



CITY PLANNING COMMISSION

February 27, 2008/Calendar No. 15

C 080213 ZMK

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

1. eliminating from within an existing R6 District a C1-3 District bounded by Grand Street, Marcy Avenue, a line midway between South 1st Street and Grand Street, and Havemeyer Street;
2. eliminating from within an existing R6 District a C1-4 District bounded by a line midway between Hope Street and Grand Street, a line 150 feet northwesterly of Havemeyer Street, Hope Street, Havemeyer Street, a line midway between Hope Street and Grand Street, Marcy Avenue, Grand Street, Havemeyer Street, a line midway between South 1st Street and Grand Street, and Roebling Street;
3. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. a line 100 feet northeasterly of Grand Street, Bedford Avenue, a line midway between Grand Street and South 1st Street, a line 150 feet southeasterly of Bedford Avenue, South 1st Street, a line 150 feet northwesterly of Bedford Avenue, a line midway between Grand Street and South 1st Street, and Berry Street; and
 - b. a line midway between Grand Street and South 1st Street, Roebling Street, South 1st Street, and a line 150 feet northwesterly of Roebling Street.
4. changing from an R6 District to an R6A District property bounded by Metropolitan Avenue, Bedford Avenue, North 1st Street, and Berry Street;
5. changing from R6 District to an R6B District property bounded by:
 - a. North 3rd Street, Metropolitan Avenue, and Berry Street; and
 - b. North 1st Street, Driggs Avenue, Fillimore Place, Roebling Street, Hope Street, Havemeyer Street, a line midway between Hope Street and Grand Street, Marcy Avenue, a line midway between Grand Street and South 1st Street, Roebling Street, South 1st Street, and Berry Street.
6. establishing within a proposed R6B District a C2-4 District bounded by:
 - a. a line 100 feet northeasterly of Grand Street, Bedford Avenue, a line midway between Grand Street and South 1st Street, a line 100 feet southeasterly of Bedford Avenue, South 1st Street, a line 100 feet northwesterly of Bedford

Avenue, a line midway between Grand Street and South 1st Street, and Berry Street;

- b. a line midway between Grand Street and South 1st Street, Roebling Street, South 1st Street, and a line 100 feet northwesterly of Roebling Street; and
- c. a line midway between Hope Street and Grand Street, a line 100 feet northwesterly of Havemeyer Street, Hope Street, Havemeyer Street, a line midway between Hope Street and Grand Street, Marcy Avenue, a line midway between Grand Street and South 1st Street, and Roebling Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 17, 2007.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on December 6, 2007, to rezone all or portions of 13 blocks in an area generally bounded by Berry Street, North Third Street, Fillmore Place, Hope Street, Marcy Avenue, and South First Street from R6 with C1-3, C1-4, C2-3, and C2-4 commercial overlays to R6B and R6A with C2-4 commercial overlays.

BACKGROUND

The Department of City Planning proposes a zoning map amendment for an approximately 13-block area in the Williamsburg neighborhood of Brooklyn, within Community District 1. The rezoning area is generally bounded by Berry Street, North Third Street, Fillmore Place, Hope Street, Marcy Avenue, and South First Street.

The Department of City Planning has undertaken these actions in response to the concerns of Community Board 1 and local residents. In recent years, buildings have been built that are out of character with the existing built context.

Neighborhood Character

Grand Street is located between the neighborhoods of Northside and Southside in the Williamsburg section of Brooklyn. The rezoning area is located two blocks east of the East River and four blocks north of the Williamsburg Bridge.

The first local ferry service between Williamsburg and Manhattan was located at the foot of Grand Street (now in Grand Ferry Park), and Grand Street developed as a major thoroughfare in Williamsburg in the early 19th century..

Today, Grand Street has a low-rise mixed-use context, functioning as a minor retail strip with a substantial residential presence on upper floors. Commercial businesses range from restaurants, boutiques and offices, to auto parts sales, bicycle repair and printing. The rezoning area is predominantly occupied by three- to four- story attached apartment buildings and row houses with commercial uses on the ground floor, though a few apartment buildings rise to six stories and some one-story commercial or industrial buildings are also present.

A varied mix of residential, commercial and manufacturing uses surround the rezoning area. To the west of the rezoning area is the East River waterfront, with manufacturing uses and Grand Ferry Park. North of the rezoning area, the Northside neighborhood consists of a mix of two- to six-story residential, commercial, industrial, and mixed use buildings. The Brooklyn-Queens Expressway is directly east of the rezoning area. South of the rezoning area, the Southside neighborhood consists largely of six-story tenement-style apartment buildings.

Zoning in the surrounding area includes a mixed-use district with designations including M1-2/R6A, M1-2/R6B, and limited M1-2/R6 to the west, north, and east, R6 in pockets to the north and more broadly mapped to the south and R6B to the north. M3-1 is mapped along the Williamsburg Waterfront, two blocks to the west.

Three subway lines stop within six blocks of the rezoning area: the L-line, at Bedford Avenue, and Lorimer Avenue, the G-line at Metropolitan Avenue, and the J, M, and Z lines at Marcy Avenue. Two bus routes also run through the rezoning area to points in Brooklyn and Queens.

Existing Zoning

The rezoning area is currently zoned R6 with C1-3, C1-4, C2-3, and C2-4 commercial overlays along Bedford and Metropolitan Avenues, and along Grand, Roebling, and Havemeyer Streets. The majority of this section of Grand Street was at one point zoned C8-2, which permits heavy commercial uses such as auto repair. Since 1986, portions of the C8-2 district have been replaced periodically with R6 and commercial overlays. In 2005, the Greenpoint-Williamsburg Rezoning replaced the last remaining C8-2 zoning along this stretch of Grand Street.

R6 permits tower construction with no height limit on large lots under the standard 1961 height factor regulations. Residential uses are permitted to a Floor Area Ratio (FAR) of 2.43 and community facility uses are permitted to an FAR of 4.8. The optional Quality Housing program permits 2.2 FAR on narrow streets and 3.0 FAR on wide streets for residential uses with building heights limited to 55 feet and 70 feet, respectively. Off-street parking is required for 70 percent of dwelling units (50 percent for Quality Housing buildings).

The 2005 Greenpoint-Williamsburg Rezoning applied the Inclusionary Housing program to portions of blocks between Bedford Avenue and Roebling Street. With the Inclusionary Housing program, R6 districts have a base FAR of 2.2, bonusable to 2.42, along narrow streets and a base FAR of 2.7, bonusable to 3.6, along wide streets.

The commercial overlays mapped within the rezoning area permit local retail and service uses. C1 overlays permit basic small-scale retail shops and offices and C2 overlays permit a slightly broader range of service uses, such as funeral homes and repair shops. C1 and C2 overlays have a maximum FAR of 2.0 when mapped in R6 districts, though commercial uses are limited to the first floor when residences are located above. C1-3 and C2-3 overlays require one parking space per 400 square feet of general retail space while C1-4 and C2-4 overlays require one parking space per 1,000 square feet of general retail space. Overlays are mapped to a depth of 150 feet along Bedford Avenue, and Roebling and Havemeyer Streets. Overlays along Grand Street are mapped at various depths to cover lots fronting on Grand Street.

Proposed Zoning

The Grand Street Rezoning would preserve neighborhood character by replacing the existing height factor R6 zoning with contextual R6B and R6A zoning districts that have height limits and that require new construction to line up with adjacent buildings. C1-3, C1-4, and C2-3 overlays would be replaced with C2-4 overlays to reflect Grand Street's presence as a local retail corridor and to provide flexibility for a variety of local commercial uses.

R6B

R6B is proposed for all blocks within the rezoning area except for one block.

R6B is a typical row house district that permits residential and community facility uses to an FAR of 2.0. Building heights are limited to 40 feet at the street, and 50 feet overall after a 10- or 15-foot setback. New development in the proposed R6B district would be required to line up with adjacent structures to maintain the existing street wall characteristics. New multifamily residences in R6B districts would be required to provide one off-street parking space for 50 percent of dwelling units.

All blocks within the rezoning area where the Inclusionary Housing program currently applies fall within the proposed R6B district. On these blocks, the permitted FAR would be 2.0, bonusable to 2.2 with the provision of affordable housing. No change in the boundaries of the Inclusionary Housing program is proposed.

R6A

R6A is proposed for one block bounded by Berry Street, Metropolitan Avenue, Bedford Avenue, and North 1st Street. Some buildings on this block rise to 55 and 60 feet tall while others are between two and four stories. This mixed context, along with the fact that Metropolitan Avenue is a wide street and a major thoroughfare, makes R6A the most appropriate zoning district for this block.

R6A is a typical apartment building district that permits residential and community facility uses to an FAR of 3.0. Building heights are limited to 60 feet at the street, and 70 feet overall after a 10- to 15-foot setback. R6A districts also have street wall line-up provisions. Off-street parking is required for 50 percent of new residential units.

C2-4 Overlays

The proposed rezoning would also change all C1-3, C1-4, and C2-3 commercial overlay districts to C2-4 in order to permit a slightly wider range of uses that would better reflect the existing uses along Grand Street and to lower the parking requirement to a level appropriate for transit-accessible locations with small lots. C2-4 districts require one off-street parking space per 1,000 square feet of general retail uses. In addition, the depths of overlays on Bedford Avenue, and Roebling and Havemeyer Streets will be reduced from 150 feet to 100 feet in order to prevent commercial uses from encroaching on the residential character of side streets.

ENVIRONMENTAL REVIEW

This application (C 080213 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 designated CEQR number is 08DCP029K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 17, 2007.

UNIFORM LAND USE REVIEW

This application (C 080213 ZMK) was certified as complete by the Department of City Planning on December 17, 2007, and was duly referred to Community Board 1 and the 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 January 8, 2008 and on that date, by a vote of 23 to 2 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on February 11, 2008 approving the application.

City Planning Commission Public Hearing

On January 30, 2008 (Calendar No. 15), the City Planning Commission scheduled February 13, 2008, for a public hearing on this application (C 080213 ZMK). The hearing was duly held on February 13, 2008 (Calendar No. 47). There were five speakers in favor of the application and one speaker in opposition.

The speakers in support of the proposal included local residents who stated that development permitted by the current R6 zoning would disrupt a unique and historical context along Grand Street and neighboring Fillmore Place and they requested that the application be reviewed in a timely manner. They noted a proposed 14-story building at 227 Grand Street as an example of the type of development that would disrupt the built context within the rezoning area and which is permitted in the existing R6 district, but not under the proposed R6B zoning.

A representative of the owner of 227 Grand Street testified against the proposal. He stated that the lower permitted FAR of the proposed R6B district for 227 Grand Street would inhibit commercial development along Grand Street. He also stated that the owner had purchased the property following the 2005 Greenpoint-Williamsburg rezoning, which rezoned the property from C8-2 to

R6, with the expectation that he would be able to develop that property per R6 regulations. He further stated that the proposed R6B district would not permit him to move forward with his plans as currently proposed.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The rezoning aims to preserve neighborhood character and scale by establishing contextual districts that have height limits and street wall lineup provisions along Grand Street and adjoining areas. It would also protect the residential character of lots adjacent to retail corridors while recognizing and preserving existing commercial uses.

The existing, general residence R6 district found in the rezoning area permits buildings that are not consistent with the existing character of the neighborhood. The Commission believes that the proposed R6B and R6A contextual districts, which have height limits consistent with the heights of most existing structures, would produce development that better fits within the existing built context of the area.

In addition, the proposed commercial overlay changes better reflect existing commercial development and will keep commercial uses from encroaching on midblock residential uses.

Regarding the testimony of the representative of the owner of 227 Grand Street, the Commission does not believe that the type of development permitted under the current R6 zoning, is appropriate for this area. Since 2005, inappropriate residential tower development has occurred in other nearby low-rise areas zoned R6. Community Board 1 and local residents have expressed concern that this type of development would have a negative effect on, and would be out of character with the streets

within, the rezoning area. The Commission further notes that the proposed rezoning has gone through extensive discussions with Community Board 1 and public presentations.

RESOLUTION

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

RESOLVED by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12c, 12d, and 13b:

1. eliminating from within an existing R6 District a C1-3 District bounded by Grand Street, Marcy Avenue, a line midway between South 1st Street and Grand Street, and Havemeyer Street;
2. eliminating from within an existing R6 District a C1-4 District bounded by a line midway between Hope Street and Grand Street, a line 150 feet northwesterly of Havemeyer Street, Hope Street, Havemeyer Street, a line midway between Hope Street and Grand Street, Marcy Avenue, Grand Street, Havemeyer Street, a line midway between South 1st Street and Grand Street, and Roebling Street;
3. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. a line 100 feet northeasterly of Grand Street, Bedford Avenue, a line midway between Grand Street and South 1st Street, a line 150 feet southeasterly of Bedford Avenue, South 1st Street, a line 150 feet northwesterly of Bedford Avenue, a line midway between Grand Street and South 1st Street, and Berry Street; and
 - b. a line midway between Grand Street and South 1st Street, Roebling Street, South 1st Street, and a line 150 feet northwesterly of Roebling Street.
4. changing from an R6 District to an R6A District property bounded by Metropolitan Avenue, Bedford Avenue, North 1st Street, and Berry Street;

5. changing from R6 District to an R6B District property bounded by:
 - a. North 3rd Street, Metropolitan Avenue, and Berry Street; and
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6. establishing within a proposed R6B District a C2-4 District bounded by:
 - a. a line 100 feet northeasterly of Grand Street, Bedford Avenue, a line midway between Grand Street and South 1st Street, a line 100 feet southeasterly of Bedford Avenue, South 1st Street, a line 100 feet northwesterly of Bedford Avenue, a line midway between Grand Street and South 1st Street, and Berry Street;
 - b. a line midway between Grand Street and South 1st Street, Roebling Street, South 1st Street, and a line 100 feet northwesterly of Roebling Street; and
 - c. a line midway between Hope Street and Grand Street, a line 100 feet northwesterly of Havemeyer Street, Hope Street, Havemeyer Street, a line midway between Hope Street and Grand Street, Marcy Avenue, a line midway between Grand Street and South 1st Street, and Roebling Street;

Borough of Brooklyn, Community District 1, as shown in a diagram (for illustrative purposes only) dated December 17, 2007.

The above resolution (C 080213 ZMK), duly adopted by the City Planning Commission on February 27, 2008 (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.

AMANDA M. BURDEN, AICP, Chair
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