot A Site C - Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z08-A	Zoning Lot A Site D - Adjusted Base Plane Calculations	12-24-09
Z08-B	Zoning Lot A Site D - Site Plan	[12-24-09] <u>06-29-10</u>
Z08-C	Zoning Lot A Site D - Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>
Z09-A	Zoning Lot C Site A - Adjusted Base Plane Calculations	12-24-09
Z09-B	Zoning Lot C Site A - Site Plan	[12-24-09] <u>06-29-10</u>
Z09-C	Zoning Lot C Site A - Height and Setback Diagrams	[12-24-09] <u>06-29-10</u>

Z10-A	Zoning Lot B Site A - Adjusted Base Plane Calculations	12-24-09
Z10-B	Zoning Lot B Site A - Site Plan	12-24-09
Z10-C	Zoning Lot B Site A - Height and Setback Diagrams	12-24-09
Z11-1	Special Permit Drawing - Site A	[06-07-10] <u>06-29-10</u>

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 July 29, 2010, on file in this office.

City Clerk, Clerk of The Council