



E-mail/ Fax transmittal

TO Community District 1 Distribution	FROM Borough President Marty Markowitz
DATE February 11, 2008	CONTACT Kevin Parris, Land Use & Community Coordinator Phone: (718) 802-3856 E-Mail: kparris@brooklynbp.nyc.gov
RE: ULURP Recommendation 080213 ZMK Grand Street Rezoning	NO. PAGES, INCLUDING COVER 4

Attached is the recommendation report for ULURP application 080213 ZMK.

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

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**Brooklyn Borough President
Recommendation**

CITY PLANNING COMMISSION
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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 # 080213 ZMK
Grand Street Rezoning

In the matter of an application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 12c, 12d, and 13b for 13 blocks in the Williamsburg neighborhood.

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

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

EXPLANATION OF RECOMMENDATION – MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW

SEE ATTACHED



BOROUGH PRESIDENT

February 11, 2008

DATE

**RECOMMENDATION FOR THE PROPOSED
AMENDMENT OF THE ZONING MAP FOR
13 BLOCKS WITHIN WILLIAMSBURG
080213 ZMK**

PUBLIC HEARING

On February 5, 2008 Borough President Marty Markowitz held a public hearing for the proposal by the Department of City Planning (DCP) to amend the Zoning Map for 13 blocks within the Williamsburg community. At the hearing, a DCP representative explained that the new contextual zoning proposal would preserve neighborhood character by placing height limits throughout the area.

Testimony in support of the application was presented on behalf of the Neighbors Allied for Good Growth, the Fillmore Block Association, and residents of the affected area. There were five speakers in favor and one against this application. The majority of speakers present were in favor of the rezoning. They further noted that this rezoning was a priority of Community Board 1 as part of the 2005 Follow-up Corrective Actions Agreement (FUCA) between the Administration and the City Council. Although in favor of the application, speakers had concern with a number of construction sites that are in progress for unwanted out-of-scale buildings. Complaints were also voiced regarding construction activities contrary to City regulation.

One speaker representing the owner of 227 Grand Street described the adverse effect the zoning change would have on plans to develop that property. The speaker in opposition gave remarks that were based on the effects the zoning might have on a specific owner's property. It was stated that the property was purchased subsequent to the May 2005 Williamsburg - Greenpoint rezoning. The developer intends to abide by the regulations of the Department of Buildings as construction continues. If the development cannot be completed due to a change of zoning, it is anticipated that the retail planned along Grand Street would be removed from the project since residential use is more profitable. The developer is willing to entertain creative solutions to modify the project.

CONSIDERATION

The borough president supports this application for the contextual rezoning of the Grand Street corridor. His policy supports appropriate rezoning actions that are consistent with the community's needs and that preserve the character and scale of Brooklyn's neighborhoods, while still providing opportunities for appropriate growth.

This rezoning is part of the FUCA co-signed between the Administration and the City Council. A component of this approval includes a radius of seven blocks that was originally rezoned in May 2005 and currently is a part of DCP's Grand Street Rezoning application. In 2005, these seven blocks were rezoned to R6, with certain blocks zoned to include a commercial overlay. Subsequent to the May 2005 rezoning, several out-of-context buildings were constructed in the area that is now being reconsidered. Area residents seeking assistance from the Brooklyn Borough President's Office and other outlets voiced their disappointment upon learning that these buildings were permitted by the current zoning in place. In response to community concerns, DCP developed a rezoning proposal that sets forth a limit on the permitted building height. In addition, the rezoning would reduce the depth of the commercial overlays to reduce the intrusion of commercial uses from the properties that do not front on the retail corridor of Grand Street.

When the borough president submitted his recommendation in regards to the Williamsburg - Greenpoint rezoning in January 2005, he expressed concern with having the R6 zoning district adjacent to the areas being proposed by DCP for rezoning. While the rezoning would promote substantial residential development, especially along the underutilized waterfront, he believed that real estate speculators were already seeking or had assembled properties to be able to construct out-of-context buildings. He anticipated the construction of such buildings in the near-term, thus believing it was of the utmost importance to limit the duration of time of potential irreversible harm done on the blocks beyond the area of this proposed rezoning. The borough president called on the City Planning Commission and City Council to preserve community character in other areas outside of the region proposed at that time as he recommended an evaluation to secure an appropriate contextual zoning solution.

Part of the Grand Street rezoning proposal addresses blocks zoned R6 that were adjacent to the area included in the 2005 rezoning. The other blocks included represent the second time that DCP had reconsidered what was approved in May 2005. In the first instance, in January 2006, the borough president approved a rezoning application by DCP that was to change certain M1-2/R6 districts adopted in May 2005 as part of the Williamsburg Greenpoint rezoning to M1-2/R6A and M1-2/R6B to require contextual height limits.

Testimony provided at the borough president's February 5, 2008 hearing noted that subsequent to the May 2005 rezoning, property was assembled at 227 Grand Street at Driggs Avenue. The purpose of this action was to construct a mixed-use 14-story building with nearly the entire lot filled in with ground floor retail and a second floor for community facilities such as offices for medical related uses. A smaller building footprint is planned for 12 additional floors of residential use. If its construction was not able to continue should this rezoning be adopted, the owner's representative advised the borough president that the retail and community facility component would be eliminated, thus a few hundred feet along the Grand Street retail corridor would be occupied solely by residential use.

Though adoption of the proposed rezoning may be sending conflicting signals to the development community, the borough president believes that the proposal is appropriate. Should the rezoning ultimately be adopted by the City Council and the building not vest to permit its completion, other mechanisms would determine if the building should be permitted to be completed.

As Grand Street is burgeoning as a community retail street with new restaurant and other store openings, it is unfortunate that the commercial overlay for the Grand and Driggs Street development site does not provide an obligation for retail continuity. Should that project not vest, the borough president respects the right of the developer to maximize the return on the investment even if that means residential use along the Grand Street retail corridor.

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 the amendment of the Zoning Map for the Grand Street corridor rezoning initiative.