CITY PLANNING COMMISSION

March 18, 2015/Calendar No. 6 C 140209 ZSK

IN THE MATTER OF an application submitted by SO Development Enterprises, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Section 106-32(a) – to allow a commercial use (U.G. 16D) not otherwise permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use); and

2. Section 106-32(c) – to modify the yard regulations of Section 106-34 (Special Yard Regulations);

to facilitate the development of a 3-story commercial warehouse building on property located 2702 West 15th Street (Block 6996, Lots 53 & 59), in an M1-2 District, within the Special Coney Island Mixed Use District, Borough of Brooklyn, Community District 13.

The application (C 140209 ZSK) for a special permit was filed by SO Development, LLC, on December 18, 2013, pursuant to Section 106-32 (a) and (c) of the Zoning Resolution, to allow a commercial use and modify the yard requirements of Section 106-34 to facilitate the construction of an approximately 35,000 square-foot, three-story commercial warehouse in a M1-2 District, within the Special Coney Island Mixed Use District, Borough of Brooklyn, Community District 13.

BACKGROUND

The proposed development site is an irregularly-shaped triangular lot located at 2702 West 15th Street (Block 6996, Lots 53 and 59), between Neptune Avenue to the south and Hart Place to the north. The site is located one block south of Coney Island Creek. The 11,945 square-foot site is mostly unimproved, but a portion of it (Lot 59) is used for open vehicle storage. The site has approximately 147 feet of frontage on West 15th Street and is 119 feet deep.

The adjacent property to the north of the site is improved with a 3-story residential building, the

lots to the west contain open vehicle storage and 2-story rowhouses, and the lot to the south contains a small food processing facility. The surrounding area is predominately developed with 2- to 3-story residential rowhouses on small lots and a mix of 1- and 2-story light manufacturing buildings and auto repair structures. Neptune, Cropsey and Stillwell avenues are dominated by one-story auto repair and maintenance facilities, and there a number of big box stores, including a big-box hardware store, supermarket, and furniture retail store, in close proximity to the proposed development site.

The project site and surrounding area is located in the Special Coney Island Mixed Use District (CO), which is bounded by Coney Island Creek to the north, Cropsey Avenue to the west, Neptune Avenue to the south and Stillwell Avenue to the east. The CO is within a M1-2 zoning district and contains provisions to stabilize residential uses in the area, while allowing modest growth of manufacturing and commercial uses. The CO regulates the location of residential, commercial and certain manufacturing uses to specified streets, limits the size of zoning lots for as-of-right development and provides measures to ensure the general safety of the district.

The proposed special permit would facilitate the construction of a warehouse for the applicant's retail, catalogue and online sales business. The proposed 3-story building will have 23,808 square feet of floor area (1.99 FAR) and has a maximum height of 45 feet. The cellar will have 11,284 square feet of floor space that will primarily be used for storage; the first floor will have 11,284 square feet of floor area and will include storage space, an office and a loading berth; the second and third floors will each have 6,262 square feet and will be used for storage space. There will be six employees working at this site and therefore two parking spaces are required pursuant to Section 44-21 of the Zoning Resolution.

The site is located in Flood Zone AE and has a Base Flood Elevation (BFE) of 11 feet and a Flood-Resistant Construction Elevation (FRCE) of 12 feet (BFE + 1 foot of freeboard). The height of the building is measured from the FRCE, 12 feet minus the ground elevation, which is approximately 5 feet above curb level, as determined by the North American Vertical Datum of

1988. The building will comply with Appendix G of the Building Code for Flood Resistant Construction.

The Belt Parkway is located to the north of the site and is accessible by Cropsey Avenue, and Neptune Avenue. Two blocks south of the from the site is the Stillwell Avenue subway station which serves the D, F, N and Q subway lines. The area is also served by the B36, B64, B68, B74 and B82 bus lines, which have stops within one-half mile of the project site.

This application seeks a special permit to waive the following sections of the CO in order to facilitate the development of the proposed project:

1. Section 106-31 (*Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use*). This section allows new buildings for manufacturing uses listed in Use Group M (Section 106-311) or commercial uses as-of-right, provided that: a) the zoning lot shares a common side lot line with a manufacturing or commercial use; b) the frontage along the street line of the zoning shall not exceed 60 feet, but in no event shall the total area of the zoning lot exceed 7800 square feet; c) the zoning lot is not located within a contiguous frontage of vacant zoning lots whose aggregate length exceeds 60 feet; d) such manufacturing use is listed in Use Group M; e) such commercial use is listed in Use Groups 6, 7,8, 9, 11 or 16 and is located on Neptune, Stillwell or Cropsey Avenues; and f) no residential uses occupy the zoning lot.

A waiver of Section 106-31 is required because the development site has a street frontage that exceeds 60 feet and a zoning lot area that of 11,945 square feet, which exceeds 7,800 square feet. Furthermore, the proposed use (Use Group 16) is not allowed as-of-right on West 15th Street.

2. Section 106-34 (*Special Yard Regulations*). This section requires that where a side lot line of a zoning lot containing manufacturing or commercial uses coincides with the side or rear lot line of a zoning lot containing residential uses, enlargements of developments

shall provide an open area not at any point more than five feet above nor five feet below curb level, and at least 15 feet wide must be provided.

A waiver of Section 106-34 is required because the development site shares a side lot line with four zoning lots that contains residential uses (Block 6996, Lots 52, 152, 110, 111) and would therefore be required by the CO to provide a side yard at least 15 feet wide. The application of this requirement results in an irregularly-shaped floor plate. The applicant is seeking to modify this yard requirement to enable the development of a more efficient floor plate that is more suited for the proposed storage use.

3. Section 106-32 (*Special Permit Provisions for Manufacturing and Commercial Uses*) provides provisions to allow for (a) uses listed in Section 106-311 (Use Group M) or commercial uses in new developments not permitted by 106-31; (b) change of use from a residential use to Use Group M or commercial use; and (c) modifications in yard regulations for Use Group M or commercial uses in developments or enlargements. The following findings must be met: (1) that such use will comply with the regulations on performance standards of M1 Districts; (2) that additional truck traffic generated by the use or the modification of yard regulations will not create harmful, congested or dangerous conditions; and (3) that a change of use from residential to Use Group M or commercial use shall not displace or preempt any building which is essential to the functioning and growth of existing residences from the district.

A waiver of The applicant is seeking a special permit pursuant to Section 106-32 (a) is required to allow for commercial use and to modify the yard requirements in order to facilitate the development of a three-story commercial warehouse with 35,092 square feet of storage, office and cellar space.

ENVIRONMENTAL REVIEW

This application (C 140209 ZSK) 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 15DCP052K. The lead is the Department of City Planning.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on November 3, 2014 for Block 6996, Lots 53 and 59. The Negative Declaration included an (E) designation (E-358) to avoid the potential for significant impacts related to hazardous materials.

The (E) designation text related to hazardous materials is as follow:

- **Task 1: The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.**

  If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

- **Task 2: A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.**

  If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been

satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. The plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

With the implementation of the above (E) designation (E-358), no significant adverse impacts related to hazardous materials would occur.

UNIFORM LAND USE REVIEW

This application (C 140209 ZSK) was certified as complete by the Department of City Planning on November 3, 2014, and was duly referred to Community Board 13 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 13 held a public hearing on this application on December 15, 2014, and elected to not to submit a recommendation on this project.

Borough President Recommendation

This application was considered by the Borough President, who on February 12, 2015 issued a recommendation approving the application with the following conditions:

A. That:
   1. The building wall height above the first floor maintain the required side yard setback of 15

feet along the shared residential lot line.
2. The applicant retains Brooklyn-based contractors and subcontractors, especially those that are designated LBE's consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to apprise the Borough President with quarterly reports of such participation.
3. The applicant expresses, prior to the vote by the City Council, the extent of commitment to incorporating blue/green roof installations and to incorporate bio-swales on West 15th street frontage.

B. That the City Council has such stipulations incorporated into such agreements prior to granting its approval.

City Planning Commission Public Hearing

On February 4, 2015 (Calendar No. 1), the City Planning Commission scheduled a public hearing on this application (C 020236 ZSR) for February 18, 2015. The hearing was duly held on February 18, 2015 (Calendar No. 22). There were two speakers in favor of the application and no speakers in opposition.

A representative of the applicant described the need for the special permit in order to facilitate the development of the warehouse on this site in the Special Coney Island Mixed Use District. The project's architect spoke about the need for the modifications to the yard requirements and described the building's design.

There were no other speakers and the hearing was closed.

WATERFRONT REVITILIZATION PROGRAM CONSISTENCY REVIEW

This application, in conjunction with the application for the related action, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar

No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 13-001.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

CONSIDERATION

The Commission believes that the grant of this special permit pursuant to Section 106-32 (a) and (c) of the Zoning Resolution is appropriate.

There has been little new development in the Special Coney Island Mixed Use District (CO) since its creation in 1975. The CO was established to stabilize existing residential development and protect the industries within the area. The goals of the CO include stabilizing the residential future of this mixed residential and industrial area by permitting the expansion and development of residential and light manufacturing uses where adequate environmental standards are assured; promoting the opportunity for people to work in the vicinity of their residences; providing a safe circulation system in this area of mixed residential and manufacturing use; and retaining adequate wage, job-intensive, seasonally stable industries within New York City. This action will facilitate the construction of a three-story commercial warehouse on a site that is partially vacant and used for open vehicle storage. The Commission believes that the development of the proposed warehouse will meet the goals of the special district by providing an appropriate active use on an underutilized site, as well relocating a local, year-round business to the Special Coney Island Mixed Use, which is in close proximity to the business' six employees.

Regarding the concerns of the Borough President with respect to the hiring of Brooklyn-based contractors and subcontractors, the Commission notes that this is beyond the scope of its purview for this land use application.

Regarding the concerns of the Borough President related to the installation of a blue/green roof and bio-swales on West 15th street frontage, the Commission notes that, in a letter to the Brooklyn Borough President dated January 28, 2015, the applicant stated that:

> It is the Owner's intention that the Proposed Building be developed and operated in an environmentally sustainable manner. Methods being proposed include utilizing LED lighting throughout the building to reduce energy consumption, investigating the feasibility of installing rooftop solar panels, installing a rooftop water retention system and investigating the feasibility of installing bioswale at the sidewalk, which would have a positive effect on storm water runoff.

The Commission also acknowledges the concerns of the Borough President in regards to the request that the 15 foot open area requirement for where the side yard wall adjoins residential rear yards be maintained above the first floor level. However, the Commission believes that the special yard regulations waiver is appropriate because there is sufficient space between the side wall of the proposed warehouse and the adjacent residential properties, provided by the 35- to 40-foot deep rear yards of the residential properties. Further, only a small portion of the side wall of the building that abuts the residential properties will rise to 45 feet above the FRCE; the remaining portion will rise to 15 feet above the FRCE. In response to this concern, in a letter to the Commission, dated February 26, 2015, the applicant stated that:

1. Compliance with the required open area would result in either (i) an irregular, inefficient and more costly building foot print since the open area is only required along a portion of the Subject Site's side lot line, or (ii) a significant reduction in the building's overall floor plate sizes to accommodate the open area requirement without creating the irregular floor plate.

2. The Subject Site is a relatively small zoning lot and its irregular configuration does not provide for a more traditional square floor plate. The property's triangular shape creates an extremely shallow area at the northern portion of the site, which is not conducive to the open space needed for storage-related uses. The placement of the building's elevator and stair core in this portion of the site maximizes the amount of open floor space that can be located within deeper portions of the building. Compliance with an open area requirement would require the relocation of the building's stair and elevator core to either the center or southern portion of the building, areas that are much deeper than the northern portion of the lot and can provide the large open space needed for the proposed warehouse use.

The applicant is seeking to maximize the amount of open area on the ground floor to allow for the efficient loading and unloading of trucks and processing of catalogue and online orders. Compliance with the open area requirement will reduce the amount of storage space available on the first floor and reduce the warehouse's efficiency.

3. The size and proximity of the building's side wall that faces the adjoining residential uses is similar in scale to that which would be permitted by a residential building in the Special Coney Island Mixed Used District. The proposed building's side wall will be located on the side lot line and rise to a height of 45 feet. A R5 residential building would require a minimum 5-foot side yard and can have a maximum height of 40 feet. The difference between these two building types and any impacts on the adjacent residential properties are *de minimis*. Furthermore, the adjacent residential properties have rear yards that measure approximately 35 to 40 feet in depth. As a result, the proposed building's location within the required open area will not adversely affect light and air to these buildings.

The Commission is pleased to note that, in response to its concerns that blank brick walls on the side and rear elevations may provide the opportunity for graffiti, the applicant stated in a letter to the Commission, dated February 26, 2015, that a fence will be installed at the entrance to the parking lot to discourage access to the side wall and that owner commits to maintaining the exterior of the building in case of graffiti.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 106-32 (a) and (c) (Special Permit Provisions for Manufacturing and Commercial Uses) of the Zoning Resolution:

1) that such use will comply with the regulations on performance standards of M1 Districts;

2) that additional truck traffic generated by such use or the modification of yard regulations will not create harmful, congested or dangerous conditions;

3) not applicable.

RESOLUTION

RESOLVED, that the City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

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

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 described in this report, an application submitted by SO Development Enterprises, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Section 106-32(a) – to allow a commercial use (U.G. 16D) not otherwise permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use); and

2. Section 106-32(c) – to modify the yard regulations of Section 106-34 (Special Yard Regulations);

to facilitate the development of a 3-story commercial warehouse building on property located 2702 West 15th Street (Block 6996, Lots 53 & 59), in an M1-2 District, within the Special Coney Island Mixed Use District, Borough of Brooklyn, Community District 13, subject to the following terms and conditions:

1. The property that is the subject of this application (C 140209 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Marin Architects, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
CPC 001	Zoning Analysis	May 5, 2014
CPC 010	Site Plan	May 5, 2014
CPC 030	Waiver Diagram	May 5 2014
CPC 200	Building Sections	May 5 2014

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operating and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution or the Restrictive Declaration the provisions of which shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's action or failure to act in accordance with the provisions of this special permit.

The above resolution (C 140209 ZSK), duly adopted by the City Planning Commission on March 18, 2015 (Calendar No. 6), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, *III*, MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, BOMEE JUNG, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, Commissioners

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
CalendarOffice@planning.nyc.gov

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 #: 140209 ZSK – 2702 West 15th Street

In the matter of an application submitted by SO Development Enterprises, LLC pursuant to Sections 197-c and 201 of the City Charter for the grant of a special permit pursuant to the following section of the Zoning Resolution:

1) Section 106-32(a) - to allow a warehouse commercial use not otherwise permitted by the provision of Section 106-31 (As-of-Right New Buildings for Use Group M or Commercial Use); and
2) Section 106-32(c) - to modify the yard regulation of Section 106-34 (Special Yard Regulations);

To facilitate the development of a 3-story commercial warehouse building on property located at 2702 West 15th Street in an M1-2 District, within the Special Coney Island Mixed Use District.

COMMUNITY DISTRICT NO.13 BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
■ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BOROUGH PRESIDENT

February 12, 2015
DATE

RECOMMENDATION FOR THE PROPOSED 2702 WEST 15TH STREET REZONING 140209 ZSK

The applicant, SO Development Enterprises, LLC, is seeking a special permit pursuant to Section 106-32 (a) and (c) of the Zoning Resolution to permit the development of a new commercial warehouse building within Community District 13 on an undeveloped parcel at 2702 West 15th Street.

On January 15, 2015, the Borough President held a public hearing on the proposed special permit application.

The representative for the applicant noted that the proposed warehouse would allow the company to relocate from a leased facility in East New York. By being in Coney Island, the warehouse would be more proximate to the company's retail store and would be nearer to the residences of those employees that staff the warehouse operation. The site acquired to build the warehouse has been leased for several years to provide for open auto storage use which is part of a larger adjacent open auto storage operation. The ground floor would be built to flood resistance construction standards with space below used for storage.

In response to concerns raised by Community Board 13 (CB 13) about truck traffic, the representative noted that trucks are typically courier size, 20-26 feet in length and have been analyzed by a traffic consultant to confirm that such trucks would be able to maneuver into the loading berth. Regarding the request to not be compelled to provide a side lot setback – which would then result in a top of wall height of approximately 55 feet along a side lot line which is also a residential rear lot line, the representative noted how the configuration frees up the floor space configuration. In response to incorporating design aspects that promote the Borough President's policy to promote the use of sustainable and renewable energy resources and the promotion of practices to retain storm water runoff, the representative noted that the lower roof would be partially in shadow and that accommodating solar is a question of financial feasibility. The representative will convey this and the possibility of incorporating bio-swales to the project architect to investigate further. Finally, regarding the Borough President's policy to maximize job opportunities for Brooklynites with local businesses, the representative noted that the business owner is a WBE entrepreneur and would consider being compliant with reasonable efforts to city MWBE and LBE standards.

CONSIDERATION

CB 13 was unable to consider the application at this time due to its meeting being canceled because of inclement weather.

The Borough President supports efforts that facilitate the creation or growth of Brooklyn-based businesses, including special permits that promote development of a vacant property.

The Borough President believes that the proposed warehouse provides an opportunity to enhance the operation of a Brooklyn-based retail business.

The proposed development is not permitted in the Special Coney Island Mixed-use District "CO" since the site consists of a zoning lot having more than 60 feet of street frontage, exceeds 7,800 square feet, and is located on a street other than Neptune, Stillwell or Cropsey Avenue. As the site is located in an M1-2 zoning district as part of the Special CO District, the special permit provides the mechanism to modify zoning regulations.

The special permit would require a modification to the Zoning Resolution section (ZR 106-34), which requires a 15-foot open area for commercial developments with side lot lines coinciding with side lot lines of a zoning containing residential uses. The requested modification would result in no side yard. In addition, a portion of the site's northwesterly side lot line coincides with the rear lot line of several zoning lots containing residential use fronting Hart Place.

The applicant is the owner of St. Petersburg Global Trade House, a purveyor of Russian music, literature, goods, and souvenirs with several retail locations in Midwood, Coney Island, and Brighton Beach. The proposed building will have a total floor area of 35,092 square feet, when including the cellar, with 23,808 sf of zoning floor area.

The area is predominantly improved with one-, two- and three-story buildings occupied by a mix of residential, light manufacturing, automotive repair, and storage uses. West 15th Street is a narrow street accessed with one-way traffic in a northerly direction from Neptune Avenue which leaves the site via Hart Place to the north. West 15th Street experiences very low traffic volumes.

Truck movements entering and leaving the facility's loading dock would have minimal effect on street capacity. Both backing-in and heading-out movements associated with loading dock traffic can be accommodated. A fire hydrant directly across the street from the proposed loading dock will not inhibit or compromise the full width of the street from being used for truck maneuvering, based on the typical 20-26 foot length courier trucks that will be used by the facility.

The Department of Environmental Protection (DEP) requested that a Phase II Environmental Site Assessment be prepared to adequately identify and characterize the surface and subsurface soils on the site. The DEP has agreed upon an (E) designation for the site, which would require the site's owner and any successors in title to conduct investigation and remediation, which would be, if warranted, subject to review and oversight by the Mayor's Office of Environmental Remediation.

While the Borough President believes it is appropriate to facilitate construction of the warehouse, he is concerned that the proposed special permit establishes inappropriate building height along its shared lot line with the rear of Hart Place residential lots. Furthermore, he seeks accountability regarding the construction promote MWBE and/or LBE participation and sustainable aspects being incorporated into the development.

Building Height Along the Shared Rear Lot Line of Hart Place Residences

The special permit seeks to have the building wall along a section of the property's shared side lot line/rear lot line to be without the required setback. The top of the wall

would be approximately 55 feet above the rear yard level for the Hart Place residences. Should development proceed as depicted by the applicant, development would diminish the light and air for the residents of those Hart Place buildings.

The Borough President believes that the setback requirement for where the side yard wall adjoins residential rear yards should be maintained above the first floor level. He believes this would allow the cellar and ground floor to provide maximum function to serve the warehouse while the upper two floors could then be reconfigured along with the elevator and stairs to adhere to the required 15 foot side yard setback without reducing floor area.

Should the special bulk permit not be withdrawn by the applicant, or be approved by the City Planning Commission, the City Council should call the application up for its review.

Jobs

The Borough President is concerned that too many residents of Brooklyn are unemployed or underemployed. It is his policy to promote economic development as a means of creating more employment opportunities as well as promoting Brooklyn-based businesses, including those that qualify as MWBE and Locally-Based Enterprises (LBE). As new construction, this development provides an opportunity for the developer to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation). With the intended development, the Borough President believes that the developer should keep his office aware with quarterly reports. Therefore, prior to the vote of the City Council, the applicant should provide a stipulation of such commitment prior to granting its approval.

In a letter sent to the Borough President dated January 28, 2015 (attached), the owner will ask its contractor to use commercially reasonable efforts to pursue the hiring of Brooklyn residents and prioritize the retaining of Brooklyn-based subcontractors, especially those designated "MWBE' to meet or exceed Local Law 1 and to update the Borough President quarterly as construction proceeds.

Advancing Sustainable Energy and Storm Water Management Policies

The Borough President seeks opportunities to utilize solar panels and/or blue/green roofs. In addition to aligning with the Borough President's sustainable energy policy, such modification would reduce the facility's carbon footprint and reduce energy costs annually. In addition, blue/green roofs and bio-swales would defer stormwater from entering the City's water pollution control plants. The Borough President believes that bio-swales are more than just a community beautification tool; they significantly improve stormwater management while cleaning our environment. Bio-swales are consistent with the recently announced Brooklyn Waterfront Greenway Stormwater Management Plan that is supported by the Borough President. Coney Island Creek is an important and at-risk waterway, and incorporating a bio-swale within a few hundred feet of this creek will provide a benefit

towards improving overall sustainability and resiliency in this low-lying neighborhood. This practice should be part of the Coney Island watershed-based stormwater strategy.

Considering the relative low height of surrounding structures that support this location's exposure to direct sunlight, incorporating rooftop renewable energy features would be an advantageous usage of often unused roof surfaces.

In a letter sent to the Borough President dated January 28, 2015 (attached), the applicant assured that steps would be taken to minimize energy consumption and to investigate the feasibility of installing rooftop solar panels, water retention systems and a bio-swale at the sidewalk.

The Borough President seeks assurances that the actual construction would incorporate such features through the City Council.

RECOMMENDATION

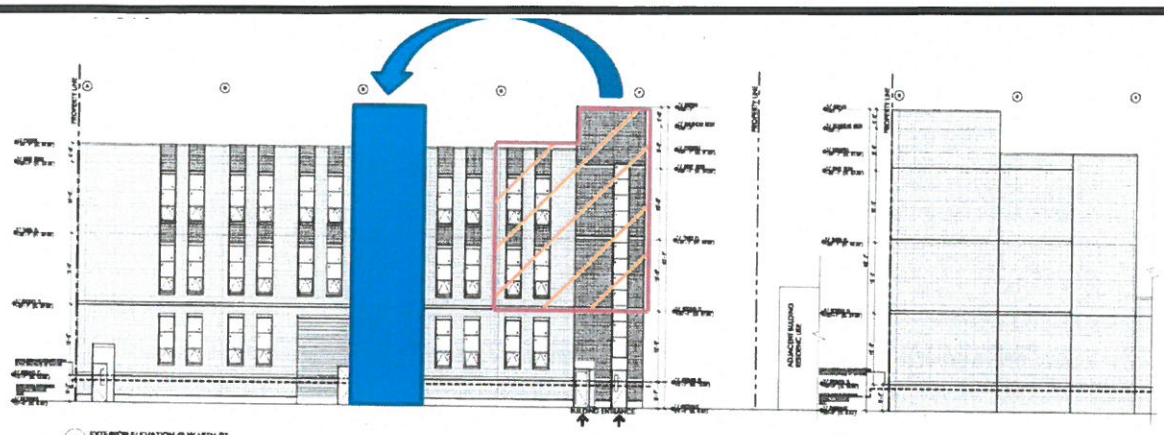
Be it resolved that the Brooklyn Borough President, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council, approve the land use action requested according to the following conditions:

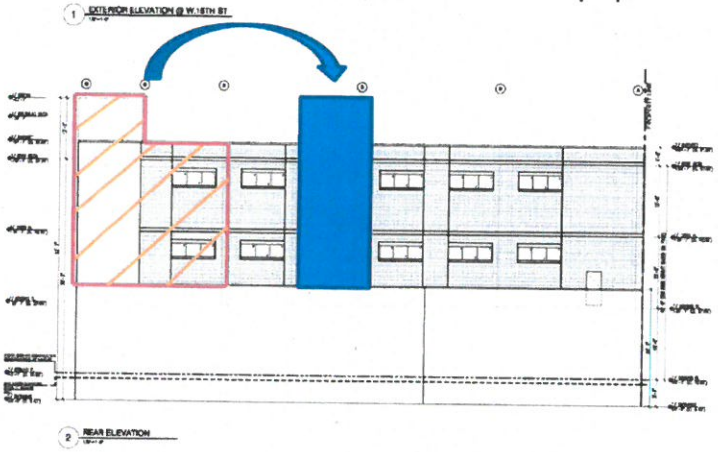
A. That:
   1. The building wall height above the first floor maintain the required side yard setback of 15 feet along the shared residential rear lot line.

   2. The applicant retains Brooklyn-based contractors and subcontractors, especially those that are designated LBE's consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to apprise the Borough President with quarterly reports of such participation.

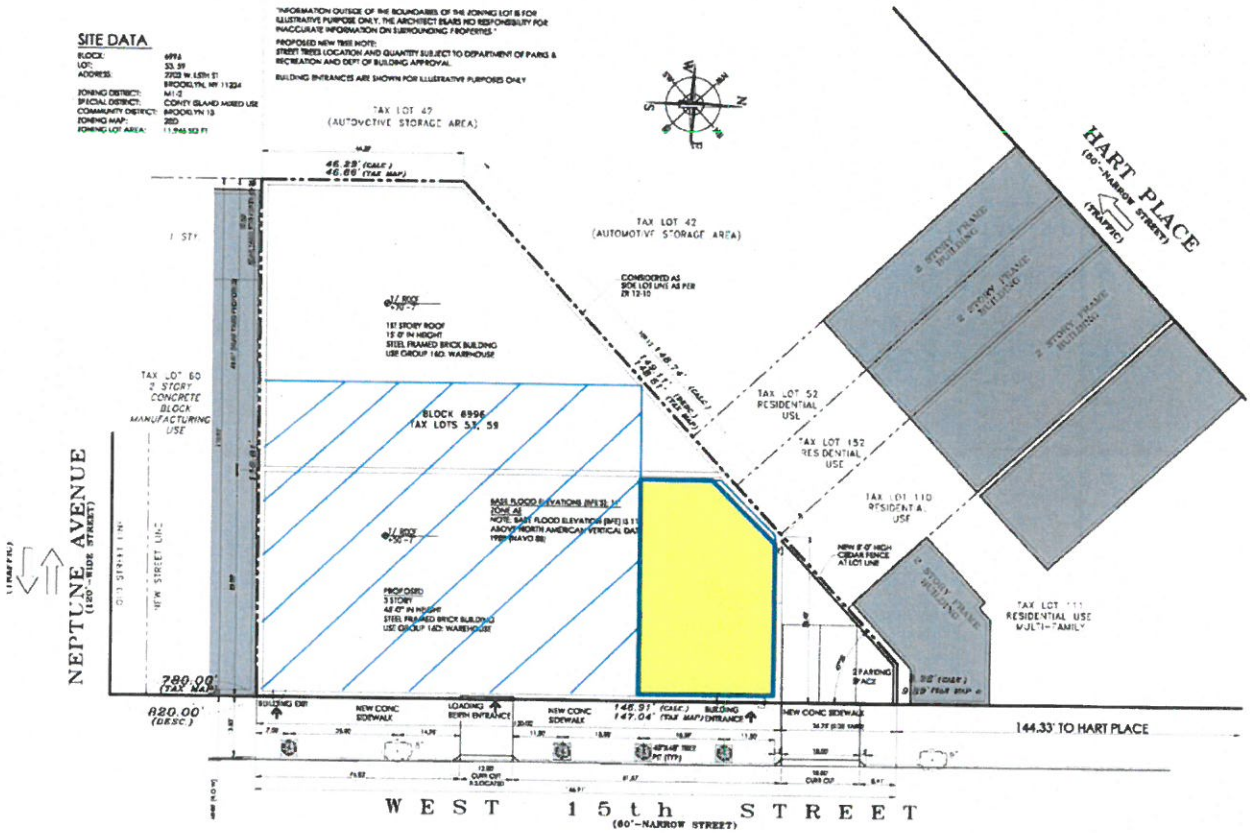
   3. The applicant expresses, prior to the vote by the City Council, the extent of commitment to incorporating blue/green roof installations and to incorporate bio-swales on West 15th street frontage.

B. That the City Council has such stipulations incorporated into such agreements prior to granting its approval.





"INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSE ONLY. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INACCURATE INFORMATION ON SURROUNDING PROPERTIES."



SO Development Enterprises, LLC
7 Brighton 1st Road
Brooklyn, New York 11235

January 28, 2015

Hon. Eric L. Adams, Brooklyn Borough President
Borough Hall
209 Joralemon Street
Brooklyn, NY 11201

Re: ULURP Appl. No. I 140209 ZSK
City Planning Commission Special Permit Application
2702 West 15th Street (Block 6996, Lots 53 and 59)
Brooklyn, New York (the "Premises")

Dear Borough President Adams:

This letter responds to requests and questions presented at the public hearing for the above-referenced application held on January 15, 2015.

SO Development, LLC, the owner of the Premises (the "Owner"), has applied for a special permit from the City Planning Commission to allow the construction of a new commercial warehouse building within the Special Coney Island Mixed-Use District (M1-2 zoning district). The new three-story commercial building will be developed on an undeveloped parcel of land and will have 23,808 square feet of floor area and a total height of 45 feet (the "Proposed Building"). The development will support the Owner's retail, catalogue, and online sales business, which is based near the Premises in Brighton Beach.

SO Development, LLC is providing this letter to memorialize its commitment regarding sustainability and construction workforce practices for the Proposed Building.

It is the Owner's intention that the Proposed Building be developed and operated in an environmentally sustainable manner. Methods being proposed include utilizing LED lighting throughout the building to reduce energy consumption, investigating the feasibility of installing rooftop solar panels, installing a rooftop water retention system and investigating the feasibility of installing bioswale at the sidewalk, which would have a positive effect on storm water runoff.

Finally, during the construction process, the owner will ask its contractor to use commercially reasonable efforts to pursue the hiring of Brooklyn residents and prioritizing retaining Brooklyn-based subcontractors, especially those that are designated "MWBE" establishments to meet or

exceed standards per Local Law 1 (not less than twenty percent participation). We will update your office quarterly as construction proceeds concerning such hiring efforts.

With this statement of the Owner's plans regarding development of the Proposed Building, we respectfully request a favorable recommendation on our application to CPC. Thank you for your attention and consideration.

SO DEVELOPMENT ENTERPRISES, LLC

By: N. Orlova

Natalia Orlova
President

01.28.2015

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