

CITY PLANNING COMMISSION

June 22, 2011 / Calendar No. 17

C 080491 ZMK

IN THE MATTER OF an application submitted by The Glef, Ltd. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 12c, by establishing within an existing R6B District a C2-4 District bounded by a line midway between North 9th Street and North 10th Street, Berry Street, North 7th Street, and a line 100 feet northwesterly of Berry Street, as shown on a diagram (for illustrative purposes only) dated February 28, 2011, Borough of Brooklyn, Community District 1.

This application for a zoning map amendment was submitted by The Glef Ltd. on June 11, 2008 to facilitate commercial development along Berry Street and the reactivation of a sidewalk cafe.

BACKGROUND

The Glef Ltd. has requested a zoning map amendment to establish a C2-4 commercial overlay within an existing R6B district on the western side of Berry Street between North 7th and North 10th streets in the Williamsburg neighborhood of Brooklyn, Community District 1. This action is requested to improve retail continuity along Berry Street and also to facilitate the restoration of a sidewalk café at 96 Berry Street.

The rezoning area consists of two and a half block fronts on the western side of Berry Street, between North 7th Street, and a point midway between North 9th and North 10th streets, in the area rezoned as part of the 2005 Greenpoint-Williamsburg Rezoning. The rezoning area is 100 feet deep and includes 22 lots. The applicant owns the property at 96 Berry Street (Block 2310, Lot 30), which is on the northwest corner of Berry and North 8th streets and is occupied by Teddy's Bar and Grill, a long-standing restaurant in the neighborhood.

The rezoning area is occupied by residential and mixed-use buildings, with one wholly commercial building as well. There are nine active businesses on the 22 properties within the

rezoning area, including restaurants, shops, a dry cleaner and an art studio. The buildings are between 1 and 4 stories tall, with a converted 6-story loft building at the northern end of the rezoning area.

The other side of Berry Street has a similar character, though there are fewer businesses and more residential stoops. The blocks of North 7th, 8th, and 9th streets on either side of Berry street are occupied mainly by 2- to 4-story residential buildings with a few ground floor commercial establishments and one-story commercial buildings. However, the areas to the north and south have a more varied character with commercial and some industrial buildings. The Bedford Avenue commercial corridor is one block to the east, running parallel with Berry Street.

The rezoning area and the blocks to the east and west are zoned R6B which does not permit new commercial uses without a commercial overlay. Special Mixed Use districts that permit commercial uses are located on Berry Street to the immediate north and south of the rezoning area. In 2009, the establishment of a C2-4 overlay was approved (C 090096 ZMK) for a half-block front on the other side of Berry Street at North 7th Street ,to facilitate the construction of a mixed commercial and community facility development. A C1-4 commercial overlay is mapped along Bedford Avenue.

R6B districts permit residential and community facility uses to an FAR of 2.0, with a 50-foot height limit. The proposed action would establish a C2-4 overlay within the R6B district in the rezoning area. C2-4 commercial overlays permit local retail and service uses in Use Groups 5-9 to a maximum FAR of 2.0 and would not alter the height limit of the R6B district. Parking requirements vary by use for commercial uses, but general retail uses are required to provide 1

space per 1,000 square feet. Parking requirements below 40 spaces are waived.

The proposed C2-4 commercial overlay would make the nine existing commercial uses in the rezoning area conforming.

The applicant also seeks this rezoning to facilitate the reinstallation of an unenclosed sidewalk café at the applicant's restaurant on the northwest corner of North 8th and Berry streets. The restaurant occupies the ground floor of a 4-story building with residential uses above it. Subject to approval by the Department of Consumer Affairs, the sidewalk café would extend 4.5 feet from the southern building wall along the entire North 8th Street frontage. A minimum of 8 feet of clearance between the sidewalk café and any sidewalk obstructions would be maintained.

The restaurant had a sidewalk café for many years prior to 2006. The applicant had believed the sidewalk café was on her property, but the NYC Department of Buildings informed her in 2006 that it was located within the street and would require a sidewalk café permit from the Department of Consumer Affairs. However, the current R6B zoning will not permit reactivation of the café. The C2-4 commercial overlay, which permits restaurant uses as-of-right, would permit reactivation of the sidewalk café.

ENVIRONMENTAL REVIEW

This application (C 080491 ZMK) 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 New York City Planning Commission. The designated CEQR number is

10DCP007K.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on February 28, 2011.

UNIFORM LAND USE REVIEW

This application (C 080491 ZMK) was certified as complete by the Department of City Planning on February 28, 2011, and was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 080491 ZMK) on March 8, 2011, and on April 12, 2011, by a vote of 36 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 080491 ZMK) was considered by the Brooklyn Borough President who issued a recommendation on May 11, 2011 to approve the application with conditions. The condition is that “in lieu of establishing a C2-4 commercial overlay between North 7th Street and the mid-block between North 9th Street and North 10th Street, it be limited to a C1-4 overlay between North 7th Street and North 9th Street.”

City Planning Commission Public Hearing

On May 11, 2011 (Calendar No. 1), the City Planning Commission scheduled May 25, 2011 for a public hearing on this application (C 080491 ZMK). The hearing was duly held on May 25, 2011 (Calendar No. 14).

There were five speakers in favor of the application and five speakers in opposition. Speakers in favor of the application included the applicant and their representatives and local residents.

Speakers in favor stated that they felt the proposed zoning amendment was consistent with the existing character of Berry Street in this area and that they did not expect the proposal to spur a large amount of development that might change this character. The applicant's representative stated that a C2 district would be more appropriate than a C1 district because the uses permitted in a C2 district is more similar to those that already exist in the rezoning area, and to the range of uses permitted in the Special Mixed Use districts to the north and south of the rezoning area. It was also stated that previous planning efforts, including the Williamsburg 197-a plan recognized this area as a mixed-use area.

Speakers in opposition expressed concern that the zoning amendment would change the character of Berry Street. They described this character as a careful balance between commercial and residential uses and worried that commercial zoning would tip that balance toward commercial uses. They expressed concern that traffic, noise and other nuisances potentially associated with bars and restaurants would increase.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes the application for a Zoning Map amendment to

establish a C2-4 commercial overlay within an existing R6B district is appropriate.

On the 22 lots within the rezoning area, nine active businesses are present, constituting a solid commercial presence and contributing to the vibrant mixed-use character of this stretch of Berry Street. These uses include an art studio and several restaurants and retail and service establishments, all of which are typically found in C2-4 districts throughout the city. The Commission believes that the proposed C2-4 overlay would support these local businesses by making them conforming with zoning, and by promoting retail continuity along this stretch of Berry Street, which is situated between the areas to the north and south where Special Mixed Use districts permit a wide range of commercial uses.

The Commission is sensitive to the concerns of those local residents who testified at the Commission's public hearing. However, the Commission believes that the current mixed-use character of this stretch of Berry Street is consistent with the types of development permitted in a C2 district and that the proposed commercial overlay is appropriate to the land uses present in the rezoning area. The Commission also notes that Community Board 1 voted unanimously to approve the application without conditions.

The Commission also recognizes the conditions stated in the Borough President's recommendation to approve the application. In response to the condition that the C2-4 designation be replaced with a C1-4 designation, the Commission notes that a C2 designation permits a wider range of local retail and service uses than a C1 designation. The City Planning Commission believes that the proposed C2-4 zoning district is more representative of the wide range of uses present in the Northside of Williamsburg, including art studios, workshops and repair shops for the arts and trades, which would not be permitted within a C1-4 designation.

The Commission further notes that an existing sculpture studio within the rezoning area at 104 Berry Street (Block 2318, Lot 19) would conform to zoning under the proposed C2-4 designation, but would not conform to the C1-4 use regulations.

The Borough President's other condition was to remove from the proposed zoning amendment the northernmost half-block of the rezoning area (between North Ninth and North Tenth streets).

The Borough President stated in his recommendation that mapping a commercial overlay in that location could adversely impact the side street of North Ninth Street. However, the Commission notes that the character of North Ninth Street is not wholly residential, and that a nonconforming commercial business is already present within the half block frontage that the Borough President proposes to remove from the zoning amendment. The Commission believes that the Berry Street frontage of this block is not of a significantly different character from adjacent areas that are the subject of this proposal to permit commercial use. In addition, most of the block is located either in an MX district or an M1-2 district, both of which already permit a wide range of commercial uses.

The Commission believes that the proposed C2-4 designation is appropriate to the character of, and uses along, Berry Street and that the proposal will support the continued vibrancy of this growing mixed-use community.

RESOLUTION

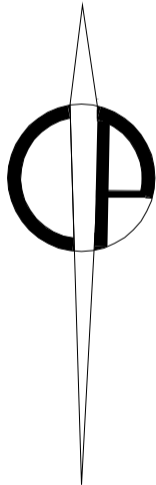
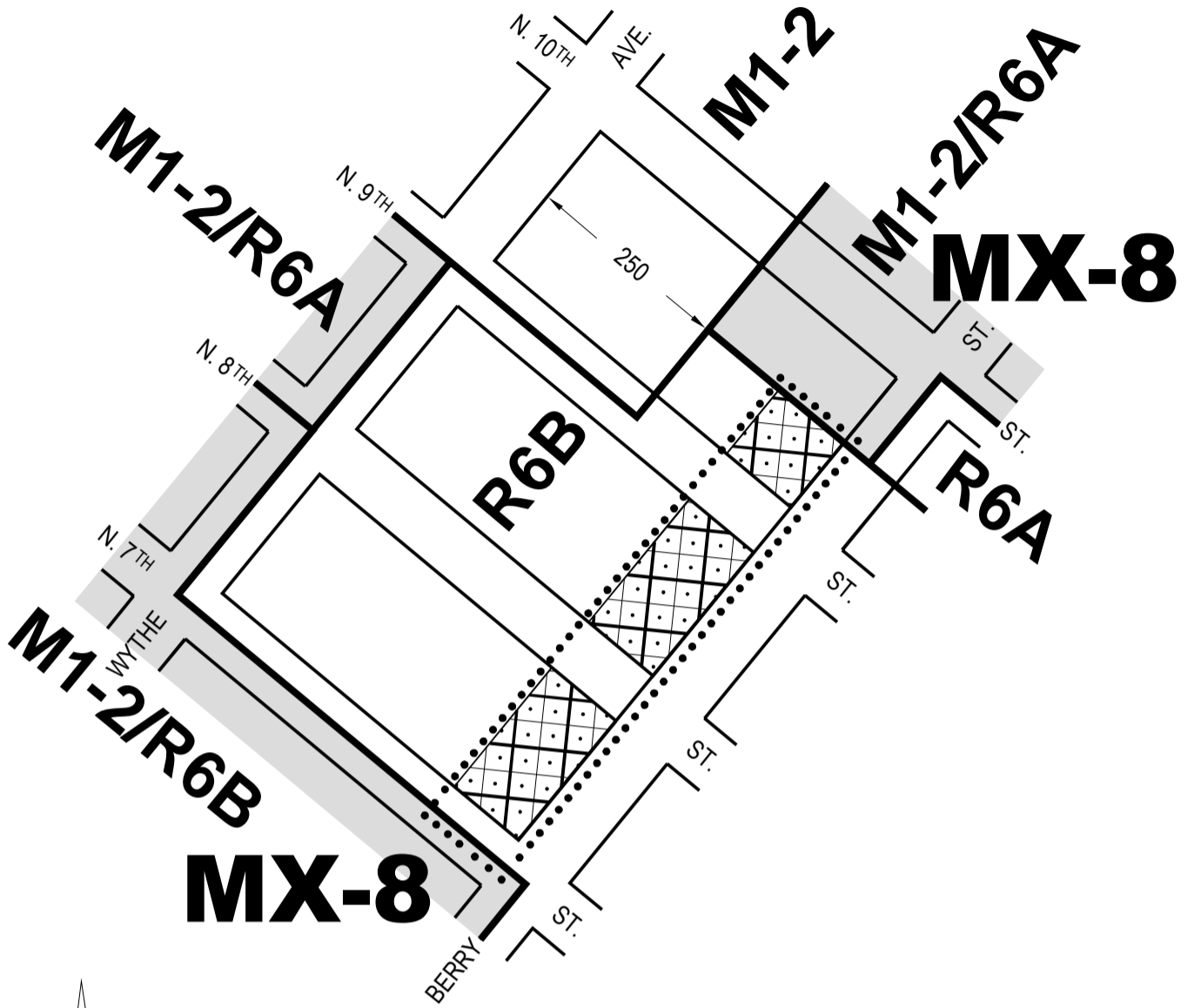
RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED by the City Planning Commission, pursuant to Sections 197-c and 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 hereby further amended by establishing within an existing R6B District a C2-4 District bounded by a line midway between North 9th Street and North 10th Street, Berry Street, North 7th Street, and a line 100 feet northwesterly of Berry Street, as shown on a diagram (for illustrative purposes only) dated February 28, 2011.

The above resolution (C 080491 ZMK), duly adopted by the City Planning Commission on June 22, 2011 (Calendar No. 17, 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.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN CANTOR,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA H. LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners




CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
12c
 BOROUGH OF
BROOKLYN

Director of Technical Review

New York, Certification Date
FEBRUARY 28, 2011



- NOTE:
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by establishing a C2-4 District within an existing R6B District.
 - Indicates a C2-4 District.
 - Indicates a Special Mixed Use District (**MX-8**).


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|  | | <h2 style="text-align: center;">Community/Borough Board Recommendation</h2> | |
| | | Pursuant to the Uniform Land Use Review Procedure | |
| Application #: C 080491 ZMK | Project Name: Teddy's Bar and Grill | | |
| CEQR Number: 10DCP007K | Borough(s): Brooklyn Community District Number(s) 1 | | |
| Please use the above application number on all correspondence concerning this application | | | |

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by The Glef, Ltd. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 12c, by establishing within an existing R6B District a C2-4 District bounded by a line midway between North 9th Street and North 10th Street, Berry Street, North 7th Street, and a line 100 feet northwesterly of Berry Street, as shown on a diagram (for illustrative purposes only) dated February 28, 2011.

| | | | |
|--|--------------|--|--|
| Applicant(s): The Glef Ltd. Dba Teddy's Bar and Grill 96 Berry Street Brooklyn, NY 11211 | | Applicant's Representative: Frederick A. Becker, Esq. The Law Office of Frederick A. Becker 122 East 42nd Street, Suite 2100 New York, NY 10168 | |
| Recommendation submitted by: Brooklyn Community Board 1 | | | |
| Date of public hearing: 3/08/2011 | | Location: 211 Ainslie St., Bklyn, NY 11211 | |
| Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | | <i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i> | |
| Date of Vote: 4/12/2011 | | Location: 211 Ainslie St., Bklyn, NY 11211 | |
| RECOMMENDATION | | | |
| <input checked="" type="checkbox"/> Approve | | <input type="checkbox"/> Approve With Modifications/Conditions | |
| <input type="checkbox"/> Disapprove | | <input type="checkbox"/> Disapprove With Modifications/Conditions | |
| Please attach any further explanation of the recommendation on additional sheets, as necessary. | | | |
| Voting | | # of Recusals: 1 | |
| # In Favor: 36 | # Against: 0 | # Abstaining: 0 | Total members appointed to the board: 48 |
| Name Christopher H. Olechowski | | Title CHAIRMAN | |
| Date 4/13/2011 | |  | |



COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, N.Y. 11211-2429

PHONE: (718) 389-0009

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HON. MARTY MARKOWITZ
BROOKLYN BOROUGH PRESIDENT



RABBI JOSEPH WEBER
FIRST VICE-CHAIRMAN

HEATHER ROSLUND
SECOND VICE-CHAIRPERSON

DEL TEAGUE
THIRD VICE-CHAIRPERSON

KAREN LEADER
FINANCIAL SECRETARY

ISRAEL ROSARIO
RECORDING SECRETARY

PHILIP A. CAPONEGRO
MEMBER-AT-LARGE

CHRISTOPHER H. OLECHOWSKI
CHAIRMAN

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

HON. DIANA REYNA
COUNCILMEMBER, 34th CD

(corrected)

April 12, 2011

Land Use, ULURP and Landmarks (subcommittee) Committee Report

TO: Christopher H. Olechowski, Chairman

FROM: Heather Roslund, Committee Chair

RE: Committee Meeting Report

The Land Use, ULURP and Landmarks (subcommittee) Committee met at the CB #1's District Office, at 6:30PM on March 22, 2011.

Attendance: Present – Ms. Roslund, Committee Chair; Ms. Barros; Mr. Bondo; Mr. Dennis; Mr. Leon; Rabbi Niederman; Mr. Perstein; Ms. Teague; Mr. Turner. Also present were: The applicant/representative and members from the community. Absent – Ms. Chabrowski; Mr. Katz; Mr. Solano; Ms. Viera; Rabbi Weber; Mr. Weiser.

- NYC DEPARTMENT OF CITY PLANNING – APPLICATION #C080491 ZMK, CEQR #10DCP007K**
In the matter of an application submitted by The Glef, Inc. pursuant to Sections 179-c and 201 of the New York City Charter for an amendment of the Zoning Map 12c to establish, within an existing R6B district, a C2-4 District bounded by a line midway between North 9th Street, Berry Street, North 7th Street and a line 100 feet northwesterly of Berry Street, as shown on the diagram dated February 28th, 2011.

Applicant's Representative: Frederick A. Becker, Esq.

This application by The Glef, Inc. DBA Teddy's Bar and Grille is set forth to allow Teddy's to re-establish its sidewalk cafe.

The application will also legitimize the other existing commercial entities within the proposed Commercial Overlay District and will allow for future development of small-scale, neighborhood retail establishments where currently those Uses are prohibited.

The issue of the sidewalk cafe arose because the area was previously part of the Northside Special Mixed-Use District which allowed Commercial Uses, including sidewalk cafes. The 2005 Re-Zoning

mapped an R6B District at this location where Commercial Uses are prohibited. Existing retail establishments are permitted to remain ("grandfathered") but cannot be enlarged or otherwise altered so as to increase the degree of non-compliance with the current Zoning.

Several attendees were in favor of and several were in opposition to the application.

Those in favor of the application feel the mixed-use character of the street is lively and vibrant and a positive addition to the community, that the FAR in an R6B district is 2.0, so the likelihood of properties having allowable existing Floor Area with which to expand is negligible, that late night "eyes on the street" provide a greater level of safety and that businesses have historically existed in the vicinity.

Those opposed to the application are concerned with noise and other nuisance impacts associated with sidewalk cafes, garden dining, and in turn late night revelers and about the potential of future construction, particularly the extension of commercial space into existing rear yards.

After a brief discussion, the committee agreed upon the following:

Whereas Williamsburg has historically been a mixed use neighborhood with many storefronts in existence for 100 years or more, and

Whereas the community has always supported and advocated for a mixed-use neighborhood going back to the 197a Plan, and

Whereas the majority Northside allows for commercial uses, including much of Berry Street, and

Whereas approximately half the properties within the boundaries are currently commercial,

We therefore approve the application.

9 in favor, 0 against, 1 abstention.

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 080491 ZMK

Teddy's Bar and Grill

In the matter of an application submitted by The Glef, Ltd. Pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, by establishing within an existing R6B District a C2-4 District bounded by a line midway between North 9th Street and North 10th Street, Berry Street, North 7th Street, and a line 100 feet northwesterly of Berry Street.

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

CONSIDERATION

Community Board One approved the proposed rezoning on April 12, 2011. Proponents noted that: businesses have historically existed along Berry Street within the boundaries of the proposed rezoning; the mixed-use occupancy has led to a more vibrant and lively street character; and, the rezoning would not likely result in building enlargements because few sites had any excess floor area.

Opponents to the application cited potential quality-of-life challenges that might result should the proposed zoning be adopted. Concerns pertained to noise and nuisance impacts that are associated with uses that permit social gathering, such as restaurants and bars, including on-premise noise when such uses are not completely enclosed, compromising quiet enjoyment of rear yards and yards facing living spaces. Also noted were: the possible loss of neighborhood parking should there be installation of metered parking; the anticipated added activity and sidewalk crowding through vendor truck operations and street peddlers; and, the extra truck traffic associated with deliveries.

There was also concern pertaining to the potential that the rezoning could induce construction and the related impact it could have on the community – specifically the loss of residential units in favor of retail space or even total building replacement by bulkier buildings.

PROPOSED ZONING

The proposed zoning would add a commercial overlay to the west side of Berry Street between recently adopted mixed-use districts to the north and south.

The borough president generally supports efforts that facilitate the creation or growth of Brooklyn-based businesses, including rezonings that are consistent with the predominant

land use patterns. Approval of this action will bring previously legal-conforming commercial uses back into conformance – a status that was in effect until the May 2005 rezoning of this area. In addition, it will provide the opportunity for the applicant of this action to restore outdoor table service by becoming eligible to apply for a sidewalk café permit.

Though the existing zoning typically does not permit commercial use, according to Zoning Resolution (ZR) section 52-61, vacant ground floor or basement stores in buildings designed for residential use located in R5, R6 (includes R6B) and R7 Districts where the change or reactivated use is listed in Use Groups 6A, 6B, 6C or 6F, with a few excluded uses is permitted. In addition, this section requires conformance with ZR 52-34 which states that eating and drinking places, thus permitted as a change of use, shall be limited exclusively to the sale of food or drink for on-premise consumption by seated patrons within a completely enclosed building. While the existing zoning permits neighborhood retail use, it does not provide opportunity to facilitate sidewalk cafes.

The proposed zoning is neutral in terms of how much floor area is permitted, with the difference being that either all of the floor area or at least the ground floor of a residential building would permit commercial use. In addition to Use Group 6, the proposed zoning permits Use Groups 7, 8 and 9 which typically provides for home maintenance and repair, limited automotive servicing establishments and, limited amusements and service type establishments. Under the proposed zoning, restaurants and bars would be able to provide outdoor table service in yard areas and could qualify for a process through the Department of Cultural Affairs (DCLA) to establish a sidewalk café. In the case of Teddy's Bar and Grill it would be an opportunity to re-establish its sidewalk café through the DCLA process.

The borough president believes the addition of a commercial zone is appropriate. He acknowledges that the block between North 7th and North 8th Streets is primarily non-residential for the ground floor space, with the sole non-retail or restaurant use being a sculpture studio at 104-106 Berry Street. Based on existing zoning the occupant of that property has the right to convert such use pursuant to ZR section 52-332, which contains a range of commercial uses which are also permitted according to the proposed zoning. Although currently there are just two purely active commercial uses between North 7th and North 8th Streets, historically, several of the buildings had contained ground floor commercial use. Under ZR 52-61, these buildings could have such uses restored, though such regulation does not address the opportunity to provide sidewalk cafes where appropriate.

COMMUNITY CONCERNS

The borough president understands the concerns that have been shared with regard to this rezoning. Most of the lots are at or exceed the amount of floor area permitted by the existing and proposed zoning, thus the rezoning poses little risk of redevelopment. One exception is the sculpture studio, which will have the potential to maximize the permitted floor area through a complete tear down of the current structure. Whether the zoning remains the same or changes to the proposed, the property has the right to be a store or restaurant as the existing use may convert according to the existing zoning as noted above.

Another property, 88 Berry Street, while not a tear-down risk under either zoning, has enough excess floor area to have a completely enclosed ground floor space (community facility according to the existing zoning or commercial use under the proposed zoning).

However, even with this opportunity to utilize such floor area, it would likely have to address the Americans with Disabilities Act (ADA) requirements due to the ground floor actually being a few steps above street level in order to convert to commercial use. In fact, implications of ADA compliance would likely impact a number of residential ground floor spaces that exist in the area of the proposed zoning as many are either a few steps up or a few steps down – thus decreasing the desirability of converting such space to commercial use. To further support the expectation that conversion of the residential ground floor space is not anticipated, one should look at Bedford Avenue, where a number of ground floor residential properties have remained despite the appeal of having retail along this commercial corridor. The borough president believes the conversion from the residentially used ground floor spaces to commercial for the properties along Berry Street is not likely and might have otherwise occurred according to ZR section 52-61.

Although commercial properties will be able to open up into their backyard, allowing for more opportunities for social gathering, the borough president believes that the logistics of doing so will deter such conversion from happening. In order to create access to establish a backyard seating area, a significant amount of existing interior space would need to be sacrificed to provide passage to the yard. In addition, adding such seating capacity might demonstrate the need to comply with public assembly requirements, which might not be viable to configure economically. The likelihood of this is occurring should not preclude a rezoning.

As for other stated quality-of-life concerns, the Department of Transportation (DOT) does not automatically install metered parking with the adoption of a commercial zoning. The typical course of action would be to act on requests made and pursue such instances in consultation with merchants and possibly with the involvement of the community board. In regards to the possibility of vending trucks attempting to set up along Berry Street, the borough president is aware that the Department of Consumer Affairs (DCA) has authority over the locations of street vendors. Per the Administrative Code, a list of restricted street for truck vendors exists and is readily enforced. The City Council would have to amend this to include Berry Street if preventing street vendor activity is desired.

BOUNDARY OF PROPOSED ZONING

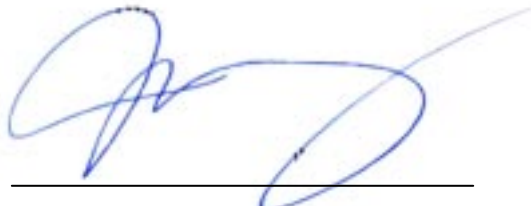
The borough president believes there is a need to balance the opportunity to support retail and restaurant uses with valid concerns of the residential community seeking to retain established quality-of-life. Therefore, he seeks to establish such boundaries where appropriate. For the section north of North 9th Street, the borough president does not agree that a commercial overlay is warranted. Based on the land use, there is only one commercial property, the corner lot, and given ZR 52-61, it does not require a commercial overlay to protect commercial use at this location. Another lot, fronting onto North 9th Street, is not developed. The lot has approved plans for a four-story residential building, though it is possible that pursuant to the proposed zoning, plans could be revised to incorporate commercial use. Mapping the proposed overlay could result in the un-built lot fronting on North 9th Street to introduce retail on the residential side of the street. This could potentially result in quality-of-life conflicts along the residential side of the street. There is no justification to give an opportunity for commercial development to this property. The existing R6B is sufficient zoning to facilitate redevelopment, while further protecting the side street from commercial intrusion. Thus, the borough president believes that the proposed overlay should not extend past North 9th Street.

TYPE OF COMMERCIAL DISTRICT

The borough president believes that under the proposed zoning, the additional permitted Use Groups 7, 8 and 9 – which typically provides for home maintenance and repair, limited automotive servicing establishments, limited amusements and service type establishments – do not reflect the context of this community. These uses typically serve wider areas which thus might generate more vehicular traffic and commercial vehicles. Mapping a C1 zoning district would more closely match what is already permitted by ZR 52-61 and would eliminate certain uses that are less desirable to the surrounding residential blocks. Therefore, the borough president believes it would be more appropriate to map a C1-4 zoning designation than the proposed C2-4 as a means to be more in keeping with the existing zoning, yet providing opportunities for sidewalk cafes where appropriate.

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends to the City Planning Commission and City Council, the approval of this Zoning Map application on the condition that in lieu of establishing a C2-4 commercial overlay between North 7th Street and the mid-block between North 9th and North 10th Street, it be limited to a C1-4 overlay between North 7th Street and North 9th Streets.



BOROUGH PRESIDENT

May 11, 2011

DATE