



CITY PLANNING COMMISSION

February 16, 2011 / Calendar No. 13

C 070245 ZMK

IN THE MATTER OF an application submitted by JBJ, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M3-1 District to an M1-4/R6A District property bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue; and
2. establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue;

as shown on a diagram (for illustrative purposes only) dated September 13, 2010 and subject to the conditions of CEQR Declaration E-261, in the Borough of Brooklyn, Community District 1.

The application for an amendment to the Zoning Map was filed by JBJ, LLC on December 19, 2006 to change an M3-1 district to an MX8: M1-4/R6A mixed use district to facilitate the construction of a 6-story, 104,000-square-foot mixed use development with 79 dwelling units and ground floor retail located on the eastern half of Block 2415, between South Second and South Third Streets and Kent and Wythe Avenues, in Community District 1, Brooklyn.

RELATED ACTIONS

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

N 070246 ZRK Zoning Text amendment relating to the Inclusionary Housing Program.

BACKGROUND

The applicant, JBC, LLC, proposes a Zoning Map amendment to change the eastern half of the block bounded by South Second and South Third Streets, Kent and Wythe Avenues, from an M3-1 zoning district to an MX8: M1-4/R6A mixed use zoning district to facilitate the construction of a six-story, approximately 104,000 square-foot mixed-use building in Williamsburg, Community District 1, Brooklyn. The rezoning area is at the boundary between an M3-1 and an R6 district and is occupied and surrounded by a mix of industrial, commercial,

and residential uses.

The rezoning area consists of 15 tax lots totaling of which the applicant owns eight. The applicant's property consists of vacant land and a one-story industrial building occupied by a plumbing supply business and a closed automobile repair and sales establishment. The rest of the rezoning area is occupied by undeveloped land used for parking and storage, three 1- and 2-story industrial buildings that have been converted to commercial use, and three 3- to 4-story residential and mixed-use buildings, one of which was developed pursuant to BSA variance in the 1990s. Commercial uses in the area to be rezoned include a bar, a clothing store, a restaurant, and an artist studio.

The block on which the rezoning area is located is currently zoned M3-1. Adjacent to the rezoning area, on the same block, is a through lot developed under a BSA variance to allow a 4-story 24-unit residential development. The rest of the block is predominately developed with warehouses, which front on Kent Avenue. The Domino Sugar site, is located on the blocks immediately west and south of the rezoning area. On July 29, 2010, the City Planning Commission approved a zoning change (C 100185 ZMK) to establish R6/C2-4, R8/C2-4 and C6-2 districts on the Domino site to facilitate a mixed use development that includes approximately 2,200 dwelling units, and 350,000 square feet of commercial and community facility uses in buildings up to 340 feet tall, as well as four acres of public open space.

Other blocks to the north and south of the rezoning area are zoned M3-1 and MX-8: M1-2/R6. They host a mix of uses including 1- to 3-story industrial buildings, 3-story residential buildings, several six-to eight-story loft buildings on blocks to the south, and the 16-story residential Esquire Shoe Polish building one block to the north. Nearby industrial buildings are occupied by a plastic bag manufacturer, a scrap metal dealer, a night club, offices, a Meals-on-Wheels operation, and an electronics manufacturer. The neighborhood to the east is zoned R6 with C1 and C2 commercial overlays on commercial corridors. This area is occupied by three- to four-story rowhouses, five- to six-story apartment buildings and the Saint Peter and Paul Catholic

Church, which is directly east of the rezoning area.

The nearest subway stop is the Marcy Avenue Station on the J/M/Z line, 10 blocks to the southeast. Five bus lines also run near the Marcy Avenue Station or closer. Commercial amenities are located nearby on Bedford Avenue, and on Grand, Roebling and Havemeyer Streets. The nearest major park is McCarren Park, $\frac{3}{4}$ of a mile to the northeast and several smaller parks are nearby including the William Sheridan and Berry Street Playgrounds, located 2 blocks to the east.

The Zoning Map amendment would change the proposed area from M3-1 to MX-8: M1-4/R6A and the related Zoning Text amendment would apply the Inclusionary Housing Program to the rezoning area by extending an existing adjacent inclusionary housing designated area to cover the rezoning area. The proposed district would allow the proposed residential development and would also allow existing industrial buildings in the rezoning area to reactivate light industrial uses.

M3-1 is a manufacturing district that permits some commercial and all industrial uses to an FAR of 2.0. Height is limited by the sky-exposure plane with a maximum streetwall height of 60 feet. MX-8:M1-4/R6A is a special mixed-use district that permits community facility uses to an FAR of 3.0 and commercial and light industrial uses to an FAR of 2.0. Pursuant to the related text amendment, residential uses would be permitted to an FAR of 2.7, bonusable to 3.6 with the provision of affordable housing. Buildings are limited to 60 feet at the street, and 70 feet overall after a 10- or 15-foot setback. Residential uses are not permitted within M3-1 districts.

The eight tax lots owned by the applicant contain approximately 29,000 square feet of lot area. The proposed actions would facilitate a proposal by the applicant to construct a 104,396-square-foot mixed-use development consisting of two 60-foot tall, 6-story buildings containing 7,018 square feet of retail on the ground floor and 97,378 square feet of residential floor area

comprising 79 dwelling units on his property. The development is proposed to be built to 3.6 FAR using the proposed inclusionary housing bonus. Approximately 20,879 square feet of residential floor area would be designated as affordable housing on site, comprising 18 dwelling units. These would be located in the building fronting on South Second Street. A larger building, fronting on Wythe Avenue and South Third Street, would include all proposed commercial space and 61 market-rate dwelling units. The main residential entrance to this building and all commercial entrances would be on Wythe Avenue. A 54-space parking garage would be located below grade with the entrance in the larger building along South Third Street, but would be accessible to residents of both buildings. A landscaped central courtyard would occupy the interior of the site and would be open to all residents of both buildings.

ENVIRONMENTAL REVIEW

This application (C 070245 ZMK), in conjunction with the application for the related action for a Zoning Text amendment (N 070246 ZRK), 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 Procedures of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07DCP035K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 13, 2010. To avoid any potential significant adverse impacts for air quality and hazardous materials an (E) designation (E-261) would be mapped as part of the rezoning, as described below.

An (E) designation for air quality would be mapped on Block 2415, Lots 27, 28, 29, 30, 31, 32, 36, and 37. The text of the (E) designation is as follows:

Brooklyn Block 2415, Lots 27, 28, 29, 30, 31, 32, 36, 37

Any new residential and/or commercial development on the above-referenced property must ensure that natural gas is used as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant air quality impacts.

With the placement of the (E) designation, no significant adverse impacts related to air quality would occur.

An (E) designation for hazardous materials would be mapped on Block 2415, Lots 16, 19, 24, 26, 38, 119, and 136. The text of the (E) designation for hazardous materials for the properties identified below is as follows:

Brooklyn Block 2415, Lots 16, 19, 24, 26, 38, 119, 136

Due to the possible presence of hazardous materials on the aforementioned designated sites there is potential for contamination of the soil and groundwater. To determine if contamination exists and to perform the appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval.

After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction 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 DEP for review and approval prior to implementation.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

UNIFORM LAND USE REVIEW

This application (C 070245 ZMK) was certified as complete by the Department of City Planning on September 13, 2010 and was duly referred to Community Board 1 and 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 application for a Zoning Text amendment (N 070246 ZRK), which was referred for information and review on September 13, 2010 in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 070245 ZMK) on October 13, 2010, and on November 9, 2010, by a vote of 15 in favor and 4 in opposition with 4 abstentions, adopted a resolution recommending disapproval of the application with the following conditions:

- *The residential designation be changed from R6A to R6B.*

- *The applicant commit to exploring alternative commercial uses better suited to the needs of the community.*
- *A deed or other restriction accompany the application to ensure the exclusion of bars/restaurants from the new developments.*

Borough President Recommendation

This application (C 070245 ZMK), was considered by the Borough President, who, on December 10, 2010, recommended approval of the application with the following conditions:.

- *That prior to City Council review, the applicant provides a declaration binding the development to the filing of an affordable housing plan approved by the Department of Housing Preservation and Development.*

City Planning Commission Public Hearing

On December 13, 2010 (Calendar No.2), the City Planning Commission scheduled January 5, 2011, for a public hearing on this application (C 070245 ZMK). The hearing was duly held on January 5, 2011 (Calendar No. 31) and was continued on January 26, 2011. Calendar No. 23), to be held in conjunction with the related application for a Zoning Text amendment (N 070246 ZRK).

There were a total of 13 speakers in favor of the application and three speakers opposed.

Speakers in favor of the proposal included representatives of the applicant and local community residents and property owners. The applicant and his representatives described the proposed project, stating that it would be designed primarily for families, and that this type of housing is needed in Williamsburg. They also stated that he intends to build affordable housing using the Inclusionary Housing Program.

The applicant's representatives described the project's surrounding context, noting nearby buildings that were taller than the proposed building, and nearby zoning districts that permitted

greater height than the proposed district. The applicant's representatives stated that tenants within the applicant's buildings were on short term leases, were aware of the proposed project and would be welcome to return to the retail space planned for the proposed building's ground floor. They also stated that no industrial uses remained within the rezoning area.

Local residents stated they felt this was a good project that fit well with the neighborhood and was consistent with development trends in the area. In response to questions from the Commission, several speakers stated that they did not think this project would cause displacement of industrial tenants, overcrowding, or a detrimental change in the character of the Williamsburg neighborhood.

Speakers in opposition included local residents and property owners. They stated that a variance from the Board of Standards and Appeals would have more appropriately accommodated the applicant's proposed project than a Zoning Map amendment. They further stated that the area should be the subject of a comprehensive zoning study rather than undergo smaller private rezonings. They also said that the height and density of the proposed project would adversely affect the neighborhood.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 070245 ZMK), in conjunction with related action, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 10-010.

This action was determined to be consistent with the policies of the New York City Waterfront

Revitalization Program.

CONSIDERATION

The Commission believes that this amendment to the zoning map (C 070245 ZMK), in conjunction with the related amendment to the zoning resolution (N 070246 ZRK), is appropriate.

The proposed zoning change would facilitate a new mixed-use development containing 79 dwelling units, of which the applicant intends to make 18 units affordable. The existing M3-1 zoning district permits only industrial and limited commercial and community facility uses, while the proposed MX8:M1-4/R6A district would permit residential uses, as well as most commercial and community facility uses.

The City Planning Commission believes the residential use and the broader range of commercial and community facility uses that would be allowed under the proposed Zoning Map amendment would be in context with the commercial, community facility and residential uses already present, and planned for future development, within and around the rezoning area. The Commission notes that the rezoning area is at the western edge of a residential neighborhood zoned R6. A new 4-story 24-unit residential building was completed under BSA variance this past year adjacent to the western boundary of the rezoning area in the existing M3-1 district. There are also two buildings with residential uses on the upper floors within the rezoning area itself; one which is non-conforming and one which was also built under BSA variance. In addition, the industrial buildings within the rezoning area have all been converted to commercial uses, including retail, restaurants, bars, and an art studio. Lastly, recent rezonings, including the City-sponsored 2005 Greenpoint-Williamsburg Rezoning and the private New Domino rezoning have rezoned nearby M3-1 and M1-2 districts to MX8 special mixed use, R6 and R8 districts in response to decreasing industrial activity and residential development pressure in the area. The Commission notes that the proposed MX8 special mixed use district would continue to permit light industrial uses should the property owners in the rezoning area wish reactivate them.

The Commission also notes adequate amenities are located nearby to support the proposed residential development. The project site is within a 10- to 15-minute walk of several bus lines and two subway stations on two separate lines, the L and the JMZ. Recent changes to the M line that which cause it to run on the V line further expanded accessibility from the site to Manhattan. There are also adequate commercial amenities located to the east and north of the project site. Several playgrounds and parks are also located nearby.

The City Planning Commission believes that the proposed zoning district would allow a building envelope that is contextual to the surrounding area. The Commission notes that the proposed MX8:M1-2/R6A zoning district would impose bulk rules that would permit residential uses to a FAR of 2.7, bonusable to 3.6 and community facility uses to a FAR of 3.0. Commercial and industrial uses would be permitted to an FAR of 2.0, which is the same FAR permitted by the existing M3-1 district. The proposed district would also limit building heights to 60 feet at the street, and 70 feet after a 15-foot setback. The existing district regulates height with a sky exposure plane that starts at 60 feet above the streetline.

While the residential neighborhood to the east contains buildings between 20 and 40 feet tall, it also contains many buildings between 60 and 70 feet tall. The Esquire Shoe Polish Building, located 1 block north of the proposed rezoning area, is 150 feet tall and several other buildings on blocks to the south are between 70 and 90 feet tall. In addition, The New Domino proposal, which occupies the blocks to the south and west of the proposed rezoning area, includes buildings with streetwall heights up to 110 feet, matching the existing landmarked Domino refinery building, and overall heights up to 340 feet tall on the waterfront parcel and 148 feet tall on the upland parcel.

The Commission also notes that nearby zoning districts permit height and bulk equivalent to, or greater than, the proposed zoning district. These include MX8:M1-2/R6A mapped a few blocks to the north of the rezoning area, which has bulk regulations identical to the proposed district, and R6 and R8 districts mapped to the south and west as part of the New Domino project, which permit greater FAR and height. R6 and MX8: M1-2/R6 districts mapped to the north, south, and east of the

rezoning area, permit lower FARs, but greater heights than the proposed zoning district. The only nearby zoning districts that permit lower density and height than the proposed district are R6B and MX8:M1-2/R6B districts which are mapped over the Grand Street corridor, which starts two blocks north of the rezoning area and extends eastward.

Therefore, in response to the concerns expressed in the Community Board 1 recommendation about the proposed density and bulk in this project, the Commission notes that there is ample precedent in the immediate area for the uses and bulk permitted by the proposed district, and that the bulk permitted by the proposed district is within the range of that permitted by other adjacent and nearby zoning districts.

Community Board 1 also recommended modifications to limit commercial development to businesses that “better suit the needs of the community” and to prohibit bars and restaurants. However, the Commission notes that use regulations identical to the proposed zoning district are in place in the MX8 special mixed use districts mapped on several nearby blocks and C2 commercial overlays mapped on Kent and Bedford avenues and Grand Street permit a broad range of commercial uses, including bars and restaurants. While the Commission recognizes the concerns of Community Board 1 regarding the importance for commercial development to serve the needs of the surrounding community, there does not appear to be a reason to prohibit within the rezoning area commercial uses that are permitted on adjacent and nearby blocks.

The Commission notes that the proposed Zoning Text amendment is consistent with City policy as it encourages the development of affordable housing, for which there is a great need in the Williamsburg neighborhood. The Inclusionary Housing program is already in effect in the area and the amendment would extend an existing adjacent Inclusionary Housing designated area to cover the rezoning area.

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, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d:

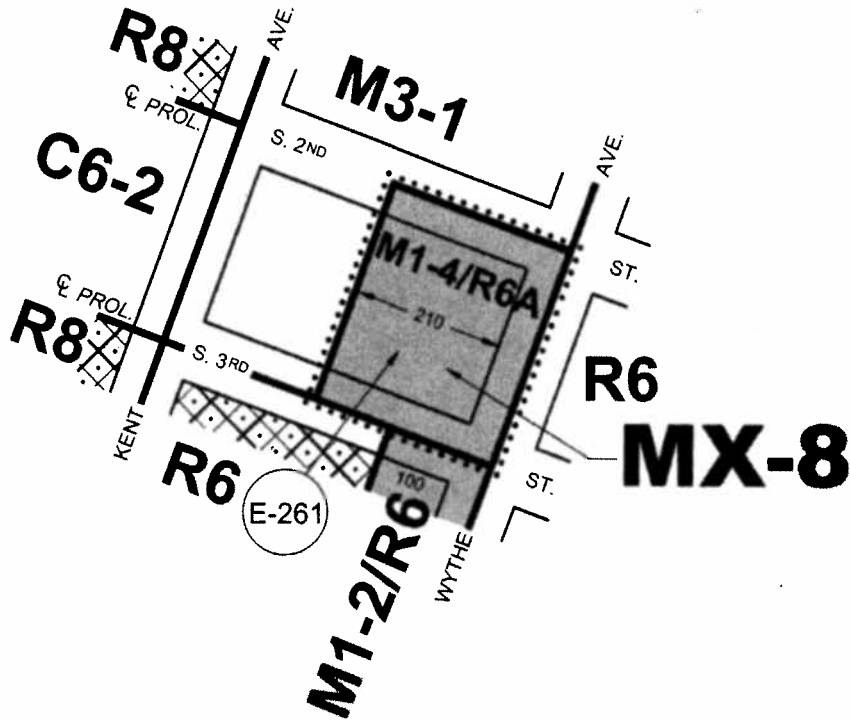
1. changing from an M3-1 District to an M1-4/R6A District property bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue; and

2. establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue;

as shown on a diagram (for illustrative purposes only) dated September 13, 2010 and subject to the conditions of CEQR Declaration E-261, in the Borough of Brooklyn, Community District 1.

The above resolution (C 070245 ZMK), duly adopted by the City Planning Commission on February 16, 2011 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

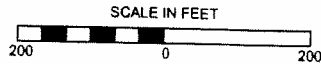
AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman,
ANGELA M. BATTAGLIA, RAYANN BESSER,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS Commissioners



New York, Certification Date
AUGUST 9, 2010

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

S. Voyages
S. Voyages, R.A. Director
Technical Review Division



- NOTE:
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing an M3-1 District to M1-4/R6A District and by establishing a Special Mixed Use District (MX-8).
 - MX-8** Indicates a Special Mixed Use District (MX-8).
 - (E) Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Community/Borough Board Recommendation

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

Application # **C 070245 ZMK**
 CEQR # **07DCP035K**
 Community District No. 01 Borough: Brooklyn
 Community District No. ___ Borough: ___
 Project Name: **Wythe Avenue Rezoning**

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by JBJ, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c:

1. changing from an M3-1 District to an M1-4/R6A District property bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue; and
2. establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated September 13, 2010 and subject to the conditions of CEQR Declaration E-261.

Applicant(s):

JBL, LLC
 45 Highwood Road
 East Norwich, NY 11732

Applicant's Representative:

Joseph Vance, AIA
 181 North 11th Street, Rm 202
 Brooklyn, NY 11211

Community Board No. 1 Borough: Brooklyn

Borough Board

Date of public hearing: 10/13/10

Location: 211 Ainslie Street
Brooklyn, NY 11211

Was a quorum present? YES NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: 11/9/10

Location: 211 Ainslie Street
Brooklyn, NY 11211

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

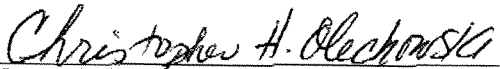
Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

Please see attached report for details.

Voting

In Favor: 15 Against: 4 Abstaining: 4

Total members appointed to the board: 48



Chairman

Community/Borough Board Officer

Title

11/10/10

v.012006w

Date

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.



COMMUNITY BOARD No. 1

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

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HON. MARTY MARKOWITZ
BROOKLYN BOROUGH PRESIDENT



RABBI JOSEPH WEBER
FIRST VICE-CHAIRMAN

HEATHER ROSLUND
SECOND VICE-CHAIRPERSON

DEL TEAGUE
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KAREN LEADER
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RECORDING SECRETARY

PHILIP A. CAPONEGRO
MEMBER-AT-LARGE

CHRISTOPHER H. OLECHOWSKI
CHAIRMAN

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

HON. DIANA REYNA
COUNCILMEMBER, 34th CD

November 9, 2010

Land Use, ULURP and Landmarks (Subcommittee) Committee Report

TO: Chairman Christopher H. Olechowski
CB #1 Board Members

FROM: Ms. Heather Roslund, Committee Chair

Meeting Date: Wednesday, October 27th, 2010

Attending: Heather Roslund, Chair, Ward Dennis, Del Teague, Jose Leon, Abraham Perstein and Solomon Bondo.

1. COMPREHENSIVE VIEW ON DENSITY AND DEVELOPMENT WITHIN CB#1

The meeting began with a discussion of the general concerns of the community going back to the 2005 rezoning, continuing through the rezoning of Domino as well as spot re-zonings throughout the district. These concerns focus on the following key points:

- Increase in density
- Loss of affordable housing
- Displacement of light manufacturing
- Lack of open space
- Inadequate infrastructure
- Overburdened transportation systems.

We all know that the EIS performed during the 2005 rezoning was based only upon that application. At that time, the Board's position was that the Department of City Planning (DCP) inadequately addressed the negative impacts noted above and indicated in that EIS. Since then, DCP has imposed even greater density upon the community, via the two follow-up inland re-zonings resulting in several R6A designations and a few R7A designations. DCP has further exacerbated the situation by approving the egregious density resulting from the re-zoning of the Domino complex earlier this year.

It is unclear where we stand at the moment on the promise of ameliorative actions made to us by the City in connection with the 2005 rezoning, or whether the City has ever considered the cumulative effect of these rezonings.

A motion was therefore made to recommend to Brooklyn Community Board #1 that we, as a Board, take a comprehensive look at these issues that are of utmost importance to the stability, vitality and livability of our community and reiterate our position so that going forward we continue to speak with a unified voice.

Approved: 5 in favor, 0 against, 0 abstentions.

**2. NYC DEPARTMENT OF CITY PLANNING – WYTHE AVENUE REZONING (#C 070245 ZMK) –
In the matter of an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:**

(1.) changing from an M3-1 District to an M1-4/R6A District property bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue; and

(2.) establishing a Special Mixed Use District (MX-8) bounded by South 2nd Street, Wythe Avenue, South 3rd Street, and a line 210 feet northwesterly of Wythe Avenue;

Borough of Brooklyn, Community District 1,

Applicant – JBJ, LLC.

Representative – Joseph Vance, AIA

This is a rezoning application as described above. The representative, Joseph Vance, AIA, made the presentation and answered questions posed by committee members and residents of the community who were present.

Although the rezoning will comprise the entire eastern half of the block, the development proposed by JBJ, LLC and presented to the committee is only for the site owned by the applicant and occupying a portion of the area in the application.

If this zoning application were to be approved, JBJ, LLC's development that will conform to the proposed Zoning District, be a total of 104,396 square feet and be comprised of retail space on the ground floor with 59 units of market rate housing and 18 units of affordable housing in a building 70 feet in height.

Mr. Vance explained that they chose this particular designation as other portions of Williamsburg, primarily in the Northside, were rezoned to MX-8 (M1-2/R-6A) Districts in 2005.

He then further described the various components of this Zoning District. The MX-8 allows for a mixed-use building and for the provision of Inclusionary Zoning to facilitate the development of affordable housing. The R6A designation allows a Base Floor Area Ratio of 2.7 without the inclusion of Affordable housing, and a Maximum Floor Area Ratio of 3.6 with the inclusion of Affordable Housing. The M1-4 allows for the same commercial uses as the M1-2, but with a lesser parking requirement.

The discussion focused primarily on the scale and density of the adjacent Southside neighborhood to the east and on the nuisances caused by the proliferation of bars/restaurants in the area. After some discussion, the committee agreed upon the following:

Whereas the entire community is already overburdened with a major increase in population and the Southside is particularly underserved in terms of transportation, infrastructure and open space, as discussed in item #1 of this report, and

Whereas the Southside is comprised primarily of three to five story residential buildings with a scattering of retail within an R6 District which would yield an FAR between 2.0 to 2.43 for new development, and

Whereas an MX-8 (M1-4/R6B) District limits the maximum building height to 50 feet which is compatible with the scale of the existing Southside, and

Whereas an MX-8 (M1-4/R6B) District still allows for Inclusionary Zoning but with a Base Floor Area Ratio of 2.0 without the inclusion of Affordable housing, and an Maximum Floor Area Ratio of 2.2 with the inclusion of Affordable Housing, and

Whereas an MX-8 (M1-4/R6B) District still allows mixed-use buildings which could accommodate light manufacturing, yoga studios, office space or other commercial uses better suited to the needs of the community, but also allows bars and restaurants, and

Whereas an MX-8 (M1-4/R6B) District reduces the required parking for the commercial component which further reduces the overall bulk of the building, and

Whereas we are approving a zoning application and not a development, there is no guarantee of affordable housing, and

Whereas this application will in all likelihood set a precedent for the eventual rezoning of the three half block parcels in the immediate area that remain M3-1,

We therefore deny the application with the following recommended modifications:

- **The residential designation be changed from R-6A to R-6B.**
- **The applicant commit to exploring alternative commercial uses better suited to the needs of the community.**
- **A deed or other restriction accompany the application to insure the exclusion of bars/restaurants in new developments.**

Approved: 3 in favor, 2 against, 1 abstention.

**3. NYC BOARD OF STANDARDS AND APPEALS – SPECIAL PERMIT (CAL. # 181-10-BZ)
143 Roebling Street (aka 143/155 Roebling Street, 314/330 Metropolitan Avenue and 1/19 Hope Street – corner of Roebling Street, Metropolitan Avenue and Hope Street) Block 2368, Lot 1**

Application for a special permit for a waiver of on-lot and near-to-lot parking spaces in connection with alteration work upon existing residential floor area to establish 90 residential apartments at 143 Roebling Street

Applicant – Patrick W. Jones, P.C.

This is an as-of-right conversion of a complex of existing loft buildings from manufacturing to residential. The applicant is proposing 90 dwelling units. The Zoning resolution requires that parking be provided for 50% of the units, or 45 parking spaces. The Zoning Resolution further stipulates per section 73-46 "Waiver of Requirements for Conversions", that:

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 #: 070245 ZMK 070246 ZRK

Wythe Avenue Rezoning

In the matter applications submitted by JBJ, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map and Zoning Text to change the zoning designation of the eastern half of the block bounded by Wythe Avenue to the east, South 3rd Street to the south, Kent Avenue to the west and South 2nd Street to the north from M3-1 to a Special Mixed-Use district.

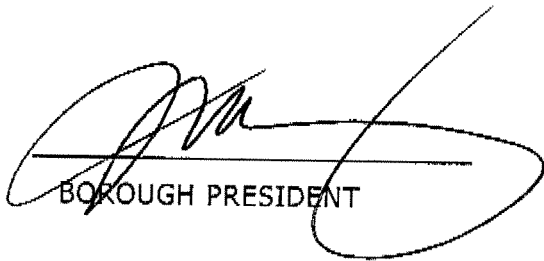
COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS


BOROUGH PRESIDENT

December 10, 2010

DATE

**RECOMMENDATION FOR THE FOLLOWING
PROPOSED ACTIONS: AMENDMENT OF THE ZONING MAP & ZONING TEXT
070245 ZMK, 070246 ZRK**

These applications by JBJ LLC seeks an amendment to the zoning map and text in order to facilitate the development of a mixed-use building with ground floor retail in the Williamsburg community.

Public Hearing

On December 1, 2010 the borough president held a public hearing for the Wythe Avenue rezoning proposal. Speakers in opposition to the application raised concerns pertaining to: disturbance of their quality-of-life as a result of the out-of-context height permitted by the proposed zoning, which would likely be fully utilized by developers; its overburdening on the infrastructure such as schools, mass transit and increased street traffic due to the density of the project as it translates to an influx of new residents into the area; and, noise and inappropriate public behavior associated with those that patronize the ever increasing number of bars.

Consideration

Community Board 1 (CB1) voted to disapprove the application unless certain conditions were met by the applicant. These included: changing the proposed residential designation from R6A to R6B; that the applicant explore commercial uses for the retail space that are suited to the needs of the community; and, a guarantee that bars and/or restaurants are excluded from the new development through an acceptable type of restriction.

HEIGHT

The location for the applicants' proposed development lies across the street from the upland site that was recently rezoned as part of the New Domino proposal. In the Borough President's recommendation report for that block, he generally supported the position of the community board to limit the bulk proposed for the upland site per the R6A zoning district bulk standards. Though, the City Planning Commission (CPC) and City Council approved the New Domino's application for that block allowing for heights that the borough president believed to be out-of-context with the surrounding area. Given this application's proximity to where the borough president supported identical bulk standards as proposed, the borough president believes the requested residential zoning is appropriate to establish bulk standards for the applicant's site.

The borough president notes that the adjacent area east of Wythe Avenue remains R6 and therefore lots could be redeveloped at heights significantly taller than what typically exists on those blocks. It is appropriate for the Department of City Planning (DCP) to undertake a rezoning of those blocks, in consultation with CB1 and local elected officials, to contextual districts as a means to ensure that heights on those blocks would remain in context.

INFRASTRUCTURE

As a result of recent rezonings in the area, such as the comprehensive zoning by DCP and private applications such as the New Domino, the infrastructure constraints

will need to be addressed to accommodate additional populations. The borough president included recommendations in his decision regarding the New Domino that contained many concepts meant to address this anticipated population increase. These recommendations remain applicable even when taking into account the proportionately few extra persons that would move to this area as part of development on the applicant's property. In the New Domino report, for example, he calls for the establishment of a school as well as service changes to the public transit in the area. It is important that the appropriate agencies respond in a timely manner to address such infrastructure demands as a means to minimize quality-of-life intrusions for those already residing in the neighborhood.

AFFORDABLE HOUSING

The applicant, as part of the proposal, expressed intent to use the floor area bonus which is granted under the Zoning Resolution's Inclusionary Housing Program (IHP). The IHP's affordable housing set aside is consistent with the borough president's "Affordable Forever" initiative as floor area would remain affordable for the life of the development. However, the affordable units proposed are not guaranteed as the applicant is not obligated to use the IHP bonus. As such, the borough president sought a guarantee from the developer that will ensure these units will be a part of the final project that gets built.

Subsequent to the hearing, the borough president received a letter (attached) dated, December 6, 2010, from the applicant detailing plans to memorialize the commitment to develop affordable units as part of this project through a declaration recorded against the properties. While the borough president appreciates applicants' intent with this letter, he believes the CPC and City Council should require this declaration to be filed prior to granting the rezoning.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and the City Council in regards to the requested Zoning Map and Zoning Text Amendments, approve with the following condition:

- That prior to City Council review, the applicant provides a declaration binding the development to the filing of an affordable housing plan approved by the Department of Housing Preservation and Development.

Be it further resolved that:

That DCP undertakes a zoning study of the adjacent R6 designation across Wythe Avenue for the purposes of rezoning to contextual zoning district designations in consultation with CB1 and local elected officials.

December 6, 2010

VIA HAND DELIVERY

JBJ, LLC
c/o: Bruce Terzano
45 Highwood Road
East Norwich, NY 11732
gcataxi@optonline.net

Hon. Marty Markowitz
Office of The Brooklyn Borough President
Brooklyn Borough Hall
209 Joralemon Street
Brooklyn NY 11201

Re: ULURP Applications: 070245ZMK and N070246ZRK (the "Application")
Block 2415, Lots 27, 28, 29, 30, 31, 32, 36, and 37 (the "Premises")

Dear Borough President Markowitz:


On behalf of JBJ, LLC, the owner of the above referenced Premises (the "Owner"), we are writing with regard to the above referenced Application, which includes a zoning map amendment for the Premises. As you know, the Application proposes to make the Zoning Resolution's Inclusionary Zoning program applicable to the Premises and surrounding properties.

The Owner is fully committed to developing the Premises utilizing the additional floor area made available by the Inclusionary Zoning program. We look forward to working with your office to identify local non-profit housing organizations that we can work with to develop as much as 20,879 square feet or 18 units of affordable housing on-site or within Community Board 1 (the "Affordable Housing"). We are prepared to memorialize this commitment in the form of a declaration, to be recorded against the Premises upon completion of the ULURP process. Such a declaration would provide that we will not apply for a Certificate of Occupancy from the New York City Department of Buildings for any residential building on the Premises until we execute an affidavit stating that an affordable housing plan for the Affordable Housing has been filed with and approved by the Commissioner of the Department of Housing Preservation and Development in accordance with ZR section 23-90, inclusive. The declaration would expire of its own accord eight years after City Planning Commission approval of the Application and our compliance would be contingent upon public funding availability for the Affordable Housing and 421-a availability for the market-rate portion.

Hon. Marty Markowitz
December 6, 2010
Page 2

We will keep you posted on our progress. If you have any comments or questions, do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Terzano', written over the word 'Sincerely,'.

JB, LLC
By: Bruce Terzano

cc: Richard Bearak