

CITY PLANNING COMMISSION

September 25, 1991/Calendar No. 18

C 910293 ZMK

IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d:

- a) changing from an R8 District to an R8A District property bounded by Washington Avenue, Eastern Parkway, a line 300 feet westerly of Franklin Avenue, Carroll Street, Franklin Avenue, Crown Street, a line 300 feet westerly of Franklin Avenue, a line 100 feet easterly of Washington Avenue, a line 150 feet northerly of Sullivan Place, Franklin Avenue, and Sullivan Place;
- b) changing from an R6 District to an R6A District property bounded by Eastern Parkway, a line 100 feet easterly of Franklin Avenue, Sullivan Place, Franklin Avenue, a line 150 feet northerly of Sullivan Place, a line 100 feet easterly of Washington Avenue, a line 300 feet westerly of Franklin Avenue, Crown Street, Franklin Avenue, Carroll Street, and a line 300 feet westerly of Franklin Avenue; and
- c) eliminating from the existing R6 District a C1-3 District bounded by:
 - (1) a line 100 feet easterly of Franklin Avenue, Eastern Parkway, a line 150 feet easterly of Franklin Avenue, and a line midway between Carroll Street and Crown Street; and
 - (2) a line 150 feet westerly of Franklin Avenue, Eastern Parkway, a line 100 feet westerly of Franklin Avenue, and Carroll Street;

Borough of Brooklyn, Community District 9, as shown on a diagram dated June 10, 1991.

The application for the amendment of the Zoning Map was filed by the New York City Department of City Planning on February 1, 1991 to change the zoning districts in the site area from the current R6, R8, and 150 foot depth C1-3 commercial overlay to contextual zoning districts of R6A, R8A, and C1-3 mapped at a 100 foot depth.

BACKGROUND

The thirteen block area proposed to be rezoned is bounded by Eastern Parkway, Washington Avenue, Sullivan Place, and a line 100' east of Franklin Avenue in the Crown Heights section of Community District 9. The area contains multi-family housing, community facilities, and some light industrial firms.

The site is bounded by an R6 district to the east of Franklin Avenue; an R7-1 residential district borders to the north along Eastern Parkway; the Brooklyn Botanic Garden to the west; and a C8-2 district borders the site to the south along Empire Boulevard. The surrounding area is predominately residential except for the retail frontage along Washington and Franklin Avenues north of Eastern Parkway and the mixture of fast food stores, wholesale outlets, auto repair and collision shops, and light manufacturing buildings along Empire Boulevard.

The Department of City Planning conducted a land-use study in 1990 that concluded that approximately forty percent of the area square footage consists of residential uses. The housing is primarily six story renovated apartment buildings concentrated along Washington Avenue in the R8 district, with the exception of a thirty-three story apartment building fronting on Franklin Avenue between Carroll and Crown Streets. Three and four story renovated

buildings with ground floor commercial uses exist along Franklin Avenue in the R6 district.

The area contains community facilities, including five schools and the Bedford campus of Medgar Evers College. A few non-complying light industrial buildings and small warehouses comprise approximately 11% of the area. Three percent of the area is vacant land; mostly composed of small scattered sites and a single large vacant lot (39,000 square feet) adjacent to and owned by a spice factory on Franklin Avenue. Parking facilities, a supermarket, the Franklin Avenue Shuttle ('S' subway line) right-of-way, and other miscellaneous uses make up the remaining 12% of the land.

There are three sub-areas to be rezoned in this application:

Sub-Area 1: R8 to R8A: R8A is proposed for the Washington Avenue frontage into the mid-block 300 feet west of Franklin Avenue (following the existing R8 district boundaries). This zone allows a 6.02 FAR with a maximum interior lot coverage of 70 percent and a corner lot coverage of 80 percent. Parking is required for 40 percent of the residential units. Under the current R8 zoning, the maximum Floor Area Ratio (FAR) is 6.02, and could result in building heights of eighteen to twenty stories. The residences in the R8 district are

typically six story elevator apartment buildings with high lot coverage.

Sub-Area 2: R6 to R6A: R6A is proposed for the Franklin Avenue frontage. This zone allows a 3.0 floor area ratio with a maximum interior lot coverage of 60 percent, and a corner lot coverage of 80 percent. This zoning district requires parking for 50 percent of the units. Under the current R6 zoning, buildings can be built to a maximum FAR of 2.43, which could result in buildings between eleven and thirteen stories in height. The residences in the R6 district are typically three to five story walk-up apartment houses with first floor storefronts, averaging between 2.42 and 4.61 FAR.

Sub-Area 3: C1-3 Depth Reduction from 150' to 100': A reduction of the C1-3 commercial overlay depth from 150 to 100 feet is proposed for the Franklin Avenue frontage. The proposed reduction would continue to allow retail and personal service establishments listed in Use Group 6, and prevent incursion of commercial uses in the residential midblocks. It would also retain the parking requirement of one space for every 300 square feet of commercial floor area. A commercial strip (mapped with a C1-3 overlay) exists along Franklin Avenue in the north-eastern portion of the rezoning site area,

primarily composed of neighborhood retail and ethnic specialty stores.

ENVIRONMENTAL REVIEW

This application (C 910293 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 New York City Environmental Quality Review (CEQR) procedures set forth in Executive Order No. 91 of 1977. The designated CEQR number is 91-124K.

The Department of Environmental Protection and the Department of City Planning submitted to the Commission for its consideration the results of their study of the potential environmental impact of the proposed action. A negative declaration was issued on May 31, 1991.

UNIFORM LAND USE REVIEW

This application was certified as complete by the Department of City Planning on June 10, 1991, and was duly referred to Community Board 9 and the Brooklyn Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 9 held a public hearing on this application on June 25, 1991, and on that same day, by a vote of 26 to 0, with 1 abstention, adopted a resolution recommending approval of the application. The community board's public hearing was not properly advertised.

Borough President Recommendation

This application (C 910293 ZMK) was considered by the Office of the President of the Borough of Brooklyn, which issued a recommendation approving the action on July 31, 1991.

City Planning Commission Public Hearing

On July 31, 1991 (Calendar No. 4), the City Planning Commission scheduled August 14, 1991 for a public hearing on this application (C 910293 ZMK). The hearing was duly held on August 14, 1991 (Calendar No. 11).

There were no speakers, and the hearing was closed.

CONSIDERATION

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

This amendment will replace the current zoning districts of the site with contextual zoning districts, thus changing the bulk regulations to encourage mid-rise, high-coverage buildings, and mandating the Quality Housing Program for all new residential development. This action will encourage residential development in keeping with the existing neighborhood character, and minimize the potential shadow impact upon the Botanic Garden from any new residential development.

In 1990, the Department of City Planning conducted a land-use study of the thirteen block area bounded by Washington Avenue, Sullivan Place, a line 200' east of Franklin Avenue, and Eastern Parkway since the area had been identified as part of a potential study area in the Quality Housing Text Amendment EIS of 1987. The study area contained one potential development site. A zoning analysis indicated that new development would be out of context with the existing neighborhood character, particularly along Washington Avenue across from the Botanic Garden. The street currently contains six story apartment buildings; however, buildings built to maximum FAR and height under the R8 zoning would cast shadows on the Botanic Garden's recently renovated greenhouses and newly constructed Steinhardt Conservatory.

Under the proposed R6A, the FAR is slightly increased to 3.00, but building height is regulated with a maximum streetwall height limitation of 60 feet, and a building envelope that gives a maximum

nine story building with setbacks. Due to the relatively small size and sometimes narrow or irregular configuration of the properties in this area, new buildings would typically rise between four and six stories in height.

The proposed R8A allows the same maximum FAR of 6.02, but with a streetwall height limitation of 85 feet, and a maximum of twelve stories with setbacks. New buildings in this area would typically rise between six and eight stories.

The commercial properties along the northern portion of Franklin Avenue are typically 100 feet in depth. By reducing the depth of the C1-3 commercial overlay from 150 feet to 100 feet, no new commercial developments would be allowed to extend into the residential midblocks. No new non-conformance will be created by the overlay width reduction.

The Commission considers the proposed rezoning to be consistent with the land use in the area and necessary to preserve the predominant physical character of the neighborhood.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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. 16c and 16d:

- a) changing from an R8 District to an R8A District property bounded by Washington Avenue, Eastern Parkway, a line 300 feet westerly of Franklin Avenue, Carroll Street, Franklin Avenue, Crown Street, a line 300 feet westerly of Franklin Avenue, a line 100 feet easterly of Washington Avenue, a line 150 feet northerly of Sullivan Place, Franklin Avenue, and Sullivan Place;

- b) changing from an R6 District to an R6A District property bounded by Eastern Parkway, a line 100 feet easterly of Franklin Avenue, Sullivan Place, Franklin Avenue, a line 150 feet northerly of Sullivan Place, a line 100 feet easterly of Washington Avenue, a line 300 feet westerly of Franklin Avenue, Crown Street, Franklin Avenue, Carroll Street, and a line 300 feet westerly of Franklin Avenue; and

- c) eliminating from the existing R6 District a C1-3 District bounded by:

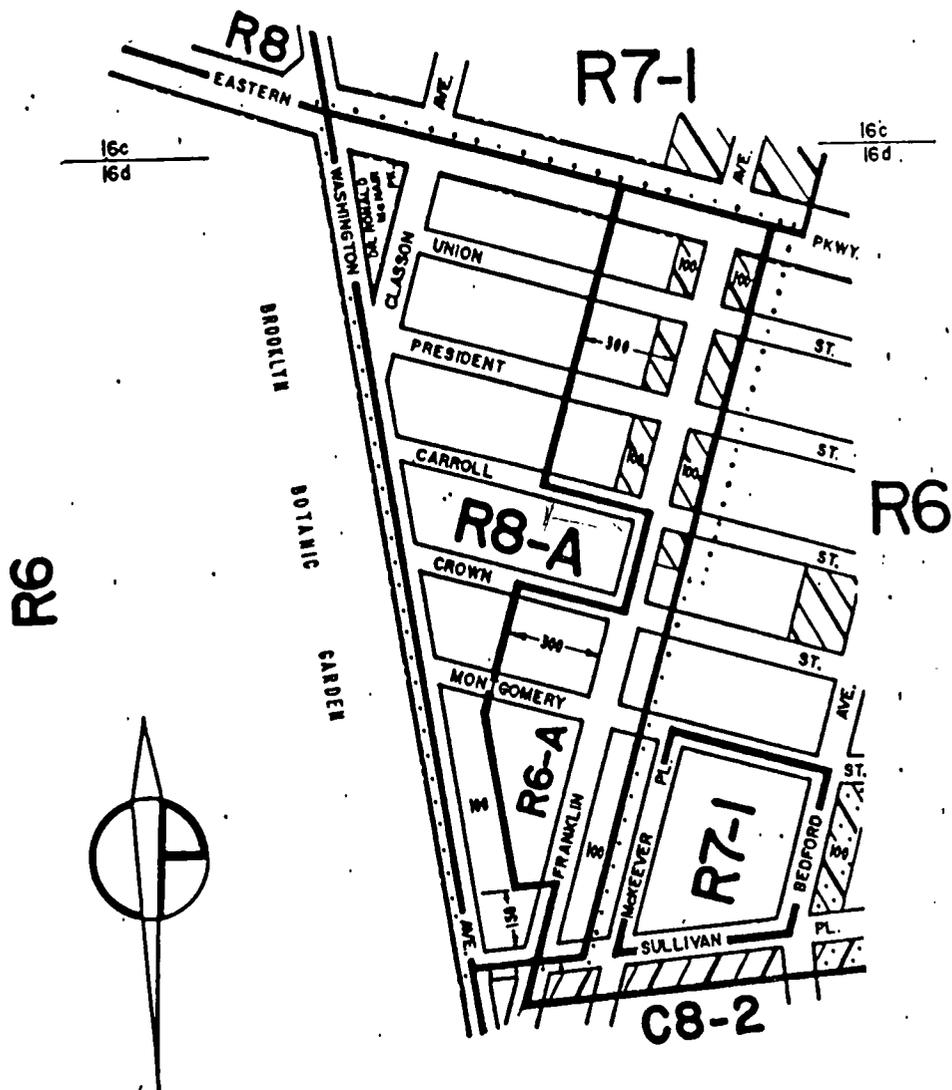
(1) a line 100 feet easterly of Franklin Avenue, Eastern Parkway, a line 150 feet easterly of Franklin Avenue, and a line midway between Carroll Street and Crown Street; and

(2) a line 150 feet westerly of Franklin Avenue, Eastern Parkway, a line 100 feet westerly of Franklin Avenue, and Carroll Street;

Borough of Brooklyn, Community District 9, as shown on a diagram dated June 10, 1991 (C 910293 ZMK).

The above resolution, duly adopted by the City Planning Commission on September 25, 1991 (Calendar No. 18), is filed with the Office of the Speaker, City Council and the Brooklyn Borough President, in accordance with the requirements of Sections 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairperson
EUGENIE L. BIRCH, AMANDA M. BURDEN, ANTHONY GIACOBBE,
JAMES C. JAO, R.A., BRENDA LEVIN,
JOEL A. MIELE, SR., P.E., EDWARD T. ROGOWSKY, RONALD SHIFFMAN,
JACOB B. WARD, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK

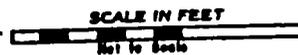
**DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAPS**

16c & 16d

**BOROUGH OF
BROOKLYN**

New York, Certification Date
June 10, 1991

John P. ...
Director of Technical Review,
Land Use Review Division
Anthony J. Patrici, P.E.
Civil Engineer



NOTE:

-  Indicates Zoning District boundary.
-  The area enclosed by the fine dotted line is proposed to be changed from an R8 District to an R8A District and from an R6 District to an R6A District.
-  Indicates a C2-3 District.
-  Indicates a C1-3 District.

Community/Borough Board
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 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 910293 ZMK

DOCKET DESCRIPTION

*orig: J. Paves
C: Brooklyn office
J. Edwards, P. Sperling*

IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d:

- a) changing from an R8 District to an R8A District property bounded by Washington Avenue, Eastern Parkway, a line 300 feet westerly of Franklin Avenue, Carroll Street, Franklin Avenue, Crown Street, a line 300 feet westerly of Franklin Avenue, a line 100 feet easterly of Washington Avenue, a line 50 feet northerly of Sullivan Place, Franklin Avenue and Sullivan Place;
- b) changing from an R6 District to an R6A District property bounded by Eastern Parkway, a line 100 feet easterly of Franklin Avenue, Sullivan Place, Franklin Avenue, a line 150 feet northerly of Sullivan Place, a line 100 feet easterly of Washington Avenue, a line 300 feet westerly of Franklin Avenue, Crown Street, Franklin Avenue, Carroll Street, and a line 300 feet westerly of Franklin Avenue; and
- c) eliminating from the existing R6 District a C1-3 District bounded by:
 - (1) a line 100 feet easterly of Franklin Avenue, Eastern Parkway, a line 150 feet easterly of Franklin Avenue, and a line midway between Carroll Street and Crown Street; and
 - (2) a line 150 feet westerly of Franklin Avenue, Eastern Parkway, a line 100 feet westerly of Franklin Avenue and Carroll Street;

Borough of Brooklyn, Community District 9, as shown on a diagram dated June 10, 1991.

COMMUNITY BOARD NO. 9
BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING June 25, 1991
WAS QUORUM PRESENT? YES NO

LOCATION 400 Empire Blvd., Bklyn.

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN
DATE Tuesday, June 25, 1991

LOCATION 400 Empire Blvd., Brooklyn

RECOMMENDATION

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

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

Community Board #9 voted unanimously to accept the application as presented by the New York City Dept. of City Planning.

140-9/30

91 JUL -2 PM 12:05
DEPT. OF CITY PLANNING

VOTING

IN FAVOR 26 AGAINST 0 ABSTAINING 1

TOTAL MEMBERS APPOINTED TO BOARD 46

COMMUNITY/BOROUGH BOARD OFFICER

June 26, 1991
DATE

Chairman
TITLE

Borough President Recommendation

CITY PLANNING COMMISSION
22 Beards Street, New York, NY 10007
FAX# (212) 770-7350

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2C at the above address.

2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # 910293 ZMK
DOCKET DESCRIPTION

*ref: J. Poyles
e: Brookline Assoc
& Edwards, P. Speerling*

910293

IN the matter of an application submitted by the New York City Department of City Planning pursuant to Sections 193 and 199 of the New York City Charter for the amendment of the zoning map, zoning map 199 and 193:

1. changing from an R-2B district to an R-2C district property bounded by Washington Avenue, Eastern Parkway, a line 100 feet westerly of Franklin Avenue, Carroll Street, Franklin Avenue, Union Street, a line 100 feet westerly of Franklin Avenue, a line 100 feet westerly of Washington Avenue, a line 100 feet westerly of Franklin Avenue, a line 100 feet westerly of Union Street, Franklin Avenue, Carroll Street, and a line 100 feet westerly of Franklin Avenue, Franklin Avenue and Sullivan Place;

2. changing from an R-2B district to an R-2C district property bounded by Eastern Parkway, a line 100 feet westerly of Franklin Avenue, Sullivan Place, Franklin Avenue, a line 100 feet westerly of Washington Avenue, a line 100 feet westerly of Franklin Avenue, Union Street, Franklin Avenue, Carroll Street, and a line 100 feet westerly of Franklin Avenue, and

3. extending from the existing R-2B district to an R-2C district property bounded by:

(1) a line 100 feet westerly of Franklin Avenue, Eastern Parkway, a line 100 feet westerly of Franklin Avenue, and a line 100 feet westerly of Carroll Street and Union Street; and

(2) a line 100 feet westerly of Franklin Avenue, Eastern Parkway, a line 100 feet westerly of Franklin Avenue and Carroll Street.

Source of zoning, Community District 9, as shown on a diagram dated June 10, 1991.

COMMUNITY BOARD NO. 3)

BOROUGH BROOKLYN

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
 DISAPPROVE

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

SEE ATTACHED RECOMMENDATION REPORT

DEPT. OF CITY PLANNING

91 JUL 31 PM 12: 06

CITY PLANNING COMMISSION

David Golden
BOROUGH PRESIDENT

7/31/91
DATE

AMENDMENT TO THE ZONING MAP
WASHINGTON AVENUE REZONING
(910293 ZMK)

RECOMMENDATION REPORT BY THE PRESIDENT
OF THE BOROUGH OF BROOKLYN

Background

The Department of City Planning (DCP) requests approval to amend Zoning Sectional Maps Nos. 16c and 16d, establishing new R8 A and R6-A districts for the area east of the Botanic Garden. The affected area is bounded by Eastern Parkway, Washington and Franklin Avenues, and Sullivan Place in the Crown Heights section of Community District 9. In addition to establishing these districts, the application also proposes the reduction of the depth of the existing commercial zoning district located along Franklin Avenue between Eastern Parkway and Crown Street. The purpose of this proposed amendment is to ensure continuous unobstructed sunlight for the Botanic Garden, and to encourage new development which is compatible with the existing building scale and character of the surrounding neighborhood.

Borough President's Public Hearing

On July 23, 1991, the Borough President held a public hearing on this application. There was one speaker representing the Department of City Planning (DCP). The speaker spoke in favor of the application.

The representative of DCP provided a description of the area affected by this application, and a summary of the need for this rezoning. He indicated that harmful shadows could be cast on to the recently completed Garden greenhouses, should building development occur to its maximum height potential. Under existing zoning regulations, a new building could rise to approximately thirteen stories. The representative further indicated that reducing the depth of the commercial district along Franklin Avenue, would further safeguard the residential character of the neighborhood from commercial expansion.

Consideration

On July 17, 1991, representatives of the Borough President's office inspected the area affected by this application. The affected area is comprised of thirteen blocks that are predominately residential buildings of four to seven stories. One large privately-owned vacant lot located on Franklin Avenue between Montgomery Street and Sullivan Place (Block 1192, Lot 66), could be developed to a height of thirteen stories. Contextually rezoning the area immediately east of the Botanic Garden to R8-A and R6 A provides the Garden's greenhouses with safeguards against harmful shadows which could result from future development on underbuilt or vacant sites such as this parcel. In addition, this application will reduce the depth of the commercial corridor along Franklin Avenue, further protecting the area's residential mid-block areas from commercial expansion.

On June 25, 1991, Community Board 9 adopted a resolution recommending approval of this application.

Recommendation

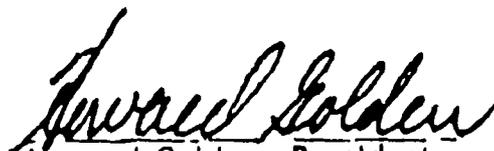
Whereas, on June 25, 1991, Community Board 9 recommended approval of this application; and

Whereas, on July 17, 1991, representatives of the Borough President's office inspected the area affected by this application and viewed no adverse effects resulting from this proposal; and

Whereas, the Borough President supports measures undertaken by the Department of City Planning to preserve the building scale and residential character of stable communities; and

Whereas, the Borough President supports measures to ensure and safeguard the tranquil and scenic vistas provided by the Botanic Garden from tall buildings and their shadows; now, therefore be it

Resolved, that the President of the Borough of Brooklyn pursuant to Sections 197c and 200 of the New York City Charter, based upon the consideration described in this report, recommends approval of this application (910293 ZMK).


Howard Golden, President
of the Borough of Brooklyn

91 JUL 31 P
DEPT OF CITY