



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

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**CITY PLANNING COMMISSION**

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**MONDAY, JUNE 7, 2010**

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**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](http://nyc.gov/planning)**

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**CITY PLANNING COMMISSION**

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**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.

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**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](http://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
- RAYANN BESSER
- IRWIN G. CANTOR, P.E.
- ALFRED C. CERULLO, III
- BETTY Y. CHEN
- MARIA M. DEL TORO
- RICHARD W. EADDY
- NATHAN LEVENTHAL
- ANNA HAYES LEVIN
- SHIRLEY A. MCRAE
- 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.

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**MONDAY, JUNE 7, 2010**

I. Reports.....1

**I. REPORTS**

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**BOROUGH OF BROOKLYN**

**Nos. 1, 2, 3, 4, 5 & 6**

***THE NEW DOMINO***

**No. 1**

**CD 1**

**C 100185 ZMK**

**IN THE MATTER OF** an 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, Section Nos. 12c and 12d:

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

- 6. northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3<sup>rd</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated January 4, 2010.

(On April 14, 2010, Cal. No. 5, the Commission scheduled April 28, 2010 for a public hearing. On April 28, 2010, Cal. No. 30, the hearing was closed.)

**For consideration.**

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**No. 2**

**CD 1**

**N 100186 ZRK**

**IN THE MATTER OF** an application submitted by Refinery LLC, Inc. pursuant to Section 201 of the New York City Charter, 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 in the Borough of Brooklyn, Community District 1.

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

**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  
(3/06/06)



**EXISTING**  
Portion of Community District 1, Brooklyn





**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 32-66 (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 #non-conformity# 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 52-61 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.

\* \* \*

(On April 14, 2010, Cal. No. 6, the Commission scheduled April 28, 2010 for a public hearing. On April 28, 2010, Cal. No. 31, the hearing was closed.)

**For consideration.**

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**No. 3**

**CD 1**

**C 100187 ZSK**

**IN THE MATTER OF** an application submitted by The Refinery LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of floor area within the general large scale development without regard for zoning lot lines; and
2. Section 74-743(a)(2) - to modify the requirements of Section 23-532 (Required rear yard equivalents), 23-711 (Standard minimum distance between buildings), 23-852 (Inner court recesses), 23-863 (Minimum distance between legally required windows and any wall in an inner court), 62-332 (Rear yards and waterfront yards) and 62-341 (Developments on land and platforms),

to facilitate a mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3<sup>rd</sup> Street, a line 100 feet westerly of Wythe Avenue, South 4<sup>th</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4\*, R8/C2-4\* and C6-2\* Districts, within a General Large-Scale Development.

\*Note: The site is proposed to be rezoned from an M3-1 District to R6/C2-4, R8/C2-4 and C6-2 Districts under a related application (C 100185 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 April 14, 2010, Cal. No. 7, the Commission scheduled April 28, 2010 for a public hearing. On April 28, 2010, Cal. No. 32, the hearing was closed.)

**For consideration.**

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**No. 4****CD 1****C 100188 ZSK**

**IN THE MATTER OF** an application submitted by The Refinery 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(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-42 (Location within Buildings), in connection with a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3<sup>rd</sup> Street, a line 100 feet westerly of Wythe Avenue, South 4<sup>th</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4\*, R8/C2-4\* and C6-2\* Districts, within a General Large-Scale Development.

\*Note: The site is proposed to be rezoned from an M3-1 District to R6/C2-4, R8/C2-4 and C6-2 Districts under a related application (C 100185 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 April 14, 2010, Cal. No. 8, the Commission scheduled April 28, 2010 for a public hearing. On April 28, 2010, Cal. No. 33, the hearing was closed.)

**For consideration.**

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**No. 5****CD 1****C 100189 ZSK**

**IN THE MATTER OF** an application submitted by The Refinery LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-53 of the Zoning Resolution to modify the requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities) to allow a group parking facility accessory to uses in a general large scale development with a maximum capacity of 782 spaces, in connection with a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3<sup>rd</sup> Street, a line 100 feet westerly of Wythe Avenue, South 4<sup>th</sup> Street, Kent Avenue, South 5<sup>th</sup> Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4\*, R8/C2-4\* and C6-2\* Districts, within a General Large-Scale Development.

\*Note: The site is proposed to be rezoned from an M3-1 District to R6/C2-4, R8/C2-4 and C6-2 Districts under a related application (C 100185 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 April 14, 2010, Cal. No. 9, the Commission scheduled April 28, 2010 for a public hearing. On April 28, 2010, Cal. No. 34, the hearing was closed.)

**For consideration.**

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**No. 6**

**CD 1**

**N 100190 ZAK**

**IN THE MATTER OF** an application submitted by The Refinery LLC for the grant of an authorization pursuant to Section 62-822 of the Zoning Resolution to modify the requirements of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) and to approve a phasing plan for implementation of required waterfront public access area improvements to facilitate a proposed mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet westerly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4\*, R8/C2-4\* and C6-2\* Districts, within a General Large-Scale Development.

\*Note: The site is proposed to be rezoned from an M3-1 District to R6/C2-4, R8/C2-4 and C6-2 Districts under a related application (C 100185 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.

**For consideration.**

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