



**IN THE MATTER OF** an application submitted by EMP Capital, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in the Borough of Brooklyn, Community District 8.

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This application for an amendment of the Zoning Resolution of the City of New York concerning modifications to Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) was filed by EMP Capital on January 18, 2019. It would establish a Mandatory Inclusionary Housing (MIH) area on Block 1125, Lot 1, Block 1133, Lots 7, 10, 11, 12, and 13 (p/o). This application, in conjunction with the related action (C 190256 ZMK), would facilitate the construction of a nine-story mixed-use development with 64 dwelling units and ground floor commercial space at 979 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8.

### **RELATED ACTIONS**

In addition to the zoning text amendment (N 190257 ZRK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application, which are being considered concurrently with this application:

**C 190256 ZMK**      Zoning Map Amendment to rezone an M1-1 district to an R7D district with a C2-4 commercial overlay.

### **BACKGROUND**

A description of this application, the surrounding area and the proposed project is included in the report on the related zoning map amendment action (C 190256 ZMK).

### **ENVIRONMENTAL REVIEW**

This application (N 190257 ZRK), in conjunction with the application for the related action (C 190256 ZMK), 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 lead is the City Planning Commission. The designated CEQR number is 19DCP114K.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 23, 2019. A full description of the environmental review is included in the report for the related zoning map amendment action (C 190256 ZMK).

## **PUBLIC REVIEW**

This application (N 190257 ZRK), was referred to Community Board 8 and the Brooklyn Borough President, in accordance with the procedures for non-ULURP actions, in conjunction with the application for the related action (C 190256 ZMK), which was certified as complete by the Department of City Planning on September 23, 2019, and was duly referred in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Brooklyn Community Board 8 held a public hearing on this application (N 190257 ZRK) on November 7, 2019 and, on November 14, 2019, by a vote of 27 in favor, one opposed, and none abstaining, the Community Board adopted a recommendation to withhold its support of the application until certain conditions be met. A summary of the Community Board's recommendation appears in the report for the related zoning map amendment action (C 190256 ZMK).

### **Borough President Recommendation**

This application (N 190257 ZRK) was considered by the Brooklyn Borough President, who held a public hearing on November 13, 2019. On January 2, 2020, the Brooklyn Borough President issued a recommendation to disapprove the application with conditions. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment action (C 190256 ZMK).

## City Planning Commission Public Hearing

On December 18, 2019 (Calendar No. 5), the City Planning Commission scheduled January 8, 2020 for a public hearing on this application (N 190257 ZRK) and the related action (C 190256 ZMK). The hearing was duly held on January 8, 2020 (Calendar No. 31).

One person spoke in favor of the application and two in opposition, as described in the report for the related zoning map amendment action (C 190256 ZMK), and the hearing was closed.

## CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 190257 ZRK), in conjunction with the application for the related action (C 190256 ZMK) is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment action (C 180042 ZMK).

## RESOLUTION

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

**RESOLVED**, by the City Planning Commission, pursuant to Section 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 as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

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## APPENDIX F

## Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

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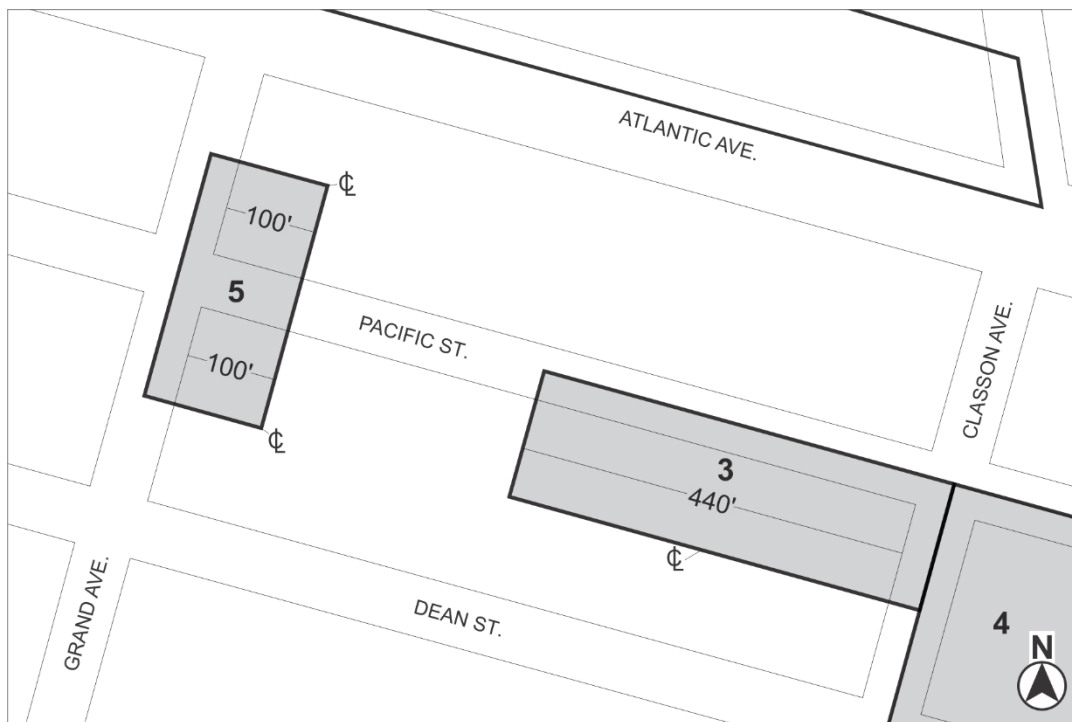
### Brooklyn



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### Brooklyn Community District 8

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Map 4 - [date of adoption]



-  Inclusionary Housing Designated Area (Portion of Community District 2, Brooklyn)
-  Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area **3** — 5/8/19 — MIH Program Option 1 and Option 2

Area **4** — 5/8/19 — MIH Program Option 1 and Option 2

Area **5** — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 8, Brooklyn

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The above resolution (N 190257 ZRK), duly adopted by the City Planning Commission on February 5, 2020 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the 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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKES, Esq.**, *Vice Chairman*

**DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,  
JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARÍN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

**MICHELLE R. DE LA UZ**, *Commissioner, Abstaining*