



IN THE MATTER OF an application submitted by Borough Park 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 12.

This application for a zoning text amendment was filed by Borough Park Realty, LLC on August 18, 2019 to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the proposed C4-4A zoning district on the west side of 16th Avenue between 58th Street and 59th Street (Block 5502, Lots 37, 38, 39, 40, 41, and 43). This application, in conjunction with the related action (C 200062 ZMK) would facilitate the construction of a five-story, approximately 16,000-square-foot commercial office building at 5802, 5804, and 5806 16th Avenue (Block 5502, Lots 38, 39, and 40) in the Borough Park neighborhood of Brooklyn, Community District 12.

RELATED ACTIONS

In addition to the zoning text amendment (N 200063 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 200062 ZMK Zoning map amendment to eliminate a C2-2 commercial overlay and change the underlying R5 zoning district to a C4-4A zoning district.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment application (C 200062 ZMK).

ENVIRONMENTAL REVIEW

This application (N 200063 ZRK), in conjunction with the application for the related action (C 200062 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 20DCP022K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 18, 2020. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-565). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

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 200063 ZRK) was duly referred to Brooklyn Community Board 12 and the Brooklyn Borough President on February 18, 2020 in accordance with the procedures for non-ULURP matters, along with the application for the related action, (C 200062 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

Brooklyn Community Board 12 held a public hearing on this application (N 200063 ZRK), and the related application (C 200062 ZMK) on November 24, 2020, and on that date, by a vote of 28 in favor, none opposed, and one abstention, recommended disapproval of the application. A summary of the Community Board's consideration appears in the report for the related zoning map amendment (C 200062 ZMK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (N 200063 ZRK) and the related application (C 200062 ZMK) on November 10, 2020, and on November 25, 2020, issued a recommendation to disapprove the application. A summary of the Borough President's consideration appears in the report for the related zoning map amendment (C 200062 ZMK).

City Planning Commission Public Hearing

On November 18, 2020 (Calendar Nos. 1 & 2), the City Planning Commission scheduled December 2, 2020 for a public hearing on this application (N 200063 ZRK) in conjunction with the related application (C 200062 ZMK). The hearing was duly held on December 2, 2020 (Calendar Nos. 6 & 7). Seven speakers appeared in favor of the application, and none appeared in opposition, as described in the report for the related zoning map amendment (C 200062 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application (N 200063 ZRK) is appropriate. A full consideration and analysis of the issues and reasons for approving this application appear in the report for the related zoning map amendment (C 2000062 ZMK).

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on February 18, 2020 with respect to this application (CEQR No. 20DCP022K), 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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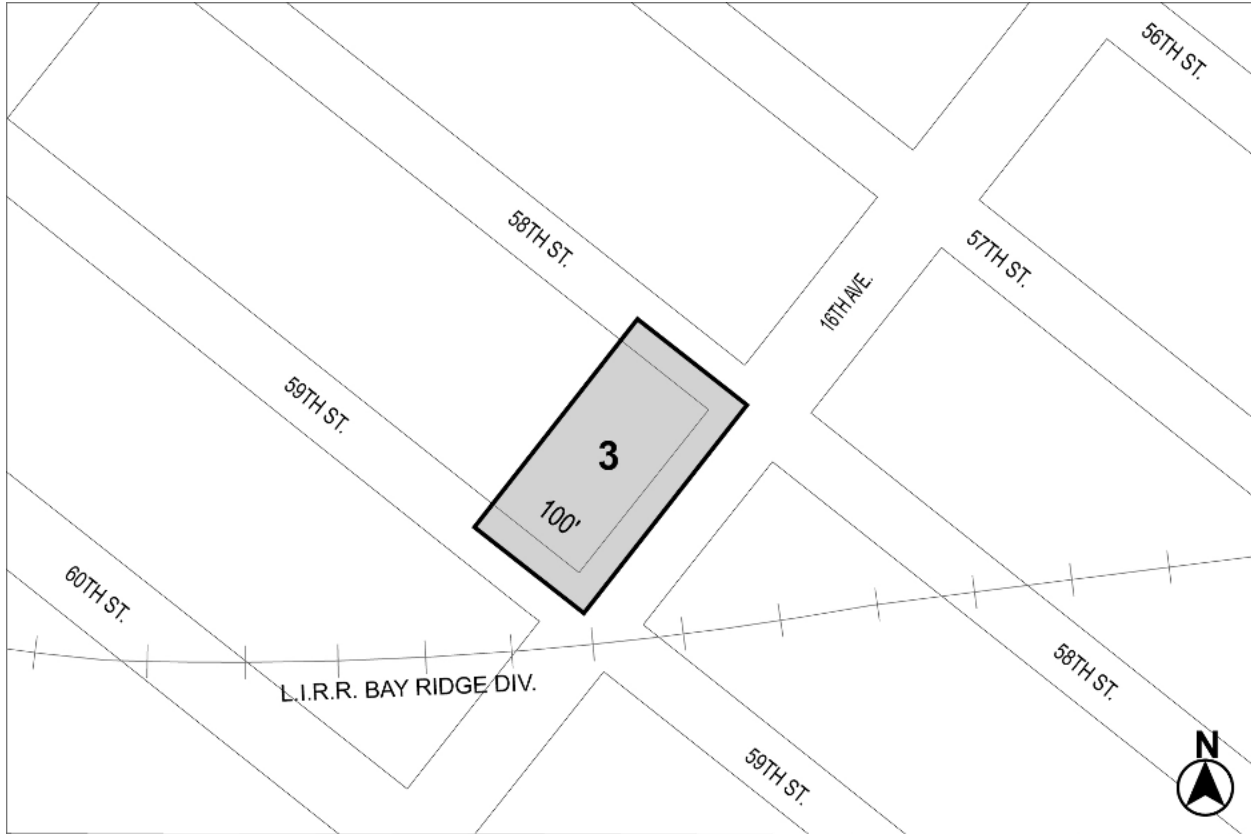
BROOKLYN

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Brooklyn Community District 12

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Map 3 – [date of adoption]



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

Area 3 — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 12, Brooklyn

* * *

The above resolution (N 200063 ZRK), duly adopted by the City Planning Commission on January 6, 2021 (Calendar No. 16), 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. KNUCKLES, Esq., *Vice-Chairman*

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Commissioners