



CITY PLANNING COMMISSION

March 14, 2005/Calendar No. 4

C 040418 MMK

IN THE MATTER OF an application submitted by the New York City Department of City Planning and the Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of North 9th Street and North 10th Street between Kent Avenue and the United States Pierhead Line;
- the establishment of Inlet Park;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 1, Borough of Brooklyn, in accordance with Map Nos. W-2690 and V-2691 dated September 28, 2004 and signed by the Borough President.

The application (C 040418 MMK) for an amendment to the City Map was filed by the New York City Department of City Planning and the Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code on April 23, 2004. It involves: the elimination, discontinuance and closing of portions of North 9th Street and North 10th Street between Kent Avenue and the United States Pierhead Line; the establishment of Inlet Park; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

RELATED ACTIONS

In addition to the amendment to the City Map which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application.

1. C 040415 MMK Amendment to the City Map involving the elimination, discontinuance and closing of a portion of North 12th Street between Kent Avenue and the United States Pierhead Line; the establishment of Inlet Park; and the delineation of sewer corridors.

2. C 040416 MMK Amendment to the City Map involving the elimination of a portion of Quay Street between West Street and the United States Bulkhead Line; the establishment of Inlet Park; and the delineation of a sewer corridor.
3. C 040417 MMK Amendment to the City Map involving the elimination, discontinuance and closing of a portion of North 11th Street between Kent Avenue and the United States Pierhead Line; the establishment of Inlet Park; and the delineation of a sewer corridor.
4. N 050110(A) ZRK Amendment of the Zoning Resolution Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-8) in Greenpoint-Williamsburg, Community District 1, Brooklyn; and the elimination of Article IX, Chapter 7 (Special Northside Mixed Use District) and Article X, Chapter 8 (Special Franklin Street Mixed Use District).
5. C 050111(A) ZMK Amendment of the Zoning Map, Section Nos. 8d, 9b, 12c, 12d, 13a, and 13b to rezone approximately 184 blocks to R6, C2-4/R6, C1-4/R6, R6B, C2-4/R6B, C1-4/R6B, R6A, C2-4/R6A, C1-4/R6A, R8, C2-4/R8, M1-2, M1-2/R6B, M1-2/R6A, M1-2/R6, M1-2/R7A and MX-8.

BACKGROUND

A full background discussion and description of this project appears in the report on the related zoning text amendment application (N 050110(A) ZRK).

ENVIRONMENTAL REVIEW

This application (C 040418 MMK), in conjunction with the applications for the related actions, 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 04DCP003K. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement (FEIS) appears in the report on the related zoning text amendment application (N 050110(A) ZRK).

UNIFORM LAND USE REVIEW

This application (C 040418 MMK), in conjunction with the related applications, was certified as complete by the Department of City Planning on October 4, 2004 and was duly referred to Community Board 1 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 040418 MMK) on November 16, 2004.

A full discussion of the recommendation of Community Board 1 appears in the report on the related zoning text amendment application (N 050110(A) ZRK).

Borough President's Recommendation

This application (C 040418 MMK) was considered by the Borough President of Brooklyn.

A full discussion of the recommendation of the Borough President of Brooklyn appears in the report on the related zoning text amendment application (N 050110(A) ZRK).

City Planning Commission Public Hearing

On January 5, 2005 (Calendar No. 4), the City Planning Commission scheduled January 19, 2005 for a hearing on this application (C 040418 MMK). The hearing was duly held on January 19, 2005 (Calendar No. 14) in conjunction with the public hearings on the related applications.

There were a number of appearances as described in the report on the related zoning text amendment application (N 050110(A) ZRK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review and Findings

This application (C 040418 MMK) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002 , pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*) The designated WRP number is 04-080.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment to the City Map is appropriate.

A full consideration of the issues and the reasons for approving this application appears in the report on the related zoning text amendment application (N 050110(A) ZRK).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and

any related acquisition or disposition to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on March 4, 2005, with respect to this application (CEQR No. 04DCP003K), together with the Technical Memorandum, dated March 2005, prepared with respect to the further modifications adopted by the City Planning Commission herein, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that, consistent with social, economic and other essential considerations:

1. Consistent with social, economic and other essential considerations, including the provision of affordable housing, from among the reasonable alternatives thereto, the Revised AHBI Alternative set forth in the FEIS and the Technical Memorandum, dated March 2005, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. Adverse environmental impacts disclosed in the FEIS with respect to the Revised AHBI Alternative will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, and the Technical Memorandum, dated March 2005, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal

Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application for the amendments to the City Map involving:the elimination, discontinuance and closing of portions of North 9th Street and North 10th Street between Kent Avenue and the United States Pierhead Line; the establishment of Inlet Park; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto in Community District 1, Borough of Brooklyn, in accordance with Map Nos. W-2690 and V-2691 dated September 28, 2004 and signed by the Borough President, are approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map Nos. W-2690 and V-2691 dated September 28, 2004 providing for the discontinuance and closing of the following streets:

Discontinuing and Closing North 9th Street between Kent Avenue and the U.S. Bulkhead Line of the East River

Starting at a **Point of Beginning** located at the intersection of the northwesterly street line of Kent Avenue and the former southwesterly street line of North 9th Street, discontinued and closed, said point being distant 200.00 feet northeasterly along the northwesterly street line of

Kent Avenue from its intersection with the northeasterly street line of North 8th Street, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence northeasterly, along the newly established northwesterly street line of Kent Avenue, 60.00 feet to its point of intersection with the former northeasterly street line of North 9th Street, discontinued and closed;
- 2) Running thence northwesterly, along the former northeasterly street line of North 9th Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 747.10 feet to its point of intersection with the U.S. Bulkhead Line of the East River;
- 3) Running thence southwesterly, along the U.S. Bulkhead Line of the East River approved by the Secretary of War on June 30, 1947, said course forming a deflection angle to the left with the last mentioned course of 105 degrees 36 minutes 54 seconds, 62.30 feet to its point of intersection with the former southwesterly street line of North 9th Street, discontinued and closed;
- 4) Running thence southeasterly, along the former southwesterly street line of North 9th Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 74 degrees 23 minutes 06 seconds, 730.33 feet to a point in the northwesterly street line of Kent Avenue, the **Point or Place of Beginning**.

Discontinuing and Closing North 10th Street between Kent Avenue and the U.S. Bulkhead Line of the East River

Starting at a **Point of Beginning** located at the intersection of the northwesterly street line of Kent Avenue and the former northeasterly street line of North 10th Street, discontinued and closed, said point being distant 520.00 feet northeasterly along the northwesterly street line of Kent Avenue from its intersection with the northeasterly street line of North 8th Street, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence southwesterly, along the newly established northwesterly street line of Kent Avenue, 60.00 feet to its point of intersection with the former southwesterly street

line of North 10th Street, discontinued and closed;

- 2) Running thence northwesterly, along the former southwesterly street line of North 10th Street, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 803.00 feet to its point of intersection with the U.S. Bulkhead Line of the East River;
- 3) Running thence northeasterly, along the U.S. Bulkhead Line of the East River approved by the Secretary of War on June 30, 1947, said course forming a deflection angle to the right with the last mentioned course of 70 degrees 21 minutes 31 seconds, 63.71 feet to its point of intersection with the former northeasterly street line of North 10th Street, discontinued and closed;
- 4) Running thence southeasterly, along the former northeasterly street line of North 10th Street, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 109 degrees 38 minutes 29 seconds, 824.41 feet to a point in the northwesterly street line of Kent Avenue, the **Point or Place of Beginning**.

and be it further

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein; and be it further

RESOLVED, that pursuant to Section 5-434 of the New York City Administrative Code, the discontinuance and closing map may be an acquisition map, and that the Mayor is hereby authorized to sign said acquisition map as well as an Order of the Mayor acquiring fee title to the land intended to be acquired by the City within the discontinued and closed street;

All such approvals being subject to the following condition:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. W-2690 and V-2691 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution, duly adopted by the City Planning Commission on March 14, 2005 (Calendar No. 4), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, A.I.C.P., Chair
KENNETH J. KNUCKLES, Esq. Vice Chair

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III
RICHARD W. EADDY, LISA A. GOMEZ
CHRISTOPHER KUI, JOHN MEROLO, Commissioners

KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners, Voting No