



CITY PLANNING COMMISSION

October 19, 2011/Calendar No. 14

C 110386 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 the amendment of the Zoning Map, Section Nos. 16c & 16d, by establishing a Special Fourth Avenue Enhanced Commercial District (EC) bounded by a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, the northeasterly boundary line of James J. Byrne Memorial Park and Playground, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue, Borough of Brooklyn, Community Districts 2, 6, and 7, as shown on a diagram (for illustrative purposes only) dated June 20, 2011.

This is an application for an amendment of the Zoning Map to establish the Special District 'EC' along 4th Avenue in Community Districts 2, 6, and 7 in Brooklyn.

RELATED ACTIONS

In addition to this application (C 110386 ZMK) for an amendment of the Zoning Map, which is the subject of this report, the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

N 110387 ZRK: Zoning text change to establish the Special Fourth Avenue Enhanced Commercial District on 56 blocks along Fourth Avenue in the Park Slope and South Park Slope neighborhoods of Brooklyn.

BACKGROUND

The proposed special district would be located on Fourth Avenue, between Atlantic Avenue and 24th Street, in the Park Slope and South Park Slope neighborhoods in Brooklyn Community Districts 2, 6 and 7. The proposal would establish special use regulations on the ground floor to limit residential and parking uses while allowing a mix of commercial and community facility uses in new developments and ground floor level enlargements, would create transparency requirements, and would establish limitations on curb cuts.

The portions of Fourth Avenue to which these regulations would apply have been rezoned to R8A and R8A/C2-4 in recent years to encourage mid-density mixed use development with ground floor commercial uses. The proposed Special District is intended to ensure that this trend of mixed uses along the Fourth Avenue corridor would continue.

Fourth Avenue is a 120-foot wide arterial road that traverses the Park Slope and South Park Slope neighborhoods. It is lined with three- to twelve-story residential buildings, many of which contain local retail and community facility uses at the ground floor, as well as auto-oriented commercial and light industrial buildings. The neighborhoods of Park Slope and South Park Slope are primarily residential, with a rowhouse context on the side streets, and larger multi-family apartment buildings on the avenues.

Fifth and Seventh avenues are neighborhood commercial corridors, with ground-floor retail spaces below two to five floors of apartments above. More recently, since the Park Slope and South Park Slope rezonings in 2003 and 2005, respectively, the character of this portion of Fourth Avenue has slowly been transitioning to a more residential character, with higher-density apartment buildings up to 12 stories in height beginning to line the avenue alongside associated retail and service uses. Fourth Avenue has begun a visible and dramatic evolution from an auto-oriented, heavy commercial and industrial avenue, to one with significant residential development and a new residential population. While many of the newly-constructed residential buildings contain retail and community facility uses on the ground floors that help activate the sidewalks for pedestrians, some of these buildings contain parking garages with blank walls at the ground floors that do not enliven the pedestrian streetscape.

The area of the proposed special district is zoned R8A and R8A/C2-4. The proposed Special District would not change the underlying zoning districts. The blocks zoned R8A/C2-4 along Fourth Avenue between Atlantic Avenue and Warren Street were rezoned in 1993 as part of the Department's Park Slope North contextual rezoning (C 900580 ZMK, adopted by the City Council 4/1/1993). Just to the north of the proposed special district on the north side of Atlantic Avenue lies the Special Downtown Brooklyn District, mapped in 2004 to guide growth in this central business district. In 2003, the Department contextually rezoned approximately 110 blocks of Park Slope, including rezoning 39 blockfronts on Fourth Avenue from R6 to R8A and

R8A/C2-4 (C 030194A ZMK, adopted by the City Council 4/30/2003). The Department followed up this rezoning with its 2005 South Park Slope contextual rezoning, which applied an R8A and R8A/C2-4 zoning district with the Inclusionary Housing program along 12 blockfronts on Fourth Avenue (C 060054 ZMK, adopted by the City Council 11/16/2005).

The proposed Special Fourth Avenue Enhanced Commercial District is intended to ensure a lively pedestrian context by imposing transparency requirements, limiting curb cuts and establishing special use provisions to require ground-floor neighborhood services and amenities and limiting parking and residential uses on the ground floor facing Fourth Avenue to better serve the growing residential population. The proposed changes would apply to new developments and ground floor level enlargements along 56 blockfronts of Fourth Avenue zoned R8A/C2-4 or R8A in the Park Slope and South Park Slope neighborhoods. Three major components to this text amendment seek to address specific issues that would result in diverse mixed-use developments with commercial, community facility and retail in this emerging new neighborhood.

- Enlivening uses - To ensure a mix of commercial and retail uses as already permitted by the underlying zoning, the proposal contains Special Use Provisions that would require the entire ground floor be developed or enlarged with permitted non-residential uses, except where residential lobbies and off-street parking facilities are permitted. Of the ground floor frontage of a zoning lot, at least 50% must be occupied by streetscape enlivening commercial uses to a minimum depth of 30 feet. The remaining frontage of the lot (but not more than 50%) may be occupied by any use permitted in the C2-4 zoning district as well as lobby spaces and parking entrances, where applicable. This flexibility in permitting a range of uses would encourage the development of a varied streetscape with active ground-floor uses.

Required and permitted parking would continue to be allowed on the ground floors but would be limited to beyond the first 30 feet of the building, or elsewhere in the building. Residential lobbies would be limited to a width of 25 feet to ensure that the maximum feasible ground floor space be occupied by active uses that serve the neighborhood and its new residents.

- Sidewalk continuity- Curb cuts serving new buildings would generally be limited to the side streets. This would ensure pedestrian safety and allow minimize the disruption to the pedestrian experience.
- Streetscape design - To ensure an interactive and social space along Fourth Avenue, new retail and commercial establishments would be required to adhere to a minimum level of streetwall transparency. Shops and offices with glass storefronts would allow pedestrians to look in and break down barriers between the sidewalk and activities inside.

Zoning Text Amendment (N 110387 ZRK)

The proposed zoning text amendment would create the Special Fourth Avenue Enhanced Commercial District in the Zoning Resolution and would provide regulations pertaining to ground floor use, streetscape design elements, and location of parking entrances. The proposed area to which the Special Fourth Avenue Enhanced Commercial District text would apply encompasses 56 blockfronts on Fourth Avenue between Atlantic Avenue and 24th Street in Brooklyn Community Districts 2, 6, and 7.

Special Use Provisions

- The entire Fourth Avenue ground floor must be occupied by non-residential uses, except that residential lobbies and off-street parking facilities may be permitted (limitations are listed below).
- A minimum of 50 percent of the ground-floor frontage of a lot fronting on Fourth Avenue to minimum depth of 30 feet must be occupied by a retail use listed in Use Groups 5, 6A, 6C (excluding banks and loan offices), 7B, 8A, 8B or 9A.
- The remaining portion of the ground floor may be occupied by all non-residential uses permitted in the C2-4 district, residential lobbies and where permitted, entrances to accessory parking facilities.

- All lobbies for upper floor uses shall not exceed 25 feet in width.
- Entrances and associated curb cuts to accessory and public parking shall only be permitted on Fourth Avenue if it serves an interior zoning lot which does not have access to a side street and has a lot width along Fourth Avenue greater than 60 feet.
- Transparency/glazing is required for 50 percent of the area between a height of 2 feet and 12 feet as measured from the sidewalk level for all uses fronting on Fourth Avenue, including residential lobbies, but excluding entrances to accessory parking facilities (garage doors), where permitted.
- No portion of a ground floor may have a blank wall with a width exceeding 10 feet.
- Unenclosed sidewalk cafes would be permitted in the Special District; enclosed sidewalk cafes would not be permitted.

Exceptions to the Special District Provisions:

- Existing buildings changing uses or doing minor alterations would not be subject to the use or transparency provisions.
- Buildings used exclusively for schools or houses of worship would be exempt from the use and transparency regulations applicable to the Special District.
- These provisions would not be applicable to existing lots measuring less than 20 feet.
- Lots in R8A zoning districts would not be subject to the minimum glazing and use restrictions but would have to comply with the proposed curb cut rules listed above.

Zoning Map Amendment (C 110386 ZMK):

The proposed Special Fourth Avenue Enhanced Commercial District text amendment would be shown on the zoning map by mapping a Special District denoted “EC” (Enhanced Commercial).

This Special District follows the existing zoning line for the R8A and R8A/C2-4 zoning district that is mapped along this portion of 4th Avenue.

The Special Fourth Avenue Special District is bounded by midblock between Atlantic Avenue and Pacific Street to the north (immediately adjacent to the Special Downtown Brooklyn District) and to 24th Street to the south. The area is generally 100 feet in depth along Fourth Avenue, with the exception of five blocks between President and 3rd Streets where it is 150 feet deep. The area is zoned R8A/C2-4 overlay with the exception of four blocks which are within an R8Adistrict.

The proposed Special District would not change the underlying zoning.

ENVIRONMENTAL REVIEW

This application (C 110386ZMK), in conjunction with the application for the related actions (N 110386 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 11DCP147K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 110386 ZMK), a Negative Declaration was issued on June 20, 2011. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment

UNIFORM LAND USE REVIEW

This application (C 110386 ZMK) in conjunction with the applications for the related non-ULURP applications (N 110387 ZRK) was duly referred to Brooklyn Community Boards 2,6, and 7, and the Brooklyn Borough President on June 22, 2011 in accordance with the procedure for referring non-ULURP matters in conjunction with the related actions (N 110387 ZRK) which were certified as complete by the Department of City Planning on June 22, 2011 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 July 20, 2011 on this application (N 110387 ZRK) and on July 25, 2011. The Executive Committee, acting on behalf of the full board as authorized by a vote of 26 in favor with one abstention at the June 9, 2011 general meeting, by vote of 8 in favor, 0 opposed, and no abstentions, adopted a resolution recommending approval of the application.

Community Board 6 held a public hearing on June 23, 2011 on this application (N 110387 ZRK) on July 14, 2011, by vote of 13 in favor, 0 opposed, and no abstentions, the Executive Committee adopted a resolution recommending approval of the application with the following conditions:

1. That the Department take a closer look at how restrictions might be placed upon the size of individual commercial stores that can be constructed as-of-right to provide the community with greater control over the possibility for the concentration of big box stores along the corridor;
2. That the department study the affect of rezoning within the Fourth Avenue corridor [that] for the purpose of applying inclusionary housing for affordable housing while continuing to cap building heights at a 120-foot ceiling [sic].

Community Board 7 held a public hearing on June 16, 2011 on this application (N 110386 ZMK) and June 16, 2011, by vote of 30 in favor, 5 opposed, and 4 abstentions adopted a resolution recommending approval of the application without conditions.

Borough Board Review

The Brooklyn Borough Board did not submit a recommendation.

Borough President Recommendation

This application was considered by the Borough President, who held a public hearing on July 27, 2011, and issued a recommendation on August 22, 2011 approving the application with the following conditions:

1. That for the Special Ground Floor Use Requirements for Commercial Districts according to the proposed Zoning Resolution Section 132-21(a) mandatory commercial uses for a portion of the ground floor level, be modified to contain additional excluded uses from Use Group 8A: trade schools, business schools; and, medical dental labs.
2. That for the Special Ground Floor Transparency Requirements according to the proposed Zoning Resolution Section 132-31, that for show windows sill height, in lieu of allowing a height of four feet above curb level applicable to general transparencies, such windows shall be not more than two feet six inches (2'-6") above curb level (as per the special downtown Brooklyn District (ZR 101-12).

In addition, the Borough President further resolved that:

1. That the Department of City Planning should undertake a zoning analysis for the purposes of enlarging the R8A district for the blocks frontages along the west side of Fourth between Douglass to 6th Streets and south of the Prospect Expressway to 24th Street;
2. That the Department of City Planning should undertake an analysis for a zoning text amendment to make applicable the Inclusionary Housing Program's affordable housing floor area incentives for the section for the R8A district north of 15th Street;
3. That the Department of City Planning should undertake an analysis of the R8A district's parking requirement on Brooklyn for the purposes of minimizing the applicability of when a development might be permitted to reduce the parking requirement for smaller zoning lots and/or waive parking otherwise required;

4. The City to analyze and implement means to provide streetscaping/landscaping along Fourth Avenue, including through subway gate upgrades and Builder Pavement Plans for all new developments; and
5. That the Department of City Planning should consult with Brooklyn's community boards and local elected officials to solicit interest in having mandatory ground floor retail use frontage requirements pursuant to the Special Enhanced Commercial District regulations along specified retail streets where there is potential for redevelopment based on the zoning's corresponding residential density and then proceed with zoning actions to establish such districts at the urging for the affected community board.

City Planning Commission Public Hearing

On September 7, 2011 (Calendar No. 1), the City Planning Commission scheduled September 21, 2011, for a public hearing on this application (C 110386 ZMK). The hearing was duly held on September 21, 2011 (Calendar No. 5), in conjunction with the hearing on the related action (N 110387 ZRK). There were three speakers in favor of the proposal and none opposed.

The Council Member representing the 39th District spoke in support of the proposal, emphasizing the importance of opportunities to activate the streetscape embodied in the proposal. The Council Member requested that the City Planning Commission consider amending the proposal to further restrict medical and dental labs in the new special district, and also lower the height of the required transparency for 4th Avenue frontages. In addition, the Council Member expressed support for rezoning blocks fronting on 4th Avenue currently zoned for manufacturing use with R8A/C2-4 zoning districts and expanding the Enhanced Commercial District and Inclusionary Housing Area to include these areas as well.

A representative of the Brooklyn Borough President spoke in favor of the proposal, and expressed the Borough President's strong support of the proposal as part of his overall vision for 4th Avenue, and the importance of encouraging retail use in this area. He reiterated the Borough President's conditions from his recommendation that seek to further restrict trade schools, business schools, and medical/dental labs, as well as lowering the level of required transparency

on 4th Avenue to better engage the pedestrian. He said that the Borough President also supports extending the R8A/C2-4 zoning along 4th Avenue in the manufacturing districts, and would like to see Inclusionary Housing Regulations in place for the full corridor.

The District Manager for Brooklyn Community District 6 spoke in favor of the proposal, and stated that the proposal was not considered controversial in the community. He also encouraged the Department of City Planning to study establishing Inclusionary Housing regulations on 4th Avenue in CD 6.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to the zoning map, and related action (N 110387 ZRK), as modified, are appropriate.

The Commission acknowledges that some of the buildings developed on Fourth Avenue under the current zoning have parking garages with blank walls fronting on the street, which disrupts the retail continuity and affects the pedestrian streetscape.

The proposed Special Fourth Avenue Enhanced Commercial District would establish regulations to encourage ground retail floor uses on Fourth Avenue, ground-floor transparency, and relocate parking entrances off the retail corridor. The proposed changes would apply to new developments and ground floor level enlargements along 56 blockfronts of Fourth Avenue zoned R8A/C2-4 or R8A in the Park Slope and South Park Slope neighborhoods of Brooklyn and does not modify or expand the underlying zoning regulations.

The Commission believes that the proposed Special Fourth Avenue Enhanced Commercial District would assist the emerging residential and commercial corridor along Fourth Avenue to develop streetscape character that is safe and engaging for pedestrians and provide for the needs of the growing residential population on Fourth Avenue and the surrounding area.

The Commission notes that the Fourth Avenue corridor is an emerging commercial corridor, with many properties yet to be developed, and that ground-floor commercial spaces may be occupied by a variety of businesses over time as the area matures as a retail location. The Commission believes that the proposed use regulations allow for necessary flexibility as the corridor evolves, and constitute a balanced approach that encourages active use without unduly restricting development in the area.

The Commission recognizes the need to promote streetscape continuity on Fourth Avenue. To ensure that cars do not overshadow the pedestrian experience, curb cuts serving new buildings are proposed to be limited to the side streets. The commission believes that this regulation would allow the avenue to develop and evolve at a human-scale, with minimal interruptions to the sidewalk and streetwall. Properties fronting on Fourth Avenue at least 60 feet wide, without access to a side street, would be allowed to construct a curb cut on Fourth Avenue, recognizing that parking is required and desirable in this area.

The Commission recognizes the importance of promoting an interactive and social space along Fourth Avenue. The proposal would require new retail and commercial establishments to provide to a minimum level of streetwall transparency. Shops and offices with glass storefronts allow pedestrians to look in, which breaks down barriers between the sidewalk and activities inside. For lots fronting on Fourth Avenue, 50% of the area between a height of 2 and 12 feet would be required to be transparent. The Commission notes that the proposal as certified further stipulated that transparent areas provided to satisfy this requirement must begin no higher than four feet above curb level.

The Commission agrees with the Borough President and local Council Member that windows provided at a height of 4 feet would not engage the attention of the pedestrian as directly as those at a lower height. The Commission hereby modifies the proposed zoning text amendment to require that transparent areas provided to satisfy the minimum transparency requirement begin at a height no higher than two feet, six inches above curb level. The Commission believes this

modification will result in a livelier streetscape that engages the pedestrian, fostering a safer, more pleasant experience on Fourth Avenue.

Community Board 6 requested that the Commission further limit the size and location of businesses on Fourth Avenue, however this would be outside the scope of the action.

Community Board 6, along with the Borough President and local Council Member, also requested that Inclusionary Housing regulations be extended to Fourth Avenue above 15th Street. This would also be outside the scope of this action.

The Commission recognizes the requests of the Borough President and Council Member from District 39 that the retail and service uses proposed to satisfy the 50% frontage requirement be further limited. However, these changes would be outside the scope of this action.

Therefore, the proposal, as modified, is approved. The Commission believes that proposed special district would establish regulations to encourage enlivening uses, retail continuity, and façade elements that engage the pedestrians,

RESOLUTION

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

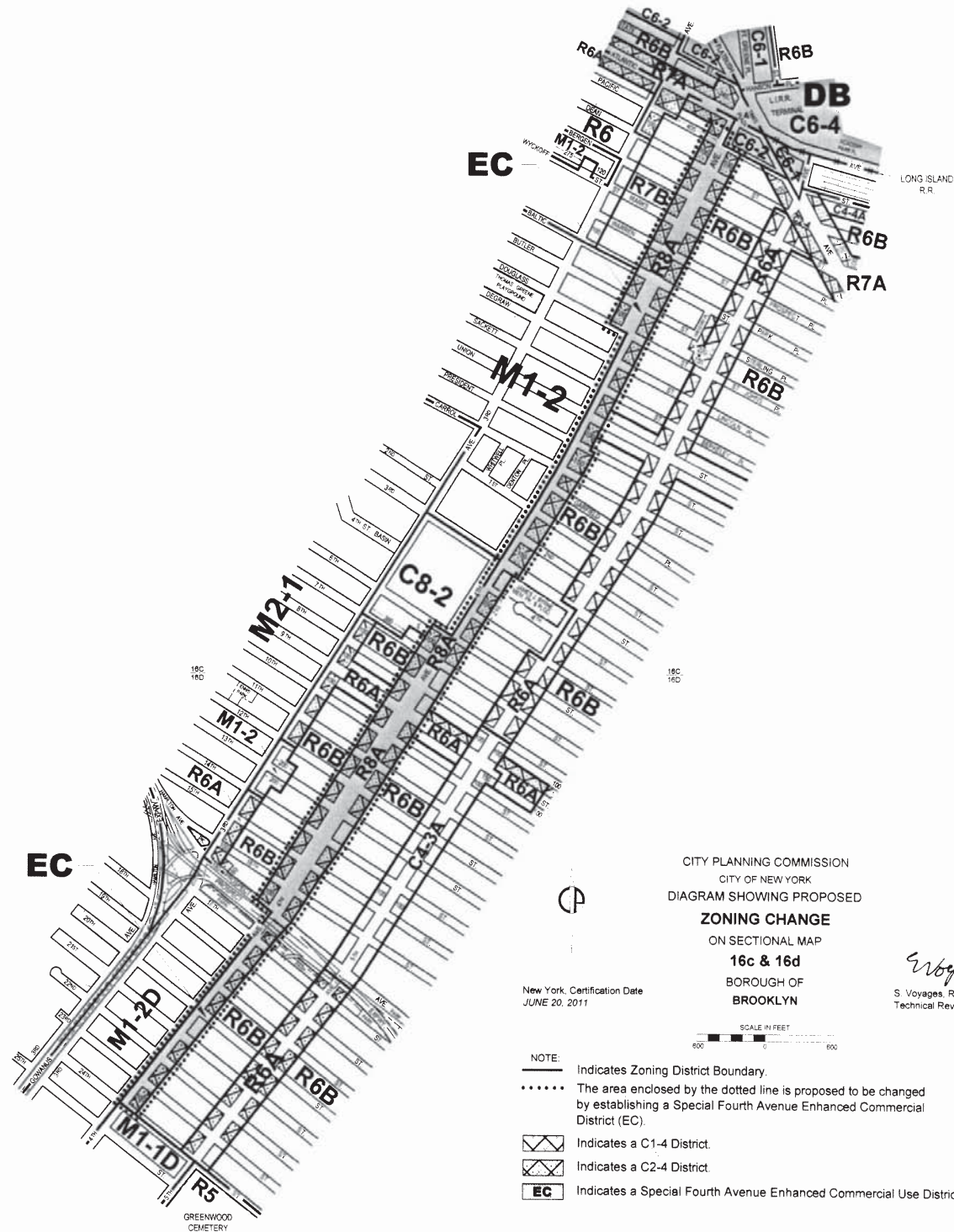
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 16c & 16d, by establishing a Special Fourth Avenue Enhanced Commercial District (EC) bounded by a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, the northeasterly boundary line of James J. Byrne Memorial Park and Playground,

a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue;

Borough of Brooklyn, Community Districts 2, 6, and 7, as shown on a diagram (for illustrative purposes only) dated June 20, 2011.

The above resolution (C 110386 ZMK), duly adopted by the City Planning Commission on October 19, 2011 (Calendar No. 14), is filed with the Office of the Speaker, City Council and the Brooklyn Borough President, pursuant to Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
RICHARD W. EADDY, Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners



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

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

New York, Certification Date
 JUNE 20, 2011



- NOTE:
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be changed by establishing a Special Fourth Avenue Enhanced Commercial District (EC).
 - Indicates a C1-4 District.
 - Indicates a C2-4 District.
 - EC** Indicates a Special Fourth Avenue Enhanced Commercial Use District (EC).

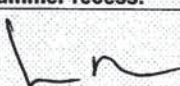
Application #: C 110252 ZMK	Project Name: Special 4th Avenue Enhanced Commercial District
CEQR Number: 11DCP147K	Borough(s): Brooklyn Community District Number(s) 2, 6, & 7
<i>Please use the above application number on all correspondence concerning this application</i>	


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 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:

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 the amendment of the Zoning Map, Section Nos. 16c & 16d, by establishing a Special Fourth Avenue Enhanced Commercial District (EC) bounded by a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, the northeasterly boundary line of James J. Byrne Memorial Park and Playground, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue, Borough of Brooklyn, Community Districts 2, 6 and 7, as shown on a diagram (for illustrative purposes only) dated June 20, 2011.

Applicant(s): Department of City Planning 22 Reade Street New York, NY 10007	Applicant's Representative: Purnima Kapur Dept. of City Planning, Brooklyn Office 16 Court Street, #705 Brooklyn, NY 11241
Recommendation submitted by: Brooklyn Community Board 2	
Date of public hearing: July 20, 2011	Location: LC400, Polytechnic Institute
Was a quorum present? YES X NO <input type="checkbox"/> (13/50)	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
Date of Vote: July 25, 2011	Location: LLC515, Long Island University
RECOMMENDATION	
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
Please attach any further explanation of the recommendation on additional sheets, as necessary.	
Voting — # In Favor: 8 # Against: 0 # Abstaining: 0 Total members appointed to the board: 50	
At its June 9, 2011 general meeting, Community Board 2 voted 26 in favor, none opposed, one abstention (26-0-1) to authorize the Executive Committee to act on its behalf during the summer recess.	
Name John Dew	Title Chairperson 
Date: July 26, 2011	

		<h2 style="text-align: center;">Community/Borough Board Recommendation</h2>	
		Pursuant to the Uniform Land Use Review Procedure	
Application #: C 110252 ZMK	Project Name: Special 4th Avenue Enhanced Commercial District		
CEQR Number: 11DCP147K	Borough(s): Brooklyn Community District Number(s) 2, 6, & 7		
Please use the above application number on all correspondence concerning this application.			

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 - **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"
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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 the amendment of the Zoning Map, Section Nos. 16c & 16d, by establishing a Special Fourth Avenue Enhanced Commercial District (EC) bounded by a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, the northeasterly boundary line of James J. Byrne Memorial Park and Playground, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue, Borough of Brooklyn, Community Districts 2, 6 and 7, as shown on a diagram (for illustrative purposes only) dated June 20, 2011.

<p>Applicant(s): Department of City Planning 22 Reade Street New York, NY 10007</p>	<p>Applicant's Representative: Pumima Kapur Dept. of City Planning, Brooklyn Office 16 Court Street, #705 Brooklyn, NY 11241</p>
<p>Recommendation submitted by: Brooklyn Community Board</p>	
<p>Date of public hearing: June 23, 2011</p>	
<p>Location: John Jay Educational Campus 237 7th Ave. BK 11215</p>	
<p>Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p style="font-size: small;">A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</p>	
<p>Date of Vote: July 14, 2011</p>	
<p>Location: Cable Hill Community Meeting Room 250 Baltic Street BK 11201</p>	
<p>RECOMMENDATION</p> <p> <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions </p>	
<p><i>Please attach any further explanation of the recommendation on additional sheets, as necessary.</i></p>	
<p>Voting: # In Favor: 13 # Against: 0 # Abstaining: 0 (18 Executive Comm. Members) Total members appointed to the board: 48</p>	
<p>Name: Craig Hammann</p>	<p>Title: District Manager</p>
<p>Date: 8-23-11</p>	



THE CITY OF NEW YORK COMMUNITY BOARD SIX

Marty Markowitz
Borough President

Daniel M. Kummer
Chairperson

Craig Hammerman
District Manager

August 29, 2011

Amanda Burden
Chairperson
City Planning Commission
22 Reade Street
New York, New York 10007

Re: Special Fourth Avenue Enhanced Commercial District
ULURP Nos. C110386ZMK & N110387ZRK

Dear Chairperson Burden:

I am writing to advise you that at its July 14, 2011 meeting the Executive Committee acting on behalf of Brooklyn Community Board 6 resolved unanimously by a vote of 13 in favor, 0 opposed, with 0 abstentions, to conditionally support the Special Fourth Avenue Enhanced Commercial District application that is intended to facilitate ground floor retail use along Fourth Avenue for new development.

Brooklyn CB6 conducted a Public Hearing on this matter at its June 23, 2011 Landmarks/Land Use Committee at which various members of our community spoke in favor of the action. Some speakers expressed some hesitation, suggesting that further study may be necessary, which we will address in a subsequent motion directed to the department. But for the subject of this application, we commend the Department of City Planning for responding to the numerous calls for this action which seeks to improve upon the previous Park Slope Contextual Rezoning action of March 2003 by requiring more active uses of the ground floor spaces along our Fourth Avenue corridor.

We see this generally as a positive step and one which will allow for a fuller and more diverse pattern of development by punctuating the avenue with more lively spaces for commercial activities and pedestrian-friendly experiences. Our support was conditioned on a request that the department take a closer look at how restrictions might be placed upon the size of individual commercial stores that can be constructed as-of-right to provide the community with greater control over the possibility for the concentration of big box stores along the corridor.

In a subsequent motion by our committee, also adopted unanimously by our Executive Committee at their July 14, 2011 meeting, we are also recommending that the department study the affect of rezoning within the Fourth Avenue corridor that for the purpose of applying

250 Baltic Street • Brooklyn, New York 11201-6401 • www.BrooklynCB6.org
t: (718) 643-3027 • f: (718) 624-8410 • e: info@BrooklynCB6.org

inclusionary housing zoning for affordable housing while continuing to cap building heights at a 120-foot ceiling. We would like to know whether such an approach is at all feasible within the existing corridor either as a conversion option from manufacturing and commercially-zoned parcels, or as part of a comprehensive downzoning of any portions of the existing residentially-zoned parcels.


Such a study, we believe, would be immensely helpful in settling the question of whether inclusionary housing is feasible within the corridor or not, which you know has been a hotly debated question since we began exploring the previous Park Slope Contextual Rezoning action with you roughly a decade ago.

Thank you for the opportunity to comment.

Sincerely,



Daniel M. Kummer
Chairperson

 <p>12-PARTMENT OF CITY PLANNING CITY OF NEW YORK</p>	<h3>Community/Borough Board Recommendation</h3> <p>Pursuant to the Uniform Land Use Review Procedure</p>	
	Application #: C110386 C110386 ZMK CEQR Number: 11DCP147K	Project Name: Special 4th Avenue Enhanced Commercial District: Borough(s): Brooklyn Community District Number(s) 2, 6, & 7

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

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 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:

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 the amendment of the Zoning Map, Section Nos. 16c & 16d, by establishing a Special Fourth Avenue Enhanced Commercial District (EC) bounded by a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, the northeasterly boundary line of James J. Byrne Memorial Park and Playground, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue, Borough of Brooklyn, Community Districts 2, 6 and 7, as shown on a diagram (for illustrative purposes only) dated June 20, 2011.

Applicant(s): Department of City Planning 22 Reade Street New York, NY 10007		Applicant's Representative: Pumima Kapur Dept. of City Planning, Brooklyn Office 16 Court Street, #705 Brooklyn, NY 11241	
Recommendation submitted by: Brooklyn Community Board 7			
Date of public hearing: 6/15/11		Location: 4201 4th Ave, Brooklyn	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		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: 6/15/11		Location: 4201 4th Ave, Brooklyn	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove		<input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: 30 # Against: 5 # Abstaining: 4 Total members appointed to the board: 47			
Name: <i>[Signature]</i> Jeremy Lawler		Title: District Manager	
Date: 7/5/11			

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 #: 110386 ZMK – 110387 ZRK

Special 4th Avenue Enhanced Commercial District

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 the amendment of the Zoning Map by establishing a Special 4th Avenue Enhanced Commercial District (EC) bounded by a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, a line 100 feet southeasterly of 4th Avenue, President Street, a line 150 feet southeasterly of 4th Avenue, the northeasterly boundary line of James J. Byrne Memorial Park and Playground, a line 100 feet southeasterly of 4th Avenue, 24th Street, 4th Avenue, Prospect Avenue, a line 100 feet northwesterly of 4th Avenue, 6th Street, 4th Avenue, Douglass Street, and a line 100 feet northwesterly of 4th Avenue. This would facilitate ground floor retail use along Fourth Avenue for new developments.

COMMUNITY DISTRICT NO.

2, 6, 7

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE

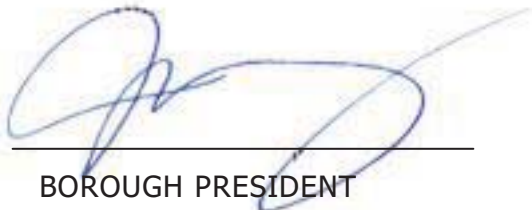
APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS



BOROUGH PRESIDENT

August 22, 2011

DATE

RECOMMENDATION FOR THE PROPOSED ZONING MAP AMENDMENT AND TEXT AMENDMENT FOR FOURTH AVENUE 110386 ZMK – 110387 ZRK

PUBLIC HEARING

On July 27, 2011 the Borough President held a public hearing on the proposed actions. A representative from the Department of City Planning (DCP) detailed the main points of the application and there were no speakers for or against the plan. As part of the hearing, it was noted that DCP practice has been to only make the Inclusionary Housing Program (IHP) district applicable in conjunction with an upzoning. The necessity for increased density along Fourth Avenue, by DCP standards, is not prevalent – therefore incorporating the IHP has not been considered.

Community Boards 2, 7 voted to approve these applications, while Community Board 6 approved while noting that if the R8A district were to be enlarged, it should include the IHP.

Subsequent to the hearing, the Borough President announced the formation of a task force aimed at the transformation of Fourth Avenue that will oversee planning of project specifics, including tree planting and use of a newly expanded Times Plaza at the intersection of 4th, Atlantic, and Flatbush Avenues.

CONSIDERATION

At the 2011 State of the Borough Address (SOTB), the Borough President promoted his vision for a transformation of Fourth Avenue into a livable, walk-able, tree-lined avenue. He seeks to turn Fourth Avenue's plain brick facades, speckled with ventilation exhaust grates of enclosed parking, into a grand avenue spanning from the Atlantic Ocean to Atlantic Avenue – dubbed as 'Brooklyn Boulevard'.

Subsequent to the SOTB Address, in a letter to DCP, he called for an amendment to the zoning that would require retail as part of the ground floor of any new buildings along Fourth Avenue – a change he believes will create a positive streetscape experience for pedestrians. DCP has created a response that largely addresses existing deficiencies of the Zoning Resolution by proposing the Special Fourth Avenue Enhanced Commercial District. The goal is to turn Fourth Avenue into a lively mixed-use neighborhood with a vibrant mix of commercial and community facilities on the ground floor of all new developments. With these applications, the Borough President commends DCP for agreeing with his vision and creating a proposal that will prevent future developments from adding to the avenue's unattractive corridor of blank masonry walls.

The Borough President generally supports the proposal though does believe that it could be enhanced by further modifying the uses to be excluded and with more specificity regarding the transparency controls as part of the adopted proposal. In addition, the Borough President is seeking further enhancement of "Brooklyn Boulevard" by: providing more opportunities to promote residential development; making applicable inclusionary housing; modifying parking requirements; and, incorporating additional streetscape/landscape enhancements. He also believes that the Special Commercial Enhancement Regulations should be incorporated in other retail corridors throughout Brooklyn. All of the above are described further below.

APPROPRIATE USE

The Borough President shares DCP's belief that the mandatory retail frontage (50 percent of the total frontage) should exclude certain uses that, by their nature, are not conducive to creating engaging retail, commercial or community facility use along the Fourth Avenue corridor. DCP's proposal would exclude such uses as banks, loan offices, offices, public service establishments, motels, small wholesale establishments, auto related stores such as glass, seat covers and tire sales, auto rental establishments, public parking and wholesale hair products. Such uses would otherwise be permitted in the remaining balance of the frontage that is not utilized for residential lobbies or accessory parking.

In addition to the excluded uses proposed by DCP, the Borough President believes that it is appropriate to exclude from the mandatory commercial frontage the following uses from Use Group 8A: trade schools; business schools; and, medical dental labs, that he believes are not lively or engaging uses or necessarily pedestrian friendly. Such uses support retail corridors best when often situated above the ground floor as their staff and student body might patronize nearby retailers.

TRANSPARENCY

Transparency standards provide opportunities for pedestrians to look inside at merchandise and activity in a manner that makes a more interesting experience when strolling along a retail corridor. Interesting corridors often result in more foot-traffic that support retailers while providing more eyes on the street as a means to enhance a feeling of being safe in the neighborhood. This is further enhanced when lighting from stores augment the City's street lights. DCP proposes that transparency must start not less than four feet above the sidewalk within the proposed regulated zone. The Borough President believes that the minimum level of streetscape transparency proposed by DCP could be further improved by providing additional standards that govern the maximum height of show window sills between the proposed regulated zone of between two and twelve feet above the sidewalk. Without such a control, development might meet the 50 percent transparency requirement by providing much of the glazing above eye level.

The Borough President notes that the Special Downtown Brooklyn District contains a requirement for the show sill height not to exceed two feet six inches above the sidewalk level. He believes that such a control is appropriate to incorporate into this zoning proposal in order to ensure that a sufficient portion of the transparency is below eye level, thus enabling pedestrians to see more of what is inside the retail space.

ALLOWING RESIDENTIAL ALONG MORE OF "BROOKLYN BOULEVARD"

In his 2003 recommendation for the rezoning of Park Slope, the Borough President noted that despite already being predominately residential, block frontages along the west side of Fourth Avenue (between Douglass and Sixth streets) were not included in the proposed rezoning. Other blocks contain sites occupied by one-story uses similar to those that DCP identified as likely to be converted to housing. Similarly, as part of the 2005 recommendation for the South Park Slope Rezoning, the Borough President noted that the block fronts along the west side of Fourth Avenue south of the Prospect Expressway contained a wide range of uses, including residential.

As part of DCP's May 2008 draft zoning proposal for the Gowanus Canal Corridor, the analytical framework depicted the frontages between Douglas and First streets for residential development by suggesting the zoning be R8A with a C2 commercial overlay (http://www.ci.nyc.ny.us/html/dcp/html/gowanus/presentation_0508.shtml). In order for this section of Fourth Avenue to truly become a grand residential boulevard, the Borough President believes DCP should analyze these additional areas along Fourth Avenue (west side of Fourth Avenue between Douglas to 6th streets and south of the Prospect Expressway to 24th Street) to determine the appropriateness of enlarging the R8A district for the potential to provide more opportunities to facilitate housing.

INCLUSIONARY HOUSING

It is the Borough President's firm belief that developers should provide housing for those who are being priced out of Brooklyn, especially vulnerable populations such as seniors. He believes that plans to grow the residential housing stock of a neighborhood are deficient when they do not increase or preserve the supply of affordable housing.

The Borough President has consistently stated his interest in having the section of Fourth Avenue north of 15th Street be incentivized through zoning to produce affordable housing. In the Borough President's consideration of the 2003 rezoning of Park Slope which included the section of Fourth Avenue in Community District 6, he noted that it was appropriate to provide affordable housing through incentives linked to a zoning text amendment as a means to achieve the inclusion of units affordable to the median income of area residents. Subsequently as part of the rezonings for West Chelsea, the Hudson Yards and the Williamsburg-Greenpoint waterfront neighborhoods in 2005, the City established an expanded version of its Inclusionary Housing Program (IHP) zoning incentive.

In May 2006, as part of the Borough President's recommendation regarding the establishment of the IHP to R7-3 zoning district, he called for DCP to advance additional amendments to such districts as R8A and its commercial equivalent districts. In his transmittal letter he referenced Park Slope as a neighborhood worthy of consideration. And in May 2009, as part of the Brooklyn Borough Board's Resolution distribution letter commenting on revisions to the IHP, he recommended that areas previously rezoned to encourage the production of housing that are not included in the IHP should be amended to incorporate this zoning incentive. One such area referenced was Fourth Avenue in Community District 6.

In consideration of the city's response for being reluctant to retroactively reduce as-of-right floor area, the Borough President believes that a shift in City policy is warranted. Most sites along Fourth Avenue experienced a doubling in residential development rights, from 3.0 floor area ratio (FAR) to 6.0 FAR, though some of the northern most blocks increased from 4.0 FAR to 6.0 FAR. In essence, the upzoning provided the opportunity for substantial financial gain when selling or redeveloping properties. If the City would be receptive to modifying the R8A to R8A with the IHP, the base FAR, while dropping to 5.4 FAR, is still substantially greater than what it was prior to rezoning. It is likely that many of the properties have not changed hands since the original zoning, therefore the City should not be viewing a change from R8A to R8A with IHP the same as a traditional downzoning. In addition, by utilizing the IHP, twenty percent of the floor area derived from the bonus can be used for market rate development, yielding a sum of 5.76 FAR as compared to the 6.0 existing today, a negligible reduction. Meanwhile, with 7.2 FAR achievable, the results would increase the supply of permanent affordable housing while having an almost identical outcome of market-rate units. The City should view such an approach as in its best interest.

The Borough President believes that DCP should undertake a zoning text amendment to make applicable the affordable housing floor area incentives for the section of the R8A district north of 15th Street.

PARKING REQUIREMENTS

As part of his 2005 recommendation report regarding the South Park Slope rezoning, the Borough President expressed concerns that the R8A zoning required too little parking for car ownership patterns in that part of Brooklyn. The South Park Slope area seemed to already be experiencing, on occasion, a deficit of on-street parking spaces. Therefore, the Borough President called on DCP to initiate a zoning text amendment for R8A districts in Community District 7 that would amend the parking requirement as a percent of the number of units and to modify the waiver of otherwise required parking.

Requiring more parking takes into consideration those residents that prefer car ownership for work and recreational means due to its convenience in light of inadequate public transportation. This requirement also recognizes the difficulty faced by such residents in terms of finding convenient on-street parking, a demand that's on the rise due to many recent developments since the upzonings went into effect. Too often new developments contain the minimum on-site parking standards despite what might be the possible car ownership rates of the new building occupants. Thus, the adequacy of the available on-street parking continues to be further compromised, making it more difficult for long-time residents with cars. These neighborhoods have few monthly-based public parking opportunities. While primarily a resource for residents of new high-rise residential buildings, such parking facilities may also accommodate neighbors seeking secured off-street parking.

The Borough President had expressed such concerns on multiple occasions, including letters to DCP from June 2008 and September 2009 when DCP initiated increased requirements for the Rockaways; and then again for the Special Long Island City District. Collectively, these changes increased the probability that new developments in Long Island City will provide an adequate amount of parking to accommodate the new residents. While he applauded DCP for taking those steps to address community concerns in Long Island City and in the Rockaways, he believed it appropriate to introduce these concepts in warranted areas of Brooklyn. Changes consistent to what was done in those communities make sense to be applied to certain upzoned areas in Brooklyn. Addressing the reality of automobile ownership in the City should be part of DCP's agenda. Requiring more parking recognizes the need to respect the quality-of-life for households where public transit does not provide for a sufficient range of journeys.

The proposed Special Fourth Avenue Enhanced Commercial District would prohibit curb cuts along Fourth Avenue frontage for lots with not more than 60 feet of frontage. Therefore the Borough President believes that parking requirements might warrant a reduction in the waiver from 15 to five to be more consistent with such lot sizes. Without such reductions, for lots greater than 15,000 sf, up to 38 market-rate units might be developed without a requirement to provide parking. For lots between 10,001 and 15,000 sf, up to 77 units might be provided without parking. If the waiver was reduced to five, as was done for Long Island City, 14 units would instead be required to provide parking for the larger lots and 28 units would trigger the requirement for parking for the mid-size lots.

Therefore, the Borough President believes that DCP should analyze a zoning text amendment for the Fourth Avenue R8A district that amends the parking requirement for lots between 10,001 square feet (sf) and 15,000 sf to no longer be permitted to be meeting the reduced requirement of 20 percent of the units to have parking; with the size of lots exempt from parking being reduced from 10,000 sf to 6,000 sf and the waiver being reduced from 15 spaces to 5 spaces.

STREETSCAPE/LANDSCAPE

Fourth Avenue has been defined by its absence of trees and landscaping along the traffic median and sidewalks of this wide corridor. While the zoning changes that increased residential density has brought several new buildings, it has not improved the streetscape. The Special Enhanced Commercial District regulations is expected to help bring about the retail vibrancy as a means to improve the streetscape though that in itself is merely a component of what needs to be a comprehensive set of actions.

Landscaping has contributed to the beauty of a large number of grand boulevards in this city. Ocean, Eastern, Pelham and Mosholu Parkways, as well as Park Avenue, Broadway and the Grand Concourse all exhibit qualities of properly landscaped thoroughfares. Ocean and Eastern Parkways are most special due to both the mandated large setbacks and the planted malls separating the roadways. Mosholu Parkway has a wide greenway separating the roadways. Both Park Avenue and Broadway have landscaped malls, despite being right over subway trenches. The Grand Concourse, while having a nominal width front yard, has shrubs and hedges lining the apartment buildings. These streets clearly provide an example for what can be achieved on Fourth Avenue. The Borough President is working with stakeholders and elected officials to achieve these ends through the creation of a Fourth Avenue Task Force charged with the long term planning of Fourth Avenue with the goal of realizing such transformation.

It should be City policy to have Fourth Avenue transformed into a special roadway such as these other proud streets. To truly evolve into "Brooklyn Boulevard," the center traffic median should be treated in a manner consistent with Park Avenue and Broadway uptown. Within the public right-of-way, the Fourth Avenue median should be treated in a manner consistent with Park Avenue and upper Broadway in Manhattan or Ocean and Eastern Parkways in Brooklyn. Subway grates should be upgraded with sculptural elements that may also incorporate landscaping. Many examples already exist within the MTA's system of subway vents that have been altered to incorporate sculptural elements that maintain the infrastructural needs of the system while contributing to the streetscape. The subway vents on Fourth Avenue should be treated in the same manner.

Additionally, the City should pursue the planting of sidewalk trees for the entire length of Fourth Avenue from Flatbush Avenue to Shore Road. The combination of sculptured subway vents with landscaping in front of buildings and street trees along the avenue will go a long way towards transforming the streetscape and complementing DCP's text amendment. These measures could be regulated through prescribed standards as part of the review of Builders Pavement Plans.

Already the Department of Environmental Protection's (DEP) NYC Green Infrastructure initiative is playing a role through its coordination with the Department of Design and Construction and the Department of Transportation with construction projects in the street right-of-ways. DEP intends to

see that bioswales be incorporated, to function as storm-water diverters, into the traffic calming implementation projects at three locations along Fourth Avenue during the Fall of 2011. This will be one of many positive steps towards achieving Brooklyn Boulevard. As such, the Borough President urges the City to analyze and implement means to provide streetscaping/landscaping along Fourth Avenue for all new developments.

Establishing Additional Special Enhanced Commercial Districts

The Borough President believes that there are many other commercial streets that would benefit from being regulated by the Special Enhanced Commercial District regulations. Certain retail streets contain residential density that might tempt developers or property owners to redevelop sites that are substantially under-built pursuant to the underlying zoning district.

As noted in the Borough President's 2005 rezoning of the Homecrest section of Brooklyn, he had recommended that DCP should draft a zoning text change to require retail frontage along Kings Highway prior to the redevelopment of any of the properties. He had believed that the proposed rezoning of Kings Highway between Coney Island Avenue and Ocean Avenue increased the incentive to develop housing. That section of Kings Highway is a major retail center and provides an essential service to area residents. The Borough President was concerned that neither the existing nor proposed zoning district requires retail use at the ground floor. The Borough President expressed concern that certain developers were less experienced with development of mixed-retail/residential development and that without requirements to mandate retail use for the ground floor developers might opt to construct entirely residential condominium developments. The Borough President believes that any loss of retail frontage along such streets as Kings Highway could be detrimental for the entire corridor.

While Fourth Avenue is not an established retail corridor it has demonstrated that developers make choices that are not always in the best interest of the public realm. Since the rezoning of Homecrest, the Borough President noted that the entirety of the retail districts in Staten Island mandate retail frontage. In addition, when DCP established the R7D and its C4-5D commercial equivalent, which was mapped along Fulton Street in the Bedford-Stuyvesant section of Brooklyn, such districts have mandatory retail frontages. The Borough President believes it is more than appropriate to establish mandatory retail along several retail corridors in Brooklyn as a means to remove the theoretical threat of elimination and to introduce the urban design enhancements. In addition to the Homestead section of Kings Highway, there are several other worthy retail corridors that merit consideration. These include such streets such as: 86th street in both Bensonhurst and Bay Ridge; Brighton Beach Avenue; and, one or more sections of Broadway such as where it borders Bedford-Stuyvesant and Bushwick as potential examples.

The Borough President believes that DCP should consult with Brooklyn's community boards and local elected officials to solicit interest in having mandatory retail frontage along specified retail streets where there is potential for redevelopment based on the zoning's corresponding residential density and then proceed with zoning actions to establish such districts at the urging of the affected community board.

RECOMMENDATION

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve these zoning amendments pursuant to the following conditions:

1. That for the Special Ground Floor Level Use Requirements for Commercial Districts according to the proposed Zoning Resolution Section 132-21 (a) mandatory commercial uses for a portion of the ground floor level, be modified to contain additional excluded uses from Use Group 8A: trade schools; business schools; and, medical dental labs.
2. That for the Special Ground Floor Level Transparency Requirements according to the proposed Zoning Resolution Section 132-31, that for show windows sill height, in lieu of allowing a height of four feet above curb level applicable to general transparencies, such windows shall be not more than two feet six inches (2'-6") above curb level (as per the special downtown Brooklyn District (ZR 101-12).

Be it Further Resolved

1. That the Department of City Planning should undertake a zoning analysis for the purposes of enlarging the R8A district for the blocks frontages along west side of Fourth between Douglass to 6th streets and south of the Prospect Expressway to 24th Street;
2. That the Department of City Planning should undertake an analysis for a zoning text amendment to make applicable the Inclusionary Housing Program's affordable housing floor area incentives for the section of the R8A district north of 15th Street;
3. That the Department of City Planning should undertake a analysis of the R8A district's parking requirement in Brooklyn for the purposes of minimizing the applicability of when a development might be permitted to reduce the parking requirement for smaller zoning lots and/or waive parking otherwise required;
4. The City to analyze and implement means to provide streetscaping/landscaping along Fourth Avenue, including through subway grate upgrades and Builder Pavement Plans for all new developments; and,
5. That the Department of City Planning should consult with Brooklyn's community boards and local elected officials to solicit interest in having mandatory ground floor retail use frontage requirements pursuant to the Special Enhanced Commercial District regulations along specified retail streets where there is potential for redevelopment based on the zoning's corresponding residential density and then proceed with zoning actions to establish such districts at the urging of the affected community board.