



## Legislation Text

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**File #:** Res 0522-2010, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 522

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100345 ZMK, a Zoning Map amendment (L.U. No. 177).

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"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to map low-density, mid-density and contextual zoning districts on all or portions of seven blocks 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, in the Borough Park section of Brooklyn's Community District 12. The proposed action would recognize the existing mix of uses in the area surrounding the Culver El site in Borough Park and facilitate the development of approximately 68 units of affordable housing and approximately 48 accessory parking spaces for neighborhood community facilities on two parcels of city-owned land (Block 5295, Lot 4, and Block 5300, Lot9) located on the south side of 37<sup>th</sup> Street between 12<sup>th</sup> Avenue and 14<sup>th</sup> Avenue, in Brooklyn's Community District 12 (ULURP No. C 100345 ZMK) (the "Application");

WHEREAS, the Application is related to Applications Numbers N 100346 ZRK (L.U. No. 178), an amendment to the Zoning Resolution of the City of New York, Section 123-90 (Special Mixed Use Districts) to establish a Special Mixed Use District (MX 12) within the Borough Park neighborhood of Brooklyn's Community District 12; 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, C 100345 ZMK, incorporated by reference herein, the Council approves the Decision with the following modifications:

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:

Matter in [brackets] is to be deleted;

Matter in **bold underlined** is to be added.

1. changing from an M1-2 District to an R5 District property bounded by 36<sup>th</sup> Street, a line 100 feet northwesterly of 13<sup>th</sup> Avenue, 37<sup>th</sup> Street, and 12<sup>th</sup> Avenue;
2. changing from an M1-2 District to a [C4-2A] **C8-2** District property bounded by 36<sup>th</sup> Street, Old New Utrecht Road, 37<sup>th</sup> Street, and 13<sup>th</sup> Avenue;
3. changing from an M1-2 District to an M1-2/R6A District property bounded by:
  - a. 36<sup>th</sup> Street, 13<sup>th</sup> Avenue, 37<sup>th</sup> Street and a line 100 feet northwesterly of 13<sup>th</sup> Avenue; and
  - b. 38<sup>th</sup> Street, a line 80 feet southeasterly of 13<sup>th</sup> Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, 13<sup>th</sup> Avenue, 39<sup>th</sup> Street, and a line 100 feet northwesterly of 13<sup>th</sup> Avenue;
4. changing from an M1-2 District to an M1-2/R6B District property bounded by:
  - a. 38<sup>th</sup> Street, a line 100 feet northwesterly of 13<sup>th</sup> Avenue, 39<sup>th</sup> Street, and 12<sup>th</sup> Avenue; and
  - b. 38<sup>th</sup> Street, [14<sup>th</sup> Avenue] **a line 100 feet northwesterly of 14<sup>th</sup> Avenue**, a line midway between 38<sup>th</sup> Street and 39<sup>th</sup> Street, and a line 80 feet southeasterly of 13<sup>th</sup> Avenue;

5. changing from an M2-1 District to an M1-2/R6A District property bounded by 37<sup>th</sup> Street, Old New Utrecht Road, a line 50 feet southwesterly of 37<sup>th</sup> Street, a line 80 feet southeasterly of 13<sup>th</sup> Avenue, 38<sup>th</sup> Street, a line 100 feet northwesterly of 13<sup>th</sup> Avenue, a line 50 feet southwesterly of 37<sup>th</sup> Street, and 12<sup>th</sup> Avenue;
6. changing from an M2-1 District to an M1-2/R6B District property bounded by:
  - a. a line 50 feet southwesterly of 37<sup>th</sup> Street, a line 100 feet northwesterly of 13<sup>th</sup> Avenue, 38<sup>th</sup> Street, and 12<sup>th</sup> Avenue; and
  - b. a line 50 feet southwesterly of 37<sup>th</sup> Street, [Old New Utrecht Road] **a line 165 feet northwesterly of 14<sup>th</sup> Avenue** [14<sup>th</sup> Avenue], 38<sup>th</sup> Street, and a line 80 feet southeasterly of 13<sup>th</sup> Avenue;
- 7. changing from an M2-1 District to an M1-2 District property bounded by a line 50 feet southwesterly of 37<sup>th</sup> Street, Old New Utrecht Road, 38<sup>th</sup> Street, and a line 165 feet northwesterly of 14<sup>th</sup> Avenue;**
- [7]8. establishing within a proposed R5 District a C2-3 District bounded by 36<sup>th</sup> Street, a line 150 feet southeasterly of 12<sup>th</sup> Avenue, a line 80 feet southwesterly of 36<sup>th</sup> Street, and 13<sup>th</sup> Avenue; and
- [8]9. establishing a Special Mixed Use District (MX-12) bounded by 37<sup>th</sup> Street, a line 100 feet northwesterly of 13<sup>th</sup> Avenue, 36<sup>th</sup> Street, 13<sup>th</sup> Avenue, 37<sup>th</sup> Street, Old New Utrecht Road, **a line 165 feet northwesterly of 14<sup>th</sup> Avenue** [14<sup>th</sup> Avenue], **38<sup>th</sup> Street, a line 100 feet northwesterly of 14<sup>th</sup> Avenue**, a line midway between 38<sup>th</sup> Street and 39<sup>th</sup> Street, a line 80 feet southeasterly of 13<sup>th</sup> Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, 13<sup>th</sup> Avenue, 39<sup>th</sup> Street, and 12<sup>th</sup> Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2010, and subject to the conditions of CEQR Declaration E-252, 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 27, 2010, on file in this office.

City Clerk, Clerk of The Council