CITY PLANNING COMMISSION

March 15, 2023 / Calendar No. 8

N 220471 ZRK
CORRECTED[1]

IN THE MATTER OF an application submitted by Stamford LLC and Capri Optics, Inc pursuant to Section 201 of the New York City Charter, 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, Borough of Brooklyn, Community District 12.

This application for a zoning text amendment was filed by the Stamford LLC and Capri Optics, Inc on July 1, 2022. This application, in conjunction with the related zoning map amendment (C 220470 ZMK) and special permit (C 220472 ZSK), 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.

RELATED ACTION

In addition to the zoning text amendment (N 220471 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 220470 ZMK Zoning map amendment to change M1-2, M2-1, and R6 zoning districts to C4-4A and R6B zoning districts

C 220472 ZSK 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 which has been permanently discontinued or terminated to be included in the lot area

[1] The report (C 220471 ZRK) has been administratively corrected on April 14, 2023. The original report inadvertently referenced an incorrect Resolution section.
[2] The report (C 220472 ZSK) has been administratively corrected on May 16, 2023. The original report inadvertently referenced an incorrect Related Actions section.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 220470 ZMK).

ENVIRONMENTAL REVIEW

This application (N 220471 ZRK), in conjunction with the related zoning map amendment (C 220470 ZMK) and zoning special permit (C 220472 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 22DCP045K.

A summary of the environmental review appears in the report for the related zoning map amendment (C 220470 ZMK).

PUBLIC REVIEW

This application (N 220471 ZRK) was duly referred to Brooklyn Community Board 12 and the Brooklyn Borough President on November 7, 2022, in accordance with the procedures for non-ULURP matters, along with the application for the related actions (C 220470 ZMK and C 220472 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 December 13, 2022, Brooklyn Community Board 12 held a public hearing on this application (N 220471 ZRK) and the related actions (C 220470 ZMK and C 220472 ZSK), and, on that date, by a vote of 27 in favor, none opposed, and two abstaining, adopted a resolution recommending approval of the application. A summary of the community board's recommendation appears in the report for the related zoning map amendment (C 220470 ZMK).

Borough President Recommendation

On January 12, 2023, the Brooklyn Borough President held a public hearing on this application (N 220471 ZRK) and the related actions (C 220470 ZMK and C 220472 ZSK), and on February 8, 2023, 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 220470 ZMK).

City Planning Commission Public Hearing

On February 1, 2023 (Calendar No. 4), the City Planning Commission scheduled a public hearing on this application (N 220471 ZRK) and the application for the related actions (C 220470 ZMK and C 220472 ZSK). The hearing was duly held on February 15, 2023 (Calendar No. 11). Two speakers appeared in favor of the application and none in opposition. A description of the hearing is described in the report for the related zoning map amendment (C 220470 ZMK),

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 220471 ZRK), in conjunction with the applications for the related actions (C 220470 ZMK and C 220472 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 220470 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 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 12

* * *

Map 4 – [date of adoption]



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

Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 12, Brooklyn

* * *

The above resolution (N 220471 ZRK), duly adopted by the City Planning Commission on March 15, 2023 (Calendar No. 8), 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.

DANIEL R. GARODNICK, Esq., *Chair*,
KENNETH J. KNUCKLES, Esq., *Vice-Chair*,
GAIL BENJAMIN, LEILA BOZORG, ALFRED C. CERULLO, III,
ANTHONY CROWELL, JOSEPH DOUEK, DAVID GOLD, Esq.,
RASMIA KIRMANI-FRYE, ORLANDO MARÍN,
JUAN CAMILO OSORIO, RAJ RAMPERSHAD, Commissioners