



IN THE MATTER OF an application submitted by Bayride Realty LLC 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, Borough of Brooklyn, Community District 10.

This application for a zoning text amendment was filed by Bayride Realty LLC on May 10, 2019. This application, in conjunction with the related action (C 190447 ZMK), would facilitate the construction of a new nine-story, approximately 45,000-square-foot mixed-use building with approximately 41 dwelling units and ground floor commercial at 9114 Fifth Avenue (Block 6087, Lots 23 and 31) in the Bay Ridge neighborhood of Brooklyn, Community District 10.

RELATED ACTION

In addition to the zoning text amendment (N 190448 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 190447 ZMK Zoning map amendment to change a C8-2 zoning district to an R7A/C2- 4 district

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 190447 ZMK).

ENVIRONMENTAL REVIEW

This application (N 190448 ZRK), in conjunction with the application for the related action (C 190447 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 19DCP128K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 190447 ZMK).

PUBLIC REVIEW

In response to the COVID-19 pandemic, the Mayor issued Emergency Executive Order No. 100 on March 16, 2020 that suspended certain time requirements relating to the Uniform Land Use Review Procedure (ULURP) and other land use processes as of March 12, 2020. The suspension included portions of sections 195, 197-c and 197-d of the New York City Charter, as well as sections of the Administrative Code and the Rules of the City of New York, pertaining to time limitations. The CPC ceased meeting immediately after issuance of the Executive Order until August 3, 2020, when the regular schedule of meetings was resumed. The ULURP time requirements suspended by Emergency Executive Order No. 100 began running on September 14, 2020.

This application (N 190448 ZRK) was duly referred to Brooklyn Community Board 10 and the Brooklyn Borough President on August 17, 2020 in accordance with the procedures for non-ULURP matters, along with the application for the related action (C 190447 ZMK), which was certified as complete by the Department of City Planning and duly referred in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 10 held a public hearing on this application (N 190448 ZRK) on November 19, 2020 and, on that date, by a vote of 35 in favor, three opposed, and one recusal, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (N 190448 ZRK) was considered by the Brooklyn Borough President, who on

November 30th, 2020 issued a recommendation to approve the application with conditions. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment (C 190447 ZMK)

City Planning Commission Public Hearing

On December 16th, 2020 (Calendar No. 4), the Commission scheduled January 6th, 2021 for a public hearing on this application (N 190448 ZRK) and the application for the related action (C 190447 ZMK). The hearing was duly held on January 6th, 2021 (Calendar No. 24).

There were no speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 190448 ZRK), in conjunction with the related action (C 190447 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 (C 190447 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**

* * *

Brooklyn

* * *

Brooklyn Community District 10

* * *

Map 1 – [Date of Adoption]



 **Mandatory Inclusionary Housing Area** (see Section 23-154(d)(3))

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

Portion of Community District 10, Borough of Brooklyn

* * *

The above resolution (N 190448 ZRK), duly adopted by the City Planning Commission on February 3, 2021 (Calendar No. 15), 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.

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*