



May 10, 2017 / Calendar No. 23

C 150235 ZMK

IN THE MATTER OF an application submitted by 251 Front Street Realty Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an R6B District to an R7A District property bounded by Water Street, Gold Street, Front Street, and a line 100 feet westerly of the westerly street line of Gold Street; Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only), dated December 12, 2016 and subject to the conditions of the CEQR Declaration E-404.

This application for a zoning map amendment was filed by 251 Front Street Realty Inc., on January 23, 2015, to change zoning on property located at 251 Front Street (Block 42, Lot 24) from an R6B zoning district to an R7A district. This application, in conjunction with the application for the related action (N 150234 ZRK), as filed, would facilitate the development of a nine-story residential building with 92 dwelling units, including 23 permanently affordable units, in the Vinegar Hill neighborhood of Brooklyn, Community District 2.

On April 19, 2017, the applicant revised the application, requesting an R6A district instead of an R7A district. The resulting development would be eight stories high and contain approximately 72 dwelling units, of which 18 would be permanently affordable.

RELATED ACTION

In addition to the zoning map amendment (C 150235 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 150234 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing area.

BACKGROUND

The development site at 251 Front Street (Block 42, Lot 24) comprises approximately 20,000 square feet at the corner of Front and Gold Streets in Vinegar Hill in an R6B zoning district. The

site was once occupied by St. Anne's Parish church, which was built in 1860 and demolished in the early 1990's. The site is currently used as an open parking lot.

Vinegar Hill is an approximately eight-block neighborhood dating back to the 18th century, and is generally bounded by Bridge Street to the west, Plymouth Street to the north, Little Street to the east, and York Street to the south. The neighborhood is generally developed with residential uses comprising two- to three-story row-houses, one- to two-story warehouses, and five- to seven- story industrial loft buildings. It is surrounded by large public facilities and infrastructure: to the north are Con Edison's Farragut electric substation and the utility's Hudson Avenue generating station on the East River; to the east is the 200-acre Brooklyn Navy Yard; to the south are the 1,400-unit Farragut Houses NYCHA development and the Brooklyn Queens Expressway; and to the west is the Manhattan Bridge.

The area is well-served by public transit; the York Street subway station on the F line is two blocks west of the site, and the B62 and B67 bus lines travel along Gold Street.

In 1997, portions of the neighborhood were designated as a historic district (LP-01952) by the Landmarks Preservation Commission (LPC). The historic district comprises three separate clusters of two- to three-story homes along Front Street, Gold Street, and Hudson Street, which are narrow streets paved with cobblestones. One cluster of eight three-story attached houses is adjacent to the proposed project site on Front Street, while another cluster of five houses is on Gold Street across from the project site. Following the establishment of the historic district in 1998, this area, including the project site, was rezoned from M1-2 and M3-1 districts to R6A and R6B districts (C 980067 ZMK) to bring the non-conforming residential and community facility uses in the area into conformance with zoning, and to promote future contextual residential development on several vacant sites.

In 2009, five partial blocks along Bridge Street to the west of the site, including the western edge of the subject block, were rezoned from M3-1 and M1-2 districts to an M1-4/R7A (MX-2) mixed use district as part of the DUMBO rezoning (C 090310 ZMK) to facilitate residential and community facility construction along with commercial and manufacturing uses in the area.

The eastern portion of the subject block (Block 42), including the project area, is within an R6B zoning district. R6B is a medium-density residential district that allows a maximum floor area ratio (FAR) of 2.0 for residential and community facility uses, and has a maximum base height and maximum building height of 45 and 55 feet, respectively, or up to five stories. The R6B district is not subject to the Voluntary Inclusionary Housing (IH) Program.

The western edge of the subject block, consisting of one tax lot (Lot 1) along Bridge Street, is within an M1-4/R7A (MX-2) district and is primarily improved with a 12-story residential loft building and a one-story structure that is being converted to residential use. The M1-4/R7A district allows a maximum FAR of 2.0 for commercial and industrial uses and 3.45 for residential and community facility uses, which can be increased up to 4.60 for participation in the Voluntary IH program. Maximum allowable heights range from 75 to 95 feet, or up to nine stories, if a development includes a qualifying ground floor and affordable housing.

Under the application as originally filed, the applicant proposed to rezone the development site from the existing R6B district to an R7A zoning district. The applicant is also proposing a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area on the site subject to Option 1 of the program, which requires that 25 percent of the residential floor area be set aside for housing affordable to households at an average of 60 percent of the Area Median Income (AMI), with no units targeted at a level exceeding 130 percent of AMI, and with at least 10 percent required at 40 percent of AMI.

R7A districts are contextual zoning districts with a maximum FAR of 4.6 within MIH designated areas, a maximum building height of 95 feet, and a maximum street wall height of 75 feet after a 15-foot setback on narrow streets. Maximum lot coverage is 100 percent for corner lots and 65 percent for interior or through lots, and parking is required for 50 percent of market-rate dwelling units. No parking is required for affordable units.

The proposed actions would have facilitated the construction of a nine-story residential building with approximately 92 dwelling units, of which 23 would have been permanently affordable,

including nine units that were to have been targeted to households earning an average of 40 percent of AMI and 14 units to households earning an average of 60 percent of AMI. In addition, there were 36 required parking spaces provided in an underground parking garage. The proposed building had a base height of 70 feet and a maximum height of 95 feet or nine stories. A 15-foot setback was provided at 70 feet, as required for narrow streets in R7A districts.

On April 19, 2017, the applicant revised the application to seek a zoning map amendment from the current R6B district to an R6A district. The requested zoning text amendment for the designation of the MIH area was not affected. R6A is a contextual zoning district with a maximum FAR of 3.6 for residential uses under the MIH program, a maximum base height of 65 feet and a maximum building height of 85 feet.

The proposed actions, as revised, would facilitate the construction of an eight-story residential building with 72 dwelling units, of which 18 would be permanently affordable pursuant to MIH. This would be a reduction from 92 units under the original proposal, and a reduction in the maximum FAR from 4.6 to 3.6. The maximum building height would be reduced to 85 feet from 95 feet. As modified, the application would facilitate the construction of 18 permanently affordable units instead of the 23 units proposed in the original application.

ENVIRONMENTAL REVIEW

This application (C 150235 ZMK), in conjunction with the application for the related action (N 150234 ZRK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 16DCP002K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on December 12, 2016.

On May 5, 2017, a Revised Environmental Assessment Statement (EAS) was issued which describes and analyzes modifications to the proposed actions and reflects clarifications to the

Waterfront Revitalization Program assessment included in the original EAS. The Revised EAS concluded that the proposed actions would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration.

A Revised Negative Declaration was issued on May 8, 2017. The Revised Negative Declaration reflects the changes to the proposed actions and supersedes the Negative Declaration issued on December 12, 2016.

The Revised Negative Declaration includes an (E) designation (E-404) to avoid the potential for significant adverse impacts related to hazardous materials and air quality, as described below:

The (E) designation would apply to the following site:

Block 42, Lot 24 (Projected Development Site)

The (E) designation text related to air quality is as follows:

Any new residential development located on the above-referenced property must ensure that the HVAC stack is located at the highest tier, or at a minimum of 98 feet above grade, to avoid any potential significant adverse air quality impacts.

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

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor 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 samples should be selected to adequately characterize the site, specific sources 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-Remediation Determination and Protocol

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 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.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

With the assignment of the above-referenced (E-404) designation for air quality and hazardous materials, the Proposed Actions would not result in significant adverse impacts. In order to avoid the potential for significant adverse archaeological impacts, the Applicant entered into a Restrictive Declaration on March 7, 2017, and recorded on March 8, 2017, agreeing to conduct archaeological identification, investigation, and mitigation in accordance with the CEQR Technical Manual and NYC Landmarks Preservation Commission (LPC) guidelines for archaeological work in New York City. Consequently, no significant adverse impact to archaeological resources are expected to result from the proposed action.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

UNIFORM LAND USE REVIEW

This application (C 150235 ZMK) was certified as complete by the Department of City Planning on December 12, 2016, and was duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President, in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related action (N 150234 ZRK), which was duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President on December 12, 2016, in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 2 held a public hearing on this application as filed (C 150235 ZMK) and the application for the related action (N 150234 ZRK) on January 18, 2017. On February 8, 2017, the Board adopted a resolution to disapprove the application by a vote of 34 in favor, three opposed, and one abstention.

Community Board 2 attached a letter to their recommendation of disapproval which noted the background for their recommendation to disapprove.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on the application as filed (C 150235 ZMK) and the application for the related action (N 150234 ZRK) on February 6, 2017, and on March 15, 2017 issued a recommendation to disapprove the application.

City Planning Commission Public Hearing

On March 8, 2017 (Calendar No. 4), the City Planning Commission scheduled March 22, 2017, for a public hearing on this application (C 150235 ZMK), in conjunction with the related application (N 150234 ZRK). The hearing was duly held on March 22, 2017 (Calendar No. 14). There were eight speakers in favor of the application, including three members of the applicant team, and seven in opposition.

The applicant's team, consisting of an attorney, a land use planner, and an architect, made a presentation in support of the R7A rezoning. The team stated that the proposed development would be in context with its surroundings since the site is adjacent to the DUMBO mixed use district, which allows buildings up to nine stories, and is across the street from an R6A district mapped on the south side of Front Street, which allows buildings up to eight stories. They further stated that they believed that this was an appropriate location for much-needed residential development in this area. The applicant's attorney said that the proposed R7A district, mapped with MIH Option 1, would generate 23 permanently affordable units in the proposed building. Four additional people spoke in favor of the application, and four read letters in support of the project.

Seven speakers, including the president of the Vinegar Hill Neighborhood Association, testified in opposition. They noted the historic and generally low-rise character of the neighborhood and said that the proposed development would not fit within this context. They stated that its narrow cobblestone streets could not sustain the additional traffic that the proposed development would generate. They also expressed concerns about shadows and the potential burden on infrastructure, including the York Street subway station.

There were no other speakers and the hearing was closed.

Following the City Planning Commission Public Hearing, area residents submitted additional letters and emails to the Commission, in opposition to both the original R7A zoning proposal and the subsequently-revised R6A zoning proposal.

WATERFRONT REVITALIZATION PROGRAM

This application (C 150235 ZMK) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the 3 N 160219 ZRQ 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 13-094.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application (C 170235 ZMK) for a zoning map amendment, as revised by the applicant, in conjunction with the related application for a zoning text amendment (N 170234 ZRK), is appropriate.

On April 19, 2017, the applicant revised the application from the originally-proposed R7A district to an R6A district by extending an existing R6A zoning district on Front Street

northward, along the western block frontage of Gold Street. The revision would reduce the proposed maximum allowable FAR from 4.6 to 3.6 and the maximum allowable building height from 95 feet to 85 feet, with a qualifying ground floor. The applicant stated that this revision would reduce the building's maximum height from nine stories to eight stories, the total number of dwelling units from 92 to 72, and the number of permanently affordable units from 23 to 18.

The Commission believes that the proposed R6A zoning district is appropriate. R6A is a medium-density contextual zoning district that has been frequently mapped to facilitate small apartment building construction, and was mapped directly to the south of the subject rezoning area as part of the original 1996 Vinegar Hill rezoning. The area immediately south of the site that is within an R6A zoning district is developed with residential buildings of similar height and density as proposed by the applicant; five- to seven-story apartment buildings and residential loft conversions are located immediately adjacent to the site along Front and Gold Streets, interspersed with two- to four-story row houses and one- to two-story warehouses and industrial buildings.

The Commission notes that adjoining R6B and R6A districts are commonly mapped across row-house and brownstone neighborhoods in Brooklyn, including directly adjacent to and within the historic districts of Fort-Greene/Clinton Hill, Bedford-Stuyvesant, and Park Slope. R6B zoning districts typically allow for infill developments on mid-blocks, while R6A zoning districts typically allow limited growth along corridors. The Commission also notes that the existing R6B district is not in an Inclusionary Housing designated area and therefore does not incentivize or require affordable housing under either the Voluntary or Mandatory Inclusionary Housing programs. The proposed rezoning of the R6B district to an R6A zoning district would subject the site to the MIH program and would require the provision of permanently affordable housing as part of any new residential development. This would be the first MIH area mapped in the DUMBO and Vinegar Hill neighborhoods, and would result in approximately 18 units of much-needed, permanently affordable housing pursuant to the MIH program requirements, the first such permanently affordable housing in Vinegar Hill.

The Commission notes the presence of a mix of lower-rise, three- to four-story row houses, as well as multi-story loft buildings converted to residential use on the same block as the subject proposed rezoning. Although not required by zoning, the applicant proposes that the building be only four stories along Front Street to better reflect the predominant height of the three- to four-story historic row houses located mid-block along this street, and also proposes a planted, 35-foot-wide side yard as a transition area. This reduced height and open space on the southern end of the site would transition to a maximum height of eight stories, or up to 85 feet, on the northern portion of the project area along Water Street.

The Commission acknowledges the recommendation to disapprove the proposed R7A district by Community Board 2 and the Borough President, as well as the concerns raised by area residents. The Commission concurs with the Community Board and the Borough President that the initially proposed R7A district in the certified application would have resulted in out-of-scale development. However, the Commission notes that the revised zoning proposal from R7A to R6A responds to some of the concerns of the Community Board and the Borough President while still providing an opportunity for appropriate residential development with a requirement that would yield permanently affordable housing.

Regarding the Borough President's recommendation that the southern half of the proposed project site be rezoned to R6A instead of the originally-proposed R7A district, the Commission concurs that an R7A zoning district could have resulted in out-of-scale development and that the revised R6A proposal would result in more appropriately-scaled development. Additionally, the Commission supports the Borough President's recommendation that the applicant work with the City Council and the Vinegar Hill Neighborhood Association to provide additional design considerations for the site.

The Commission recognizes the testimony and correspondence received after the Public Hearing from neighborhood residents, the Vinegar Hill Neighborhood Association, and the Historic Districts Council, and understands their concerns regarding allowing additional height and density at this location. The Commission agrees that the previously-proposed R7A district could have produced a development out-of-scale with the surrounding neighborhood.

Regarding the comments received about the demolition of the historic church on the site and the site's current nuisances related to fences and truck repairs, the Commission recognizes the existing conditions on the site, and notes that the proposed rezoning would facilitate the redevelopment of this site into housing.

Regarding the comments received by the Commission about the potential precedent of expanding the existing R6A district along Gold Street, and the zoning district's direct adjacency to a historic district and historic row houses, the Commission notes that this is a common condition found throughout New York City. There are numerous instances of R6A districts abutting R6B districts within historic districts, including in nearby Fort-Greene/Clinton Hill, Bedford-Stuyvesant, and Park Slope. Furthermore, any proposed rezonings in the future would be subject to a separate discretionary public review process and decided on the merits of that proposal.

With regard to comments related to the potential for townhouses to be developed under the existing R6B districts, and suggestions that they would provide affordable access to homeowners, the Commission notes that the current R6B zoning does not require the construction of townhouses and allows buildings similar in scale to the five-story apartment building at 254 Water Street. The Commission also notes that the existing R6B zoning district does not have a Voluntary or Mandatory Inclusionary Housing designation, and would not result in the construction of any permanently affordable housing at this site. The proposed R6A district would allow up to 72,000 square feet of development on this site and, under MIH Option 1, would facilitate the development of approximately 18,000 square feet of permanently affordable housing for households earning up to \$47,000 on average for a family of three, with at least 10 percent reserved for households earning up to \$31,000 for a family of three.

Recent residential developments within the adjacent R6A zoning district are of a similar scale to the proposed development and none include permanently affordable housing. 99 Gold Street, located across the street from the project site, is a six-story residential loft conversion with 88 dwelling units and includes more than 100,000 square feet of floor area. 100 and 102 Gold Street are both 6-story new residential buildings with 10 dwelling units each. 206 Front Street is a

seven-story new residential building with 31 units. 254 Water Street, located in the R6B district, is five-stories, includes 26 dwelling units and a significant number of surface parking spaces.

Regarding comments stating that hotels, entertainment and commercial uses would overtake the neighborhood, it should be clarified that R6A districts only allow residential and community facility uses and would not allow any of these commercial uses.

With regard to comments about infrastructure capacity and potential impacts of development on traffic, noise, and construction, these factors were analyzed as part of the EAS and the actions were found to have no negative environmental impacts.

The Commission recognizes comments raised by the tenants of the applicant's other developments, but notes that issues and concerns about poor construction quality and unresolved maintenance conditions cannot be addressed by the Commission and are outside the scope of the proposed actions.

The proposed zoning text amendment (N 150234 ZRK) is appropriate. The designation of an MIH area would ensure permanent affordability for a portion of the units on the site. The application seeks to map Option 1 in this area, which would require that 25 percent of the residential floor area, approximately 18,000 square feet or 18 units, be set aside for households with incomes averaging 60 percent of AMI, with no units targeted at a level exceeding 130 percent of AMI, and at least 10 percent of the floor set at a maximum of 40 percent of AMI.

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 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 12d, changing from an R6B District to an R6A District property bounded by Water Street, Gold Street, Front Street, and a line 100 feet westerly of the westerly street line of Gold Street; Borough of the Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only), dated April 19, 2017 and subject to the conditions of the CEQR Declaration E-404.

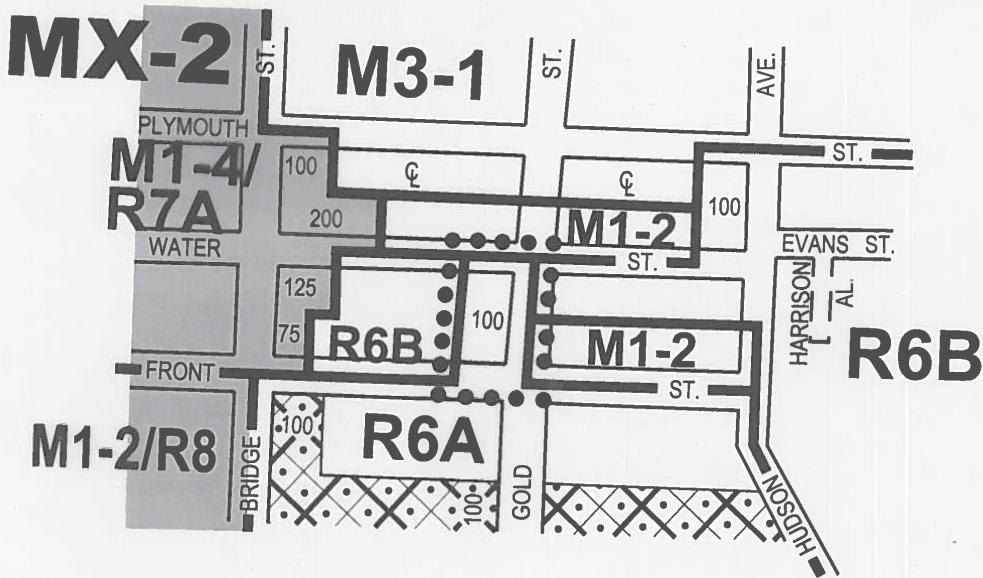
The above resolution (C 150235 ZMK), duly adopted by the City Planning Commission on May 10, 2017 (Calendar No. 23), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
JOSEPH DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,**
Commissioners

MICHELLE R. DE LA UZ, Commissioner, Abstaining



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE

New York, Certification Date
DECEMBER 12, 2016

Revised:

APRIL 19, 2017

BOROUGH OF
BROOKLYN

S. Lenard, Director
Technical Review Division

NOTE:

Indicates Zoning District Boundary.

- • • • The area enclosed by the dotted line is proposed to be rezoned by changing an existing R6B District to a R7A District.



Indicates a C2-4 District.



Indicates a Special Mixed Use District (MX-2).



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **150235 ZMK**

Project Name: **251 Front Street**

CEQR Number: 16DCP002K

Borough(s): Brooklyn

Community District Number(s): 02

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
 - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by 251 Front Street Realty Inc. pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d changing from an R6B District to an R7A District property bounded by Water Street, Gold Street, Front Street, and a line 100 feet westerly of the westerly street line of Gold Street; Borough of the Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated December 12, 2016.

Applicant(s): 251 Front Street Realty Inc. P.O. Box 26606 Brooklyn, NY 11202	Applicant's Representative: Chris Wright Simons & Wright LLC 500 Fifth Avenue New York, NY 10110	
Recommendation submitted by: Brooklyn Community Board 2		
Date of public hearing: January 18, 2017	Location: NYU Tandon School, 5 Metrotech Center, Brooklyn NY	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: February 8, 2017	Location: Brooklyn Hospital, 121 DeKalb Avenue, Brooklyn NY	
RECOMMENDATION		
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions	
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>		
Voting		
# In Favor: 34 # Against: 3 # Abstaining: 1 Total members appointed to the board: 47		
Name of CB/BB officer completing this form Shirley A. McRae	Title Chairperspn	Date



CITY OF NEW YORK
Community Board No. 2
350 JAY STREET - 8TH FL.
BROOKLYN, N.Y. 11201

(718) 596-5410 FAX (718) 852-1461
cb2k@nyc.rr.com

ERIC ADAMS
Borough President

SHIRLEY A. MCRAE
Chairperson

ROBERT PERRIS
District Manager

February 13, 2017

Carl Weisbrod, Chairman
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

Dear Chairman Weisbrod:

I am writing to inform you that Community Board 2 has reviewed and made a determination on "251 Front Street," two applications (C 150235 ZMK and C 150234 ZRK) submitted by 251 Front Street Realty, Inc. to rezone 251 Front Street in Brooklyn (Block 42, Lot 24) from an R6B district to R7A and designating the proposed R7A district as a Mandatory Inclusionary Housing Area.

The community board held a public hearing on these applications on January 18, 2017 in Room LC400 of the Dibner Building at the NYU Tandon School of Engineering, 5 Metrotech Center, Brooklyn, New York. Community Board 2 met quorum as defined by the Uniform Land Use Review Procedure (ULURP).

The community board's district office received 26 letters and emails in opposition to the land use applications, including from the Vinegar Hill Neighborhood Association (VHNA), the Historic Districts Council, the board of directors of the Kirkman Lofts condominium (37 Bridge Street), the residents of 99 Gold Street, and other individuals residing in the neighborhood. Sixteen individuals gave oral testimony in opposition to the applications with half of the speakers having not previously submitted written testimony.

The district office received three letters of support and a petition in favor of the project signed by 27 individuals who reside in the area. There was no oral testimony in favor of the project.

The principal objection of those who testified against the applications is that the permissible building would be out-of-scale with the neighborhood and incompatible with its unique character; architecturally a 19th-century, working class, residential neighborhood with infill industrial buildings. When the Vinegar Hill Historic District was mapped in 1997 and the neighborhood rezoned the following year, the historic district was divided into three areas and the zoning map finely drawn with R6B, R6A and M1-2 districts modeled on the existing built form.

Carl Weisbrod, Chairman
City Planning Commission
February 13, 2017
Page 2

It bears noting that the subject property might have been included in the historic district if the applicant had not demolished the 1860 St. Ann's Church designed by Patrick Keely, the prominent and prolific church architect who reportedly also resided in the neighborhood. It has also been reported that the site for the church, originally the Parish of St. Anne, was selected personally by the Very Reverend John Loughlin, the first Roman Catholic Bishop of Brooklyn, who constructed 125 churches during his 38-year-long tenure. It might be said that applicant already tore out the historic heart of the neighborhood.

Vinegar Hill is not Dumbo and the current zoning map reflects the distinctly different characters of the two neighborhoods. The eastern boundaries of the M1-4/R7A and M1-2/R8A districts are at Bridge Street, or variably 75-200 feet to the east. The Dumbo Historic District has a similar boundary. More anecdotally, ask people where Dumbo ends and Vinegar Hill begins and most will respond, "Bridge Street."

The 95-foot tall building presented by applicant's architect is simply too big—the zoning map change would more than double the permissible floor area ratio—and too tall. Its scale references Dumbo not Vinegar Hill. The nineteenth-century residential buildings in Vinegar Hill are four-stories or less and even the new construction at 99 Gold Street is only five-stories tall inclusive of the setback. With the exception of the six-story loft building at the northwest corner of Front Street and Hudson Avenue the industrial buildings in the neighborhood are less than half the height of the proposed building.

Applicant testified that the current R6B designation does not permit him enough density to earn a reasonable return. The community board notes, however, that applicant acquired the land a quarter-century earlier and it does not find the statement convincing.

Vinegar Hill is not a large neighborhood, geographically or demographically. Perhaps 20 percent of the residents testified on the land use applications, overwhelmingly in opposition. The community board continued to receive testimony long after its public hearing was closed. A petition submitted at the time of the borough president's public hearing and not available for the community board's consideration doubled the number of people declaring their objection to the applications. It is rare that so much of a community expresses an opinion on a ULURP application and even more rare that there is such a high degree of consensus.

Following the public hearing and committee discussion, the Land Use Committee of Community Board 2 voted 11 in favor, one opposed, no abstentions (11-1-0) to recommend that the community board *disapprove* the applications. On February 8, 2017, the community board voted 34 in favor, three opposed, one abstention (34-3-1) to ratify the committee recommendation for *disapproval*.

Community Board 2 has in many instances voted to endorse upzonings and dependably supports the construction of affordable housing. The community board appeals to the City Planning Commission to not let the relatively modest number of affordable housing units be the rationale for a building that is wholly out of scale and character with the neighborhood into which it seeks to insert itself.

Carl Weisbrod, Chairman
City Planning Commission
February 13, 2017
Page 3

I have provided herewith a copy of the community board recommendation form for applications C 150235 ZMK and C 150234 ZRK, which have also been submitted electronically to the Department of City Planning's Calendar Office. Thank you for the opportunity to comment.

Sincerely,



Shirley A. McRae

Encl.

cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Stephen Levin
New York City Council
Winston Von Engel, Brooklyn Borough Director
Syed Ahmed, City Planner
Department of City Planning
Christopher E. Wright, Principal
Simons and Wright LLC
Aldona Vaiciunas, President
Vinegar Hill Neighborhood Association

SAM^C:RP

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

251 FRONT STREET – 150234 ZRK AND 150235 ZMK

In the matter of the applications submitted by 251 Front Street Realty Inc., pursuant to Section 197-c and 201 of the New York City Charter, seeking a zoning map amendment from an R6B district to an R7A district, and a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, in the Vinegar Hill neighborhood of Brooklyn Community District 2 (CD 2). Such amendments would facilitate the development of a nine-story residential building with 92 dwelling units, 23 of which would be permanently affordable.

BROOKLYN COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

March 15, 2017

DATE

RECOMMENDATION FOR: 251 FRONT STREET – 150234 ZRK AND 150235 MRK

The applications submitted by 251 Front Street Realty Inc., pursuant to Section 197-c and 201 of the New York City Charter, are seeking a zoning map amendment, from an R6B district to an R7A district, and a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, in the Vinegar Hill neighborhood of Brooklyn Community District 2 (CD 2). Such amendments would facilitate the development of a nine-story residential building with 92 dwelling units, of which 23 would have rent roll that would average 60 percent of the Area Median Income (AMI) based on household size.

On February 6, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on these proposed amendments. There were 15 speakers in opposition of this item. The speakers included representatives of the DUMBO Neighborhood Alliance as well as the Vinegar Hill Neighborhood Association (VHNA). The remainder of the speakers consisted of neighborhood residents.

The speakers in opposition voiced concerns over:

- The proposed development's density and height, which do not reflect the neighborhood's historic character and livable scale, and would overshadow the existing three- to four-story homes
- The impact on the currently constrained infrastructure (including lack of school seats, increased traffic on small historic streets, overcrowded public transit, and sewer problems, etc.)
- The developer's apparent reluctance to consider the concerns and suggestions voiced by the community
- The potential precedent that would be set if such a significant upzoning is approved
- How the developer represented the surrounding neighborhood character, including highlighting existing larger scale buildings that were built prior to the 1998 rezoning of Vinegar Hill
- What was believed to be a misrepresentation of the project to attain petition signatures in support

In response to stated community concerns regarding the density, height, out-of-context nature of the proposed development, as well as impacts on traffic and transit, the applicant's representative stated that the proposed zoning was appropriate on the basis that the New York City Department of City Planning (DCP) has designated this area as a well-served transit district, given its proximity to the York Street Sixth Avenue Local F train station and to Downtown Brooklyn. In addition, the size of the lot is ideal for the proposed development.

In response to Borough President Adams' inquiry to clarify details with regard to the affordable housing, the applicant's representative stated that Option 1 of the MIH program was selected for this project in order to provide the community with the lowest AMI levels possible through the program. The applicant's representative stated that Option 1 would mandate 10 percent of the total units, approximately nine units, to be affordable to households with incomes averaging 40 percent of AMI, or approximately \$29,000, seven units affordable to households with incomes averaging 60 percent of AMI, or approximately \$43,500, and seven units affordable to households with incomes averaging 80 percent of AMI, or approximately \$58,000. The potential monthly rent for a two-bedroom unit would be approximately \$713 at 40 percent of AMI, approximately \$1,121 at 60 percent of AMI, and approximately \$1,591 at 80 percent of AMI.

In response to Borough President Adams' inquiry to clarify the marketing strategies for the tenant selection process, the representative stated that the developer is dedicated to the community and

to communicating the availability of affordable units within the surrounding area, inclusive of working with various local community groups.

In response to Borough President Adams' policy of promoting the use of renewable and sustainable energy resources and promoting practices to retain stormwater runoff, the applicant's representative stated the developer is committed to looking at every opportunity toward making this one of the most sustainable buildings in Brooklyn. The architect has experience with Passive House design in affordable multifamily developments.

In response to Borough President Adams' policy of maximizing job opportunities for Brooklynites and procuring supplies locally through the inclusion of Local Business Enterprises (LBE) and Minority- and Women-Owned Business Enterprises (MWBE), the representative stated that given the developer's long association with the community, he is committed to hiring locally. The representative also stated that the developer is committed to making every effort to do the necessary outreach to be as inclusive as possible.

Subsequent to the hearing, Borough President Adams' office received 67 emails and/or letters, an extensive study from VHNA in opposition to this application, and a petition with more than 191 signatures calling to oppose the rezoning. Additionally, three letters were received in support of the application as well as a petition with 27 signatures in favor of the rezoning.

Consideration

Brooklyn Community Board 2 (CB 2) disapproved this application without conditions.

In 1997, the New York City Landmark Preservation Commission (LPC) adopted the Vinegar Hill Historic District, consisting of three different sections, one of which is the subject block along Front Street, abutting the proposed development site, and the second is directly across Gold Street, from the proposed development site. Each section is characterized by three- to four-story rows of brick and frame houses built in the early 1800s.

In 1998, the City adopted the Vinegar Hill rezoning, which included the block containing the proposed development site. The central purpose of the rezoning was to rezone several industrial M1-2 and M3-1 districts to R6A and R6B residential districts, to promote future contextual residential development, and to reinforce the historical character of the neighborhood.

The site is the Gold Street frontage of a block also bounded by Bridge, Front, and Water streets that is predominantly zoned R6B, though the Bridge Street frontage of the block was zoned R7A as part of the 2009 DUMBO rezoning. The current R6B zoning allows a blend of approximately 50 percent of the street wall being four stories, with the remainder being five stories. The remainder of the fifth floor is required to be set back 15 feet from the street line. The allowable floor area ratio (FAR) is two times the lot area. The site is currently utilized for truck parking.

Approval of the proposed actions would facilitate a development envelope with a maximum height of 95 feet, achieved after a 15-foot setback at the maximum base height of 75 feet, except where such setback area is allowed additional height according to the dormer provision. The developer's vision for the development has been depicted in a non-binding rendering that presents a reduced four-story building at the corner of Front and Gold streets, an open yard between the building and adjacent Front Street buildings in the Vinegar Hill Historic District.

Borough President Adams concurs that there is an affordable housing crisis. If this development was in another location, it would be a project that should be whole-heartedly supported. Borough President Adams believes that the extent to which the proposed development is seeking to address this crisis does not outweigh consideration for the type of development that would be

sufficiently respectful within the existing neighborhood context of Vinegar Hill. While the proposed affordable housing units would be contributed without reliance on the City's resources, such achievement would come at the cost of the community fabric.

This site was carefully rezoned from a manufacturing district to an R6B district in order to encourage contextual development, generally compatible with the attached housing in the adjacent Vinegar Hill Historic District. At that time, the south side of Front Street was rezoned to R6A, excluding the southeast corner of Front and Gold streets, where the M1-2 district remained. Since then, the adjacent development fronting Water Street was built according to the R6B zoning. Another rezoning in 2004 extended the R6A district to the southeast corner of Front and Gold streets to allow the existing loft building at 99 Gold Street, diagonally across from the proposed site, to be converted to residential use.

Borough President Adams does not support the assertion that the proposed site should be treated the same as the portion of the block with frontage on Bridge Street, which was rezoned to R7A as part of the 2009 DUMBO rezoning. Additionally, the development at 99 Gold Street, despite being built out to a FAR of 4.89, which exceeds that of the proposed R7A, and having a five-story street wall height, was pursued for R6A rezoning at the property owner's request. Therefore, Borough President Adams believes this does not justify 99 Gold Street to be considered as context to support the applicant's request for R7A zoning.

Non-compliant 99 Gold Street is not the only significantly over-built building in Vinegar Hill. 231 Front Street, despite its 5.82 FAR (7.05 FAR according to applicant's submissions), was included in the R6B zoning district as part of the Vinegar Hill rezoning, as opposed to being a basis for a more dense zoning designation. Despite its location within 100 feet of the DUMBO rezoning, there was no apparent consideration to revisit this property to reduce the degree of floor area non-compliance, as that site is within the Vinegar Hill Historic District. Another non-compliant building, 289-299 Front Street, despite its 5.8 FAR, has been non-compliant since the establishment of the 1961 Zoning Resolution when it was included in an M1-2 manufacturing district designation.

Borough President Adams believes that the existing location of the R6A district, extending westward along Front Street to Bridge Street, does not support establishing an R7A district surrounded by a mix of R6A and R6B. As many lots are underbuilt, it would be expected that at some point the south side would be built up with six- to seven-story buildings, such as the case with 206 Front Street and 100 and 102 Gold Street. Borough President Adams notes that 275 and 285-289 Front Street are underbuilt manufacturing zoned properties that are permitted to be redeveloped with more floor area than exists on those lots, though such redevelopment height might be more consistent with the nearby row houses that characterize Vinegar Hill due to the limitation on the range of permitted uses that might be economically feasible to induce redevelopment.

Additionally, were the R7A zoning approved, it might encourage more property owners to seek such zoning, including lots directly to the north across Water Street, where a commercial bakery at 56 Gold Street exists in a manufacturing district, as well as the remaining properties in the manufacturing zone on the block between Plymouth and Water streets. Permitting an R7A building height opposite the Gold Street section of the Vinegar Hill Historic District also appears to be an excessive introduction of building context to existing buildings that were generally constructed with less floor area and height than allowed by the R6B zoning district designation.

Through working with the VHNA, the adjacent proposal for 265 Front Street to be rezoned from M1-2 to R6A only appears to be acceptable should that applicant agree to file a legal mechanism to bind the property to four stories, topped by a sensitively placed bulkhead that would contain the building's mechanical infrastructure. In addition, there is an expectation that the façade design

would be advanced through community consultation toward developing an appropriate design response for its context with adjacent buildings in the Vinegar Hill Historic District.

Given the existing R6A district south of Front Street and the possibility that the R6A rezoning proposal for 265 Front Street, at the northeast corner of Front and Gold streets, would be warranted, it may be reasonable for the City Council to give consideration to rezoning the Front Street half of the 251 Front Street site to R6A, with the remainder of the lot remaining as R6B zoning. Prior to its consideration, the City Council should seek documentation that the property owner has recorded a legal mechanism binding this section of the property, as of an effective date of R6A zoning, to a maximum height of four stories, excluding the bulkhead. In addition, the City Council should seek input from VHNA with regard to any ongoing consultation between it and the applicant for 265 Front Street for any additional consideration that might warrant being part of the consideration to expand the neighboring R6A zoning designation for the Front Street portion of the lot.

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 (CPC) and the City Council disapprove these applications.