



## CITY PLANNING COMMISSION

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August 25, 2010 / Calendar No. 5

C 100345 ZMK

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**IN THE MATTER OF** an 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, Section No. 22c:

1. changing from an M1-2 District to an R5 District property bounded by 36th Street, a line 100 feet northwesterly of 13th Avenue, 37th Street, and 12th Avenue;
2. changing from an M1-2 District to a C4-2A District property bounded by 36th Street, Old New Utrecht Road, 37th Street, and 13th Avenue;
3. changing from an M1-2 District to an M1-2/R6A District property bounded by:
  - a. 36th Street, 13th Avenue, 37th Street and a line 100 feet northwesterly of 13th Avenue; and
  - b. 38th Street, a line 80 feet southeasterly of 13th Avenue, a line midway between 39th Street and 40th Street, 13th Avenue, 39th Street, and a line 100 feet northwesterly of 13th Avenue;
4. changing from an M1-2 District to an M1-2/R6B District property bounded by:
  - a. 38th Street, a line 100 feet northwesterly of 13th Avenue, 39th Street, and 12th Avenue; and
  - b. 38th Street, 14th Avenue, a line midway between 38th Street and 39th Street, and a line 80 feet southeasterly of 13th Avenue;
5. changing from an M2-1 District to an M1-2/R6A District property bounded by 37th Street, Old New Utrecht Road, a line 50 feet southwesterly of 37th Street, a line 80 feet southeasterly of 13th Avenue, 38th Street, a line 100 feet northwesterly of 13th Avenue, a line 50 feet southwesterly of 37th Street, and 12th Avenue;
6. changing from an M2-1 District to an M1-2/R6B District property bounded by:
  - a. a line 50 feet southwesterly of 37th Street, a line 100 feet northwesterly of 13th Avenue, 38th Street, and 12th Avenue; and
  - b. a line 50 feet southwesterly of 37th Street, Old New Utrecht Road, 14th Avenue, 38th Street, and a line 80 feet southeasterly of 13th Avenue;

7. establishing within a proposed R5 District a C2-3 District bounded by 36th Street, a line 150 feet southeasterly of 12th Avenue, a line 80 feet southwesterly of 36th Street, and 13th Avenue; and
8. establishing a Special Mixed Use District (MX-12) bounded by 37th Street, a line 100 feet northwesterly of 13th Avenue, 36th Street, 13th Avenue, 37th Street, Old New Utrecht Road, 14th Avenue, a line midway between 38th Street and 39th Street, a line 80 feet southeasterly of 13th Avenue, a line midway between 39th Street and 40th Street, 13th Avenue, 39th Street, and 12th Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated May 10, 2010, and subject to the conditions of CEQR Declaration E-252.

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This application for a zoning map amendment was filed by the Department of City Planning on May 4, 2010, and would 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.

## **RELATED ACTIONS**

In addition to the application for a zoning map amendment, which is the subject of this report (C 100345 ZMK), implementation of the proposed Culver El proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

**N 100346 ZRK:** An amendment to the Zoning Resolution, 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:** 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:** 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 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.

## **BACKGROUND**

At the request of local elected officials, the Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD) are requesting approvals of several actions to facilitate the Culver El Proposal.

The project would recognize the existing mix of residential, commercial, and industrial uses, allow for the continued operation and expansion of existing commercial, light industrial and manufacturing uses, and facilitate the development of 68 units of affordable housing in a seven block area surrounding the former Culver elevated railroad right-of-way.

The proposal would require a zoning map amendment, a zoning text amendment to establish a Special Mixed Use District, a Disposition and UDAAP for two parcels of city-owned land, and

14 special permits for development within or over a railroad or transit right-of-way pursuant to Zoning Resolution Section 74-681. Eleven of the requested special permits are proposed to facilitate the development of seventeen, four-story apartment buildings, which would contain a total of 68 units of affordable housing. The remaining three requested special permits would facilitate the construction of three parking areas for existing adjacent neighborhood community facilities.

The proposed affordable housing development project involves the development of approximately 68 units of affordable housing and approximately 48 parking spaces for existing neighborhood community facilities, on two, city-owned parcels (Block 5295, Lot 4, and Block 5300, Lot 9) that consist of approximately 63,878 square feet of lot area on the southern side of 37<sup>th</sup> Street between 12<sup>th</sup> Avenue and 14<sup>th</sup> Avenue. In order to facilitate this development, the project site will be subdivided into 14 zoning lots. The project would consist of 17 newly constructed, 4-story buildings with 4 residential units each. The project would consist of approximately 110,776 square feet of residential floor area and would provide 17 parking spaces for residents. Approximately 14,887 square feet of open space would be provided for the residents. The buildings will be constructed to a height of between 47' and 49'8" tall, with a maximum street wall height of 40 feet.

Following action by the City Planning Commission, to maximize the amount of affordable housing, the developer selected by HPD would apply to the Board of Standards and Appeals for variances to allow for a fourth story and fourth unit for each of the proposed seventeen apartment buildings.

The neighborhood surrounding the project area contains a wide mix of uses. The area around the Culver El Proposal area is predominately developed with one- and two-family detached or semi-detached homes. In the former Culver El right-of-way, new apartment buildings have been constructed to the east and west of the proposal area. Community facilities of four- to five-stories are also developed throughout the neighborhood and typically contain private religious schools and houses of worship.

Over the last decade, the Borough Park neighborhood has experienced a decline in the number and variety of manufacturing uses in the area. Today, the companies that remain typically provide automobile repair services, manufacture religious goods, and supply warehouse. Fort Hamilton Parkway, Thirteenth Avenue, and Church Avenue are the area's main commercial streets. Fort Hamilton Parkway is lined with a mix of one-story automotive and commercial uses. Thirteenth Avenue, mapped to a width of eighty feet, is a one-way street (north to south) with two traffic lanes and two parking lanes. Thirteenth Avenue, traverses a major retail area 5 blocks to the south in the Borough Park neighborhood, with commercial uses fronting on both sides of 13<sup>th</sup> Avenue between 36<sup>th</sup> Street and New Utrecht Avenue located to the north of the project area, travels through the Borough Park neighborhood and is a thriving, mixed-use corridor with ground floor retail and apartments or offices above stores. Fourteenth Avenue is also one-way, allowing travel from south to north. This avenue is mapped to a width of eighty feet and has two travel lanes and two parking lanes. Twelfth Avenue is mapped to a width of eighty feet and allows travel in both directions in two travel lanes, with two parking lanes and a bike lane. Both of these avenues are lined primarily with residential uses. Church Avenue, mapped to a width of sixty feet and located to the northeast of the rezoning area, is a major avenue lined with residential and automotive uses.

The area is well served by public transportation. To the south, the elevated D and M trains run along New Utrecht Avenue, another major commercial corridor in the community. A subway station on the F line is located at Church Avenue and McDonald Avenue. The area is also served by the B35 and B16 bus lines. The B35 line provides east-west access from 1<sup>st</sup> Avenue in Brooklyn to the intersection of New Lots Avenue and Hageman Avenue. The B16 line provides north-south access from the Q and B train station at Ocean Avenue and Empire Boulevard, through Borough Park to Bay Ridge.

The rezoning area consists of a mix of uses and is located in an under-utilized manufacturing and commercial area. Residential uses occupy approximately half of the project area and consist of two-story detached and attached, one-and two-family homes. In recent years, several large community facilities have been constructed in the area, consisting of houses of worship and

private religious schools. The eighty foot wide 13th Avenue serves as the main commercial corridor within the project area, and is lined with ground floor retail and upper floor residences and office space. Typically, stores located within the project area are local retail uses; however, a department store is also located within the project area, along 37<sup>th</sup> Street, between 13<sup>th</sup> and 14<sup>th</sup> Avenues. 37<sup>th</sup> Street is mapped to a width of sixty feet and allows travel in one direction (east to west) in one travel lane. The street is also built with two parking lanes. Warehousing, distribution, storage, auto repair, and small-scale manufacturers of clothing and heating equipment are the remaining industrial uses in this once-thriving manufacturing area.

The rezoning area is currently zoned with M1-2 and M2-1 Districts; these light manufacturing districts are mapped between 12<sup>th</sup> Avenue and 15<sup>th</sup> Avenue. In the surrounding area, zoning is comprised of both R5 (north of 36<sup>th</sup> Street) and R6 (south of 39<sup>th</sup> Street and west of 12<sup>th</sup> Avenue) medium-density residential districts.

M1-2 districts are mapped over 71% (5 full or partial blocks), in two areas of the 7 block project area. M1-2 districts are low-intensity manufacturing districts. Today, this area is built with a variety of light industrial, commercial, and residential uses.

M1-2 is a light manufacturing district that allows manufacturing, commercial and community facility uses within Use Groups 4-14, 16 and 17. New residential uses are not permitted. M1-2 districts have a maximum Floor Area Ratio (FAR) of 2.0 for manufacturing and commercial uses, and a maximum FAR for community facility uses of 4.8. There is no required side or front yard in the M1-2 district, and a 20-foot rear yard is required unless a lot is on a corner or is less than 70 feet deep. There is no maximum building height; building height in this district is controlled by the sky exposure plane, a sloping line that begins at a height of 60 feet. Off street parking is required in the M1-2 district; however the amount required is dependent on the use of the zoning lot.

M2-1 districts are mapped over 29% (2 full blocks), between 37<sup>th</sup> Street and 38<sup>th</sup> Street, within the 7 block project area. M2-1 districts are medium-intensity manufacturing districts. Today, this area is built with one-story commercial structures, warehouses, and

community facilities developed pursuant to special permits issued by the Board of Standards and Appeals.

M2-1 is a medium manufacturing district that allows manufacturing and commercial uses within Use Groups 6-14, 16 and 17. New residential uses are not permitted. M2-1 districts have a maximum FAR of 2.0 for manufacturing and commercial uses. There is no required side or front yard in the M2-1 district, and a 20-foot rear yard is required unless a lot is on a corner or is less than 70 feet deep. There is no maximum building height and the sky exposure plane, a sloping line that begins at a height of 60 feet, controls the height of buildings in this district. Off street parking is required in the M2-1 district; however the amount required is dependent on the use of the zoning lot.

The proposed development sites (Block 5295, Lot 4 and Block 5300, Lot 9) for the affordable housing and accessory parking for existing community facilities, consist of two parcels located to the south of 37<sup>th</sup> Street, located between 12<sup>th</sup> and 13<sup>th</sup> Avenues, and 13<sup>th</sup> Avenue and Old New Utrecht Road. These two parcels (Block 5295, Lot 4, and Block 5300, Lot 9) are part of the right-of-way of the former elevated BMT Culver Shuttle transit line and the ground-level South Brooklyn Railroad, both of which ran south of 37<sup>th</sup> Street between Fort Hamilton Parkway and McDonald Avenue. Service was terminated on the elevated Culver Shuttle transit line in 1975 and on the ground-level railroad in the early 1980's. The elevated structure was demolished in 1985 and, at that time, the New York City Transit Authority surrendered the right-of-way, a 7 block, 50-foot wide strip of land to New York City. Since that time, portions of the right-of-way have been disposed of by the City to community groups and private businesses for affordable housing, parking, and manufacturing and commercial uses.

In order to facilitate the Culver El proposal, approvals of several actions are required:

## **Proposed Zoning Map Amendment (C 100345 ZMK)**

The proposed Zoning Map Amendment, submitted by the Department of City Planning, would rezone five full blocks and two partial blocks from M1-2 and M2-1 to [MX] M1-2/R6B, [MX] M1-2/R6A, C4-2A, R5 and R5/C2-3.

### Proposed Residential Districts

An R5 zoning district would be extended to cover a portion of Block 5296, bounded by 36<sup>th</sup> Street on the north, 12<sup>th</sup> Avenue on the west, 13<sup>th</sup> Avenue on the east and 37<sup>th</sup> Street on the south to within 100 feet of 13<sup>th</sup> Avenue; the subject portion of Block 5296 is currently zoned M1-2. The proposed zoning would map one partial block, or 14% of the seven-block study area, with the proposed R5 district.

R5 is a general residential district that permits residential and community facility uses (Use Groups 1-4) in all types of building forms. For detached buildings in R5 districts there is a minimum lot width of forty feet and a minimum lot size of 3,800 square feet. For attached units, the minimum lot width is eighteen feet and the minimum lot size is 1,700 square feet. Ten-foot front yards and thirty-foot rear yards are required of all building types. Detached buildings are required to have two side yards that total thirteen feet in width, with each side yard at least five feet wide. All other building types are required to have at least one side yard that is at least eight feet wide. R5 districts also have maximum lot coverage percentage of 55%. The maximum FAR allowed in the district is 1.25 for residential uses and 2.0 for community facility uses. The maximum building height is forty feet. To ensure compatibility with surrounding neighborhoods the maximum street wall height is 30 feet and any additional building height must be set back 15 feet from the street wall. Off-street parking is required for 85% of dwelling units in a building constructed within R5.

The area of the proposed district is built with a mix of residential and mixed-use (residential-commercial) buildings. On the north side of 37<sup>th</sup> Street is a row of detached homes and three, detached, multi-family walkup buildings. The south side of 36<sup>th</sup> Street is lined with auto-related uses, a manufacturing building, a school and several attached, multi-family homes. Under the

proposal, the majority of the existing buildings would comply with the maximum residential and community facility FAR of the R5 district.

#### Proposed Commercial Districts

A C4-2A district is proposed for Block 5301, bounded by 36<sup>th</sup> Street on the north, 13<sup>th</sup> Avenue on the west, Old New Utrecht Road on the east and 37<sup>th</sup> Street on the south; the block is currently zoned M1-2. The proposal would map a C4-2A district over 14% (one full block), of the seven-block study area.

The C4-2A district is a general commercial district that allows regional and local commercial uses and residential uses of all housing types. Use Groups 5-10 and 12 are allowed, which includes most retail establishments. C4-2A districts require height limits, have required street walls, and require setbacks on upper floors. The C4-2A district has a maximum commercial FAR of 3.0 and a maximum residential and community facility FAR of 3.0. C4-2A districts have a residential district equivalent of R6A, which is described below. Commercial uses in C4-2A districts are subject to parking requirements based on the type of use and size of an establishment. Accessory residential parking requirements for R6A buildings are described under the “Mixed Use” section.

The area of the proposed C4-2A district is developed with commercial retail uses in one, one-story and two, two-story buildings. Under the proposal, all of the existing buildings would comply with the maximum FAR of the C4-2A district.

A C2-3 commercial overlay is proposed to be mapped at the southeast corner of 12<sup>th</sup> Avenue and 36<sup>th</sup> Street. The overlay would be mapped at a depth of 80 feet to the south of 36<sup>th</sup> Street and 150’ long, parallel to 36<sup>th</sup> Street. The overlay is intended to allow for continued commercial use at a corner that has traditionally contained commercial uses.

The proposed C2-3 commercial overlay districts have a maximum FAR of 1.0 (within a R5 district) and would be mapped to a depth of 80’ and a width of 80’, at the southeast corner of 12<sup>th</sup> Avenue and 36<sup>th</sup> Street. The proposed overlay would allow a broader range of commercial retail

and service uses than C1 districts. In addition, the proposed C2-3 districts and the proposed (MX) M1-2/R6A and (MX) M1-2/R6B districts would have the same parking requirements for most commercial uses, requiring one parking space for every 400 square feet of commercial space.

#### Proposed Special Mixed-Used Districts

An (MX) M1-2/R6A district is proposed for the western frontage of 13<sup>th</sup> Avenue between 36<sup>th</sup> Street and 39<sup>th</sup> Street (to a depth of 100') and on the eastern frontage of 13<sup>th</sup> Avenue from 37<sup>th</sup> Street on the north to the midblock between 39<sup>th</sup> Street and 40<sup>th</sup> Street on the south (to a depth of 80'). The (MX) M1-2/R6-A district is also proposed for the south side of 37<sup>th</sup> Street from 12<sup>th</sup> Avenue on the west and 14<sup>th</sup> Avenue on the east (to a depth of 50 feet). The proposed zoning would map six partial blocks, or 20% of the seven-block study area, with the (MX) M1-2/R6A district.

(MX) M1-2/R6A districts allow new residential, commercial, community facility and light industrial uses. Quality Housing bulk regulations are mandatory in R6A districts, and typically produce six-or seven-story apartment buildings with high lot coverage, set on or near the street line. The maximum FAR in R6A districts is 3.0 for residential and community facility uses. On corner sites, 80% of the lot may be covered, while on interior sites the maximum percentage of lot coverage is 60%. Above a base height of 40 to 60 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet. Off-street parking is required for 50% of a building's dwelling units, or may be waived if five or fewer spaces are required. M1-2 districts typically contain light industries such as auto storage and repair shops and wholesale service. Offices and most retail uses are also permitted. The maximum manufacturing FAR in M1-2 district is 2.0. M1-2 districts are subject to parking requirements based on the type of use and size of an establishment.

This area consists of the two vacant, former Culver El right-of-way parcels, as well as numerous commercial and mixed-use (residential-commercial) buildings. Also, between 37<sup>th</sup> Street and 38<sup>th</sup> Street there are eight, one- and two-family homes. The existing zoning is M1-2 and M2-1 in this proposed district. Under the proposal, all of the lots would comply with the maximum FAR of the

proposed (MX) M1-2/R6A district and the majority would comply with the maximum FAR of the proposed (MX) M1-2/R6A district.

Two (MX) M1-2/R6B districts are proposed to be mapped on portions of four mid-blocks north of 39<sup>th</sup> Street and south of the Culver El properties, which are 50 feet south of 37<sup>th</sup> Street between 12<sup>th</sup> and 14<sup>th</sup> Avenues. The proposed zoning would map four partial blocks, or approximately 50% of the study area, with the (MX) M1-2/R6B district.

(MX) M1-2/R6B districts permit new residential, commercial, community facility and light industrial uses. Quality Housing bulk regulations are mandatory in R6B districts and typically produce four-to five-story apartment buildings. On corner sites, 80% of the lot may be covered, while on interior sites the maximum percentage of lot coverage is 60%. The maximum FAR for residential and community facility uses in R6B districts is 2.0. The base height of a new building before setback must be between 30 and 40 feet; the maximum building height is 50 feet. Off-street parking is required for 50% of a building's dwelling units, or may be waived if five or fewer spaces are required. M1-2 districts typically contain light industries such as auto storage and repair shops and wholesale service. Offices and most retail uses are also permitted. The maximum manufacturing FAR in an M1-2 district is 2.0. M1-2 districts are subject to parking requirements based on the type of use and size of an establishment.

This area consists of a variety of manufacturing, community facility, and residential uses. One- and two-family homes are located along the south side of 38<sup>th</sup> Street. Multi-family, attached homes are located along 12<sup>th</sup> Avenue. Community facility uses are located at three locations on the north sides of 38<sup>th</sup> Street, and one location on the south side. Manufacturing is the other predominate land use in this area. Large parcels of vacant land are also located on 38<sup>th</sup> Street between 12<sup>th</sup> and 14<sup>th</sup> Avenues. The existing zoning is both M1-2 and M2-1 in this proposed district. Under the proposal, the majority of the lots would comply with the maximum FAR of the (MX) M1-2/R6A district.

**Proposed Zoning Text Amendment (N 100346 ZRK)**

The Department of City Planning proposes an amendment to the Zoning Text to create a new Special Mixed Use (MX) District 12 within Section 123-11 of the Zoning Resolution. The proposed special MX district would allow light manufacturing uses, commercial uses, and residential uses within the proposed MX areas.

The proposed special district would be mapped with (MX) M1-2/R6A and (MX) M1-2/R6B districts that would preserve and allow manufacturing uses, and facilitate the development of the former Culver Elevated right-of-way for residential use and the construction of affordable housing. The Special Mixed Use District also provides important safeguards for residential communities adjacent to light industrial use.

**Proposed Designation as an Urban Development Action Area Project and Disposition of city-owned property (C 100347 HAK)**

The Department of Housing Preservation and Development (HPD) proposes to designate Block 5295/Lot 4 and Block 5300/Lot 9 as an Urban Development Action Area Project, and to dispose of the two parcels to a private developer selected by HPD to facilitate development of the proposed affordable housing and accessory parking for adjacent community facility uses.

The Department of Housing Preservation and Development states in the application that:

The project area consists of underutilized property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, unsanitary, and blighting conditions. The project activities would protect and promote health and safety and would encourage sound growth and development. The project area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

**Proposed Special Permits (C 100348 ZSK – C 100361 ZSK)**

Pursuant to Section 74-681 of the New York City Zoning Resolution (Development within or over a railroad or transit right-of-way or yard), the Department of Housing Preservation and Development (HPD) also requests 14 Special Permits: 11 for the proposed residential development and three for the development of accessory parking lots to be used by existing neighborhood community facilities. These actions are required to permit development on portions of the right-of-way of the former elevated BMT Culver Shuttle transit line and the ground-level South Brooklyn Railroad, both of which ran south of 37<sup>th</sup> Street between Fort Hamilton Parkway and McDonald Avenue. Service was terminated on the elevated transit line in 1975 and on the ground-level railroad in the early 1980's. The elevated structure was demolished in 1985 and, at that time, the New York City Transit Authority surrendered the right-of-way, a 7-block, 50-foot-wide strip of land to New York City. Since that time, portions of the right-of-way have been disposed of to community groups and private businesses for affordable housing, parking, and for manufacturing and commercial uses.

The findings for the Special Permit, pursuant to Section 74-681 of the Zoning Resolution, require that: the streets providing access to the proposed development be adequate to handle the additional traffic resulting from the proposed development, and that the distribution of floor area and the number of dwelling units does not adversely affect the character of the neighborhood.

The above actions would facilitate the development of approximately 68 units of affordable housing and approximately 48 parking spaces for existing neighborhood community facilities, on two, city-owned parcels that consist of approximately 63,878 square feet on the southern side of 37<sup>th</sup> Street between 12<sup>th</sup> Avenue and 14<sup>th</sup> Avenue.

The project would consist of 17 newly constructed, 4-story buildings with 4 units each. The project would consist of approximately 110,776 SF of residential floor area and would provide 33 parking spaces for residents. Approximately 14,887 square feet of open space would be provided for the residents. The buildings will be constructed to a height of between 47' and 49'8" tall, with a maximum street wall height of 40 feet.

In order to facilitate the project, the project site will be subdivided into 14 zoning lots. The 17 buildings will be developed on 11 of the zoning lots, identified as Zoning Lots 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, with a total lot area of approximately 42,444 square feet. Three additional zoning lots, identified as Zoning Lots 2, 9 and 10, totaling approximately 21,434 square feet, will be created to provide approximately 48 accessory parking spaces for existing community facilities located adjacent to the proposed housing development. Each of the newly created zoning lots, subject to the proposed special permits, is described as follows:

**C 100348 ZSK (Block 5300, Temporary Tax Lots 115, 116), Zoning Lot 1**

The proposed residential tax lots are located on the southwest corner of Old New Utrecht Road and 37<sup>th</sup> Street. Lot 115 is 50 ft. by 40 ft. 9 in. and Lot 116 is irregularly shaped and is approximately 50 ft. by 36 ft. 11 in. The total area of the two lots is 5,068.75 square feet. The proposed development would provide one, ten-foot side yard. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.79, the proposed residential buildings would be approximately 14,168 square feet of floor area. Each building would be 4 stories, or 47'9", in height. There would be a total of 2 buildings with 8 dwelling units and 3 parking spaces on the tax lots.

**C 100349 ZSK (Block 5300, Temporary Tax Lot 114), Zoning Lot 2**

The proposed accessory parking lot is a 50 ft. by 238 ft. lot, located 78 ft. 6 in. from the intersection of 37<sup>th</sup> Street and Old New Utrecht Road. It will be utilized as a 25-space parking lot accessory to boys' secondary school located on 38<sup>th</sup> Street. The accessory parking lot is proposed to maintain two (2) single-lane curb cuts at either end of the parking lot (one-way in each direction). The proposed parking facility will provide accessory parking for the secondary school for which no parking is currently required or provided, and will be used by staff and visitors that currently rely upon on-street parking.

**C 100350 ZSK (Block 5300, Temporary Tax Lots 112, 113), Zoning Lot 3**

The proposed residential tax lots are located 188 ft. 10 in. southeast of the intersection of 13<sup>th</sup> Avenue and 37<sup>th</sup> Street. Lot 112 is 50 ft. by 49 ft. 10 in. and Lot 113 is 50 ft. by 49 ft. 10 in. The total area of the two lots is 4,983.33 square feet. The proposed development would provide

two side yards, each 9'6" in depth, and one rear yard, 10' in depth. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.58, the proposed residential buildings would be approximately 12,907 square feet. Each building would be 4 stories, or 47'9", in height. There would be a total of 2 buildings with 8 dwelling units and 4 parking spaces on the tax lots.

**C 100351 ZSK (Block 5300, Temporary Tax Lot 111), Zoning Lot 4**

The proposed residential lot is a 50' by 49' 10" lot located 139' southeast of the intersection of 37<sup>th</sup> Street and 13<sup>th</sup> Avenue. The total lot area is 2,491.5 square feet. The proposed development would provide one side yard at a depth of 9'6", and one rear yard, 10' in depth. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.59, the proposed residential building would contain approximately 6,453 square feet of floor area. The proposed building would be 4 stories, or 47'9", in height. There would be one building with 4 dwelling units and 2 accessory parking spaces on this zoning lot.

**C 100352 ZSK (Block 5300, Temporary Tax Lot 110), Zoning Lot 5**

The proposed residential lot is a 50 ft. by 49 ft. 10 in. lot located 89 ft. 2 in. southeast of the intersection of 37<sup>th</sup> Street and 13<sup>th</sup> Avenue. The total lot area is 2,491.5 square feet. The proposed development would provide one side yard, 9'6" in depth and one rear yard, 10' in depth. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.59, the proposed residential building would be approximately 6,453 square feet. The proposed building would be 4 stories, or 47'9", in height. There would be one building with 4 dwelling units and 2 accessory parking spaces on the tax lots.

**C 100353 ZSK (Block 5300, Temporary Tax Lots 9, 109), Zoning Lot 6**

The proposed residential tax lots are located on the southeast corner of 13<sup>th</sup> Avenue and 37<sup>th</sup> Street. Lot 9 is 50 ft. by 39 ft. 10 in. and Lot 109 is 50 ft. by 49 ft. 4 in. The total area of the two lots is 4,458.33 square feet. The proposed development would provide two side yards, one ten feet in depth and one 9'6" in depth. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.85, the proposed residential buildings would be approximately 12,747

square feet. Each building would be 4 stories, or 47'9", in height. There would be a total of 2 buildings with 8 dwelling units and 4 parking spaces on the tax lots.

**C 100354 ZSK (Block 5295, Temporary Tax Lots 113, 112), Zoning Lot 7**

The proposed residential tax lots are located on the southwest corner of 13<sup>th</sup> Avenue and 37<sup>th</sup> Street. Lot 4 is 50 ft. by 40 ft. 9 in. and Lot 104 is 50 ft. by 56 ft. 5 in. The total area of the two lots is 4,858.33 square feet. The proposed development would provide two side yards, one ten feet in depth and one 15'8" in depth. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.68, the proposed residential buildings would be approximately 13,040 square feet. Each building would be 4 stories, or 47'9", in height. There would be a total of 2 buildings with 8 dwelling units and 4 parking spaces on the tax lots.

**C 100355 ZSK (Block 5295, Temporary Tax Lot 111), Zoning Lot 8**

The proposed residential lot is a 50 ft. by 52 ft. 10 in. lot located 97 ft. 2 in. southwest of the intersection of 37<sup>th</sup> Street and 13<sup>th</sup> Avenue. The total lot area is 2,641.66 square feet. The proposed development would provide one side yard at a depth of 12'6", and one rear yard, 10' in depth. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.44, the proposed residential building would be approximately 6,453 square feet. The proposed building would be 4 stories, or 47'9", in height. There would be one building with 4 dwelling units and 2 parking spaces on this zoning lot.

**C 100356 ZSK (Block 5295, Temporary Tax Lot 110), Zoning Lot 9**

The proposed accessory parking lot would be located on a 50 ft. by 90 ft. lot located 150 ft. northwest of the intersection of 37<sup>th</sup> Street and 13<sup>th</sup> Avenue. Plans submitted in connection with the application indicate a capacity of eight (8) spaces (including one (1) handicapped accessible space) that will be used in connection with an existing preschool located on 38<sup>th</sup> Street. Access to the lot will be provided via two (2) one-way curb cuts. The parking will be used by current staff, administrators and visitors of the existing pre-school that are currently required to find on-street parking in the surrounding community.

**C 100357 ZSK (Block 5295, Temporary Tax Lot 109), Zoning Lot 10**

The proposed accessory parking lot is to be located on a 50 ft. by 153 ft. lot, located 240 ft. northwest of the intersection of 37<sup>th</sup> Street and 13<sup>th</sup> Avenue. It will be utilized as a 15-space parking lot accessory to a private elementary/secondary school being developed on 38<sup>th</sup> Street. The proposed school building, anticipated to accommodate over 600 students and accompanying staff and administration, does not have any required accessory parking. The proposed parking facility on Block 5295, Temporary Tax Lot 109, Zoning Lot 10 will provide needed accessory parking for staff that utilizes private automobiles.

**C 100358 ZSK (Block 5295, Temporary Tax Lots 107, 108), Zoning Lot 11**

The proposed residential tax lots are located 387-ft. southwest of the intersection of 13<sup>th</sup> Avenue and 37<sup>th</sup> Street. Lot 108 is 50' by 52' 7" and Lot 109 is 50' by 52' 7". The total area of the two lots is 5,258.33 square feet. The proposed development would provide two side yards, each 11' 10" deep, and a ten-foot deep rear yard. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.47, the proposed residential buildings would contain approximately 13,040 square feet of floor area. Each building would be 4 stories, or 47' 9", in height. There would be a total of 2 buildings with 8 dwelling units and 4 parking spaces on the tax lots.

**C 100359 ZSK (Block 5295, Temporary Tax Lot 106), Zoning Lot 12**

The proposed residential lot is a 50' by 52' 7" lot located 149' 3" southeast of the intersection of 37<sup>th</sup> Street and 12<sup>th</sup> Avenue. The total lot area is 2,629.16 square feet. The proposed development would provide one side yard at a depth of 12' 3", and one rear yard, 10' in depth. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.45, the proposed residential building would contain approximately 6,453 square feet of floor area. The proposed building would be 4 stories, or 47' 9", in height. There would be one building with 4 dwelling units and 2 parking spaces on this zoning lot.

**C 100360 ZSK (Block 5295, Temporary Tax Lot 105, Zoning Lot 13)**

The proposed residential lot is a 50 ft. by 54 ft. 1 in. lot located 95 ft. 2 in. southeast of the intersection of 37<sup>th</sup> Street and 12<sup>th</sup> Avenue. The total lot area is 2,704.16 square feet. The

proposed development would provide one side yard at a depth of 13'9", and one rear yard, 10' in depth. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.38, the proposed residential building would contain approximately 6,453 square feet of floor area. The proposed building would be 4 stories or 47'9", in height. There would be one building with 4 dwelling units and 2 parking spaces on this zoning lot.

**C 100361 ZSK (Block 5295, Temporary Tax Lots 104, 4), Zoning Lot 14**

The proposed residential tax lots are located on the southeast corner of 12<sup>th</sup> Avenue and 37<sup>th</sup> Street. Lot 112 is 50 ft. by 54 ft. 5 in. and Lot 113 is 50 ft. by 40 ft. 9 in. The total area of the two lots is 4,758.33 square feet. The proposed development would provide two side yards, one 13'8" deep and one 10' deep. Under the proposed zoning, the maximum allowable FAR is 3.0. With a FAR of 2.74, the proposed residential buildings would be approximately 13,040 square feet. Each building would be 4 stories or 47'9", in height. There would be a total of 2 buildings with 8 dwelling units and 4 parking spaces on the tax lots.

It is also anticipated that, subsequent to this action, the HPD-selected developer of the City-owned parcels proposes to file for a variance at the New York City Board of Standards and Appeals to seek relief from Section 23-861 (General Provisions, Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and Section 23-47 (Minimum Required Rear Yards) of the New York City Zoning Resolution. While pursuant to Section 23-52 (Special Provisions for Shallow Interior Lots) of the ZR, shallow lots existing prior to December 15, 1961, may reduce the required rear yard from 30 feet to up to 10 feet, the lots would be subdivided subsequent to that date and would have to provide a 30 foot rear yard. Therefore, variances would be requested of the BSA to waive the 30-foot rear yard requirement because it would result in buildings of only 20 feet deep. Variances to waive ZR section 23-861 (General Provisions, Minimum Distance Between Legally Required Windows and Walls or Lot Lines) would also be requested to build the proposed residential development at the proposed size and density on the former Culver El parcels.

## ENVIRONMENTAL REVIEW

This application (C 100345 ZMK), in conjunction with the related applications (N 100346 ZRK, C 100347 HAK, C 100348 ZSK – C 100361 ZSK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DCP029K. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on May 10, 2010, which included (E) designations to avoid the potential for hazardous materials, air quality and noise impacts (E-252).

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 the following private (i.e., not city-owned) properties:

<b><u>Block</u></b>	<b><u>Lots</u></b>
5294	9, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 39, 45, 46, 50, 53, 54, 55, 62, 65, 66
5295	42, 45, 52, 56, 60, 68, 70, 71, 73
5296	1, 7, 29, 46, 49, 51, 54, 55, 57, 60, 64, 66, 67, 70, 72
5299	17
5300	8, 45, 62, 70, 72, 74
5301	1

The applicable text for the hazardous materials (E) designations would be as follows:

### Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

### Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

The proposed (E) designations for air quality would ensure that the proposed action would not result in significant adverse impacts related to HVAC emissions and would be placed on the following private (i.e. not city-owned) properties:

<b><u>Block</u></b>	<b><u>Lots</u></b>
<b>5294</b>	18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 39, 45, 46, 50, 53, 54, 55, 62, 65, 66
<b>5295,</b>	45, 46, 52, 56, 60, 68, 70, 71
<b>5296,</b>	7, 29, 49, 51, 52, 54, 55, 57, 64, 66, 67, 70, 72
<b>5299,</b>	17
<b>5300,</b>	8, 62, 70, 72, 74

The text for the air quality (E) designations is as follows:

#### Block 5294, Lots 31

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lots 45, 46, 50 Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lots 53, 54, 55 Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet from the lot line facing 38<sup>th</sup> Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 65, 66 Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5295, Lots 52, 56

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5295, Lot 60

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5295, Lots 70, 71

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 7

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5300, Lots 8, 70, 72, 74

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 36

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5295, Lot 68

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 62

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 19

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 18

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 20

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 21

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 23

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 24

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 25

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 26

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 27

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 28

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 29

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 30

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 34

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 35

Any new residential development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet from the lot line facing 39<sup>th</sup> Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5294, Lot 39

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5295, Lots 45, 46 Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 29 Any new residential development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet from the lot line facing 37<sup>th</sup> Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 49

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 51

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 52

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 54

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 55

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 57

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 64

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 66

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 67

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 70

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5296, Lot 72

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5299, Lot 17

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5300, Lot 62

Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

The proposed (E) designations for noise would ensure that the proposed action would not result in significant adverse impacts due to noise from mobile sources and would be placed on the following private (i.e., not city-owned) properties:

<u>Block</u>	<u>Lots</u>
5296,	1, 7, 29, 46, 49, 51, 52, 54, 55, 57, 60, 64, 66, 67, 70, 72
5301,	1

The text for the noise (E) designations would be as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

For the two city-owned parcels (Block 5295/Lot 4 and Block 5300/Lot 9), a Land Disposition Agreement (LDA) between HPD and their selected developer will be utilized to avoid any potential impacts associated with hazardous materials and air quality. The LDA will include provisions for hazardous materials testing and potential remediation measures (in accordance with DEP oversight) and the use of natural gas for space heating and hot water (HVAC) systems for any residential development on the two city-owned parcels.

### **UNIFORM LAND USE REVIEW**

This application (C 100345 ZMK), in conjunction with the related applications (C 100347 HAK, and C 100348 ZSK – C 100361 ZSK), was certified as complete by the Department of City Planning on May 10, 2010, and was duly referred to Community Board 12 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP application (N 100346 ZRK) which was duly referred to Community Board 12 and the Borough President, in accordance with the procedure for referring non-ULURP matters.

### **Community Board Public Hearing**

Community Board 12 held a public hearing on this and the related applications on June 22, 2010 and on June 23, 2010, by a vote of 32 to 2 with 2 abstaining, adopted a resolution recommending approval of this and the related applications.

### **Borough President Recommendation**

This application (C 100345 ZMK) and the related applications were considered by the Borough President, who issued a recommendation on July 26, 2010 approving the application with the following conditions:

#### Zoning Map Amendments

1. That for the block proposed for a C4-4A district, rezone from the existing M1-2 district to C8-2 unless adequate documentation is recorded against Block 5301, Lot 1, prior to the vote of the City Council, that binds the property to the provision of

not less than 20 percent of residential floor area being for affordable housing and that such housing would remain “affordable forever.”

2. That for the 14th Avenue frontages proposed for a (MX)M1-2/R6B district, rezone the existing M2-1 district north of 38th Street to M1-2 and retain the existing M1-2 district south of 38th Street

#### Disposition of City-Owned Property

That the Department of Housing Preservation and Development (HPD) be required to incorporate into its Land Disposition Agreement:

1. For the 17 sites to be developed as affordable housing, that such housing be permanently affordable pursuant to the re-sale provisions of Zoning Resolution Section 23-913 and 23-962, with no requirements to repay subsidies and land appraisal value.
2. For the three sites to be developed as accessory parking, that:
  - a. as a condition of disposition, HPD shall receive a report from the designated community facility organization of the anticipated hours of usage for the accessory parking lot.
  - b. easements be established for the benefit of the 17 residential development sites to facilitate use of the property for recreational purposes during hours that these lots are not in use for accessory parking, governed by a homeowner’s association agreement among the 68 housing units.

Be it further resolved that the following concerns are addressed.

#### Affordable Housing

1. That the Department of City Planning incorporate inclusionary housing regulations whenever it undertakes any rezoning in the future intended to facilitate residential development

#### Open Space/Streetscape

1. That the Department of Transportation investigate the possibility of transforming the street bed of 35th Street between Church and 14th avenues into a public open space pursuant to its plaza program initiative and report its findings to Community Board 12 and affected Local Elected Officials.
2. That the Department of Parks and Recreation survey the area generally bounded by Dahill Road, Church Avenue, 36th Street and Fort Hamilton Parkway, for opportunities to plant street trees in established tree pits and for areas that merit the creation of tree pits.

#### Parking

That the Department of Housing Preservation and Development to advise the entities acquiring the three sites being disposed for accessory parking that each would be permitted to file a Special Permit to facilitate a public parking facilitate

that when not in use as an accessory parking facility or recreational area, could then be made available for patrons of nearby retail and business establishment and overnight parking for area residents.

### **City Planning Commission Public Hearing**

On July 14, 2010 (Calendar No. 4), the City Planning Commission scheduled July 28, 2010, for a public hearing on this application (C 100345 ZMK). The hearing was duly held on July 28, 2010 (Calendar No.21), in conjunction with the public hearing on the related applications (N 100346 ZRK, C 100347 HAK, and C 100348 ZSK – C 100361 ZSK).

There were seven speakers who spoke in favor of the applications and none opposed. The speakers included the proposed not-for-profit affordable housing developer, their attorney and architect, a member of Community Board 12, a representative of a local community group, a representative of the Public Advocate, and a representative from HPD. The developer's attorney briefly described the proposal and the developer's past history of successfully developing low- and moderate-income housing within the Borough Park community. The community members testified of the need for affordable housing in the Borough Park neighborhood. A representative of HPD also appeared and, explained that the proposed development project would be developed pursuant to the New Foundations home ownership program. He explained the difference between the Inclusionary Housing homeownership program and the New Foundations homeownership program. He stated that the Inclusionary Housing program creates buildings with market rate and affordable housing units, where the New Foundations program produces buildings with 100% affordable units. The HPD representative noted that it is therefore more difficult for developers to find financing for projects under the New Foundations program, because there are no market rate units to subsidize the affordable units. Therefore, the HPD representative explained, the programs are structured differently; New Foundations projects cannot guarantee permanent affordability.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this zoning map amendment (C 100345 ZMK) and related applications for an amendment to the Zoning Resolution (C 100346 ZRK), Urban Development Action Area Project designation and disposition of City-Owned-Property (C 100347 HAK) and for special permits for development within a railroad right-of-way (C 100348 ZSK–C 100361 ZSK) are appropriate.

These applications recognize the existing mixed use character of the affected area, including the existing non-conforming uses, especially residential uses which cover over fifty percent of the proposed rezoning area. The applications would provide new zoning districts that are appropriate to the existing density and scale of the neighborhood. Existing homes and businesses would be allowed to co-exist; each with appropriate zoning. Additionally, the proposed zoning text amendment that establishes a Special Mixed Use District, would allow new businesses to move into the neighborhood, while preserving the option of modest expansion for both existing homeowners and businesses. The applications would allow for the disposition of under-utilized city-owned land, which would be redeveloped as much needed affordable housing and community facility parking.

The proposed zoning map amendment would provide a framework for development that would recognize the mix of uses, scale and density of this neighborhood, with opportunities for a modest amount of growth, and would facilitate approximately 68 units of affordable housing on a previously underutilized, city-owned former railroad right-of-way. The proposed contextual districts would provide height limits that assure that new development within the neighborhood would be in context with existing buildings. Existing uses that currently do not conform to the requirements of the existing zoning districts would become conforming uses, including many one- and two-family homes and apartment buildings, mixed residential and commercial buildings, and a large department store.

The proposed zoning map amendment would map an R5 district over small homes between 36<sup>th</sup> and 37<sup>th</sup> streets, and between 12<sup>th</sup> and 13<sup>th</sup> avenues. The proposed R5 district would bring these existing one-and two-family homes into conformance with the Zoning Resolution and allow for

modest expansion. The proposed (MX) M1-2/R6A district would allow commercial, residential and light industrial uses along 13<sup>th</sup> Avenue and the south side of 37<sup>th</sup> Street. The proposed district would recognize the existing height and density of development in these areas. The proposed (MX) M1-2/R6B district would protect the low-rise, medium-density rowhouse character of residential uses on the side streets, east and west of 13<sup>th</sup> Avenue, while also providing the opportunity for modest expansion of homes and the one- and two-story warehouses and light industrial uses located on 38<sup>th</sup> and 39<sup>th</sup> streets. The proposed C4-2A district, which would be mapped on the block bounded by 36<sup>th</sup> Street, Old New Utrecht Road, 37<sup>th</sup> Street and 13<sup>th</sup> Avenue, is appropriate because the area is currently developed with a department store that does not conform to the Zoning Resolution, and other commercial uses. The block is accessible to transit and would be directly across 37<sup>th</sup> Street from the proposed affordable housing project. The proposed C4-2A district would bring the existing uses on that block into conformance with the Zoning Resolution and allow development of buildings to a similar height and use as the proposed (MX) M1-2/R6A district directly across 13<sup>th</sup> Avenue, and of a similar height to buildings located nearby along 14<sup>th</sup> Avenue.

The proposed zoning text amendment, which would establish a Special Mixed Use District, would recognize the long-standing mix of uses in this area. The proposed Special District would allow commercial and manufacturing businesses the opportunity to continue to flourish alongside the existing residential buildings. The proposed Special Mixed Use District would also allow new commercial and light industrial businesses to move into the neighborhood, and would continue to allow existing businesses the opportunity to expand, should they choose to do so. In addition, the proposed Special Mixed Use District contains regulations within the Zoning Resolution that would safeguard the existing and future residential population from noxious, light industrial uses.

The proposed designation of Block 5295, Lot 4, and Block 5300, Lot 9 as an Urban Development Action Area Project, and the disposition of the subject property to a private developer by HPD would facilitate the development of approximately 68 units of much needed affordable housing. These two parcels are currently used for parking under month-to-month leases by the Department of Citywide Administrative Services.

The homes developed through the Culver El proposal would be made available to families who have combined incomes of between 80% and 110% of the Area Median Income, and are selected in a blind lottery by HPD. The disposition of these properties for residential use is appropriate because the proposed residential buildings are located across 37<sup>th</sup> Street from other residential uses between 12<sup>th</sup> and 13<sup>th</sup> avenues, and would be adjacent to community facilities between 13<sup>th</sup> and 14<sup>th</sup> avenues. The subject parcels would also provide much needed parking for three existing community facilities within the neighborhood. These existing schools currently utilize on-street parking for staff and visitors. The proposed accessory parking lots would lessen the demand for on-street spaces and free room parking for neighborhood residents and patrons of neighborhood retail and businesses.

The 14 special permits, requested pursuant to Section 74-681 of the Zoning Resolution (Development within or over a railroad or transit right of way or yard) would facilitate an appropriately-scaled residential development that is consistent with existing buildings and with the proposed zoning for the area. The proposed development would not unduly burden local streets as the site is currently developed with accessory parking for a variety of uses and the proposed uses are not expected to add significant additional traffic to the area. Furthermore, 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> avenues are all wide streets and mapped to a width of 80 feet providing easy access through the neighborhood. The distribution of floor area and the number of proposed dwelling units are similar to other residential buildings nearby. The proposed development project would not adversely affect the character of the surrounding area, because much of the surrounding area along 37<sup>th</sup> Street, 12<sup>th</sup> Avenue and portions of 38<sup>th</sup> and 39<sup>th</sup> Streets, already contain residential and community facility uses and the proposed residential buildings would not concentrate development on one portion of the former railroad-right-of-way. The proposed accessory community facility parking would be screened from the proposed residential buildings and would adversely affect one another. The former railroad right-of-way was deactivated in 1975 and the structure demolished in the 1980's and is no longer needed for transportation use.

Due to the narrow, fifty-foot depth of the former Culver Elevated right-of-way, it will be necessary for the private developer selected by HPD to seek zoning variances from the Board of

Standards and Appeals to seek relief from Section 23-861 (General Provisions, Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and Section 23-47 (Minimum Required Rear Yards) of the New York City Zoning Resolution. While pursuant to Section 23-52 (Special Provisions for Shallow Interior Lots) of the ZR, shallow lots existing prior to December 15, 1961, may reduce the required rear yard from 30 feet to up to 10 feet, the lots would be subdivided subsequent to that date and would be required to provide a 30 foot rear yard. Therefore, variances would be requested of the BSA to waive the 30-foot rear yard requirement because it would result in buildings of only 20 feet deep. Variances to waive ZR section 23-861 (General Provisions, Minimum Distance Between Legally Required Windows and Walls or Lot Lines) would also be requested to build the proposed residential development at the proposed size and density on the former Culver El parcels. The Commission believes these subsequent actions to be an appropriate means of maximizing the amount of affordable housing that can be developed on these last, two parcels of city-owned land within this dense and growing community.

Regarding the recommendation of the Borough President and local Council Member to designate portions of the rezoning area within the Inclusionary Housing Program, the Commission notes that the proposed changes to the zoning map primarily reflect the existing mix of uses, scale, and density of this area, and would neither promote a higher level of density nor add a significant amount of new development to the area. As articulated in prior Commission actions, the Inclusionary Housing program is an incentive program conceived to promote the provision of affordable housing where zoning changes promote substantial new housing development. It has been applied to actions that substantially increase density in an area containing many properties that could result in substantial new development or single properties large enough to constitute a new community unto themselves, rather than to actions that primarily extend a zoning designation from a surrounding area to an adjacent area or that primarily reflect existing conditions. While the block proposed to be rezoned from M1-2 to C4-2A could be redeveloped in the future, the Commission notes that it is predominantly owned by a single, private property owner and is developed with a large, highly active department store and is not anticipated to be redeveloped with housing in the foreseeable future. Finally, the Commission notes that a zoning

text amendment to apply the Inclusionary Housing Program to the project would be outside the scope of the proposed actions.

Regarding the recommendations of the Borough President and local Council Member to map an M1-2 district over two lots, (Block 5299, Lot 37 and Block 5300, Lot 45), in place of the proposed (MX) M1-2/R6B district, the Commission notes that Block 5300, Lot 45, is developed with a high-lot coverage, four-story industrial loft building, currently tenanted by retail and light industrial uses, and Block 5299, Lot 37, is developed with a two-story community facility building containing medical offices. Conversion to residential use of the loft building would require substantial demolition of a large portion of the building to create a layout suitable for residential use and is therefore considered unlikely. A similar loft building diagonally across 14<sup>th</sup> Avenue was recently renovated for light industrial, medical and office use. In addition, the loft building is adjacent to an elementary school and would abut the proposed affordable housing development. The proposed Special Mixed Use District text includes important protections for residential and community facility uses from light industrial and commercial uses. The Special Mixed Use District regulations would serve to further protect the adjacent elementary school and the proposed affordable housing from any potential hazardous or intensive light industrial uses.

Regarding the concerns by the Borough President and the local Council Member regarding permanent affordability of the affordable housing, HPD testified that the proposed affordable housing would be disposed of with a 15-year resale restriction. Furthermore, the New Foundations program, proposed for the subject city-owned sites, allows HPD to use city-owned property to provide homeownership units to residents in developments that are entirely affordable. While the Inclusionary Housing Program includes a permanent affordability option; developments that utilize the Program only set aside 20 percent of units for affordable housing. In addition, the developer designated by HPD for the subject sites testified at the Commission's public hearing that, in his experience, many of the affordable housing units they have built in the past continue to be owned by the original buyers.

Regarding the recommendations from the Brooklyn Borough President and from the local Council Member concerning the lack of open space in the surrounding area, the Commission

notes that the proposal to utilize the proposed community facility parking lots as open space would result in sub-standard open space with limited utility. Additionally, this proposal also conflicts with the Borough President's recommendation to also utilize these lots for public parking. Furthermore, there are open spaces within a quarter mile of the Culver project area. The nearby, 1.4-acre, Jesse and Charles Dome Playground, a New York City Department of Parks and Recreation park, is located within two blocks of the project area and contains a playground, basketball courts, handball courts and fitness equipment. Dome Playground is slated for an approximately \$ 1 million rehabilitation to upgrade and improve the park's facilities.

Other recommendations including recommendations concerning schools and open spaces in the Kensington neighborhood made by the Borough President and local Council Member fall outside the purview of the Commission and are related to issues that affect the broader neighborhood, outside of the proposal area.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following condition; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, 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:

1. changing from an M1-2 District to an R5 District property bounded by 36th Street, a line 100 feet northwesterly of 13th Avenue, 37th Street, and 12th Avenue;
2. changing from an M1-2 District to a C4-2A District property bounded by 36th Street, Old New Utrecht Road, 37th Street, and 13th Avenue;
3. changing from an M1-2 District to an M1-2/R6A District property bounded by:

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

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated May 10, 2010, and subject to the conditions of CEQR Declaration E-252.

The above resolution, duly adopted by the City Planning Commission of August 25, 2010 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and Borough President

together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, Esq. Vice Chair**  
**ANGELA BATTAGLIA, RAYANN BESSER,**  
**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**  
**MARIA DEL TORO, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, ANNA HAYES LEVIN,**  
**SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners.**

# Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 100345 ZMK/100346 ZRK/100347 HAK/100348-100361 ZSK  
Culver EI Project

In the matter applications submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter; the Department of Housing Preservation and Development pursuant to: Article 16 of the General Municipal Law of New York for an amendment of the Zoning Map and Zoning Text, UDAAP designation and land disposition, and the grant of 14 special permits to facilitate development of seventeen 4-story buildings with approximately 68 units and three accessory parking lots.

COMMUNITY DISTRICT NO. 12

BOROUGH OF BROOKLYN

## RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

Recommendation report on following pages



\_\_\_\_\_  
BOROUGH PRESIDENT

July 26, 2010

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR THE PROPOSED  
CULVER EL REZONING  
100345 ZMK/100346 ZRK/100347 HAK/100348-100361 ZSK**

These applications by the Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD) seek actions including an amendment to the zoning map and disposition of city-owned properties; in order to facilitate the development of a residential project consisting of 17 buildings with 68 units within the Borough Park community.

**Public Hearing**

On July 8, 2010 the borough president held a public hearing for the former Culver-elevated railroad/transit way right-of-way (Culver El) rezoning proposal. Three speakers were in favor of the application including Council Member Brad Lander, while two speakers testified against the application.

Council Member Brad Lander expressed his support of the project because of its permanent affordable housing component. However, the council member noted the need for more open space, and that opportunities to provide such space should be explored. While discussing the overall rezoning, the council member disagreed with the City's Inclusionary Housing program not being made applicable as well as the extent that the rezoning would make residential conversions as-of-right in manufacturing districts. Additionally, the council member believes that the department store site should not be proposed as a C4-4A district, but instead rezone as a C8-2 district. With respect to schools, the council member noted that the area's K-8 grades are operating at current capacity. Based on the enrollment projections, he suggested that there is likely to be a future need for the siting of a new K-8 school needs to occur.

Those in favor for this project commented on the importance of providing more affordable housing to the community. Generally, opponents to the proposal believed that an opportunity to address the lack of open space within the community is being missed. It was believed that alternative land use actions could provide a way to address these concerns by incorporating ways to increase green space with respect to the Culver El project.

**CONSIDERATION**

DCP has requested a zoning map change to rezone manufacturing districts to districts that facilitate residential development. HPD has submitted applications for the disposition of city-owned property and special permits to permit development within the Culver El to facilitate the development of affordable housing and accessory parking for area community facilities. It is the borough president's policy to support land use changes that increase the supply of housing for Brooklyn residents, especially when such projects result in affordable housing. He also supports opportunities that result in having adequate provision for accessory parking. As without adequate parking made available for community uses, parking attributed to such uses might impose on the quality-of-life of area residents who might be dependent on the scarce curbside parking availability. The proposed land use actions provide opportunities to address these concerns.

DCP under the leadership of Executive Director Amanda Burden and Brooklyn Office Director Purnima Kapur, has developed a thoughtful proposal to address concerns from Borough Park

community leaders. DCP's proposal for a mixed-use zoning district would allow for construction of residential, community facility, commercial or industrial buildings, including mixed-use buildings. Manufacturing uses would remain permitted and for blocks now zoned M2-1, the proposal would allow for a wider range of commercial uses. HPD's proposal for disposition of city-owned property, would facilitate 68 affordable homeownership units and three accessory parking facilities for adjacent community facilities consisting of 25, 8 and 15 spaces.

However, the borough president has concerns with a number of issues including: the provision of affordable housing on privately-owned properties and permanency of such housing on city-owned sites; the anticipated loss of jobs; lack of open space and streetscape greenery in the surrounding area; and, the need to accommodate parking.

## **Affordable Housing**

### Rezoning

According to the environmental assessment statement (EAS), Lot 1 in Block 5301 was assumed for potential redevelopment of 121 dwelling units. Pursuant to the proposed rezoning, there would be no obligation to provide any affordable housing. With the increasing demand by Brooklyn residents for affordable housing, he believes every attempt should be made to provide for these opportunities. It is the policy of the borough president to support residential development subject to ULURP that provides at least 20 percent of its units as affordable and that such housing should remain "affordable forever."

With the proposed zoning change from M1-2 to C4-2A (an R6A residential equivalent), the borough president believes that providing up to 25 percent affordable housing is warranted, including a blend of moderate- and middle-income affordable units. It is the borough president's policy to obtain a written commitment or explanation that conveys a suitable assurance that affordable housing will be included as part of any residential development facilitated by rezoning. Without a commitment from the property owner to file legal instruments to bind the property to the provision of affordable housing, the borough president believes that it is not in the public interest to rezone this block.

According to the EAS, this site was estimated to contain approximately 60 jobs. Without the public benefit of affordable housing, the borough president believes it is not warranted to place such retail jobs at risk. In lieu of any filing of a legal instrument that would bind residential redevelopment to the provision of affordable housing, the borough president believes it would be appropriate to rezone this block to reflect its retail usage. This can be achieved by rezoning the site from the existing M1-2 to C8-2, a district that permits a wide range of retail uses, including much needed supermarkets, by-right.

### Disposition

For the 68 affordable units anticipated to be developed by the South Brooklyn Community Organization (SBCO), there is no guarantee that such units remain permanently affordable. Typical terms of disposition call for full repayment of government subsidies (including the assessed value of the land) for sales within the first five years of initial occupancy, with the amount being reduced in ten percent increments over years six through 15. The combination of owing a lesser amount of

subsidy and increased market value, create an incentive for the initial occupant to obtain substantial equity at the cost of eliminating the unit as part of the city's affordable housing stock.

Creating and maintaining affordable housing continues to be a challenge in New York City. The trend of losing such affordable housing to privatization has resulted in the increased demand for such housing. The borough president believes that without actively trying to meet such demand, the city will consist of those who are either poor or very affluent. When new affordable units are created, it is always a concern of the borough president regarding the number of years they can be kept affordable. In areas where new developments can be realized on city-owned sites, it should be the policy of the City to minimize the loss of affordable housing. Measures need to be put in place in order to ensure that these residences can remain as affordable housing options for the city's residents. The borough president believes that as the City goes about disposing of its land to developers, the land disposition agreement (LDA) would be an appropriate mechanism to ensure that the affordable housing remains in perpetuity. Therefore, stipulations should be placed that guarantee those units developed by SBCO would remain affordable for the life of the development.

Permanent affordable homeownership housing, known as "shared equity," provides the benefits of building wealth for the homeowner while assuring that the home remains an affordable housing resource when sold. Resale restrictions could be based on several existing models such as subsequent re-sales of the homeownership unit being indexed to standards as defined by the City's Inclusionary Housing Program (IHP). Other methods are noted in documents produced by the Center for Housing Policy, including the Consumer Price Index. Establishing permanent affordable homeownership housing would recycle initial subsidies, while resulting in these housing units being affordable for future generations of Brooklynites. The borough president believes that such housing should be made permanently affordable through the LDA incorporating provisions of the IHP, with no requirements to repay subsidies and land appraisal values.

#### Inclusionary Housing Program

It is the borough president's policy that all City sponsored rezonings that facilitate housing development establish zoning districts that permit the use of the City's IHP. As the city is running out of sites to provide affordable housing, it is important to advocate for the IHP to become applicable to areas being rezoned by the City. Though the number of units forfeited by not applying the IHP is not as significant as recent zonings in CD1, CD7 and CD14, it is a circumstance that the City can ill-afford to ignore. On block 5301, Lot 1 alone, more than 30 units could have been leveraged and dozens more on the other identified development sites. The borough president urges DCP to incorporate the inclusionary housing regulations in the future whenever it undertakes a rezoning intended to facilitate residential development.

#### **Job Retention/Community Facilities**

According to the EAS, the four-story loft building at the northwest corner of 14<sup>th</sup> Avenue at 38<sup>th</sup> Street, is estimated to have 45 jobs. It is listed as a potential development site though due to its configuration, if redeveloped, the EAS projected its use as a community facility use such as a school or house of worship. The borough president believes that such re-use would complement the community, though being configured as a loft does not guarantee that the building would not be redeveloped for housing. As noted above, the borough president seeks affordable housing as part of

residential housing developments. The proposed zoning does not guarantee such an outcome. However, he believes that if the building were to be utilized as a house of worship or school, the current M2-1 zoning serves as a deterrent as such uses now require a variance. Though, a rezoning that permits residential development is not required to facilitate such use. The borough president believes that this can be accomplished though rezoning to M1-2, which allows houses of worship as-of-right and schools via a special permit under the jurisdiction of the Board of Standards and Appeals. The EAS discloses a projected utilization of 137 percent for the three elementary schools in proximity to the area proposed to be rezoned. By not offering the option of residential conversion to the loft building, the site could be a resource that could be examined in terms of addressing the possible future need for schools. Given the medical use on the southwest corner of 14<sup>th</sup> Avenue and 38<sup>th</sup> Street, the borough president believes that it is appropriate for both this property and the loft building to become part of the abutting M1-2 district.

### **Open Space/Streetscape**

According to the website of the Mayor's Office of Environmental Coordination, Borough Park is considered to be underserved in terms of the amount of open space provided for the neighborhood's population. The district is highly developed with few opportunities to expand its public recreational space. Unutilized city-owned sites are scarce in the immediate area and sites such as the narrow Culver-El corridor are now being considered for much needed affordable housing and accessory parking for community facilities. The 17 sites intended for affordable housing will have shallow rear yards and side yards that are intended for parking. With four- and five-bedroom units intended, it is anticipated that many children would be residing in these homes with virtually no outdoor area for recreation other than the adjacent sidewalk. As land becomes even scarcer, creative solutions are required to make optimal use of this resource in order to address the need for places for recreation.

The borough president anticipates that the lots intended for disposition for accessory parking are prime candidates to consider for more utilization. It is quite possible that a house of worship or school would have hours that such accessory parking lots would not be in use. This presents the possibility of available times that such lots could be used by area residents for recreation. In order to access the anticipated availability of these lots, as a condition of the LDA, HPD should require a report from the designated community facility organization of the anticipated hours of usage for the accessory parking lot. Based on such information, HPD should establish easements for the benefit of the 17 residential development sites to facilitate use of the property for recreational purposes during hours that these lots are not in use for accessory parking. Such easement could be governed by a homeowner's association agreement among the 68 housing units. Such an agreement could set forth requirements for insurance to protect the community facility from liabilities when in use as a resource open to the community for recreation.

In addition to better utilization of the city-owned sites intended for disposition, the street-bed of 35<sup>th</sup> Street between Church and 14<sup>th</sup> Avenue presents another opportunity to increase the supply of open space. This right-of-way abuts a Department of Parks and Recreation (DPR) "Green Streets" development on its north side. In that regard, in a letter dated July 21, 2010, the borough president has written to the Brooklyn borough commissioner of the Department of Transportation (DOT) calling for the agency to investigate the possibility of transforming the street-bed into a public open

space pursuant to its plaza program initiative and report its findings to CB 12 and affected Local Elected Officials. As this initiative requires a not-for-profit partner to commit to maintaining such a space, it might present an opportunity for a locally based organization such as the West Kensington Action Group to explore whether it could serve in such role.

The borough president's office noted the lack of street trees in the area. Sites to be redeveloped as housing or accessory parking would be required to provide street trees in accordance to the rezoning. For the adjacent West Kensington residential area to the north, it was noted that Church Avenue completely lacks such plantings despite the mix of residential buildings along this corridor. It was also noted that Story Street had tree pits with either stumps or no plantings at all. Other area residential streets lacking adequate street tree coverage include Tehama Street and Louisa Street. In that regard, in a letter dated July 22, 2010, the borough president has written to the commissioner of the DPR calling for the agency to survey the residential area bounded by Church Avenue, 36<sup>th</sup> Street, Fort Hamilton Parkway and Dahill Road to note opportunities where trees could be planted, included where tree pits would need to be established.

### **Parking**

Certain sections of the city-owned lots set for disposition within the Culver-El are utilized as parking for area retail use, especially the department store on the south side of 37<sup>th</sup> Street. With disposition, the sites would no longer be available for patrons of the stores that have benefitted from this parking. According to the special permit associated with the disposition of the accessory parking lots, the 48 spaces that would result are limited to each of the community facilities obtaining the property. If the land use actions included a special permit to facilitate public parking, these community facilities would have had the option to permit use of the lots for the area retail patrons. In addition, the lots could have served as an overnight parking resource for area residents. Given that the 68 affordable units are expected to contain a limited amount of on-site parking, such additional resources for parking could be of great benefit to residents' quality-of-life. The borough president believes that the HPD disposition should not preclude the community facilities from pursuing land use actions that facilitate public parking at a later date. Such an approval could provide a potential source of income for the community facility and be a public benefit by having more parking resources available in the neighborhood.

### **RECOMMENDATION**

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council conditionally approve the land use actions that comprise the Culver El rezoning project based on the following:

#### Zoning map amendments

1. That for the block proposed for a C4-4A district, rezone from the existing M1-2 district to C8-2 unless adequate documentation is recorded against Block 5301, Lot 1, prior to the vote of the City Council, that binds the property to the provision of not less than 20 percent of residential floor area being for affordable housing and that such housing would remain "affordable forever."

2. That for the 14<sup>th</sup> Avenue frontages proposed for a (MX)M1-2/R6B district, rezone the existing M2-1 district north of 38<sup>th</sup> Street to M1-2 and retain the existing M1-2 district south of 38<sup>th</sup> Street

#### Disposition of City-Owned Property

That the Department of Housing Preservation and Development (HPD) be required to incorporate into its Land Disposition Agreement:

1. For the 17 sites to be developed as affordable housing, that such housing be permanently affordable pursuant to the re-sale provisions of Zoning Resolution Section 23-913 and 23-962, with no requirements to repay subsidies and land appraisal value.
2. For the three sites to be developed as accessory parking, that:
  - a. as a condition of disposition, HPD shall receive a report from the designated community facility organization of the anticipated hours of usage for the accessory parking lot.
  - b. easements be established for the benefit of the 17 residential development sites to facilitate use of the property for recreational purposes during hours that these lots are not in use for accessory parking, governed by a homeowner's association agreement among the 68 housing units.

Be it further resolved that the following concerns are addressed.

#### Affordable Housing

1. That the Department of City Planning incorporate inclusionary housing regulations whenever it undertakes any rezoning in the future intended to facilitate residential development

#### Open Space/Streetscape

1. That the Department of Transportation investigate the possibility of transforming the street bed of 35<sup>th</sup> Street between Church and 14<sup>th</sup> avenues into a public open space pursuant to its plaza program initiative and report its findings to Community Board 12 and affected Local Elected Officials.
2. That the Department of Parks and Recreation survey the area generally bounded by Dahill Road, Church Avenue, 36<sup>th</sup> Street and Fort Hamilton Parkway, for opportunities to plant street trees in established tree pits and for areas that merit the creation of tree pits.

#### Parking

That the Department of Housing Preservation and Development to advise the entities acquiring the three sites being disposed for accessory parking that each would be permitted to file a Special Permit to facilitate a public parking facility that when not in use as an accessory parking facility or recreational area, could then be made available for patrons of nearby retail and business establishment and overnight parking for area residents#

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100345 ZMK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_\_\_ Borough: \_\_\_\_\_  
Project Name: Culver EI Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

See Attached.

DEPARTMENT OF CITY PLANNING  
JUN 28 2010  
BROOKLYN OFFICE

Applicant(s):

Department of City Planning Planning,  
Brooklyn Borough Office  
16 Court Street, 7<sup>th</sup> Floor,  
Brooklyn, New York 11241

Applicant's Representative:

Purnima Kapur, Director,

Community Board No. 12 Borough: Brooklyn

Borough Board

Date of public hearing: 6/23/10

Location: 5901 BAY

Was a quorum present? YES:  NO:

A public hearing shall require a quorum of two-thirds of the appointed members of the board, but in no event fewer than seven (7) such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 37 Against: 7 Abstaining: 2

Total members appointed to the board: 57

Community/Borough Board Officer

Title

Date: 6/23/10

v 012006w

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C100347 HAK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Project Name: Culver El

## INSTRUCTIONS

1. Complete this form and return one copy date to the Calendar Information Office City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed above, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description:

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

- 5) pursuant to Article 16 of the General Municipal Law of New York State for:
- a) the designation of property located 1284 37<sup>th</sup> Street (Block 5295, Lot 4) and 1300 37<sup>th</sup> Street (Block 5300, Lot 9) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 6) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of seventeen 4-story buildings with approximately 68 units.

## Related Applications:

### Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

### Applicant's Representative:

Jack Hammer  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: \_\_\_\_\_

Borough Board of \_\_\_\_\_

Date of public hearing: 6-23-10

Location: 13 Ave. Brooklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but may exceed fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 3 Against: 2 Abstaining: 2

Total members appointed to the board: 7

\_\_\_\_\_  
Community/Borough Board Officer

\_\_\_\_\_  
Title

Date: 6-23-10

v.01/0007

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100348 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_  
Project Name: Culver El Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description:

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (tentative Lots 115 & 116), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-4 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100585 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.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Board Meeting  
Date of public hearing 6-29-10

Location: 5901-13 Ave - Brooklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 25% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 3,2 Against: 2 Abstaining: 2

Total members appointed to the board: 50

Community/Borough Board Officer

Title

Date

012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100349 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_\_\_  
Project Name: Culver EI Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 an off-site accessory parking lot, on property located on Block 5300, p o Lot 9 (Tentative Lot 114), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12,\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-3 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 2N, 22 Reade Street, New York, NY 10007.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Board Meeting  
Date of public hearing: 6-22-10

Location: 5901-13 Ave, Bklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event lower than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

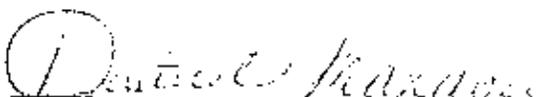
Explanation of Recommendation/Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2

Total members appointed to the board: 56

  
Community/Borough Board Officer

  
Title

Date: 6-23-10

v 012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100350 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_\_\_ Borough: \_\_\_\_\_  
Project Name: Culver EI Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description:

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (tentative Lots 112 & 113), in a M1-2-R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100345 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.

## Applicant(s)

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Date of public hearing: Board Meeting  
6-23-10

Location: 5901-13 Ave Brooklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 2/3 of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2 Total members appointed to the board: 50

\_\_\_\_\_  
Community/Borough Board Officer

\_\_\_\_\_  
Title

Date: 6-23-10

c012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100351 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. Borough:  
Project Name: Culver El Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-081 of the Zoning Resolution to allow that portion of the 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 a 4-story residential building, on property located on Block 5300, p/o Lot 9 (Pentative Lot 111), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100355 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.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Board Meeting  
Date of public hearing: 6-22-10

Location: 5901-134 Ave Brooklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2

Total members appointed to the board: 50

Community/Borough Board Officer

Date

Dimitrios Karageorgis  
Title

v.012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100352 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_  
Project Name: Culver EI Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description:

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 1201 of the New York City Charter for the grant of a special permit pursuant to Section 24-03 of the Zoning Resolution to allow that portion of the 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 a 4-story residential building, on property located on Block 5309, pro Lot 9 (Tentative Lot 110), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100345 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, NY 10007.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Date of public hearing: Board Meeting  
6-30-10

Location: 5901-13 Ave - Bklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve  
 Disapprove

Approve With Modifications/Conditions  
 Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2 Total members appointed to the board: 50

[Signature]  
Community/Borough Board Officer

[Signature]  
Title

6-30-10  
Date

v 012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

**CITY PLANNING COMMISSION**  
 22 Reade Street, New York NY 10007  
 FAX # (212) 720-3356

Application # C 100353 ZSK  
 CEQR # 10DCP029K  
 Community District No. 12 Borough: Brooklyn  
 Community District No. \_\_\_\_\_ Borough: \_\_\_\_\_  
 Project Name: **Culver El Project**

**INSTRUCTIONS**

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lots 9 & 109), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100515 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.

<p><i>Applicant(s):</i></p> <p>NYC Dept. of Housing Preservation &amp; Development              100 Gold Street              New York, NY 10038</p>	<p><i>Applicant's Representative:</i></p> <p>Shampa Chanda, Assistant Commissioner              NYC Dept. of Housing Preservation and Development              100 Gold Street              New York, NY 10038</p>
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<p>Community Board No. 12 Borough: <b>Brooklyn</b></p> <p><i>Board Meeting</i>          Date of public hearing: <u>6-22-10</u></p> <p>Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>Vote adopting recommendation taken: <u>yes</u></p> <p><b>RECOMMENDATION</b></p> <p><input checked="" type="checkbox"/> Approve  <input type="checkbox"/> Disapprove</p>	<p>Borough Board</p> <p>Location: <u>5901-13 Ave Brooklyn</u></p> <p><small>A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small></p> <p>Location: _____</p> <p><input type="checkbox"/> Approve With Modifications/Conditions  <input type="checkbox"/> Disapprove With Modifications/Conditions</p> <p><i>Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)</i></p>
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**Voting**

In Favor: 32 Against: 2 Abstaining: 2 Total members appointed to the board: 50

<p>_____  <i>Community/Borough Board Officer</i></p> <p><u>6-25-10</u>  <i>Date</i></p>	<p style="text-align: center;"><u><i>District Manager</i></u>  <small>Title</small></p> <p style="text-align: right;">v.012006w</p>
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\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100354 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_  
Project Name: Culver EI Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the 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 two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 112 & 113), in a M1-2 R6A\* District, within a Special Mixed Use District (S-MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 1003-3 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.

## Applicant(s)

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Date of public hearing: 6-22-10

Location: 5901-13 Ave - Bklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 25% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 52 Against: 2 Abstaining: 2

Total members appointed to the board: 58

\_\_\_\_\_  
Community/Borough Board Officer

\_\_\_\_\_  
Title

Date: 6-23-10

v.012008w

\* indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100355 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_\_\_ Borough: \_\_\_\_\_  
Project Name: Culver El Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 two 4-story residential buildings, on property located on Block 5295, p & Lot 4 (tentative Lots 112 & 113), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100355 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.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Board Meeting  
Date of public hearing: 6-29-10

Location: 5901-13 Ave, Bklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 2/3's of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2 Total members appointed to the board: 50

\_\_\_\_\_  
Community/Borough Board Officer

Date

6-29-10

\_\_\_\_\_  
District Manager

v 012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100356 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_\_\_  
Project Name: Culver EI Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description:

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-081 of the Zoning Resolution to allow that portion of the 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 an off-site accessory parking lot, on property located on Block 5295, p/o Lot 4 (Tentative Lot 110), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100345 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.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Board Meeting  
Date of public hearing: 6-23-10

Location: 5901-13 Ave - Brooklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 10% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve  
 Disapprove

Approve With Modifications/Conditions  
 Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2

Total members appointed to the board: 50

\_\_\_\_\_  
Community/Borough Board Officer

\_\_\_\_\_  
Title

6-23-10  
Date

3/12006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100357 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_  
Project Name: Culver El Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description:

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-081 of the Zoning Resolution to allow that portion of the 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 an off-site accessory parking lot on property located on Block 5295, p o Lot 4 (Tentative Lot 109), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100255 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.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Board Meeting  
Date of public hearing: 6-22-10

Location: 5901-13 Ave. Brooklyn -

Was a quorum present? YES  NO

A public hearing shall require a quorum of 10% of the appointed members of the board, but at no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2

Total members appointed to the board: 50

Community/Borough Board Officer

Title

Date

7.012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100358 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_  
Project Name: Culver El Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 ( Tentative Lots 107 & 108), in a M1-2R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100345 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.

Applicant(s):

Applicant's Representative:

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Board Meeting  
Date of public hearing: 6-22-10

Location: 5901 13 Ave Brooklyn

Was a quorum present? YES  NO

A public hearing shall require a quorum of 2/3 of the appointed members of the board, but it may be held with fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

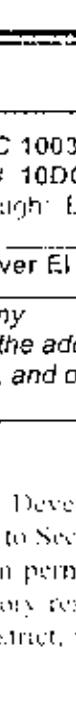
Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2

Total members appointed to the board: 50

  
Community/Borough Board Officer

  
District Manager

Date: 6-23-10

v 012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100359 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_  
Project Name: Culver EI Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 106), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)<sup>1</sup>, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-E District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100358 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.

Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

*Board Meeting*  
Date of public hearing: *6-23-10*

Location: *5901-13 Ave B Bklyn*

Was a quorum present? YES  NO

A public hearing shall require a quorum of 25% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: *yes*

Location: \_\_\_\_\_

## RECOMMENDATION

Approve  
 Disapprove

Approve With Modifications/Conditions  
 Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: *32* Against: *2* Abstaining: *2*

Total members appointed to the board: *50*

*[Signature]*  
Community/Borough Board Officer

*[Signature]*  
Title

*6-23-10*  
Date

v 012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100360 ZSK  
CFQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_  
Project Name: Culver El Project

## INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

## Docket Description:

**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 105), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\* Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100 345 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.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board:

*Board Meeting*  
Date of public hearing: *6-23-10*

Location: *5901-13 Ave, Brooklyn*

Was a quorum present? YES  NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: *Yes*

Location: \_\_\_\_\_

## RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation/Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: *32* Against: *2* Abstaining: *2*

Total members appointed to the board: *50*

Community/Borough Board Officer

Title

Date

v 012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(e) of the City Charter.

# Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3356

Application # C 100361 ZSK  
CEQR # 10DCP029K  
Community District No. 12 Borough: Brooklyn  
Community District No. \_\_\_ Borough: \_\_\_\_\_  
Project Name: Culver El Project

## INSTRUCTIONS

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## Docket Description:

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-681 of the Zoning Resolution to allow that portion of the 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 two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 4 & 104), in a M1-2 R6A\* District, within a Special Mixed Use District (MX-12)\*, Borough of Brooklyn, Community District 12.

\*Note: The site is proposed to be rezoned from an M2-1 District to an M1-2 R6A (MX-12) District, under a concurrent related application (C 100365 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.

## Applicant(s):

NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

## Applicant's Representative:

Shampa Chanda, Assistant Commissioner  
NYC Dept. of Housing Preservation and Development  
100 Gold Street  
New York, NY 10038

Community Board No. 12 Borough: Brooklyn

Borough Board

Board Meeting  
Date of public hearing: 6-23-10

Location: 5901-13 Ave -

Was a quorum present? YES  NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: \_\_\_\_\_

## RECOMMENDATION

Approve  
 Disapprove

Approve With Modifications/Conditions  
 Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

## Voting

In Favor: 32 Against: 2 Abstaining: 2

Total members appointed to the board: 50

Community/Borough Board Chair

Title

Date: 6/23/10

v.012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.