

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 #: 070245 ZMK 070246 ZRK

Wythe Avenue Rezoning

In the matter applications submitted by JBJ, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map and Zoning Text to change the zoning designation of the eastern half of the block bounded by Wythe Avenue to the east, South 3rd Street to the south, Kent Avenue to the west and South 2nd Street to the north from M3-1 to a Special Mixed-Use district.

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS



BOROUGH PRESIDENT

December 10, 2010

DATE

**RECOMMENDATION FOR THE FOLLOWING
PROPOSED ACTIONS: AMENDMENT OF THE ZONING MAP & ZONING TEXT
070245 ZMK, 070246 ZRK**

These applications by JBJ LLC seeks an amendment to the zoning map and text in order to facilitate the development of a mixed-use building with ground floor retail in the Williamsburg community.

Public Hearing

On December 1, 2010 the borough president held a public hearing for the Wythe Avenue rezoning proposal. Speakers in opposition to the application raised concerns pertaining to: disturbance of their quality-of-life as a result of the out-of-context height permitted by the proposed zoning, which would likely be fully utilized by developers; its overburdening on the infrastructure such as schools, mass transit and increased street traffic due to the density of the project as it translates to an influx of new residents into the area; and, noise and inappropriate public behavior associated with those that patronize the ever increasing number of bars.

Consideration

Community Board 1 (CB1) voted to disapprove the application unless certain conditions were met by the applicant. These included: changing the proposed residential designation from R6A to R6B; that the applicant explore commercial uses for the retail space that are suited to the needs of the community; and, a guarantee that bars and/or restaurants are excluded from the new development through an acceptable type of restriction.

HEIGHT

The location for the applicants' proposed development lies across the street from the upland site that was recently rezoned as part of the New Domino proposal. In the Borough President's recommendation report for that block, he generally supported the position of the community board to limit the bulk proposed for the upland site per the R6A zoning district bulk standards. Though, the City Planning Commission (CPC) and City Council approved the New Domino's application for that block allowing for heights that the borough president believed to be out-of-context with the surrounding area. Given this application's proximity to where the borough president supported identical bulk standards as proposed, the borough president believes the requested residential zoning is appropriate to establish bulk standards for the applicant's site.

The borough president notes that the adjacent area east of Wythe Avenue remains R6 and therefore lots could be redeveloped at heights significantly taller than what typically exists on those blocks. It is appropriate for the Department of City Planning (DCP) to undertake a rezoning of those blocks, in consultation with CB1 and local elected officials, to contextual districts as a means to ensure that heights on those blocks would remain in context.

INFRASTRUCTURE

As a result of recent rezonings in the area, such as the comprehensive zoning by DCP and private applications such as the New Domino, the infrastructure constraints

will need to be addressed to accommodate additional populations. The borough president included recommendations in his decision regarding the New Domino that contained many concepts meant to address this anticipated population increase. These recommendations remain applicable even when taking into account the proportionately few extra persons that would move to this area as part of development on the applicant's property. In the New Domino report, for example, he calls for the establishment of a school as well as service changes to the public transit in the area. It is important that the appropriate agencies respond in a timely manner to address such infrastructure demands as a means to minimize quality-of-life intrusions for those already residing in the neighborhood.

AFFORDABLE HOUSING

The applicant, as part of the proposal, expressed intent to use the floor area bonus which is granted under the Zoning Resolution's Inclusionary Housing Program (IHP). The IHP's affordable housing set aside is consistent with the borough president's "Affordable Forever" initiative as floor area would remain affordable for the life of the development. However, the affordable units proposed are not guaranteed as the applicant is not obligated to use the IHP bonus. As such, the borough president sought a guarantee from the developer that will ensure these units will be a part of the final project that gets built.

Subsequent to the hearing, the borough president received a letter (attached) dated, December 6, 2010, from the applicant detailing plans to memorialize the commitment to develop affordable units as part of this project through a declaration recorded against the properties. While the borough president appreciates applicants' intent with this letter, he believes the CPC and City Council should require this declaration to be filed prior to granting the rezoning.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and the City Council in regards to the requested Zoning Map and Zoning Text Amendments, approve with the following condition:

- That prior to City Council review, the applicant provides a declaration binding the development to the filing of an affordable housing plan approved by the Department of Housing Preservation and Development.

Be it further resolved that:

That DCP undertakes a zoning study of the adjacent R6 designation across Wythe Avenue for the purposes of rezoning to contextual zoning district designations in consultation with CB1 and local elected officials.

December 6, 2010

VIA HAND DELIVERY

JBJ, LLC
c/o: Bruce Terzano
45 Highwood Road
East Norwich, NY 11732
gcataxi@optonline.net

Hon. Marty Markowitz
Office of The Brooklyn Borough President
Brooklyn Borough Hall
209 Joralemon Street
Brooklyn NY 11201

Re: ULURP Applications: 070245ZMK and N070246ZRK (the "Application")
Block 2415, Lots 27, 28, 29, 30, 31, 32, 36, and 37 (the "Premises")

Dear Borough President Markowitz:

On behalf of JBJ, LLC, the owner of the above referenced Premises (the "Owner"), we are writing with regard to the above referenced Application, which includes a zoning map amendment for the Premises. As you know, the Application proposes to make the Zoning Resolution's Inclusionary Zoning program applicable to the Premises and surrounding properties.

The Owner is fully committed to developing the Premises utilizing the additional floor area made available by the Inclusionary Zoning program. We look forward to working with your office to identify local non-profit housing organizations that we can work with to develop as much as 20,879 square feet or 18 units of affordable housing on-site or within Community Board 1 (the "Affordable Housing"). We are prepared to memorialize this commitment in the form of a declaration, to be recorded against the Premises upon completion of the ULURP process. Such a declaration would provide that we will not apply for a Certificate of Occupancy from the New York City Department of Buildings for any residential building on the Premises until we execute an affidavit stating that an affordable housing plan for the Affordable Housing has been filed with and approved by the Commissioner of the Department of Housing Preservation and Development in accordance with ZR section 23-90, inclusive. The declaration would expire of its own accord eight years after City Planning Commission approval of the Application and our compliance would be contingent upon public funding availability for the Affordable Housing and 421-a availability for the market-rate portion.

We will keep you posted on our progress. If you have any comments or questions, do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Terzano', written in a cursive style.

JBJ, LLC
By: Bruce Terzano

cc: Richard Bearak