

# 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 #: 100232 ZMK

Kingswood Office & Retail Center

In the matter of an application submitted by Kingswood Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map changing from an R5B District to a C4-4A District property bounded by a line 160 feet southerly of Avenue P, East 15<sup>th</sup> Street, a line 180 feet southerly of Avenue P, and East 14<sup>th</sup> Street.

COMMUNITY DISTRICT NO.

15

BOROUGH OF BROOKLYN

## RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

Recommendation report on following pages

  
\_\_\_\_\_  
BOROUGH PRESIDENT

January 3, 2011

\_\_\_\_\_  
DATE

## **RECOMMENDATION FOR THE PROPOSED ZONING MAP AMENDMENT 100232 ZMK**

### **Public Hearing**

On December 1, 2010 the borough president held a public hearing for the Kingswood Office & Retail Center zoning map amendment proposal. At the hearing, a representative for the application explained the technical error that created a need for this rezoning proposal to correct.

A representative for the owner of property (Lot 12) adjacent to the area proposed for rezoning spoke in opposition to this application. The major concern was the potential impact the rezoning would have on the adjacent four story apartment building should the existing detached home be redeveloped according to the zoning regulations of the proposal. The representative cited that pursuant to the proposed zoning regulations, a structure of up to 50 feet can be constructed on the site.

### **CONSIDERATION**

Community Board 15 voted to disapprove because of a misrepresentation of stipulations agreed upon concerning the public parking garage on the applicants' site. A recent hourly price increase was deemed by the Board to be inconsistent with commitments made by the applicant as part of the process that resulted in the disposition of what had formerly been a municipal lot. In addition, the Board cited concern with regards to the property owner directly adjacent to the proposed rezoning. Therefore, the Board pursued a rejection of the application.

According to the letter submitted on behalf of the owner of Lot 12, permitting this rezoning will have a negative effect on the neighboring properties and surrounding community. The potential for redevelopment of the site would increase based on the additional permitted floor area as such additional development rights would make it more likely that the present two story residential property would be replaced with a five story residential, commercial or community facility building. The letter further states that rezoning the area is insufficient justification as a solution to correct past errors this seeks a disapproval of the land use application.

In response to concerns raised by the property owner of Lot 12, the borough president's office requested for the applicant to prepare diagrams of development possibilities according to varied use based on the existing and proposed zoning. Under the existing zoning, lot line development is permitted for exclusively residential development. Under all other scenarios according to existing or proposed zoning, a side yard would be required. Under the proposed zoning an entirely non-residential or an exclusively residential development, the side façade could be taller than the building on Lot 12, though not so if the building had ground floor non-residential use. Only after a setback of 25 feet from the property line might residential upper floor development provide a few more floors. However, practical widths might limit the number of penthouse like floors due to challenges of providing vertical circulation for an elevator and stairs. This is the case under the existing split zoning lot status of Lot 15 and under the proposed rezoning. Given that it is difficult to predict how the property would be utilized if ever redeveloped, it is premature to state that proposed rezoning would result in a configuration that would be a significant burden for Lot 12 at some point in the future.

As part of the borough president's 2004 recommendation regarding the development at the time when the City was intending to dispose of the site, he called for the fees for parking in the new facilities to be comparable to current parking fees in the municipal lots and others across the borough. Recently, rates

were increased for a brief amount of time which community leaders believed were in excess of comparable municipal facilities – \$4.00 for the first hour in comparison to \$2.50 for the first hour at a proximate, comparable location. In response, during the borough president’s December 1 hearing, the applicant announced that the rate increase was revoked. The borough president remains concerned that there is a lack of any mechanism that could prevent parking rates from increasing at a pace in excess of comparable municipal facilities such as the City’s Bay Ridge Garage. He believes that it is appropriate to condition the requested land use action on adequate representation that the parking rate would be indexed to a municipal facility such as the Bay Ridge Garage. This could be achieved, for example, by filing a deed restriction on the property. This should be accomplished prior to this matter being addressed by the City Council.

**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 application on the condition that:

The property owner of the retail and public parking garage facility record against the property a stipulation that conveys a suitable assurance that hourly parking rates would be indexed to the City’s Bay Ridge Garage municipal facility at 86<sup>th</sup> Street and Fifth Avenue in a manner that does not exceed rates at the City facility.