



IN THE MATTER OF an application submitted by Borough Park Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 58th Street, 16th Avenue, 59th Street and a line 150 feet northwesterly of 16th Avenue; and
2. changing from an existing R5 District a C4-4A District property bounded by 58th Street, 16th Avenue, 59th Street and a line 100 feet northwesterly of 16th Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated February 18, 2020, and subject to the conditions of CEQR Declaration E-565.

This application for a zoning map amendment was filed by Borough Park Realty, LLC on August 18, 2019 to eliminate a C2-2 commercial overlay and change the underlying R5 zoning district to a C4-4A zoning district. This application, in conjunction with the related zoning text amendment (N 200063 ZRK), would facilitate the construction of a five-story, approximately 16,000-square-foot commercial office building at 5802, 5804, and 5806 16th Avenue (Block 5502, Lots 38, 39, and 40) in the Borough Park neighborhood of Brooklyn, Community District 12.

RELATED ACTIONS

In addition to the zoning map amendment (C 200062 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 200063 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant is requesting a zoning map amendment to eliminate a C2-2 overlay and change the underlying R5 zoning district to a C4-4A zoning district, as well as a zoning text amendment to designate a new MIH area coterminous with the proposed C4-4A zoning district. The project area includes the entirety of the area to be rezoned, located on the west side of 16th Avenue, between 58th Street and 59th Street, and is comprised of eight full and two partial lots. Six lots would be rezoned from R5/C2-2 zoning districts to a C4-4A zoning district (Block 5502, Lots 37, 38, 39, 40, 41, and 43), and all or part of four lots would be rezoned from R5/C2-2 zoning districts to an R5 zoning district (Block 5502, Lots 35, 49, p/o Lot 7502, and p/o Lot 50). A portion of the Long Island Railroad (LIRR) right-of-way that extends into the street at 16th Avenue and 59th Street would be rezoned from an R5 zoning district to a C4-4A zoning district (Block 5509, p/o Lot 41). The zoning districts in the project area have been in place since the Zoning Resolution (ZR) was adopted in 1961.

The project area includes the development site, as well as all or portions of six sites that are not under applicant control and are not anticipated to result in development from the proposed actions. The portion of the project area that would be rezoned to a C4-4A zoning district would include the development site, as well as three other sites. The development site is comprised of three lots located at 5802, 5804, and 5806 16th Avenue (Block 5502, Lots 38, 39, and 40, respectively) with a combined total lot area of approximately 4,000 square feet. The development site is improved with three vacant three-story buildings with a total floor area of approximately 9,700 square feet, resulting in a non-complying floor area ratio (FAR) of 2.43. 1574 58th Street (Block 5502, Lot 37) has a lot area of approximately 3,700 square feet and is improved with a one-story community facility that is approximately 3,200 square feet (0.88 FAR). 5808 16th Avenue (Block 5502, Lot 41) has a lot area of approximately 2,400 square feet and is improved with a two-family, two-story residential building that is approximately 3,300 square feet (1.36 FAR). 5822 16th Avenue (Block 5502, Lot 43) has a lot area of 10,000 square feet and is improved with a two-story, approximately 8,900-square-foot building (0.89 FAR) used as the precinct house for the New York City Police Department's 66th Precinct.

The remainder of the project area would eliminate the existing C2-2 overlay, leaving the underlying R5 zoning district in place. 1566 58th Street (Block 5502, Lot 7502) has a lot area of approximately 4,500 square feet, and is improved with a three-story, approximately 5,900-square-foot residential condominium building with three dwelling units. 1565 59th Street is comprised of two lots under common ownership (Block 5502, Lots 49 and 50). Lot 49 has a lot area of approximately 2,000 square feet and is vacant. Lot 50 has a lot area of approximately 4,000 square feet and is improved with an approximately 6,500-square-foot two-story mixed-use building with a daycare facility and four dwelling units.

The surrounding area north of 60th Street is characterized by low- to medium-density residential uses. There is a mix of detached, semi-detached, and attached homes in the area, generally two- or three stories high and containing one- to three dwelling units. Several four- to six-story multifamily apartment buildings are also located in the surrounding area. Nearby blocks south of 60th Street are primarily characterized by commercial and industrial uses, largely in one-story warehouse buildings. Community facility and low-scale residential uses are also located amongst these more intense uses.

60th Street is a major east-west corridor in Borough Park. The uses along 60th Street range from one- and two-family homes to building supply and automotive related uses. East of 16th Avenue, 60th Street contains primarily two- and three-story residential uses with some commercial and community facility uses at block ends. 16th Avenue is a main north-south corridor with a range of uses that varies by block. From 58th Street to 64th Street, uses facing 16th Avenue include automotive uses, a furniture retailer, tool rental, a tattoo parlor, medical care facilities, schools, and residential uses. Between 56th Street and 58th Street, the uses located along 16th Avenue consist primarily of residential and community facility uses. North of 56th Street, 16th Avenue is a local commercial corridor with local services, retail uses, and community facilities located within the ground floor spaces of two- to four-story mixed-use buildings with residential uses above.

The project area is well served by transit and is located approximately one half-mile from the combined New Utrecht Avenue and 62nd Street stations, providing service to the N and D

subway lines, respectively, as well as the 18th Avenue station, providing service to the N subway line. The B9 bus line, which runs along 60th Street between Bay Ridge and Kings Plaza Shopping Center in Marine Park, and the B8 bus line, which runs along 18th Avenue between Fort Hamilton and Brookdale Hospital in Remsen Village, are accessible within approximately one-quarter mile. The Bay Ridge Branch freight line, owned by the LIRR, runs in an open rail cut located below grade, crossing diagonally through blocks in the surrounding area.

Much of the area north of 60th Street is located within R5 and R6 zoning districts. R5 is a low-density residential zoning district that allows a maximum FAR of 1.25 for residential uses and 2.0 for community facility uses in buildings up to 40 feet high with a maximum perimeter wall height of 30 feet. One- to three-family residential buildings in the area may use the optional bulk provisions pursuant to ZR Section 23-16, which allow a maximum FAR of 1.8 on interior and through lots, and 1.65 on corner lots. When paired with an R5 zoning district, C2-2 overlays allow commercial uses serving local retail needs at a maximum FAR of 1.0.

In R6 zoning districts, residential uses using height factor regulations are allowed an FAR between 0.78 to 2.43, and community facility uses are allowed a maximum FAR of 4.8. Building height is governed by a sky exposure plane that starts at 60 feet. The optional bulk provisions pursuant to ZR Section 23-16 allow one- to three-family residences with a maximum FAR of 1.95 on interior and through lots, and 1.65 on corner lots. Alternatively, buildings built using Quality Housing regulations are allowed a maximum residential FAR of 3.0 on wide streets and 2.2 on narrow streets, as well as a maximum community facility FAR of 4.8.

The area south of 60th Street is largely zoned M1-1, which allows many commercial and light industrial uses with a maximum FAR of 1.0, and certain community facility uses with a maximum FAR of 2.4. Residential uses are not permitted in M1-1 zoning districts.

An R6A zoning district is mapped on a portion of a block just south of 60th Street and west of 16th Avenue. R6A districts are contextual residential districts where Quality Housing bulk regulations are mandatory. Residential and community facility uses have a maximum allowable

FAR of 3.0. Buildings in R6A zoning districts may have a maximum street wall height of 60 feet before setting back, with an overall maximum building height of 70 feet.

The proposed C4-4A zoning district would allow a maximum FAR of 4.0 for commercial uses, along with residential and community facility uses with a bulk equivalent to R7A districts. R7A zoning districts allow a maximum FAR of 4.6 for residential uses with inclusionary housing and a maximum FAR of 4.0 for community facility uses. Buildings in C4-4A zoning districts may rise up to nine stories or 95 feet and must have a base wall height between 40 and 75 feet.

To facilitate the proposed development, the applicant is seeking a zoning map amendment and a zoning text amendment. The proposed rezoning would eliminate the remaining C2-2 overlay zoning district on Block 5502 between 58th Street and 59th Street.

The proposed rezoning from R5/C2-2 to C4-4A would facilitate the development of a five-story commercial office building with approximately 16,000 square feet of floor area (3.99 FAR). The proposed development would have a streetwall and overall building height of 61 feet. The building entrance would be located on the west side of 16th Avenue. An approximately 13-foot side yard is proposed along the boundary with Lot 37, along the western side of the lot. The proposed building would accommodate 75 to 100 new and existing employees of Chartwell Pharmaceuticals performing office-based functions that support the business' drug manufacturing process, based in Congers, New York. The existing employees that would work in this building would be relocated from rented office space on 16th Avenue and from the Congers facility.

The applicant also proposes a zoning text amendment (N 200063 ZRK) to Appendix F of the ZR to establish an MIH area coterminous with the proposed C4-4A zoning district. The proposed text amendment would map MIH Options 1 and 2. Option 1 requires that 25 percent of residential floor area be set aside for households with incomes averaging 60 percent of the Area Median Income (AMI), with 10 percent of the residential floor area set aside for households with incomes averaging 40 percent of the AMI. Option 2 requires that 30 percent of the residential floor area be set aside for affordable units for households with incomes averaging 80 percent of

the AMI. No more than three income bands can be used and no income band can exceed 130 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 200062 ZMK), in conjunction with the application for the related action (N 200063 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 Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 20DCP022K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 18, 2020. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-565). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

In response to the COVID-19 pandemic, the Mayor issued Emergency Executive Order No. 100 on March 16, 2020 that suspended certain time requirements relating to the Uniform Land Use Review Procedure (ULURP) and other land use processes as of March 12, 2020. The suspension included portions of sections 195, 197-c and 197-d of the New York City Charter, as well as sections of the Administrative Code and the Rules of the City of New York, pertaining to time limitations. The CPC ceased meeting immediately after issuance of the Executive Order until August 3, 2020, when the regular schedule of meetings was resumed. The ULURP time requirements suspended by Emergency Executive Order No. 100 began running on September 14, 2020.

This application (C 200062 ZMK) was certified as complete by the Department of City Planning on February 18, 2020, and was duly referred to Brooklyn Community Board 12 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 application for a zoning text amendment (N 200063 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 12 held a public hearing on this application (C 200062 ZMK), and the related application (N 200063 ZRK) on November 24, 2020, and on that date, by a vote of 28 in favor, none opposed, and one abstention, recommended disapproval of the application.

The Community Board recommended disapproval due to concerns expressed by nearby residents of having a commercial office building near their homes, and the anticipated impact that such use would have on parking and traffic congestion in the area.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 200062 ZMK) and the related application (N 200063 ZRK) on November 10, 2020, and on November 25, 2020, issued a recommendation to disapprove the application.

In his consideration, the Borough President cited a concern that the bulk and uses allowed by the proposed C4-4A zoning district would be inappropriate adjacent to a low-rise residential area.

The Borough President further encouraged the applicant to seek property within commercial or light-manufacturing zoning districts that exist in the greater area, which include C4-3, C8-1, and M1-1 zoning districts.

City Planning Commission Public Hearing

On November 18, 2020 (Calendar No. 1), the City Planning Commission scheduled December 2, 2020 for a public hearing on this application (C 200062 ZMK) in conjunction with the related application (N 200063 ZRK). The hearing was duly held on December 2, 2020 (Calendar No. 6). Seven speakers appeared in favor of the application and none in opposition.

Speakers testifying in favor of the application included five members of the project team. The applicant and applicant's representative discussed the intent of the proposed development, which

would allow the applicant's company, Chartwell Pharmaceuticals, to consolidate employees providing office-based functions into a single location, while providing employment opportunities closer to where many of the company's existing workforce live. Noting that he was a resident of the neighborhood, the applicant described Borough Park as a largely walk-to-work neighborhood, and noted that many employees at Chartwell Pharmaceutical's Rockland County location currently commute from Borough Park. The applicant also noted that, despite a multi-year search aided by commercial property brokers for existing commercial sites within the neighborhood, it was unsuccessful in locating alternative suitable locations.

A consultant for the applicant discussed the appropriateness of a C4-4A district, noting that the City Planning Commission recently approved an R7A/C2-4 zoning district nearby on 60th Street (C 200086 ZMK), and describing the necessity of a C4 zoning district to allow the commercial density needed to facilitate job growth in outer borough locations. In response to questions about potential parking impacts from the proposed development, the applicant representative noted that the environmental review found no transportation impacts. The applicant also noted that any parking demand for office employees would be during normal business hours, when parking availability in the area is greater than during the evenings.

The applicant representative described surrounding zoning and context, noting the high-intensity zoning districts surrounding the LIRR's Bay Ridge Branch freight rail line. He noted the nature of 16th Avenue as a commercial corridor, with many non-residential uses, including institutional, local retail, office, and higher-intensity commercial uses.

An attorney representing the applicant representative spoke in favor of the application, noting the disproportionately higher rates of office-based employment and commuting to work via walking in the Borough Park neighborhood compared to Brooklyn at large.

Two managerial employees of Chartwell Pharmaceuticals and residents of the neighborhood testified in favor of the application, noting support for jobs within their respective departments to be located within Borough Park rather than at the company's upstate location.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning map amendment (C 200062 ZMK), in conjunction with the related application for a zoning text amendment (N 200063 ZRK), is appropriate.

The proposed zoning changes will facilitate the redevelopment of three vacant buildings with a five-story commercial office building for up to 100 employees of Chartwell Pharmaceuticals. The C4-4A zoning district will allow a maximum commercial FAR of 4.0, and also allows multi-story commercial uses. Multi-story commercial uses are appropriate along 16th Avenue, which is an 80-foot-wide commercial corridor with non-residential uses ranging from schools and medical offices to automotive uses. The current zoning allows a maximum commercial FAR of 1.0, and commercial uses are limited to two stories. The development of a multi-story commercial office building in an area that is proximate to many current or potential employees is consistent with City's goals to support walk-to-work opportunities.

The Commission also believes that the C4-4A zoning district allows for an appropriate density for the proposed location, as the zoning district will be mapped on an 80-foot-wide street and is two blocks from 60th Street, a major east-west corridor that is also 80 feet wide. Furthermore, the project area is proximate to public transit, with two subway lines accessible within one-half mile of the project area, and a bus stop two blocks away on 60th Street.

While the Commission notes the concerns expressed in the Community Board's and Borough President's considerations about a commercial office building next to lower-scale residential uses, the Commission believes that a C4-4A zoning district is appropriate given the varied nature of uses along 16th Avenue. Non-residential uses along 16th Avenue are located in standalone buildings as well as in mixed-use buildings with residential uses.

The surrounding area includes a high-intensity C8-1 commercial zoning district mapped across the street from the project area and M1-1 zoning districts mapped south of the project area.

Within this context, the Commission believes that the limited use groups allowed within C4-4A districts are appropriate and not incompatible with nearby residential uses. The Commission also notes that the proposed rezoning is consistent with recently-approved actions in the area.

The proposed zoning text amendment (N 200063 ZRK) is appropriate. The applicant proposes to map MIH Options 1 and 2 on an area coterminous with the proposed C4-4A zoning district. The proposed C4-4A zoning district will allow for a substantial increase in the allowed residential density, from a maximum residential FAR of 1.25 under the current R5/C2-2 zoning district to a maximum residential FAR of 4.6. The increase in residential density is consistent with the goals outlined in *Housing New York* and would ensure that future residential development within the project area will contain permanently affordable housing.

The Commission notes the recommendations from the Community Board and Borough President, and opposition from local residents around parking and traffic congestion, safety, and impacts to the residential character of the neighborhood. The applicant has stated that many employees of Chartwell Pharmaceuticals live within the Borough Park neighborhood and that they expect many employees to walk to the proposed development location. The applicant has also noted the proximity to transit would facilitate commuting by subway or bus, and that any parking demand by employees would occur during typical business hours, when there is greater availability of street parking.

In response to the Borough President's suggestion to consider locating the proposed office building within an existing C8-1 or M1-1 districts nearby, or the C4-3 district along 13th Avenue, the Commission notes that such zoning districts practically preclude the efficient, modern office development due to building height, density, and parking requirements.

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 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. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 58th Street, 16th Avenue, 59th Street and a line 150 feet northwesterly of 16th Avenue; and
2. changing from an existing R5 District a C4-4A District property bounded by 58th Street, 16th Avenue, 59th Street and a line 100 feet northwesterly of 16th Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated February 18, 2020, and subject to the conditions of CEQR Declaration E-565.

The above resolution (C 200062 ZMK), duly adopted by the City Planning Commission on January 6, 2021 (Calendar No. 15), 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.

MARISA LAGO, *Chair*

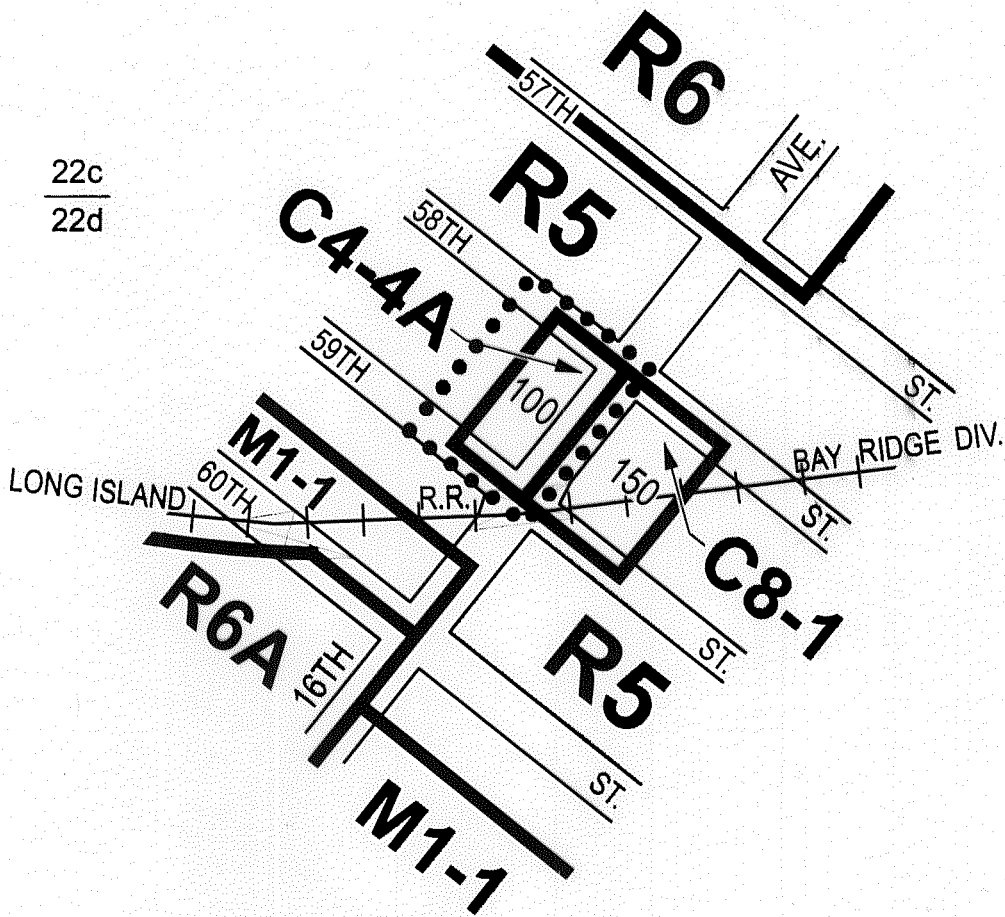
KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,

MICHELLE R. de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,

LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

22d

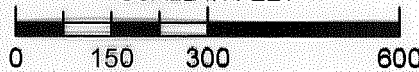
BOROUGH OF
BROOKLYN



New York, Certification Date:
February 18, 2020

S. Lenard, Director
Technical Review Division

SCALE IN FEET



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by eliminating a C2-2 District from within an existing R5 District and by changing an existing R5 District to a C4-4A District.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 16th Avenue Rezoning	
Applicant: Borough Park Realty, LLC	Applicant's Primary Contact: Sheldon Lobel, LLP
Application # 200062ZMK	Borough:
CEQR Number: 20DCP022K	Validated Community Districts: K12

Docket Description:

IN THE MATTER OF an application submitted by Borough Park Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 58th Street, 16th Avenue, 59th Street and a line 150 feet northwesterly of 16th Avenue; and

2. changing from an existing R5 District a C4-4A District property bounded by 58th Street, 16th Avenue, 59th Street and a line 100 feet northwesterly of 16th Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated February 18, 2020, and subject to the conditions of CEQR Declaration E-565.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 28	# Against: 0	# Abstaining: 1	Total members appointed to the board: 29
Date of Vote: 11/24/2020 12:00 AM		Vote Location: Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 11/25/2020 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Zoom

CONSIDERATION: The Board voted to oppose this application because of the overwhelming opposition from the residents in the area to a commercial office building being constructed on their block. The concerns they outlined at the public hearing was the impact to parking, the increase in traffic congestion to the area, the impact to the police station, the added public safety concerns to an already concerning combination of overcrowded school busing and children playing, the environmental impact, impact to the residential atmosphere of the neighborhood, decrease in home values, the disruption a probable years-long construction project would bring and the lack of transparency by not doing any outreach to the neighbors during this process.

Recommendation submitted by	BK CB12	Date: 11/25/2020 8:21 PM
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Email/ Fax transmittal

TO: Brooklyn Community District 12 (CD 12) Distribution	FROM: Borough President Eric L. Adams
DATE: November 25, 2020	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: iguzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: 16 TH AVENUE REZONING – 200062 ZMK, 200063 ZRK	NO. of Pages, Including Cover: 3

Attached is the recommendation report for ULURP application 200062 ZMK, 200063 ZRK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

NAME	TITLE	OFFICE	E-MAIL
Marisa Lago	Chair, City Planning Commission	(212) 720-3356	ygruel@planning.nyc.gov
Corey Johnson	Speaker, City Council	(212) 564-7557	speakerjohnson@council.nyc.gov
Winston Von Engel	Director Brooklyn, Department of City Planning (DCP)	(718) 780-8280	wvoneng@planning.nyc.gov
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Kalman Yeger	Council Member, District 44	(718) 853-2704	askkalman@council.nyc.gov
Yidel Perlstein	Chair, Brooklyn Community Board 12 (CB 12)	(718) 851-0800	bk12@cb.nyc.gov
Barry Spitzer	District Manager, CB 12	(718) 851-0800	bk12@cb.nyc.gov
Richard Lobel	Applicant's Representative, Sheldon Lobel PC	(212) 725-2727	rlobel@sheldonlobelpc.com
Richard Bearak	Director of Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

CalendarOffice@planning.nyc.gov



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 #: 16TH AVENUE REZONING – 200062 ZMK, 200063 ZRK

An application submitted by Borough Park Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to change the west side of 16th Avenue between 58th and 59th streets from R5 and C2-4 to a C4-4A district, which would be mapped to a depth of 100 feet; a zoning map amendment to eliminate the remaining 50 feet of the commercial overlay on the block, and a zoning text amendment to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. Such actions are intended to facilitate a five-story, 15,945 square-foot (sq. ft.) commercial office development at 5802 16th Avenue in Brooklyn Community District 12 (CD 12).

BROOKLYN COMMUNITY DISTRICT NO. 12

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITION

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

November 25, 2020

DATE

RECOMMENDATION FOR 16TH AVENUE REZONING – 200062 ZMK, 200063 ZRK

Borough Park Realty LLC submitted an application pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to change the west side of 16th Avenue between 58th and 59th streets from R5 and C2-4 to a C4-4A district, which would be mapped to a depth of 100 feet; a zoning map amendment to eliminate the remaining 50 feet of the commercial overlay on the block, and a zoning text amendment to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. Such actions are intended to facilitate a five-story, 15,945 square-foot (sq. ft.) commercial office development at 5802 16th Avenue in Brooklyn Community District 12 (CD 12).

Brooklyn Borough President Eric Adams held a remote public hearing on this application on November 10, 2020. There were no speakers on this item.

In response to Borough President Adams' inquiry regarding the land use rationale for promoting office development in a primarily residential neighborhood, the representative cited nearby commercial and community facility uses on 16th Avenue. The representative also emphasized the benefit of creating job opportunities for local residents.

In response to Borough President Adams' inquiry regarding the projected demand for street parking based on the number of anticipated employees, the representative stated a centralized office for Chartwell employees, who are based in Borough Park, would reduce driving to work. The representative noted that given the site's proximity to public transportation, the applicant anticipates negligible parking demand, and minimal conflicts with residential parking in the area.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, and/or New York City Department of Environmental Protection (DEP) rain gardens, the representative stated that the applicant would seek to implement a green roof and consider installing rain gardens in the public right-of-way.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the representative noted the applicant's intent to maximize MWBE and local hiring.

Consideration

Brooklyn Community Board 12 (CB 12) voted to disapprove this application on November 24, 2020.

The project area to be rezoned includes eight tax lots and part of two others, on the west side of 16th Avenue between 58th and 59th streets. The applicant-owned property consists of three lots on the block's northeast corner, occupied by identical three-story buildings, 5802, 5804, and 5806 16th Avenue. The assembled site extends 60 feet along 16th Avenue, and 66 feet along 58th Street, with a total area of approximately 4,000 sq. ft. The properties have a history of ground-floor commercial and community facility use.

The affected non-applicant lots are improved as follows: On the 16th Avenue-facing side, 5808 16th Avenue is a 3,328 sq. ft., two-story residential building, while 5822 16th Avenue is a 8,857 sq. ft., two-story precinct house for the New York City Police Department (NYPD)'s 66th Precinct; On the 58th Street-facing side, 1566 58th Street is a three-story, 5,933 sq. ft. condominium built on a 4,508 sq. ft. lot, of which 3,000 sq. ft. falls within the rezoning area; 1572 58th Street is a three-story, 2,864 sq. ft. residential building, and 1574 58th Street is a one-story, 3,214 sq. ft. mikvah (Jewish ritual bath); on the 59th Street-facing side, 1565 59th Street covers two parcels in common ownership, a vacant lot, and a two-story 6,452 sq. ft. building containing apartments and a child care facility.

The project area is located within an R5 zone, with a C2-2 commercial overlay. R5 districts permit a maximum residential floor area ratio (FAR) of 1.25 and 2.0 for community facilities, with a maximum height of 40 feet. In certain sections of CD 12-zoned R5 and R6, zoning lots containing one-, two-, or three-family homes are subject to special provisions that allow up to 1.65 FAR for corner lots and 1.8 for interior lots in the R5 district and 1.95 FAR in the R6 district. It should be noted that certain properties within the rezoning area including the applicant-owned trio, exceed these FAR limits. However, because these buildings predate the current zoning, they are considered legally non-complying. Finally, R5 districts require new residential developments to provide off-street parking for 85 percent of the dwelling units.

The surrounding context includes a mix of uses and housing types, owing to the diversity of zoning districts east, north, and south of the site. The residential areas are zoned primarily R5 and R6 north of 57th Street, with pockets of lower-density contextual zoning such as R5B and R6A south of 60th Street. Housing types include two-family homes, multi-story walkups, and elevator apartment buildings, which are concentrated north of 57th Street. Directly across the street on 16th Avenue is an isolated C8-1 district that contains several automotive uses. Half a block south of the rezoning area is an extensive M1-1 district spanning west of 17th Avenue generally south of 59th Streets. Nearby commercial overlays are mapped along both sides of 16th Avenue, north of 54th Street. Notable community facility uses include the 66th Precinct, the Seeall Academy public school, and multiple houses of worship.

The applicant is seeking to construct a five-story commercial office building to consolidate the administrative functions of Chartwell Pharmaceuticals, which manufactures medical supplies in Rockland County, New York. In order to enable such development, the existing R5/C2-2 overlay would be changed to an C4-4A district, within 100 feet of 16th Avenue, which permits a commercial FAR of 4.0. The proposed building would be constructed to approximately 3.99 FAR, and no accessory parking would be required or provided for its users.

When paired with MIH designation, the C4-4A results in a FAR of 4.6, (equivalent to an R7A district) that could be utilized exclusively for residential use or mixed development with commercial and/or community facility uses. Beyond the applicant-owned site, such rezoning might induce the redevelopment of the 5822 16th Avenue, displacing its residential occupants. The mikvah at 1578 58th Street would have the option to utilize the added air rights, though its redevelopment would be restricted to a height of 65 feet within 25 feet of the C4-4A/R5 boundary. It should be noted that any attempt to purchase air rights from the 66th Precinct site would require a separate discretionary land use action.

The existing C2-2 overlay promotes local retail uses, which are restricted to 1.0 FAR in R5 districts. The proposed elimination of commercial zoning beyond 100 feet from 16th Avenue would preserve the residential character of mid-block properties fronting 58th and 59th streets by precluding conversion of ground-floor space to undesired commercial use.

The proposed development would be accessible via multiple buses and subways. There are two subway stops southwest of the site, along New Utrecht Avenue: 62nd Street, served by the Sixth Avenue Express D train, and New Utrecht Avenue, served by the Broadway Express N train. The two stations are connected by a free transfer. The B9 bus travels along 60th Street, stopping at 15th Avenue.

Borough President Adams supports the removal of the C2-2 overlay beyond 100 feet of 16th Avenue. While he generally advocates economic opportunities for Brooklynites, he is concerned that the requested C4-4A zoning would enable inappropriate bulk and land use adjoining a largely low-rise residential area, which would be detrimental to the surrounding community. He believes that more

modest height and density based on R6B zoning, which would enable four- to five-story primarily residential development with the retained commercial overlay within 100 feet of 16th Avenue, would be more appropriate in this location.

Borough President Adams encourages the applicant to seek property in the nearby C4-3, C8, and M1 zoning districts where the proposed development would be permitted as-of-right, or more likely to receive approval for a commercial upzoning.

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 City Council disapprove this application.