**THE COUNCIL OF THE CITY OF NEW YORK**
**RESOLUTION NO. 657**

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 220471 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 190).**

**By Council Members Salamanca and Riley**

WHEREAS, Stamford LLC and Capri Optics, Inc., filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action 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 (ULURP No. N 220471 ZRK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 7, 2023, its decision dated March 15, 2023 (the "Decision"), on the Application;

WHEREAS, the Application is related to application C 220470 ZMK (L.U. No. 189), a zoning map amendment to change M1-2, M2-1, and R6 zoning districts to C4-4A and R6B zoning districts; and C 220472 ZSK (L.U. No. 191), a 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;

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 April 19, 2023;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

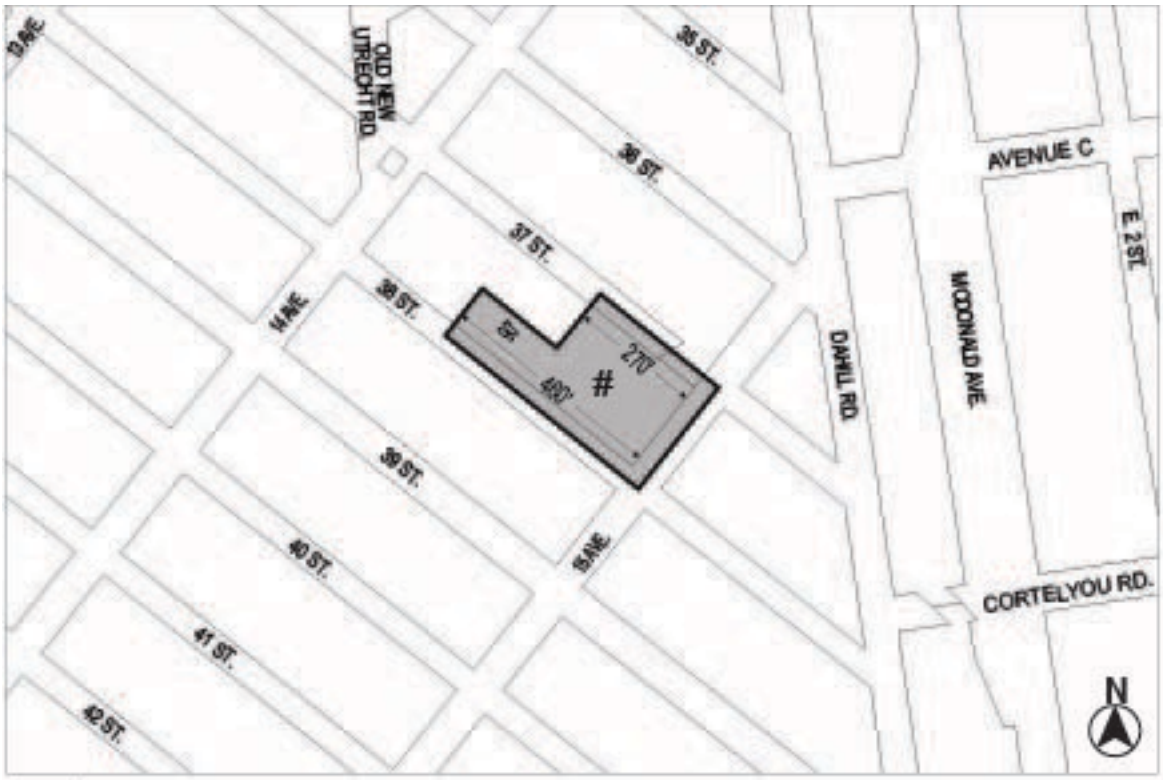
WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued November 7, 2022 (CEQR No. 22DCP045K), which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-692) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

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, N 220471 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

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
Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council




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

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

* * *

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 _____, 2023, on file in this office.

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City Clerk, Clerk of The Council