THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 401

Resolution approving the decision of the City Planning Commission on ULURP No. C 220312 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 141).

By Council Members Salamanca and Riley

WHEREAS, Innovative Urban Living, LLC, 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. 17d, changing from an R5 District to an R7-2 District, establishing within the proposed R7-2 District a C2-4 District, which 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 (ULURP No. C 220312 ZMX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022 its decision dated October 11, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 220313 ZRK (L.U. No. 142), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to Appendix I to expand the boundary of Transit Zone 12 to include the project area; C 220311 ZSK (L.U. No. 145), a special permit to establish a LSGD and modify bulk regulations; C 220314 ZSK (L.U. No. 146), a special permit to allow a parking garage at the development site;

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 October 25, 2022;

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 Positive Declaration issued January 31, 2020 (CEQR No. 20DCP057K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 30, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-679) on project site as specified in Chapter 10, Chapter 14, and Chapter 16, respectively, of the FEIS. The FEIS determined that the proposed actions could have significant adverse significant adverse impacts with respect to community facilities (early childhood programs and libraries), open space (temporary), transportation (traffic, subway, bus, pedestrian), noise and construction (traffic, noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in

Chapter 20, "Mitigation" of the FEIS, and are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and

3. 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

4. The adverse environmental impacts disclosed 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 environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 220312 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 17d:

1. changing from an R5 District to an R7-2 District property bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of

Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue; and

2. establishing within the proposed R7-2 District a C2-4 District bounded by Flatlands Avenue, Pennsylvania Avenue, a line 295 feet southeasterly of Flatlands Avenue, a line 235 feet southwesterly of Pennsylvania Avenue, a line 370 feet southeasterly of Flatlands Avenue, a line 535 feet southwesterly of Pennsylvania Avenue, a line 550 feet southeasterly of Flatlands Avenue, a line 245 feet northwesterly of Vandalia Avenue, and Louisiana Avenue;

as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-679, Borough of Brooklyn, Community District 5.

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 _____, 2022, on file in this office.

.....
City Clerk, Clerk of The Council