Legislation Details (With Text)

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Title:	Resolution approving the decision of the City Planning Commission on ULURP No. C 110058 ZMK, a Zoning Map amendment (L.U. No. 451).				
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Attachments:	1. Committee Report, 2. Hearing Transcript - Stated Meeting 9-8-11				

Date	Ver.	Action By	Action	Result
9/7/2011	*	Committee on Land Use	Approved by Committee	
9/8/2011	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1011

Resolution approving the decision of the City Planning Commission on ULURP No. C 110058 ZMK, a Zoning Map amendment (L.U. No. 451).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 12, 2011 its decision dated August 10, 2011 (the "Decision"), on the application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change an R6A District to an R7-3 and R7-3/C2-4 District on property generally bounded by West 35th Street, The Riegelmann Boardwalk, West 37th Street and Surf Avenue, in the Coney Island section of Brooklyn. To facilitate Ocean Dreams, a mixed- use development with 415 units of market-rate housing, up to 24,750 square feet of commercial floor area and 418 parking spaces on two blocks within the rezoning area (ULURP No. C 110058 ZMK), Community District 13 (the "Application");

WHEREAS, the Application is related to Applications Nos. C 110059 ZSK (L.U. No. 452), special permit pursuant to Section 62-836 of the Zoning Resolution (ZR) to modify the lot coverage requirements of Section 62-322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110060(A) ZSK (L.U. No. 453), special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322, height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341, and the rear yard requirements of Section 23-44; C 110061 ZSK (L.U. No. 454), special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 within a Large-Scale General Development; C 110062(A) ZSK (L.U. No. 455), special permit pursuant to Section 74-744 of the Zoning Resolution to modify the use requirements of Section 32-42 1 to allow commercial uses on portions of

the 2nd and 3rd floor of a proposed mixed-use development within a Large-Scale General Development;

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 6, 2011;

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 Technical Memorandum which concluded that the modified action would not alter the conditions and a Revised Conditional Negative Declaration was issued on August 8, 2011 (CEQR No. 10DCP038K);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to the applicant executing the revised conditional negative declaration as described in City Planning Commission's Report C 110058 ZMK.

> The applicant agrees via a restrictive declaration recorded against the subject property on April 14, 2005 (CRFN 2005000214806) in connection with the previously-approved Surf Avenue Rezoning (CEQR No. 03DCP065K) to prepare a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the New York City Department of Environmental Protection (DEP) for approval. The declaration establishes a covenant that runs with the land to test and identify any potential hazardous material impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous materials remediation plan including a health and safety plan to DEP for approval, prior to any ground disturbance (i.e., site grading, excavation, demolition, or building construction). If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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, C 110058 ZMK, 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 by changing the Zoning Map, Section Nos. 28b and 28d:

1. changing from an R6A District to an R7-3 District property bounded by Surf Avenue, West 35th Street, the northerly boundary line of Coney Island Beach, and a line 140 feet westerly of West 36th Street; and

2. establishing within a proposed R7-3 District an C2-4 District bounded by Surf Avenue, West 35th Street, the northerly boundary line of Coney Island Beach, West 36th Street, a line 100 feet southerly of Surf Avenue, and a line 140 feet westerly of West 36th Street;

as shown on a diagram (for illustrative purposes only) dated March 28, 2011, and subject to the conditions of CEQR Declaration E-274.

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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 8, 2011, on file in this office.

City Clerk, Clerk of The Council