

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 16TH AVENUE REZONING – 200062 ZMK, 200063 ZRK

An application submitted by Borough Park Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to change the west side of 16th Avenue between 58th and 59th streets from R5 and C2-4 to a C4-4A district, which would be mapped to a depth of 100 feet; a zoning map amendment to eliminate the remaining 50 feet of the commercial overlay on the block, and a zoning text amendment to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. Such actions are intended to facilitate a five-story, 15,945 square-foot (sq. ft.) commercial office development at 5802 16th Avenue in Brooklyn Community District 12 (CD 12).

BROOKLYN COMMUNITY DISTRICT NO. 12

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITION

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

November 25, 2020

DATE

RECOMMENDATION FOR 16TH AVENUE REZONING – 200062 ZMK, 200063 ZRK

Borough Park Realty LLC submitted an application pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to change the west side of 16th Avenue between 58th and 59th streets from R5 and C2-4 to a C4-4A district, which would be mapped to a depth of 100 feet; a zoning map amendment to eliminate the remaining 50 feet of the commercial overlay on the block, and a zoning text amendment to designate the rezoning area a Mandatory Inclusionary Housing (MIH) area. Such actions are intended to facilitate a five-story, 15,945 square-foot (sq. ft.) commercial office development at 5802 16th Avenue in Brooklyn Community District 12 (CD 12).

Brooklyn Borough President Eric Adams held a remote public hearing on this application on November 10, 2020. There were no speakers on this item.

In response to Borough President Adams' inquiry regarding the land use rationale for promoting office development in a primarily residential neighborhood, the representative cited nearby commercial and community facility uses on 16th Avenue. The representative also emphasized the benefit of creating job opportunities for local residents.

In response to Borough President Adams' inquiry regarding the projected demand for street parking based on the number of anticipated employees, the representative stated a centralized office for Chartwell employees, who are based in Borough Park, would reduce driving to work. The representative noted that given the site's proximity to public transportation, the applicant anticipates negligible parking demand, and minimal conflicts with residential parking in the area.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, and/or New York City Department of Environmental Protection (DEP) rain gardens, the representative stated that the applicant would seek to implement a green roof and consider installing rain gardens in the public right-of-way.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the representative noted the applicant's intent to maximize MWBE and local hiring.

Consideration

Brooklyn Community Board 12 (CB 12) voted to disapprove this application on November 24, 2020.

The project area to be rezoned includes eight tax lots and part of two others, on the west side of 16th Avenue between 58th and 59th streets. The applicant-owned property consists of three lots on the block's northeast corner, occupied by identical three-story buildings, 5802, 5804, and 5806 16th Avenue. The assembled site extends 60 feet along 16th Avenue, and 66 feet along 58th Street, with a total area of approximately 4,000 sq. ft. The properties have a history of ground-floor commercial and community facility use.

The affected non-applicant lots are improved as follows: On the 16th Avenue-facing side, 5808 16th Avenue is a 3,328 sq. ft., two-story residential building, while 5822 16th Avenue is a 8,857 sq. ft., two-story precinct house for the New York City Police Department (NYPD)'s 66th Precinct; On the 58th Street-facing side, 1566 58th Street is a three-story, 5,933 sq. ft. condominium built on a 4,508 sq. ft. lot, of which 3,000 sq. ft. falls within the rezoning area; 1572 58th Street is a three-story, 2,864 sq. ft. residential building, and 1574 58th Street is a one-story, 3,214 sq. ft. mikvah (Jewish ritual bath); on the 59th Street-facing side, 1565 59th Street covers two parcels in common ownership, a vacant lot, and a two-story 6,452 sq. ft. building containing apartments and a child care facility.

The project area is located within an R5 zone, with a C2-2 commercial overlay. R5 districts permit a maximum residential floor area ratio (FAR) of 1.25 and 2.0 for community facilities, with a maximum height of 40 feet. In certain sections of CD 12-zoned R5 and R6, zoning lots containing one-, two-, or three-family homes are subject to special provisions that allow up to 1.65 FAR for corner lots and 1.8 for interior lots in the R5 district and 1.95 FAR in the R6 district. It should be noted that certain properties within the rezoning area including the applicant-owned trio, exceed these FAR limits. However, because these buildings predate the current zoning, they are considered legally non-complying. Finally, R5 districts require new residential developments to provide off-street parking for 85 percent of the dwelling units.

The surrounding context includes a mix of uses and housing types, owing to the diversity of zoning districts east, north, and south of the site. The residential areas are zoned primarily R5 and R6 north of 57th Street, with pockets of lower-density contextual zoning such as R5B and R6A south of 60th Street. Housing types include two-family homes, multi-story walkups, and elevator apartment buildings, which are concentrated north of 57th Street. Directly across the street on 16th Avenue is an isolated C8-1 district that contains several automotive uses. Half a block south of the rezoning area is an extensive M1-1 district spanning west of 17th Avenue generally south of 59th Streets. Nearby commercial overlays are mapped along both sides of 16th Avenue, north of 54th Street. Notable community facility uses include the 66th Precinct, the Seeall Academy public school, and multiple houses of worship.

The applicant is seeking to construct a five-story commercial office building to consolidate the administrative functions of Chartwell Pharmaceuticals, which manufactures medical supplies in Rockland County, New York. In order to enable such development, the existing R5/C2-2 overlay would be changed to an C4-4A district, within 100 feet of 16th Avenue, which permits a commercial FAR of 4.0. The proposed building would be constructed to approximately 3.99 FAR, and no accessory parking would be required or provided for its users.

When paired with MIH designation, the C4-4A results in a FAR of 4.6, (equivalent to an R7A district) that could be utilized exclusively for residential use or mixed development with commercial and/or community facility uses. Beyond the applicant-owned site, such rezoning might induce the redevelopment of the 5822 16th Avenue, displacing its residential occupants. The mikvah at 1578 58th Street would have the option to utilize the added air rights, though its redevelopment would be restricted to a height of 65 feet within 25 feet of the C4-4A/R5 boundary. It should be noted that any attempt to purchase air rights from the 66th Precinct site would require a separate discretionary land use action.

The existing C2-2 overlay promotes local retail uses, which are restricted to 1.0 FAR in R5 districts. The proposed elimination of commercial zoning beyond 100 feet from 16th Avenue would preserve the residential character of mid-block properties fronting 58th and 59th streets by precluding conversion of ground-floor space to undesired commercial use.

The proposed development would be accessible via multiple buses and subways. There are two subway stops southwest of the site, along New Utrecht Avenue: 62nd Street, served by the Sixth Avenue Express D train, and New Utrecht Avenue, served by the Broadway Express N train. The two stations are connected by a free transfer. The B9 bus travels along 60th Street, stopping at 15th Avenue.

Borough President Adams supports the removal of the C2-2 overlay beyond 100 feet of 16th Avenue. While he generally advocates economic opportunities for Brooklynites, he is concerned that the requested C4-4A zoning would enable inappropriate bulk and land use adjoining a largely low-rise residential area, which would be detrimental to the surrounding community. He believes that more

modest height and density based on R6B zoning, which would enable four- to five-story primarily residential development with the retained commercial overlay within 100 feet of 16th Avenue, would be more appropriate in this location.

Borough President Adams encourages the applicant to seek property in the nearby C4-3, C8, and M1 zoning districts where the proposed development would be permitted as-of-right, or more likely to receive approval for a commercial upzoning.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council disapprove this application.