



February 3, 2021/ Calendar No. 13

N 200030 ZRK

IN THE MATTER OF an application submitted by 737 Fourth Avenue LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, extending the boundary of Special Enhanced Commercial District 1 in Article XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 7.

This application for an amendment of the Zoning Resolution of the City of New York was filed by 737 Fourth Avenue LLC on October 10, 2019. This application, in conjunction with the related zoning map amendment (C 200029 ZMK), would facilitate the construction of a mixed-use building containing a total of approximately 142 residential dwelling units and 8,600 square feet of ground floor commercial space at 737 Fourth Avenue in the Sunset Park neighborhood of Brooklyn, Community District 7.

RELATED ACTION

In addition to the zoning text amendment (N 200030 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 200029 ZMK Zoning map amendment to change an M1-1D zoning district to an R8A/C2-4 zoning district

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200029 ZMK).

ENVIRONMENTAL REVIEW

This application (N 200030 ZRK), in conjunction with the application for the related action (C 200029 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 19DCP127K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 200029 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 200030 ZRK) was duly referred to Brooklyn Community Board 7 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 200029 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 14 held a public hearing on this application (N 200030 ZRK) on November 12, 2020 and on November 18, 2020, by a vote of 26 in favor, 15 opposed, and one

abstaining, recommended approval of the application with conditions. A summary of the Community Board's recommendation appears in the report for the related zoning map amendment (C 200029 ZMK).

Borough President Recommendation

This application (N 200030 ZRK) was considered by the Brooklyn Borough President, who on January 5, 2021 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 200029 ZMK).

City Planning Commission Public Hearing

On December 16, 2020 (Calendar No. 2), the City Planning Commission scheduled January 6, 2021 for a public hearing on this application (N 200030 ZRK), in conjunction with the related application (C 200029 ZMK). The hearing was duly held on January 6, 2021 (Calendar No. 22). Four speakers testified in favor of the application and 28 in opposition, as described in the report for the related zoning map amendment (C 180496 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 200030 ZRK), in conjunction with the application for the related action (C 200029 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 200029 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.

ARTICLE XIII
Special Purpose Districts

* * *

Chapter 2
Special Enhanced Commercial District

* * *

132-11
Special Enhanced Commercial Districts Specified

The #Special Enhanced Commercial District# is mapped in the following areas:

(a) #Special Enhanced Commercial District# 1

The #Special Enhanced Commercial District# 1 (EC-1) is established on November 29, 2011, on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

- (1) Fourth Avenue, in the Borough of Brooklyn, generally between ~~24th~~ 25th Street and Atlantic Avenue.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

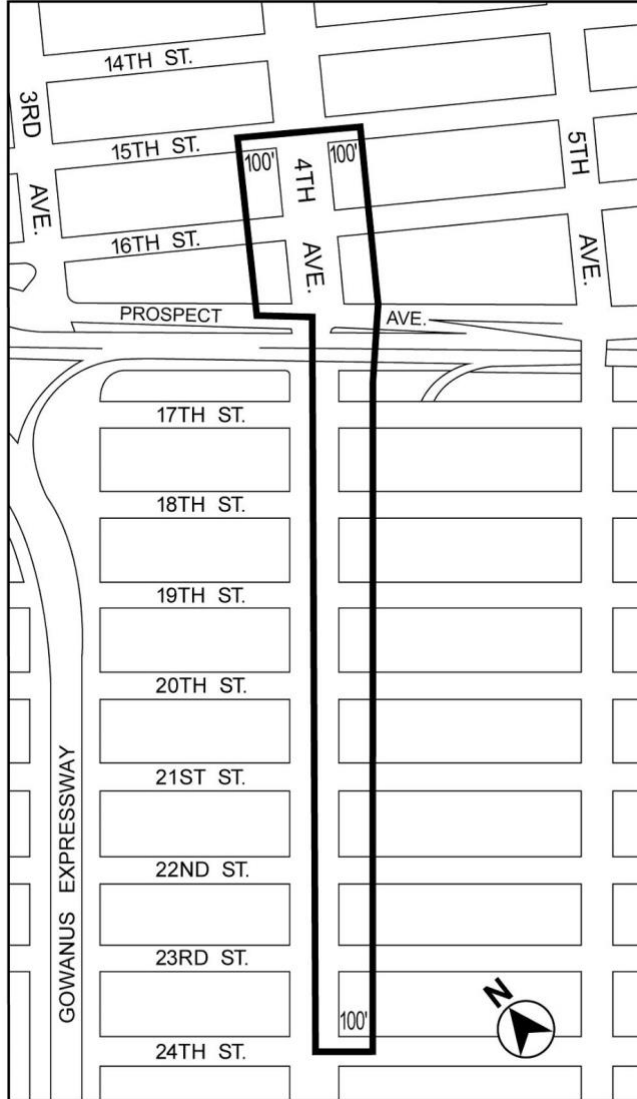
* * *

BROOKLYN

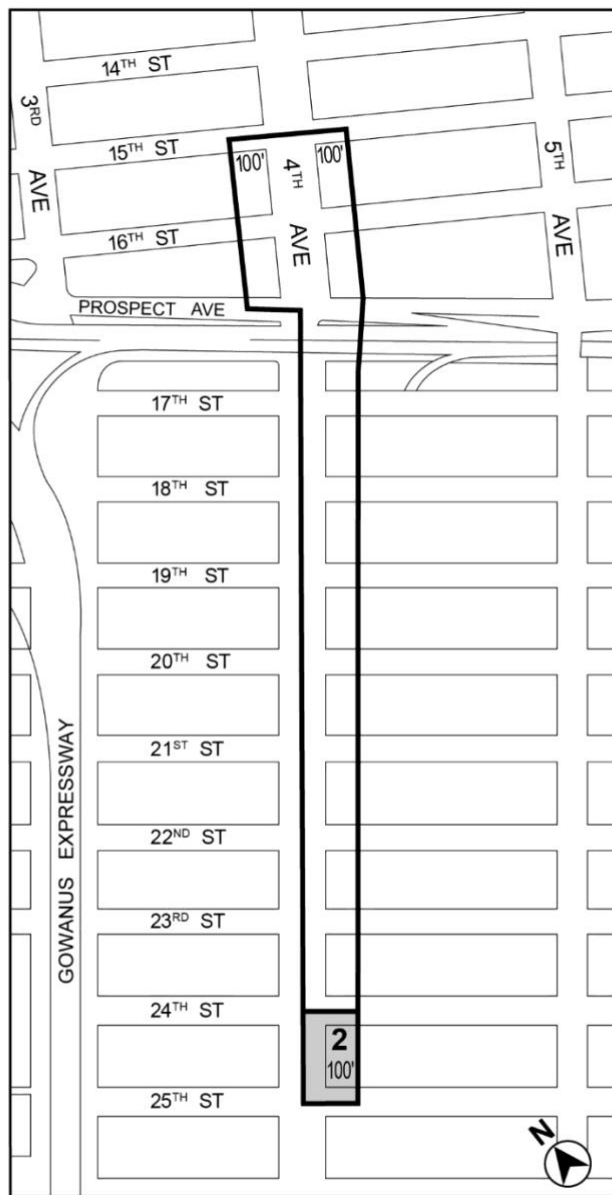
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Brooklyn Community District 7

[EXISTING MAP]



[PROPOSED MAP]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 2 – [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 7, Brooklyn

* * *

The above resolution (N 200030 ZRK), duly adopted by the City Planning Commission on February 3, 2021 (Calendar No. 13), 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*