



## Legislation Details (With Text)

**File #:** Res 0523-2010      **Version:** \*      **Name:** LU 178 - Zoning, Changes in Zoning Resolution (N100346ZRK)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 10/13/2010

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

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 100346 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Chapter 3 (Special Mixed Use Districts), relating to the establishment of a new Special Mixed Use District in Brooklyn's Community District 12, Borough of Brooklyn (L.U. No. 178).

**Sponsors:** Leroy G. Comrie, Jr., Mark S. Weprin

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 10-27-10

Date	Ver.	Action By	Action	Result
10/7/2010	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
10/27/2010	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 523

Resolution approving the decision of the City Planning Commission on Application No. N 100346 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Chapter 3 (Special Mixed Use Districts), relating to the establishment of a new Special Mixed Use District in Brooklyn's Community District 12, Borough of Brooklyn (L.U. No. 178).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 31, 2010 its decision dated August 25, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York to establish a Special Mixed Use District (MX- 12) within a portion of the proposed Culver El Rezoning area, generally bounded by; 36<sup>th</sup> Street, Old New Utrecht Road, 14<sup>th</sup> Avenue, 40<sup>th</sup> Street, and 12<sup>th</sup> Avenue, within Brooklyn's Community District 12 (Application No. N 100346 ZRK), Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100345 ZMK (L.U. No. 177), an amendment to the Zoning Map Section No. 22c, changing existing M1-2 and M2-1 Districts to (MX) M1-2/R6A, (MX) M1-2/R6B, R5, R5/C2-3 and C2-4A Districts in an area bounded by 36<sup>th</sup> Street on the north, Old New Utrecht Road and 14<sup>th</sup> Avenue on the east, 40<sup>th</sup> Street on the south, and 1 2<sup>th</sup> Avenue on the west; C 100347 HAK (L.U. No. 179), an application submitted by the Department of Housing Preservation and Development (HPD) for the designation of the property located at 1248 37<sup>th</sup> Street (Block 5295, Lot 4) and 1300 37<sup>th</sup> Street (Block 5300, Lot9) as an Urban Development Action Area Project, and for the disposition of

such property to a developer selected by HPD to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing and approximately 48 spaces of accessory community facility parking; C 100348 ZSK - C 100361 ZSK (L.U. Nos. 180 - 193), applications submitted by the Department of Housing Preservation and Development for grants of 14 special permits pursuant to Section 74-681 of the Zoning Resolution of the City of New York to allow portions of a railroad or transit right-of-way, which has been permanently discontinued or terminated, to be included in the lot area in connection with the development of seventeen, 4-story residential buildings, and three accessory community facility parking lots on property located on Block 5300, Lot 9 and Block 5295, Lot 4;

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 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 Negative Declaration, issued on May 10, 2010, which included (E) designations to avoid the potential for hazardous materials, air quality and noise impacts (E-252), (CEQR No. 10DCP029K);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on private (i.e., not city-owned) properties.

Pursuant to Sections 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 this report, N 100346 ZRK, incorporated by reference herein, 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 as follows:

Matter in underline is new, to be added;

Matter in **strikeout** is to be deleted;

Matter with # # is defined in Section 12-10 (DEFINITIONS);

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\*      \*\*

## Special Mixed Use Districts Specified

The #Special Mixed Use District# is mapped in the following areas:

\* \*\*

#Special Mixed Use District# - 1

Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

\* \*\*

#Special Mixed Use District# - 12

Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

\* \*\*

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 27, 2010, on file in this office.

.....  
City Clerk, Clerk of The Council