



CITY PLANNING COMMISSION

September 5, 2012 / Calendar No. 6

C 120294 ZMK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12d, 13b, 16c, and 17a:

1. eliminating from within an existing R5 District a C1-3 District bounded by:
 - a. Greene Avenue, a line 200 feet easterly of Tomkins Avenue, Lexington Avenue, and Tomkins Avenue; and
 - b. Kosciuszko Street, a line 150 feet easterly of Marcus Garvey Boulevard, Lexington Avenue, a line 150 feet westerly of Marcus Garvey Boulevard, Lafayette Avenue, and Marcus Garvey Boulevard;
2. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. Ellery Street, a line 150 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Martin Luther King Jr. Place and Stockton Street, a line 235 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Stockton Street, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
 - b. a line 100 feet northerly of Myrtle Avenue, Bedford Avenue, a line 150 feet southerly of Myrtle Avenue, and Kent Avenue;
 - c. a line 150 feet northerly of De Kalb Avenue, Taaffe Place, De Kalb Avenue, and Classon Avenue;
 - d. a line 150 feet northerly of De Kalb Avenue, Bedford Avenue, Kosciuszko Street, a line 150 feet easterly of Bedford Avenue, Lafayette Avenue, a line midway between Bedford Avenue and Skillman Street, a line 150 feet southerly of De Kalb Avenue, and Franklin Avenue;
 - e. Myrtle Avenue, a line 150 feet easterly of Nostrand Avenue, Willoughby Avenue, and Nostrand Avenue;
 - f. Vernon Avenue, a line 150 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Pulaski Street, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
 - g. Stockton Street, Tomkins Avenue, Myrtle Avenue, Marcus Garvey Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, a line 150 feet easterly of Tomkins Avenue, De Kalb Avenue, a line 150 feet westerly of Tomkins Avenue, a line midway between Vernon Avenue and Myrtle Avenue, a line 355 feet westerly of Tomkins Avenue, a line midway between Myrtle Avenue and

- Stockton Street, and a line 150 feet westerly of Tomkins Avenue;
- h. Clifton Place, a line 150 feet easterly of Nostrand Avenue, Quincy Street, and a line 150 feet westerly of Nostrand Avenue;
 - i. Pulaski Street, a line 150 feet easterly of Throop Avenue, a line midway between Pulaski Street and De Kalb Avenue, a line 150 feet westerly of Marcus Garvey Boulevard, Pulaski Street, a line 150 feet easterly of Marcus Garvey Boulevard, Kosciuszko Street, Marcus Garvey Boulevard, a line midway between Kosciuszko Street and Lafayette Avenue, a line 150 feet westerly of Marcus Garvey Boulevard, a line midway between Kosciuszko Street and De Kalb Avenue, and Throop Avenue;
 - j. Lexington Avenue, a line 150 feet easterly of Tomkins Avenue, Quincy Street, and a line 150 feet westerly of Tomkins Avenue; and
 - k. Lexington Avenue, a line 150 feet easterly of Marcus Garvey Boulevard, Quincy Street, and a line 150 feet westerly of Marcus Garvey Boulevard;
3. eliminating from within an existing R5 District a C2-3 District bounded by Lafayette Avenue, a line 150 feet easterly of Throop Avenue, Van Buren Street, and Throop Avenue;
4. eliminating from within an existing R6 District a C2-3 District bounded by:
- a. a line 100 feet northerly of Myrtle Avenue, Kent Avenue, a line 150 feet southerly of Myrtle Avenue, Taaffe Place, Myrtle Avenue, and Classon Avenue;
 - b. Lafayette Avenue, a line 150 feet easterly of Bedford Avenue, Quincy Street, and a line 150 feet westerly of Bedford Avenue;
 - c. Pulaski Street, a line 150 feet easterly of Nostrand Avenue, De Kalb Avenue, a line 290 feet easterly of Nostrand Avenue, Kosciuszko Street, a line 150 feet easterly of Nostrand Avenue, Clifton Place, a line 150 feet westerly of Nostrand Avenue, Kosciuszko Street, and Nostrand Avenue;
 - d. Flushing Avenue, Throop Avenue, a line midway between Flushing Avenue and Hopkins Street, the southeasterly centerline prolongation of Harrison Avenue, Hopkins Street, the westerly boundary lines of Broadway Triangle Park and its northerly and southerly prolongation, Ellery Street, a line 150 feet easterly of Tompkins Avenue, Park Avenue, a line 150 feet westerly of Tompkins Avenue, Ellery Street, and Tompkins Avenue;
 - e. De Kalb Avenue, Throop Avenue, a line midway between De Kalb Avenue and

Kosciuszko Street, a line 150 feet easterly of Throop Avenue, Lafayette Avenue, Throop Avenue, Kosciuszko Street, and a line 150 feet westerly of Throop Avenue;

- f. Pulaski Street, a line 150 feet easterly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, Kosciuszko Street, and Lewis Avenue- Dr. Sandy F. Ray Boulevard; and
 - g. Ellery Street, Broadway, Van Buren Street, Patchen Avenue, Lafayette Avenue, a line 300 feet westerly of Patchen Avenue and its northerly prolongation, Kosciuszko Street, a line 150 feet southwesterly of Broadway, a line 150 feet easterly of Malcolm X. Boulevard, the northerly and westerly boundary of a playground and its southerly prolongation, Lafayette Avenue, a line 150 feet easterly of Malcolm X. Boulevard, Van Buren Street, Malcolm X. Boulevard, Lafayette Avenue, a line 150 feet westerly of Malcolm X. Boulevard, Pulaski Street, a line 150 feet southwesterly of Broadway, Stuyvesant Avenue, Vernon Avenue, a line 150 feet southwesterly of Broadway, a line midway between Vernon Avenue and Myrtle Avenue, a line 100 feet southwesterly of Broadway, a line midway between Myrtle Avenue and Stockton Street, and a line 150 feet southwesterly of Broadway;
5. changing from an R5 District to an R6A District property bounded by:
- a. Lafayette Avenue, a line 100 feet easterly of Tompkins Avenue, Greene Avenue, a line 150 feet easterly of Tomkins Avenue, Lexington Avenue, and Tompkins Avenue;
 - b. Kosciuszko Street, a line 100 feet easterly of Marcus Garvey Boulevard, Lexington Avenue, Marcus Garvey Boulevard, Van Buren Street, a line 100 feet westerly of Marcus Garvey Boulevard, Lafayette Avenue, and Marcus Garvey Boulevard; and
 - c. Lafayette Avenue, Stuyvesant Avenue, Greene Avenue, and a line 100 feet westerly of Stuyvesant Avenue;
6. changing from an R6 District to an R6A District property bounded by:
- a. Willoughby Avenue, Franklin Avenue, a line 100 feet northerly of De Kalb Avenue, and Kent Avenue;
 - b. Ellery Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Park Avenue, Tomkins Avenue, Stockton Street, a line 100 feet westerly of Tompkins Avenue, a line midway between Myrtle Avenue and Stockton Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C.

Taylor Boulevard, Stockton Street, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;

- c. Flushing Avenue, Throop Avenue, Park Avenue, Tompkins Avenue, a line midway between Ellery Street and Park Avenue, a line 100 feet westerly of Throop Avenue, a line midway between Flushing Avenue and Hopkins Street, and Tompkins Avenue;
- d. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Nostrand Avenue, a line midway between Hart Street and Willoughby Avenue, Nostrand Avenue, a line midway between Hart Street and Pulaski Street, a line 100 feet easterly of Nostrand Avenue, a line midway between De Kalb Avenue and Pulaski Street, a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, De Kalb Avenue, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Lafayette Avenue, a line 100 feet easterly of Nostrand Avenue, Quincy Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Greene Avenue and Lexington Avenue, Nostrand Avenue, Clifton Place, a line 100 feet westerly of Nostrand Avenue, Kosciuszko Street, Nostrand Avenue, a line 360 feet northerly of De Kalb Avenue, Sanford Street and its southerly prolongation at the cul-de-sac, Willoughby Avenue, and Nostrand Avenue;
- e. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Tomkins Avenue, a line midway between Pulaski Street and De Kalb Avenue, a line 100 feet westerly of Throop Avenue, a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Throop Avenue, Pulaski Street, a line 250 feet westerly of Marcus Garvey Boulevard, Hart Street, a line 100 feet westerly of Marcus Garvey Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, Marcus Garvey Boulevard, Willoughby Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Pulaski Street, Marcus Garvey Boulevard, De Kalb Avenue, a line 230 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, Kosciuszko Street, Marcus Garvey Boulevard, Lafayette Avenue, a line 230 feet easterly of Throop Avenue, Kosciuszko Street, a line 100 feet westerly of Marcus Garvey Boulevard, a line midway between Kosciuszko Street and De Kalb Avenue, a line 100 feet easterly of Tomkins Avenue, Lafayette Avenue, a line 100 feet westerly of Tompkins Avenue, a line midway between Kosciuszko Street and De Kalb Avenue, a line 100 feet easterly of Marcy Avenue-- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Pulaski Street and De Kalb Avenue, a line 100 feet westerly of Tompkins Avenue, Willoughby Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Vernon Avenue, and a line 100 feet westerly of Tomkins Avenue;
- f. Lexington Avenue, a line 150 feet easterly of Tomkins Avenue, Quincy Street,

and a line 100 feet westerly of Tompkins Avenue;

- g. Lexington Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Quincy Street, Marcus Garvey Boulevard, a line midway between Quincy Street and Lexington Avenue, and a line 100 feet westerly of Marcus Garvey Boulevard;
 - h. Willoughby Avenue, a line 250 feet easterly of Stuyvesant Avenue, Hart Street, a line 100 feet easterly of Stuyvesant Avenue, Lafayette Avenue, a line 100 feet westerly of Malcolm X Boulevard, Pulaski Street, Malcolm X. Boulevard, De Kalb Avenue, a line 200 feet easterly of Malcolm X. Boulevard, a line midway between Kosciuszko Street and De Kalb Avenue, a line 75 feet easterly of Malcolm X. Boulevard, a line 50 feet southerly of De Kalb Avenue, Malcolm X Boulevard, Lafayette Avenue, a line 100 feet easterly of Malcolm X. Boulevard, Lexington Avenue, a line 100 feet westerly of Malcolm X. Boulevard, a line 100 feet northerly of Greene Avenue, a line 100 feet easterly of Stuyvesant Avenue, Lexington Avenue, Stuyvesant Avenue, Quincy Street, a line 225 feet westerly of Stuyvesant Avenue, Lexington Avenue, a line 100 feet westerly of Stuyvesant Avenue, Greene Avenue, Stuyvesant Avenue, Lafayette Avenue, a line 100 feet westerly of Stuyvesant Avenue, a line midway between Lafayette Avenue and Kosciuszko Street, a line 200 feet westerly of Stuyvesant Avenue, Kosciuszko Street, Lewis Avenue- Dr. Sandy F. Ray Boulevard, De Kalb Avenue, and Stuyvesant Avenue; and
 - i. Van Buren Street, a line 100 feet easterly of Patchen Avenue, Greene Avenue, a line 200 feet easterly of Patchen Avenue, Lexington Avenue, Patchen Avenue, Quincy Street, a line 100 feet westerly of Patchen Avenue, a line midway between Lexington Avenue and Greene Avenue, and Patchen Avenue;
7. changing from a C4-3 District to an R6A District property bounded by:
- a. Quincy Street, a line 100 feet easterly of Ralph Avenue, Gates Avenue, a line 170 feet westerly of Ralph Avenue, a line midway between Gates Avenue and Quincy Street, and a line 150 feet westerly of Ralph Avenue; and
 - b. a line midway between Greene Avenue and Lexington Avenue, the northerly prolongation of a line 280 feet westerly of Ralph Avenue, and a line 150 feet southwesterly of Broadway;
8. changing from a C8-2 District to an R6A District property bounded by:
- a. Van Buren Street, a line 200 feet easterly of Patchen Avenue, a line midway between Greene Avenue and Van Buren Street, and a line 100 feet easterly of Patchen Avenue; and

- b. Greene Avenue, a line 350 feet easterly of Patchen Avenue, a line midway between Greene Avenue and Lexington Avenue, a line 150 feet southwesterly of Broadway, a line 280 feet westerly of Ralph Avenue and its northerly prolongation, a line midway between Lexington Avenue and Quincy Street, a line 250 feet easterly of Patchen Avenue, Lexington Avenue, a line 200 feet easterly of Patchen Avenue;
9. changing from an R5 District to an R6B District property bounded by:
- a. Lafayette Avenue, Tompkins Avenue, Greene Avenue, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
 - b. Lafayette Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, Van Buren Street, Marcus Garvey Boulevard, Lexington Avenue, a line 150 feet easterly of Tompkins Avenue, Greene Avenue, and a line 100 feet easterly of Tompkins Avenue; and
 - c. Kosciuszko Street, Lewis Avenue- Dr. Sandy F. Ray Boulevard, Lafayette Avenue, a line 100 feet westerly of Stuyvesant Avenue, Greene Avenue, Lewis Avenue- Dr. Sandy F. Ray Boulevard, Lexington Avenue, and a line 100 feet easterly of Marcus Garvey Boulevard; and
10. changing from an R6 District to an R6B District property bounded by:
- a. a line 100 feet southerly of Myrtle Avenue, Kent Avenue, Willoughby Avenue, and Classon Avenue;
 - b. a line 100 feet southerly of Myrtle Avenue, a line midway between Skillman Street and Bedford Avenue, Willoughby Avenue, a line midway between Skillman Street and Bedford Avenue, a line 320 feet southerly of Willoughby Avenue, Bedford Avenue, a line 100 feet northerly of De Kalb Avenue, Franklin Avenue, Willoughby Avenue, a line 100 feet easterly of Kent Avenue, a line 210 feet southerly of Myrtle Avenue, and a line 100 feet westerly of Franklin Avenue;
 - c. a line 100 feet southerly of De Kalb Avenue, a line midway between Skillman Street and Bedford Avenue, Lafayette Avenue, a line 100 feet westerly of Bedford Avenue, Quincy Street, a line 100 feet easterly of Franklin Avenue, Lafayette Avenue, and Franklin Avenue;
 - d. Willoughby Avenue, Walworth Street, a line 108 feet northerly of De Kalb Avenue, a line midway between Walworth Street and Spencer Street, a line 133 feet northerly of De Kalb Avenue, Spencer Street, a line 100 feet northerly of De Kalb Avenue, and a line midway between Bedford Avenue and Spencer Street;

- e. Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, Clifton Place, Nostrand Avenue, a line midway between Greene Avenue and Lexington Avenue, a line 100 feet westerly of Nostrand Avenue, Quincy Street, Bedford Avenue, a line midway between Quincy Street and Lexington Avenue, and a line 100 feet easterly of Bedford Avenue;
- f. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Hart Street, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Pulaski Street, a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between De Kalb Avenue and Pulaski Street, a line 100 feet easterly of Nostrand Avenue, a line midway between Pulaski Street and Hart Street, Nostrand Avenue, a line midway between Willoughby Avenue and Hart Street, and a line 100 feet easterly of Nostrand Avenue;
- g. Lafayette Avenue, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Greene Avenue, Tompkins Avenue, Lexington Avenue, a line 100 feet westerly of Tompkins Avenue, Quincy Street, and a line 100 feet easterly of Nostrand Avenue;
- h. a line midway between Flushing Avenue and Hopkins Street, a line 100 feet westerly of Throop Avenue, a line midway between Park Avenue and Ellery Street, Tompkins Avenue, Park Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Ellery Street, and Tompkins Avenue;
- i. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet westerly of Tompkins Avenue, Vernon Avenue, and a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
- j. Willoughby Avenue, a line 100 feet westerly of Tompkins Avenue, a line midway between Pulaski Street and De Kalb Avenue, and a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
- k. a line midway between De Kalb Avenue and Kosciuszko Street, a line 100 feet westerly of Tompkins Avenue, Lafayette Avenue, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Lafayette Avenue and Kosciuszko Street, and a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
- l. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet westerly of Throop Avenue, a line midway between Pulaski Street and De Kalb Avenue, and a line 100 feet easterly of Tompkins Avenue;

- m. a line midway between De Kalb Avenue and Kosciuszko Street, a line 100 feet westerly of Marcus Garvey Boulevard, Kosciuszko Street, a line 230 feet easterly of Throop Avenue, Lafayette Avenue, and a line 100 feet easterly of Tompkins Avenue;
- n. Lexington Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, a line midway between Quincy Street and Lexington Avenue, Marcus Garvey Boulevard, Quincy Street, and a line 150 feet easterly of Tompkins Avenue;
- o. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, Hart Street, a line 250 feet westerly of Marcus Garvey Boulevard, Pulaski Street, and a line 100 feet easterly of Throop Avenue;
- p. a line midway between Myrtle Avenue and Vernon Avenue, a line 110 feet westerly of Stuyvesant Avenue, Vernon Avenue, Stuyvesant Avenue, Hart Street, Lewis Avenue- Dr. Sandy F. Ray Boulevard, Pulaski Street, a line 100 feet easterly of Marcus Garvey Boulevard, Willoughby Avenue, a line 100 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, Vernon Avenue, and a line 200 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard;
- q. Kosciuszko Street, a line 200 feet westerly of Stuyvesant Avenue, a line midway between Kosciuszko Street and Lafayette Avenue, a line 100 feet westerly of Stuyvesant Avenue, Lafayette Avenue, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
- r. Greene Avenue, a line 100 feet westerly of Stuyvesant Avenue, Lexington Avenue, a line 225 feet westerly of Stuyvesant Avenue, Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, Lexington Avenue, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
- s. Hart Street, a line 30 feet southwesterly of Broadway, a line 170 feet westerly of Malcolm X. Boulevard and its northerly prolongation, Pulaski Street, a line 100 feet westerly of Malcolm X. Boulevard, Lafayette Avenue, and a line 100 feet easterly of Stuyvesant Avenue;
- t. a line 100 feet northerly of Greene Avenue, a line 100 feet westerly of Malcolm X. Boulevard, Lexington Avenue, a line 100 feet easterly of Malcolm X. Boulevard, Lafayette Avenue, Malcolm X. Boulevard, a line 50 feet southerly of De Kalb Avenue, a line 75 feet easterly of Malcolm X. Boulevard, a line midway between De Kalb Avenue and Kosciuszko Street, a line 315 feet easterly of Malcolm X. Boulevard, Kosciuszko Street, a line 30 feet southwesterly of Broadway, a line 175 feet westerly of Patchen Avenue and its northerly

prolongation, Lafayette Avenue, Patchen Avenue, a line midway between Greene Avenue and Lexington Avenue, a line 100 feet westerly of Patchen Avenue, Quincy Street, Stuyvesant Avenue, Lexington Avenue, and a line 100 feet easterly of Stuyvesant Avenue; and

- u. Lexington Avenue, a line 200 feet easterly of Patchen Avenue, a line midway between Quincy Street and Lexington Avenue, a line 150 feet westerly of Ralph Avenue, Quincy Street, and Patchen Avenue;
11. changing from a C4-3 District to an R6B District property bounded by a line midway between Lexington Avenue and Quincy Street, a line 100 feet westerly of Ralph Avenue, Quincy Street, and a line 150 feet westerly of Ralph Avenue;
 12. changing from a C8-2 District to an R6B District property bounded by Lexington Avenue, a line 250 feet easterly of Patchen Avenue, a line midway between Lexington Avenue and Quincy Street, and a line 200 feet easterly of Patchen Avenue;
 13. changing from an R6 District to an R7A District property bounded by:
 - a. a line 100 feet northerly of Myrtle Avenue, Bedford Avenue, Willoughby Avenue, a line midway between Bedford Avenue and Spencer Street, a line 100 feet northerly of De Kalb Avenue, a line 50 feet easterly of Spencer Street, De Kalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet easterly of Bedford Avenue, a line midway between Lexington Avenue and Quincy Street, Bedford Avenue, Quincy Street, a line 100 feet westerly of Bedford Avenue, Lafayette Avenue, a line midway between Skillman Street and Bedford Avenue, a line 100 feet southerly of De Kalb Avenue, Franklin Avenue, De Kalb Avenue, Classon Avenue, Willoughby Avenue, Kent Avenue, a line 100 feet northerly of De Kalb Avenue, Bedford Avenue, a line 320 feet southerly of Willoughby Avenue, a line midway between Bedford Avenue and Skillman Street, Willoughby Avenue, a line midway between Bedford Avenue and Skillman Street, a line 100 feet southerly of Myrtle Avenue, a line 100 feet westerly of Franklin Avenue, a line 210 feet southerly of Myrtle Avenue, a line 100 feet easterly of Kent Avenue, Willoughby Avenue, Kent Avenue, a line 100 feet southerly of Myrtle Avenue, and Classon Avenue; and;
 - b. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Lafayette Avenue and Kosciuszko Street, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, De Kalb Avenue, a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Pulaski Street, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Hart Street, and a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;

14. changing from an R6 District to an R7D District property bounded by:
 - a. Stockton Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Stockton Street and Myrtle Avenue, a line 100 feet westerly of Tompkins Avenue, Stockton Street, Tompkins Avenue, Myrtle Avenue, Marcus Garvey Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, Nostrand Avenue, Myrtle Avenue, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard; and
 - b. Myrtle Avenue, Lewis Avenue- Dr. Sandy F. Ray Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, and a line 200 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard;
15. changing from an R6 District to a C4-4L District property bounded by:
 - a. Ellery Street, Broadway, Park Avenue, and Marcus Garvey Boulevard; and
 - b. Broadway, Van Buren Street, Patchen Avenue, Lafayette Avenue, a line 175 feet westerly of Patchen Avenue and its northerly prolongation, a line 30 feet southwesterly of Broadway, Kosciuszko Street, a line 315 feet easterly of Malcolm X. Boulevard, a line midway between De Kalb Avenue and Kosciuszko Street, a line 200 feet easterly of Malcolm X. Boulevard, De Kalb Avenue, Malcolm X. Boulevard, Pulaski Street, a line 170 feet westerly of Malcolm X. Boulevard and its northerly prolongation, a line 30 feet southwesterly of Broadway, Hart Street, a line 250 feet easterly of Stuyvesant Avenue, Willoughby Avenue, Stuyvesant Avenue, Vernon Avenue, a line 110 feet westerly of Stuyvesant Avenue, a line midway between Vernon Avenue and Myrtle Avenue, a line 100 feet southwesterly of Broadway, a line midway between Myrtle Avenue and Stockton Street, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
16. changing from a C4-3 District to a C4-4L District property bounded by:
 - a. Broadway, Ellery Street, and Marcus Garvey Boulevard; and
 - b. Broadway, Howard Avenue, Monroe Street, a line 150 feet easterly of Ralph Avenue, Gates Avenue, a line 100 feet easterly of Ralph Avenue, Quincy Street, a line 100 feet westerly of Ralph Avenue, a line midway between Quincy Street and Lexington Avenue, a line 150 feet westerly of Ralph Avenue, Lexington Avenue, a line 150 feet southwesterly of Broadway, and Greene Avenue;
17. changing from a C8-2 District to a C4-4L District property bounded by:
 - a. a line midway between Stockton Street and Myrtle Avenue, a line 100 feet

southwesterly of Broadway, a line midway between Vernon Avenue and Myrtle Avenue, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;

- b. Van Buren Street, Broadway, Greene Avenue, a line feet 150 feet southwesterly of Broadway, a line midway between Greene Avenue and Lexington Avenue, a line 350 feet easterly of Patchen Avenue, Greene Avenue, a line 100 feet easterly of Patchen Avenue, a line midway between Van Buren Street and Greene Avenue, and a line 200 feet easterly of Patchen Avenue; and
 - c. a line 150 feet southwesterly of Broadway, Lexington Avenue, a line 150 feet westerly of Ralph Avenue, a line midway between Lexington Avenue and Quincy Street, and a line 280 feet westerly of Ralph Avenue and its northerly prolongation;
18. establishing within an existing R6 District a C2-4 District bounded by:
- a. a line 100 feet northerly of Myrtle Avenue, Throop Avenue, Myrtle Avenue, and Tompkins Avenue;
 - b. Park Avenue, Broadway, Lewis Avenue- Dr. Sandy F. Ray Boulevard, the westerly centerline prolongation of Stockton Street, a line 100 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, and a line 100 feet southwesterly of Broadway;
 - c. Vernon Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Willoughby Avenue, and Marcus Garvey Boulevard;
 - d. Pulaski Street, a line 100 feet easterly of Marcus Garvey Boulevard, De Kalb Avenue, and Marcus Garvey Boulevard; and
 - e. Pulaski Street, a line 100 feet easterly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, De Kalb Avenue, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
19. establishing within a proposed R6A District a C2-4 District bounded by
- a. Flushing Avenue, Throop Avenue, a line midway between Flushing Avenue and Hopkins Street, and Tompkins Avenue;
 - b. Hopkins Street, Throop Avenue, Park Avenue, and a line 100 feet westerly of Throop Avenue;
 - c. Vernon Avenue, a line 100 feet easterly of Nostrand Avenue, Willoughby Avenue, and Nostrand Avenue;

- d. a line midway between Hart Street and Pulaski Street, a line 100 feet easterly of Nostrand Avenue, De Kalb Avenue, a line 200 feet easterly of Nostrand Avenue, Kosciuszko Street, a line 100 feet easterly of Nostrand Avenue, Quincy Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Greene Avenue and Lexington Avenue, Nostrand Avenue, Clifton Place, a line 100 feet westerly of Nostrand Avenue, Kosciuszko Street, and Nostrand Avenue;
- e. Ellery Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Stockton Street, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
- f. Park Avenue, Tompkins Avenue, Martin Luther King Jr. Place, and a line 100 feet westerly of Tompkins Avenue;
- g. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Tompkins Avenue, Pulaski Street, Tompkins Avenue, De Kalb Avenue, a line 100 feet westerly of Tompkins Avenue, Willoughby Avenue, Tompkins Avenue, Vernon Avenue, and a line 100 feet westerly of Tompkins Avenue;
- h. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Throop Avenue, Willoughby Avenue, Throop Avenue, a line midway between Vernon Avenue and Willoughby Avenue, and a line 100 feet westerly of Throop Avenue;
- i. Willoughby Avenue, Throop Avenue, a line midway between Willoughby Avenue and Hart Street, and a line 100 feet westerly of Throop Avenue;
- j. Vernon Avenue, Marcus Garvey Boulevard, Hart Street, and a line 100 feet westerly of Marcus Garvey Boulevard;
- k. Pulaski Street, a line 100 feet easterly of Throop Avenue, a line midway between Pulaski Street and De Kalb Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, Pulaski Street, Marcus Garvey Boulevard, De Kalb Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Quincy Street, Marcus Garvey Boulevard, a line midway between Quincy Street and Lexington Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, Lexington Avenue, Marcus Garvey Boulevard, Van Buren Street, a line 100 feet westerly of Marcus Garvey Boulevard, Lafayette Avenue, Marcus Garvey Boulevard, a line midway between Lafayette Avenue and Kosciuszko Street, a line 100 feet westerly of Marcus Garvey Boulevard, a line midway between De Kalb Avenue and Kosciuszko Street, a line 100 feet easterly of Tompkins Avenue, a line midway between Pulaski Street and De Kalb Avenue, and Throop Avenue;

- l. Lexington Avenue, a line 100 feet easterly of Tompkins Avenue, Quincy Street, and a line 100 feet westerly of Tompkins Avenue;
 - m. De Kalb Avenue, a line 100 feet easterly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, Kosciuszko Street, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
 - n. Kosciuszko Street, Stuyvesant Avenue, Lafayette Avenue, and a line 100 feet westerly of Stuyvesant Avenue;
 - o. Van Buren Street, Stuyvesant Avenue, Greene Avenue, and a line 100 feet westerly of Stuyvesant Avenue,
 - p. Pulaski Street, Malcolm X. Boulevard, De Kalb Avenue, a line 200 feet easterly of Malcolm X. Boulevard, a line midway between De Kalb Avenue and Kosciuszko Street, a line 75 feet westerly of Malcolm X. Boulevard, a line 50 feet southerly of De Kalb Avenue, Malcolm X. Boulevard, Lafayette Avenue, and a line 100 feet westerly of Malcolm X. Boulevard,
 - q. Lafayette Avenue, a line 100 feet easterly of Malcolm X. Boulevard, Van Buren Street, and Malcolm X. Boulevard,
 - r. Greene Avenue, Malcolm X. Boulevard, Lexington Avenue, and a line 100 feet westerly of Malcolm X. Boulevard,
 - s. a line midway between Greene Avenue and Lexington Avenue, a line 280 feet westerly of Ralph Avenue and its northerly prolongation, a line midway between Lexington Avenue and Quincy Street, a line 250 feet easterly of Patchen Avenue, Lexington Avenue, and a line 100 feet easterly of Patchen Avenue; and
 - t. Quincy Street, a line 100 feet easterly of Ralph Avenue, Gates Avenue, and Ralph Avenue;
20. establishing within a proposed R6B District a C2-4 District bounded by a line midway between De Kalb Avenue and Kosciuszko Street, a line 100 feet easterly of Throop Avenue, Van Buren Street, and a line 100 feet westerly of Throop Avenue;
21. establishing within a proposed R7A District a C2-4 District bounded by:
- a. a line 100 feet northerly of Myrtle Avenue, Bedford Avenue, a line 100 feet southerly of Myrtle Avenue, and Classon Avenue;
 - b. Willoughby Avenue, Bedford Avenue, a line 320 feet southerly of Willoughby Avenue, and a line midway between Skillman Street and Bedford Avenue;

- c. a line 100 feet northerly of De Kalb Avenue, a line 50 feet easterly of Spencer Street, De Kalb Avenue, a line 300 feet easterly of Spencer Court, a line 100 feet southerly of De Kalb Avenue, Bedford Avenue, Kosciuszko Street, a line 100 feet easterly of Bedford Avenue, a line midway between Lexington Avenue and Quincy Street, Bedford Avenue, Quincy Street, a line 100 feet westerly of Bedford Avenue, Lafayette Avenue, a line midway between Bedford Avenue and Skillman Street, a line 100 feet southerly of De Kalb Avenue, Franklin Avenue, De Kalb Avenue, and Classon Avenue;
 - d. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Pulaski Street, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Hart Street, and a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard; and
 - e. De Kalb Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Kosciuszko Street and Lafayette Avenue, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
22. establishing within a proposed R7D District a C2-4 District bounded by:
- a. Stockton Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Stockton Street and Myrtle Avenue, a line 100 feet westerly of Tompkins Avenue, Stockton Street, Tompkins Avenue, Myrtle Avenue, Marcus Garvey Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, Nostrand Avenue, Myrtle Avenue, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard; and
 - b. Myrtle Avenue, Lewis Avenue- Dr. Sandy F. Ray Boulevard, a line midway between Myrtle Avenue and Vernon Avenue; and a line 200 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard;
23. establishing a Special Enhanced Commercial District (EC-4) bounded by Broadway, Howard Avenue, a line 30 feet southwesterly of Broadway, and Marcus Garvey Boulevard;

as shown on a diagram (for illustrative purposes only) dated May 7, 2012, and subject to the conditions of CEQR Declaration E-285.

The application for an amendment to the Zoning Map was filed by the Department of City Planning on May 2 2012, to rezone all or portions of 140 blocks in Community District 3 of Brooklyn. The proposal would map contextual zoning districts, and establish a new Enhanced

Commercial District and Inclusionary Housing Area to incentivize the development of affordable housing. In addition, a text amendment is proposed to establish a new zoning district, C4-4L; and a citywide zoning text amendment would establish transparency requirements in R7D, R9D, and C4-5D districts.

RELATED ACTIONS

In addition to the amendment of the Zoning Map, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- | | |
|--------------|---|
| N 120295 ZRK | Zoning text amendment to establish a new zoning district, C4-4L; create a new Inclusionary Housing Area; and create a new Enhanced Commercial District. |
| N 120296 ZRY | Zoning text amendment to establish transparency requirements for R7D, R9D, and C4-5D districts. |

BACKGROUND

The Department of City Planning proposes zoning map and text amendments for an approximately 140-block area in the northern half of the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn to map contextual districts, establish a new Enhanced Commercial District, and create a new zoning district, C4-4L; and a citywide zoning text amendment to establish transparency requirements in R7D, R9D, and C4-5D districts. The rezoning area is generally bounded by Lafayette Avenue and Quincy Street to the south, Classon and Franklin Avenues to the west, Broadway to the east, and Flushing Avenue to the north.

The proposed rezoning seeks to provide a framework for predictable, orderly growth that also serves the community by protecting residential character while reinforcing the commercial corridors, allowing for residential growth, and creating opportunities and incentives for affordable housing development in select areas. The existing zoning regulations in Bedford-

Stuyvesant have predominantly been in place since 1961, and permit buildings that are out-of-character, particularly in the many areas zoned R6 and C4-3, since there is no height limit on buildings in these districts.

This comprehensive zoning study was undertaken at the request of Community Board 3 and local elected officials as a follow-up to the 2007 rezoning of Bedford-Stuyvesant South and in response to concerns that existing zoning in the area does not reflect established growth patterns. The proposal was developed in close consultation with the Community Board, and responds to their concerns by preserving neighborhood scale and character by replacing non-contextual zoning with contextual zoning districts with height limits; allowing for modest residential growth with incentives for affordable housing along major commercial corridors such as Myrtle Avenue, Bedford Avenue, and Broadway; reinforcing commercial character and improving the pedestrian environment along the Broadway transit and retail corridor by establishing regulations that promote pedestrian friendly ground floor use and design; and tailoring commercial overlays in the area to better reflect commercial activity in Bedford-Stuyvesant.

This fine-grained rezoning proposal addresses concerns by community residents and elected officials about recent development through the designation of medium-density contextual zoning districts with height limits and streetwall line-up provisions (R6B, R6A, R7A, R7D, and C4-4L) to more closely reflect the modest scale of residential development in the residential core of the neighborhood while allowing for growth on major corridors where such development is appropriate.

Bedford-Stuyvesant is a vibrant, predominantly residential neighborhood in central Brooklyn well-known for its brownstones, rowhouses, churches, and neighborhood institutions. The area is characterized by a variety of residential building types. East-west midblocks are generally developed with two – four story brownstones and rowhouses with front stoops, and no off-street parking. Medium-density apartment buildings are generally found on the north-south Avenues,

as well as some mid-block locations. Five large NYCHA housing developments, characterized by their ‘tower in the park’ design, occupy 10 superblocks throughout the area. DeKalb Avenue and Bedford Avenue are major transit corridors, well-served by bus lines and near the G subway line, and include some high-density apartments with ground floor retail uses. Myrtle Avenue is the area’s most significant east-west commercial street, with medium and high-density apartment buildings, including NYCHA developments, and significant ground floor retail activity. Broadway is the primary commercial corridor in the area and is defined by this consistent commercial use as well as the visually dominating elevated structure of the J and Z subway line.

The population of Bedford-Stuyvesant peaked in the late 1960’s, but suffered a dramatic decline in the 1970’s. Subsequent decades have seen slow and steady growth in the population, and the 2010 census measured the total population of the area at 152,985 people, an increase of over 9,000 residents from the 2000 census count of 143,867 people.

Recent years have seen an increase in commercial and residential development in Bedford-Stuyvesant in general, with some recent development creating buildings that are out of character with the surrounding neighborhood context. In addition, some of the existing commercial overlays are not appropriate and do not match existing commercial trends. Some commercial overlays extend deep into the residential side streets, allowing commercial encroachment into these residential areas. In other areas, portions of existing commercial corridors lack commercial overlays, or have commercial zoning that does not allow of the type or configuration of commercial use that currently exists.

The Bedford-Stuyvesant North rezoning area is predominantly mapped with residential R6 districts, in conjunction with C1 commercial overlays along north-south corridors, Myrtle Avenue, and Broadway. Limited areas are mapped with residential R5 and R7-1 districts, and C4-3 and C8-2 commercial districts. The majority of these districts have been in place since 1961 when the current Zoning Resolution was established, and do not closely reflect the

prevailing context in terms of scale, height, and building type.

An R5 zoning district, which is currently mapped over approximately 9% (13 full or partial blocks) of the rezoning area, is located in the center of the study area. It is generally bounded by Tompkins Avenue to the west, Lafayette Avenue and Kosciusko Street to the north, Stuyvesant Avenue to the east, and Lexington Avenue and Greene Street to the south. R5 is a residential zoning district with a 40-foot height limit and a maximum standard FAR of 1.25. R5 regulations allow an FAR of 1.65 on blocks that are mostly built up to encourage infill construction, but any building utilizing this additional FAR cannot exceed a height of 33 feet and must have an 18 foot front yard. All housing types and multi-family housing are permitted. Community facilities have a maximum FAR of 2.00. Off street parking is required for a minimum of 85% of the dwelling units in standard R5 districts and a minimum of 66% of the dwelling units in R5 Infill.

Approximately 85% (120 full or partial blocks) of the rezoning area is zoned R6, which permits tower construction on large lots under the 1961 height factor regulations. There is no height limit in R6 districts if the height factor regulations are utilized, and the maximum FAR is 2.43 for residential buildings. The R6 regulations permit community facility buildings, such as hospitals, schools, churches, medical offices, and mixed residential and community facility buildings up to a maximum FAR of 4.8. The optional Quality Housing program permits an FAR of 2.2 on narrow streets and 3.0 on wide streets but limits building heights to 55 feet and 70 feet, respectively. Off-street parking is required for a minimum of 70% dwelling units and a minimum of 50% dwelling units when the Quality Housing program is utilized.

Approximately 0.7% (1 block) of the rezoning area is zoned R7-1, located in the southwest portion of the rezoning area. The area is bounded by DeKalb Avenue to the north, Classon Avenue to the west, Franklin Avenue to the east, and Lafayette Avenue to the south. The R7-1 district regulations permit residential and community facility uses with a maximum FAR of 3.44 for residential uses and 4.8 for community facility uses. There are no fixed height limits and

building envelopes are governed by the sky exposure plane. Residential developments using the optional Quality Housing Program in an R7-1 district are allowed a maximum 3.44 FAR on a narrow street with a base height of between 40 and 60 feet and a maximum building height of 75 feet, or a maximum 4.0 FAR on wide streets with a base height of between 40 and 65 feet, and a maximum building height of 80 feet. Off-street parking is required for 60% of the dwelling units. Off-street parking is required for 50% of the dwelling units under Quality Housing if the lot area is less than 10,000 sf. Off-street parking is waived if five spaces or fewer are required.

Approximately 6% (8 full or partial blocks) of the rezoning area is zoned C4-3. There are two C4-3 commercial zoning districts mapped in the northern half of Bedford-Stuyvesant, both along Broadway. One is mapped in the vicinity of the Gates Avenue subway station along Ralph Avenue and Broadway, south of Greene Street. The other is along Broadway north of Ellery Street extending along Flushing Avenue east of Throop Avenue. C4-3 districts are regional commercial centers where uses, such as specialty and department stores, serve a larger area and generate more activity than a local retail area. The C4-3 district regulations permit commercial buildings of up to 3.4 FAR, residential and mixed commercial/residential building of up to 2.43 under height factor regulations and 3.0 using the Quality Housing regulations (R6 equivalent). Community facility and mixed residential/community facility buildings can have an FAR of up to 4.8 with no height limit. Off-street parking is required for 70% of the dwelling units on lots over 10,000 square feet and for 50% of the units on lots smaller than 10,000 square feet. Non-residential parking is waived, except for commercial uses that would require 15 spaces or more or community facility uses that would require 25 spaces or more.

Approximately 4% (5 full or partial blocks) of the rezoning area is zoned C8-2. There are two C8-2 zoning districts mapped in the rezoning area. One is along Myrtle Avenue between Lewis Avenue and Broadway. The other is comprised of partial blocks generally defined by Broadway to the east, Van Buren Street to the north, between Patchen Avenue and Ralph Avenue to the west, and between Lexington Avenue and Quincy Street to the south. C8-2 districts bridge

commercial and manufacturing districts and are mapped mainly along major arterials. The C8-2 district regulations allow all commercial uses, including automotive and other heavy commercial services, up to FAR 2.0 or FAR 4.8 for community facilities or mixed commercial and community facility buildings. Residences are not permitted in C8-2 districts and performance standards apply to commercial uses. Off-street parking requirements vary with use, but are generally substantial for automotive uses.

There are C1-3 and C2-3 commercial overlays permitting local commercial retail uses mapped along the north/south avenues and Broadway, as well as DeKalb and Myrtle Avenues. The predominant C1-3 commercial overlay allows small-scale retail and service shops needed in residential neighborhoods and is mapped generally along Myrtle, DeKalb, Bedford, Nostrand, and Tompkins Avenues, as well as Marcus-Garvey Boulevard. In R6 districts, the commercial FAR can be up to 2.0, while in R5 districts the maximum FAR is 1.0.

The C2-3 overlays allow a slightly broader range of service uses, such as funeral homes and repair services and are mapped along Flushing, Bedford, Nostrand, and Throop Avenues, Malcolm X Boulevard, and Broadway. In R6 districts, the commercial FAR can be up to 2.0, while in R5 districts it can be 1.0.

Proposed R6B (Existing R5 and R6)

94 full and partial blocks of the rezoning area are proposed to be rezoned to R6B. This proposed designation would protect the low-rise, rowhouse and small home character of the east-west side streets. In the district currently zoned R5, the R6B designation would allow for modest enlargements and new development in context with existing four-story rowhouses. In portions of the area currently zoned R6, the R6B designation would allow for modest enlargements of many existing homes while establishing a height limit that reflects the scale of existing development. These proposed R6B areas are typically built with two to four story rowhouses with some larger housing types built throughout.

The R6B district is a rowhouse district that allows a maximum FAR of 2.0 for Use Groups 1, 2, 3, and 4 and limits building heights to 50 feet and street wall heights to 40 feet. New development in the proposed R6B district would be required to maintain the existing street wall characteristics. New multi-family residences must provide one off-street parking space each for 50% of the dwelling units. This parking requirement is waived if five or fewer spaces are required. Non-residential parking requirements of one space per 1,000 square feet of commercial area are waived when fewer than 25 spaces are required. The proposed R6B regulations would allow for limited expansion of many existing uses and provide for opportunities for appropriately scaled new development on vacant sites. 81 percent of tax lots are currently built within maximum FAR of the R5 and R6 districts, and 87 percent would be compliant with the proposed R6B zoning district.

Proposed R6A (Existing R5, R6, and C8-2 districts)

83 full or partial blocks of the rezoning area are proposed to be rezoned to R6A. An R6A district is proposed for lot frontages along many north/south avenues, including portions of Kent Avenue, Nostrand Avenue, Marcy Avenue, Tomkins Avenue, Throop Avenue, Marcus Garvey Boulevard, Stuyvesant Avenue, Malcolm X Boulevard, Patchen Avenue, and Ralph Avenue. These avenues generally contain small apartment buildings, and some vacant land and vacant buildings. The majority of these blocks are currently zoned R6 and R5 with commercial overlays of either C1-3 or C2-3, with some areas currently zoned C8-2.

R6A is a medium-density apartment district, with a maximum FAR of 3.0 for Use Groups 1, 2, 3, and 4. Above a base height of 40 to 60 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 70 feet. New structures in R6A districts are required to line up with adjacent structures to maintain the streetwall. Off-street parking is required for 50% of housing units, but is not allowed in the front of the building. This parking requirement is waived if five or fewer spaces are required. Non-residential parking requirements of one space per 1,000 square feet of commercial area are waived when fewer than 25 spaces are required. 85 percent of tax lots are currently built within

maximum FAR of the R5, R6, and C8-2 districts, and 94 percent would be compliant with the proposed R6A zoning district.

Proposed R7A (Existing R6 districts)

An R7A designation is proposed for 38 full and partial blocks along major thoroughfares, including portions of Myrtle, Marcy and Bedford Avenues. These areas are typically mixed in character, with larger apartment buildings interspersed with mixed-use and commercial buildings at a variety of scales. The proposed R7A districts would allow development that is in context with the existing built character and, concurrent with proposed C2-4 commercial overlays, would promote contextual mixed use buildings.

As part of the related zoning text amendment, the Inclusionary Housing Program, which allows new developments that allocate at least 20 percent of their residential floor area for affordable housing to receive a floor area bonus of 33 percent above the base floor area permitted, would be made applicable within R7A districts in this area. R7A permits residential and community facility uses to a base FAR of 3.45. The FAR may be increased to 4.6 if affordable housing is provided. Base heights are required to be between 40 and 65 feet, and the maximum building height is 80 feet after a setback from the base and typically produces 6- to 8-story buildings. The front walls of new buildings in R7A districts must be located no closer to the street than those of a neighboring building. Parking is required for 50% of the residential units. This parking requirement is waived if 15 or fewer spaces are required. 83 percent of tax lots are currently built within maximum FAR of the R6 district, and 96 percent would be compliant with the proposed R7A zoning district.

Proposed R7D (Existing R6 districts)

An R7D designation is proposed for 6 full and partial blocks along Myrtle Avenue, between Nostrand Avenue and Lewis Avenue. Myrtle Avenue, a major transit corridor with stations for

the J, M, Z, and G subway lines, characterized by larger apartment buildings, including NYCHA developments with towers up to 24 stories tall, more moderately-scaled buildings with retail uses on the ground floor and residential uses above and by significant assemblages of vacant land. Mapping R7D in this area along with the proposed C2-4 commercial overlay (see C2-4 section below) would provide opportunities for housing development, including affordable housing, and strengthen Myrtle Avenue as a retail and service corridor.

As part of the related zoning text amendment, the Inclusionary Housing Program which allows new developments that allocate at least 20 percent of their residential floor area for affordable housing to receive a floor area bonus of 33 percent above the base floor area permitted, would be made applicable within R7D districts in this area. R7D is a residential district that allows apartment building development, with a base FAR of up to 4.2 for Use Groups 1, 2, 3 and 4. New structures in R7D districts are required to line up with adjacent structures to maintain the streetwall. Above a base height of 60 to 85 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 100 feet. In addition, where commercial overlays are mapped, active ground floor uses, such as retail uses, commercial services, and community facilities are required. Off-street parking is required for 50% of the dwelling units. This parking requirement is waived if 15 or fewer spaces are required.

Proposed C4-4L (Existing R6, C8-2, and C4-3 districts)

A new C4-4L zoning district, as described in the related text amendment below, is proposed for 18 full and partial blocks along Broadway. This district would replace the existing C4-3 and portions of the existing C8-2 districts, as well as R6 districts with C2-3 overlays on Broadway. The area proposed to be zoned C4-4L is generally bounded by Broadway in the northeast, between Marcus Garvey Boulevard in the north and Monroe Street to the south and all or part of the blocks fronting on Broadway on the west. Broadway is a major regional commercial corridor with the elevated J,M and Z subway line running along its length, lined with retail, office, and

community facility uses ranging in scale from major regional institutions like Woodhull Hospital to single-story retail buildings. Residential uses are also located along the corridor, primarily on the upper floors of mixed-use buildings, and in 3-7 story residential buildings.

The accompanying zoning text amendment proposes to create the new C4-4L district, which is tailored for significant commercial corridors with elevated trains, like Broadway.

As part of the related zoning text amendment, the Inclusionary Housing Program would be made applicable within C4-4L districts in this area. The proposed new C4-4L district is a contextual, regional commercial district that allows mixed-use buildings at a residential zoning equivalent of R7A. Permitted Use Groups are 1-6, 8-10 and 12, which are residential, community facility as well as local and regional commercial uses. Commercial and community facility development is allowed to a maximum FAR of 4.0. Residential development is allowed to a maximum FAR of 4.8 under the Inclusionary Housing Program and 3.45 when not using the Inclusionary Housing Program. Parking is required for 50% of the residential units. This parking requirement is waived if 15 or fewer spaces are required. Parking requirements are waived for lots smaller than 10,000 square feet. Non-residential parking requirements of one space per 1,000 square feet of commercial area are waived when fewer than 40 spaces are required. 93 percent of tax lots are currently built within maximum FAR of the R6, C4-3 and C8-2 districts, and 98 percent would be compliant with the proposed C4-4L zoning district.

The proposed C4-4L district would allow for a wider range of uses than the existing C2-3 commercial overlays, reflecting the regional commercial character of the area, and provide more flexibility in mixed-use building design appropriate for the many irregularly-shaped lots lining Broadway.

The proposed C4-4L district would allow two distinct building types depending on the location in relation to the elevated train tracks on Broadway. For lots not fronting on the elevated train, the proposed C4-4L district would require a street wall between 40' and 65' high and a

maximum building height of 80'. For lots fronting on the elevated train and within 125 feet of the streetline adjacent to the elevated train, buildings would be required to set back five feet from the streetline at the ground floor, and allowed to rise to a maximum height of 100', with a minimum base height of 30' and a maximum base height of 65'. Above the base height, buildings would be required to set back at least 15'. Certain corner lots and through lots, depending on size and configuration, would also be subject to more lot coverage maximums, and some through lots would be permitted to waive the required rear yard equivalent to accommodate development on irregularly-shaped lots on Broadway.

Proposed C2-4 Overlays (Existing C1-3 and C2-3 districts in R5, R6, and C8-2 districts)

The proposed rezoning would update all C1-3 and C2-3 commercial overlay districts to C2-4 districts to better reflect actual commercial uses and their locations. In addition to Use Groups 1, 2, 3, 4, 5, and 6 allowed in C1-3 districts, C2-4 districts also allow Use Groups 7, 8, 9, and 14, which include uses such as plumbing and electrical shops, small bowling alleys and movie theaters, funeral homes, small repair shops, printers, and caterers. Parking requirements vary depending on the type of commercial use and the districts suffix. Food and Retail establishments are required to provide one accessory space per 200 and 300 square feet, respectively in C1-3 and C2-3 districts. However, the proposed C2-4 overlays will require one accessory space per 1,000 square feet for all types of commercial uses.

In 1961, overlays were mapped to a depth of 150' in order to accommodate parking within the first 50' in front of front retail stores. The proposal would map commercial overlays to a depth of 100' to reflect the typical 100 foot depth of existing lots along these corridors and prevent commercial uses from encroaching on residential side streets beyond 100 feet.

In addition to updating the commercial overlays in the rezoning area, new commercial overlays are proposed to reflect the existing patterns and trends of commercial use on portions of the north-south avenues. These new commercial overlays would bring existing commercial uses

into conformance and support active retail along these corridors.

The proposed zoning districts are based on a careful study of the local context on a block-by-block basis. The proposal would increase the predictability of new development and create new opportunities for residential development, including affordable housing, and businesses expansion.

New Contextual Zoning District - C4-4L

The Department of City Planning proposes an amendment to the Zoning Text to establish a new citywide C4-4L regional commercial zoning designation, created for medium-density residential and commercial developments with incentives for affordable housing along major retail or transit corridors where elevated train tracks are present.

The new C4-4L zoning district would allow the same use groups as the C4-4A district, and would allow commercial use on multiple floors of mixed use buildings. The C4-4L district also includes special height and setback, and lot coverage regulations tailored to reflect proximity to the elevated rail line and maximize utilization of the Inclusionary Housing program (see “Inclusionary Housing Program” below). Coupled with the proposed text amendment to create a new Enhanced Commercial District (below), this would support the important Broadway commercial corridor by establishing regulations that reflect the range and configuration of uses on Broadway today while strengthening the commercial character of the corridor with ground floor use requirements and urban design regulations that improve the pedestrian experience and foster a lively streetscape.

The proposed C4-4L district is designed as a variation on the C4-4A district, with a maximum building height of 80 feet after a 40-65 foot base. Lots fronting on the elevated rail line within 125 feet of the streetline adjacent to the elevated rail would be subject to special height and

setback regulations that would allow buildings to rise to a maximum height of ten stories or 100 feet. All new developments and enlargements at the streetline would be required to be set back five feet from the streetline at the ground floor, and another 15 feet above the building base of 30-65 feet. This would ensure adequate sidewalk width for pedestrians around subway pillars and stairs, provide increased light at the street level, and allow buildings to locate upper floors at an adequate distance from the noise-generating train tracks. The C4-4L district would be subject to the Inclusionary Housing Program, which allows new developments that allocate at least 20 percent of their residential floor area for affordable housing to receive a floor area bonus of 33 percent above the base floor area permitted

Enhanced Commercial District

The Department of City Planning proposes a Zoning Text amendment to establish an Enhanced Commercial District in the rezoning area along Broadway between Flushing Avenue and Monroe Street. The Enhanced Commercial District would foster a safe and engaging pedestrian experience along the Broadway commercial corridor by establishing regulations governing ground floor use, transparency on the ground floor on Broadway, and limiting curb cuts.

The proposed ground floor use regulations would require that all ground floor uses fronting on Broadway within 30 feet of Broadway be non-residential, such as retail establishments, offices and community facilities. Off-street parking would also not be permitted within 30 feet of Broadway, and residential lobbies on Broadway would be limited to a maximum width of 25 feet.

New developments and enlargements would also be required to provide glazing or other transparent treatment at the ground floor façade facing Broadway. A minimum of 50% of the area between 2 and 12 feet above curb level would be required to be transparent, with stretches of blank wall not allowed to extend more than ten feet.

New curb cuts would not be permitted along Broadway, except for lots that do not have access to another street and are at least 60 feet wide.

The proposed Enhanced Commercial District regulations would ensure that new development in C4-4L districts along Broadway would have active ground floor uses and ample windows to enhance the pedestrian experience and foster the creation of a lively streetscape with plenty of community facility, retail, and service establishments. The regulations would not apply to schools, churches, or lots less than 20 feet wide.

Inclusionary Housing Program

The Bedford-Stuyvesant North rezoning proposal applies the Inclusionary Housing program to the proposed R7A, R7D and C4-4L districts within the study area, establishing incentives for the creation and preservation of affordable housing in conjunction with new development. The Inclusionary Housing bonus proposed is consistent with the bonus established for contextual developments in other Brooklyn rezonings such as Fort Greene/Clinton Hill, Bedford Stuyvesant South, Greenpoint-Williamsburg Contextual, and Sunset Park rezonings, and promotes the creation and preservation of affordable units in both rental and condominium developments. The incentives target affordable housing to a range of income levels.

Under the Inclusionary Housing program, a development providing affordable housing is eligible for a floor area bonus, within contextual height limit and bulk regulations tailored to this area. Affordable units can be provided either on-site or off-site, or by acquiring and preserving existing housing at affordable rents. Off-site affordable units must be located within the same community district or within a half-mile of the bonused development. Available city, state, and federal housing finance programs may be used to finance affordable units. The combination of a zoning bonus with housing programs would establish a powerful incentive for the development and preservation of affordable housing in Bedford-Stuyvesant North.

Transparency Requirements

The Department of City Planning proposes a citywide zoning text amendment to require transparency on the ground floor in R7D districts mapped with a C2 commercial overlay. The proposed transparency regulations would also apply to R9D districts mapped in conjunction with a C2 district, and in C4-5D districts, and would apply in Bronx Community District 7, as well as in Brooklyn's Community District 3, Bedford-Stuyvesant. This new requirement would complement the existing ground floor use provisions for these zoning districts designed to strengthen the commercial character by prohibiting residential and parking use. Providing ample transparency at the ground floor enlivens the streetscape by engaging pedestrians and creating visual continuity along a street. Large expanses of blank wall that interrupt retail continuity would be prohibited.

The proposed regulations would require that 50% of the building frontage on the ground floor between a height of 2 and 12 feet above curb level be glazed with transparent materials. These requirements would not apply to lots narrower than 20 feet, schools, or churches, and a stretch of solid wall not more than 10 feet long would be permitted.

ENVIRONMENTAL REVIEW

This application (C 120294 ZMK), in conjunction with the applications for the related actions (N 120295 ZRK, N 120296 ZRY), 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 designated CEQR number is 12DCP156Y. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative

Declaration was issued on May 7, 2012. On August 31, 2012, a Technical Memorandum was issued which describes and analyzes modifications to the (E) designations, which were prompted by changes in the E designation regulations, as well as administrative corrections, which occurred since the original Negative Declaration was issued. The Technical Memorandum concluded that the proposed action with modifications to the E-designations would not result in any new or different significant adverse environmental impacts not already identified in the May 7, 2012 Negative Declaration and EAS. A Revised Negative Declaration was issued on September 5, 2012 which took into account the modifications to the (E) designations.

The Revised Negative Declaration included (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (E-285), as described below:

Two types of Air Quality (E) designations are required. The following development sites require an air quality (E) designation:

Projected Development Sites

Block 1900, Lots 67, 68, 69, 70

Block 1928, Lot 34

Block 1788, Lots 2, 4, 5

Block 1954, Lot 22

Block 1754, Lots 32, 33, 34, 35

Block 1747, Lot 1

Block 1756, Lots 33, 37, 42

Block 1585, Lots 31, 32, 33

Block 1759, Lots 2, 3, 4

Block 1785, Lot 1, 3, 5

Block 1609, Lot 5

Block 1971, Lot 28

Block 1578, Lot 5

Block 1578, Lot 14

Block 1579, Lots 50, 51, 53

Block 1582, Lot 15

Block 1584, Lots 1 4

Block 1584, Lot 11

Block 1586, Lots 12, 14, 24, 27, 51, 52, 53, 56.

Block 1586, Lots 8, 10, 11

Block 1593, Lot 23
Block 1600, Lot 1 28
Block 1613, Lot 9
Block 1618, Lot 35
Block 1623, Lot 70 73
Block 1628, Lots 21, 22, 23
Block 1628, Lot 30
Block 1605, Lots 23, 24, 25, 26

Potential Development Sites

Block 1910, Lots 23, 24, 25
Block 1914, Lot 22
Block 1926, Lots 1, 77, 78, 79, 80
Block 1926, Lots 74, 75, 76
Block 1778, Lot 9
Block 1783, Lots 8 9
Block 1950, Lots 30, 31, 33
Block 1747, Lot 34
Block 1756, Lots 23, 24, 25
Block 1757, Lots 27, 33, 34, 35, 134
Block 1759, Lot 7
Block 1771, Lot 5, 7, 8
Block 1578, Lot 17
Block 1579, Lot 22, 25
Block 1586, Lot 31
Block 1586, Lot 6
Block 1586, Lot 3
Block 1618, Lot 40
Block 1600, Lot 13, 14, 15
Block 1608, Lot 27, 34
Block 1613, Lot 16, 17, 23
Block 1618, Lot 22
Block 1623, Lot 25
Block 1623, Lot 41, 42, 53
Block 1623, Lot 57
Block 1628, Lot 34, 38, 42
Block 1479, Lot 8, 11
Block 1480, Lot 16, 17
Block 1480, Lots 34, 36, 38, 40, 41, 42
Block 1791, Lots 42, 43, 44, 45, 47, 48, 51, 52, 53, 54

The text for the Air Quality E-designation for the above sites is as follows:

“Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) will use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.”

The following development sites require both natural gas and setbacks:

Projected Development Sites

Block 1747, Lots 7, 10, 19, 20, 21, 22, 23, 24, 51, 53a

Block 1747, Lots 53b, 62, 64, 67

Potential Development Sites

Block 1584, Lots 39, 50, 51

Block 1480, Lots 23, 55, 56

The text for the Air Quality E-designation for the above sites is as follows:

Block 1747, Lots 7, 10, 19, 20, 21, 22, 23, 24, 51, and 53a (Projected Development Site G): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 13 feet from the lot line facing Myrtle Avenue and will use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 1747, Lots 53b, 62, 64, and 67 (Projected Development Site G): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 15 feet from the lot line facing Stockton Street and will use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 1584, Lot 39, 50, and 51 (Potential Development Site 16): Any new residential and/or

commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 12 feet from the lot line facing Myrtle Avenue and will use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 1480, Lot 23, 55, and 56 (Potential Development Site 31): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 12 feet from the lot line facing Gates Avenue and will use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

The following development sites require 28 dBA of noise attenuation:

Projected Development Sites

Block 1900, Lot 67
Block 1900, Lots 68, 69, 70
Block 1928, Lot 34
Block 1788, Lots 2, 4, 5
Block 1954, Lot 22
Block 1754, Lots 32, 33, 34, 35
Block 1747, Lots 7, 10, 19, 20, 21, 22, 23, 24, 51, 53A
Block 1747, Lots 53B, 62, 64, 67
Block 1747, Lot 1
Block 1756, Lots 33, 37
Block 1756, Lot 42
Block 1609, Lot 5
Block 1971, Lot 28

Potential Development Sites

Block 1910, Lots 23, 24, 25
Block 1914, Lot 22
Block 1926, Lots 1, 77, 78, 79, 80
Block 1926, Lots 74, 75, 76
Block 1778, Lot 9
Block 1783, Lots 8, 9
Block 1950, Lots 30, 31, 33

Block 1747, Lot 34
Block 1756, Lots 23, 24, 25
Block 1791, Lots 42, 43, 44, 45, 47, 48, 51, 52, 53, 54

The text for the E-designation for sites requiring 28 dBA is as follows:

“To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to central air conditioning.”

The following development sites require 31 dBA of noise attenuation:

Projected Development Sites

Block 1585, Lots 31, 32, 33
Block 1579, Lots 50, 51, 53
Block 1584, Lots 1, 4
Block 1586, Lots 8, 10, 11
Block 1600, Lots 1, 28
Block 1618, Lot 35
Block 1623, Lots 70, 73
Block 1628, Lots 21, 22, 23
Block 1628, Lot 30

Potential Development Sites

Block 1757, Lots 27, 33, 34, 35, 134
Block 1584, Lots 39, 50, 51
Block 1586, Lot 6
Block 1586, Lot 3
Block 1618, Lot 40
Block 1623, Lot 25
Block 1623, Lot 57
Block 1480, Lots 16, 17

For sites requiring 31 dBA noise attenuation, the text for the noise (E) designation is as follows:

“To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.”

The following development sites require 37/34 dBA of noise attenuation:

Projected Development Site

Block 1613, Lot 9

Potential Development Sites

Block 1608, Lots 27, 34

Block 1613, Lots 16, 17, 23

Block 1618, Lot 22

Block 1623, Lots 41, 42, 53

Block 1628, Lots 34, 38, 42

Block 1479, Lots 8, 11

Block 1480, Lots 23, 55, 56

Block 1480, Lots 34, 36, 38, 40, 41, 42

For sites requiring 37/34 dBA noise attenuation, the text for the noise (E) designation is as follows:

“To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 37 dBA window/wall attenuation on all façades below the elevated train and 34 dBA above the elevated train to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.”

The following development sites require 41/38 dBA of noise attenuation:

Projected Development Sites

Block 1578, Lot 5

Block 1578, Lot 14

Block 1582, Lot 15

Block 1584, Lot 11

Block 1586, Lot 12

Block 1586, Lot 14

Block 1586, Lots 24, 27

Block 1586, Lots 51, 52, 53, 56

Block 1593, Lot 23

Potential Development Sites

Block 1578, Lot 17

Block 1579, Lots 22, 25

Block 1586, Lot 31

Block 1600, Lots 13, 14, 15

For sites requiring 41/38 dBA noise attenuation, the text for the noise (E) designation is as

follows:

“To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 41 dBA window/wall attenuation on all façades below the elevated train and 38 dBA above the elevated train to maintain an interior noise level of 45 dBA. To achieve 41 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.”

The (E) designation requirements related to hazardous materials would apply to the following development sites:

Projected Development Sites

Block 1900, Lots 67, 68, 69, 70

Block 1928, Lot 34

Block 1788, Lots 2, 4, 5

Block 1954, Lot 22

Block 1754, Lots 32, 33, 34, 35

Block 1747, Lots 7, 10, 19, 20, 21, 22, 23, 24, 51, 53A, 53B, 62, 64, 67, 1

Block 1756, Lots 33, 37, 42

Block 1585, Lots 31, 32, 33

Block 1759, Lots 2, 3, 4

Block 1785, Lots 1, 3, 5

Block 1971, Lot 28

Block 1578, Lot 5

Block 1578, Lot 14

Block 1579, Lots 50, 51, 53

Block 1582, Lot 15

Block 1584, Lots 1, 4

Block 1584, Lot 11

Block 1586, Lots 12, 14, 24, 27, 51, 52, 53, 56

Block 1586, Lots 8, 10, 11

Block 1593, Lot 23

Block 1600, Lots 1, 28

Block 1613, Lot 9

Block 1618, Lot 35

Block 1623, Lots 73, 70

Block 1628, Lots 21, 22, 23

Block 1628, Lot 30

Block 1605, Lots 23, 24, 25, 26

Potential Development Sites

Block 1910, Lots 23, 24, 25
Block 1914, Lot 22
Block 1926, Lots 1, 7, 77, 78, 79, 80
Block 1926, Lots 74, 75, 76
Block 1778, Lot 9
Block 1783, Lots 8, 9
Block 1950, Lots 30, 31, 33
Block 1747, Lot 34
Block 1756, Lots 23, 24, 25
Block 1757, Lots 27, 33, 34, 134, 35
Block 1759, Lot 7
Block 1771, Lots 5, 7, 8
Block 1578, Lot 17
Block 1579, Lots 22, 25
Block 1584, Lots 39, 50, 51
Block 1586, Lot 31
Block 1586, Lot 6
Block 1586, Lot 3
Block 1618, Lot 40
Block 1600, Lots 13, 14, 15
Block 1608, Lots 27, 34
Block 1613, Lots 16, 17, 23
Block 1618, Lot 22
Block 1623, Lot 25
Block 1623, Lots 41, 42, 53
Block 1623, Lot 57
Block 1628, Lots 34, 38, 42
Block 1479, Lots 8, 11
Block 1480, Lots 16, 17
Block 1480, Lots 23, 55, 56
Block 1480, Lots 34, 36, 38, 40, 41, 42
Block 1791, Lots 42, 43, 44, 45, 47, 48, 51, 52, 53, 54

The text for the (E) designations related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials.

For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

With the implementation of the above (E) designation (E-285), no significant adverse impacts related to air quality, noise and hazardous materials would occur.

UNIFORM LAND USE REVIEW

This application (C 120294 ZMK), was certified as complete by the Department of City Planning on May 7, 2012, and was duly referred to Brooklyn Community Board 3, and Bronx Community Board 7 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP applications (N 120295 ZRK, N 120296 ZRY), which were referred for review and comment

Community Board Public Hearing

Community Board 3 held a public hearing on this application (C 120294 ZMK) and the related actions (N 120295 ZRK, N 120296 ZRY) on June 4, 2012 and, on that day, by a vote of 33 in favor, 1 against, and 1 abstentions, adopted a resolution recommending approval of this application.

Bronx Community Board 7 discussed the proposal (C 120296 ZRY) but did not submit a recommendation.

Borough President Recommendation

This application (C 120294 ZMK) was considered by the Borough President, who issued a recommendation approving the application on August 6, 2012 with the following conditions:

1) That the parking waiver be a maximum of five spaces, in lieu of the proposed 15.

- amend the required accessory off-street parking spaces for residences per ZR Section 25-261 pertaining to new developments and enlargements, to add a new subsection (a) stating that R7A Districts mapped in Community District 3 in the Borough of Brooklyn, the provisions of this section shall reduce the maximum number of spaces that may be waived to five from 15;
- amend the required accessory off-street parking spaces for residences when permitted in commercial districts per ZR Section 36-361, to add a new subsection (c) stating that in C1 and C2 Districts mapped within R7A and R7D (except along Fulton Street) in Community District 3 in the Borough of Brooklyn, the provisions of this section shall reduce the maximum number of spaces that may be waived to five from 15;
- amend the required accessory off-street parking spaces for residences when permitted in commercial districts per ZR Section 36-362, to add a new subsection (a) stating that C4-4L Districts mapped in Community District 3 in the Borough of Brooklyn, the provisions of this section shall reduce the maximum number of spaces that may be waived to five from 15.

2) That the south side of Myrtle Avenue within 500 feet east of Lewis Avenue be further upzoned by being mapped as C4-5D to allow ten stories (4.2/5.6 Inclusionary) in lieu of the proposed C4-4L which allows eight stories (3.45/4.6 Inclusionary FAR), as proposed to be further amended in the subsequent recommendations pertaining to supermarkets and inclusionary housing

3) That the maximum building height for developments along Broadway and Myrtle Avenue not exceed eight stories unless according to the Inclusionary Housing Program

- amend Zoning Resolution Section 35-24 Table A pertaining to Height and Setback for Buildings or Other Structures in Contextual Districts as it pertains to C1 or C2 mapped in R7D zoning districts, be modified as follows: for #zoning lots# developed according to ZR 23-90 Inclusionary Housing, the maximum #building# height shall be 100 feet or ten #stories#, whichever is less, for all other zoning lots, the height and setback shall be pursuant to R7A District standards.
- amend the proposed Zoning Resolution Section 35-24 (d) (2) Special Street Wall Location and Height and Setback Regulations in Certain Districts, regarding Maximum building height as it pertains to the C4-4L

zoning district, be modified as follows: In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street# (add following: developed according to ZR 23-90 Inclusionary Housing), the maximum #building# height shall be 100 feet or ten #stories#, whichever is less.

4) That the maximum zoning requirements for redevelopment of the Key Food, Junior's and Food Bazaar Myrtle Avenue supermarkets be dependent on incorporating a new supermarket space, of not less than equal square footage to what exists, within new developments.

- amend Zoning Resolution Section 35-23 (a) further stating that after the effective date of this rezoning, maximum development standards of R7D or its commercial equivalents, shall require development to be pursuant to ZR 63-00, Special Regulations Applying to FRESH Food Stores to be no less than the supermarket floor area existing on the effective date of the rezoning, and as further modified by as further modified by recommendations for Section 35-24 Table A, otherwise any subsequent redevelopment to be developed as if the zoning district was mapped R7A Inclusionary

5) That the maximum street wall before setbacks for residential developments be 30 feet and the minimum street wall be one story

(delete the ~~strikeout text~~)

(add the underlined)

- amend the proposed Zoning Resolution Section 35-24 (c) (4) Special Street Wall Location and Height and Setback Regulations in Certain Districts, regarding setback locations as it pertains to the C4-4L zoning district, be modified as follows: a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of not more than 30 feet or three #stories#, whichever is less, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is less; with the street wall being at least one floor in height

Be It Further resolved that the Administration shall commit to the City Council to have the Department of City Planning certify, within one year, applications to amend the zoning map and text in order for The City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President that are technically beyond the scope of review for application numbers 120294 ZMK and 120295 ZRK.

City Planning Commission Public Hearing

On July 25, 2012 (Calendar No. 7) the City Planning Commission scheduled August 8, 2012 for a public hearing on this application (C 120294 ZMK). The hearing was duly held on August 8, 2012 (Calendar No. 22) in conjunction with the public hearings on the related actions (N 120295 ZRK and N 120296 ZRY).

There were four speakers in favor of the application, and none opposed.

The first speaker, co-chair of the Brooklyn Community Board 3 Land Use Committee, described the close, collaborative process between the Land Use committee and City Planning during development of the proposal. She noted that the Land Use Committee and full board voted to recommend approval of the proposed rezoning, and emphasized that protecting the scale of the existing neighborhood while allowing for development of new affordable housing was a priority for the community. She expressed support for the Borough President's request to reduce the maximum height for buildings on Myrtle Avenue that do not provide affordable housing, and his request to lower the minimum and maximum base heights for development on Broadway. She stated that parking was not a major concern in community discussions of the rezoning proposal. She also submitted favorable written testimony from the Council Member from the 35th district, who had signed up to provide testimony but was unable to speak due to scheduling constraints.

The second speaker was the chairperson of Brooklyn Community District 3. He expressed strong support for the proposal, emphasizing that community members have worked for many years in cooperation with City Planning to move the rezoning forwards, and indicated that he was pleased with the quality of the relationship between the Community Board and City Planning.

The third and fourth speakers representing Council Members from the 34th and 36th districts indicated that the council members supported the proposed rezoning and the goals of the Department's proposal.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application to amend the Zoning Map (C 120294 ZMK), along with the related applications for zoning text amendments (N 120295 ZRK), as modified, and (N 120296 ZRY), is appropriate.

The rezoning proposal was developed in response to community concerns about out-of-character new development, access to retail goods and services, a need for affordable housing, and a desire to reinvigorate the commercial character of Myrtle Avenue and Broadway. The proposal was developed by the Department of City Planning in close collaboration with Community Board 3 and local elected officials.

Bedford-Stuyvesant is a predominantly residential neighborhood, with local retail uses along north south avenues, Myrtle Avenue, and Broadway. Built form in the area varies with mid-blocks predominantly developed with row houses, and multi-family walkup and elevator buildings generally located along north-south avenues, Myrtle Avenue, and Broadway. The existing zoning allows for buildings to be developed with no restriction on height and therefore future development could be out of scale with existing development. The current zoning, which does not require new development to line up with existing development, allows buildings to disrupt the continuity of the existing row house character of the neighborhood by permitting very deep front yards.

The Commission believes that the existing commercial zoning designations do not coincide with the exiting commercial development patterns in that some commercial uses are not located in commercial zones, while some commercial districts are mapped in areas with no commercial activity. Some of the existing commercial overlays are mapped at a depth of 150 feet, which could allow for encroachment of commercial uses onto residential side streets.

Broadway is the primary commercial corridor in the area, and the elevated train there poses special challenges for development. The angle of Broadway cuts across the regular Bedford-Stuyvesant street grid creating irregular lot conditions and increasing the challenges for development along the corridor. The Commission believes that Broadway presents an opportunity to develop new housing, including affordable housing on a major transit corridor. The proposed zoning designations would strengthen the commercial character of Broadway to better serve the retail and service needs of the community and further enliven the street.

Myrtle Avenue is an important commercial corridor well-served by transit and developed with many of the larger residential buildings in the area. The proposed zoning designations would strengthen the commercial character of Myrtle Avenue while providing opportunities for housing development, including affordable housing.

The proposed contextual zoning districts will preserve the existing built character by providing height limits and bulk regulations which reflect the current neighborhood scale while allowing for additional growth along major corridors served by transit. The Commission believes that the proposal to reduce the depth of commercial overlays from 150 feet to 100 feet will prevent intrusion of commercial uses on residential side streets.

The related zoning text amendment (N 120295 ZRK) creating the new C4-4L zoning district will establish regulations along the elevated rail corridor of Broadway that respond to the challenges of the elevated train platform and irregular lot conditions. The Commission believes that the proposed height and setback regulations for developments facing Broadway will ensure provision of adequate light and air while allowing flexibility for development of diverse property

types, including irregular and smaller parcels.

The proposed Enhanced Commercial District for Broadway will strengthen the commercial character of the corridor. The proposal will activate the Broadway frontages by prohibiting ground floor residential use and parking lots within 30 feet of Broadway, requiring ample glazing on the ground floor facing Broadway, and limiting curbcuts. This will have the beneficial effect of enlivening the street and supporting healthy businesses by encouraging continuity of commercial use and engaging pedestrians.

The Commission notes that the City Council adopted the Upper West Side Neighborhood Retail Streets Text Amendment (N 120144 ZRM) on June 28, 2012, which made changes to Zoning Resolution Section 132-00 during the public review period of the Bedford-Stuyvesant North proposal. The Bedford-Stuyvesant North proposed Zoning Text Amendment (N 120295 ZRK) would also make changes to Zoning Resolution Section 132-00. The Commission is thereby modifying the text of the Special Enhanced Commercial District chapter of the Zoning Resolution (ZR 132-00) to ensure that the Special Enhanced Commercial District Chapter is clear and well-organized. The modifications do not change the proposed regulations and are administrative in nature.

The Commission believes that the proposed Inclusionary Housing Area will establish incentives for developers to create and preserve affordable housing in the Bedford-Stuyvesant community.

The related zoning text amendment (N 1120296 ZRY) will require ample ground-floor glazing R7D districts. The glazing requirement will complement the existing R7D district regulations governing ground floor use by prohibiting residential use and limiting parking use. The proposed R7D district on Myrtle Avenue will activate and enliven the street and benefit businesses and the community by creating a more engaging experience for pedestrians.

The Commission acknowledges the recommendations of the Borough President to reduce

parking waivers, map a C4-5D district for a portion of Myrtle Avenue, retain grocery store use, require use of the Inclusionary Housing Program to achieve full permitted height, and reduce the height of the building base on Broadway. As noted by the Borough President, most of the recommendations are beyond the scope of the Bedford-Stuyvesant North proposal and would require further study and consideration.

The Borough President is recommending a reduction in the parking waiver for the proposed R7A, R7D and C4-4L districts to allow developers to waive only 5 required off-street parking spaces, rather than the 15-space waiver typical for these districts as currently proposed. However, car ownership data from the 2008 American Community Survey indicates that almost 70% of households in Bedford-Stuyvesant do not have access to a car, and approximately 80% of workers do not use a private vehicle to travel to work. The Commission believes that the location of these districts in transit-rich corridors is a good fit with the parking requirements in the proposal.

The Borough President also recommends that a portion of Myrtle Avenue adjacent to Broadway be zoned C4-5D rather than C4-4L as currently proposed, to allow for greater development of affordable housing in that block. This recommendation is out of the scope of this action. The Commission supports the establishment of zoning that facilitates the production of affordable housing. However, the current proposal emerged from lengthy discussions with the community, which is sensitive to height and density issues.

The Borough President also recommends that developments not providing affordable housing pursuant to the Inclusionary Housing Program be limited to a total building height to 80 feet on R7D districts on Myrtle Avenue and C4-4L districts on Broadway, where the proposed maximum height is ten stories, or 100 feet. This change would be outside the scope of this action. In addition, establishing such limits on height would be a major policy departure that would need to be considered in the context of city-wide Inclusionary Housing policy. Such height limits would also make the proposed building envelope on Broadway very tight, and would potentially impede development on Broadway. The Commission believes that maintaining

flexibility in the building envelope ensures that we are not unduly restricting development on Broadway, where there is a shared goal to encourage new buildings that activate the street and provide jobs and housing.

The Borough President also recommends measures to retain grocery store use on three sites on Myrtle Avenue where full-service grocery stores are currently operating. However there are two important zoning tools for this area that address this concern. First, as noted by the Borough President, this area is eligible for the FRESH program, which incentivizes full-service grocery stores. In addition, the ground floor level in the proposed R7D district on Myrtle requires non-residential use, which would increase the supply of commercial space suitable for grocery stores. Finally, these changes would be outside the scope of this action.

The Commission further acknowledges the request of the Borough President to amend the proposed building envelope for buildings in C4-4L districts facing Broadway. The current proposal requires a minimum base height of 30 feet and a maximum base height of 65 feet. The Borough President proposes a minimum one-story base, with a maximum base height of 30 feet. This change would be outside the scope of this action. In addition, the Commission believes that restricting the building envelope beyond what is already proposed has the potential to impede development on Broadway, and penalize property owners by mandating a building form which is more expensive to construct.

The Commission believes that the proposed Zoning Map Amendment would preserve the existing built character by providing height limits and bulk regulations which reflect the current neighborhood scale while allowing for additional growth along major corridors served by transit. The Commission believes that the proposed Zoning Text Changes to establish an Inclusionary Housing Area, create a the new C4-4L zoning district, establish an Enhanced Commercial District, and require ground-floor transparency in R7D, R9D and C4-5D districts are appropriate. Therefore, the proposal, as modified, is approved.

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, changing the Section Nos. 12d, 13b, 16c, and 17a:

eliminating from within an existing R5 District a C1-3 District bounded by:

1. a. Greene Avenue, a line 200 feet easterly of Tomkins Avenue, Lexington Avenue, and Tomkins Avenue; and
- b. Kosciuszko Street, a line 150 feet easterly of Marcus Garvey Boulevard, Lexington Avenue, a line 150 feet westerly of Marcus Garvey Boulevard, Lafayette Avenue, and Marcus Garvey Boulevard;
2. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. Ellery Street, a line 150 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Martin Luther King Jr. Place and Stockton Street, a line 235 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Stockton Street, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
 - b. a line 100 feet northerly of Myrtle Avenue, Bedford Avenue, a line 150 feet southerly of Myrtle Avenue, and Kent Avenue;
 - c. a line 150 feet northerly of De Kalb Avenue, Taaffe Place, De Kalb Avenue, and Classon Avenue;

- d. a line 150 feet northerly of De Kalb Avenue, Bedford Avenue, Kosciuszko Street, a line 150 feet easterly of Bedford Avenue, Lafayette Avenue, a line midway between Bedford Avenue and Skillman Street, a line 150 feet southerly of De Kalb Avenue, and Franklin Avenue;
 - e. Myrtle Avenue, a line 150 feet easterly of Nostrand Avenue, Willoughby Avenue, and Nostrand Avenue;
 - f. Vernon Avenue, a line 150 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Pulaski Street, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
 - g. Stockton Street, Tomkins Avenue, Myrtle Avenue, Marcus Garvey Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, a line 150 feet easterly of Tomkins Avenue, De Kalb Avenue, a line 150 feet westerly of Tomkins Avenue, a line midway between Vernon Avenue and Myrtle Avenue, a line 355 feet westerly of Tomkins Avenue, a line midway between Myrtle Avenue and Stockton Street, and a line 150 feet westerly of Tomkins Avenue;
 - h. Clifton Place, a line 150 feet easterly of Nostrand Avenue, Quincy Street, and a line 150 feet westerly of Nostrand Avenue;
 - i. Pulaski Street, a line 150 feet easterly of Throop Avenue, a line midway between Pulaski Street and De Kalb Avenue, a line 150 feet westerly of Marcus Garvey Boulevard, Pulaski Street, a line 150 feet easterly of Marcus Garvey Boulevard, Kosciuszko Street, Marcus Garvey Boulevard, a line midway between Kosciuszko Street and Lafayette Avenue, a line 150 feet westerly of Marcus Garvey Boulevard, a line midway between Kosciuszko Street and De Kalb Avenue, and Throop Avenue;
 - j. Lexington Avenue, a line 150 feet easterly of Tomkins Avenue, Quincy Street, and a line 150 feet westerly of Tomkins Avenue; and
 - k. Lexington Avenue, a line 150 feet easterly of Marcus Garvey Boulevard, Quincy Street, and a line 150 feet westerly of Marcus Garvey Boulevard;
- 3. eliminating from within an existing R5 District a C2-3 District bounded by Lafayette Avenue, a line 150 feet easterly of Throop Avenue, Van Buren Street, and Throop Avenue;
 - 4. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. a line 100 feet northerly of Myrtle Avenue, Kent Avenue, a line 150 feet southerly

of Myrtle Avenue, Taaffe Place, Myrtle Avenue, and Classon Avenue;

- b. Lafayette Avenue, a line 150 feet easterly of Bedford Avenue, Quincy Street, and a line 150 feet westerly of Bedford Avenue;
 - c. Pulaski Street, a line 150 feet easterly of Nostrand Avenue, De Kalb Avenue, a line 290 feet easterly of Nostrand Avenue, Kosciuszko Street, a line 150 feet easterly of Nostrand Avenue, Clifton Place, a line 150 feet westerly of Nostrand Avenue, Kosciuszko Street, and Nostrand Avenue;
 - d. Flushing Avenue, Throop Avenue, a line midway between Flushing Avenue and Hopkins Street, the southeasterly centerline prolongation of Harrison Avenue, Hopkins Street, the westerly boundary lines of Broadway Triangle Park and its northerly and southerly prolongation, Ellery Street, a line 150 feet easterly of Tompkins Avenue, Park Avenue, a line 150 feet westerly of Tompkins Avenue, Ellery Street, and Tompkins Avenue;
 - e. De Kalb Avenue, Throop Avenue, a line midway between De Kalb Avenue and Kosciuszko Street, a line 150 feet easterly of Throop Avenue, Lafayette Avenue, Throop Avenue, Kosciuszko Street, and a line 150 feet westerly of Throop Avenue;
 - f. Pulaski Street, a line 150 feet easterly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, Kosciuszko Street, and Lewis Avenue- Dr. Sandy F. Ray Boulevard; and
 - g. Ellery Street, Broadway, Van Buren Street, Patchen Avenue, Lafayette Avenue, a line 300 feet westerly of Patchen Avenue and its northerly prolongation, Kosciuszko Street, a line 150 feet southwesterly of Broadway, a line 150 feet easterly of Malcolm X. Boulevard, the northerly and westerly boundary of a playground and its southerly prolongation, Lafayette Avenue, a line 150 feet easterly of Malcolm X. Boulevard, Van Buren Street, Malcolm X. Boulevard, Lafayette Avenue, a line 150 feet westerly of Malcolm X. Boulevard, Pulaski Street, a line 150 feet southwesterly of Broadway, Stuyvesant Avenue, Vernon Avenue, a line 150 feet southwesterly of Broadway, a line midway between Vernon Avenue and Myrtle Avenue, a line 100 feet southwesterly of Broadway, a line midway between Myrtle Avenue and Stockton Street, and a line 150 feet southwesterly of Broadway;
5. changing from an R5 District to an R6A District property bounded by:
- a. Lafayette Avenue, a line 100 feet easterly of Tompkins Avenue, Greene Avenue, a line 150 feet easterly of Tomkins Avenue, Lexington Avenue, and Tompkins Avenue;

- b. Kosciuszko Street, a line 100 feet easterly of Marcus Garvey Boulevard, Lexington Avenue, Marcus Garvey Boulevard, Van Buren Street, a line 100 feet westerly of Marcus Garvey Boulevard, Lafayette Avenue, and Marcus Garvey Boulevard; and
 - c. Lafayette Avenue, Stuyvesant Avenue, Greene Avenue, and a line 100 feet westerly of Stuyvesant Avenue;
6. changing from an R6 District to an R6A District property bounded by:
- a. Willoughby Avenue, Franklin Avenue, a line 100 feet northerly of De Kalb Avenue, and Kent Avenue;
 - b. Ellery Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Park Avenue, Tompkins Avenue, Stockton Street, a line 100 feet westerly of Tompkins Avenue, a line midway between Myrtle Avenue and Stockton Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Stockton Street, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
 - c. Flushing Avenue, Throop Avenue, Park Avenue, Tompkins Avenue, a line midway between Ellery Street and Park Avenue, a line 100 feet westerly of Throop Avenue, a line midway between Flushing Avenue and Hopkins Street, and Tompkins Avenue;
 - d. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Nostrand Avenue, a line midway between Hart Street and Willoughby Avenue, Nostrand Avenue, a line midway between Hart Street and Pulaski Street, a line 100 feet easterly of Nostrand Avenue, a line midway between De Kalb Avenue and Pulaski Street, a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, De Kalb Avenue, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Lafayette Avenue, a line 100 feet easterly of Nostrand Avenue, Quincy Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Greene Avenue and Lexington Avenue, Nostrand Avenue, Clifton Place, a line 100 feet westerly of Nostrand Avenue, Kosciuszko Street, Nostrand Avenue, a line 360 feet northerly of De Kalb Avenue, Sanford Street and its southerly prolongation at the cul-de-sac, Willoughby Avenue, and Nostrand Avenue;
 - e. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Tompkins Avenue, a line midway between Pulaski Street and De Kalb Avenue, a line 100 feet westerly of Throop Avenue, a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Throop Avenue,

Pulaski Street, a line 250 feet westerly of Marcus Garvey Boulevard, Hart Street, a line 100 feet westerly of Marcus Garvey Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, Marcus Garvey Boulevard, Willoughby Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Pulaski Street, Marcus Garvey Boulevard, De Kalb Avenue, a line 230 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, Kosciuszko Street, Marcus Garvey Boulevard, Lafayette Avenue, a line 230 feet easterly of Throop Avenue, Kosciuszko Street, a line 100 feet westerly of Marcus Garvey Boulevard, a line midway between Kosciuszko Street and De Kalb Avenue, a line 100 feet easterly of Tompkins Avenue, Lafayette Avenue, a line 100 feet westerly of Tompkins Avenue, a line midway between Kosciuszko Street and De Kalb Avenue, a line 100 feet easterly of Marcy Avenue-- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Pulaski Street and De Kalb Avenue, a line 100 feet westerly of Tompkins Avenue, Willoughby Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Vernon Avenue, and a line 100 feet westerly of Tompkins Avenue;

- f. Lexington Avenue, a line 150 feet easterly of Tompkins Avenue, Quincy Street, and a line 100 feet westerly of Tompkins Avenue;
- g. Lexington Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Quincy Street, Marcus Garvey Boulevard, a line midway between Quincy Street and Lexington Avenue, and a line 100 feet westerly of Marcus Garvey Boulevard;
- h. Willoughby Avenue, a line 250 feet easterly of Stuyvesant Avenue, Hart Street, a line 100 feet easterly of Stuyvesant Avenue, Lafayette Avenue, a line 100 feet westerly of Malcolm X Boulevard, Pulaski Street, Malcolm X. Boulevard, De Kalb Avenue, a line 200 feet easterly of Malcolm X. Boulevard, a line midway between Kosciuszko Street and De Kalb Avenue, a line 75 feet easterly of Malcolm X. Boulevard, a line 50 feet southerly of De Kalb Avenue, Malcolm X Boulevard, Lafayette Avenue, a line 100 feet easterly of Malcolm X. Boulevard, Lexington Avenue, a line 100 feet westerly of Malcolm X. Boulevard, a line 100 feet northerly of Greene Avenue, a line 100 feet easterly of Stuyvesant Avenue, Lexington Avenue, Stuyvesant Avenue, Quincy Street, a line 225 feet westerly of Stuyvesant Avenue, Lexington Avenue, a line 100 feet westerly of Stuyvesant Avenue, Greene Avenue, Stuyvesant Avenue, Lafayette Avenue, a line 100 feet westerly of Stuyvesant Avenue, a line midway between Lafayette Avenue and Kosciuszko Street, a line 200 feet westerly of Stuyvesant Avenue, Kosciuszko Street, Lewis Avenue- Dr. Sandy F. Ray Boulevard, De Kalb Avenue, and Stuyvesant Avenue; and
- i. Van Buren Street, a line 100 feet easterly of Patchen Avenue, Greene Avenue, a line 200 feet easterly of Patchen Avenue, Lexington Avenue, Patchen Avenue, Quincy Street, a line 100 feet westerly of Patchen Avenue, a line midway between

Lexington Avenue and Greene Avenue, and Patchen Avenue;

7. changing from a C4-3 District to an R6A District property bounded by:
 - a. Quincy Street, a line 100 feet easterly of Ralph Avenue, Gates Avenue, a line 170 feet westerly of Ralph Avenue, a line midway between Gates Avenue and Quincy Street, and a line 150 feet westerly of Ralph Avenue; and
 - b. a line midway between Greene Avenue and Lexington Avenue, the northerly prolongation of a line 280 feet westerly of Ralph Avenue, and a line 150 feet southwesterly of Broadway;
8. changing from a C8-2 District to an R6A District property bounded by:
 - a. Van Buren Street, a line 200 feet easterly of Patchen Avenue, a line midway between Greene Avenue and Van Buren Street, and a line 100 feet easterly of Patchen Avenue; and
 - b. Greene Avenue, a line 350 feet easterly of Patchen Avenue, a line midway between Greene Avenue and Lexington Avenue, a line 150 feet southwesterly of Broadway, a line 280 feet westerly of Ralph Avenue and its northerly prolongation, a line midway between Lexington Avenue and Quincy Street, a line 250 feet easterly of Patchen Avenue, Lexington Avenue, a line 200 feet easterly of Patchen Avenue;
9. changing from an R5 District to an R6B District property bounded by:
 - a. Lafayette Avenue, Tompkins Avenue, Greene Avenue, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
 - b. Lafayette Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, Van Buren Street, Marcus Garvey Boulevard, Lexington Avenue, a line 150 feet easterly of Tompkins Avenue, Greene Avenue, and a line 100 feet easterly of Tompkins Avenue; and
 - c. Kosciuszko Street, Lewis Avenue- Dr. Sandy F. Ray Boulevard, Lafayette Avenue, a line 100 feet westerly of Stuyvesant Avenue, Greene Avenue, Lewis Avenue- Dr. Sandy F. Ray Boulevard, Lexington Avenue, and a line 100 feet easterly of Marcus Garvey Boulevard; and
10. changing from an R6 District to an R6B District property bounded by:
 - a. a line 100 feet southerly of Myrtle Avenue, Kent Avenue, Willoughby Avenue,

and Classon Avenue;

- b. a line 100 feet southerly of Myrtle Avenue, a line midway between Skillman Street and Bedford Avenue, Willoughby Avenue, a line midway between Skillman Street and Bedford Avenue, a line 320 feet southerly of Willoughby Avenue, Bedford Avenue, a line 100 feet northerly of De Kalb Avenue, Franklin Avenue, Willoughby Avenue, a line 100 feet easterly of Kent Avenue, a line 210 feet southerly of Myrtle Avenue, and a line 100 feet westerly of Franklin Avenue;
- c. a line 100 feet southerly of De Kalb Avenue, a line midway between Skillman Street and Bedford Avenue, Lafayette Avenue, a line 100 feet westerly of Bedford Avenue, Quincy Street, a line 100 feet easterly of Franklin Avenue, Lafayette Avenue, and Franklin Avenue;
- d. Willoughby Avenue, Walworth Street, a line 108 feet northerly of De Kalb Avenue, a line midway between Walworth Street and Spencer Street, a line 133 feet northerly of De Kalb Avenue, Spencer Street, a line 100 feet northerly of De Kalb Avenue, and a line midway between Bedford Avenue and Spencer Street;
- e. Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, Clifton Place, Nostrand Avenue, a line midway between Greene Avenue and Lexington Avenue, a line 100 feet westerly of Nostrand Avenue, Quincy Street, Bedford Avenue, a line midway between Quincy Street and Lexington Avenue, and a line 100 feet easterly of Bedford Avenue;
- f. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Hart Street, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Pulaski Street, a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between De Kalb Avenue and Pulaski Street, a line 100 feet easterly of Nostrand Avenue, a line midway between Pulaski Street and Hart Street, Nostrand Avenue, a line midway between Willoughby Avenue and Hart Street, and a line 100 feet easterly of Nostrand Avenue;
- g. Lafayette Avenue, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Greene Avenue, Tompkins Avenue, Lexington Avenue, a line 100 feet westerly of Tompkins Avenue, Quincy Street, and a line 100 feet easterly of Nostrand Avenue;
- h. a line midway between Flushing Avenue and Hopkins Street, a line 100 feet westerly of Throop Avenue, a line midway between Park Avenue and Ellery Street, Tompkins Avenue, Park Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Ellery Street, and Tompkins Avenue;

- i. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet westerly of Tompkins Avenue, Vernon Avenue, and a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
- j. Willoughby Avenue, a line 100 feet westerly of Tompkins Avenue, a line midway between Pulaski Street and De Kalb Avenue, and a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
- k. a line midway between De Kalb Avenue and Kosciuszko Street, a line 100 feet westerly of Tompkins Avenue, Lafayette Avenue, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Lafayette Avenue and Kosciuszko Street, and a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
- l. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet westerly of Throop Avenue, a line midway between Pulaski Street and De Kalb Avenue, and a line 100 feet easterly of Tompkins Avenue;
- m. a line midway between De Kalb Avenue and Kosciuszko Street, a line 100 feet westerly of Marcus Garvey Boulevard, Kosciuszko Street, a line 230 feet easterly of Throop Avenue, Lafayette Avenue, and a line 100 feet easterly of Tompkins Avenue;
- n. Lexington Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, a line midway between Quincy Street and Lexington Avenue, Marcus Garvey Boulevard, Quincy Street, and a line 150 feet easterly of Tompkins Avenue;
- o. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, Hart Street, a line 250 feet westerly of Marcus Garvey Boulevard, Pulaski Street, and a line 100 feet easterly of Throop Avenue;
- p. a line midway between Myrtle Avenue and Vernon Avenue, a line 110 feet westerly of Stuyvesant Avenue, Vernon Avenue, Stuyvesant Avenue, Hart Street, Lewis Avenue- Dr. Sandy F. Ray Boulevard, Pulaski Street, a line 100 feet easterly of Marcus Garvey Boulevard, Willoughby Avenue, a line 100 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, Vernon Avenue, and a line 200 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard;
- q. Kosciuszko Street, a line 200 feet westerly of Stuyvesant Avenue, a line midway between Kosciuszko Street and Lafayette Avenue, a line 100 feet westerly of Stuyvesant Avenue, Lafayette Avenue, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;

- r. Greene Avenue, a line 100 feet westerly of Stuyvesant Avenue, Lexington Avenue, a line 225 feet westerly of Stuyvesant Avenue, Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, Lexington Avenue, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
 - s. Hart Street, a line 30 feet southwesterly of Broadway, a line 170 feet westerly of Malcolm X. Boulevard and its northerly prolongation, Pulaski Street, a line 100 feet westerly of Malcolm X. Boulevard, Lafayette Avenue, and a line 100 feet easterly of Stuyvesant Avenue;
 - t. a line 100 feet northerly of Greene Avenue, a line 100 feet westerly of Malcolm X. Boulevard, Lexington Avenue, a line 100 feet easterly of Malcolm X. Boulevard, Lafayette Avenue, Malcolm X. Boulevard, a line 50 feet southerly of De Kalb Avenue, a line 75 feet easterly of Malcolm X. Boulevard, a line midway between De Kalb Avenue and Kosciuszko Street, a line 315 feet easterly of Malcolm X. Boulevard, Kosciuszko Street, a line 30 feet southwesterly of Broadway, a line 175 feet westerly of Patchen Avenue and its northerly prolongation, Lafayette Avenue, Patchen Avenue, a line midway between Greene Avenue and Lexington Avenue, a line 100 feet westerly of Patchen Avenue, Quincy Street, Stuyvesant Avenue, Lexington Avenue, and a line 100 feet easterly of Stuyvesant Avenue; and
 - u. Lexington Avenue, a line 200 feet easterly of Patchen Avenue, a line midway between Quincy Street and Lexington Avenue, a line 150 feet westerly of Ralph Avenue, Quincy Street, and Patchen Avenue;
11. changing from a C4-3 District to an R6B District property bounded by a line midway between Lexington Avenue and Quincy Street, a line 100 feet westerly of Ralph Avenue, Quincy Street, and a line 150 feet westerly of Ralph Avenue;
 12. changing from a C8-2 District to an R6B District property bounded by Lexington Avenue, a line 250 feet easterly of Patchen Avenue, a line midway between Lexington Avenue and Quincy Street, and a line 200 feet easterly of Patchen Avenue;
 13. changing from an R6 District to an R7A District property bounded by:
 - a. a line 100 feet northerly of Myrtle Avenue, Bedford Avenue, Willoughby Avenue, a line midway between Bedford Avenue and Spencer Street, a line 100 feet northerly of De Kalb Avenue, a line 50 feet easterly of Spencer Street, De Kalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet easterly of Bedford Avenue, a line midway between Lexington Avenue and Quincy Street, Bedford Avenue, Quincy Street, a line 100 feet westerly of Bedford Avenue, Lafayette Avenue, a line midway between Skillman Street and Bedford Avenue, a

line 100 feet southerly of De Kalb Avenue, Franklin Avenue, De Kalb Avenue, Classon Avenue, Willoughby Avenue, Kent Avenue, a line 100 feet northerly of De Kalb Avenue, Bedford Avenue, a line 320 feet southerly of Willoughby Avenue, a line midway between Bedford Avenue and Skillman Street, Willoughby Avenue, a line midway between Bedford Avenue and Skillman Street, a line 100 feet southerly of Myrtle Avenue, a line 100 feet westerly of Franklin Avenue, a line 210 feet southerly of Myrtle Avenue, a line 100 feet easterly of Kent Avenue, Willoughby Avenue, Kent Avenue, a line 100 feet southerly of Myrtle Avenue, and Classon Avenue; and;

- b. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Lafayette Avenue and Kosciuszko Street, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, De Kalb Avenue, a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Pulaski Street, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Hart Street, and a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;

14. changing from an R6 District to an R7D District property bounded by:

- a. Stockton Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Stockton Street and Myrtle Avenue, a line 100 feet westerly of Tompkins Avenue, Stockton Street, Tompkins Avenue, Myrtle Avenue, Marcus Garvey Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, Nostrand Avenue, Myrtle Avenue, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard; and
- b. Myrtle Avenue, Lewis Avenue- Dr. Sandy F. Ray Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, and a line 200 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard;

15. changing from an R6 District to a C4-4L District property bounded by:

- a. Ellery Street, Broadway, Park Avenue, and Marcus Garvey Boulevard; and
- b. Broadway, Van Buren Street, Patchen Avenue, Lafayette Avenue, a line 175 feet westerly of Patchen Avenue and its northerly prolongation, a line 30 feet southwesterly of Broadway, Kosciuszko Street, a line 315 feet easterly of Malcolm X. Boulevard, a line midway between De Kalb Avenue and Kosciuszko Street, a line 200 feet easterly of Malcolm X. Boulevard, De Kalb Avenue, Malcolm X. Boulevard, Pulaski Street, a line 170 feet westerly of Malcolm X. Boulevard and its northerly prolongation, a line 30 feet southwesterly of Broadway, Hart Street, a line 250 feet easterly of Stuyvesant Avenue, Willoughby Avenue, Stuyvesant Avenue, Vernon Avenue, a line 110 feet westerly of

Stuyvesant Avenue, a line midway between Vernon Avenue and Myrtle Avenue, a line 100 feet southwesterly of Broadway, a line midway between Myrtle Avenue and Stockton Street, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;

16. changing from a C4-3 District to a C4-4L District property bounded by:
 - a. Broadway, Ellery Street, and Marcus Garvey Boulevard; and
 - b. Broadway, Howard Avenue, Monroe Street, a line 150 feet easterly of Ralph Avenue, Gates Avenue, a line 100 feet easterly of Ralph Avenue, Quincy Street, a line 100 feet westerly of Ralph Avenue, a line midway between Quincy Street and Lexington Avenue, a line 150 feet westerly of Ralph Avenue, Lexington Avenue, a line 150 feet southwesterly of Broadway, and Greene Avenue;

17. changing from a C8-2 District to a C4-4L District property bounded by:
 - a. a line midway between Stockton Street and Myrtle Avenue, a line 100 feet southwesterly of Broadway, a line midway between Vernon Avenue and Myrtle Avenue, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
 - b. Van Buren Street, Broadway, Greene Avenue, a line 150 feet southwesterly of Broadway, a line midway between Greene Avenue and Lexington Avenue, a line 350 feet easterly of Patchen Avenue, Greene Avenue, a line 100 feet easterly of Patchen Avenue, a line midway between Van Buren Street and Greene Avenue, and a line 200 feet easterly of Patchen Avenue; and
 - c. a line 150 feet southwesterly of Broadway, Lexington Avenue, a line 150 feet westerly of Ralph Avenue, a line midway between Lexington Avenue and Quincy Street, and a line 280 feet westerly of Ralph Avenue and its northerly prolongation;

18. establishing within an existing R6 District a C2-4 District bounded by:
 - a. a line 100 feet northerly of Myrtle Avenue, Throop Avenue, Myrtle Avenue, and Tompkins Avenue;
 - b. Park Avenue, Broadway, Lewis Avenue- Dr. Sandy F. Ray Boulevard, the westerly centerline prolongation of Stockton Street, a line 100 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, and a line 100 feet southwesterly of Broadway;
 - c. Vernon Avenue, a line 100 feet easterly of Marcus Garvey Boulevard,

Willoughby Avenue, and Marcus Garvey Boulevard;

- d. Pulaski Street, a line 100 feet easterly of Marcus Garvey Boulevard, De Kalb Avenue, and Marcus Garvey Boulevard; and
 - e. Pulaski Street, a line 100 feet easterly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, De Kalb Avenue, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
19. establishing within a proposed R6A District a C2-4 District bounded by
- a. Flushing Avenue, Throop Avenue, a line midway between Flushing Avenue and Hopkins Street, and Tompkins Avenue;
 - b. Hopkins Street, Throop Avenue, Park Avenue, and a line 100 feet westerly of Throop Avenue;
 - c. Vernon Avenue, a line 100 feet easterly of Nostrand Avenue, Willoughby Avenue, and Nostrand Avenue;
 - d. a line midway between Hart Street and Pulaski Street, a line 100 feet easterly of Nostrand Avenue, De Kalb Avenue, a line 200 feet easterly of Nostrand Avenue, Kosciuszko Street, a line 100 feet easterly of Nostrand Avenue, Quincy Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Greene Avenue and Lexington Avenue, Nostrand Avenue, Clifton Place, a line 100 feet westerly of Nostrand Avenue, Kosciuszko Street, and Nostrand Avenue;
 - e. Ellery Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Stockton Street, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
 - f. Park Avenue, Tompkins Avenue, Martin Luther King Jr. Place, and a line 100 feet westerly of Tompkins Avenue;
 - g. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Tompkins Avenue, Pulaski Street, Tompkins Avenue, De Kalb Avenue, a line 100 feet westerly of Tompkins Avenue, Willoughby Avenue, Tompkins Avenue, Vernon Avenue, and a line 100 feet westerly of Tompkins Avenue;
 - h. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Throop Avenue, Willoughby Avenue, Throop Avenue, a line midway between Vernon Avenue and Willoughby Avenue, and a line 100 feet westerly of Throop Avenue;

- i. Willoughby Avenue, Throop Avenue, a line midway between Willoughby Avenue and Hart Street, and a line 100 feet westerly of Throop Avenue;
- j. Vernon Avenue, Marcus Garvey Boulevard, Hart Street, and a line 100 feet westerly of Marcus Garvey Boulevard;
- k. Pulaski Street, a line 100 feet easterly of Throop Avenue, a line midway between Pulaski Street and De Kalb Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, Pulaski Street, Marcus Garvey Boulevard, De Kalb Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Quincy Street, Marcus Garvey Boulevard, a line midway between Quincy Street and Lexington Avenue, a line 100 feet westerly of Marcus Garvey Boulevard, Lexington Avenue, Marcus Garvey Boulevard, Van Buren Street, a line 100 feet westerly of Marcus Garvey Boulevard, Lafayette Avenue, Marcus Garvey Boulevard, a line midway between Lafayette Avenue and Kosciuszko Street, a line 100 feet westerly of Marcus Garvey Boulevard, a line midway between De Kalb Avenue and Kosciuszko Street, a line 100 feet easterly of Tompkins Avenue, a line midway between Pulaski Street and De Kalb Avenue, and Throop Avenue;
- l. Lexington Avenue, a line 100 feet easterly of Tompkins Avenue, Quincy Street, and a line 100 feet westerly of Tompkins Avenue;
- m. De Kalb Avenue, a line 100 feet easterly of Lewis Avenue- Dr. Sandy F. Ray Boulevard, Kosciuszko Street, and Lewis Avenue- Dr. Sandy F. Ray Boulevard;
- n. Kosciuszko Street, Stuyvesant Avenue, Lafayette Avenue, and a line 100 feet westerly of Stuyvesant Avenue;
- o. Van Buren Street, Stuyvesant Avenue, Greene Avenue, and a line 100 feet westerly of Stuyvesant Avenue,
- p. Pulaski Street, Malcolm X. Boulevard, De Kalb Avenue, a line 200 feet easterly of Malcolm X. Boulevard, a line midway between De Kalb Avenue and Kosciuszko Street, a line 75 feet westerly of Malcolm X. Boulevard, a line 50 feet southerly of De Kalb Avenue, Malcolm X. Boulevard, Lafayette Avenue, and a line 100 feet westerly of Malcolm X. Boulevard,
- q. Lafayette Avenue, a line 100 feet easterly of Malcolm X. Boulevard, Van Buren Street, and Malcolm X. Boulevard,
- r. Greene Avenue, Malcolm X. Boulevard, Lexington Avenue, and a line 100 feet westerly of Malcolm X. Boulevard,
- s. a line midway between Greene Avenue and Lexington Avenue, a line 280 feet

westerly of Ralph Avenue and its northerly prolongation, a line midway between Lexington Avenue and Quincy Street, a line 250 feet easterly of Patchen Avenue, Lexington Avenue, and a line 100 feet easterly of Patchen Avenue; and

- t. Quincy Street, a line 100 feet easterly of Ralph Avenue, Gates Avenue, and Ralph Avenue;
20. establishing within a proposed R6B District a C2-4 District bounded by a line midway between De Kalb Avenue and Kosciuszko Street, a line 100 feet easterly of Throop Avenue, Van Buren Street, and a line 100 feet westerly of Throop Avenue;
21. establishing within a proposed R7A District a C2-4 District bounded by:
- a. a line 100 feet northerly of Myrtle Avenue, Bedford Avenue, a line 100 feet southerly of Myrtle Avenue, and Classon Avenue;
 - b. Willoughby Avenue, Bedford Avenue, a line 320 feet southerly of Willoughby Avenue, and a line midway between Skillman Street and Bedford Avenue;
 - c. a line 100 feet northerly of De Kalb Avenue, a line 50 feet easterly of Spencer Street, De Kalb Avenue, a line 300 feet easterly of Spencer Court, a line 100 feet southerly of De Kalb Avenue, Bedford Avenue, Kosciuszko Street, a line 100 feet easterly of Bedford Avenue, a line midway between Lexington Avenue and Quincy Street, Bedford Avenue, Quincy Street, a line 100 feet westerly of Bedford Avenue, Lafayette Avenue, a line midway between Bedford Avenue and Skillman Street, a line 100 feet southerly of De Kalb Avenue, Franklin Avenue, De Kalb Avenue, and Classon Avenue;
 - d. a line midway between Myrtle Avenue and Vernon Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Pulaski Street, Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, Hart Street, and a line 100 feet westerly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard; and
 - e. De Kalb Avenue, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Kosciuszko Street and Lafayette Avenue, and Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard;
22. establishing within a proposed R7D District a C2-4 District bounded by:
- a. Stockton Street, a line 100 feet easterly of Marcy Avenue- Rev. Dr. Gardner C. Taylor Boulevard, a line midway between Stockton Street and Myrtle Avenue, a line 100 feet westerly of Tompkins Avenue, Stockton Street, Tompkins Avenue, Myrtle Avenue, Marcus Garvey Boulevard, a line midway between Myrtle Avenue and Vernon Avenue, Nostrand Avenue, Myrtle Avenue, and Marcy

Avenue- Rev. Dr. Gardner C. Taylor Boulevard; and

- b. Myrtle Avenue, Lewis Avenue- Dr. Sandy F. Ray Boulevard, a line midway between Myrtle Avenue and Vernon Avenue; and a line 200 feet westerly of Lewis Avenue- Dr. Sandy F. Ray Boulevard;
23. establishing a Special Enhanced Commercial District (EC-4) bounded by Broadway, Howard Avenue, a line 30 feet southwesterly of Broadway, and Marcus Garvey Boulevard;

as shown on a diagram (for illustrative purposes only) dated May 7, 2012, and subject to the conditions of CEQR Declaration E-285.

The above resolution (C 120294 ZMK), duly adopted by the City Planning Commission on September 5, 2012 (Calendar No. 6), 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,
RAYANN BESSER, IRWIN G. CANTOR, PE, ALFRED C. CERULLO, III,
BETTY Y. CHEN, MICHELLE R. DE LA UZ, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, Commissioners

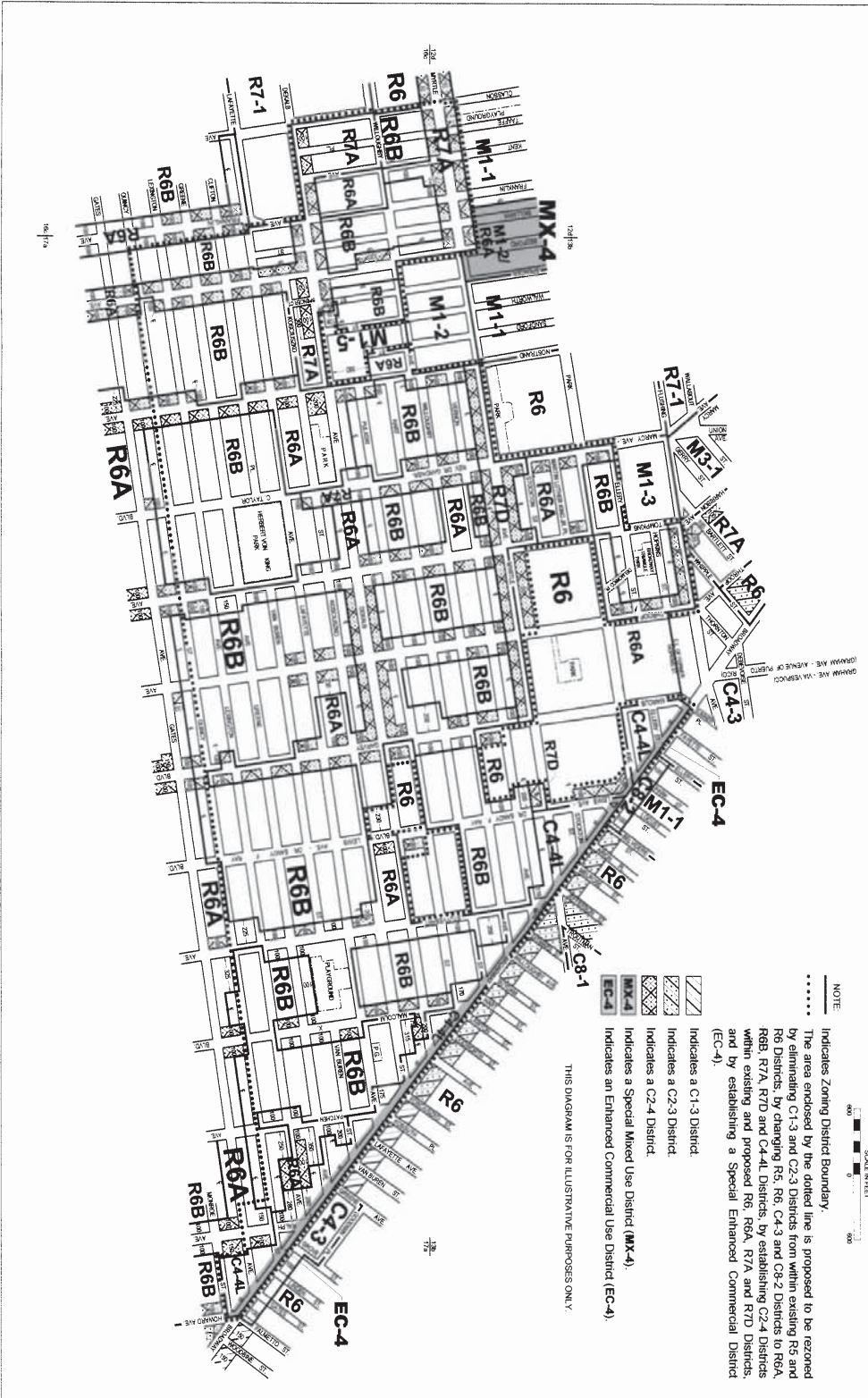


CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
124, 13b, 16c & 17a
 BOROUGH OF
 BROOKLYN
 MAY 7, 2012
 S. Morgan, Technical Review Division

NOTE
 Indicates Zoning District Boundary.
 The area enclosed by the dotted line is proposed to be rezoned by eliminating C1-3 and C2-3 Districts from within existing R5 and R6 Districts, by changing R5, R6, C4-3 and C8-2 Districts to R6A, R6B, R7A, R7D and C4-4L Districts, by establishing C2-4 Districts within existing and proposed R6, R6A, R7A and R7D Districts, and by establishing a Special Enhanced Commercial District (EC-4).

- Indicates Zoning District Boundary.
- Indicates a C1-3 District.
- Indicates a C2-3 District.
- Indicates a C2-4 District.
- Indicates a Special Mixed Use District (MX-4).
- Indicates an Enhanced Commercial Use District (EC-4).

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



Application #: **C 120294 ZMK**

Project Name: **Bedford- Stuyvesant North Rezoning**

CEQR Number: 12DCP156Y

Borough(s): **Brooklyn**

Community District Number(s): **3**

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:

SEE ATTACHED

Applicant(s): NYC Department of City Planning 22 Reade Street New York, NY 10007		Applicant's Representative: Purnima Kapur, Director Department of City Planning Brooklyn Borough Office 16 Court Street, 7th Floor Brooklyn, NY 11241
Recommendation submitted by: Brooklyn Community Board 3		
Date of public hearing: <i>June 4, 2012</i>		Location: <i>1368 Fulton Street, Brooklyn, NY 11216</i>
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>
Date of Vote: <i>June 4, 2012</i>		Location: <i>1368 Fulton Street, Brooklyn, NY 11216</i>
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		
# In Favor: <i>33</i> # Against: <i>1</i> # Abstaining: <i>1</i> Total members appointed to the board: <i>49</i>		
Name of CB/BB officer completing this form <i>Sharon Phillips</i>	Title <i>District Manager</i>	Date <i>6/22/12</i>



The City of New York
Community Board No. 3
Bedford Stuyvesant Restoration Plaza
1360 Fulton Street, 2nd Floor ■ Brooklyn, New York 11216

718/622-6601 Phone ■ 718/857-5774 Fax ■ www.cb3bedstuy.org Website ■ bk03@cb.nyc.gov

MARTY MARKOWITZ
BOROUGH PRESIDENT

HENRY L. BUTLER
CHAIRPERSON

CHARLENE PHILLIPS
DISTRICT MANAGER

June 29, 2012

Purnima Kapur, Director
Department of city Planning
Brooklyn Borough Office
16 Court Street, 7th Floor
Brooklyn, NY 11241

RE: Bedford-Stuyvesant North Rezoning

Dear Ms. Kapur:

Community Board 3 held a public hearing on June 4, 2012 in the matter of application #C120294 ZMK for the Bedford- Stuyvesant North Rezoning. There were 35 members present. The members voted 33 in favor of the project, 1 against and 1 abstention.

The Housing Land Use Committee also reviewed applications #N120295ZRK and #N120296 ZRY and it was presented at the public meeting as part of the rezoning application. The Board supports all applications.

Should you require further information regarding this matter, please do not hesitate to contact us at the Community Board 718-622-6601.

Sincerely,

Henry L. Butler

Henry L. Butler
Chairperson

Enclosure



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 #: 120294 ZMK – 120295 ZRK – 120296 ZRY

In the matter of applications submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map and Zoning Text for an approximate 140 block area in the northern half of the Bedford-Stuyvesant neighborhood. The zoning proposal aims to preserve neighborhood scale and character by replacing non-contextual zoning with contextual zoning districts with height limits; allow for modest residential growth with affordable housing incentives along major commercial corridors such as Broadway, Myrtle and Bedford Avenues; reinforce commercial character by establishing regulations that promote pedestrian friendly ground floor use and design; and, tailor the depth of commercial overlays in the area to better reflect commercial activity while preventing possible intrusion of commercial activity onto residential side streets.

COMMUNITY DISTRICT NO.

3

BOROUGH OF BROOKLYN

RECOMMENDATION – 120294 ZMK 120295 ZRK

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

120296 ZRY

APPROVE

BOROUGH PRESIDENT

August 6, 2012

DATE

**RECOMMENDATION FOR THE PROPOSED
Zoning Map and Text Amendments for the Bed-Stuy North Rezoning
120294 ZMK – 120295 ZRK – 120296 ZRY**

These applications by the Department of City Planning (DCP) request an approval for amendments to the Zoning Map in order to facilitate the contextual rezoning of the Bedford-Stuyvesant North section of Community District 3 (CD 3). The borough president commends DCP for the time and effort put in by staff with this rezoning, as with all of its rezoning applications, including consultation with Community Board 3 and affected local elected officials to reach a consensus. He thanks DCP Director Amanda Burden, Brooklyn Office Director Purnima Kapur, Deputy Director Winston Von Engel and Project Manager Anna Slatinsky for their thorough review of the neighborhood and crafting this proposal for the community.

PUBLIC HEARING

On June 18, 2012 the Borough President held a public hearing on the applications submitted by the Department of City Planning which proposed a rezoning for 140 blocks within the Bedford Stuyvesant community.

The representative for DCP briefly explained that the new contextual zoning proposed through these applications would establish limits on the heights of new buildings, preserve the commercial character along Broadway through encouraging opportunities for retail that best serves the community, as well as provide incentives for affordable housing while allowing for moderate growth. Although the proposal makes it easier for developers to avoid providing parking, with a projection of over 2,000 units coming to the area, DCP feels that the subway and surface public transportation system works best.

CONSIDERATION

In recent years, the Bedford-Stuyvesant community has seen significant investment, raising concern for inappropriate development as the neighborhood continues to be a destination for people throughout the city. The existing zoning for the northern section of the community has allowed for development that is out of scale or character with blocks of this neighborhood which are predominately developed with 3 – 4 story row houses.

DCP, with input from CB 3, has developed a rezoning proposal that intends to ensure that future development reflects the character of the Bedford-Stuyvesant community while still providing areas in which growth can occur while providing means to encourage the inclusion of affordable housing.

It is the Borough President's policy is to support appropriate rezoning actions that are consistent with the community's needs and that preserve the character and scale of Brooklyn's neighborhoods. It is also his policy to support land use changes that increase the supply of housing for Brooklyn residents, especially when such projects result in affordable housing.

The Borough President generally supports this contextual rezoning proposal for the Bedford-Stuyvesant North section of CD 3. It is his firm belief that developers should provide housing for those who are being priced out of Brooklyn, especially vulnerable populations such as seniors. He believes that plans to grow the residential housing stock

of a neighborhood are deficient when they do not increase or preserve the supply of affordable housing. The proposed zoning provides an opportunity to address his concern.

The rezoning also includes provisions that facilitate active streets by promoting retail use along Broadway and a section of Myrtle Avenue, which include transparency standards. The Borough President supports the enhancement of Broadway as the “main street” of this section of the community as well as the encouragement of more retail and services along Myrtle Avenue in the underserved northern section of the community. Such transparency regulations would provide opportunities for pedestrians to look inside at merchandise and in-store activity, that makes for a more interesting experience when strolling along a retail corridor. Interesting corridors often result in more foot-traffic that support retailers while providing more eyes on the street as a means to enhance a feeling of being safe in the neighborhood. This is further enhanced when lighting from stores augment the City’s street lights.

While the Borough President is generally supportive of these applications, he does have concerns pertaining to the adequacy of parking; whether additional opportunities to direct growth near transit were overlooked; whether permitted height should be further linked to the provision of affordable housing; risks to supermarkets from redevelopment; and, quality-of-life considerations for new residential development along Broadway.

Parking

The Borough President believes that the zoning districts proposed to encourage redevelopment do not require adequate parking for areas of the borough where curb side parking utilization is highly in demand. The proposed zoning districts only require parking for fifty percent of the units when developments exceed 30 dwelling units – otherwise such developments are not required to provide any parking, resulting in far fewer spaces than what appears to reflect demand. The standard parking waiver provisions that automatically come into play with upzoning to these districts do not recognize the difficulty faced by community residents in terms of finding convenient on-street parking. Residential developments constructed without the inclusion of any on-site opportunities to park cars, do so without regard to the added stress placed on curbside parking resources to accommodate demand from neighborhood residents. Without adequate parking made available for the use of occupants of new residential developments, it is possible that the demand for parking attributed to such developments might impose on the quality-of-life of area residents who have been dependent on the scarce curbside parking availability.

The Borough President believes that this demand is on the rise due to the increased interest for residing within Bedford-Stuyvesant. Too often, new developments meet the minimum on-site parking required despite the possible car ownership rates of the new building occupants. Thus, the adequacy of the available on-street parking continues to be further compromised, making it more difficult for long-time residents with cars. This neighborhood has few monthly-based public parking opportunities for even those willing to take on such an additional expense in order to obtain adequate parking. Although such parking facilities are a resource for residents of new higher density residential buildings, when they are provided, such spaces may also accommodate neighbors seeking secured off-street parking.

The Borough President believes that adequate parking must be accounted for in new developments. Such parking demand had been acknowledged by the City in the recently approved mid-density zoning for Rockaway Park.

The Borough President believes that the parking waiver pertaining to the existing R6 zoning district, where developments exceeding 10 units must provide parking, is more respectful of balancing the need for cost-effective smaller developments with that of respecting the curb side parking habits of long-time residents. By retaining the accessory parking waiver provision of the R6 district, the adopted rezoning would better reflect consideration for those residents who prefer car ownership for journeys to work and for recreational purposes due to its convenience, especially in light of when public transportation is inadequate for such journeys. The Borough President had expressed such concerns on multiple occasions, including letters to DCP from June 2008 and September 2009 when DCP initiated increased requirements for the Rockaways and then again for the Special Long Island City District. Collectively, these changes increased the probability that new developments in these communities would provide an adequate amount of parking to accommodate the new residents.

While the Borough President applauded DCP for taking those steps to address community concerns in Long Island City and in the Rockaways, he believes it is appropriate to introduce these concepts in warranted areas of Brooklyn. Changes consistent to what was done in those communities make sense to be applied to certain upzoned areas in Brooklyn. Addressing the reality of automobile ownership in the City should be part of DCP's agenda. Restricting the extent to the waiving of accessory parking requirements recognizes the need to respect the quality-of-life for households where public transit does not provide for a sufficient range of journeys.

Therefore, the Borough President believes that the parking waiver should remain as a maximum of five spaces, in lieu of the proposed 15 in areas being upzoned R7A, R7D and C4-4L.

Opportunity for More Transit-Oriented Density

The Myrtle Avenue corridor between Nostrand Avenue to essentially Lewis Avenue is proposed to be mapped R7D, an as-of-right upzoning of 30 percent. If the Inclusionary Housing zoning bonus is fully utilized, the floor area would be 85% more than what exists today. The R7D zoning district mapping proposal includes block fronts both east and west of the Marcy Avenue G subway line station as well as being one block from Broadway's J/Z and M line service. Though, Myrtle Avenue east of Lewis Avenue is proposed to be designated C4-4L, with an as-of-right residential upzoning of 15%, despite being within one block of Broadway train service. Along this frontage of Myrtle Avenue are several potential development sites as noted in the environmental assessment, including site U, identified as being over 47,000 square feet. Collectively, rezoning all these sites R7D or its commercial equivalent C4-5D, in lieu of C4-4L would achieve at least 75 more units and up to 100 units if the Inclusionary Housing provisions were to be utilized. The Borough President therefore believes it would be appropriate for much of this section of Myrtle Avenue to be further upzoned to allow ten stories pursuant to R7D in lieu of eight C4-4L. Though this section of Myrtle Avenue does not feature the openness typically found in front of public housing developments, it is consistent with the width of Fulton Street where it is mapped C4-5D.

Rewarding Inclusionary Housing Development

Both the R7D and the C4-4L, for portions of the lot within 125 feet of Broadway, permit development up to 100 feet in height (ten stories) without regard to whether the development fully utilizes the Inclusionary Housing floor area bonus or merely is developed to the much lower as-of-right floor area standard. By permitting this height with 33 percent less floor area, developers might replicate the slender towers that the community has deemed out-of-context without public benefit. In addition, developers might utilize the added volume by increasing floor to ceiling heights, increasing the cost of construction and the developer's expectation of how much more an apartment might sell for. Excessive ceiling height could lead to subsequent illegal construction of mezzanine space.

The Borough President believes that developers do not need to be rewarded with the extra height without the provision of affordable housing pursuant to the City's Inclusionary Housing program. As the standard R7A, which permits a floor area ratio (FAR) of 4 times the lot size with a height not exceeding 80 feet, the Borough President believes that the 3.45 FAR of the C4-4L and 4.2 FAR of the R7D, with its mandatory retail, would be adequately accommodated within the height limit of 80 feet.

Linking the additional height to the utilization of the Inclusionary Housing floor area bonus is consistent to the Special Permit granted by the City Planning Commission in regards to the New Domino proposal where the special permit was conditioned on the utilization of the Inclusionary Housing program bonus. In addition, with regards to the Williamsburg Greenpoint rezoning for waterfront sites, pursuant to ZR 62-354 (b) (2), for developments that provide affordable housing pursuant to Section 62-352 (Inclusionary Housing), the increased floor area permitted for developments facilitating affordable housing permit the towers to exceed the height of the district by an additional 70 feet. These examples reward developers that provide affordable housing with extra height to not only accommodate the additional 33 percent more floor area, but also with taller buildings with more commanding views that potentially increase the market value of units above 80 feet from grade.

The Borough President believes that this section of Myrtle Avenue and Broadway deserve consistent consideration with these other examples as an added means to encourage developers to utilize the Inclusionary Housing option. He believes that the maximum building height for developments along Broadway and Myrtle Avenue, not according to the Inclusionary Housing Program, should not exceed eight stories. Ten stories should be restricted to development along Broadway and along Myrtle Avenue east of Nostrand Avenue pursuant to the Inclusionary Housing provisions.

Rewarding FRESH Supermarket development of Existing Supermarket Sites

According to the City's FRESH Food Stores Zoning Regulations, CD 3 is a neighborhood underserved by such establishments. The program allows up to 20,000 sf of floor area to be essentially exempt from zoning requirements and eliminates parking requirements according to the proposed zoning districts. This, along with financial incentives might induce a redevelopment to contain a supermarket. However, there is no mandate to retain an existing supermarket should such property be pursued for valuable development

rights. Therefore, rezonings that place food stores at added risk of being shut down warrant close scrutiny.

According to the environmental assessment there are four potential development sites that are significantly underdeveloped when compared to the proposed as-of-right zoning that exist as supermarkets. According to the proposal, the 10,400 sf supermarket at the intersection of Lafayette Avenue with Marcus Garvey Boulevard would be rezoned from R5 to R6A, more than doubling its residential potential, thus placing the existing store at risk of closing and not being replaced despite the financial and zoning incentives that are part of the City's FRESH initiative. Along Myrtle Avenue there are three supermarkets, one being the Food Bazaar with its substantial parking lot, proposed to be zoned C4-4L, where the Borough President believes that R7D or C4-5D would be a more appropriate transit proximate zoning. The other supermarkets, Junior's and Key Food, both have ample parking lots proposed to be rezoned R7D.

The Food Bazaar site has a 22,000 sf store with another 25,000 sf available for parking. The Key Food site off Throop Avenue has a 10,000 sf store and another 10,000 sf available for parking, while the Junior's site off Marcus Garvey Boulevard has a 14,000 sf store with another nearly 12,000 sf for parking. According to the proposed zoning for Key Food and Junior's, and the Borough President's interest in seeking more zoning for the Food Bazaar site, such sites would gain 30 percent more as-of-right residential floor area according R7D or its C4-5D commercial zoning district equivalent. Should these sites redevelop and not include a food store, despite zoning and financial incentives, it would be an unfortunate circumstance for a community already lacking access to fresh food.

Access to healthy food options has been a top priority for the Borough President. In order for all of Brooklyn to flourish, it is imperative that the Borough's residents have an adequate supply of supermarkets and grocery stores in their neighborhoods to access fresh and affordable foods. Since there is no guarantee that the property owners of supermarket sites along Myrtle Avenue would include a replacement supermarket in a redevelopment, the Borough President believes that redevelopment should not be rewarded with significant upzonings unless it includes a comparably sized supermarket. He believes that the maximum zoning requirements for redevelopment of the Key Food, Junior's and Food Bazaar (with the expectation that this site is rezoned per the Borough President's recommended R7D or C4-5D) Myrtle Avenue supermarkets be dependent on incorporating a new supermarket space, of not less than equal square footage to what exists, within new developments. Otherwise development should be limited to R7A Inclusionary development standards of 3.45 FAR as-of-right or 4.6 FAR pursuant to Inclusionary Housing requirements.

Noise, Vibration, Light and Air Considerations along Broadway

DCP has developed an innovative zoning envelope along the Broadway corridor according to its proposal to establish a new commercial zoning district, C4-4L. The district is a variation of the C4-4A, which allows multiple floors of commercial use and still permits residential use on upper floors. While C4-4A carries a height limit capped at 80 feet, the C4-4L, within 125 feet of Broadway, would permit heights to be up to 100 feet. Such height allows for a redistribution of floor area should a development be set back further from the elevated rapid transit structure. Openness would be provided by essentially extending the sidewalk area five feet into the building site with a required street level

setback. Such setback provides useful clearance between the retail facades and subway structures such as pillars and stairs to promote pedestrian navigation along this important shopping street. An optimal setback of fifteen additional feet provides an opportunity for more light and air to reach pedestrians as well as provide an added buffer of distance from the noise, vibration and other environmental factors from passing subway cars.

The five foot setback at grade extends to at least a height of 30 feet, though not more than 65 feet, at which point the building is required to setback an additional fifteen feet and then may rise again to 100 feet. Should a developer choose to setback at 30 feet then there would be the added public benefit of light and air to a street that is often in the shadow of the elevated train structure. In addition, residential occupants on floors between 40 and 65 feet would be further buffered from noise and vibrations associated with the trains. Fifteen sites could possibly redevelop along a section of Broadway between Flushing Avenue and Monroe Street.

As mentioned in the Borough President consideration of use of height permitted in the R7D district, he believes that developers do not need to be rewarded with the extra height without the provision of affordable housing pursuant to the City's Inclusionary Housing program. He believes that even with a five foot setback up to a height of 65 feet, that there is ample volume to locate the 3.45 as-of-right FAR of the C4-4L, with its mandatory retail, to adequately accommodate within the height limit of 80 feet. Otherwise, by permitting a height of 100 with 33 percent less floor area than what is permitted with the Inclusionary Housing bonus, developers might replicate the slender towers that the community has deemed out-of-context without public benefit. In addition, developers might utilize the added volume by including more floor to ceiling height, increasing the cost of construction and the developer's expectation of how much more an apartment might sell for. Excessive ceiling height could lead to subsequent illegal construction of mezzanine space.

The concept of providing the developer with extra height should be more about compensating the developer for a decision to set the building back the additional 15 feet above the height of 30 feet. As proposed, the developer can keep the full volume below 65 feet in height and yet still add the extra height of 20 feet. Again, this allows a developer to market cubic feet as an enticement to charge more for the units, while not resulting in a benefit of light and air at the pedestrian realm and no additional environmental buffering for those occupying residences between the heights of 30 and 65 feet.

The Borough President has concerns with leaving the street wall setback height to developer discretion, especially where the environmental assessment indicates that there are potentially 15 sites that might be redeveloped over time along Broadway. There are several examples of new residential construction fronting Broadway that are built to the lot line (Picture 1 & 2). Even if setback five more feet per the proposed rezoning, such buildings are too close to the train station.

The Borough President believes that government has an obligation to promote both the interest of the public in terms of light and air and to best protect its citizens in their homes from environmental factors such as noise and vibrations. The elevated Broadway structure is not a uniform set of conditions. The range of structural variations include



Picture 1



Picture 2



Picture 3



Picture 4

station houses (Picture 3), where the structure is without the voids of transparencies when track ties reduce the sense of light to the street level. Instead the structure becomes very solid due to mezzanines, partially enclosed stairs and local station platforms, which significantly reduce the standards clearance between the buildings and the train structure. Even more imposing is between Stockton Street and Vernon Avenue where the track curves to the outside of the express stop platform (Picture 4), overlapping the sidewalk below where the environmental assessment has identified a potential development site.

While the Borough President appreciates the fact that development along Broadway would be required to provide alternate means of mechanical ventilation that allows people to achieve interior climate comfort when windows are closed and that such

windows would need to be rated to achieve an interior wall construction assembly that reduces external noise to acceptable levels, he believes that the setback should not be discretionary. The window attenuation will not address vibration to the same extent that it can mitigate noise. Bringing ample light and air to pedestrians, especially where there are subway stations with mezzanines and solid areas where platforms exist is more important than providing discretion to developers of what height the setback should occur. Placing building facades in proximity to the subway structure – especially when the structure is a partially enclosed platform, stairwell, mezzanine or along where the track significantly overlaps the sidewalk – is not something government should be promoting. Construction near Gerry Street demonstrates the visual benefit on mandating a setback above 30 feet (Picture 5). Therefore he seeks, for residential developments, that the maximum street wall before setbacks be no more than 30 feet in height and the minimum street wall be at least one story.



Follow-Up Corrective Actions

The Borough President is aware that some of his requests are beyond the scope of the extent that the City Planning Commission or City Council is permitted to modify the applications as certified for public review. In order to ensure that his recommendations regarding: parking; additional opportunities for density; inclusionary housing; supermarkets; and, environmental factors pertaining to the elevated train structure are all addressed, some of these recommendations are expected to require additional land use action. In order to accomplish the best possible plan for Bedford-Stuyvesant and neighboring Bushwick, the Borough President urges the Administration to commit to the City Council that the Department of City Planning would certify, within one year, applications to amend the zoning map and text in order for The City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President that are technically beyond the scope of review for application numbers 120294 ZMK and 120295 ZRK.

Recommendation

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve based on the following conditions:

1) That the parking waiver be a maximum of five spaces, in lieu of the proposed 15.

- amend the required accessory off-street parking spaces for residences per ZR Section 25-261 pertaining to new developments and enlargements, to add a new subsection (a) stating that R7A Districts mapped in Community District 3 in the Borough of Brooklyn, the provisions of this section shall reduce the maximum number of spaces that may be waived to five from 15;
- amend the required accessory off-street parking spaces for residences when permitted in commercial districts per ZR Section 36-361, to add a new

subsection (c) stating that in C1 and C2 Districts mapped within R7A and R7D (except along Fulton Street) in Community District 3 in the Borough of Brooklyn, the provisions of this section shall reduce the maximum number of spaces that may be waived to five from 15;

- amend the required accessory off-street parking spaces for residences when permitted in commercial districts per ZR Section 36-362, to add a new subsection (a) stating that C4-4L Districts mapped in Community District 3 in the Borough of Brooklyn, the provisions of this section shall reduce the maximum number of spaces that may be waived to five from 15.

2) That the south side of Myrtle Avenue within 500 feet east of Lewis Avenue be further upzoned by being mapped as C4-5D to allow ten stories (4.2/5.6 Inclusionary) in lieu of the proposed C4-4L which allows eight stories (3.45/4.6 Inclusionary FAR), as proposed to be further amended in the subsequent recommendations pertaining to supermarkets and inclusionary housing

3) That the maximum building height for developments along Broadway and Myrtle Avenue not exceed eight stories unless according to the Inclusionary Housing Program

- amend Zoning Resolution Section 35-24 Table A pertaining to Height and Setback for Buildings or Other Structures in Contextual Districts as it pertains to C1 or C2 mapped in R7D zoning districts, be modified as follows: for #zoning lots# developed according to ZR 23-90 Inclusionary Housing, the maximum #building# height shall be 100 feet or ten #stories#, whichever is less, for all other zoning lots, the height and setback shall be pursuant to R7A District standards.
- amend the proposed Zoning Resolution Section 35-24 (d) (2) Special Street Wall Location and Height and Setback Regulations in Certain Districts, regarding Maximum building height as it pertains to the C4-4L zoning district, be modified as follows: In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street# (add following: developed according to ZR 23-90 Inclusionary Housing), the maximum #building# height shall be 100 feet or ten #stories#, whichever is less.

4) That the maximum zoning requirements for redevelopment of the Key Food, Junior's and Food Bazaar Myrtle Avenue supermarkets be dependent on incorporating a new supermarket space, of not less than equal square footage to what exists, within new developments.

- amend Zoning Resolution Section 35-23 (a) further stating that after the effective date of this rezoning, maximum development standards of R7D or its commercial equivalents, shall require development to be pursuant to ZR 63-00, Special Regulations Applying to FRESH Food Stores to be no less than the supermarket floor area existing on the effective date of the rezoning, and as further modified by as further modified by recommendations for Section 35-24 Table A, otherwise any subsequent redevelopment to be developed as if the zoning district was mapped R7A Inclusionary

5) That the maximum street wall before setbacks for residential developments be 30 feet and the minimum street wall be one story (delete the ~~strikeout text~~)(add the underlined)

- amend the proposed Zoning Resolution Section 35-24 (c) (4) Special Street Wall Location and Height and Setback Regulations in Certain Districts, regarding setback locations as it pertains to the C4-4L zoning district, be modified as follows: a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a ~~height not lower than the minimum base height of~~ not more than 30 feet or three #stories#, whichever is less, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is less; with the street wall being at least one floor in height

Be It Further resolved that the Administration shall commit to the City Council to have the Department of City Planning certify, within one year, applications to amend the zoning map and text in order for The City Planning Commission and City Council to adopt the recommendations of the Brooklyn Borough President that are technically beyond the scope of review for application numbers 120294 ZMK and 120295 ZRK.