



CITY PLANNING COMMISSION

October 19, 2005/ Calendar No. 25

C 060054 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 No. 16d:

- 1. eliminating from an existing R5 District a C2-3 District bounded by:**
 - a. 16th Street, a line 100 feet southeasterly of 7th Avenue, Prospect Avenue, and 7th Avenue; and
 - b. 16th Street, Prospect Park West, 18th Street, and a line 150 feet northwesterly of Prospect Park West;
- 2. eliminating from an existing R5B District a C2-3 District bounded by:**
 - a. 16th Street, a line 150 feet southeasterly of Prospect Park West, Windsor Place, and Prospect Park West; and
 - b. Prospect Avenue, a line 150 feet southeasterly of Prospect Park West, 18th Street, and Prospect Park West;
- 3. eliminating from an existing R6 District a C1-3 District bounded by:**
 - a. 21st Street, a line 150 feet southeasterly of 4th Avenue, 24th Street, and 4th Avenue;
 - b. 15th Street, a line 150 feet southeasterly of 5th Avenue, Prospect Avenue, and a line 150 feet northwesterly of 5th Avenue; and
 - c. Prospect Expressway, a line 100 feet southeasterly of 5th Avenue, 17th Street, a line 150 feet southeasterly of 5th Avenue, 23rd Street, a line 150 feet northwesterly of 5th Avenue, 17th Street, and 5th Avenue;
- 4. eliminating from an existing R6 District a C2-3 District bounded by:**
 - a. 15th Street, a line 100 feet southeasterly of 3rd Avenue, a line 80 feet northeasterly of Prospect Avenue, a line 180 feet southeasterly of 3rd Avenue, Prospect Avenue, and 3rd Avenue;
 - b. 15th Street, a line 150 feet southeasterly of 4th Avenue, Prospect Avenue, and a line 100 feet northwesterly of 4th Avenue;

- c. Prospect Expressway, a line 150 feet southeasterly of 4th Avenue, 20th Street, and 4th Avenue;
 - d. 23rd Street, 5th Avenue, 24th Street, and a line 150 feet northwesterly of 5th Avenue;
 - e. 15th Street, a line 100 feet southeasterly of 7th Avenue, 16th Street, and 7th Avenue; and
 - f. Prospect Avenue, 7th Avenue, 17th Street, and a line 100 feet northwesterly of 7th Avenue;
5. **changing from an R5 District an R5B District property bounded by** 16th Street, 8th Avenue, Windsor Place, a line 400 feet southeasterly of 8th Avenue, 16th Street, Prospect Park West, 20th Street, a line 110 feet northwesterly of Prospect Park West, a line midway between 19th Street and 20th Street, a line 175 feet northwesterly of Prospect Park West, 19th Street, 7th Avenue, Prospect Avenue, and a line 100 feet southeasterly of 7th Avenue;
6. **changing from an R5 District to an R6A District property bounded by** 16th Street, a line 100 feet southeasterly of 7th Avenue, Prospect Avenue, and 7th Avenue;
7. **changing from an R6 District to an R5B District property bounded by** 15th Street, a line 100 feet northwesterly of 7th Avenue, 16th Street, 7th Avenue, Prospect Avenue, and a line 100 feet southeasterly of 6th Avenue;
8. **changing from an R6 District to an R6A District property bounded by:**
- a. 15th Street, a line 100 feet southeasterly of 3rd Avenue, Prospect Avenue, and 3rd Avenue;
 - b. Prospect Expressway, a line 100 feet southeasterly of 5th Avenue, 24th Street, and a line 100 feet northwesterly of 5th Avenue; and
 - c. 15th Street, a line 100 feet southeasterly of 7th Avenue, 16th Street, and a line 100 feet northwesterly of 7th Avenue;
9. **changing from an R6 District to an R6B District property bounded by:**
- a. 15th Street, a line 100 feet northwesterly of 4th Avenue, Prospect Avenue, and a line 100 feet southeasterly of 3rd Avenue;
 - b. 15th Street, a line 100 feet northwesterly of 5th Avenue, 24th Street, and a line 100 feet southeasterly of 4th Avenue;

- c. 15th Street, a line 100 feet southeasterly of 6th Avenue, Prospect Avenue, 7th Avenue, 23rd Street, 6th Avenue, 24th Street, and a line 100 feet southeasterly of 5th Avenue; and
 - d. 15th Street, a line 100 feet westerly of Bartel Pritchard Square, a line 100 feet northwesterly of Prospect Park West, 16th Street, a line 400 feet southeasterly of 8th Avenue, Windsor Place, 8th Avenue, 16th Street, and a line 100 feet southeasterly of 7th Avenue;
- 10. changing from an R6 District to an R8A District property bounded by 15th Street, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, and a line 100 feet northwesterly of 4th Avenue;**
- 11. changing from an R6 District to a C4-3A District property bounded by 15th Street, a line 100 feet southeasterly of 5th Avenue, Prospect Expressway, and a line 100 feet northwesterly of 5th Avenue;**
- 12. establishing within an existing R5B District a C2-4 District bounded by:**
- a. 16th Street, a line 100 feet southeasterly of Prospect Park West, Windsor Place, and Prospect Park West; and
 - b. Prospect Avenue, a line 100 feet southeasterly of Prospect Park West, 18th Street, and Prospect Park West;
- 13. establishing within an existing R8B District a C2-4 District bounded by 15th Street, Bartel Pritchard Square, Prospect Park Southwest, a line 100 feet southeasterly of Bartel Pritchard Square, a line 100 feet southeasterly of Prospect Park West, 16th Street, a line 100 feet northwesterly of Prospect Park West, and a line 100 feet easterly of Bartel Pritchard Square;**
- 14. establishing within a proposed R5B District a C2-4 District bounded by 16th Street, Prospect Park West, 18th Street, and a line 100 feet northwesterly of Prospect Park West;**
- 15. establishing within a proposed R6A District a C2-4 District bounded by:**
- a. 15th Street, a line 100 feet southeasterly of 3rd Avenue, Prospect Avenue, and 3rd Avenue;
 - b. Prospect Expressway, a line 100 feet southeasterly of 5th Avenue, 23rd Street, 5th Avenue, 24th Street, and a line 100 feet northwesterly of 5th Avenue; and
 - c. 15th Street, a line 100 feet southeasterly of 7th Avenue, Prospect Avenue, and 7th Avenue;

16. establishing within a proposed R6B District a C2-4 District bounded by:

- a. a line 60 feet northeasterly of Prospect Avenue, a line 180 feet southeasterly of 3rd Avenue, Prospect Avenue, and a line 100 feet southeasterly of 3rd Avenue; and
- b. Prospect Avenue, 7th Avenue, 17th Street, and a line 100 feet northwesterly of 7th Avenue; and

17. establishing within a proposed R8A District a C2-4 District bounded by:

- a. 15th Street, a line 100 feet southeasterly of 4th Avenue, 20th Street, 4th Avenue, Prospect Avenue, and a line 100 feet northwesterly of 4th Avenue; and
- b. 21st Street, a line 100 feet southeasterly of 4th Avenue, 24th Street, and 4th Avenue;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 22, 2005, and subject to the conditions of CEQR Declaration E-152.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on August 18, 2005 to rezone all or portions of fifty blocks in the Brooklyn neighborhoods of Park Slope South, Greenwood Heights and Windsor Terrace, known collectively as “South Park Slope,” from R5 and R6 districts to R5B, R6B, R6A, C4-3A and R8A districts.

RELATED ACTIONS

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

N 060053 ZRK Zoning Text Amendment to Article 2, Chapter 3 of the Zoning Resolution, to apply the Inclusionary Housing program to the proposed R8A districts on Fourth Avenue

BACKGROUND

The Department of City Planning proposes zoning map changes and a zoning text amendment for fifty blocks located in the South Park Slope area of Community District 7, Brooklyn. The rezoning area is generally bounded by 15th Street on the north, Fourth Avenue on the west, Prospect Park West on the east, and 24th Street and Green-Wood Cemetery on the south. The proposed zoning would protect the relatively low-rise neighborhood character from out of scale development, and provide opportunities for apartment house construction and incentives for affordable housing on Fourth Avenue within the rezoning area. This action extends the type of contextual zoning districts approved in Windsor Terrace in 1985, and in Park Slope from Flatbush Avenue to Union Street in 1994 and from Union Street to 15th Street in 2003.

The proposed zoning changes respond to requests in August 2004 by two local civic groups, South South Slope and the Concerned Citizens of 23rd Street, and a September 2004 resolution from Community Board 7 to study the area for contextual zoning designations. The Department of City Planning formally began to study this area for rezoning in January 2005, and filed the application in August 2005.

Over 500 housing units have been constructed or received building permits in the past three years within the rezoning area. Many of these units are within buildings developed on narrow streets under the R6 Quality Housing program and are generally appropriately-scaled and represent positive investment revitalizing this area, as market pressure for housing within the desirable Park Slope neighborhood extends further south. However, several out-of-scale nine- to

fourteen-story tower developments have been proposed throughout the neighborhood that would erode the low-rise, rowhouse neighborhood character.

The rezoning proposal seeks to:

- Preserve neighborhood scale and character with contextual zoning districts;
- Reinforce several of the avenues as corridors for mixed retail/residential buildings;
- Provide opportunities for housing development and incentives for affordable housing along the wide Fourth Avenue corridor.

Existing Context and Zoning

South Park Slope is a predominantly residential neighborhood, characterized by rowhouses of two-to four-stories. The neighborhood was initially developed in the late 1800s and early 1900s, primarily as housing for employees of nearby Green-Wood Cemetery and the waterfront industrial businesses in the Sunset Park area and lining the Gowanus Canal.

Fifth Avenue is the primary neighborhood commercial corridor, with single-story commercial buildings mixed with three- and four-story buildings with ground-floor retail spaces and two to three floors of apartments above. There are ground floor neighborhood commercial uses along Third, Seventh and parts of Eighth Avenue.

The western edge of the rezoning area, near Fourth Avenue, has several large lots with one-story warehouse/commercial buildings. On 16th Street, between Fourth and Sixth Avenues, there are several blocks with large, irregular lots with little street frontage, historically used for individual

garages or warehouses. At the northern edge of the rezoning area, the narrow, 50-foot-wide streets of Webster Place and Jackson Place are lined with two-story rowhouses, some of which were built in the Victorian era.

The M, N and R trains run beneath Fourth Avenue, and serve the proposed rezoning area with stations at Prospect Avenue and 25th Street. The F train has stations at the northeastern corner of the rezoning area at Prospect Park West and 15th Street and just north of the rezoning area at Fourth Avenue and 9th Street. Four bus lines serve the area – the B63 on Fifth Avenue, the B67 on Seventh Avenue, and the B69 and B75 which terminate in the southeastern corner of the area.

Existing Zoning

The rezoning area is currently predominantly zoned R5 and R6, with C1-3 and C2-3 commercial overlays on Third, Fourth, Fifth and Seventh avenues, and a small area zoned R8B. Most zoning designations within the rezoning area have been in place since the Zoning Resolution was adopted in 1961.

R5

An R5 district is currently located generally in the area between Seventh Avenue and Prospect Park West. Residential and community facility uses are permitted in R5 districts, with a maximum FAR of 1.25 for residential use (1.65 for infill sites) and 2.0 for community facilities. The height limit for residential buildings in R5 districts is 40 feet. One off-street parking space must be provided for every unit or, if built as a group parking area, at a rate of one each for 85 percent of the dwelling units.

R6

An R6 district is currently located in the general area between Fourth Avenue and Prospect Park West, as well as the midblocks between Third and Fourth avenues and on 16th Street between Seventh Avenue and Prospect Park West. Residential and community facility uses are permitted in R6 zoning districts (Use Groups 1 - 4), with no height limit and a maximum floor area ratio (FAR) of 2.43 for residential uses and 4.8 for community facility uses. The Quality Housing program permits 2.2 FAR buildings with a maximum base height of 45 feet and a maximum building height of 55 feet on narrow streets (defined as less than 75 feet wide). On wide streets, Quality Housing allows 3.0 FAR buildings with a maximum base height of 60 feet and maximum building height of 70 feet. New multifamily residences in R6 districts must provide one off-street parking space each for 70 percent of the dwelling units; for Quality Housing buildings, one off-street parking space is required for 50 percent of the dwelling units.

R8B

There is a small R8B district surrounding the Bartel Pritchard Square traffic circle at the northeastern corner of the rezoning area. R8B is a contextual district that permits 4.0 FAR for residential and community facility buildings with building heights of up to 75 feet and maximum base heights of 60 feet. New multifamily residences in R8B districts must provide one off-street parking space each for 40 percent of the dwelling units.

C1-3 and C2-3

There are C1-3 and C2-3 commercial overlays for local retail and service uses on Third, Fourth, Fifth and Seventh avenues. C1 districts provide for local shopping (Use Groups 1 - 6), and C2

districts meet broader shopping and service needs (Use Groups 1 - 9). Commercial buildings within C1 and C2 commercial district overlays have a maximum permitted floor area ratio of 2.0, if the overlay is mapped in zoning districts R6 and above.

Residential, mixed residential/commercial, and community facility buildings in C1 and C2 commercial districts are regulated by the underlying residential district regulations, and commercial uses in mixed residential/commercial buildings cannot be located above the first floor. 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. Most existing commercial overlays in the rezoning area are mapped to a depth of 150 feet

Required Actions

ZONING MAP CHANGES (C 060054 ZMK)

The proposed action would rezone the area to contextual districts similar to those to the north of the rezoning area, in Park Slope. The existing R5 and R6 districts would be replaced with R5B or R6B in all midblock areas between Third Avenue and Prospect Park West and on avenues where rowhouses predominate. An R6A district is proposed for Third, Fifth and Seventh avenues.

Along Fourth Avenue, the proposal would replace the existing R6 district south of 15th Street with an R8A designation, in conjunction with a zoning text amendment to permit an Inclusionary Housing bonus for developments providing affordable housing.

Proposed Residential and Commercial Overlay Districts

Midblocks, Third Avenue to Prospect Park West - R5B and R6B

Over 70 percent of the rezoning area would be rezoned from R5 and R6 to R5B and R6B.

Seven blocks between Seventh Avenue and the west side of Prospect Park West currently zoned R5 would be zoned R5B. An additional three blocks between 15th Street and Prospect Avenue, currently zoned R6, would be zoned R5B reflecting the narrow, 50-foot-wide streets such as Webster Place and two-and three-story rowhouses in this area.

The R5B regulations permit all housing types in buildings of up to 1.35 FAR with a maximum height of 33 feet. One off-street parking space must be provided for every unit, or if built as a group parking area, at a rate of one each for 66 percent of the units.

Approximately 29 blocks currently zoned R6 would be zoned R6B to reflect the prevailing rowhouse character of these areas: the midblocks between Third and Fifth Avenues; the midblocks and the avenues from Fifth to Seventh Avenues; and a strip along 16th Street from Seventh Avenue to Prospect Park West (including the seven-story senior living building at Eighth Avenue and Windsor Place).

The R6B district is a contextual district that allows a maximum FAR of 2.0 for all permitted uses, and limits overall building heights to 50 feet and street wall heights to 40 feet. New development in the proposed R6B district is required to line up with adjacent structures to maintain existing streetwall characteristics. New multifamily residences in R6B districts must provide one off-street parking space each for 50 percent of the dwelling units. The R6B

regulations will allow for limited expansion of many existing buildings, consistent with new investment in the area, as well as provide for opportunities for appropriately scaled new development on vacant and derelict sites.

Within both R5B and R6B districts, a minimum of 34 feet is required between curb cuts for existing buildings, and curb cuts are prohibited for new residential developments on lots less than 40 feet wide.

Third, Fifth and Seventh avenues – R6A and C4-3A

Fifth Avenue is the primary neighborhood commercial corridor, with single-story commercial buildings interspersed with three- and four-story buildings with ground-floor retail spaces and two to three floors of apartments above. AnR6A district is proposed from the Prospect Expressway south to 24th Street, at a depth of one hundred feet from Fifth Avenue. A C4-3A district is proposed from 15th Street to the Prospect Expressway, which would extend south by two blocks the existing C4-3A district in Park Slope to the north.

R6A districts allow a maximum FAR of 3.0 for residential, mixed residential/commercial, and community facility buildings, with maximum building heights of 70 feet and maximum base heights of 60 feet. New multifamily residences in R6A districts must provide one off-street parking space each for 50 percent of the dwelling units.

C4-3A districts have the same building envelope as R6A and also permit commercial buildings of up to 3.0 FAR. This district allows upper floor commercial uses in mixed residential and

commercial buildings, and permits a greater variety of commercial uses. Parking requirements mandate one off-street parking space per 400 square feet of commercial space for most commercial uses with exemptions for uses requiring less than five off-street parking spaces.

Fourth Avenue – R8A

An R8A district is proposed for the Fourth Avenue corridor of the rezoning area, a street that is 120 feet wide and well served by transit. The related zoning text amendment to permit an Inclusionary Housing bonus in this area creates incentives for the development and preservation of affordable housing (see “Inclusionary Housing Program,” below). Developments in this district would have a maximum FAR of 5.4, which could be increased up to 7.2 with the provision of affordable housing. The R8A contextual height limits, including a maximum base height of 85 feet and a maximum total height of 120 feet after a setback, would apply to all development.

New multifamily residences in R8A districts must provide one off-street parking space for 40 percent of the dwelling units, with waivers for lots smaller than 10,000 square feet, or for developments requiring less than 15 spaces. In addition, there are reduced parking requirements for lots between 10,000 and 15,000 square feet and for government-assisted affordable housing units.

Commercial Overlays – C2-4

C2-4 commercial overlay districts are proposed on Third, Fourth, Fifth, and Seventh avenues where there are existing C1-3 and C2-3 commercial overlays. Two new C2-4 commercial overlays are proposed around Bartel Prichard Square, to make existing non-conforming ground

floor retail conforming uses.

Commercial uses in C1 and C2 districts have a maximum FAR of 1.0 when mapped in R5 districts, and an FAR of 2.0, if they are mapped as overlays in R6 districts and above.

Residential, mixed residential/commercial, and community facility uses in C2 commercial overlays are regulated by the underlying residential districts. Commercial uses in mixed residential/commercial buildings in C2 districts cannot be located above the first floor. C2-4 districts require one parking space per 1,000 square feet of commercial floor area in developments with more than 40,000 square feet of commercial floor area. The requirement is waived if parking for all uses on a zoning lot would be required to provide less than 40 parking spaces.

Under the proposed changes, most commercial overlays that are currently mapped at a depth of over 100 feet (parts of Third, Fourth, Fifth and Seventh avenues and Prospect Park West) would be narrowed to 100 feet, with the exception of the 180-foot overlay at the corner of Third Avenue and Prospect Avenue, which currently contains commercial and industrial uses, and will be retained.

ZONING TEXT AMENDMENT (N 060053 ZRK)

Inclusionary Housing Program

Through the related application for a zoning text amendment, the South Park Slope rezoning proposal applies the Inclusionary Housing program (Section 23-90 of the Zoning Resolution) to proposed R8A districts in the Fourth Avenue corridor, establishing incentives for the creation

and preservation of affordable housing in conjunction with new development on the section of Fourth Avenue in the rezoning area. The Inclusionary Housing bonus proposed for the Fourth Avenue corridor is consistent with the bonus established for contextual developments under the recently adopted Greenpoint-Williamsburg rezoning. In R8A districts within the Fourth Avenue corridor, where substantial housing development would be possible, the Inclusionary Housing program would promote affordable housing in conjunction with the development of both rental and condominium housing.

Under the Inclusionary Housing program, developments providing up to 20 percent affordable housing are eligible for a floor area bonus of up to 33 percent, within contextual height and bulk regulations tailored to this area. Affordable units can be provided either on the same site as the development earning the bonus, or off-site either through new construction or preservation of existing affordable units. Off-site affordable units must be located within the same Community District or within a half-mile of the bonused development. Available City, State, and Federal housing finance programs may be used to finance affordable units. The combination of a zoning bonus with housing programs establishes a powerful incentive for the development and preservation of affordable housing in South Park Slope.

ENVIRONMENTAL REVIEW

This application (C 060054 ZMK), in conjunction with the related application (N 060053 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 designated CEQR number is 06DCP014K.

The lead agency is the City Planning Commission.

After a study of the environmental impact of the subject application (C 060054 ZMK), a negative declaration was issued on August 22, 2005, which included (E) designations for hazardous materials, air quality and noise.

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

- Block 1051, Lots 32, 37, 39;
- Block 634, Lots 1 and 5;
- Block 643, Lots 1, 2, 3, 4, 5, 6 and 70;
- Block 1051, Lots 33, 34, 35 and 36;
- Block 1052, Lots 1, 2, 4 and 5,
- Block 1052, Lots 6, 7, 8, 9 and 10;
- Block 631, Lots 1, 4 and 5,
- Block 631, Lots 6, 7, 9 and 10;
- Block 637, Lot 1; and
- Block 1052, Lots 43, 44, 45, 46 and 47.

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

To avoid the potential for air quality impacts associated with boiler emissions, the proposed zoning map amendment includes (E) designations on the following properties:

- Block 1051, Lots 32, 37, 39;
- Block 1051, Lots 33, 34, 35 and 36;
- Block 1052, Lots 6, 7, 8, 9 and 10;
- Block 1052, Lots 1, 2, 4 and 5,
- Block 631, Lots 6, 7, 9 and 10; and
- Block 631, Lots 1, 4 and 5.

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

To avoid the potential for significant adverse impacts related to noise, the proposed action includes (E) designations on the following properties:

- Block 1051, Lots 32, 37, 39;
- Block 1051, Lots 33, 34, 35 and 36;
- Block 1052, Lots 6, 7, 8, 9 and 10;
- Block 1052, Lots 1, 2, 4 and 5, and
- Block 631, Lots 6, 7, 9 and 10.

In order to ensure an acceptable interior noise environment, future residential uses on the above referenced properties must provide a closed window condition with a minimum of 45 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 would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

UNIFORM LAND USE REVIEW

This application (C 060054 ZMK) was certified as complete by the Department of City Planning on August 22, 2005 and was duly referred to Community Board 7 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the application for the related text amendment (N 060053 ZRK) which was referred for review and comment.

Community Board Public Hearing

Community Board 7 held a public hearing on the application (C 060054 ZMK) and related application (N 060053 ZRK) on August 24, 2005, and on that date, by a vote of 32 to 0 with one abstention, adopted a resolution recommending approval of the zoning map and text change applications, with the following comments:

- 1) That the sight corridor between the Statue of Liberty and the Statue of Minerva at Battle Hill in Green-Wood Cemetery never be obstructed;
- 2) That the City take steps to address the proposed impacts on infrastructure (sewers, sanitation, schools, police & fire service, public transit, parking and electrical power) that will occur as a result of all new residential development in the area;
- 3) That the Department of Buildings and other relevant government agencies will step up enforcement efforts in the area to respond to the numerous documented violations as a result of new construction; and
- 4) That senior housing be encouraged as a component of affordable housing plans for the area.

The board also encouraged the City to consider mandating affordable housing as part of future rezonings.

Borough President Recommendation

The application (C 060054 ZMK), along with the related application (N 060053 ZRK), was considered by the Borough President, who issued on September 26, 2005 recommendation approving the proposed zoning map and text applications subject to the following condition:

- The City Planning Commission and City Council modify the zoning text amendment that restricts R8A as-of-right development in Community District 7 from a floor area ratio of 5.4 to 4.0.

The Borough President's recommendation also called on the Department of City Planning to initiate a zoning text and map amendments study that:

- For R8A districts in Community District 7, amends the parking requirements from 20 and 40 percent to 100 percent and eliminates the option to otherwise waive parking;
- Protect residents from displacement in South Park Slope, Green-Wood Heights and adjacent areas within Community District 7;
- Evaluates the frontages along the west side of Fourth Avenue for residential rezoning.

The Borough President's recommendation further called on the City to analyze and implement means to provide landscaping along Fourth Avenue.

City Planning Commission Public Hearing

On September 14, 2005 (Calendar No. 3), the City Planning Commission scheduled September 28, 2005, for a public hearing on the application (C 060054 ZMK). The hearing was duly held on September 28, 2005 (Calendar No. 19), in conjunction with the related application (N 060053 ZRK), for a zoning text amendment.

There were 27 speakers in favor of the applications and one speaker in opposition.

Speakers in favor of the proposal included representatives of the Public Advocate, the Brooklyn Borough President, the Assembly Member from the 44th District; a former Assembly Member from the 44th District, members of Community Board 7; representatives of the Fifth Avenue Committee, South South Slope, the Concerned Citizens of 23rd Street, the Historic Districts Council, an architect advising local community groups and representatives of the Green-Wood Cemetery.

Speakers supported the rezoning proposal for preserving the low-rise character of the area and views from the neighborhood to the harbor, features which are threatened by three buildings under construction with as many as twelve stories. Speakers emphasized that the low-rise built character of South Park Slope is a result of its history as a working class community built around the turn of the twentieth century, and that this low-rise character has remained largely unchanged for decades. Community members have been advocating for zoning changes to impose height

limits in this area since 2004. Several speakers asserted that they were not opposed to new development, but that they wanted new buildings to be in context with the built character of the neighborhoods.

Several speakers also praised the proposal for the opportunity it provides for new residential development on Fourth Avenue, a 120-foot wide street where the development of new buildings would establish a new residential corridor.

Speakers on behalf of local civic and housing groups praised the proposal for creating incentives for the creation and preservation of affordable housing in conjunction with the development of Fourth Avenue. They noted that the proposed Inclusionary Housing program applies the same model recently adopted under the recent rezonings of Greenpoint-Williamsburg, Hudson Yards and West Chelsea.

Some speakers, including a representative of the Green-Wood Cemetery, supported the approval of the rezoning but called for further study of the mapping of a scenic view corridor along 23rd Street and into Red Hook, to protect the existing views from Battle Hill in Green-Wood Cemetery to the Statue of Liberty in the harbor.

A representative of Concerned Citizens of 23rd Street requested that the area south of the Prospect Expressway, between Fifth and Seventh Avenues, be rezoned from the proposed R6B district to R5B. The speaker indicated their interest in making a private rezoning application to this effect, after passage of this proposal. A speaker representing the Historic Districts Council

requested the R6B district proposed on two blocks along 16th Street between Seventh Avenue and Prospect Park West, be changed to R5B. This speaker also proposed that the R6B district around the Bishop Boardman senior housing development, on Eighth Avenue between Windsor Place and 16th Street be changed to R5B, further restricting the possible future redevelopment of the facility's parking lot.

A member of Community Board 7 and a representative from South South Slope called on the Department to study additional areas of Community District 7 for possible contextual rezonings, including East Windsor Terrace, south Sunset Park, Greenwood Terrace, and Kensington.

Two speakers, the representative of the Borough President and a representative of the Fifth Avenue Committee, called for anti-displacement and anti-harassment provisions to be added to the proposal. The representative of the Borough President also recommended increased parking requirements on Fourth Avenue, the rezoning of block fronts on the east side of Fourth Avenue, and the landscaping and greening of the median strip on Fourth Avenue, as well as in front of new developments built there. The representative of the Fifth Avenue Committee, while supporting the rezoning proposal, suggested that the Inclusionary Housing program be mandatory, rather than voluntary, and expressed a preference for on-site affordable units on Fourth Avenue.

Many speakers from the community testified about alleged violations of the building code at sites currently under construction, including work after hours and without permits, unsafe building practices, and intimidation by contractors and construction workers. Speakers expressed

concerns about adverse effects from multiple construction projects and requested more inspections and monitoring of construction sites.

The speaker in opposition to the proposal, an attorney representing the developer of two buildings currently under construction in the rezoning area, expressed concern that the proposal was moving too quickly through the public review process, and that the rezoning would limit the number of units his client would be allowed to build at these sites.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with those for the related action, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 05-052.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 060054 ZMK), in conjunction with the related application for a zoning text amendment (N 060053 ZRK), is appropriate.

The Commission notes that the rezoning proposal was developed in response to the advocacy of the two local civic groups, South South Slope and Concerned Citizens of 23rd Street, beginning in August 2004, followed by a Community Board 7 resolution in September 2004, calling for a Department of City Planning rezoning study. This study formally began in January 2005, and proceeded during the year, with consultations and meetings with elected officials, the Community Board and the two civic groups.

Similar to other neighborhoods that have been the subject of recent contextual rezonings, South Park Slope is a neighborhood whose early low-rise development has remained largely unchanged for nearly a hundred years. Recent development pressures have threatened to disrupt the consistent character that has contributed to the neighborhood's revitalization. The Commission supports this action to protect the character of South Park Slope from out-of-scale development.

With development pressures spreading south from Park Slope, the scale of certain recent and proposed buildings in noncontextual districts highlights the importance of extending contextual zoning districts to South Park Slope. The proposed zoning changes permits new development with height limits to ensure that new buildings respect the characteristic scale of the neighborhood. Existing R5 and R6 districts would be replaced by R5B and R6B districts which

protect the rowhouse character of side streets by imposing height restrictions on the street wall and on total heights, and also by requiring street wall line-up so new buildings must meet the street at the same depth as their neighbors. The proposed new R5B district around the narrow streets of Webster Place and Jackson Place further protects the Victorian-era rowhouses in this area.

C4-3A and R6A districts with commercial overlays would reinforce several of the avenues as corridors for mixed retail/residential buildings. The addition of C2-4 commercial overlays at Bartel Pritchard Square would bring existing commercial uses into conformance, and most commercial overlays would be reduced to a depth of 100 feet to reflect existing patterns of commercial activity and to keep commercial uses from encroaching on the midblocks.

The proposed action also creates new housing opportunities in areas that can support greater density. The proposed R8A district on Fourth Avenue, a wide street that is well served by transit, will facilitate apartment house development. The Commission believes that new development under the proposed zoning will help establish Fourth Avenue as an active residential-commercial corridor.

In addition, the proposed text changes allow the Inclusionary Housing provisions of Section 23-90 to apply to new developments on Fourth Avenue. Like the program recently adopted for upland areas of Greenpoint-Williamsburg, this program maintains the height limits of the contextual district while allowing a bonus of up to 33 percent for developments providing 20 percent affordable housing. The Commission believes this program is an effective tool for

promoting affordable housing in conjunction with new developments in the Fourth Avenue corridor.

The Commission notes that the proposed zoning addresses concerns expressed by local groups that views from the Battle Hill site in Green-Wood Cemetery to the Statue of Liberty be protected. The proposed zoning in the R6B district along 23rd Street and the proposed R8A district along Fourth Avenue, with their respective height limits of 50 and 120 feet, would not permit buildings within the rezoning area to obstruct this vista. The Commission also acknowledges requests from local groups for certain areas proposed as R6B to be rezoned R5B. This proposal is beyond the scope of the application. The Commission believes, however, that the proposed R6B districts in the area south of the Prospect Expressway, and on 16th Street between Seventh Avenue and Prospect Park West, are appropriate to the rowhouse character of the area and promotes reinvestment in existing housing stock, including the modest expansion of existing buildings. Similarly, the Commission believes that the R6B district, with its 50-foot height limit, is appropriate for the area that includes the seven-story Bishop Boardman senior housing development and its parking lot.

The Commission heard testimony advocating for the institution of anti-harassment provisions within the rezoning area. This is also beyond the scope of this application. The Commission also notes that the Inclusionary Housing program proposed for Fourth Avenue would promote the creation and preservation of permanently affordable housing units in conjunction with new development, and that local residents would be given preference for units produced using housing subsidy programs.

The Commission also heard testimony for a mandatory, rather than a voluntary affordable housing program on Fourth Avenue. The Commission notes that the Inclusionary Housing program proposed for South Park Slope utilizes the same bonus mechanism recently adopted after extensive analysis and public debate in Hudson Yards, Greenpoint-Williamsburg, and West Chelsea. This Inclusionary Housing program represents a pioneering strategy for the creation and preservation of affordable housing on privately owned land, in the absence of a large inventory of City-owned land for affordable housing development. The Commission supports the application of this program to the Fourth Avenue corridor, where the increase in permitted density would create substantial new opportunities for housing development and an environment in which the zoning bonus contributes to a substantial incentive for affordable housing.

The Commission notes the Borough President's recommendation for higher parking requirements in the proposed R8A district on Fourth Avenue. However, this section of Fourth Avenue, like the section to the north, is well served by transit, with service from multiple subway lines. Therefore, the Commission believes the parking requirements of the R8A district are appropriate. With regard to the Borough President's recommendation for landscaping to beautify a revitalized Fourth Avenue, the Commission notes that this median is within the purview of the Department of Transportation and the MTA, and that funds have been allocated in the City's Capital Budget for fiscal year 2008 for a series of plantings and landscaping in the median of Fourth Avenue within Community District 7. In addition, the Commission notes that the Quality Housing program, which is mandatory in R8A districts, includes requirements for landscaping in the area between the front wall of a residential building and the streetline.

The Commission notes that several sites in the rezoning area have construction permits filed for buildings greater than seven stories, and which threaten to overwhelm and significantly alter the character of the neighborhood. The Commission believes that these buildings highlight the need for this rezoning, in order to protect the existing two- to four-story neighborhood character. The Commission has carefully considered the concerns of property owners and developers of land in South Park Slope and determined that this proposed rezoning would help ensure that the recent extraordinary interest in South Park Slope and future development activity would contribute to, rather than detract from its revitalization and well-being.

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16d,

1. **eliminating from an existing R5 District a C2-3 District bounded by:**
 - a. 16th Street, a line 100 feet southeasterly of 7th Avenue, Prospect Avenue, and 7th Avenue; and
 - b. 16th Street, Prospect Park West, 18th Street, and a line 150 feet northwesterly of Prospect Park West;

2. **eliminating from an existing R5B District a C2-3 District bounded by:**
 - a. 16th Street, a line 150 feet southeasterly of Prospect Park West, Windsor Place, and Prospect Park West; and
 - b. Prospect Avenue, a line 150 feet southeasterly of Prospect Park West, 18th Street, and Prospect Park West;

3. **eliminating from an existing R6 District a C1-3 District bounded by:**
 - a. 21st Street, a line 150 feet southeasterly of 4th Avenue, 24th Street, and 4th Avenue;
 - b. 15th Street, a line 150 feet southeasterly of 5th Avenue, Prospect Avenue, and a line 150 feet northwesterly of 5th Avenue; and
 - c. Prospect Expressway, a line 100 feet southeasterly of 5th Avenue, 17th Street, a line 150 feet southeasterly of 5th Avenue, 23rd Street, a line 150 feet northwesterly of 5th Avenue, 17th Street, and 5th Avenue;

4. **eliminating from an existing R6 District a C2-3 District bounded by:**
 - a. 15th Street, a line 100 feet southeasterly of 3rd Avenue, a line 80 feet northeasterly of Prospect Avenue, a line 180 feet southeasterly of 3rd Avenue, Prospect Avenue, and 3rd Avenue;
 - b. 15th Street, a line 150 feet southeasterly of 4th Avenue, Prospect Avenue, and a line 100 feet northwesterly of 4th Avenue;
 - c. Prospect Expressway, a line 150 feet southeasterly of 4th Avenue, 20th Street, and 4th Avenue;
 - d. 23rd Street, 5th Avenue, 24th Street, and a line 150 feet northwesterly of 5th Avenue;
 - e. 15th Street, a line 100 feet southeasterly of 7th Avenue, 16th Street, and 7th Avenue; and

- f. Prospect Avenue, 7th Avenue, 17th Street, and a line 100 feet northwesterly of 7th Avenue;
5. **changing from an R5 District an R5B District property bounded by** 16th Street, 8th Avenue, Windsor Place, a line 400 feet southeasterly of 8th Avenue, 16th Street, Prospect Park West, 20th Street, a line 110 feet northwesterly of Prospect Park West, a line midway between 19th Street and 20th Street, a line 175 feet northwesterly of Prospect Park West, 19th Street, 7th Avenue, Prospect Avenue, and a line 100 feet southeasterly of 7th Avenue;
 6. **changing from an R5 District to an R6A District property bounded by** 16th Street, a line 100 feet southeasterly of 7th Avenue, Prospect Avenue, and 7th Avenue;
 7. **changing from an R6 District to an R5B District property bounded by** 15th Street, a line 100 feet northwesterly of 7th Avenue, 16th Street, 7th Avenue, Prospect Avenue, and a line 100 feet southeasterly of 6th Avenue;
 8. **changing from an R6 District to an R6A District property bounded by:**
 - a. 15th Street, a line 100 feet southeasterly of 3rd Avenue, Prospect Avenue, and 3rd Avenue;
 - b. Prospect Expressway, a line 100 feet southeasterly of 5th Avenue, 24th Street, and a line 100 feet northwesterly of 5th Avenue; and
 - c. 15th Street, a line 100 feet southeasterly of 7th Avenue, 16th Street, and a line 100 feet northwesterly of 7th Avenue;
 9. **changing from an R6 District to an R6B District property bounded by:**
 - a. 15th Street, a line 100 feet northwesterly of 4th Avenue, Prospect Avenue, and a line 100 feet southeasterly of 3rd Avenue;
 - b. 15th Street, a line 100 feet northwesterly of 5th Avenue, 24th Street, and a line 100 feet southeasterly of 4th Avenue;
 - c. 15th Street, a line 100 feet southeasterly of 6th Avenue, Prospect Avenue, 7th Avenue, 23rd Street, 6th Avenue, 24th Street, and a line 100 feet southeasterly of 5th Avenue; and
 - d. 15th Street, a line 100 feet westerly of Bartel Pritchard Square, a line 100 feet northwesterly of Prospect Park West, 16th Street, a line 400 feet southeasterly of 8th Avenue, Windsor Place, 8th Avenue, 16th Street, and a line 100 feet southeasterly of 7th Avenue;

10. **changing from an R6 District to an R8A District property bounded by** 15th Street, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, and a line 100 feet northwesterly of 4th Avenue;
11. **changing from an R6 District to a C4-3A District property bounded by** 15th Street, a line 100 feet southeasterly of 5th Avenue, Prospect Expressway, and a line 100 feet northwesterly of 5th Avenue;
12. **establishing within an existing R5B District a C2-4 District bounded by:**
 - a. 16th Street, a line 100 feet southeasterly of Prospect Park West, Windsor Place, and Prospect Park West; and
 - b. Prospect Avenue, a line 100 feet southeasterly of Prospect Park West, 18th Street, and Prospect Park West;
13. **establishing within an existing R8B District a C2-4 District bounded by** 15th Street, Bartel Pritchard Square, Prospect Park Southwest, a line 100 feet southeasterly of Bartel Pritchard Square, a line 100 feet southeasterly of Prospect Park West, 16th Street, a line 100 feet northwesterly of Prospect Park West, and a line 100 feet easterly of Bartel Pritchard Square;
14. **establishing within a proposed R5B District a C2-4 District bounded by** 16th Street, Prospect Park West, 18th Street, and a line 100 feet northwesterly of Prospect Park West;
15. **establishing within a proposed R6A District a C2-4 District bounded by:**
 - a. 15th Street, a line 100 feet southeasterly of 3rd Avenue, Prospect Avenue, and 3rd Avenue;
 - b. Prospect Expressway, a line 100 feet southeasterly of 5th Avenue, 23rd Street, 5th Avenue, 24th Street, and a line 100 feet northwesterly of 5th Avenue; and
 - c. 15th Street, a line 100 feet southeasterly of 7th Avenue, Prospect Avenue, and 7th Avenue;
16. **establishing within a proposed R6B District a C2-4 District bounded by:**
 - a. a line 60 feet northeasterly of Prospect Avenue, a line 180 feet southeasterly of 3rd Avenue, Prospect Avenue, and a line 100 feet southeasterly of 3rd Avenue; and
 - b. Prospect Avenue, 7th Avenue, 17th Street, and a line 100 feet northwesterly of 7th Avenue; and
17. **establishing within a proposed R8A District a C2-4 District bounded by:**

- a. 15th Street, a line 100 feet southeasterly of 4th Avenue, 20th Street, 4th Avenue, Prospect Avenue, and a line 100 feet northwesterly of 4th Avenue; and
- b. 21st Street, a line 100 feet southeasterly of 4th Avenue, 24th Street, and 4th Avenue;

Borough of Brooklyn, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 22, 2005, and which includes CEQR Designation E-152.

The above resolution (C 060054 ZMK), duly adopted by the City Planning Commission on October 19, 2005 (Calendar No. 25), 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

KENNETH J. KNUCKLES, Esq., Vice-Chairman

ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, RICHARD W. EADDY, LISA A. GOMEZ, JOHN

MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners