



IN THE MATTER OF an application submitted by 98 Third Avenue 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 2.

This application for a zoning map amendment was filed by 98 Third Avenue Realty LLC, on May 19, 2020. This application, in conjunction with the related action (N 200336 ZRK), would facilitate the construction of a new mixed-use development containing approximately 24 dwelling units, approximately eight of which would be affordable under the Mandatory Inclusionary Housing (MIH) Program, as well as approximately 3,500 square feet of commercial floor area on the ground floor of the building, located at 98 Third Avenue (Block 388, Lot 31) in the Boerum Hill neighborhood of Community District 2, Brooklyn.

RELATED ACTION

In addition to the zoning text amendment (N 200336 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 200335 ZMK Zoning map amendment to change an M1-2 zoning district to an R7D/C2-4 zoning district and an R6B zoning district

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200335 ZMK).

ENVIRONMENTAL REVIEW

This application (N 200336 ZRK), in conjunction with the related action (C 200335 ZMK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the

SEORA 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 agency is the City Planning Commission. The designated CEQR number is 21DCP096K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 200335 ZMK).

PUBLIC REVIEW

This application (N 200336 ZRK) was duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President on December 13, 2021, in accordance with the procedures for non-ULURP matters, along with the application for the related action (C 200335 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 2 held a public hearing on the application (N 200336 ZRK) and the related action (C 200335 ZMK) on January 19, 2022, and on February 9, 2022, by a vote of 38 in favor of approval, one opposed, and one abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on the application (N 200336 ZRK), and the related action (C 200335 ZMK) on February 17, 2022, and, on March 24, 2022, issued a recommendation to approve the application with conditions.

A summary of the borough president's recommendations appears in the report for the related zoning map amendment.

City Planning Commission Public Hearing

On March 30, 2022 (Calendar No. 4), the City Planning Commission scheduled April 13, 2022, for a public hearing on this application (N 200336 ZRK), and the related action (C 200335

ZMK). The hearing was duly held on April 13, 2022 (Calendar No. 26). There were three speakers and none in opposition, as described in the report for the related zoning map amendment (C 200335 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application (N 200336 ZRK) for a zoning text amendment, in conjunction with the related action (C 200335 ZMK) for a zoning map amendment, are 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 200335 ZMK).

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on December 13, 2021 with respect to this application (CEQR No. 21DCP096K), 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, consideration, and findings described in the related report (C 200335 ZMK), 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

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

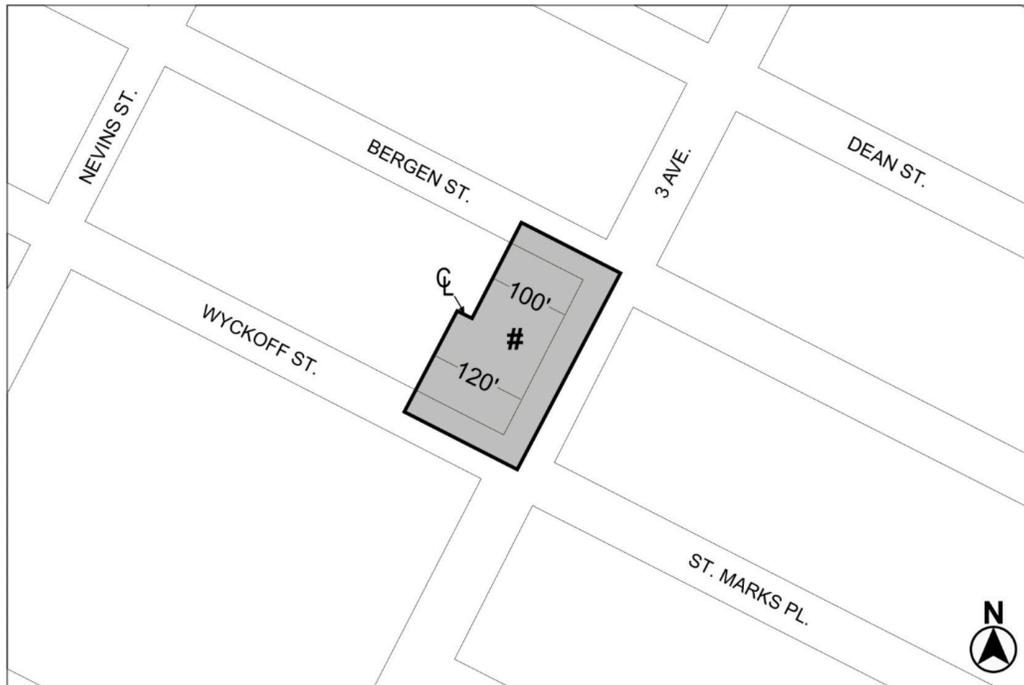
BROOKLYN

* * *

Brooklyn Community District 2

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Map 10 – [date of adoption]



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

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

Portion of Community District 2, Brooklyn

* * *

The above resolution (N 200336 ZRK), duly adopted by the City Planning Commission on May 11, 2022 (Calendar No. 5), 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.

DANIEL R. GARODNICK, Esq. *Chair*
DAVID J. BURNEY, ALFRED C. CERULLO, III,
JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*