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

March 15, 2017

BROOKLYN BOROUGH PRESIDENT
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.