



## CITY PLANNING COMMISSION

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March 26, 2001/Calendar No. 1

C 000109 ZMK

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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 an amendment of the Zoning Map, Section Nos. 12d and 13b:

- 1) changing from an M1-2 District to an R7-1 District property bounded by Rutledge Street, Wythe Avenue, Wallabout Street, Lynch Street, the southwesterly boundary line of a playground and its northwesterly and southeasterly prolongations, Middleton Street, a line 80 feet northeasterly of Lee Avenue, a line midway between Middleton Street, and Lorimer Street, a line 150 feet northeasterly of Lee Avenue, Lorimer Street, Marcy Avenue, Walton Street, Wallabout Street, Marcy Avenue, Flushing Avenue, Lee Avenue, Wallabout Street, the northerly prolongation of a line midway between Spencer Street and Bedford Avenue, Flushing Avenue, Bedford Avenue; Flushing Avenue, Franklin Avenue, Wallabout Street and Kent Avenue;
- 2) changing from an M3-1 District to an R7-1 District property bounded by Walton Street, Marcy Avenue, and Wallabout Street,
- 3) changing from an M1-1 District to an M1-2/R7-1 District property bounded by Park Avenue, Spencer Street, Myrtle Avenue, Bedford Avenue, a line 100 feet northerly of Myrtle Avenue, and a line midway between Franklin Avenue and Skillman Street;
- 4) changing from an M1-2 district to an M1-2/R7-1 District property bounded by Flushing Avenue, Bedford Avenue, Flushing Avenue, a line midway between Spencer Street and Bedford Avenue, Park Avenue, and Franklin Avenue; and
- 5) establishing a Special Use District (MX-4) bounded by Flushing Avenue, Bedford Avenue, Flushing Avenue, a line midway between Spencer Street and Bedford Avenue, Park Avenue, Spencer Street, Myrtle Avenue, Bedford Avenue, a line 100 feet northerly of Myrtle Avenue, a line midway between Franklin Avenue and Skillman Street, Park Avenue, and Franklin Avenue;

Borough of Brooklyn, Community Districts 1 and 3, as shown on a diagram (for illustrative purposes only) dated October 18, 2000 and subject to the conditions of CEQR Declaration E-102.

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The application for an amendment of the Zoning Map was filed by the Department of City

Planning on September 29, 1999 and subsequently revised on October 6, 2000, to rezone an area

of 15 blocks in Community Districts 1 and 3 from M1-2 and M3-1 to R7-1, from M1-1 and M1-2 to a M1-2/R7-1 District and establish a Special Mixed Use District (MX4), Flushing Bedford, in Brooklyn.

### **RELATED ACTION**

In addition to the zoning map amendment which is the subject of this report, implementation of the proposed rezoning also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

**N 000110 ZRK:** A text amendment to Zoning Resolution (ZR) Section 123-90 to establish a Special Mixed Use District (MX4): Flushing Bedford.

### **BACKGROUND**

The Department of City Planning (DCP) proposes to rezone approximately 15 blocks from M1-2 and M3-1 to R7-1, and from M1-1 and M1-2 to a M1-2/R7-1 District (MX-4). In addition to the zoning map changes, DCP is proposing a text amendment to Section 123-90 of the Zoning Resolution to create a new Special Mixed Use District, (MX-4) Flushing Bedford.

The proposed rezoning area is located along Flushing and Bedford avenues, straddling Community Districts 1 and 3 in Brooklyn. The general boundaries of the blocks proposed to be rezoned are Rutledge, Lynch, Middleton and Lorimer streets to the north; Marcy Avenue and

Spencer Street to the east; Flushing Avenue, Wallabout Street and Myrtle Avenue to the south; and Franklin Street and Kent Avenue to the west.

This area contains a mix of residential, commercial and manufacturing uses. There has been a significant decline in industrial uses in this area beginning in the 1930's, resulting in an increase in auto related uses, junk yards and vacant land. The presence of vacant sites, coupled with the increasing demand for housing in adjacent communities, presents an opportunity for new residential development in this part of Brooklyn. Since the mid 1980's there has been a marked increase in residential development, especially in the area north of Flushing Avenue as the traditional boundaries of Williamsburg have moved southward. In 1996 and 1998, two rezoning applications were approved to facilitate residential development in a three block area immediately north of the rezoning area. In the past few years, the Board of Standards and Appeals (BSA) has received a large number of applications for zoning variances to permit new residential development in this area. The BSA has approved several applications on blocks proposed for rezoning in this application and in the surrounding area; several more applications are currently pending.

Currently 27 percent of the land area in the fifteen-block rezoning area is residential, 25 percent contains vacant land and open uses, 33 percent contains manufacturing uses, 11 percent contains commercial uses and 4 percent contains community facility uses.

The Flushing Bedford area is zoned M1-1 and M1-2, permitting light manufacturing, commercial and limited retail uses. In addition, a small triangular block on Wallabout Street and Marcy Avenue is currently zoned M3-1, permitting heavy manufacturing, although it does not contain any heavy manufacturing uses. Both M1-2 and M3-1 districts permit a maximum FAR of 2.0; M1-1 districts permit a maximum FAR of 1.0. The proposed R7-1 district will permit a maximum residential FAR of 3.44 on narrow streets (3.5 under the proposed Unified Bulk Program) and using Quality Housing regulations, a maximum of 4.0 FAR on wide streets. In the proposed M1-2/R7-1 district south of Flushing Avenue, manufacturing and commercial uses would be governed by the provisions of M1-2 districts (2.0 FAR), and residential development would be governed by the R7-1 district regulations as described above.

North of Flushing Avenue:

The nine block area north of Flushing Avenue (Blocks 2223, 2262, 2263 partial, 2235 partial, 2239, 2240 partial, 2244, 2248 and 2264) is located in Community District 1 and is proposed to be rezoned from M1-2 and M3-1 to R7-1. Eight of the nine blocks are zoned M1-2 and one is zoned M3-1, which permit manufacturing, commercial and retail uses. Residential and community facility uses are not permitted in these districts. The maximum permitted FAR in M1-2 and M3-1 districts is 2.0.

Land use on these nine blocks is a mix of residential, industrial, and commercial uses interspersed with considerable vacant land. Currently, 34 percent of the land area is in residential use, 30 percent is in manufacturing use, 22 percent is vacant land and open uses, 6 percent is in

community facility use, and 8 percent is in commercial use.

Residential uses, which occupy one third of the land on these nine blocks, include pre-1961 legal non-conforming uses and new development permitted by BSA variance. Pre-1961 residential development includes four-story walk-up residential buildings on Lee and Flushing Avenues and three 3-story walk-up buildings on Wallabout Street. New housing construction permitted by the BSA in this area includes 27 dwelling units in 4-story buildings on Kent Avenue just east of the Brooklyn Queens Expressway; a 115 unit development on an entire city block bounded by Lee Avenue, Marcy Avenue, Lorimer Street and Wallabout Street; and a 48 dwelling unit development under construction on a block between Wallabout Street, Franklin, Flushing and Bedford avenues. Generally, the development approved by the BSA has FAR's of 3.0 and over, and are 5 to 6 stories in height.

Manufacturing and commercial uses on these blocks are primarily textile manufacturing and warehousing. There are three loft buildings occupied by textile and knitting manufacturers and several 1- to 2-story buildings, occupied by an oil depot, a wood workshop, a fireproof door manufacturer, an iron work shop and warehouses. Commercial uses in this area also include 1- to 2-story retail buildings, an auto repair shop, a car alarm business, a bakery, and three grocery stores.

Vacant land and open uses comprise 22 percent of the land area and are concentrated on four

blocks: a vacant assemblage on the south side of Block 2262, several small parking lots on Block 2264, and an irregularly shaped parking lot and a small fenced parcel used for lumber storage by an adjacent business on Block 2239. Two large vacant parcels, located at the corner of Flushing and Bedford Avenues, and on a through block site between Wallabout and Flushing Avenues, are currently being developed for housing pursuant to BSA variances.

There are small private schools and social services located in two of the manufacturing buildings and a 1,000 seat private school is under construction, pursuant to a BSA variance, on a block between Wallabout Street, Franklin, Flushing and Bedford avenues.

South of Flushing Avenue:

Six blocks (1885, 1886, 1715 partial, 1899 partial, 1900 partial and 1734) of the proposed rezoning area are south of Flushing Avenue in Community District 3 and are proposed to be rezoned from M1-1 and M1-2 to a M1-2/R7-1 District (MX-4). These blocks are bounded by Flushing Avenue, Spencer Street, Myrtle and Franklin avenues. Three blocks between Flushing and Park avenues are zoned M1-2, and the remaining three blocks between Park and Myrtle avenues are zoned M1-1 which permit manufacturing, commercial and retail uses. Residential and community facility uses are not permitted in these districts. The maximum permitted FAR in M1-2 and M1-1 districts is 2.0 and 1.0 respectively.

These blocks are developed with a mix of industrial, warehousing, and residential uses, with a substantial amount of vacant land and open uses. Twenty nine percent of the lot area on these

blocks is currently vacant land and open uses, 21 percent is in residential use, 35 percent is in industrial use, 14 percent is in commercial use, and 1 percent is in community facility use.

Residential uses in this area, primarily pre-1961 legal non-conforming uses, consist of one-and two-family homes and three-and four-story walk up buildings for a total of approximately 200 units. An 18 unit residential building is under construction at the corner of Flushing and Bedford Avenues pursuant to an approved BSA variance.

Manufacturing and commercial uses in the area are characterized by one- and two-story warehouses, manufacturing uses, wholesale businesses, two machine shops and scrap metal yards. There are two loft buildings containing a chocolate factory and a warehouse. Commercial uses also include a catering facility, a hardware store, several auto-repair businesses, auto parts stores, retail businesses and grocery stores. Several small offices are also scattered throughout the area, generally on the upper floors of commercial or warehouse buildings.

Twenty nine percent of the lot area on these blocks is either vacant or contains open uses. Some of this property contain junk yards, used car lots, parking lots, and contractor's yard used for equipment and material storage. There are several BSA variance applications pending for residential development on vacant lots in this area.

The New York City Fire Department's Engine Company 209 is situated on the west side of Bedford Avenue between Park Avenue and Myrtle Avenue.

**Proposed Text Amendment - Establishment of a Special Mixed Use District (MX-4)**

A related application (N 000110 ZRK) for a zoning text amendment is being considered concurrently to establish a Special Mixed Use District (MX 4) Flushing Bedford, Brooklyn, pursuant to Section 123-90 of the Zoning Resolution.

A mixed use district (MX-4) is being created. This zoning map amendment establishes the MX-4 within an area generally bounded by Flushing Avenue, Spencer Street, Myrtle and Franklin Avenues in Community District 3, Brooklyn. The mixed-use district would pair an R7-1 district and an M1-2 district, and its regulations would supplement and modify those of traditional residential and manufacturing districts. The MX-4 designation would appear on the zoning map superimposed on the paired R7-1/M1-2 district. The special district would be subject to regulations set forth in Article XII, Chapter 3, Special Mixed-Use District of the Zoning Resolution.

The current M1-2 and M3-1 districts both permit a maximum floor area ratio of 2. The proposed M1-2/R7-1 district would permit a maximum of 2 FAR for commercial and manufacturing development, and 3.44 FAR on narrow streets, and using Quality Housing regulations, a maximum of 4 FAR on wide streets for residential development.

In the proposed (MX4) mixed use district Use Group 18 uses would not be permitted, except for breweries with less than 10,000 square feet of floor area; and three Use Group 16 uses: animal pounds, crematoriums and public transit yards would be prohibited. With the exception of the

aforementioned, all other Use Group 16, and all Use Group 17 uses would be permitted as-of-right when occupying an existing building. However, in the case of a building enlargement, or the construction of a new building, certain categories of Use Group 16 and 17 uses would only be permitted under certain circumstances (as defined in Section 123-22 of the Zoning Resolution, Uses Permitted With Restrictions).

### **ENVIRONMENTAL REVIEW**

This application ( C 000109 ZMK), in conjunction with the application for the related action (N 000110 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 00DCP015K. The lead is the City Planning Commission.

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required.

A Positive Declaration and Draft Scope of Work for an Environmental Impact Statement were issued on September 29, 1999, and distributed, published, and filed. A public scoping meeting was held on November 1, 1999 and a Final Scope of Work for an Environmental Impact Statement issued on November 22, 1999.

The lead agency prepared a DEIS and issued a Notice of Completion on October 16, 2000.

Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on January 31, 2001, in conjunction with the public hearings on C 000109 ZMK and N 000110 ZRK. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of the FEIS was issued on March 16, 2001. The Notice of Completion for the FEIS identified significant adverse impacts related to socioeconomic conditions (secondary residential displacement); open space; historic resources (archaeological resources); and traffic and buses. The FEIS identified measures that would partially mitigate secondary residential displacement impacts and fully mitigate traffic impacts. It also disclosed that open space and archaeological resource impacts would remain unmitigated, and that project-sponsored mitigation measures are not needed for the identified bus impacts. The FEIS noted that the proposed rezoning includes (E) designations for hazardous materials and noise that would ensure that significant adverse impacts related to those issues would not occur. The text of the (E) designations and the affected blocks and lots are listed in the Notice of Completion and in the hazardous materials and noise chapters of the FEIS.

### **Socioeconomic Conditions – Secondary Residential Displacement**

The proposed rezoning may result in secondary residential displacement pressures in the rezoning area and its immediate vicinity. Depending on various factors, including the timing and location of new development during the course of the ten-year build-out period, these pressures could affect as many as 435 low-income households. Predictions as to how the local real estate market would respond to the introduction of a large number of new housing units into the area and which new residential developments would lead to the indirect displacement of existing area residents are imprecise, and it is possible that secondary residential displacement may not occur to the extent projected. Nonetheless, to ensure a reasonable, conservative analysis, the potential for secondary displacement pressures has been identified as a significant adverse impact. Measures that would partially mitigate the impact are described below in the section on

Mitigation.

### **Open Space**

The proposed action could result in significant, adverse unmitigated indirect open space impacts by increasing the area's existing deficiency in open space. Currently, the study area contains 0.323 acres of open space per thousand residents, which is well below the city median of 1.5 acres per thousand residents and DCP's goal of 2.5 acres per thousand. In the future without the action, the open space ratio would decrease to 0.295 acres per thousand. In the future with the action, the residential and worker populations generated by the proposed action would further reduce the open space ratio to 0.280 acres per 1,000 residents. This change to the existing deficiency is considered to be a significant adverse impact. Since no new open space resources which could mitigate the impact could be identified, the impact is considered an unmitigated impact.

### **Historic Resources – Archaeology**

The proposed action could result in significant, adverse unmitigated impacts to archeological resources.

The proposed action may result in new in-ground disturbance which could adversely affect 19<sup>th</sup> century remains. Based on a documentary search of lots within the rezoning area, 9 projected development sites and 9 potential development sites may be archaeologically sensitive for 19<sup>th</sup> century remains. On these parcels, residential development occurred before the availability of sewer or water services. It is therefore likely that the dwellings were equipped with cisterns and privies. Action-induced development on these parcels would be unlikely to disturb archaeological resources, should they exist, within the required 30-foot rear yard portions of the sites. However, development within the remaining portions of the development sites might disturb resources, should they exist in those locations. This would constitute a significant adverse impact. No mitigation measures are feasible, because the 9 projected sites and 9 potential sites in question are privately-owned. Private ownership of the land would prevent the City from conducting or requiring a boring program to test for potential archaeological remains, or from mandating the preservation or documentation of such remains, should they exist.

### **Traffic and Buses**

The proposed action would result in significant adverse traffic and bus impacts.

The proposed action would be expected to result in traffic impacts at six signalized intersections.

Flushing Avenue and Williamsburg Place would remain at Level of Service (LOS) F during AM peak (delay increasing from 73.8 seconds to 106.2 seconds). During the Midday Peak, the LOS would also remain at F (delay increases from 81.4 seconds to 95.9 seconds). In the PM peak hour the delay at the same approach would increase from 73.7 seconds to 110 seconds (LOS F

under both conditions).

Flushing Avenue and Franklin Avenue, westbound approach, would be impacted in the Midday and PM, the LOS remains at F (delay increases from 62.8 seconds to 103.4 seconds), and in the AM, the LOS remains at D (delay increases from 26.1 seconds to 33.7 seconds).

Flushing Avenue and Nostrand Avenue, eastbound approach, would also remain at LOS F in the Midday (delay increases from 45.3 seconds to 50.5 seconds).

Franklin Avenue and Park Avenue, westbound approach, becomes impacted in all peak hours. In the AM peak, the LOS remains at F (delay increasing from 66.1 seconds to 75.1 seconds). In the Midday, the delay increases from LOS E (48.8 seconds) to LOS F (62.4 seconds). In the PM, the eastbound and westbound approaches would be impacted. The eastbound approach would remain LOS D (delay increasing from 31 seconds to 36.4 seconds) and the westbound approach would remain at LOS E (the delay increasing from 43.1 seconds to 48 seconds).

Bedford Avenue and Park Avenue, eastbound approach, would be impacted in all peak hours. The LOS would worsen from LOS D to LOS E (delay increasing from 33.1 seconds to 42.5 seconds) in the AM, from LOS D to LOS E (delay increasing from 33.7 seconds to 41.6 seconds) in the Midday and, in the PM, the LOS would remain at LOS F (delay increasing from 94.2 seconds to 125.6 seconds).

Myrtle Avenue and Bedford Avenue, westbound approach, would remain at LOS E (delay would increase from 50.7 seconds to 59.8 seconds) in the AM peak hour.

Three unsignalized intersections would be impacted.

Park Avenue and Skillman Street, northbound approach, during the AM peak hour the LOS would worsen from D to E (delay increasing from 22.2 seconds to 30.1 seconds). During the PM peak hour the LOS would remain at D (delay increasing from 20.8 seconds to 28.7 seconds).

Myrtle Avenue and Skillman Street, northbound approach, would remain at LOS D (delay increasing from 20.3 seconds to 26.4 seconds) in the PM peak hour.

Wythe Avenue and Wallabout Street, westbound approach, would remain at LOS E (delay increasing from 34.3 seconds to 41.4 seconds).

These significantly impacted approaches could be mitigated by retiming traffic signals and/or changing the on-street parking regulations to allow for extra moving lanes (see "Mitigation" section below).

Traffic conditions during an interim analysis year of 2004 were analyzed to determine whether any significant impacts would occur prior to the full build-out in 2009. Significant impacts would occur at four locations in 2004 requiring mitigation prior to the full build-out year of 2009.

The intersection of Flushing Avenue and Williamsburg Place would be at LOS F, the delay increasing from 73.8 seconds to 88.7 seconds in the AM. In the Midday, the delay increases from 81.4 seconds to 88.6 seconds, and in the PM, the delay increases from 73.7 seconds to 96.0 seconds.

The Park Avenue and Franklin Avenue intersection would be impacted at the westbound approach during the AM and Midday peak hours. The delay would increase from 66.1 to 70.6 seconds in the AM, both at LOS F. Midday, the delay would increase from 48.8 seconds to 55.2 seconds, the LOS remains at E.

The Flushing Avenue and Franklin Avenue intersection is only impacted during the Midday peak hour in 2004. The westbound approach would have an increase in delay from 62.8 seconds to 90.7 seconds, with an LOS F under both conditions.

At Park Avenue and Bedford Avenue, the delay at the eastbound approach would increase from 94.2 seconds to 111.0 seconds in the PM peak hour. The LOS would be F under both conditions.

The remaining intersections that are impacted in 2009 would not be impacted during 2004.

#### Buses

The proposed actions would result in significant adverse impacts on the B54 bus route in the AM and PM peak hours, and the B57 route during the PM peak hour. As standard practice, New York City Transit continuously monitors bus transit ridership in peak and off-peak periods and adjusts frequency of service to comply with their service standards. Therefore, no project-sponsored mitigation is required for the proposed project.

### **MITIGATION**

#### **Socioeconomic Conditions – Secondary Residential Displacement**

Subsequent to the issuance of the DEIS, the Department has developed additional mitigation measures to address the potential for secondary residential displacement impacts. In response to comments received on the DEIS, and in consultation with the New York City Department of Housing Preservation and Development (HPD), a group of interrelated measures have been identified that would provide additional partial mitigation of this impact.

The DEIS identified an extensive amount of existing government-assisted housing in Community Districts 1 and 3 which provides an existing resource for the population of the rezoning area potentially subject to displacement pressures. (See Appendix C.) The DEIS also described the planned construction of over 3,500 new publicly assisted units of housing in the two community planning districts over the analysis period. The purpose of the additional mitigation measures described below is to provide potentially affected residents with enhanced opportunities to obtain low-income housing resources; to expand the range of housing resources available to them; to

ensure that they are able to access these resources with the assistance of a community-based provider; and to establish a monitoring mechanism which will ensure a continuing City attention to issues of secondary displacement. The new measures are as follows:

***Enhanced and Expanded Community Preference:*** Under current program design, 30% of all new housing units in HPD projects to be located in Community District Boards 1 and 3 are set aside for residents of those Community Districts, thereby already giving residents potentially affected by secondary displacement a preferential access to such units. Under the proposed mitigation developed in consultation with HPD, residents within the census tracts of the secondary displacement area (Blocks 2241, 2245, 2249, 2265, 2268, 2232, 2236, 2240, 2244, 2248, 2264, 2231, 2235, 2239, 2263, 2262, 2223, 2216, 2260, 261, 1882, 1883, 1884, 1885, 1886, 1715, 1716, 1897, 1898, 1899, 1900, 1734, 1735, 1913, 1914, 1750, 1751, 1752, 1753) would receive expanded eligibility for the 30% community district residency preference for any low income housing project developed by HPD for which they qualify, in Brooklyn Community District Boards 1, 2 and 3. To illustrate: a resident of Community District 3 within these census tracts would enjoy the preference with respect to new low-income units to be located not just in Community District 3, but Community Districts 1 and 2 as well. In addition, the Community Preference concept would be expanded to include not just newly constructed units, but also units in existing HPD housing which become available through vacancy turnover. It is estimated that residents within the census tracts for the secondary displacement area would thereby enjoy a preference with respect to approximately 1,090 units over a ten-year period, as set forth in Table V.A-6 of the FEIS.

***Neighborhood Preservation Services:*** HPD will contract with a locally-based not-for-profit entity with experience and expertise in affordable housing services to provide neighborhood residents with services to link them with HPD housing resources and to identify potential relocation resources for the displaced tenants. In particular, the contractor will familiarize residents with the Enhanced and Expanded Community Preference and assist them in participating in that system. The contract would commence in 2002.

***Secondary Displacement Task Force:*** HPD and the Department of City Planning will form a Flushing-Bedford Secondary Displacement Task Force to monitor any secondary displacement on an on-going basis and make recommendations to the Mayor for further measures, as needed. The Task Force would include local representation and would allow the City to adjust its response to any secondary displacement effects, as they occur. The Task Force would continue in existence for ten years, unless its members submit to the Mayor a report determining that secondary displacement effects are not occurring and that there is no reasonable likelihood that they will occur.

## **Traffic**

The proposed project is expected to result in traffic impacts at four signalized intersections under 2004 build conditions, six signalized, and three unsignalized intersections in the full build-out year of 2009. The proposed mitigation measures would attempt to return the impacted locations'

LOS to acceptable mid-LOS D, or to the conditions without the proposed project (No Build) or better. The following summarizes the proposed mitigation measures at each impacted intersection, and shows that all impacts are mitigated.

*2004 Build Conditions:*

Flushing Avenue at Williamsburg Place: This intersection would require signal timing changes and a parking prohibition. The transfer of two (2) seconds of green time from southbound Williamsburg Place to east and westbound Flushing Avenue in the AM peak hour, and prohibiting parking on Williamsburg Place within 150 feet of the intersection to allow a left/through lane, a through lane, and a right turn lane. The Midday and PM peak hour mitigation measures would require the transfer of one (1) second, and three (3) seconds, respectively, from Williamsburg Place to Flushing Avenue with the same parking prohibitions as in the AM. This mitigation measure would reduce the AM westbound left turn delay from 88.7 seconds (V/C = 1.098) under 2004 Build conditions to 72.6 seconds (V/C = 1.062) with mitigation. In the Midday, the westbound left turn delay would be reduced from 88.6 seconds (V/C=1.112) under 2004 Build conditions to 76.4 seconds (V/C = 1.086) with mitigation. The mitigation measure would reduce the PM westbound left turn delay from 96.0 seconds (V/C = 1.114) to 71.5 seconds (V/C = 1.060). The LOS would remain at F in all peak hours; however, all impacts due to the project in 2004 would be eliminated.

Flushing Avenue at Franklin Avenue: The mitigation measure at this intersection during the Midday would require a reallocation of two (2) seconds of green time from southbound Franklin Avenue to east/west Flushing Avenue. The delay would be decreased from 90.7 seconds (V/C = 1.118 and LOS F) under 2004 Build conditions to 56.1 seconds (V/C = 1.036 and LOS E) with this mitigation measure, eliminating the impacts.

Park Avenue at Franklin Avenue: This intersection would be mitigated with a transfer of one (1) second of green time from southbound Franklin Avenue to eastbound/westbound Park Avenue during the AM and Midday peak hours. The delay at the westbound approach would be reduced from 70.6 seconds (V/C = 1.076) under 2004 Build conditions to 61.5 seconds (V/C = 1.053) under 2004 mitigation conditions in the AM, with the LOS remaining at F, and the delay would be reduced from 55.2 seconds (V/C = 1.017) under 2004 Build conditions to 45.1 seconds (V/C = 0.981) after mitigation in the Midday (with the LOS remaining at E).

Park Avenue at Bedford Avenue: This intersection would require the transfer of two (2) seconds from northbound Bedford Avenue to Park Avenue (east-west) to be fully mitigated in the PM peak hour in 2004. The delay on the eastbound approach would be reduced from 111.0 seconds (V/C = 1.135, and LOS F) to 87.2 seconds (V/C = 1.087, and LOS F) with mitigation in 2004.

*2009 Build Conditions*

**SIGNALIZED INTERSECTIONS**

Flushing Avenue at Williamsburg Place: Mitigation measures would include the parking prohibition on the southbound Williamsburg Place for 150 feet to allow three lanes-through-left,

through and right lanes for all peak hours, as also proposed for mitigation for interim 2004 build year . Total of four (4) seconds of green time (including two seconds for interim 2004) would have to be reallocated from southbound Williamsburg Place to eastbound/westbound Flushing Avenue in the AM peak hour. The Midday peak hour would require the reallocation of two (2) second of green time (including one second for interim 2004) from Williamsburg Place to Flushing Avenue, and the PM peak hour would require four (4) seconds of green time (including three seconds for interim 2004) be reallocated from Williamsburg Place to Flushing Avenue. The effect of this mitigation would be a reduction in the AM westbound left turn delay on Flushing Avenue from 106.2 seconds (V/C = 1.135 and LOS F) under 2009 Build conditions to 71.4 seconds (V/C = 1.062, and LOS F) after mitigation. The Midday peak hour westbound left turn delay would be reduced from 95.9 seconds (V/C = 1.127, and LOS F) under 2009 Build conditions to 72.0 seconds (V/C = 1.077, and LOS F) under mitigation. The PM westbound left turn delay would decrease from 110 seconds (V/C = 1.142, and LOS F) to 73.7 seconds (V/C = 1.068, and LOS F).

Flushing Avenue at Franklin Avenue: Mitigation at this location would require the reallocation of three (3) seconds of green time (including two seconds for interim 2004) in the Midday and one (4) seconds of green time in the PM from southbound Franklin Avenue to eastbound/westbound Flushing Avenue. The result of these changes would be the westbound delay decreasing from 103.4 seconds (V/C = 1.154, and LOS F) to 55.6 seconds (V/C= 1.036, and LOS E) in the Midday and from 33.7 seconds (V/C = 0.902, and LOS D) to 31.5 seconds (V/C = 0.886, and LOS D) in the PM, thereby eliminating the impacts.

Flushing Avenue at Nostrand Avenue: Reallocation of one (1) second of green time from southbound Nostrand Avenue to eastbound/westbound Flushing Avenue would mitigate this intersection in the Midday. The delay decreases from 50.5 seconds (V/C = 1.015, and LOS E) under 2009 Build conditions at the eastbound approach to 43.8 seconds (V/C = 0.992, and LOS E) after mitigation.

Park Avenue at Franklin Avenue: Transferring one (1) second of green time ( same for interim 2004) from southbound Franklin Avenue to eastbound/westbound Park Avenue would mitigate this intersection in the AM peak hour. In the Midday peak hour, a two (2) seconds of green time (including one second for interim 2004) transfer from southbound Franklin Avenue to eastbound/westbound Park Avenue would mitigate the impacts. Also during the PM peak hour, a two (2) seconds of green time transferring from southbound Franklin Avenue to eastbound/westbound Park Avenue would mitigate the impacts. The results are that in the AM peak hour, the delay at the westbound approach would decrease from 75.1 seconds (V/C = 1.087, and LOS F) under Build conditions to 65.8 seconds (V/C = 1.065, and LOS F) under 2009 Build conditions with mitigation, in the Midday the delay would decrease from 62.4 seconds (V/C = 1.040, and LOS F) to 41.5 seconds (V/C = 0.968, and LOS E), and in the PM the delay would decrease from 48 seconds (V/C = 0.996, and LOS E) to 37.7 seconds (V/C = 0.956, and LOS D). And the delay at the eastbound approach would decrease from 36.4 seconds (V/C = 0.945, and LOS D) to 29.7 seconds (V/C = 0.907, and LOS D) in the PM. Impacts would be eliminated with the changes.

Park Avenue at Bedford Avenue: At this intersection, mitigation would call for a reallocation of four (4) seconds of green time from northbound Bedford Avenue to east and westbound Park Avenue, in the AM, two (2) seconds of green time in the Midday, and three (3) seconds of green time (including two seconds for interim 2004) in the PM peak hour. These mitigation measures would result in a reduction of the eastbound AM delay on Park Avenue from 42.5 seconds (V/C = 0.905, and LOS E) to 31.6 seconds (V/C = 0.822, LOS D), the eastbound Midday delay would be reduced from 41.6 seconds (V/C = 0.941, LOS E) to 32.2 seconds (V/C = 0.886, LOS D), and the eastbound PM delay would be reduced from 125.6 seconds (V/C = 1.162, LOS F) to 87.3 seconds (V/C = 1.089, and LOS F). Impacts would be eliminated with the changes.

Myrtle Avenue at Bedford Avenue: At this intersection, the mitigation would involve a signal timing adjustment resulting in the reallocation of two (2) seconds of green time from the northbound Bedford Avenue to the eastbound/westbound Myrtle Avenue during the AM peak hour. This mitigation would reduce the westbound delay from 59.8 seconds (V/C = 1.036, and LOS E) to 48.9 seconds (V/C = 1.001, and LOS E), eliminating the traffic impacts.

#### UNSIGNALIZED INTERSECTIONS

Park Avenue at Skillman Street: Mitigation at this unsignalized intersection would call for the parking prohibition on the northbound Skillman Street for 150 feet on the western curb to allow a marked left turn lane from northbound to westbound Park Avenue. The delay would then be decreased at the northbound approach in the AM from 30.1 seconds (LOS E) to 24.5 seconds (LOS D) on the left turn movement and 14.8 seconds (LOS C) on the through/right turn movement with the total northbound approach delay being at 18.8 seconds (LOS C). In the PM, the delay would be decreased from 28.7 seconds (LOS D) to 21.2 seconds (LOS D) for the left turn movement and 16.5 seconds (LOS C) for the through/right turn movement with the total northbound approach delay being at 18.1 seconds (LOS C). A traffic signal would not be warranted as a mitigation measure for this intersection, since the proposed day-lighting would eliminate traffic impacts at this intersection.

Myrtle Avenue at Skillman Street: Mitigation at this unsignalized intersection would also call for the parking prohibiting on the northbound Skillman Street for 150 feet on the western curb to allow a dedicated left turn lane from northbound Skillman Street to westbound Myrtle Avenue. The delay would then be decreased at the northbound approach in the PM from 26.4 seconds (LOS D) to 21.6 seconds (LOS D) on the left turn movement and 17.3 seconds (LOS C) on the through/right turn movement with the total northbound approach delay being at 18.7 seconds (LOS C). A traffic signal would not be warranted as a mitigation measure for this intersection, since the proposed day-lighting would eliminate traffic impacts at this intersection.

Wallabout Street at Wythe Avenue: At this unsignalized intersection, the proposed mitigation measure would involve adding a traffic signal. The delay at the westbound approach in the AM would be decreased from 41.4 seconds (LOS E) to 32.1 seconds (V/C = 0.931, and LOS D). The proposed traffic signal would mitigate the traffic impact during the AM peak hour, in addition to

improving the level of service during the other peak hours. The traffic signal would be warranted as a mitigation measure for this intersection.

Supplemental air quality analysis were prepared to support the proposed traffic mitigation measures. Based on the result of these analysis, the proposed project's mitigation measures would not result in air quality impacts. Carbon monoxide (CO) concentrations with the proposed mitigation for the predicted significant traffic impacts indicate that the maximum predicted 1- and 8- hour averages at the analyzed locations were well below the corresponding standards. All the maximum predicted 8-hour CO concentrations with the proposed mitigation measures would be below the applicable National Ambient Air Quality Standards (NAAQS). Therefore, the proposed action with the proposed traffic mitigation would not result in any significant air quality analysis from mobile sources.

## **UNMITIGATED ADVERSE IMPACTS**

### **Open Space**

The study area's open space resources are extremely limited. Given the size of the current and projected open space shortfall, the creation of new on-site or public open space would not significantly improve the open space ratio or eliminate the open space impact. In order to achieve the goal of providing 2.5 acres of open space per 1,000 residents, approximately 233 acres of new open space, consisting of 185 acres of passive space and 48 acres of active open space, would need to be added to the study area in the future with the proposed action.

The Department of Parks and Recreation has funded plans to improve several existing open spaces in the study area. These improvements are expected to occur in the future without the proposed action. At this time, there are no additional measures identified that would improve open space conditions in the study area or eliminate action-induced impacts. However, the Department of City Planning has agreed to continue to work with the Department of Parks and Recreation to identify future potential improvements to open space resources in the study area.

### **Historic Resources – Archaeology**

No mitigation measures are feasible, because the area to be rezoned is privately-owned, which prevents the City from conducting or requiring an archaeological testing program.

## **UNIFORM LAND USE REVIEW**

This application ( C 000109 ZMK) was certified as complete by the Department of City Planning on October 18, 2000, and was duly referred to Community Boards 1 and 3, the Borough Board and the Borough President, in accordance with Article 3 of the Uniform Land Use Review

Procedure (ULURP) rules along with the related text change, N 000110 ZRK, which was referred for information and comment to Community Board 3 and the Borough President.

### **COMMUNITY BOARD PUBLIC HEARING**

Community Board 1 held a public hearing on this application on November 14, 2000, and on December 3, 2000, by a vote of 36 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following comments:

- (1) The proposed area to be rezoned has already experienced significant residential re-development under the zone variance process.
- (2) The development of new housing remains a priority for the district.
- (3) The existing conditions of the area, vacant lots underutilized buildings cracked and broken sidewalks, etc. etc. etc. have a blighting effect on the surrounding residential community.

Community Board 3 held a public hearing on this application on December 4, 2000, and on that day, by a vote of 33 to 0 with 0 abstentions, adopted a resolution recommending disapproval of the application with the following comments:

In as much as the members of Brooklyn Community Board #3K acknowledges the need for affordable housing and supports the construction of same, we have several concerns with the current proposed rezoning request before us.

- A) The BSA granted private owners their request for variance to construct housing thereby changing a zoned manufacturing area to a manufacturing/residential zoning. Construction has began, some are completed and already occupied.
- B) We have reason to believe that the use of public monies has been and is being utilized to promote racial and/or religious segregation.

In addition, the city planing Commission now comes to Community Board #3K to legitimize the BSA action and we, strongly take exception to this practice.

Future support of this rezoning plan CAN BE considered by Board #3K if the following is addressed and placed into writing prior to the finalization of the rezoning process.

- R-7 reduced to R-6, lowering the density to conform with existing housing.
- public monies be withdrawn unless housing is offered and available to the community at large irregardless of race or religious affiliation.
- Commencing immediately *Cease and Desist* harassment and intimidation of Senior Citizens and other current property owners to sell their homes and businesses: Violators shall be identified and reported to the District Attorney for prompt judicial action.
- A complete investigation, apprehension and conviction of those persons responsible for the Arson fires and destruction of property shall commence and be reported forthwith.
- That the needed services such as transportation, sanitation, postal, medical and schools be sufficient to meet the needs of an increase population.

### **BOROUGH PRESIDENT RECOMMENDATION**

This application was considered by the Borough President, who issued a recommendation on January 19, 2001, disapproving the application with the following conditions:

- Upon adoption of the zoning change the city send a letter to each tenant in unregulated dwellings in the rezoning area notifying them of the rezoning that it may, at some point, result in their eviction or denial of a lease renewal. The city must then advise tenants that they may contact HPD and/or the New York City Housing Authority in order to identify alternate housing for which they would receive placement preference and rental subsidies to the extent feasible.
- That the city makes funds available for displaced residents for their moving expenses and to help defray the cost of relocation.
- That the city makes funds available for local non-profit organizations to provide neighborhood anti-displacement services.
- The Department of Housing Preservation and Development in consultation with the Department of City Planning prepare an amendment to the Bedford Stuyvesant I Urban Renewal Plan south and west of the rezoning area in consultation with community boards, area residents and businesses and local elected officials.

### **BOROUGH BOARD**

The Borough Board did not submit a recommendation.

## **CITY PLANING COMMISSION PUBLIC HEARING**

On January 17, 2001 (Calendar No. 3), the City Planning Commission scheduled January 31, 2001, for a public hearing on this application ( C 000109 ZMK). The hearing was duly held on January 31, 2001 (Calendar No.14), in conjunction with the public hearing on the application for the related action (N 000110 ZRK). There were 16 speakers at the public hearing, five in favor and 11 in opposition, to the proposal.

The five speakers in favor of the application included two representatives of the United Jewish Organizations (UJO) of Williamsburg, the director of Williamsburg Outreach, a healthcare organization, and two residents of Williamsburg.

In general, the speakers in favor referred to the overcrowded and substandard housing conditions in Williamsburg and emphasized the dire need for new housing opportunities in the area. They also noted that the rezoning would provide an opportunity for residential redevelopment of underutilized and vacant industrial properties. The director of Williamsburg Outreach noted that the average family in the community has several children and that the cramped living conditions lead to respiratory problems and learning disabilities. The speakers also expressed a desire to stay close to the existing residential community of Williamsburg.

The eleven speakers against the application included the Deputy Borough President of Brooklyn, the Chairperson of Community Board 3's Land Use Committee, the Chairman and the Vice Chairman of the Neighborhood Stabilization Task Force, a representative of the Pratt Area

Community Council, an advocate for local businesses, and six residents of the area being rezoned.

The Deputy Borough President acknowledged the decline in manufacturing uses in this area, the presence of vacant and underutilized parcels and the acute housing shortage in the area.

However, she expressed concerns regarding secondary displacement pressures on low and moderate income area residents. She stated that the Borough President has recommended against approval of the rezoning unless the City remediates the effects of the rezoning by providing housing and relocation expenses for the displaced residents; funding to neighborhood organizations for anti-displacement services and to extend the Bedford Stuyvesant Urban Renewal Plan to the south and west. The representative also urged the Department of City Planning, the Department of Housing Preservation and Development, and the New York City Housing Authority to work together and develop an appropriate plan to address the community's concern.

Several other speakers in opposition raised concerns about the secondary displacement impacts and the lack of affordable housing provision as part of this action. The Chair of Community Board 3's Land Use Committee expressed the community's frustration at the variance approvals granted by the Board of Standards and Appeals for residential development despite the community's opposition. In addition to land use implications, she stated that the proposal raised racial and community district boundary concerns.

Some of the speakers also asked for a more comprehensive study of the area that would examine zoning; social, cultural and educational needs; commercial development; and issues of affordable housing.

Several speakers supported the need for additional housing, while expressing concern about the bulk and density permitted under the proposed R7-1 zoning district. They stated that the proposed rezoning would permit out-of-context residential development of 7 to 14-story buildings which would cast shadows and block light and air to the adjacent homes and rear yards. They felt that the proposed R7 district was inconsistent with the existing neighborhood context

The representative of the Pratt Area Community Council (PACC) and the business advocate expressed concern about displacement of manufacturing uses due to increased land values and the consequent loss of manufacturing jobs. Some speakers stated that they believed the rezoning would result in adverse impacts on open space, schools, hospitals and postal service. One of the speakers referred to the disclosure in the Draft Environmental Impact Statement of the unmitigated impact on cultural and archeological resources. One speaker recommended that vacant P.S. 70, outside of the rezoning area, be reactivated as a school.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission notes that the fifteen block rezoning area, while zoned for manufacturing and commercial uses, contains a mix of residential, commercial, industrial uses and vacant land. The manufacturing and commercial uses in the area have been in decline for several decades, resulting in an increase in auto related uses, junk yards and vacant land. Over the last two decades, there has been substantial growth in the residential population in the surrounding areas, resulting in a housing shortfall and increasing demand for new residential units. Since the mid-1980's, there has been significant new residential construction within and around the rezoning area largely pursuant to zoning variances granted by the Board of Standards and Appeals. In the blocks proposed for rezoning, over 200 units of housing have been constructed pursuant to BSA variances, and several new residential developments are currently under construction. The presence of vacant and underutilized land, coupled with increasing demand for housing presents an opportunity for new residential development in this area and would bring the 493 existing residential units into conformance.

It is anticipated that the proposed rezoning of these blocks from M1-2 and M3-1 to R7-1, and M1-2 and M1-1 to an M1-2/R7-1 and MX-4 could generate new opportunities for the development of up to 1,224 new residential units on mostly vacant and underutilized land over the next 10 years. The proposed Mixed Use District on six blocks south of Flushing Avenue would allow for new manufacturing uses and the continued operation and expansion of existing industrial uses, as well as, the residential reuse of underutilized and vacant land in this area. The Commission anticipates that the proposed zoning change could accommodate the growing need for housing while preserving industrial and commercial uses in the proposed mixed use district.

The area north of Flushing Avenue consists of nine blocks (six complete and 3 partial) several of which are partially in residential districts. These blocks are proposed to be rezoned from M1-2 and M3-1 to R7-1. Existing land uses on these blocks are a mix of residential, commercial and manufacturing uses. It also contains vacant land and open uses. Approximately 338 units of new housing approved by the BSA in recent years have either been built or are under construction on these blocks. The Commission notes that the proposed rezoning is consistent with two recent zoning map changes from M1-2 to an R6 on partial blocks adjacent to the rezoning area, and that this area has changed over time from a mixed use neighborhood to one more residential in character.

The area south of Flushing Avenue consisting of six blocks (three complete and three partial), would be rezoned from M1-2 and M1-1 to a M1-2/R7-1 and MX-4. These blocks are developed with a mix of manufacturing, warehousing, residential and a variety of auto related uses. The new mixed use district would allow new residential opportunities without rendering the industrial uses non-conforming. The Commission notes that the proposed rezoning would bring existing residential uses into conformance. It will encourage new residential development, protect existing industrial uses, and provide appropriate land use controls and environmental safeguards.

The new residential buildings in the R7-1 district would comply with the bulk regulations of the R7-1 district. The height of the new buildings is expected to 5- to 7-stories pursuant to Quality Housing provisions. The new buildings would be larger than existing 2- to 4-story buildings,

however they would be similar in character to the development recently built in this area. Although height factor zoning would permit buildings up to 14 stories, such buildings are unlikely because of the difficulty in realizing the full floor area on small and medium sized lots. Within the new M1-2/R7-1 and MX-4, residential and community facility uses would be governed by the bulk provisions of R7-1, and the industrial and commercial uses would be governed by the bulk regulations of M1-2 district.

The Commission recognizes the need to address the potential for secondary residential displacement in the area surrounding the rezoning area, as disclosed in the Draft Environmental Impact Statement. The DEIS discloses that up to 435 low-income households could be subject to secondary displacement pressures in four census tracts including and surrounding the rezoning area, resulting in significant, adverse impacts.

In response to the potential for secondary residential displacement, the Department has developed a number of mitigation measures, working in consultation with the New York City Department of Housing Preservation and Development (HPD), that would provide partial mitigation of this impact.

The DEIS identified the extensive amount of existing government-assisted housing in Community Districts 1 and 3 which provides an existing resource for the population of the rezoning area potentially subject to displacement pressures. The DEIS also described the availability of over 3,500 publicly assisted units of housing in the two community planning

districts over the analysis period. Subsequent to the issuance of the DEIS, the Department has identified additional mitigation measures designed to provide potentially affected residents with enhanced opportunities to obtain low-income housing; to expand the range of housing resources available to them; to ensure that they are able to access these resources with the assistance of a community-based provider; and to establish a monitoring mechanism which will ensure a continuing City attention to issues of secondary displacement. The new measures would include an enhanced and expanded community preference for residents of the area with potential for secondary displacement where they would have access to publicly subsidized units in Community Districts 1, 2 and 3; neighborhood preservation services for the affected household through an HPD contract with a locally-based not-for-profit entity; and the formation of a Secondary Displacement Task Force including the Department of City Planning, HPD and local community representatives for a up to ten year period to monitor and respond to the effects of secondary displacement, should they occur. The Commission believes that these are appropriate and practicable measures to address the potential for secondary displacement, and that they are responsive to the concerns voiced by the Brooklyn Borough President and several speakers at the Commission's public hearing.

The Commission concurs with Community Board 1 that the residential development has proceeded in this area through the BSA variance process and notes the need for new housing. The Commission believes that the proposed area wide rezoning is the appropriate means to address changing land uses and provide opportunities for new residential development in this area.

In response to Community Board 3's comments regarding the appropriateness of R6 rather than the proposed R7-1 district for residential development, the Commission notes that an R6 district would permit 35 percent fewer housing units in an area with tremendous housing needs. The existing built form in the rezoning area and its surroundings consists of a mix of building types ranging from single story warehouse buildings, to 3-4 story walk up apartments and five and six story loft buildings. The anticipated 5- 7 story residential buildings, similar to the recently constructed residential buildings pursuant to BSA variances, would not be out of scale with the existing built form.

The Commission considers the issues of tenant harassment raised by Community Board 3 to be outside the purview of this rezoning application, and notes that remedies are available under existing laws for illegal evictions and harassment of residential or commercial tenants. As to Community Board 3's concern that the proposed rezoning involves the use of public monies to promote segregation, the Commission notes that the proposed rezoning is anticipated to produce privately financed residential development.

In response to the Borough President's recommendation regarding an amendment to the Bedford Stuyvesant I Urban Renewal Plan, the Commission notes that this is outside the scope of this action and further notes that HPD has indicated its intention of proceeding with such an amendment in the future.

The Commission gave significant consideration to the oral and written testimony presented in

reference to this rezoning. In response to the comment that the rezoning proposal was undertaken without comprehensive planning or public participation, the Commission notes that the proposed rezoning is intended to provide new opportunities for privately-sponsored residential development in an area where residential use is not permitted by existing zoning. The rezoning is not a comprehensive housing initiative; by its nature it does not provide for the actual construction of any housing. The Commission further notes that the rezoning area was analyzed as part of the 1995 Community Board 1 Planning Study and associated findings have been widely discussed and presented to local community groups and officials.

The Commission recognizes the housing shortage in the area, and believes that the proposed rezoning of this area strikes a careful balance between addressing the need for new housing development and the maintenance of existing businesses in the area. The Commission therefore believes that the proposed amendment of the Zoning map is appropriate.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 16, 2001, with respect to this application ( C 000109 ZMK), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

- From among the reasonable alternatives hereto, the actions to be approved are

ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and

- The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 the consideration and findings 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. 12d and 13b:

- 1) changing from an M1-2 District to an R7-1 District property bounded by Rutledge Street, Wythe Avenue, Wallabout Street, Lynch Street, the southwesterly boundary line of a playground and its northwesterly and southeasterly prolongations, Middleton Street, a line 80 feet northeasterly of Lee Avenue, a line midway between Middleton Street, and Lorimer Street, a line 150 feet northeasterly of Lee Avenue, Lorimer Street, Marcy Avenue, Walton Street, Wallabout Street, Marcy Avenue, Flushing Avenue, Lee Avenue,

Wallabout Street, the northerly prolongation of a line midway between Spencer Street and Bedford Avenue, Flushing Avenue, Bedford Avenue; Flushing Avenue, Franklin Avenue, Wallabout Street and Kent Avenue;

- 2) changing from an M3-1 District to an R7-1 District property bounded by Walton Street, Marcy Avenue, and Wallabout Street,
  
- 1) changing from an M1-1 District to an M1-2/R7-1 District property bounded by Park Avenue, Spencer Street, Myrtle Avenue, Bedford Avenue, a line 100 feet northerly of Myrtle Avenue, and a line midway between Franklin Avenue and Skillman Street;
  
- 2) changing from an M1-2 district to an M1-2/R7-1 District property bounded by Flushing Avenue, Bedford Avenue, Flushing Avenue, a line midway between Spencer Street and Bedford Avenue, Park Avenue, and Franklin Avenue; and
  
- 3) establishing a Special Use District (MX-4) bounded by Flushing Avenue, Bedford Avenue, Flushing Avenue, a line midway between Spencer Street and Bedford Avenue, Park Avenue, Spencer Street, Myrtle Avenue, Bedford Avenue, a line 100 feet northerly of Myrtle Avenue, a line midway between Franklin Avenue and Skillman Street, Park Avenue, and Franklin Avenue;

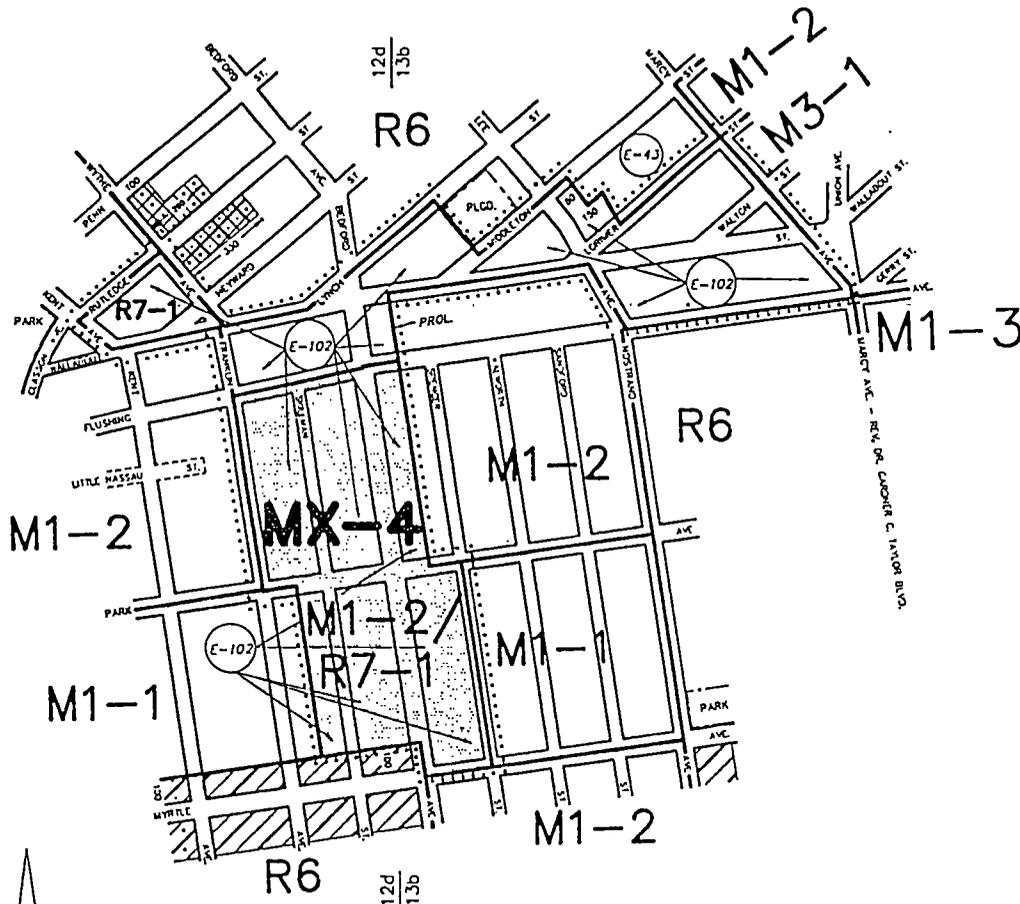
Borough of Brooklyn, Community Districts 1 and 3, as shown on a diagram (for illustrative purposes only) dated October 18, 2000, and which includes the environmental designation

E-102.

The above resolution ( C 000109 ZMK), duly adopted by the City Planning Commission on March 26, 2001 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**JOSEPH B. ROSE**, Chairman  
**ALBERT ABNEY, ANGELA M. BATTAGLIA, AMANDA M. BURDEN, A.I.C.P.,**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZI, R.A.,**  
**KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, WILLIAM J. GRINKER,**  
**KENNETH J. KNUCKLES, ESQ., JOHN MEROLO**, Commissioners

Commissioner, **VICTOR G. ALICEA**, abstaining

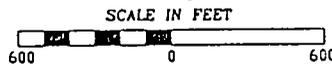


CITY PLANNING COMMISSION  
CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED  
ZONING CHANGE  
ON SECTIONAL MAPS  
12d & 13B  
BOROUGH OF  
BROOKLYN

*[Signature]*  
Director of Technical Review

New York, Certification Date  
OCTOBER 18, 2000



**NOTE:**

- Indicates Zoning District boundary.
- ..... The area enclosed by the dotted line is proposed to be rezoned by changing M1-1, M1-2 and M3-1 Districts to M1-2/R7-1 and R7-1 Districts and by establishing a Special Mixed Use District (MX-4).
- Indicates a C2-2 District.
- Indicates a C1-3 District.
- Indicates a C2-3 District.
- Indicates a C2-4 District.
- Indicates a Special Mixed Use District (MX-4).
- Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Community/Borough Board  
Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3244

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Retain a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Distribution, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 000109 ZMK

DOCKET DESCRIPTION

SEE ATTACHED

COMMUNITY BOARD NO. 1 and 3

BOROUGH Brooklyn

BOROUGH BOARD Brooklyn

DATE OF PUBLIC HEARING 11/14/00

LOCATION 211 AINSLIE STREET

WAS QUORUM PRESENT?  YES  NO

(A public hearing shall require a quorum of 2/3 of the appointed members of the board, but in no event fewer than seven (7) members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 12/5/00

LOCATION 211 AINSLIE STREET

RECOMMENDATION

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

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach additional sheets if necessary)

Please see attached report.

EX-111 12/18/00  
LANNING  
00 DEC 18 11:20  
OF CITY

VOTING

IN FAVOR 36 AGAINST 0 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 47

COMMUNITY/BOROUGH BOARD OFFICER Vincent V. Abate

12/18/00

Chairman

DATE

TITLE

1/91

00 DEC 21 PM 4:20  
DEPT OF CITY PLANNING

TO: Member of Community Board No 1., Brooklyn  
FROM: Ronald E. Webster, Chairperson, District Development Committee  
DATE: November 28, 2000  
SUB.: Re-Zoning of Flushing Avenue/ #C 000109 ZMK.

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ACTION TO BE TAKEN BY CB No. 1.: Review and recommendation on the request to amend the zoning map for Sections 12d and 13b. The request was Submitted by the City of New York's Department of City Planning.

PURPOSE:

The Dept. Of City Planning (DCP) seeks Community Board No. 1's (CB1) approval to rezone approximately nine blocks from M1-2 and M3-1 to R7-1. The nine blocks ( 6 whole blocks and three partial blocks ) proposed to be rezoned From M1-2 and M3-1 to R7-1 are located north of Flushing Avenue and are Adjacent to an existing residential area zoned R6. The proposed area to Be re-zoned follows: beginning at Kent Avenue running north on Rutledge, Than south on Wythe Ave, north again on Lynch than approximatley in the middle Of the block the line cuts south to Middleton St running north on Middleton for Approximately 1/4 of the block the line cuts south again to Lorimer St and Runs north to Marcy Ave than south along Marcy and than to Union Ave Until Flushing Ave; at Flushing the line goes west until Lee Ave than the line Runs north to Wallabout St the line runs west along Wallabout approximatley 3/4 of the block than the line runs south to Flushing Ave back at Flushing the Line runs west again until Wythe Ave than north on Wythe until Wallabout St Than west on Wallabout until the line re-connects with Kent Ave.

The proposed rezoning would provide opportunities for new residential development on underutilized and vacant land. In addition, the proposed action would bring existing non-conforming residential uses into conformance. More importantly, the action would provide the land use controls necessary for appropriate residential development.

Eight of the nine blocks are zoned M1-2 for light manufacturing and the ninth is a small triangular Block zoned M3-1 for heavy manufacturing. DCP reports, that while the area is zoned for heavy industrial uses it does not contain any heavy manufacturing uses. In fact, the major use for much of land currently Zoned M1-2 is auto related uses. DCP states that the proposed re-zoning will Not disturb existing manufacturing in the area of CB 1.

DCP is projecting the development of approximately 226 new housing units Once the area is re-zoned.

#### RECOMMENDATION:

On Tuesday November 28<sup>th</sup> the District Development Committee met at the Offices of the District Manager to review the above referenced item. The Committee voted unanimously to support this item with out conditions. The Committee support this item for the following reasons:

- (1) The proposed area to be re-zoned has already experienced significant Residential re-development under the zone variance process.
- (2) The development of new housing remains a priority for the district.
- (3) The existing conditions of the area, vacant lots underutilized buildings Cracked and broken sidewalks, etc, etc, etc, have a blighting effect on the surrounding residential community.

Community/Borough Board  
Recommendation

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
FAX # (212) 720-3244

INSTRUCTIONS

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2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 000109 ZMK

DOCKET DESCRIPTION

00 DEC 26 PM 4:11  
DEPT. OF CITY PLANNING

SEE ATTACHED

COMMUNITY BOARD NO. 1 and 3

BOROUGH Brooklyn

BOROUGH BOARD Brooklyn

DATE OF PUBLIC HEARING December 4, 2000

LOCATION 1368 Fulton St., Brook

WAS QUORUM PRESENT?  YES  NO

(A public hearing shall require a quorum of 2/3 of appointed members of the board, but in no event less than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE December 4, 2000

LOCATION 1368 Fulton Street, Brooklyn

RECOMMENDATION

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

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary).

VOTING

IN FAVOR 33 AGAINST 0 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 47

  
COMMUNITY/BOROUGH BOARD OFFICER

December 26 2000

District Manager

DATE

TITLE

1/91

December 19, 2000

From: Hardy Long, Chair, Community Board #3K - 1360 Fulton Street, Bklyn, NY 11216  
For: Preliminary Hearing - Borough Hall, Brooklyn NY 11201

RE: BEDFORD-FLUSHING REZONING

Community Board #3k held several meetings including a Public Hearing on Monday, November 27, 2000. The Public Hearing revealed that construction is continuing without the proper permits; property damages are sustained daily by the equipment being used by the contractors etc. Testimony also revealed that visits, harassment and intimidation to current owners to sell were constant. Some residents voiced that there was fear of reprisal if owners refused to sell.

At the Public Meeting held on Monday, December 4, 2000 after an additional presentation by City Planning and Community Testimonies, the Board UNANIMOUSLY VOTED AGAINST THE REZONING FOR THE BEDFORD-FLUSHING AREA. The following statement is being submitted this evening and our request that you REJECT the proposal at this time.

STATEMENT

"In as much as the members of Brooklyn Community Board #3K acknowledges the need for affordable housing and supports the construction of same, we have several concerns with the current proposed rezoning request before us.

A) The BSA granted private owners their request for variance to construct housing thereby changing a zoned manufacturing area to a manufacturing/residential zoning. Construction has begun, some are completed and already occupied.

B) We have reason to believe that the use of public monies has been and is being utilized to promote racial and/or religious segregation.

In addition, the City Planning Commission now comes to Community Board #3K to legitimize the BSA action and we strongly take exception to this practice.

Future support of this rezoning plan CAN BE considered by Board #3K if the following is addressed and placed into writing prior to the finalization of the rezoning process.

- 1) R-7 reduced to R-6, lowering the density to conform with existing housing.
- 2) Public Monies be withdrawn unless housing is offered and available to the community at large irregardless of race or religious affiliation.
- 3) a. Commencing immediately Cease and Desist harassment and intimidation of Senior Citizens and other current property owners to sell their homes and businesses.  
b. Violators shall be identified and reported to the District Attorney for prompt judicial action.
- 4) A complete investigation, apprehension and conviction of those persons responsible for the Arson fires and destruction of property shall commence and be reported forthwith.
- 5) That the needed services such as transportation, sanitation, postal, medical and schools be sufficient to meet the needs of an increased population. THE END

# 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 applicants representatives as indicated on the Notice of Certification.

APPLICATION #      000109 ZMK

DESCRIPTION        Flushing Bedford Rezoning

COMMUNITY DISTRICT NO.      1 and 3                      BOROUGH OF BROOKLYN

### RECOMMENDATION

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

EXPLANATION OF RECOMMENDATION – MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW

  
BOROUGH PRESIDENT

January 19, 2001  
\_\_\_\_\_  
DATE

PRESIDENT OF THE BOROUGH OF BROOKLYN  
RECOMMENDATION REPORT

Flushing-Bedford Rezoning  
000109 ZMK

Whereas, the Department of City Planning has presented an application to rezone 15 blocks along the Flushing and Bedford Avenue corridors in Brooklyn Community Districts 1 and 3 from exclusively manufacturing districts to districts that permit new housing development, while allowing new and existing industrial uses to expand in the area south of Flushing Avenue; and,

Whereas, as a result of the rezoning, the Draft Environmental Impact Statement (DEIS) projects that 1,224 new housing units would be developed on 44 sites within the rezoning area over a ten year period; and,

Whereas, according to the DEIS the rezoning area in general has experienced a significant decline in industrial activity in recent years, giving rise to vacant property and uses such as junk yards, open storage of materials, and automobiles; and,

Whereas, the Brooklyn Borough President believes that the presence of vacant and underutilized land, coupled with increasing demand for housing in adjacent communities, presents an opportunity for new residential development in the Flushing-Bedford area; and,

Whereas, the DEIS notes that the area north of Flushing Avenue has been slowly transforming from a mixed industrial and residential area to a predominantly residential one by virtue of the approval of variances by the Board of Standards and Appeals; and,

Whereas, the land use pattern of the area north of Flushing Avenue has changed as a result of market forces and increased demand for new dwelling units that have spurred the submission of 26 variance applications to the Board of Standard and Appeals since 1998, including ten which are on sites proposed to be rezoned; and

Whereas, it is the policy of the Brooklyn Borough President to promote zoning map changes that reflect existing land use trends; and,

Whereas, Community Board 1 voted unanimously in favor of this action citing hundreds of dwelling units which have been constructed during the last three years as a result of approval of zoning variances and other rezoning actions from manufacturing to residential; and,

Whereas, the DEIS notes that the area south of Flushing Avenue is predominantly industrial, with a few vacant buildings, parking lots and intermittent residences; and,

Whereas, analyses performed by the Brooklyn Borough President's Office reveal that land use patterns in the area south of Flushing Avenue consist of a mix of industrial and residential uses including 45 businesses with nearly 400 jobs and 136 occupied dwelling units; and,

Whereas, Community Board 3 voted unanimously against this action, pointing to the displacement of area residents and the inevitable loss of manufacturing jobs; and,

Whereas, the DEIS claims that the only significant impact related to this action is the potential for secondary displacement of residents presently living within and adjacent to the rezoning area; and,

Whereas, the Department of City Planning defines secondary residential displacement as the involuntary displacement of residents that results from changes in socioeconomic conditions created or spurred by the proposed action, it intends to address this impact by noting the existence of government-assisted housing as alternative living accommodations; and,

Whereas, the DEIS asserts that it is likely that of the publicly assisted housing generally available in Community Districts 1 and 3, roughly 1,400 units become vacant and are potentially available to serve displaced residents on a yearly basis; and,

Whereas, the Borough President believes the population at greatest risk of displacement would be low-income and live in privately held units unprotected by rent control or rent stabilization; and,

Whereas, the Borough President believes that the DEIS inadequately mitigates residential displacement impacts from this proposal, because it consistently overestimates the displaced population's capability to attain alternate housing options particularly because it ignores the substantial waiting list commitments that make this resource largely unavailable for the ad hoc displacement that would occur in the rezoning area; and,

Whereas, the application calls for a mixed industrial/residential zoning south of Flushing Avenue in order to encourage existing businesses to remain and expand in the area and for new businesses to be established; and,

Whereas, the Borough President is concerned that the proposed rezoning could lead to significant increases in commercial rents and property values or withholding of commercial space from the marketplace, as properties are positioned for residential development; and,

Whereas, the Borough President estimates that if market trends continue, the majority of industrial jobs in the rezoning area would ultimately be displaced; and,

Whereas, the Department of City Planning has undertaken its rezoning proposal without comprehensive planning or public participation in the formulation of the proposal; and,

Whereas, it is the policy of the Borough President to consider land use applications and to craft recommendations based upon careful analysis in consultation with local community boards; and,

Whereas, the Borough President is concerned that the rezoning proposal's lack of a satisfactory relocation plan for displaced residents is a reflection of the shortsighted manner in which the administration considers the impact of the proposed action; and,

Whereas, the Borough President believes the city is morally, if not legally, obligated to affirmatively assist tenants displaced by the proposed rezoning; and,

Whereas, the Borough President believes a comprehensive multi-agency planning and development approach must be utilized to address the impact of the action on area residents and businesses.

Whereas, such an action should be regulated by the City of New York; and,

Whereas, both the strong demand for housing and the need to protect area residents from displacement makes it prudent to support initiatives designed to facilitate new housing

opportunities for Brooklyn's residents, while at the same time instituting strong measures to assist residents to remain in their communities, now therefore be it,

Resolved, that the President of the Borough of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends disapproval of this application unless the City Planning Commission and/or City Council adopt the following conditions:

- Upon adoption of the zoning change the city send a letter to each tenant in unregulated dwellings in the rezoning area notifying them of the rezoning and that it may, at some point, result in their eviction or denial of a lease renewal. The city must then advise tenants that they may contact HPD and/or the New York City Housing Authority in order to identify alternate housing for which they would receive placement preference and rental subsidies to the extent feasible.
- That the city makes funds available for displaced residents for their moving expenses and to help defray the cost of relocation.
- That the city makes funds available for local non-profit organizations to provide neighborhood anti-displacement services.
- The Department of Housing Preservation and Development in consultation with the Department of City Planning prepare an amendment to the Bedford-Stuyvesant I Urban Renewal Plan south and west of the rezoning area in consultation with community boards, area residents and businesses and local elected officials.