

CITY PLANNING COMMISSION DISPOSITION SHEET

**SPECIAL MEETING:
TUESDAY, FEBRUARY 17, 2009
1:00 P.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 090047 ZMK	6	363-365 BOND STREET	Favorable Report Adopted
2	C 090048 ZSK	6	" "	" "
3	N 090049 ZRK	6	" "	" "
4	C 090078 HUK	5	GATEWAY ESTATES II	" "
5	C 090079 ZMK	5	" "	" "
6	C 090081 ZSK	5	" "	" "
7	C 090082 HAK	5	" "	" "
8	C 080089 MMK	5	" "	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:																		
		In Favor - Y Oppose - N Abstain - AB Recuse - R																		
Calendar Numbers:		1	2	3	4	5	6	7	8											
Amanda M. Burden, FAICP, Chair	P	Y	Y	Y	Y	Y	Y	Y	Y											
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y											
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y											
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y											
Angela R. Cavaluzzi, AIA	P	Y	Y	Y	Y	Y	Y	Y	Y											
Alfred C. Cerullo, III	P	Y	Y	Y	Y	Y	Y	Y	Y											
Betty Chen	P	Y	Y	Y	Y	Y	Y	Y	Y											
Maria M. Del Toro	P	Y	Y	Y	Y	Y	Y	Y	Y											
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y											
Nathan Leventhal	A																			
Shirley A. McRae	P	Y	Y	Y	Y	Y	Y	Y	Y											
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y											
Karen A. Phillips, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y											

MEETING ADJOURNED AT: 1:15 P.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York**

CITY PLANNING COMMISSION

TUESDAY, FEBRUARY 17, 2009

**SPECIAL MEETING AT 1:00 P.M.
IN SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor
City of New York**

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the World Wide Web, visit the Department of City Planning (DCP) home page at:
nyc.gov/planning

A

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address including E-mail by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

**B
CITY PLANNING COMMISSION**

22 Reade Street, New York, N.Y. 10007-1216

- AMANDA M. BURDEN, FAICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, AIA**
- ALFRED C. CERULLO, III**
- BETTY Y. CHEN**
- MARIA M. DEL TORO**
- RICHARD W. EADDY**
- NATHAN LEVENTHAL**
- SHIRLEY McRAE**
- JOHN MEROLO**
- KAREN A. PHILLIPS, Commissioners**
- YVETTE V. GRUEL, Calendar Officer**

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

TABLE OF CONTENTS

TUESDAY, FEBRUARY 17, 2009

I. Reports.....1

I. REPORTS

BOROUGH OF BROOKLYN

Nos. 1, 2 & 3

363-365 BOND STREET

No. 1

CD 6

C 090047 ZMK

IN THE MATTER OF an application submitted by the Toll Brooklyn, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an M2-1 District to an M1-4/R7-2 District property bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street; and
2. establishing a Special Mixed Use District (MX-11) District bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street.

as shown on a diagram (for illustrative purposes only) dated September 8, 2008, and subject to the conditions of CEQR Declaration E-221.

(On December 17, 2008, Cal. No. 7, the Commission scheduled January 7, 2009 for a public hearing. On January 7, 2009, Cal. No. 36, the hearing was closed.)

For consideration.

No. 2

CD 6

C 090048 ZSK

IN THE MATTER OF an application submitted by the Toll Brooklyn, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback regulations of Section 123-66 (Height and Setback Regulations), the rear yard regulations of Section 23-47 (Minimum Required Rear Yards), and the inner court regulations of Section 23-852 (Inner court recesses), in connection with a proposed mixed

use development on property located at 363-365 Bond Street, (Block 452, Lots 1, 5, 15, 19, and Block 458, Lot 1), in an M1-4/R7-2 (MX-11) * District, within a General Large-Scale Development.

*Note: The site is proposed to be rezoned from an M2-1 District to an M1-4/R7-2 (MX-11) District, under a related application C 090047 ZMK.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 17, 2008, Cal. No. 8, the Commission scheduled January 7, 2009 for a public hearing. On January 7, 2009, Cal. No. 37, the hearing was closed.)

For consideration.

No. 3

CD 6

N 090049 ZRK

IN THE MATTER OF an application submitted by Toll Brooklyn, LP pursuant to Section 201 of the New York City Charter, for amendments of the Zoning Resolution of the City of New concerning Article XII, Section 3 (Special Mixed Use Districts); and Article II, Section 3 (Bulk Regulations for Residential Buildings in Residence Districts) in Community District 6, Borough of Brooklyn.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within ## is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE II – RESIDENCE DISTRICTS

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-144
In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

<u>Community District</u>	<u>Zoning District</u>
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
<u>Community District 6, Brooklyn</u>	<u>R7-2</u>
Community District 7, Brooklyn	R8A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

* * *

23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

* * *

(i) In Community District 6, in the Borough of Brooklyn, in the R7-2 District within the areas shown on the following Map 14:



Map 14. Portion of Community District 6, Brooklyn

* * *

23-942

In Inclusionary Housing designated areas

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in the #building#. In addition, the following rules shall apply:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6**	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
<u>R7*</u>	<u>2.7</u>	<u>3.6</u>
<u>R7**</u>	<u>3.45</u>	<u>4.6</u>
R7A	3.45	4.6
R7D	4.2	5.6
R7X	3.75	5.0
R8	5.40	7.2
R9	6.0	8.0
R9A	6.5	8.5
R10	9.0	12.0

* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(b) Height and setback

(1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.

(2) In #Special Mixed Use Districts#, ~~where the #residence district# designation has a letter suffix~~, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, ~~where~~ where the #residence district# designation is an R6 District without ~~does not have~~ a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

ARTICLE XII - SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Mixed Use District

* * *

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

<u>Special Mixed Use District</u>	<u>Designated Residence District</u>
<u>MX 8-Community District 1, Brooklyn</u>	<u>R6 R6A R6B R7A</u>
<u>MX 11-Community District 6, Brooklyn</u>	<u>R7-2</u>

* * *

123-90
Special Mixed Use Districts Specified

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

* * *

#Special Mixed Use District# - 11: Gowanus, Brooklyn

The #Special Mixed Use District# -11 is established in Gowanus, in Brooklyn as indicated on the #zoning maps#.

(On December 17, 2008, Cal. No. 9, the Commission scheduled January 7, 2009 for a public hearing. On January 7, 2009, Cal. No. 38, the hearing was closed.)

For consideration.

Nos. 4, 5, 6, 7 & 8

GATEWAY ESTATES II

No. 4

CD 5

C 090078 HUK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Third Amended Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area.

The Third Amendment updates the project time schedule and overall plan by modifying parcel sizes, densities, building heights, and use designations on individual parcels; and

revises the language and format of the Urban Renewal Plan to conform with HPD's current format for urban renewal plans, to facilitate the development of a mixed-use development containing residential, commercial, community facility and open space uses.

(On December 17, 2008, Cal. No. 2, the Commission scheduled January 7, 2009 for a public hearing. On January 7, 2009, Cal. No. 31, the hearing was closed.)

For consideration.

No. 5

CD 5

C 090079 ZMK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d:

1. eliminating from within an existing R6 District a C2-4 District bounded by a line 95 feet northeasterly of Lower Ashford Street, a line 115 northwesterly of Fountain Street, a line 100 feet southwesterly of Elton Street, the southwesterly centerline prolongation of Elton Place, Elton Street, a line 162 feet southeasterly of Erskine Place, a line 100 feet northeasterly of Elton Street, a line midway between Elton Place and Fountain Street, a line 95 feet southwesterly of Essex Street, Fountain Street, the southeasterly prolongation of the northeasterly street line of Essex Street, a line 180 feet southeasterly of Fountain Street, the southeasterly prolongation of the southwesterly street line of Lower Ashford Street, and Fountain Street;
2. changing from an R3-2 District to an R6 District property bounded by the former centerline of Erskine Street*, the new centerline of Erskine Street*, and a line 115 feet southeasterly of Schroeders Avenue*;
3. changing from an R6 District to an R7A District property bounded by Flatlands Avenue, Elton Street, a line 100 feet northwesterly of Egan Street*, a line 100 feet northeasterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet southwesterly of Elton Street, Locke Street*, and Ashford Street*;
4. changing from an R3-2 District to a C4-2 District property bounded by a line 115 southeasterly of Schroeder Avenue*, the former centerline of Erskine Street*, and the new centerline of Erskine Street*;
5. changing from an R6 District to a C4-2 District property bounded by a line 115 feet southeasterly of Schroeders Avenue* and its southwesterly prolongation, a

line 100 feet southwesterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet northeasterly of Elton Street, a line 115 feet southeasterly of Schroeders Avenue*, the former centerline of Erskine Street*, Erskine Street, a line 180 feet southeasterly of former Fountain Street*, and the centerline of former Schenck Avenue;

6. establishing within an existing R6 District a C2-4 District bounded by:
 - a. Vandalia Avenue, Erskine Avenue*, Schroeders Avenue*, and a northeasterly boundary line of a park; and
 - b. Egan Street, Fountain Avenue, Vandalia Avenue, and a line 100 feet southwesterly of Fountain Avenue; and
7. establishing within the proposed R7A District a C2-4 District bounded by:
 - a. Flatlands Avenue, a line 100 feet southwesterly of Elton Street, Locke Street*, and Ashford Street*;
 - b. a line 100 feet northwesterly of Egan Street*, a line 100 feet northeasterly of Elton Street, Vandalia Avenue, and Elton Street; and
 - c. Schroeders Avenue*, Elton Street, the southeasterly street line of Elton Street and its southwesterly prolongation, and a line 100 feet southwesterly of Elton Street;

as shown on a diagram (for illustrative purposes only) dated September 8, 2008.

*Note: Fountain Street is proposed to be eliminated, Schroeders Avenue is proposed to be mapped, Erskine Street is proposed to be narrowed and various streets are proposed to be re-named under a related concurrent application (C 080089 MMK) for a change in the City Map.

(On December 17, 2008, Cal. No. 3, the Commission scheduled January 7, 2009 for a public hearing. On January 7, 2009, Cal. No. 32, the hearing was closed.)

For consideration.

No. 6**CD 5****C 090081 ZSK**

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development and Gateway Center Properties Phase II, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the regulations of Section 32-64 (Surface Area and Illumination Provisions), Section 32-65 (Permitted Projection or Height of Signs) and Section 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) in connection with a proposed commercial development, on property generally bounded by Gateway Drive, a line approximately 750 feet southeasterly of Schroeders Avenue, Erskine Street, and a line approximately 115 feet southeasterly of Schroeders Avenue (Block 4452 p/o Lots 170 and 400 and Block 4586 p/o Lot 1), in a C4-2 District*, within a general large-scale development.

*Note The site is proposed to be rezoned by changing an R6 District to a C4-2 District, under a related concurrent application C 090079 ZMK.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 17, 2008, Cal. No. 4, the Commission scheduled January 7, 2009 for a public hearing. On January 7, 2009, Cal. No. 33, the hearing was closed.)

For consideration.

No. 7
CD 5**C 090082 HAK**

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of the following properties located at:

Block	Lot	Fresh Creek Urban Renewal Area
4444	p/o Lot 1	p/o Site 3a
4445	Lot 1	p/o Site 3a, p/o Site 3b, p/o Site 3e, p/o Site 3f

4446	Lot 1	p/o Site 3b, p/o Site 3e, p/o Site 3f
4447	p/o Lot 1	p/o Site 4
4448	Lot 1	p/o Site 4, p/o Site 6a, and Site 6b
4449	Lot 1	Sites 14a and 14c
4452	600, 700, p/o Lot 170 and p/o Lot 400	Sites 3c, 3d, 7a-c, 8a-f, 10, 12a-e, 16c, 19b, 20a-b, p/o Site 13a and p/o Site 24
4452	600, 700, p/o Lot 170 and p/o Lot 400	Sites 3c, 3d, 7a-c, 8a-f, 10, 12a-e, 16c, 19b, 20a-b, p/o Site 13a and p/o Site 24

as an Urban Development Action Area; and

- b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a new mixed use community, containing regional and local retail, housing, community and public facilities, and open space.

(On December 17, 2008, Cal. No. 5, the Commission scheduled January 7, 2009 for a public hearing. On January 7, 2009, Cal. No. 34, the hearing was closed.)

For consideration.

No. 8

CD 5

C 080089 MMK

IN THE MATTER OF an application, submitted by Gateway Center Properties Phase II, LLC, the Department of Housing, Preservation and Development, the Department of Parks and Recreation, and the Nehemiah Housing Development Fund Corporation, Inc., pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430, *et seq.*, of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of streets;
- the elimination, discontinuance and closing of streets;
- the establishment of park;
- the elimination of park;
- the extinguishment and modification of easements;

- the modifications of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

all within an area generally bounded by Gateway Drive, Flatlands Avenue, Fountain Avenue, and Shore Parkway,

in accordance with Map Nos. Y-2705 and X-2706, dated September 4, 2008, and signed by the Borough President.

(On December 17, 2008, Cal. No. 6, the Commission scheduled January 7, 2009 for a public hearing. On January 7, 2009, Cal. No. 35, the hearing was closed.)

For consideration.
