CITY PLANNING COMMISSION

February 16, 2022 / Calendar No. 9 N 210387 ZRK

IN THE MATTER OF an application submitted by EMP Capital Group, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 8.

This application for a zoning text amendment was filed by EMP Capital Group on May 11, 2021. This application, in conjunction with the related zoning map amendment (C 210386 ZMK) and special permit (C 210379 ZSK), would facilitate the construction of a 17-story mixed use development containing 210 dwelling units, 52 to 63 of which would be permanently affordable, along with commercial and community facility space, at 1034-1042 Atlantic Avenue in the Crown Heights neighborhood of Brooklyn, Community District 8.

RELATED ACTIONS

In addition to the zoning text amendment (N 210387 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently:

C 210386 ZMK	Zoning map amendment to change an M1-1 zoning district to C6-3A and R7A/C2-4 zoning districts
C 210379 ZSK	Special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce residential off-street parking to facilitate affordable housing

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 210386 ZMK).

ENVIRONMENTAL REVIEW

This application (N 210387 ZRK), in conjunction with the related zoning map amendment (C 210386 ZMK) and special permit (C 210379 ZSK), 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 agency is the City Planning Commission. The designated CEQR number is 21DCP170K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 210386 ZMK).

PUBLIC REVIEW

This application (N 210387 ZRK) was duly referred to Brooklyn Community Board 8 and the Brooklyn Borough President on September 20, 2021, in accordance with the procedures for non-ULURP matters, along with the application for the related actions (C 210386 ZMK and C 210379 ZSK), which were 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

On October 19, 2021, Brooklyn Community Board 8 held a public hearing on this application (N 210387 ZRK) and on November 10, by a vote of 22 in favor, 10 opposed, and three abstaining, adopted a resolution recommending disapproval of the application with conditions. A summary of the community board's recommendation appears in the report for the related zoning map amendment (C 210386 ZMK).

Borough President Recommendation

On November 17, 2021, the Brooklyn Borough President held a public hearing on this application (N 210387 ZRK) and the related actions (C 210386 ZMK and C 210379 ZSK), and on December 30, 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 210386 ZMK).

City Planning Commission Public Hearing

On December 15, 2021 (Calendar No. 3), the City Planning Commission scheduled a public hearing on this application (N 210387 ZRK) and the application for the related actions (C 210386 ZMK and C 210379 ZSK). The hearing was duly held on January 5, 2022 (Calendar No. 21). There were four speakers in favor of the application and six in opposition, as described in the report for the related action (C 210386 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 210387 ZRK), as modified, in conjunction with the application for the related actions (C 210386 ZMK and C 210379 ZSK), is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 210386 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 December 15, 1961, and as subsequently modified, is further amended as follows:

Matter <u>underlined</u> 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 III
COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-60
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

* * *

35-66
Special Height and Setback Provisions for Certain Areas

* * *

35-662
Special height and setback provisions in ~~C6-2A and C6-3X~~ certain ~~Districts~~ districts along Atlantic Avenue within Community District 8, Borough of Brooklyn

In C6-2A, C6-3A and C6-3X Districts in Community District 8, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

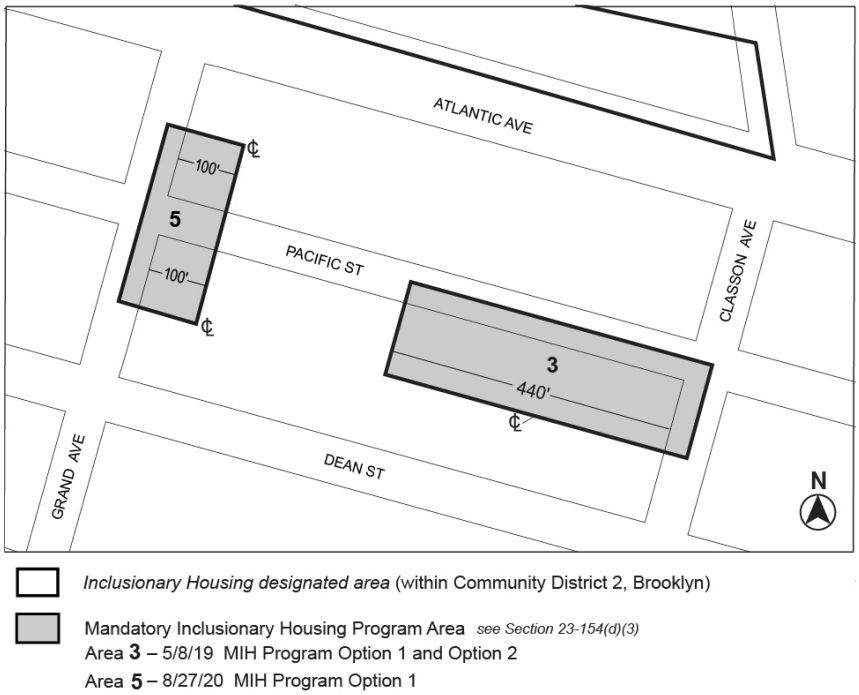
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Brooklyn Community District 8

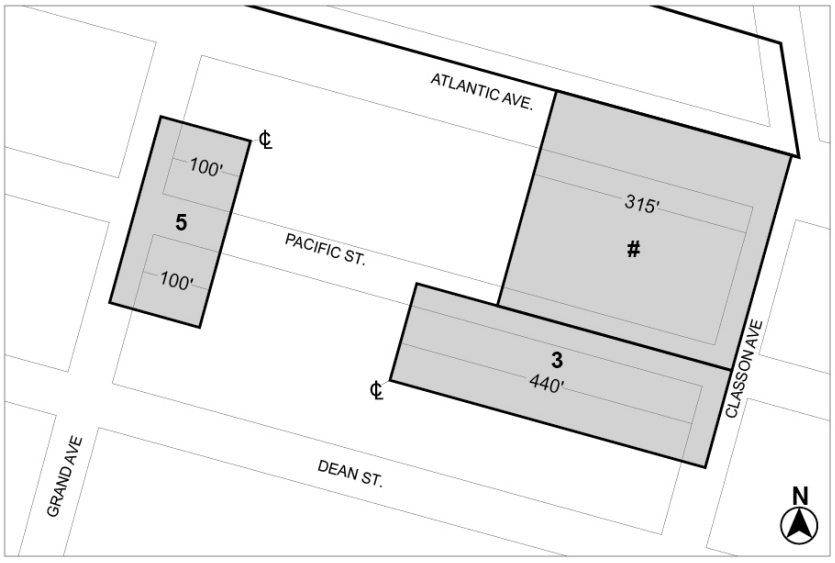
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Map 3 – [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



Inclusionary Housing designated area

Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
Area 3 — 5/8/19 MIH Program Option 1 and Option 2
Area 5 — 8/27/20 MIH Program Option 1
Area # — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 8, Brooklyn

* * *

The above resolution (N 210387 ZRK), duly adopted by the City Planning Commission on February 16, 2022 (Calendar No. 9), 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.

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

DANIEL R. GARODNICK, Esq., *Chair,* **ANNA HAYES LEVIN,** *Commissioner, ABSTAINING*

LEAH GOODRIDGE, ORLANDO MARIN, *Commissioners*, VOTING NO