CITY PLANNING COMMISSION

September 22, 2021 / Calendar No. 18 N 210279 ZRK

IN THE MATTER OF an application submitted by 130 St. Felix Street 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 provisions of Article X, Chapter 1 (Special Downtown Brooklyn District) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

This application for an amendment of the Zoning Resolution (ZR) of the City of New York concerning modifications to Article X, Chapter 1 (Special Downtown Brooklyn District) and Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) to establish a Mandatory Inclusionary Housing (MIH) area was filed by 130 St. Felix Street LLC on February 16, 2021. This application, in conjunction with the related actions (C 210278 ZMK, C 210280 ZSK, and C 210281 ZSK), would facilitate the construction of a 23-story, approximately 147,000-square-foot mixed-use residential and community facility building with approximately 120 dwelling units at 130 St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2.

RELATED ACTIONS

In addition to the zoning text amendment (N 210279 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 210278 ZMK Zoning map amendment to change a portion of a C6-1 zoning district to C6-4 and C6-6 zoning districts within the Special Downtown Brooklyn District (SDBD).

C 210280 ZSK Special permit pursuant to ZR Section 74-533 to waive required residential parking to facilitate affordable housing.

C 210281 ZSK Special permit pursuant to ZR Section 101-82 to modify bulk regulations.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment application (C 210278 ZMK).

ENVIRONMENTAL REVIEW

This application (N 210279 ZRK), in conjunction with the applications for the related actions (C 210278 ZMK, C 210280 ZSK, and C 210281 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 is the City Planning Commission. The designated CEQR number is 21DCP083K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 210278 ZMK).

PUBLIC REVIEW

This application (N 210279 ZRK) was duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President on May 3, 2021 in accordance with the procedures for non-ULURP matters, along with the applications for the related actions (C 210278 ZMK, C 210280 ZSK, and C 210281 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 May 19, 2021, Brooklyn Community Board 2 held a public hearing on this application (N 210279 ZRK) and on June 16, 2021, by a vote of 33 in favor, five opposed, and none abstaining, recommended disapproval of the application. A summary of the Community Board's recommendations appears in the report for the related zoning map amendment (C 210278 ZMK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 210280 ZSK) on June 2, 2021, and on September 14, 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 210278 ZMK).

City Planning Commission Public Hearing

On July 28, 2021 (Calendar No. 10), the City Planning Commission scheduled August 18, 2021 for a public hearing on this application (N 210279 ZRK) in conjunction with the related applications (C 210278 ZMK, C 210280 ZSK, and C 210281 ZSK). The hearing was duly held on August 18, 2021 (Calendar No. 68). There were 33 speakers in favor of the application, and none in opposition, as described in the report for the related zoning map amendment (C 210278 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 210279 ZRK), in conjunction with the related applications for a zoning map amendment (C 210278 ZMK) and zoning special permits (C 210280 ZSK and C 210281 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 210278 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 <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 X
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Downtown Brooklyn District

* * *

101-20
SPECIAL BULK REGULATIONS

* * *

101-21
Special Floor Area and Lot Coverage Regulations

* * *

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential# #floor area ratio# shall be 9.0. However, in #Mandatory Inclusionary Housing areas# mapped after [date of adoption], the maximum #residential# #floor area ratio# shall be 12.0. No #floor area# bonuses shall be permitted.

* * *

101-80
SPECIAL PERMITS

* * *

101-82
Modification of Bulk Regulations for Certain Buildings on Irregular Sites

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped after [date of adoption], for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no Use Group 5 #use# shall be permitted in any portion of the #building# receiving such modifications, and:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications are limited to the minimum needed to relieve such difficulties;

(d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and

(e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

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APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 2

* * *

Map 8 – ~~(9/26/18)~~[date of adoption]



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

Area **6** — 9/26/18 — MIH Program Option 1 and Option 2

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

Portion of Community District 2, Brooklyn

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KENNETH J. KNUCKLES, Esq., *Vice-Chairman*
DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*