



Legislation Details (With Text)

**File #:** Res 0606-2018      **Version:** \*      **Name:** LU 248 - Zoning, 3901 9TH Avenue Rezoning, Brooklyn (C 180186 ZMK)

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 10/31/2018

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 180186 ZMK, a Zoning Map amendment (L.U. No. 248).

**Sponsors:** Rafael Salamanca, Jr., Francisco P. Moya

**Indexes:**

**Attachments:** 1. Resolution, 2. Land Use Calendar - Week of October 1, 2018 - October 5, 2018, 3. Hearing Testimony - Zoning 10-03-18, 4. October 17, 2018 - Stated Meeting Agenda with Links to Files, 5. Land Use Calendar - Week of October 22, 2018 - October 26, 2018, 6. Land Use Calendar - October 24, 2018, 7. October 31, 2018 - Stated Meeting Agenda with Links to Files, 8. Hearing Transcript - Stated Meeting 10-31-18, 9. Minutes of the Stated Meeting - October 31, 2018, 10. Committee Report

Date	Ver.	Action By	Action	Result
10/24/2018	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
10/31/2018	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 606**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180186 ZMK, a Zoning Map amendment (L.U. No. 248).**

**By Council Members Salamanca and Moya**

WHEREAS, the City Planning Commission filed with the Council on September 26, 2018 its decision dated September 28, 2018 (the "Decision"), on the application submitted by the 39 Group, Inc, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 22c, changing from an M1-2 District to an R7A District and establishing a C2-4 District within the proposed R7A District, which in conjunction with the related action would facilitate the development of a new six-story mixed-use building containing approximately 40 residential units, including 10 permanently affordable units, and ground floor retail, in the Borough Park neighborhood of Brooklyn Community District 12, (ULURP No. C 180186 ZMK), Community District 12, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 180187 ZRK (Pre. L.U. No. 249), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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 October 3, 2018;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued May 7, 2018 (CEQR No. 18DCP107K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise and would apply to the sites Block 5583, Lot 6 (Projected Development Site 1), Block 5583, Lots 12, 13, and 15 (Projected Development Site 2), and Block 5583, Lots 16 and 17 (Projected Development Site 3) (E-479) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180186 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22c:

1. changing from an M1-2 District to an R7A District property bounded by 39<sup>th</sup> Street, New Utrecht Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, and 9<sup>th</sup> Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by 39<sup>th</sup> Street, New Utrecht Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, and 9<sup>th</sup> Avenue;

as shown on a diagram (for illustrative purposes only) dated May 7, 2018, and subject to the conditions of CEQR Declaration E-479, Community District 12, 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 October 31, 2018, on file in this office.

City Clerk, Clerk of The Council