



**CITY PLANNING COMMISSION**

---

March 26, 2001/Calendar No. 2

N 000110 ZRK

---

**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-4) in Flushing Bedford, Community District 3, Borough of Brooklyn.

---

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on September 29, 1999, to create a Special Mixed Use District (MX-4) pursuant to Section 123-90 of the Zoning Resolution.

**RELATED ACTION**

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

**C 000109 ZMK:** an amendment of the Zoning map, requesting the rezoning of an area of 15 blocks in Community Boards 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 establishing a Special Mixed Use District (MX-4).

**BACKGROUND**

A full background discussion and description of this application appears in the report on the

related application for amendment of the Zoning Map ( C 000109 ZMK)

## **ENVIRONMENTAL REVIEW**

This application ( N 000110 ZRK), in conjunction with the application for the related action ( C 000109 ZMK), 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.

After a study of the potential environmental impact of the proposed action, a Positive Declaration was issued on September 29, 1999 a discussion of which appears in the report on the related application for amendment of the Zoning Map ( C 000109 ZMK).

## **PUBLIC REVIEW**

On October 18, 2000, this text change was duly referred to Community Board 3 and the Borough President, for information and review in accordance with the procedure for referring Non-Uniform Land Use Review Procedure (ULURP) matters.

## **Community Board Public Hearing**

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.

A summary of the Community Board's recommendation appears in the report on the related application for amendment of the Zoning Map ( C 000109 ZMK).

### **Borough President Recommendation**

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

A summary of the Borough President's recommendation appears in the report on the related application for an amendment of the Zoning Map ( C 000109 ZMK).

### **City Planning Commission Public Hearing**

On January 17, 2001 (Calendar No. 4), the City Planning Commission scheduled January 31, 2001, for a public hearing on this application ( N 000110 ZRK). The hearing was duly held on January 31, 2001 (Calendar No.15), in conjunction with the public hearing on the application for the related action ( C 000109 ZMK).

There were a 16 speakers, as described in the report on the related application for amendment of the Zoning Map ( C 000109 ZMK), and the hearing was closed.

## CONSIDERATION

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

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for an amendment of the Zoning Map ( C 000109 ZMK).

## 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 ( N 000110 ZRK), 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:

1. 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
2. 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 Section 200 of the New York City Charter, that based on the environmental determination and the consideration 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 as follows:

Matter in Underline is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter in *italics* or within # # is defined in Section 12-10;

\*\*\* indicate where unchanged text appears in the Zoning Resolution.

123-90

**SPECIAL MIXED USE DISTRICT SPECIFIED**

Special Mixed Use District - 4: Flushing Bedford, Brooklyn.

The Special Mixed Use District - 4 is established in Flushing Bedford Brooklyn as indicated on the zoning maps.

The above resolution ( N 000110 ZRK), duly adopted by the City Planning Commission on March 26, 2001 (Calendar No. 2), 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

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. 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

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? XX YES      NO

(A public hearing shall require a quorum of 201 of appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 12/5/00

LOCATION 211 AINSLIE STREET

RECOMMENDATION

XX APPROVE      APPROVE WITH MODIFICATIONS/CONDITIONS

     DISAPPROVE      DISAPPROVE WITH MODIFICATIONS/CONDITIONS

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

Please see attached report.

RECEIVED  
LANSHING  
00 DEC 18 11:20  
OF CITY  
12/18/00

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

00 DEC 21 PM 4:20  
DEPARTMENT 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.

---

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

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
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 000104 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 the appointed members of the board, but in no event fewer 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

[Signature]  
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 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 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

Dec. 19 2000 10:26AM P1

FAX NO. : 7187788667

FROM : WELM

# 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

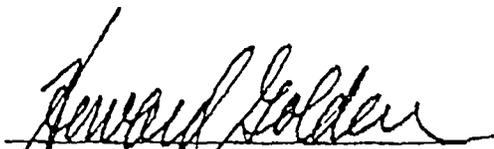
COMMUNITY DISTRICT NO.      1 and 3                      BOROUGH OF BROOKLYN

**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 186 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.