



Legislation Text

File #: Res 0402-2010, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 402

Resolution approving the decision of the City Planning Commission on Application No. N 100186 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Section 23-953 (Special floor area compensation provisions in specified areas), Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), Section 62-352 (Inclusionary Housing), Section 52-83 (Non-Conforming Advertising Signs), and Appendix F (Inclusionary Housing Designated Areas) relating to the Inclusionary Housing Program and advertising signs on landmark buildings that are part of general large scale developments in the Borough of Brooklyn (L.U. No. 131).

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"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by The Refinery LLC, Inc., for an amendment of the Zoning Resolution of the City of New York to allow the Inclusionary Housing Program to be used in proposed R6, R8, and commercial equivalent districts to facilitate a 2.75 million-square-foot mixed use general large-scale development located at 264-350 and 317-329 Kent Avenue, in Community District 1 (Application No. N 100185 ZRK), Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to 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; 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; and C 100188 ZSK (L.U. No. 133), a special permit pursuant to Zoning Resolution Section 74-744 to modify use 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)(1) of the City Charter;

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, dated June 4, 2010, 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, and Technical Memorandum dated June 4, 2010, and based on the environmental determination and consideration described in this report, N 100186 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:

23-953

Special floor area compensation provisions in specified areas

* * *

- (b) Special provisions apply to #compensated zoning lots#:

- (1) Within R6, R7-3, and R8 Districts and equivalent #Commercial Districts# on #waterfront blocks# in #Inclusionary Housing designated areas# ~~Waterfront Access Plan BK 1 and R7 3 Districts~~ within Community District 1, Borough of Brooklyn, as set forth in Section 62-352.

62-35

Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

On #waterfront blocks# in #Inclusionary Housing designated areas# ~~R7 3 Districts~~ in Community District 1, Borough of Brooklyn, and ~~within Waterfront Access Plan BK 1~~, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

* * *

62-352

Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING) shall apply in ~~R7 3 Districts~~ #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, ~~and in R6 and R8 Districts within Waterfront Access Plan BK-1,~~ as modified in this Section.

* * *

APPENDIX F

INCLUSIONARY HOUSING DESIGNATED AREAS

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #Residence Districts#.

* * *

Brooklyn, Community District 1

In Waterfront Access Plan BK-1, ~~as set forth in Section 62 352,~~ and in the R6, R6A, R6B, R7A, ~~and R7-3 and R8~~ Districts within the areas shown on the following Maps 1, 2 and 3:

* * *

Map 2 (3/06/06)



EXISTING (TO BE DELETED)
Portion Of Community District 1, Brooklyn

Map 2 (x/xx/xx)



PROPOSED
Portion of Community District 1, Brooklyn

* * *

ARTICLE V

Non-Conforming Uses and Non-Complying Buildings

* * *

52-83 Non-Conforming Advertising Signs

In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided

in Sections 3 2-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) or 42-55, any #non-conforming advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

- (a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;
- (b) an increase in the #surface area# of such #sign#; or
- (c) an increase in the degree of illumination of such #sign#.

However, in Community District 1 in the Borough of Brooklyn, a #non-conforming advertising sign# may be structurally altered, reconstructed or replaced in a different location, and may create a new #non-conformity# or #non-compliance#, or an increase in the degree of #nonconformity# or non-#compliance#, provided such #sign# is reconstructed pursuant to a Certificate of Appropriateness from the Landmarks Preservation Commission, is located on a landmark #building# that is part of a #general large scale development#, and there is no increase in the #surface area# or degree of illumination of such #sign#. Furthermore, the discontinuance provisions of Section 52-6 1 shall not apply to such #sign# provided such #sign# is reconstructed on the landmark #building# prior to the issuance of a temporary certificate of occupancy for any #use# within such #building#.

No #sign# that exceeds or is otherwise in violation of any illumination standard established by rule of the Department of Buildings shall be #non-conforming# as to such illumination standard one year after such rule becomes effective.

To the extent that such structural alteration, reconstruction or replacement of #non-conforming advertising signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

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.

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City Clerk, Clerk of The Council