



## **CITY PLANNING COMMISSION**

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November 18, 2020 / Calendar No. 7

C 150178 ZMK

**IN THE MATTER OF** an application submitted by Michael Spinard pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an R6A District property bounded by a line midway between Water Street and Front Street, a line 70 feet easterly of Gold Street, Front Street, and Gold Street; and
2. establishing within the proposed R6A District a C2-4 District property bounded by a line midway between Water Street and Front Street, a line 70 feet easterly of Gold Street, Front Street, and Gold Street

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated January 21, 2020, and subject to the conditions of CEQR Declaration E-560.

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This application for a zoning map amendment was filed by Michael Spinard on December 4, 2014. This application, in conjunction with the related zoning text amendment, would facilitate the development of a four-story building with nine residential units and approximately 5,000 square feet of ground floor commercial space at 265 Front Street (Block 43, lot 1 and p/o Lot 41), in the Vinegar Hill neighborhood of Brooklyn, Community District 2.

### **RELATED ACTIONS**

In addition to the zoning map amendment (C 150178 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 180178 ZRK**      Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

### **BACKGROUND**

The applicant seeks a zoning map amendment and a zoning text amendment to facilitate the construction of a four-story mixed-use building with nine residential units and 4,995 square feet of ground floor commercial space. The project area (Block 41, Lot 1 and p/o Lot 41) consists of the development site (Lot 1) and a small portion of an adjacent lot (p/o Lot 41), located at the southeast corner of Gold Street between Water and Front streets.

The development site is an irregularly-shaped, 6,515-square-foot corner lot with 67 feet of frontage on Front Street and 100 feet of frontage on Gold Street and is currently occupied by a small storage shed and a parking lot. The adjacent lot (Lot 41) is a 10,575 square foot lot and contains a one-story warehouse building.

Block 41 falls within two zoning districts; the Water Street frontage is located within an R6B zoning district and consists of 16 tax lots, 10 of which are developed with residential walkup buildings. The remaining six lots are developed with one- and two-story warehouses, open storage and parking. The Front Street frontage is located within an M1-2 zoning district, comprised of four industrial lots, including the development site and three lots containing a one-story warehouse (Block 43, Lot 41), open storage, and a recently converted seven-story, 100-foot-tall commercial building located at the corner of Front Street and Hudson Avenue.

R6B is a mid-density residential zoning district that allows a maximum floor area ratio (FAR) of 2.0 for residential uses and a minimum base height of 30 feet, a maximum base height of 40 feet, and a maximum building height of 50 feet. Buildings with a qualifying ground floor are allowed a base height of up to 45 feet and a maximum height of 55 feet or five stories. Parking is required for 50 percent of residential units in new developments.

M1-2 is an industrial zoning district that allows light industrial and commercial uses with a maximum FAR of 2.0 and community facility uses with a maximum FAR of 4.8. Maximum building heights are governed by a sky exposure plane that starts above a street wall height of 60 feet or four stories. Parking requirements vary by use.

The project area is located in the Vinegar Hill neighborhood, primarily developed with two- to four-story walkup residential buildings, one- to two-story industrial buildings, some taller commercial buildings and open storage lots. Portions of the neighborhood are within the Vinegar Hill Historic District, established in 1997 (N 970360 HKK) to preserve and protect several two- to three-story row houses dating back to the 1780s, including half of the block front adjacent to the project area on Gold Street.

In 1998, the Department of City Planning initiated the Vinegar Hill rezoning (C 980067 ZMK) at the request of the local community and elected officials. The Vinegar Hill rezoning changed an eight-block area from an M1-2 zoning district to R6B and R6A districts and an M3-1 zoning district to an M1-2 district. That rezoning brought non-conforming residential uses in the historic district into conformance and promoted future contextual residential development on several vacant sites in order to help preserve the character of the area.

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

In 2017, the City Planning Commission approved applications at 251 Front Street (C 150235 ZMK) for a zoning map change from an R6B zoning district to an R6A district and a zoning text amendment to designate the site as an MIH area to facilitate the development of a nine-story residential building with 92 residential units, including 23 permanently affordable units. However, the applications were withdrawn by the applicants at the time of the City Council's review due to community opposition.

The project area is well served by public transit. The York Street Station, providing service to the F train, is located two blocks west of the site. The B62 and B67 bus lines have stops on York Street, a block south of the development site, connecting the neighborhood to Queens Plaza, Long Island City and Kensington, Brooklyn respectively.

The neighborhood is surrounded by large infrastructure uses, several of which are owned and operated by the City. The area north of the project area along the East River is zoned M3-1 and occupied by Con-Edison's Farragut Station electric substation and Hudson Avenue Generating Station steam and peak capacity plant. One block east of the project area, to the east of Hudson Avenue, is the 300-acre Brooklyn Navy Yard, a major City-owned light industrial and commercial job hub that also contains a supermarket and neighborhood retail center.

The area to the south of the project area is zoned R6 and R6A and includes Public School 307, the New York City Housing Authority's (NYCHA) 1,400-unit, 13-story Farragut Houses and the entrance to the Brooklyn Queens Expressway. The area to the west is zoned M1-4/R7A, M1-2/R8, and M1-4/R8A and is developed with a mix of residential and industrial uses comprising three- to eight-story residential buildings, one- to four-story warehouses, and open storage.

The surrounding built context includes a range of heights and building types. Located across the street from the applicant's site at 99 Gold Street, is a six-story, 70-foot tall residential loft conversion with 88 market-rate units and more than 100,000 square feet of floor area. Diagonally south from the project site, 100 and 102 Gold Street are two 6-story new market-rate residential buildings with 10 dwelling units each. 206 Front Street, one block to the west, is a new seven-story, 70-foot tall, market-rate residential condominium building with 31 units. 254 Water Street, one block to the northwest in an R6B district, is five-stories and includes 26 market-rate units.

Recent affordable housing in the area is limited to two affordable developments as part of an approximately nine-block large, Inclusionary Housing (IH) area designated one block to the west of the project area within the MX-2 mixed-use district. IH regulations incentivize but do not require the inclusion of permanently affordable housing within new developments. Despite significant construction activity, only two developments in this area have taken advantage of the IH program and a total of just 23,000 square feet of permanently affordable residential floor area has been built. The existing R6B district in the surrounding area does not include any requirement or incentives for permanently affordable housing and construction within this district has solely been for market-rate housing. Other low-income housing is concentrated solely in the NYCHA Farragut Houses one block south of the project area.

The proposed rezoning would change the existing M1-2 zoning district by extending an R6A zoning district from the south side of Front Street, at a width of 70 feet, from Gold Street to the project area, adding a C2-4 commercial overlay and designating it as a MIH area.

R6A is a mid-density contextual residential district that allows a maximum residential and community facility FAR of 3.0 and a maximum residential FAR of 3.6 under the MIH program. R6A requires a minimum base height of 40 feet, a maximum base height of 60 feet, and a

maximum building height of 80 feet. Buildings with a qualifying ground floor are allowed a base height of up to 65 feet and a maximum height of 85 feet or eight stories. Parking is required for 50 percent of residential units in a new development generating more than five spaces and no parking is required for income-restricted housing units.

C2-4 is a commercial overlay that permits a maximum FAR of 2.0 for commercial uses in a solely commercial building in an R6A district, but a maximum FAR of 1.0 for commercial in a mixed-use building, and allows a range of local retail and service-related uses, such as grocery stores, restaurants, beauty salons, and laundromats.

The project area would be designated as an MIH area. Under the MIH program, the applicant proposes to map MIH Option 2, which requires 30 percent of the residential floor area to be set aside for housing affordable to households at an average of 80 percent of the Area Median Income (AMI), with no units targeted at a level exceeding 130 percent of AMI. However, developments below 12,500 square feet of residential floor area or 10 dwelling units are not required to comply with the MIH program and provide permanently affordable housing.

The proposed rezoning would facilitate the proposed development of a four-story mixed-use development with 16,927 square feet of total floor area, including 11,932 square feet of residential uses, containing nine dwelling units and 5,000 square feet of ground floor commercial space with a total FAR of 2.6. The proposed residential floor area and number of units would be below the threshold triggering compliance with the MIH program and therefore would not require the inclusion of permanently affordable housing in the proposed development. The cellar is proposed to contain approximately 6,300 square feet of accessory storage space and no on-site parking would be required.

However, under the proposed zoning, the development site could be developed, either as (a) an all residential building of up to eight stories in height with 23,454 square feet of floor area (approximately 23 units) including 7,036 square feet which would yield approximately seven units of permanently affordable housing, or (b) a mixed-use development with approximately 5,000 square feet of retail on the ground floor and 18,454 square feet of residential floor area

(approximately 18 units) including 5,536 square feet which would yield approximately five units of permanently affordable housing.

### **ENVIRONMENTAL REVIEW**

This application (C 150178 ZMK), in conjunction with the related application for a zoning text amendment (N 180178 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 15DCP207K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on January 21, 2020. The Negative Declaration includes an (E) designation (E-560) related to air quality and hazardous materials to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

### **WATERFRONT REVITALIZATION PROGRAM**

This application (C 150178 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 13-095. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **UNIFORM LAND USE REVIEW**

In response to the COVID-19 pandemic, the Mayor issued Emergency Executive Order No. 100 on March 16, 2020 that suspended certain time requirements relating to the Uniform Land Use Review Procedure (ULURP) and other land use processes as of March 12, 2020. The suspension included portions of sections 195, 197-c and 197-d of the New York City Charter, as well as

sections of the Administrative Code and the Rules of the City of New York, pertaining to time limitations. The CPC ceased meeting immediately after issuance of the Executive Order until August 3, 2020, when the regular schedule of meetings was resumed. The ULURP time requirements suspended by Emergency Executive Order No. 100 began running on September 14, 2020.

This application (C 150178 ZMK) was certified as complete by the Department of City Planning on January 21, 2020, and 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 application for a zoning text amendment (N 180178 ZRK), which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

On February 19, 2020, Brooklyn Community Board 2 held a public hearing on this application (C 150178 ZMK) and the related application for a zoning text amendment (N 180178 ZRK) and, on March 11, 2020, by a vote of 22 in favor, two in opposition, and three abstaining, recommended disapproval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 150178 ZMK) and the related action for a zoning text amendment (N 180178 ZRK), on June 30, 2020, and, on September 10, 2020, issued a recommendation to disapprove the application. The Borough President's recommendation included the following:

“Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that this application be withdrawn. If such action is not taken, the City Planning Commission (CPC) and/or the City Council should disapprove of the application.

Be it further resolved that:

1. That CPC should encourage the applicant, Michael Spinard, to refile the application as an enlargement of the existing R6B zoning district;

2. That Michael Spinard withdraw the current application for an R6A/C2-4 district and promptly refile as above, at the urging of CPC and the City Council;
3. That prior to considering a new application, the City Council obtain written commitments from Michael Spinard clarifying the extent to which the development would:
  - a. Incorporate resiliency and sustainability measures such as New York City Department of Environmental Protection (DEP) rain gardens, blue/green/white roof treatment, passive house design principles, as well as solar roof and wall panels, in consultation with the New York City Department of Parks and Recreation (NYC Parks), the New York City Department of Transportation (DOT), Brooklyn Community Board 2 (CB 2), and local elected officials;
  - b. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of a curb extension at the northeast corner of Front and Gold streets, either as part of a Builders Pavement Plan, or as a treated roadbed sidewalk extension;
  - c. Enter into a standard DOT maintenance agreement and coordinate with DEP, DOT, and NYC Parks should there be agency implementation of such enhancement at the intersection of Front and Gold streets, with the understanding that work would not proceed without consultation of CB 2 and local elected officials;
  - d. Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation);
  - e. Retain a qualified outside monitoring agency to coordinate the oversight of LBE/MWBE participation and consider implementing a screening program to maximize hiring opportunities for residents of Farragut Houses;
  - f. Engage car-share companies that may be interested in leasing multiple spaces within a ground-floor garage at 265 Front Street.”

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

On September 16, 2020 (Calendar No. 4), the City Planning Commission scheduled October 7, 2020, for a public hearing on this application (C 150178 ZMK) and the related application for a zoning text amendment (N 180178 ZRK). The hearing was duly held on October 7, 2020 (Calendar No. 11). Three speakers testified in favor of the application and four in opposition.



The applicant's representatives spoke in support of the application and stated that their property was an underutilized site that had been used for parking and storage for the past 30 years and that the proposed development would be an appropriate location for much-needed housing in the area. They further stated that the proposed R6A zoning district would be appropriate as there was also an R6A zoning district mapped across the street from the development site. The team acknowledged the opposition of area residents to their application and said that the property owner's proposed 45-foot tall development containing nine dwelling units would be responsive to community concerns regarding consistency with the existing built form.

Four speakers, including the local Council Member representing the 33<sup>rd</sup> District, spoke in opposition to the application. The Council Member testified that the proposed R6A district would not be compatible with the low-rise character of the surrounding neighborhood and that he was not opposed to mapping an MIH area in his district and had supported many such projects in the past. Three local residents also spoke in opposition, noting the historic and generally low-rise character of the neighborhood and that the permitted eight-story building height under the proposed R6A district would not be compatible within the context of the existing two- to three-story historic homes adjacent to the site. They noted that Gold and Front streets were narrow cobblestone streets and could not sustain the additional traffic that the proposed development would generate and that approval of this application would set a problematic precedent for future developments to follow.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application (C 150178 ZMK) for a zoning map amendment, in conjunction with the related application for a zoning text amendment (N 180178 ZRK), is appropriate.

The proposed zoning changes will facilitate the redevelopment of an underutilized site with a four-story residential building containing nine dwelling units and ground floor commercial space. The applicant also proposes to map MIH Option 2 on the project area but the proposed

development, because it contains fewer than 10 dwelling units, would not trigger any of the requirements for permanent affordability.

The Commission believes that it is appropriate that, under the proposed zoning, the development site could be developed with a building of up to eight stories either as (a) an all residential development with 23,454 square feet of floor area (approximately 23 units) including 7,036 square feet which would yield approximately seven units of permanently affordable housing, or (b) a mixed-use development with approximately 5,000 square feet of retail on the ground floor and 18,454 square feet of residential floor area (approximately 18 units) including 5,536 square feet which would yield approximately five units of permanently affordable housing.

The development facilitated by the proposed zoning district will be consistent with surrounding land uses, built form and zoning. The Commission encourages the developer's architect to consider a design aesthetic that would be more contemporary. The project area is close to public transport and services, and has a high median household income. The proposed rezoning will require for the first time the inclusion of permanently-affordable housing in an amenity-rich neighborhood.

The Commission notes that within the adjacent R6A zoning district are several newer residential developments of a similar scale to the development permitted under the proposed zoning on the applicant's site, none of which include permanently-affordable housing. Located across the street from the applicant's site, 99 Gold Street, is a six-story, 70-foot-tall residential loft conversion with 88 market-rate units and more than 100,000 square feet of floor area. Diagonally south from the project site, 100 and 102 Gold Street are two six-story new market-rate residential buildings, each with 10 dwelling units. 206 Front Street, one block to the west, is a new seven-story, 70-foot-tall market-rate residential condominium building with 31 units. 254 Water Street, one block to the northwest, is five stories and contains 26 market-rate dwelling units. Few, if any, of the nearby historic townhomes in the R6B district offer any rent stabilized or controlled affordable housing.

The surrounding area is developed with new and converted mixed-use buildings of similar heights and density as would be permitted by the proposed zoning districts.

R6A districts are commonly mapped in row house and brownstone neighborhoods in Brooklyn, including adjacent to and within historic districts, including in Fort-Greene/Clinton Hill, Bedford-Stuyvesant, and Park Slope. R6A zoning districts have been frequently mapped to facilitate the construction of small apartment buildings and were mapped directly to the south of the project area as part of the original 1998 Vinegar Hill rezoning. Furthermore, the Commission approved a rezoning from an R6B to an R6A district and MIH designation in 2017 directly across Gold Street from the project area (C 150235 ZMK) that would have facilitated an eight-story residential building with approximately 72 dwelling units, of which 18 would have been permanently affordable, including units that were to have been targeted to households earning an average of 40 and 60 percent of AMI. However, that application was subsequently withdrawn by the applicant at the time of the City Council's review in response to community opposition. The site remains vacant.

The proposed R6A district will be an extension of an existing R6A district from the south along Gold Street to the corner lot of a city block at the intersection of two streets, Front and Gold streets, and will allow a building of up to 85 feet, or up to eight stories. The proposed C2-4 commercial district will allow local retail and service uses for area residents similar to the uses allowed by the existing M1-2 district on the block along Hudson Avenue.

The Commission welcomes the fact that the proposed MIH designation will be the first MIH area mapped in the Vinegar Hill and DUMBO neighborhoods, for the first time requiring the inclusion of permanently affordable housing in this area. In these neighborhoods, the only other zoning district supporting the development of affordable housing is an IH area one block to the west of the project area within the MX-2 mixed-use district. However, despite significant construction activity in these neighborhoods, this IH zoning district has resulted in only 23,000 square feet of permanently affordable residential floor area. The existing low density R6B district in the surrounding area has yielded the construction of solely market-rate housing.

The Commission approved the MIH program as a zoning tool to further economically integrate neighborhoods through rezonings that substantially increase residential density, especially in wealthy neighborhoods of “high opportunity” with easy access to jobs, transit, public amenities and services. The project area is such a high opportunity area; it is located two blocks from the Brooklyn Navy Yard, a major City-sponsored job center of light industrial and commercial businesses with a wide variety of job opportunities at various skill and educational attainment levels. It is within a block of two bus lines and two blocks from a subway station, each of which connect to job centers in Downtown Brooklyn and Manhattan. PS 307 is located diagonally opposite south on Front Street from the project area and Brooklyn Bridge Park and other public parks are within easy walking distance. Retail services are close by, including a newly opened major supermarket and retail center two blocks to the east at the Brooklyn Navy Yard. The median household income for the census tract of the project area is over \$ 214,000, more than three times that of New York City, and the population is almost 74 percent white.

The Commission notes the recommendations to disapprove from the Community Board and the Borough President, and the opposition to the proposal from community residents and the Vinegar Hill Association because of concerns over the height and density of the development that could be facilitated by the proposed zoning actions. The applicant has attempted to address these concerns by not fully using the full height and bulk permitted by the proposed zoning district and instead constructing a building of only four stories and nine units. Unfortunately, such a development falls below the minimum requirements to include permanently affordable housing under MIH.

The Commission notes, however, that the proposed R6A/C2-4 district increases residential density from none currently to 3.6 FAR. As such, the proposed zoning holds the possibility of a development that includes up to seven units of permanently affordable housing, which the Commission welcomes in an area of high opportunity that is well served by public infrastructure, amenities and services, and with a median household income of more than three times that of New York City. Such an outcome would allow working New Yorkers, who would otherwise not be able to afford a home in this neighborhood, to share in the benefits of an amenity-rich community.

Regarding the Borough President's recommendation that the applicant withdraw the current application and file a new ULURP application to rezone the project area to an R6B district without an MIH mapping, the Commission notes that an R6B zoning district without an MIH area mapping would be contrary to the City's policy of furthering economically-integrated neighborhoods in rezonings that substantially increase residential density.

Regarding the Borough President's recommendation to omit mapping a commercial district and for the applicant to provide off-street parking on the ground floor, the Commission notes that ground floor commercial uses are appropriate in the project area and will activate the public sidewalk, whereas ground floor parking would result in an inactive, unattractive and potentially unsafe streetscape. Furthermore, encouraging private vehicle use in an area so well served by public transportation is counter to the City's goals of reducing carbon emissions and furthering sustainability.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on January 21, 2020 with respect to this application (CEQR No. 15DCP207K), 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 No. 12d:

1. changing from an M1-2 District to an R6A District property bounded by a line midway between Water Street and Front Street, a line 70 feet easterly of Gold Street, Front Street, and Gold Street; and

2. establishing within the proposed R6A District a C2-4 District property bounded by a line midway between Water Street and Front Street, a line 70 feet easterly of Gold Street, Front Street, and Gold Street

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated January 21, 2020, and subject to the conditions of CEQR Declaration E-560.

The above resolution (C 150178 ZMK), duly adopted by the City Planning Commission on November 18, 2020 (Calendar No. 7), 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*

**DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,  
JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

**MICHELLE R. de la UZ**, *Abstaining*



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 265 Front Street	
<b>Applicant:</b> MICHAEL SPINARD	<b>Applicant's Primary Contact:</b> MICHAEL SPINARD
<b>Application #</b> I150178ZMK	<b>Borough:</b>
<b>CEQR Number:</b> 15DCP207K	<b>Community Districts:</b> BK02

**Docket Description:**

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

<b>RECOMMENDATION: Disapproved</b>			
<b># In Favor:</b> 22	<b># Against:</b> 2	<b># Abstaining:</b> 3	<b>Total members appointed to the board:</b> 46
<b>Date of Vote:</b> 3/11/2020 12:00 AM		<b>Vote Location:</b> BAM Fisher, Hillman Studio, 321 Ashland Place, Brooklyn NY	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 2/19/2020 11:00 PM	
<b>Was a quorum present?</b> Yes	<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>
<b>Public Hearing Location:</b>	NYU Tandon School, Dibner Building, Room LC400, 5 Metrotech Center, Brooklyn

**CONSIDERATION:**

Recommendation submitted by	BK CB2	Date: 3/18/2020 5:35 PM
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**Brooklyn Borough President Recommendation**  
CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
[CalendarOffice@planning.nyc.gov](mailto: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 #:** 265 FRONT STREET – 150178 ZMK, 180178 ZRK

An application submitted by Michael Spinard pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to change from M1-2 to R6A/C2-4 a property on the northeast corner of Front and Gold streets, and a zoning text amendment to designate the site as a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a four-story, mixed-use building with nine dwelling units and a 4,995 square foot (sq. ft.) commercial ground floor in Brooklyn Community District 2 (CD 2). The development would not be required to provide affordable housing pursuant to MIH.

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

**RECOMMENDATION**

- APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

- DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

*Ethi L. Adams*

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

September 10, 2020

\_\_\_\_\_  
DATE



**RECOMMENDATION FOR: 265 FRONT STREET – 150178 ZMK, 180178 ZRK**

Michael Spinard submitted an application pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to change from M1-2 to R6A/C2-4 a property on the northeast corner of Front and Gold streets, and a zoning text amendment to designate the site as a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a four-story, mixed-use building with nine dwelling units and a commercial ground floor of 4,995 square feet (sq. ft.) in Brooklyn Community District 2 (CD 2). The development would not be required to provide affordable housing pursuant to MIH.

Borough President Eric Adams held a remote public hearing on this application on June 30, 2020. There were three speakers on the item, in opposition, including the president of the Vinegar Hill Association (VHA) and two neighboring residents. All three expressed concern that, if approved, the proposed R6A district would undermine the current R6B zoning and set a precedent for future out-of-context development. They noted efforts prior to 2000, undertaken toward preserving Vinegar Hill's small scale and unique character, first via landmarking, followed by the establishment of low-rise contextual residential zoned areas. Furthermore, they pointed to dense and tall construction in nearby DUMBO, and questioned the need for additional commercial space, given much new commercial development.

In response to Borough President Adams' inquiry regarding what consideration has been given to withdrawing this application and resubmitting as an R6B district without the commercial overlay, the applicant's representative stated that doing so would jeopardize the project's viability. The representative expressed that the developer would rather memorialize the represented height, ground-floor non-residential space, and other community requests via a restrictive declaration.

In response to Borough President Adams' inquiry regarding what consideration has been given to providing parking, and whether such a garage might accommodate car share vehicles to provide local residents affordable access to a car, the representative stated that the ground floor could accommodate some combination of residential use and accessory parking, inclusive of car-share.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, and/or New York City Department of Environmental (DEP) rain gardens, the representative stated the project would seek to implement multiple green features, including high efficiency heating/cooling, and water conservation systems.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, as well as job opportunities for residents of Farragut Houses, the representative stated that the developer would encourage MWBE firms to take part in the bidding process. Moreover, the applicant is interested in partnering with community organizations to offer youth apprenticeships on the project.

Prior and subsequent to the hearing, Borough President Adams received letters from 12 Vinegar Hill residents in opposition to the project, citing the need to protect the neighborhood's narrow streetscape from non-residential and out-of-context development. One letter specifically noted that R6A districts do not require new buildings to line up their street walls with existing ones, while R6B districts contain a provision mandating such design.

Subsequent to the hearing, Borough President Adams received a letter from the Dumbo Neighborhood Association urging him to disapprove the application, and seek an R6B district on the site, in order to protect Vinegar Hill from inappropriate development.

### **Consideration**

Brooklyn Community Board 2 (CB 2) voted to disapprove this application on March 11, 2020. The proposed actions would affect a 6,515 sq. ft. corner lot in Vinegar Hill that extends approximately 67 feet along Front Street and 100 feet along Gold Street. This property has been operated by the applicant as a truck depot for several decades. It contains no permanent structures, except for a single-story metal shed that provides shelter for vehicles. The remainder of the site is used for open storage and parking. The rezoning area also includes a sliver portion of the adjacent lot, 275 Front Street, that would not enable residential development.

The development site is located within a small M1-2 district encompassing the southern portion of its block, between Gold Street and Hudson Avenue. The current zoning allows a floor area ratio (FAR) of 2.0 for commercial and community facility uses and does not permit residential use. The site's northern boundary abuts a portion of the Vinegar Hill Historic District, designated in 1997, which consists of three non-contiguous clusters of early 19<sup>th</sup>-century homes. The historic district's Area II covers five Gold Street-fronting properties on the block's northwest corner. The following year, the New York City Department of City Planning (DCP) rezoned several blocks from M1-2 and M3-1 to R6A and R6B to preserve its historic character and promote contextual development. 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 zoning was left in place. Another rezoning in 2004 extended the R6A district to the southeast corner of Front and Gold streets to allow a seven-story loft building at 99 Gold Street, directly across from the project site, to be converted to residential use.

The current R6A district is mapped strictly from the south side of Front Street to York Street, between Bridge and Navy streets, while most blocks of Vinegar Hill north of Front Street and east of Bridge Street are zoned R6B. Front Street therefore forms a firm dividing line between two zoning districts of substantially different allowable heights. Previous attempts to establish higher-density zoning in Vinegar Hill have met strong opposition from the community. In 2017, Borough President Adams disapproved a request to rezone 251 Gold Street from R6B to R7A, which would have yielded a nine-story building with 92 units. Ultimately, the applicant withdrew the proposal and sold the site to a new owner, who plans to develop a five-story residential building with 59 units.

The surrounding context is defined by a mix of scales, uses, and zoning districts. The area recognized as Vinegar Hill is zoned primarily R6B with pockets of M1-2 zoning north and south of Water Street. The predominant building type is three to four story row houses, with a few warehouses scattered throughout. Commercial uses and taller buildings are found closer to Bridge Street. The DUMBO neighborhood to the west is a patchwork of MX (mixed residential and manufacturing) districts, containing new residential towers and older high-rise buildings. The area has seen multiple conversions of loft space to apartments and offices since the 1990s. To the east is the Brooklyn Navy Yard, and a large M3-1 zone that extends north and west to Brooklyn Bridge Park. ConEdison-operated infrastructure occupies several blocks upland from the waterfront, including a substation at 49 Gold Street. Two blocks to the south lies Farragut Houses, a complex of 10 New York City Housing Authority (NYCHA) buildings situated between the Brooklyn Navy Yard and Trinity Park. There are multiple New York City Department of Transportation (DOT)-designated local truck routes in the area, including Front Street, which is only 54 feet wide.

Based on the application filed with the New York City Department of City Planning (DCP), the proposed development was represented as a four-story, 51-foot tall mixed-use building with a total of 16,927 sq. ft., enabled by the requested R6A MIH/C2-4 zoning. The project's Environmental Assessment Statement

(EAS) analyzed a building of up to eight stories, as R6A MIH is a contextual district with a limited floor area ratio (FAR) of 3.6 and a maximum height of 85 feet. However, the applicant has repeatedly stated intent, on record, to develop below permitted residential floor area, which would otherwise trigger MIH obligation. As the project is expected to yield less than 12,500 sq. ft. of residential floor area, and nine apartments, it would not provide any affordable housing. With fewer than 10 market-rate units, the development would also be permitted to waive otherwise required parking. The envisioned commercial ground floor would occupy approximately 5,000 sq. ft. It should be noted that M1-1 zoning allows a wide variety of commercial uses as-of-right, while the requested C2-4 overlay would permit a more limited range of tenants, found in Use Groups (UGs) six through nine (primarily personal service establishments and retail stores). However, manufacturing districts impose parking requirements of one space per 300 square feet, whereas developments on small lots in C2-4 zones can qualify for a parking waiver. Such an exemption represents an additional benefit of residential use.

Borough President Adams believes that it is appropriate to zone for residential development to achieve continuity of such use along the east side of Gold Street. It would also be appropriate for development to proceed without required parking as 265 Front Street is located within a Transit Zone with buses and subways that operate south and west of the site. The B62 bus stops at the intersection of Gold and York streets, while the B67 bus makes stops along Gold Street. The Sixth Avenue Local F train is accessible at York Street station, located three blocks southwest. There is also a CitiBike station across Gold Street with 23 docks.

Borough President Adams concurs with the developer's assertion that the site is underutilized, and generally supports new construction that creates housing and jobs for Brooklyn residents. However, he believes it is important to be respectful of the built context extending north of Front Street, in order to preserve the integrity of Vinegar Hill's residential context, which would not be guaranteed by an extension of the R6A district from the south side of Front Street across the project site. Though commercial use is permitted on the site today, Borough President Adams acknowledges the community's position that it would be beneficial to remove such rights and, therefore, he does not support the establishment of a C2-4 commercial overlay. He strongly endorses the call for the developer to withdraw the current application and submit a revised proposal for a rezoning from M1-1 to R6B. Should a new application come up for review, Borough President Adams would seek a timely opportunity to support it and advance several objectives consistent with his policies. In addition to appropriate zoning, a future application should strive for multiple resiliency and sustainability measures, including DEP rain gardens, Vision Zero pedestrian safety improvements, a high level of local hiring and procurement with enhanced opportunities for Farragut Houses residents, as well as the inclusion of car-share vehicles with any provided parking.

### **Refile Application with an R6B District**

Borough President Adams acknowledges community concerns regarding the appropriateness of establishing an R6A district and a C2-4 commercial overlay at this location. Given the residential character of the surrounding area, exemplified by adjacent historic homes and nearby new construction, he concurs that the proposed zoning district would result in no government-enforceable guarantee that resulting development would comply with R6B zoning envelope requirements or not include commercial use.

At Borough President Adams' June 30<sup>th</sup> hearing, the applicant provided updated renderings of 265 Front Street, showing a fully residential ground floor, though it was not represented whether such representation complied with R6B building line-up provisions. While the developer has stated intent not to exceed the proposed height, such representation is not regulated by the New York City Department of Buildings (DOB). Therefore, approval of the application as-is would not preclude a taller development, with a commercial ground floor on both Front and Gold streets.

The requested rezoning would allow up to 3.6 residential FAR by co-designating the boundary requested to be rezoned as an MIH area. As stated earlier, the developer has represented that despite the requested MIH designation, it would be more viable to develop 265 Front Street with less allowable floor area (approximately 2.6 FAR split between commercial and residential uses) to remain below the threshold of MIH.

In his recommendation for 251 Front Street, which was proposed with 23 MIH units, Borough President Adams expressed that development with affordable housing does not outweigh considerations of its impact on neighborhood character. While he normally supports MIH designation throughout the borough, he respects the clear position of the site's neighbors, as well as the VHA, that development pursuant to R6A zoning would also be inappropriate, based on the district's greater density and height. Borough President Adams does not support mapping an MIH area at 265 Front Street, as there is no way to ensure that future development would incorporate sufficient affordable floor area to justify departing from the built context (as was the case for his support of 100 percent affordable development at 142 South Oxford Street). Moreover, the proposed C2-4 commercial space is not desired by the community. Therefore, Borough President Adams believes that the putative benefit of an R6A/C2-4 rezoning is outweighed by potential impacts to quality of life.

Ordinarily, Borough President Adams would recommend that the City Planning Commission (CPC) and/or City Council change the proposed zoning to a lower-density district. However, in this case, the community's desired modification from R6A to R6B would also reduce the permitted community facility FAR from 4.8 to 2.0, while the proposed R6A would reduce the community facility FAR to 3.0. Therefore, R6B would be out of scope for consideration. In order to achieve such zoning, the developer would have to refile the application with an R6B district, instead of R6A/C2-4. Such action would limit residential FAR to 2.0, lower the allowable height to 50 feet, and require a street wall line-up along Gold Street. It would also ensure that the development would not contain commercial use.

Borough President Adams recognizes that such action would result in additional costs and delays to the project timeline. The applicant has expressed willingness to forgo a commercial ground floor and deliver a fully residential building via a restrictive declaration that would memorialize such commitments. However, there is significant concern that if the property were sold prior to development, it might require prohibitive financial resources to utilize the legal system toward ensuring that any subsequent owner would be bound by such a mechanism.

Borough President Adams acknowledges that if the requested rezoning is disapproved, the property could still be redeveloped as-of-right. While the existing commercial FAR is heavily burdened by the M1-1 parking requirement, the zoning permits a waiver of such obligation for as-of-right construction to facilitate maximum commercial development. The New York City Zoning Resolution (ZR) stipulates one parking space per 300 sq. ft. for most retail establishments in M1-1 zones. As such, it is not economically sound for a property with a relatively small footprint to construct a cellar in order to achieve the maximum permitted commercial/community facility FAR. At grade, 265 Front Street could accommodate a 60-foot wide parking area with approximately 18-20 spaces. However, at 300 sq. ft. per vehicle, this would yield 5,400 to 6,000 sq. ft. of commercial space, below the permitted one FAR. Moreover, most of this retail would have to occupy the second floor to accommodate vertical circulation, including two stairwells and a costly elevator. Given retail rent levels, this would be a highly unviable means to approach approximately 0.83 commercial FAR. Achieving up to 2.4 primarily community facility FAR with some commercial use would require a depth of excavation based on the incorporation of an automated parking solution. The overall configuration would result in inefficient gross to net floor area utilization (based on vertical circulation combined with setbacks on higher floors), and very high construction and operating costs. Securing a market-rate retail tenant for such a space would likely prove difficult, so a 2.4 FAR commercial/community facility development is largely theoretical.

There is, however, one as-of-right scenario that could realize the full permitted FAR of commercial use based on the grant of a parking waiver. This would require subdividing the property into two zoning lots. As 14.5 spaces would round up to 15, a lot of the fewer than 4,350 sq. ft. would qualify to waive the parking requirement, per ZR Section 44-23, while the other lot would need to be more than 2,750 sq. ft (any combination of these numbers would also be possible).

In sum, disapproval of the proposed R6A/C2-4 district could potentially enable an as-of-right, full commercial development on two zoning lots without parking. The most likely ground-floor occupant of such a building would be an eating and/or drinking establishment, which is opposed by neighborhood residents. Borough President Adams believes that it is important to consider the unintended consequences of as-of-right, and discretionary scenarios. In both cases, commercial use on this corner would be detrimental to the low-intensity, largely residential context. In order to address neighborhood concerns, Borough President Adams seeks a resubmission of this application with an R6B district, and without an overlay, to preclude commercial development. He believes that the applicant would achieve a better outcome with the R6B residential FAR of 2.0 than what is permitted by the M1-1 zoning. Moreover, development pursuant to R6B, the predominant residential district in Vinegar Hill, would still result in a development taller than the area's characteristic row houses, but would nonetheless be deemed acceptable by the community.

Borough President Adams believes that CPC should encourage the applicant to withdraw this request and refile promptly for an R6B district without a commercial overlay, which would enable the City Council to adopt a modified application. For his part, Borough President Adams would urge the applicant to pursue a resubmission immediately after withdrawal, to avoid further delays. He would also ask DCP to expedite its review of the new application, to trigger the start of a new ULURP clock. Finally, he would urge CB 2 to be prompt in its consideration and commit to an expedited time frame of his own. Such expedient review would help discourage as-of-right commercial development while establishing bulk regulations consistent with the Vinegar Hill historic district.

There is recent precedent for such refilings in Brooklyn. In late 2018, Borough President Adams reviewed an application for a seven-story, nine-unit market rate development in CD 6, pursuant to a rezoning from M1-1 to R7A. That request garnered significant community resistance and was subsequently withdrawn. The developer has since filed an application for an enlargement of that area's lower-density contextual R6B zoning district, which is pending certification. This revised proposal demonstrates that it is possible to achieve viable residential development respectful of a low-rise community.

Similarly, a new application for 265 Front Street, requesting an R6B district, in lieu of R6A/C2-4, would help achieve satisfaction for all parties. Therefore, Borough President Adams recommends that, should the current application for 265 Front Street not be withdrawn from consideration, the CPC and/or the City Council disapprove. Furthermore, CPC should encourage the applicant to refile to seek R6B and that the applicant, Michael Spinard, should promptly refile with DCP to seek enlargement of the R6B district.

**Advancing Resilient and Sustainable Energy and Stormwater Management Policies**

The proposed development would provide opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, solar panels, and wall cladding. In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly constructed roofs, as well as existing roofs undergoing renovation (with some exceptions) incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate.

Borough President Adams believes that developers should seek to exceed this mandate by integrating blue roofs with green roof systems. With regard to solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally-based construction and procurement.

The required Builders Pavement Plan for the proposed development would allow the developer to incorporate DEP rain gardens along the site's Front and Gold streets façades. Implementation of rain gardens could help advance DEP green infrastructure strategies and enhance the operation of the Red Hook Wastewater Treatment Plant during wet weather. Borough President Adams believes that Michael Spinard should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks), as well as CB 2 and local elected officials regarding the integration of a rain garden with ZR-required new street tree plantings, as part of a Builders Pavement Plan.

Therefore, prior to considering a resubmission of this application, the City Council should obtain commitments, in writing, from the applicant, Michael Spinard, clarifying to what extent the integration resiliency and sustainability features would be memorialized. The City Council should further seek demonstration of Michael Spinard's commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens as part of a Builders Pavement Plan, for the development site's surrounding perimeters, in consultation with CB 2 and local elected officials.

### **Advancing Vision Zero Policies via Borough President Adams' CROSS Brooklyn Initiative**

Borough President Adams supports Vision Zero policies, including practices that extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents on Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. By installing additional curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

Though Vinegar Hill is a low-density residential community, there are multiple New York City Department of Transportation (DOT)-designated local truck routes in the area, including Front Street, which is only 54 feet wide. These conditions make it difficult to access open spaces such as Bridge Park near York Street station, and Brooklyn Bridge Park along the waterfront. For residents of Farragut Houses, this is an equity issue, as dangerous crossings have long impeded their enjoyment of these resources. Borough President Adams has advocated for traffic calming measures in the area, such as protected bicycle lanes along Navy Street. Accordingly, he believes it is important to facilitate a safer pedestrian experience in Vinegar Hill, via a curb extension at the intersection of Front and Gold streets. Such an improvement would be consistent with his CROSS Brooklyn initiative and would also enhance the public benefit of the proposed development.

Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface

treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable Michael Spinard to undertake such improvements after consultation with CB 2, as well as local elected officials, as part of its Builders Pavement Plan. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. Borough President Adams would expect the developer to commit to such maintenance as an ongoing obligation.

Borough President Adams believes that prior to considering a resubmission of the application, the City Council should obtain written commitments from the developer, Michael Spinard, clarifying intent to advance CROSS Brooklyn coordination with DEP, DOT, and NYC Parks, for the provision of a curb extension at the northeast corner of Front and Gold streets, as part of a Builders Pavement Plan or a treated roadbed sidewalk extension. The City Council should further seek demonstration of the developer's commitment to enter into a standard DOT maintenance agreement for this intersection. Finally, DOT should confirm that implementation would not proceed without consultation of CB 2 and local elected officials.

### **Promoting Local Hiring and MWBE Participation for Construction and Procurement Jobs**

In the summer of 2020, the City's MWBE certification program surpassed 10,000 businesses, while Mayor de Blasio signed Executive Order 59, which would expand contracting opportunities for MWBEs. Prioritizing local hiring and promoting Brooklyn-based businesses including those qualify as LBE and MWBE is central to Borough President Adams' economic development agenda.

This application would provide opportunities to retain a Brooklyn-based contractor and subcontractor, especially those designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Beyond procurement, Borough President Adams seeks to maximize employment opportunities for public housing residents on ULURP projects. In recent years, CD 2 has seen an influx of new development, particularly around its three NYCHA campuses. As such, Borough President Adams believes that the developer should take proactive steps to ensure that Farragut Houses residents secure a significant proportion of the eventual construction jobs. He calls on the applicant to retain a workforce development entity with strong ties to this community, and further engage the Farragut Houses Tenant Association. There are several experienced firms that have helped developers meet local hiring targets on past projects. Borough President Adams' office is available to provide further coordination on this matter, to maximize job opportunities for NYCHA residents.

Borough President Adams believes that prior to considering a resubmission of the application, the City Council should obtain written commitments from the developer, Michael Spinard, stating intent to retain Brooklyn-based contractors and subcontractors, especially those who are designated LBE consistent with Section 6-108.1 of the City's Administrative Code and MWBE as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency, including consideration for the a screening program towards the achieving of hiring of Farragut Houses residents.

### **Parking as a Community Amenity**

Borough President Adams believes that in certain communities, where street parking is a challenge, it is beneficial to encourage accessory parking provision in new developments, even if such sites are located in proximity to public transportation. Several sites on the blocks surrounding 265 Front Street are currently undergoing large-scale redevelopment will bring more people and businesses to the area. In the last few decades, these neighborhoods have seen an influx of residents, visitors, and workers. Such population growth tends to exacerbate competition and demand for parking, a fact readily observed in Brooklyn

communities experiencing dramatic growth. The nature of the area's built fabric, which consists largely of pre-1961 buildings, combined with a lack of parking requirements for building conversions, has led to an undersupply of accessory off-street parking. Many new and denser developments also seek parking waivers to save construction costs, and often receive them without having to meet any findings for such requests. In aggregate, such projects, especially when constructed within a short-time frame further constrain limited street parking and exacerbate conflicts between residential and commercial vehicles.

At the June 30 hearing, the applicant's representative shared renderings of 265 Front Street with ground-floor accessory parking. The elective provision of parking, even in a relatively small project, can help mitigate neighborhood parking demand by allowing residents to have vehicles, while keeping those cars off the streets. Moreover, the value of such a public amenity can be increased through the inclusion of car-share vehicles, and allowance of space rentals by non-residents.

Borough President Adams believes that facilitating car-share at this location would benefit building occupants as well as residents of nearby Farragut Houses. He acknowledges that the costs associated with individual car ownership can be very challenging for households of limited financial means, particularly where such vehicles are not used for daily commuting to places of employment. A rental car can provide mobility in certain use cases, though it is not as flexible as having direct access to a car for a set amount of time and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation as well as time and effort to access such facilities. However, affordable and convenient access to car-share vehicles can provide a quality-of-life enhancement, by significantly reducing the financial and logistical burden of traditional ownership and rental options. Farragut Houses residents who might benefit from car-share would likely seek to utilize this service if it were more widely available in the vicinity, particularly as overnight parking on NYCHA campuses is highly restricted and prohibitively expensive in the surrounding area.

According to ZR Section 36-46(a)(1), a car-sharing entity is permitted to occupy up to five parking spaces but no more than 20 percent of all spaces in group parking facilities. Though a 265 Front Street accessory parking facility would have limited capacity, it could nonetheless accommodate rentals by car-share operators based on reasonable pricing. The incorporation of car-sharing vehicles within the building's garage would require the developer to provide visible signage, per ZR Section 36-523, stating the total number of parking spaces and the maximum number of car-sharing vehicles.

This amenity would be available to the building's occupants and local residents, including those in Farragut Houses. Additionally, individuals, such as area residents, would be permitted to lease 265 Front Street parking spaces not utilized by residents, for a period of no more than 30 days, pursuant to ZR Section 36-46.

If the developer elects to pursue this design, Borough President Adams believes that a portion of the garage should be set aside for a limited number of car-sharing vehicles through dialogue with car-share companies, including those that utilize dedicated street parking. Therefore, the developer should engage car-share companies interested in leasing spaces within the eventual 265 Front Street garage.



## **Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that this application be withdrawn. If such action is not taken, the City Planning Commission (CPC) and/or the City Council should disapprove the application.

### **Be It Further Resolved:**

1. That CPC should encourage the applicant, Michael Spinard, to refile the application as an enlargement of the existing R6B zoning district
2. That Michael Spinard withdraw the current application for an R6A/C2-4 district and promptly refile as above, at the urging of CPC and the City Council
3. That prior to considering a new application, the City Council obtain written commitments from Michael Spinard clarifying the extent to which the development would
  - a. Incorporate resiliency and sustainability measures such as New York City Department of Environmental Protection (DEP) rain gardens, blue/green/white roof treatment, passive house design principles, as well as solar roof and wall panels, in consultation with the New York City Department of Parks and Recreation (NYC Parks), the New York City Department of Transportation (DOT), Brooklyn Community Board 2 (CB 2), and local elected officials
  - b. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of a curb extension at the northeast corner of Front and Gold streets, either as part of a Builders Pavement Plan, or as a treated roadbed sidewalk extension
  - c. Enter into a standard DOT maintenance agreement and coordinate with DEP, DOT, and NYC Parks should there be agency implementation of such enhancement at the intersection of Front and Gold streets, with the understanding that work would not proceed without consultation of CB 2 and local elected officials
  - d. Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation)
  - e. Retain a qualified outside monitoring agency to coordinate the oversight of LBE/MWBE participation and consider implementing a screening program to maximize hiring opportunities for residents of Farragut Houses
  - f. Engage car-share companies that may be interested in leasing multiple spaces within a ground-floor garage at 265 Front Street