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

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

APPLICATION #: 140209 ZSK – 2702 West 15th Street

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

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

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

COMMUNITY DISTRICT NO.13
BOROUGH OF BROOKLYN

RECOMMENDATION

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

SEE ATTACHED

BOROUGH PRESIDENT

February 12, 2015
DATE
RECOMMENDATION FOR THE PROPOSED 2702 WEST 15TH STREET REZONING 140209 ZSK

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

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

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

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

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

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

The Borough President believes that the proposed warehouse provides an opportunity to enhance the operation of a Brooklyn-based retail business.
The proposed development is not permitted in the Special Coney Island Mixed-use District “CO” since the site consists of a zoning lot having more than 60 feet of street frontage, exceeds 7,800 square feet, and is located on a street other than Neptune, Stillwell or Cropsey Avenue. As the site is located in an M1-2 zoning district as part of the Special CO District, the special permit provides the mechanism to modify zoning regulations.

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

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

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

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

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

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

**Building Height Along the Shared Rear Lot Line of Hart Place Residences**
The special permit seeks to have the building wall along a section of the property’s shared side lot line/rear lot line to be without the required setback. The top of the wall
would be approximately 55 feet above the rear yard level for the Hart Place residences. Should development proceed as depicted by the applicant, development would diminish the light and air for the residents of those Hart Place buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

B. That the City Council has such stipulations incorporated into such agreements prior to granting its approval.
January 28, 2015

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

Re: ULURP Appl. No. 1 140209 ZSK
City Planning Commission Special Permit Application
2702 West 15th Street (Block 6996, Lots 53 and 59)
Brooklyn, New York (the “Premises”)

Dear Borough President Adams:

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

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

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

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

Finally, during the construction process, the owner will ask its contractor to use commercially reasonable efforts to pursue the hiring of Brooklyn residents and prioritizing retaining Brooklyn-based subcontractors, especially those that are designated “MWBE” establishments to meet or
exceed standards per Local Law 1 (not less than twenty percent participation). We will update your office quarterly as construction proceeds concerning such hiring efforts.

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

SO DEVELOPMENT ENTERPRISES, LLC

By:  
Natalia Orlova  
President

01.28.2015