



## CITY PLANNING COMMISSION

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August 10, 2011/Calendar No. 9

C 110252 ZMK

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**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 No. 16c:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
  - a. Pacific Street, a line 150 feet southeasterly of Smith Street, Warren Street; and a line 150 feet northwesterly of Smith Street; and
  - b. Wyckoff Street, Hoyt Street, Warren Street; and a line 150 feet northwesterly of Hoyt Street;
2. eliminating from within an existing R6 District a C2-3 District bounded by a line midway between Atlantic Avenue and Pacific Street, a line 150 feet southeasterly of Smith Street, Pacific Street, Boerum Place, Dean Street, a line 125 feet northwesterly of Boerum Place, Pacific Street, a line 150 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street;
3. changing from an R6 District to an R6A District property bounded by:
  - a. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Smith Street, Pacific Street, a line 250 feet southeasterly of Hoyt Street, a line midway between Pacific Street and Dean Street, a line 200 feet southeasterly of Hoyt Street, Dean Street, a line 100 feet southeasterly of Smith Street, Warren Street, a line 100 feet northwesterly of Smith Street, Bergen Street, a line 200 feet southeasterly of Court Street, Wyckoff Street, a line 100 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street, and excluding property bounded by: a line midway between Pacific Street and Dean Street, a line 100 feet northwesterly of Smith Street, a line midway between Dean Street and Bergen Street, a line 200 feet northwesterly of Smith Street, Dean Street, and a line 100 feet southeasterly of Court Street;
  - b. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet northwesterly of 3rd Avenue, Pacific Street, and Nevins Street; and
  - c. Dean Street, a line 100 feet northwesterly of 3rd Avenue, Bergen Street, Nevins Street, a line midway between Dean Street and Bergen Street, and a line 225 feet southeasterly of Nevins Street;
4. changing from a R6 District to an R6B District property bounded by:
  - a. a line midway between Pacific Street and Dean Street, a line 100 feet northwesterly of Smith Street, a line midway between Dean Street and Bergen Street,

- Street, a line 200 feet northwesterly of Smith Street, Dean Street, and a line 100 feet southeasterly of Court Street;
- b. Bergen Street, a line 100 feet northwesterly of Smith Street, Warren Street, a line 100 feet southeasterly of Court Street, Wyckoff Street, and a line 200 feet southeasterly of Court Street;
  - c. a line midway between Pacific Street and Atlantic Avenue, Nevins Street, Pacific Street, a line 100 feet northwesterly of 3rd Avenue, Dean Street, a line 225 feet southeasterly of Nevins Street, a line midway between Dean Street and Bergen Street, Nevins Street, Warren Street, Bond Street, Wyckoff Street, Hoyt Street, Warren Street, a line 100 feet southeasterly of Smith Street, Dean Street, a line 200 feet southeasterly of Hoyt Street, a line midway between Pacific Street and Dean Street, a line 250 feet southeasterly of Hoyt Street, Pacific Street, and a line 100 feet southeasterly of Smith Street; and
  - d. a line midway between Bergen Street and Wyckoff Street, a line 120 feet northwesterly of 3rd Avenue, Wyckoff Street, and a line 275 feet southeasterly of Nevins Street;
- 5. changing from an R6 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Warren Street, 3rd Avenue, Bergen Street, and a line 100 feet northwesterly of 3rd Avenue;
  - 6. changing from an R7B District to an R6B District property bounded by:
    - a. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet northwesterly of 4th Avenue, a line midway between Dean Street and Bergen Street, a line 250 feet northwesterly of 4th Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Pacific Street, and a line 400 feet northwesterly of 4th Avenue; and
    - b. a line midway between Bergen Street and St. Mark's Place, a line 100 feet northwesterly of 4th Avenue, a line midway between St. Mark's Place and Warren Street, and a line 100 feet southeasterly of 3rd Avenue;
  - 7. establishing within a proposed R6A District a C2-4 District bounded by:
    - a. a line midway between Atlantic Avenue and Pacific Street, Boerum Place, a line midway between Dean Street and Pacific Street, a line 100 feet northwesterly of Boerum Place, Pacific Street, a line 100 feet southeasterly of Court Street, a line midway between Dean Street and Bergen Street, Boerum Place, Bergen Street, a line 150 feet southeasterly of Court Street, a line midway between Bergen Street and Wyckoff Street, a line 100 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street;

- b. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Smith Street, Warren Street, a line 100 feet northwesterly of Smith Street, Bergen Street, Boerum Place, a line midway between Dean Street and Bergen Street, a line 100 feet northwesterly of Smith Street, Pacific Street, and Boerum Place;
- 8. establishing within a proposed R6B District a C2-4 District bounded by:
  - a. a line midway between Pacific Street and Dean Street, Boerum Place, Dean Street, and a line 100 feet northwesterly of Boerum Place;
  - b. Bergen Street, a line 100 feet northwesterly of Smith Street, a line midway between Wyckoff Street and Bergen Street, and a line 150 feet northwesterly of Smith Street; and
  - c. Wyckoff Street, Hoyt Street, Warren Street, and a line 50 feet northwesterly of Hoyt Street;
- 9. establishing within a proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Warren Street, 3rd Avenue, Bergen Street, and a line 100 feet northwesterly of 3rd Avenue;

Borough of Brooklyn, Community District 2, as shown in a diagram (for illustrative purposes only) dated March 28, 2011, and subject to the conditions of CEQR Declaration E-273.

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This application for an amendment of the Zoning Map was filed by the Department of City Planning on March 16, 2011, to rezone all or portions of 31 blocks in an area generally bounded by Atlantic Avenue to the north, 4th Avenue to the east, Warren and Wyckoff streets to the south, and Court Street to the west, from R6 and R7B to R6A, R6B, and R7A, and from C1-3 and C2-3 to C2-4, adding commercial overlays to some mixed-use corridors and removing them on side streets where commercial uses do not currently exist.

## **BACKGROUND**

At the request of local community organizations, the Community Board and elected officials, the Department of City Planning proposes a zoning map amendment to map contextual zoning districts to protect neighborhood character and allow for modest growth over 31 blocks in the Boerum Hill neighborhood of Community District 2, Brooklyn.

The proposal would map zoning districts to reflect existing built character and land uses in

the Boerum Hill neighborhood to protect the character and scale of the neighborhood while allowing for appropriately-scaled development on vacant sites. The proposal would also refine commercial overlays on many of the neighborhood's thoroughfares to more closely tailor them to the existing distribution of mixed uses, bringing existing commercial establishments into conformance and preventing the encroachment of new commercial uses onto residential midblocks where such uses would threaten the existing residential character.

The rezoning proposal has been developed after extensive discussion with Community Board 2, elected officials, and neighborhood residents. The rezoning responds to community concerns about recent out-of-scale development permitted under the current zoning by mapping contextual districts with height limits throughout the rezoning area to preserve the existing built character. It would allow for new development and modest expansions at a height and scale that would be in keeping with the existing built context. The rezoning would also support and promote the local vibrant retail corridors while protecting the residential character of adjacent side streets.

Boerum Hill is a predominantly residential neighborhood characterized by 3- and 4-story rowhouses. However, between Smith and Court streets and near 3rd Avenue are a number of larger 4- and 5-story multi-family apartment buildings and loft buildings. Smith and Court streets, the local retail corridors, are characterized largely by 3- and 4-story mixed-use buildings that contain ground-floor commercial and community facility uses with residential units above.

While most commercial uses in the neighborhood front on the main commercial corridors of Smith and Court streets, existing commercial overlays extend more than 100 feet from these streets, allowing for commercial uses to extend onto the residential side streets. On the other hand, some corridors in the rezoning area, such as Bergen Street and 3rd Avenue, which have mixed-use characters, do not have existing commercial overlays. The proposed action would reduce the commercial overlays on many of the thoroughfares to more closely tailor them to the existing distribution of commercial uses and prevent the encroachment of such uses onto residential mid-blocks and add commercial overlays to bring existing commercial establishments into conformance with zoning,.

The west end of Boerum Hill is served by the F and G subway lines, which run underneath Smith Street and stop at the Bergen Street station. The Atlantic Avenue-Pacific Street station, with an entrance near the eastern end of the study area at 4th Avenue and Pacific Street, provides service to nine subway lines and the Long Island Railroad. The Hoyt-Schermerhorn station, two blocks north of Atlantic Avenue, provides access to the A, C and G trains from the middle of the neighborhood. Bus service is provided by the B57 bus on Smith and Court Streets, the B65 bus on Bergen Street and Atlantic Avenue, and the B103 bus on 3rd and 4th Avenues.

The study area is currently zoned R6, with the exception of the area between 3rd and 4th Avenues, which is zoned R7B. The R6 district allows residential development with no height limit under the height factor regulations, and R7B, which was mapped in 1991 as part of the Park Slope North rezoning (C 900580 ZMK) allows six- to seven-story apartment buildings. C1-3 and C2-3 commercial overlays are mapped along Smith Street, Court Street and parts of Pacific Street, Hoyt Street and Boerum Place within the rezoning area.

The R6 zoning district currently covers all or part of 29 blocks in the rezoning area (93% of the rezoning area). Residential and community facility uses (Use Groups 1-4) are permitted in R6 zoning districts, with no height limits and a maximum Floor Area Ratio (FAR) of 2.43 for residential uses and 4.8 for buildings containing community facility uses. Building envelopes are regulated by the sky exposure plane. Off-street parking is required for 70% of the dwelling units. Developers may utilize the optional Quality Housing program which permits up to 2.2 FAR with a maximum building height of 55 feet on narrow streets (75 feet in width or less), and up to 3.0 FAR with a height limit of 70 feet on wide streets (greater than 75 feet in width). Under the Quality Housing regulations off-street parking is required for 50% of the dwelling units. R6 parking regulations allow developments that would be required to provide five or fewer parking spaces to waive parking requirements.

The R7B zoning district is on parts of five blocks mapped between 3rd and 4th Avenues: both sides of St. Mark's Place, Pacific Street and Dean Street (7% of the rezoning area). These blocks are part of a larger area that was rezoned in 1991 as part of the Park Slope

North rezoning (C 900580 ZMK.) R7B is a typical row house district that includes height limits and street wall lineup provisions to ensure new buildings are consistent with the scale of the existing built context. R7B permits residential and community facility uses to a maximum FAR of 3.0. Building heights are limited to 60 feet at the street, with a 70 foot maximum building height after a setback (10 feet on a wide street, 15 feet on a narrow street). New development in the R7B district is required to line up with adjacent structures to maintain the existing street wall characteristics. New multifamily residences must provide one off-street parking space for 50% of dwelling units, which may be waived if 5 or fewer spaces would be required.

C1-3 commercial overlays are currently mapped within 150 feet of Smith Street south of Pacific Street, and along one block of Hoyt Street. C2-3 commercial overlays are currently mapped within 150 feet of Court Street, as well as along portions of Pacific Street and Boerum Place. Together, these commercial overlays cover portions of 13 blocks, 12% of the study area. All of the commercial overlays date to 1961, with the exception of the C2-3 district along Boerum Place between Pacific and Dean Streets, which was mapped in 1987. C1 overlays permit basic small-scale retail shops and offices (Use Groups 1-6). C2 overlays permit a slightly broader range of service uses, such as funeral homes and repair shops (Use Groups 1-9 and 14). 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. Most commercial uses within C1-3 and C2-3 overlays are required to provide one off-street parking space for each 400 square feet of commercial space, with a waiver for uses requiring less than 25 spaces.

Recent development in Boerum Hill has consisted of residential, community facility and mixed-use structures, and has included both additions to existing buildings and construction of new buildings. Some of the recent development under the existing R6 zoning regulations has resulted in buildings that are out of scale or character with the neighborhood's rowhouses. The Boerum Hill Rezoning proposes to map contextual zoning districts in order to protect the character and scale of the neighborhood while allowing for appropriate development on vacant sites. R6B is proposed for most residential blocks with a consistent

rowhouse character, while the R6A zoning district is proposed for most mixed-use corridors and areas with a more mixed character. R7A is proposed for 3rd Avenue, where a small increase in residential density would allow appropriate development of vacant sites along this transit route. The proposal would also refine commercial overlays on many of the neighborhood's streets to more closely tailor them to the existing distribution of mixed uses, bringing existing commercial establishments into conformance, and preventing the encroachment of commercial uses onto residential midblocks where such uses would be incompatible with the existing residential character.

R6B is proposed for approximately 67% of the study area (26 full or partial blocks). R6B would be mapped on predominantly residential blocks with a consistent low-rise (3- to 4-story) height and density of development. R6B is a typical row house district that includes height limits and street wall lineup provisions to ensure new buildings are consistent with the scale and character of the existing built context. R6B permits residential and community facility uses to a maximum FAR of 2.0. Building heights are limited to 40 feet at the street, with a 50 foot maximum building height after a setback (10 feet on a wide street, 15 feet on a narrow street). 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 must provide one off-street parking space for 50% of dwelling units, which may be waived if 5 or fewer spaces would be required.

R6A is proposed for approximately 28% of the study area (16 full or partial blocks). R6A would be mapped on mixed-use corridors and streets characterized by taller or denser buildings that more closely match the R6A building envelope. C2-4 commercial overlays would be mapped in much of the proposed R6A district to promote ground-floor retail.

R6A provisions require height limits and street wall lineup provisions to ensure that new development would be in context with the scale of existing buildings. R6A 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 from the street, producing six- to seven-story buildings. New structures in R6A districts are required to line up with

adjacent structures to maintain the existing street wall. Off-street parking is required for 50% of new residential units.

R7A is proposed for 3rd Avenue (6 partial blocks, or approximately 5% of the study area.) This proposal would extend an R7A zoning district currently mapped along sections of 3rd Avenue adjacent to the study area, allowing for a consistent character along the street. R7A would allow for development of vacant sites along 3rd Avenue providing for housing growth in a transit-rich location a block from the Atlantic Terminal LIRR and Atlantic Ave/Pacific Ave subway stations.

R7A is an apartment house district with height limits and street wall lineup provisions. The R7A zoning district permits residential and community facility uses with a maximum FAR of 4.0. Height is limited to 65 feet at the street and 80 feet after a 10- or 15-foot setback, producing six- to eight-story buildings. One parking space is required for 50% of new residential units.

C2-4 commercial overlay districts are proposed to be mapped along streets where C1-3 and C2-3 districts exist today, within 100 feet of Smith and Court streets, as well as along portions of Hoyt Street, Pacific Street and Boerum Place. In addition, new C2-4 commercial overlay districts are proposed to be mapped on the north side of Bergen Street between Smith and Court streets and along 3rd Avenue, in order to reflect the existing commercial and mixed-use character of those streets. Overall, the C2-4 commercial overlay district is proposed for parts of 19 blocks, 13% of the rezoning area.

While the existing C1-3 and C2-3 commercial overlay districts are typically mapped to a depth of 150 feet, the proposed C2-4 districts would be mapped to a depth of 100 feet along most streets, and 50 feet along Hoyt Street. This action will protect against the intrusion of commercial uses onto residential side streets.

The proposed C2-4 commercial overlay districts have the same 2.0 maximum FAR for commercial use as the existing C1-3 and C2-3 commercial overlay districts, but allow a slightly broader range of commercial, retail and service uses than are permitted in the



existing C1-3 districts. Most commercial uses within C2-4 districts are required to provide one off-street parking space for each 1,000 square feet of commercial space, with a waiver for uses requiring less than 40 spaces.

## **ENVIRONMENTAL REVIEW**

This application (C 110252 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 11DCP110K. The lead agency is the City Planning Commission.

After a study of the environmental impact of the subject application (C 110252 ZMK), a negative declaration was issued on March 28, 2011, which included (E) designations for hazardous materials, air quality and noise.

To avoid any potential impacts associated with hazardous materials, as part of the proposed rezoning, an (E) designation for hazardous materials will be placed on the following properties:

<u>Block</u>	<u>Lots</u>
191	29, 30, 35, 37, 38
193	50
197	40
198	8
389	5, 7, 10
395	3

The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text for the (E) designation will be as follows:

## **Task 1 – Sampling Protocol**

### **A. Petroleum**

**A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling locations represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.**

**A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.**

### **B. Non-Petroleum**

**The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists 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 NYCDEP 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. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.**

**A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP**

for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater and sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement of any on-site activities.

### **Task 2 – Remediation Determination and Protocol**

After sample collection and laboratory analysis have been completed on the soil

**and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.**

**If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtained and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.**

With the placement of the (E) designations on the above blocks and lots, no impacts related to hazardous materials are anticipated.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

<u>Block</u>	<u>Lots</u>
389	5, 7, 10

The text for the (E) designation will be as follows:

Block 389, Lots 5, 7, 10 (Projected Development Site 2)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 20 feet from the lots facing Bergen Street for Oil No. 2 or use Natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

With the placement of the (E) designations on the above blocks and lots, no impacts related to

stationary source air quality are expected.

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

<u>Block</u>	<u>Lots</u>
191	29, 30, 35, 37, 38
197	40
389	5, 7, 10
395	3

The text for the (E) designation 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 31 dB(A) window/wall attenuation on all facades 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.**

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further analysis is warranted.

## **UNIFORM LAND USE REVIEW**

This application (C 110252 ZMK) was certified as complete by the Department of City Planning on March 28, 2011, and was duly referred to Community Board 2 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 2 held a public hearing on this application on April 20, 2011 and on May 11, 2011, by a vote of 31 to 0 with no abstentions, unanimously adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Office of the Borough President of Brooklyn, who issued a statement on May 26, 2011 recommending approval of the application.

### **City Planning Commission Public Hearing**

On June 22, 2011 (Calendar No. 13), the City Planning Commission scheduled July 13, 2011, for a public hearing on this application (C 110252 ZMK). The hearing was duly held on July 13, 2011 (Calendar No. 26).

There were two speakers who spoke in favor of the application and none opposed.

The speakers included the President of the Boerum Hill Association and a property owner, who is also a resident of the neighborhood. Both speakers generally supported the proposed rezoning noting that it will help to maintain the character of the Boerum Hill neighborhood.

The President of the Boerum Hill Association noted the extensive public outreach and numerous neighborhood meetings on the proposal, and stated that there was widespread support within the community for the rezoning.

The property owner, who owns property on the north side of Bergen Street between Boerum Place and Smith Street, described the existing uses in his building, and stated that he had a long-term goal to increase the size of his building, which would not be possible under the proposed rezoning. He asked that the proposed zoning be amended in order to allow for additional development on that block.

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

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map (C 110252 ZMK) is appropriate.

The City Planning Commission believes that the proposed zoning map change would maintain the existing scale of the Boerum Hill neighborhood by matching new zoning districts closely to

the existing built character. It would also fine-tune the location local retail corridors and protect the residential character of the side streets.

The Commission notes that the proposed zoning districts would replace the existing R6 zoning district, which does not have height limits and permits residential tower development, with R6B, R6A, and R7A contextual districts with height limits that the Commission believes would be more consistent with the existing scale of this neighborhood. The Commission also notes that the proposed action would rezone portions of five blocks between 3<sup>rd</sup> and 4<sup>th</sup> avenues that are currently zoned with the contextual R7B zoning district to an R6B zoning district which the Commission believes would better reflect the built character of those areas. The Commission also believes that these districts would ensure that future residential and commercial development would be more consistent with the exiting built character. The Commission further believes that the proposed R7A district along Third Avenue would allow appropriately-scaled new residential development along this transit and retail corridor.

The Commission acknowledges the testimony of the property owner on Bergen Street regarding the planned development of his property. In that regard, the Commission believes that the existing R6 zoning district has allowed development without height limit at an FAR of up to 4.8 that has been out-of-character from the existing context of the neighborhood. The Commission believes that the proposed R6A/C2-4 district would allow new development with a height limit and an FAR of up to 3.0 to match the existing built context in height and density, would allow the existing commercial uses on Bergen Street to conform to zoning and would allow new commercial uses to locate there.

## **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. 16c:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
  - a. Pacific Street, a line 150 feet southeasterly of Smith Street, Warren Street; and a line 150 feet northwesterly of Smith Street; and
  - b. Wyckoff Street, Hoyt Street, Warren Street; and a line 150 feet northwesterly of Hoyt Street;
2. eliminating from within an existing R6 District a C2-3 District bounded by a line midway between Atlantic Avenue and Pacific Street, a line 150 feet southeasterly of Smith Street, Pacific Street, Boerum Place, Dean Street, a line 125 feet northwesterly of Boerum Place, Pacific Street, a line 150 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street;
3. changing from an R6 District to an R6A District property bounded by:
  - a. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Smith Street, Pacific Street, a line 250 feet southeasterly of Hoyt Street, a line midway between Pacific Street and Dean Street, a line 200 feet southeasterly of Hoyt Street, Dean Street, a line 100 feet southeasterly of Smith Street, Warren Street, a line 100 feet northwesterly of Smith Street, Bergen Street, a line 200 feet southeasterly of Court Street, Wyckoff Street, a line 100 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street, and excluding property bounded by: a line midway between Pacific Street and Dean Street, a line 100 feet northwesterly of Smith Street, a line midway between Dean Street and Bergen Street, a line 200 feet northwesterly of Smith Street, Dean Street, and a line 100 feet southeasterly of Court Street;
  - b. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet northwesterly of 3rd Avenue, Pacific Street, and Nevins Street; and
  - c. Dean Street, a line 100 feet northwesterly of 3rd Avenue, Bergen Street, Nevins Street, a line midway between Dean Street and Bergen Street, and a line 225 feet southeasterly of Nevins Street;
4. changing from a R6 District to an R6B District property bounded by:
  - a. a line midway between Pacific Street and Dean Street, a line 100 feet northwesterly of Smith Street, a line midway between Dean Street and Bergen Street, a line 200 feet northwesterly of Smith Street, Dean Street, and a line 100 feet southeasterly of Court Street;
  - b. Bergen Street, a line 100 feet northwesterly of Smith Street, Warren Street, a line 100 feet southeasterly of Court Street, Wyckoff Street, and a line 200 feet southeasterly of Court Street;



- c. a line midway between Pacific Street and Atlantic Avenue, Nevins Street, Pacific Street, a line 100 feet northwesterly of 3rd Avenue, Dean Street, a line 225 feet southeasterly of Nevins Street, a line midway between Dean Street and Bergen Street, Nevins Street, Warren Street, Bond Street, Wyckoff Street, Hoyt Street, Warren Street, a line 100 feet southeasterly of Smith Street, Dean Street, a line 200 feet southeasterly of Hoyt Street, a line midway between Pacific Street and Dean Street, a line 250 feet southeasterly of Hoyt Street, Pacific Street, and a line 100 feet southeasterly of Smith Street; and
  - d. a line midway between Bergen Street and Wyckoff Street, a line 120 feet northwesterly of 3rd Avenue, Wyckoff Street, and a line 275 feet southeasterly of Nevins Street;
- 5. changing from an R6 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Warren Street, 3rd Avenue, Bergen Street, and a line 100 feet northwesterly of 3rd Avenue;
- 6. changing from an R7B District to an R6B District property bounded by:
  - a. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet northwesterly of 4th Avenue, a line midway between Dean Street and Bergen Street, a line 250 feet northwesterly of 4th Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Pacific Street, and a line 400 feet northwesterly of 4th Avenue; and
  - b. a line midway between Bergen Street and St. Mark's Place, a line 100 feet northwesterly of 4th Avenue, a line midway between St. Mark's Place and Warren Street, and a line 100 feet southeasterly of 3rd Avenue;
- 7. establishing within a proposed R6A District a C2-4 District bounded by:
  - a. a line midway between Atlantic Avenue and Pacific Street, Boerum Place, a line midway between Dean Street and Pacific Street, a line 100 feet northwesterly of Boerum Place, Pacific Street, a line 100 feet southeasterly of Court Street, a line midway between Dean Street and Bergen Street, Boerum Place, Bergen Street, a line 150 feet southeasterly of Court Street, a line midway between Bergen Street and Wyckoff Street, a line 100 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street;
  - b. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Smith Street, Warren Street, a line 100 feet northwesterly of Smith Street, Bergen Street, Boerum Place, a line midway between Dean Street and Bergen Street, a line 100 feet northwesterly of Smith Street, Pacific Street, and Boerum Place;
- 8. establishing within a proposed R6B District a C2-4 District bounded by:
  - a. a line midway between Pacific Street and Dean Street, Boerum Place, Dean Street, and a line 100 feet northwesterly of Boerum Place;

- b. Bergen Street, a line 100 feet northwesterly of Smith Street, a line midway between Wyckoff Street and Bergen Street, and a line 150 feet northwesterly of Smith Street; and
  - c. Wyckoff Street, Hoyt Street, Warren Street, and a line 50 feet northwesterly of Hoyt Street;
9. establishing within a proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Warren Street, 3rd Avenue, Bergen Street, and a line 100 feet northwesterly of 3rd Avenue;

Borough of Brooklyn, Community District 2, as shown in a diagram (for illustrative purposes only) dated March 28, 2011, and subject to the conditions of CEQR Declaration E-273.

The above resolution (C 110252 ZMK), duly adopted by the City Planning Commission on August 10, 2011 (Calendar No. 9), 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**

**ANGELA M. BATTAGLIA, RAYANNE BESSER, IRWIN G. CANTOR, P.E.,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**

**SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**

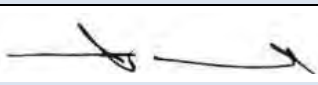
Application #: <b>C 110252 ZMK</b>	Project Name: <b>Boerum Hill Rezoning</b>
CEQR Number: 11DCP110K	Borough(s): <b>Brooklyn</b> Community District Number(s) <b>2</b>
<i>Please use the above application number on all correspondence concerning this application</i>	

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**Please see attached**

<b><u>Applicant(s):</u></b> Department of City Planning – Brooklyn Office 16 Court Street, Suite 705 Brooklyn, NY 11241		<b><u>Applicant's Representative:</u></b> Purnima Kapur, Director Department of City Planning – Brooklyn Office 16 Court Street, Suite 705 Brooklyn, NY 11241	
<b><u>Recommendation submitted by:</u></b> <b>Brooklyn</b> Community Board 2			
Date of public hearing: April 20, 2011		Location: Room LC400, Dibner Building, Polytechnic Institute	
Was a quorum present?    YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (7/46)		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: May 11, 2011		Location: Ingersoll Community Center, 177 Myrtle Avenue, Brooklyn NY 11201	
<b><u>RECOMMENDATION</u></b> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Approve  <input type="checkbox"/> Disapprove         </div> <div> <input type="checkbox"/> Approve With Modifications/Conditions  <input type="checkbox"/> Disapprove With Modifications/Conditions         </div> </div> <p><b><u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u></b></p>			
<b>Voting</b> <b># In Favor: 31 # Against: none # Abstaining: none Total members appointed to the board: 46</b>			
Name 		Title Robert Perris District Manager	
Date: June 3, 2011			

# 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 #: 110252 ZMK

Boerum Hill Rezoning

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 No. 16c for 31 blocks in the Boerum Hill neighborhood.

COMMUNITY DISTRICT NO.

2

BOROUGH OF BROOKLYN

## RECOMMENDATION

☒ APPROVE

☐ APPROVE WITH

MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

The borough president's policy is to support appropriate rezoning actions that are consistent with the community's needs and that preserve the character and scale of Brooklyn's neighborhoods. He supports this contextual rezoning application for the Boerum Hill neighborhood.

In recent years, the Boerum Hill community has seen significant investment raising concern for inappropriate development as the neighborhood continues to be a destination for people throughout the city. The existing zoning has allowed for development that is out of scale or character with the neighborhoods predominately 3 – 4 story rowhouses. The Department of City Planning, with input from the Boerum Hill Association, has developed a rezoning proposal that will ensure that future development reflects the character of the Boerum Hill community while still providing areas in which growth can occur.

## RECOMMENDATION

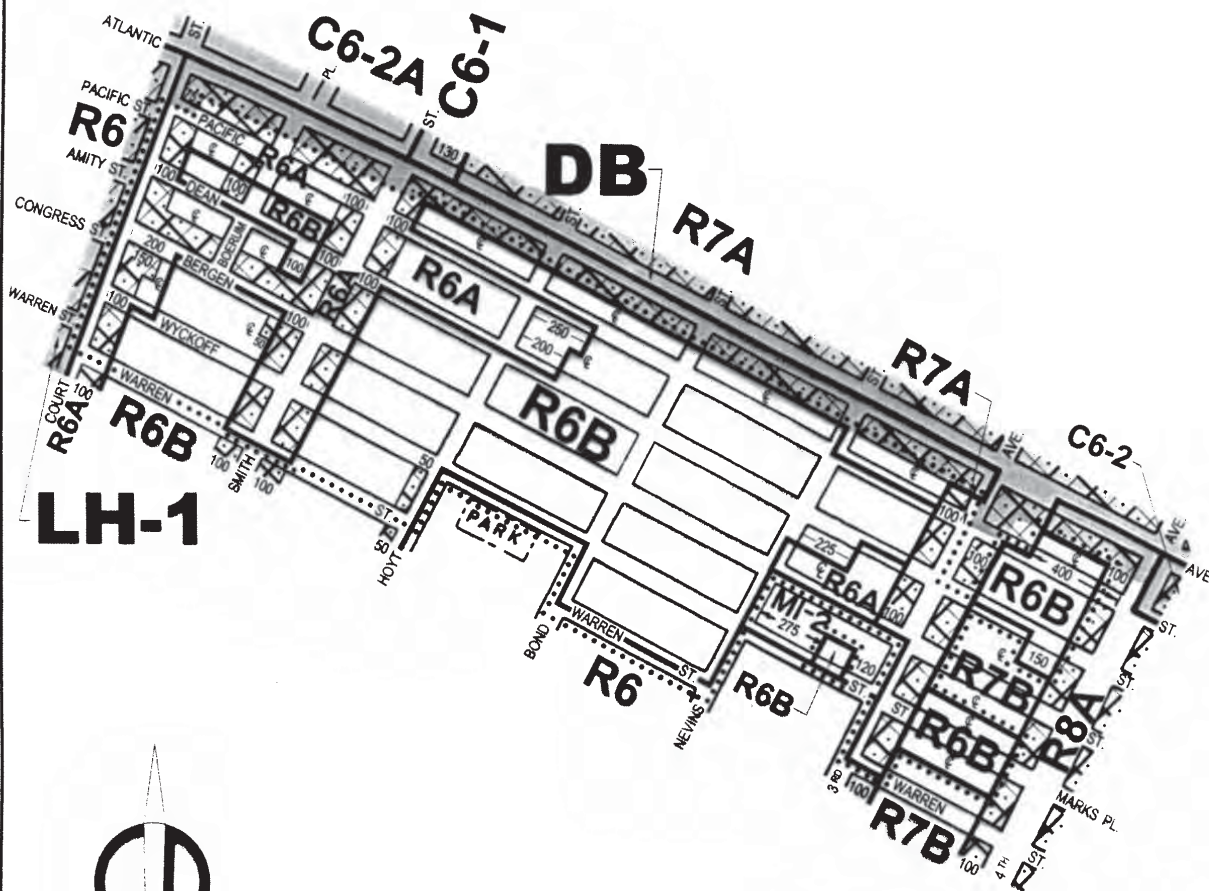
Be it resolved that the Brooklyn Borough President, pursuant to Section 197-c of the New York City Charter, recommends the approval of this application by the City Planning Commission and the City Council for a change to the Zoning Map.



BOROUGH PRESIDENT

May 26, 2011

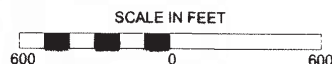
DATE









CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
ON SECTIONAL MAP  
**16c**  
BOROUGH OF  
**BROOKLYN**

New York, Certification Date  
MARCH 28, 2011

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



**NOTE:**

-  Indicates Zoning District Boundary.
-  The areas enclosed by the dotted lines are proposed to be rezoned by eliminating C1-3 and C2-3 Districts from an existing R6 District, by changing from R6 and R7B Districts to R6A, R6B and R7A Districts, and by establishing a C2-4 District within proposed R6A, R6B and R7A Districts.
-  Indicates a C1-3 District.
-  Indicates a C2-3 District.
-  Indicates a C2-4 District.
-  Indicates a Special Downtown Brooklyn District.