



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

March 15, 2021

City Council
City Hall
New York, NY 10007

Re: 9114 Fifth Avenue
ULURP Nos. C 190447 ZMK and N 190448 ZRK
Borough of Brooklyn

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated March 1, 2021, from the City Council regarding the proposed modifications to the above-referenced application submitted by Bayride Realty LLC for a Zoning Map Amendment and a Zoning Text Amendment to Appendix F of the Zoning Resolution.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on March 15, 2021, has determined that the City Council's proposed modifications do not require further review.

Very truly yours,

A handwritten signature in cursive script that reads "Marisa Lago".

Marisa Lago

c: W. Von Engel D. DeCerbo J. Vogel H. Marcus
S. Amron R. Singer D. Answini



THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
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March 1, 2021

Honorable Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

**Re: Application Nos.: C 190447 ZMK (Pre. L.U. No. 727) and
N 190448 ZRK (Pre. L.U. No. 728)**

9114 5th Avenue Rezoning

Dear Chair Lago:

On February 24, 2021 the Land Use Committee of the City Council, by a vote of 16-0-1 for Applications **C 190447 ZMK** and **N 190448 ZRK**, recommended modifications of the City Planning Commission's decision in the above-referenced matters.

The application as originally presented sought a zoning map amendment to change an existing C8-2 district to a proposed R7A/C2-4 zoning district, and a zoning text amendment to establish a Mandatory Inclusionary Housing Area, utilizing Options 1 and 2 for the project site, but also for a larger rezoning area. The rezoning area is also within the Special Bay Ridge District. These actions are intended to facilitate the development of a nine-story, 45,000 square foot mixed-use residential building with ground floor commercial uses and 41 units of housing on the project site, which fronts on a wide street.

The proposed R7A district would allow for a maximum FAR of 4.6 with MIH, as well as commercial uses up to a maximum FAR of 2.0, and a contextual building envelope with a maximum height of 95 feet or nine stories.

The Community Board and the Borough President expressed concerns regarding the appropriateness of an R7A district to be mapped on three lots with two-story residential buildings on the corner of 4th Avenue and 92nd Street. The proposed rezoning would bring these non-conforming buildings into conformance, but would allow for higher density and height than is appropriate on this part of 92nd Street, a narrow street which currently consists of two-story

residential and three-story residential and mixed-use buildings on the north side of 92nd Street and a seven-story commercial building on the south side. The west side of Fourth Avenue, across the street from these two-story buildings, is currently mapped with an R6A/C2-3 zoning district. R6A zoning districts permit a maximum FAR of 3.0 for residential uses, with a maximum base height of 65 feet and an overall maximum building height of 75 feet above a required setback.

For this reason, the Council is modifying the application to instead apply the more moderate R6A zoning on the lots of the three non-conforming residential buildings. The more modest R6A district for this portion of the rezoning area works towards the goals of the Bay Ridge Special District. The goals of the Special District are to maintain the existing scale and character of the residential and commercial community, and encourage development which is in character with the neighborhood. Modifying the zoning map to step down to an R6A/C2-4 towards 4th Avenue would bring the non-conforming lots into conformance, and create appropriate height and density that matches the surrounding context.

The Council is also modifying the proposed zoning text amendment, which would establish a Mandatory Inclusionary Housing Area, by adding the Workforce Option.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

C 190447 ZMK (Pre. L.U. No. 727)

- Matter underlined is new, to be added;
- Matter ~~struck out~~ is to be deleted;
- Matter ~~double-struck out~~ is old, deleted by the City Council
- Matter double-underlined is new, added by the City Council
- Matter within # # is defined in Section 12-10;
- * * * indicates where unchanged text appears in the Zoning Resolution.

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 No. 22d:

1. changing from an existing C8-2 District to an R6A District property bounded by a line 75 feet northeasterly of 92nd Street, a line 125 feet northwesterly of 5th Avenue, 92nd Street, and a line 185 feet northwesterly of 5th Avenue;
- ±2. changing from an existing C8-2 District to an R7A District property bounded by a line 85 feet southwesterly of 91st Street, 5th Avenue, 92nd Street, ~~a line 185 feet northwesterly of~~

~~5th Avenue, a line 75 feet northeasterly of 92nd Street, and a line 125 feet northwesterly of 5th Avenue; and~~

3. establishing within a proposed R6A District a C2-4 District bounded by a line 75 feet northeasterly of 92nd Street, a line 125 feet northwesterly of 5th Avenue, 92nd Street, and a line 185 feet northwesterly of 5th Avenue; and

24. establishing within a proposed R7A District a C2-4 District bounded by a line 85 feet southwesterly of 91st Street, 5th Avenue, 92nd Street, ~~a line 185 feet northwesterly of 5th Avenue, a line 75 feet northeasterly of 92nd Street,~~ and a line 125 feet northwesterly of 5th Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-577.

N 190448 ZRK (Pre. L.U. No. 728)

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council

Matter double-underlined is new, added by the City Council

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

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APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Brooklyn

* * *

Brooklyn Community District 10

* * *

Map 1 – [Date of Adoption]

Honorable Marisa Lago, Chair
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March 1, 2021
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~~[CPC APPROVED MAP]~~

* * *

Portion of Community District 10, Borough of Brooklyn

* * *

[CITY COUNCIL APPROVED MAP]



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

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

Honorable Marisa Lago, Chair
Application Nos.: C 190447 ZMK and N 190448 ZRK
March 1, 2021
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Please feel free to contact me at (917) 999-8054 if you or your staff have any questions in this regard.

Sincerely,



.....
Julie Lubin,
General Counsel

JL:mcs

C: Members, City Planning Commission
Raju Mann, Director, Land Use Division
Amy Levitan, Deputy Director
Jeff Campagna, Deputy General Counsel
Angelina Martinez-Rubio, Deputy General Counsel
Arthur Huh, Assistant General Counsel
Rosa Kelly, Project Manager
Susan Amron, Esq., DCP
James Harris, DCP
Danielle J. DeCerbo, DCP
File