THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 656

Resolution approving the decision of the City Planning Commission on ULURP No. C 220470 ZMK, a Zoning Map amendment (L.U. No. 189).

By Council Members Salamanca and Riley

WHEREAS, Stamford LLC and Capri Optics, Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by changing from an M2-1 District to an R6B District, changing from an R6 District to a C4-4A District, changing from an M1-2 District to a C4-4A District, changing from an M2-1 District to a C4-4A District , which in conjunction with the related actions would facilitate the development of a 103,512-square-foot commercial building at 1459 38th Street (Block 5348, Lots 49, 54, 15 and 17) in the Borough Park neighborhood of Brooklyn, Community District 12 (ULURP No. C 220470 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 7, 2023 its decision dated March 15, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 220471 ZRK (L.U. No. 190), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and C 220472 ZSK (L.U. No. 191), a special permit pursuant to Zoning Resolution (ZR) Section 74-681(a)(2) to allow development over portions of a railroad or transit right-of-way;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 19, 2023;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued November 7, 2022 (CEQR No. 22DCP045K), which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-692) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220470 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22c,

1. changing from an M2-1 District to an R6B District property bounded by a line 90 feet northeasterly of 38th Street, a line 220 feet northwesterly of 15th Avenue, 38th Street, and a line 460 feet northwesterly of 15th Avenue;

2. changing from an R6 District to a C4-4A District property bounded by 37th Street, 15th Avenue, 38th Street, and a line 100 feet northwesterly of 15th Avenue;

3. changing from an M1-2 District to a C4-4A District property bounded by 37th Street, a line 100 feet northwesterly of 15th Avenue, 38th Street, and a line 200 feet northwesterly of 15th Avenue; and

4. changing from an M2-1 District to a C4-4A District property bounded by 37th Street, a line 200 feet northwesterly of 15th Avenue, 38th Street, a line 220 feet northwesterly of 15th Avenue, a line 90 feet northeasterly of 38th Street, and a line 270 feet northwesterly of 15th Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated November 7, 2022, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-692.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2023, on file in this office.

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City Clerk, Clerk of The Council