



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 401

Resolution approving the decision of the City Planning Commission on ULURP No. C 100185 ZMK, a Zoning Map amendment (L.U. No. 130).

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 an amendment of the Zoning Map to change an M3-1 district to R6 and R8 districts with a C2-4 commercial overlay, and to C6-2 districts to facilitate a 2.75 million-square-foot general large-scale development located at 264-350 and 3 17-329 Kent Avenue (ULURP No. C 100185 ZMK) (the "Application");

WHEREAS, the Application is related to Applications Numbers N 100186 ZRK (L.U. No. 131), a zoning text amendment relating to the Inclusionary Housing Program and regulations for non-conforming advertising signs; 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, C 100185 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, Sections 12c and 12d:

1. changing from an M3 -1 District to an R6 District property bounded by South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street and Kent Avenue;
2. changing from an M3-1 District to an R8 District property bounded by the northwesterly centerline prolongation of South 1st Street, Kent Avenue, the northwesterly centerline prolongation of South 2nd Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, Kent Avenue, South 5th Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;
3. changing from an M3-1 District to a C6-2 District property bound by:
 - a. Grand Street and its northwesterly centerline prolongation, Kent Avenue, the northwesterly centerline prolongation of South 1st Street, and the U.S. Pierhead Line; and
 - b. the northwesterly centerline prolongation of South 2nd Street, Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, and a line 235 feet northwesterly of Kent Avenue;
4. establishing within a proposed R6 District a C2-4 District bounded by South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street and Kent Avenue; and
5. establishing within a proposed R8 District a C2-4 District bounded by the northwesterly centerline prolongation of South 1st Street, Kent Avenue, the northwesterly centerline prolongation of South 2nd Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, Kent Avenue, South 5th Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010, Community District 1, 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 July 29, 2010, on file in this office.

City Clerk, Clerk of The Council