



## E-mail/ Fax transmittal

<b>TO</b> Community District 4 Distribution	<b>FROM</b> Borough President Marty Markowitz
<b>DATE</b> December 17, 2007	<b>CONTACT</b> <b>Kevin Parris,</b> <b>Land Use &amp; Community Coordinator</b> Phone: (718) 802-3856 E-Mail: <a href="mailto:kparris@brooklynbp.nyc.gov">kparris@brooklynbp.nyc.gov</a>
<b>RE:</b> <b>ULURP Recommendation</b> <b>050192 ZMK</b> 70 Wyckoff Avenue Rezoning	<b>NO. PAGES, INCLUDING COVER</b> <div style="text-align: center; font-size: 1.2em; font-weight: bold;">5</div>

Attached is the recommendation report for ULURP application 050192 ZMK.

If you have any questions, please contact Kevin Parris at (718) 802-3856.

### Distribution

NAME	TITLE	FAX	E-MAIL
<b>Amanda Burden</b>	City Planning Commission Chair	212-720-3356	<a href="mailto:ygruel@planning.nyc.gov">ygruel@planning.nyc.gov</a>
<b>Hon. Christine Quinn</b>	City Council Speaker	212-788-7207	<a href="mailto:quinn@council.nyc.ny.us">quinn@council.nyc.ny.us</a>
<b>Purnima Kapur</b>	Dir. DCP Brooklyn	718-596-2609	<a href="mailto:pkapur@planning.nyc.gov">pkapur@planning.nyc.gov</a>
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<b>Hon. Diana Reyna</b>	Council Member	718-963-4527	
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<b>Richard Bearak</b>	Deputy Dir. Planning and Dev, Brooklyn BP Office		<a href="mailto:rbearak@brooklynbp.nyc.gov">rbearak@brooklynbp.nyc.gov</a>

# 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 # 050192 ZMK

70 Wyckoff Ave. Rezoning

In the matter of an application submitted by 70 Wyckoff Ave LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b changing from an M1-1 District to an R6 District and establishing within an existing R6 District a C2-4 District property bounded by Wyckoff Avenue, Dekalb Avenue, a line 400 feet northwesterly of Irving Avenue and Suydam Street

COMMUNITY DISTRICT NO.

4

BOROUGH OF BROOKLYN

## RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE

## EXPLANATION OF RECOMMENDATION – MODIFICATIONS/CONDITIONS

The borough president believes that the requested action is consistent with the predominately residential character surrounding the sites that would be rezoned. Although tenants of the applicant's building have commercial leases, the building functions as a residential development. The residents of the building are of middle-income means and the rents within the applicant's building are currently reflective of their income.

As a result of this proposed change, the residences of this building will become legal units, assuming that the owner applies for and is granted a Certificate of Occupancy after a successful completion of the ULURP process. The borough president is concerned that if the zoning is approved, the owner could raise the rents significantly higher than the rates currently being paid, thereby placing the residents at risk for displacement.

To address the borough president's concern, the applicant provided the attached letter dated December 17, 2007, expressing a commitment to offer all existing residential tenants the chance to replace their existing commercial leases with residential leases at rates no higher than the historic trend or 5 percent. While admirable, this action by itself does not provide safeguards for long-term affordability. The borough president has, therefore, requested that the applicant modify the letter to indicate its intent to allow current residents the right to renew their leases with subsequent renewals based on modest increases; and/or, offer multi-year leases with built-in increases.

**CONTINUED ON NEXT PAGE**

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 this amendment to the City Map on the condition that the applicant further commit to:

- a) include a clause in the rental agreement specifying for the next five years the tenants right to renew within increases not to exceed those imposed by the Rent Guidelines Board; and/or,
- b) to offer tenants residential leases of up to five years with specified rent increases consistent with recent Rent Guidelines Board increases of the last three years.



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BOROUGH PRESIDENT

December 17, 2007

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DATE

# HERRICK

NEW YORK  
NEWARK  
PRINCETON

**RICHARD BASS**  
Direct Tel: 212.592.6144  
Direct Fax: 212.545.3305  
Email: rbass@herrick.com

December 17, 2007

Hon. Marty Markowitz  
Brooklyn Borough President  
209 Joralemon Street  
Brooklyn, New York 11201

Re: 70 Wyckoff Avenue, Brooklyn, NY, ULURP # C 050192 ZMK

Dear Hon. Markowitz:

I write as a follow-up to the public hearing on the above-mentioned property. During the hearing you asked about rent levels in the building and about those levels going forward. Attached please find a spreadsheet detailing the rent history of the building.

This spreadsheet details the rent increases imposed upon lease renewal for every apartment in the building. You can see that over the last nearly four years, the average renewal rent increase was 4.2%. This percentage reflects increases well within the range of Rent Guidelines Board-approved increases.

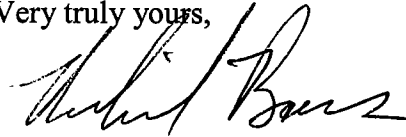
Also, the applicant has conducted a detailed review of their tax returns for TY2005 and TY2006. During this period, there was a rental income increase of only 3.2%. During this same period, expenses (excluding depreciation) showed an increase of 15.2%.

Despite this escalation in expenses, and despite the likely continual increase in expenses, the applicant has kept rental increases low. Additionally, pursuant to your suggestion, the applicant commits that all lease renewals will be offered with a percentage no greater than the historic trend (indicated in the attached spreadsheet) or no more than 5%.

Hon. Marty Markowitz  
December 17, 2007  
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We thank you for Tuesday's hearing and for your support for this rezoning action. We also thank you for all that you have done to make Brooklyn a better place to live and work. The applicant feels that they are doing their part, too.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Bass". The signature is fluid and cursive, with a large initial "R" and "B".

Richard Bass  
Senior Real Estate Analyst

Enclosure

cc: Alan Goldman  
Mark A. Levine, Esq.

RB: nf