CITY PLANNING COMMISSION

October 11, 2022 / Calendar No. 14 N 220313 ZRK

IN THE MATTER OF an application submitted by Innovative Urban Living, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, 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 and modifying APPENDIX I for the purpose of expanding the Transit Zone.

This application for a zoning text amendment was filed by Innovative Urban Living, LLC on February 10, 2022. This application, in conjunction with the related actions, would facilitate the construction of an approximately 1.93 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 2,050 residential units, 98,000 square feet of community facility uses, 108,000 square feet of commercial space, four acres of public open space, and a public parking garage located in the East New York neighborhood of Brooklyn, Community District 5.

RELATED ACTIONS

In addition to the proposed text amendment (N 220313 ZRK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 220312 ZMK	Zoning map amendment to rezone an R5 zoning district to an R7-2/C2-4 zoning district;
C 220311 ZSK	Special permit to establish a LSGD and modify bulk regulations;
C 220314 ZSK	Special permit to permit a public parking garage at the development site

BACKGROUND

A full background discussion and description of this project appears in the report for the related

zoning map amendment (C 220312 ZMK).

ENVIRONMENTAL REVIEW

This application (N 220313 ZRK), in conjunction with the related applications (C 220312 ZMK, C 220311 ZSK, and C 220314 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 20DCP057K. The lead is the City Planning Commission.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated September 30, 2022, appears in the report on the related application for a zoning map amendment (C 220312 ZMK).

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (N 220313 ZRK) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 18-208. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

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PUBLIC LAND USE REVIEW

This application (N 220313 ZRK) was referred for information and review in accordance with

the procedures for non-ULURP matters, in conjunction with the related ULURP applications (C 220312 ZMK, C220311 ZSK, and C220314 ZSK), which were certified as complete by the Department of City Planning on May 6, 2022 and were duly referred to Community Board 5 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 5 held a public hearing on this application (N 220313 ZRK), in conjunction with the related actions, on July 19, 2022, and, on August 8, 2022, by a vote of 29 in favor, one opposed, and one abstaining, adopted a resolution recommending approval of the application with conditions. A summary of the community board's recommendation and conditions appears in the report for the related zoning map amendment (C 220312 ZMK).

Borough President Recommendation

This application (N 220313 ZRK), in conjunction with the related actions, was considered by the Brooklyn Borough President, who held a public hearing on July 21, 2022, and on August 17, 2022, issued a recommendation to approve the application with conditions. A summary of the borough president's recommendation and conditions appears in the report for the related zoning map amendment (C 220312 ZMK).

City Planning Commission Public Hearing

On August 10, 2022 (Calendar No. 8), the City Planning Commission scheduled August 24, 2022, for a public hearing on this application (N 220313 ZRK). The hearing was duly held on August 24, 2022 (Calendar No. 24). There were 12 speakers in favor of the application and none in opposition, as described in the report on the related zoning map amendment (C 220312 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 220313 ZRK), in

conjunction with the related applications (C 220312 ZMK, C 220311 ZSK, and C 220314 ZSK), 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 220312 ZMK).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 30, 2022, with respect to this application (CEQR No. 20DCP057K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated October 11, 2022, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination, and the consideration and findings 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.

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

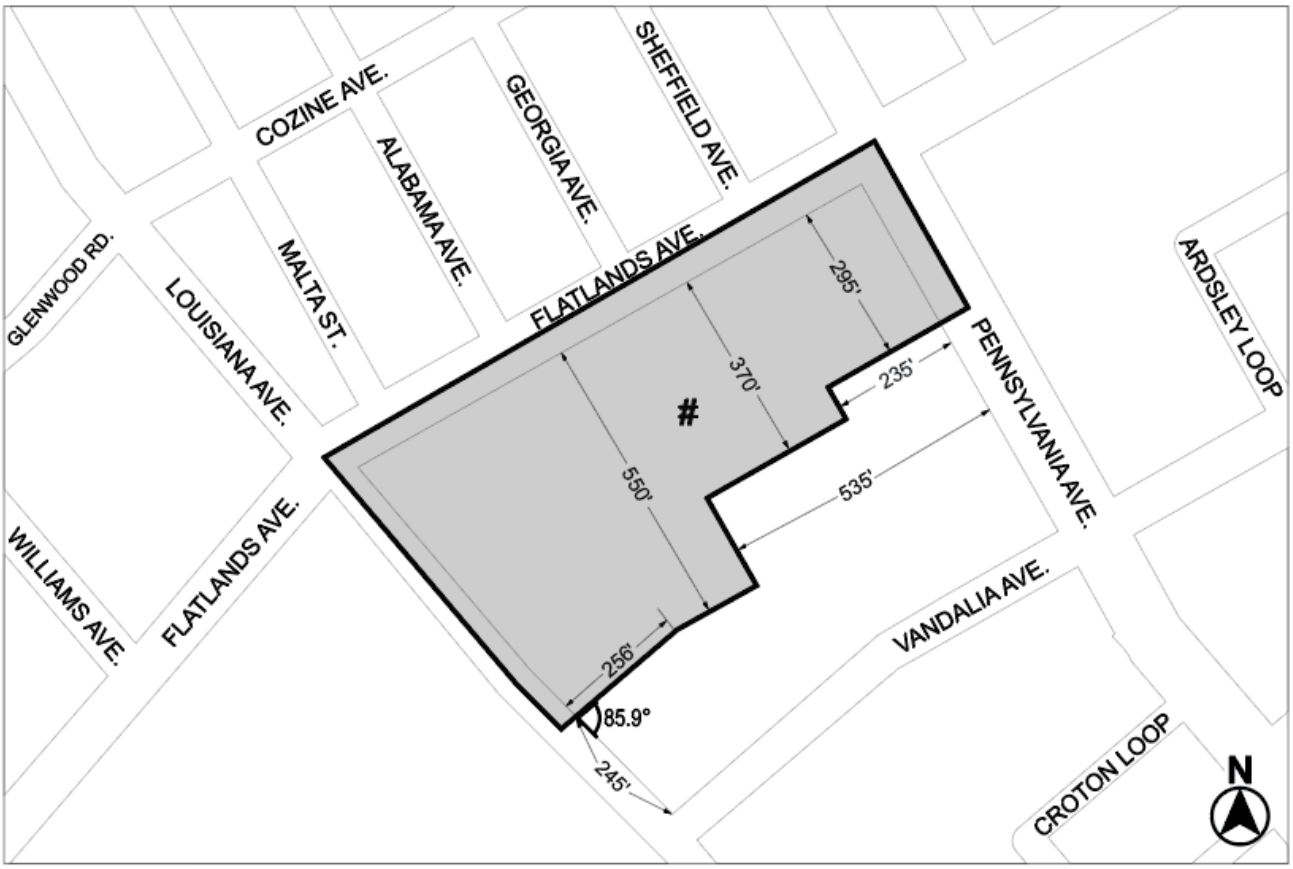
* * *

Brooklyn Community District 5

* * *

Map 5 - [date of adoption]

[PROPOSED MAP]



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

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

Portion of Community District 5, Brooklyn

* * *

APPENDIX I

Transit Zone

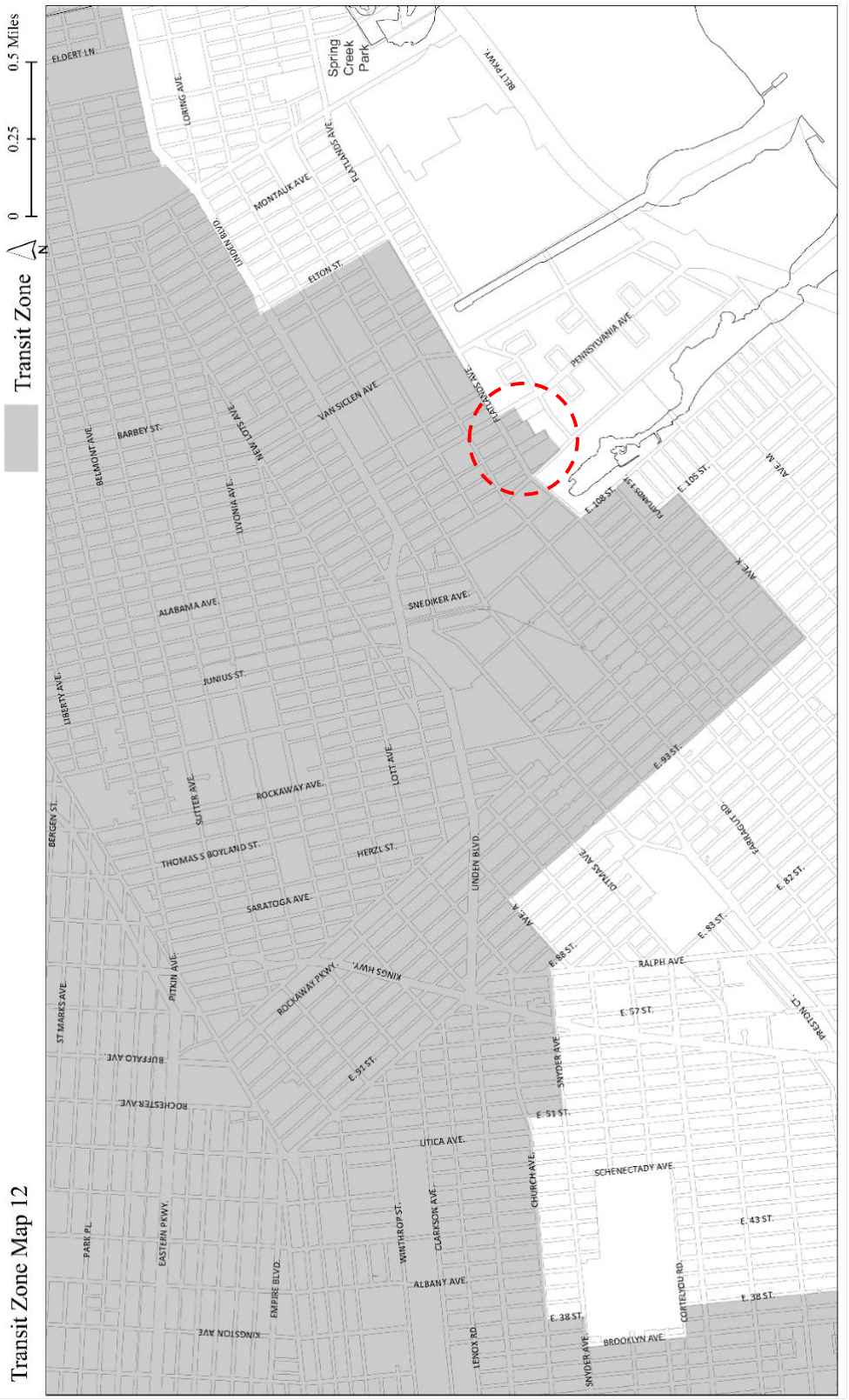
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Transit Zone Map 12

[EXISTING MAP]


Transit Zone Map 12
Transit Zone
0
0.25
0.5 Miles
N
Spring Creek Park
ELDERT LN.
CORING AVE.
LINDEN BLVD.
MONTAUK AVE.
FLATLANDS AVE.
ELTON ST.
BELT PKWY.
PENNSYLVANIA AVE.
FLATLANDS AVE.
E. 105 ST.
AVE. M
AVE. K
E. 98 ST.
FARRAGUT RD.
E. 89 ST.
E. 88 ST.
E. 83 ST.
RALPH AVE.
E. 57 ST.
PRESTON CT.
E. 51 ST.
SCHENECTADY AVE.
E. 43 ST.
E. 38 ST.
BROOKLYN AVE.
SNYDER AVE.
CORTELYOU RD.
CHURCH AVE.
UTICA AVE.
ALBANY AVE.
LENOX RD.
WINTHROP ST.
CLARKSON AVE.
EMPIRE BLVD.
EASTERN PKWY.
PARK PL.
ROCHESTER AVE.
BUFFALO AVE.
ST. MARKS AVE.
ROCKAWAY PKWY.
KINGS HWY.
PITKIN AVE.
E. 91 ST.
BERGEN ST.
SUTTER AVE.
ROCKAWAY AVE.
LOTT AVE.
THOMAS S BOYLAND ST.
HERZL ST.
SARATOGA AVE.
LINDEN BLVD.
LIBERTY AVE.
JUNIUS ST.
ALABAMA AVE.
SNEDIKER AVE.
BELMONT AVE.
BARBEY ST.
NEW LOTS AVE.
LIVONIA AVE.
VAN SICLEN AVE.

[PROPOSED MAP]


Transit Zone
0
0.25
0.5 Miles
N
Transit Zone Map 12
Spring Creek Park
ELDERT LN.
LORING AVE.
MONTAUK AVE.
FLATLANDS AVE.
LINCOLN BLVD.
ELTON ST.
BELT PKWY.
PENNSYLVANIA AVE.
FLATLANDS AVE.
VAN SICLEN AVE.
NEW LOTS AVE.
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BROOKLYN AVE.
LENOX RD.
ALBANY AVE.
CLARKSON AVE.
WINTHROP ST.
EMPIRE BLVD.
EASTERN PKWY.
PARK PL.
KINGSTON AVE.

* * *

The above resolution (N 220313 ZRK), duly adopted by the City Planning Commission on October 11, 2022 (Calendar No. 14), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R GARODNICK, Esq., *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*
GAIL BENJAMIN, LEILA BOZORG, ALFRED C. CERULLO, III,
ANTHONY CROWELL, Esq., LEAH GOODRIDGE, RASMIA KIRMANI-FRYE,
JUAN CAMILO OSORIO, RAJ RAMPERSHAD, *Commissioners*