



CITY PLANNING COMMISSION

February 13, 2008/Calendar No. 19

C 060377 ZMK

IN THE MATTER OF an application submitted by Thomas Klein LLC Pursuant to Sections 197c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an M1-2 District to an R7-1 District property bounded by Wallabout Street, Lee Avenue, Flushing Avenue, and the northerly centerline prolongation of Walworth Street; and
2. establishing within the proposed R7-1 District, a C2-4 District bounded by a line midway between Wallabout Street and Flushing Avenue, Lee Avenue, Flushing Avenue, and the northerly centerline prolongation of Walworth Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes) dated September 17, 2007 and subject to the conditions of CEQR Declaration E-199.

The application for an amendment of the Zoning Map was filed by Thomas Klein LLC on March 6, 2006 to facilitate the development two 6-story residential buildings containing 110 dwelling units and ground floor community facility and commercial space located on the south side of Wallabout Street and the north side of Flushing Avenue, between Lee and Bedford Avenues, in the South Williamsburg neighborhood of Brooklyn, Community District 1.

BACKGROUND

The applicant is seeking to amend the Zoning Map to rezone the eastern portion of Block 2263 from M1-2 to R7-1 with a C2-4 commercial overlay along Flushing Avenue. The area to be rezoned is bounded by Wallabout Street to the north, Lee Avenue to the east, Flushing Avenue to the south and the extension of the centerline of Walworth Street to the west. The area is currently zoned M1-2, and is adjacent to an R7-1 district to the north and east.

The proposed Zoning Map amendment would facilitate the development of a 50,000-square-foot site, which is owned by the applicant and which makes up the western portion of the rezoning area. This site fronts on both Wallabout Street and Flushing Avenue and is currently occupied by vacant one-story warehouse and factory buildings and two 4-story former knitting factories, which are also currently vacant.

The lots within the proposed rezoning area that are not part of the applicant's development site total approximately 37,000 square feet and contain a mix of uses. A vacant warehouse and a residential building with commercial use on the ground floor are located in the northeastern portion of the rezoning area. The southeastern portion of the rezoning area is occupied by vacant lots and by 2- to 4-story residential, commercial, and mixed-use buildings containing apartments, retail establishments and a home improvement store.

Properties west of the proposed rezoning area on the subject block are zoned M1-2 and, at the western end of the block, R7-1. These properties are occupied by one- to two-story buildings containing a variety of industrial and commercial uses and by 6-story residential buildings at the western end of the block. Blocks to the south are zoned M1-2. One- to four-story industrial and commercial buildings predominate there, with some residential use along Flushing Avenue. Areas to the north and east are zoned R7-1 and are characterized by 3- to 8-story residential buildings and institutional uses including schools and houses of worship. Marcy Houses, a multi-block public housing complex, is located directly southeast of the rezoning area, in an R6 district. The rezoning area is located one block east of the Flushing Avenue G-train station, and is within five blocks of five bus lines.

The existing M1-2 district permits light manufacturing and commercial uses with a maximum FAR of 2.0 and community facility uses to an FAR of 4.8. R7-1 districts permit residential uses with a maximum FAR of 3.44 and community facility uses with a maximum FAR of 4.8. C2-4 commercial overlay districts permit local retail uses with a maximum FAR of 2.0 (limited to the ground floor in a mixed building).

The applicant intends to develop on his property, two 6-story quality housing residential buildings with ground-floor retail along Flushing Avenue. The proposed development would total approximately 184,000 square feet and have an FAR of 3.68, with 110 dwelling units, 2,850 square feet of community facility space, 9,850 square feet of retail space, and 55 parking spaces below grade. The proposed buildings would rise to a height of 55 feet at the street wall, and to a total height of 65 feet after a 15 foot setback.

ENVIRONMENTAL REVIEW

This application (C 060377 ZMK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 06DCP007K.

After a study of the potential environmental impacts of the proposed action, a Conditional Negative Declaration, signed by the applicant, was prepared on September 17, 2007 stating the following:

The applicant, Thomas Klein, agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The conditional negative declaration included (E) designations for hazardous materials, air quality and noise. The (E) designations for hazardous materials would be placed on all of the development sites not under the control of the applicant. These sites are comprised of the following parcels: Block 2263, Lots 43, 44, 46, 47, 52, 56, 57, 58, 59, 60, and 61. Properties controlled by the applicant would be subject to the restrictive declaration discussed above.

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental Protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) (pursuant to Section 11-15 of the Zoning Resolution – Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by DEP.

To avoid any potential impacts associated with air quality or noise, the proposed action would place (E) designations on the following projected development sites: Block 2263, Lots 30, 31, 37, 43, 44, 46, 47, 52, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, and 67.

The text of the (E) designation for air quality for the above properties is as follows:

Any new residential and/or commercial development on the above-referenced property must use

natural gas as the type of fuel for HVAC systems.

The text of the (E) designation for air quality for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order 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 or air conditioning sleeves containing air conditioners or HUD-approved fans.

The applicant signed the conditional negative declaration on September 6, 2007. The conditional negative declaration was published in the City Record on September 26, 2007 and in the New York State Environmental Notice Bulletin on September 26, 2007. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the conditional negative declaration was issued on February 11, 2007.

UNIFORM LAND USE REVIEW

This application (C 060377 ZMK) was certified as complete by the Department of City Planning on September 17, 2007, and was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on October 10, 2007, and on November 14, 2007 by a vote of 44 to 1 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Brooklyn Borough President who issued a recommendation approving the application on December 17, 2007.

City Planning Commission Public Hearing

On December 19th, 2007 (Calendar No. 1), the City Planning Commission scheduled January 9, 2008, for a public hearing on this application (C 060377 ZMK). The hearing was duly held on January 09, 2008 (Calendar No.18).

There was one speaker in favor of the application, and none in opposition. The applicant appeared in favor and testified that the proposed buildings were in scale with surrounding residential development and that the developer plans to market the dwelling units to middle income families from the surrounding community. There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes the application for a Zoning Map amendment changing from an M1-2 District to an R7-1 District, with a C2-4 commercial overlay on the eastern portion of Block 2263 is appropriate.

The proposed action would extend an existing R7-1 district over the rezoning area to facilitate the development of a vacant 50,000 square foot site with an approximately 184,000-square-foot development containing 110 dwelling units. The proposed action would also map a C2-4 overlay along Flushing Avenue to maintain and encourage retail activity along this commercial

corridor. Residential and commercial uses are appropriate within the rezoning area, which is currently occupied by vacant buildings and by residential, commercial, and mixed-use buildings.

Residential buildings within the rezoning area are and would be part large residential community.

Under existing zoning, 75% of the lots within the rezoning area are conforming and 80% of the lots have FARs within the maximum permitted FAR. Under the proposed zoning, all lots would comply with the maximum permitted FAR and uses on 55% of existing lots would conform. If the proposed development is completed, uses on all lots would conform, with the exception of the currently vacant warehouse building in the northeastern corner of the rezoning area.

RESOLUTION

RESOLVED, the City Planning Commission finds the action described herein will have no significant impact on the environment subject to the following conditions:

The applicant, Thomas Klein, agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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. 13b:

1. changing from an M1-2 District to an R7-1 District property bounded by Wallabout Street, Lee Avenue, Flushing Avenue, and the northerly centerline prolongation of Walworth Street; and
2. establishing within the proposed R7-1 District, a C2-4 District bounded by a line midway between Wallabout Street and Flushing Avenue, Lee Avenue, Flushing Avenue, and the northerly centerline prolongation of Walworth Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes) dated September 17, 2007 and which includes CEQR Designation E-199.

The above resolution (C 060377 ZMK), duly adopted by the City Planning Commission on February 13, 2008 (Calendar No. 19), 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, AICP, Chair
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