LR 3: Project Description

300 Huntington Street, Brooklyn, NY

August 4, 2019

Applicant: 300 Huntington Street LLC

Location: 300 Huntington Street
Block 477, Lot 8
Brooklyn, NY

1. Introduction

This is an application (the "Application") by 300 Huntington Street LLC (the "Applicant") to the New York City Planning Commission ("CPC") for the following land use actions:

(1) Zoning Map Change on Block 477 in Brooklyn (the "Project Area") from an M2-1 zoning district to an M2-3 zoning district;
(2) Chairperson's Certification for Waterfront Public Access and Visual Corridors pursuant to Section 62-811 of the Zoning Resolution; and
(3) Authorizations to modify grade change, planting, screening buffer, fence, and tree pit requirements of a Waterfront Public Access Area pursuant to Section 62-822(b) of the Zoning Resolution.

These actions are sought in connection with a proposed 2 FAR manufacturing and commercial development (the "Proposed Development") located on Block 477, Lot 8 (the "Development Site") in the Gowanus neighborhood of Brooklyn. The Development Site is bounded by the Gowanus Canal, Huntington Street, and a Transit Authority parcel that is partially below the elevated Smith-9th Street Station on the F/G subway lines. These actions will also facilitate the construction of a green, resilient esplanade along a portion of the Gowanus Canal to be designated for public use as a Waterfront Public Access Area ("WPAA").

2. Background

A) Previous Land Use Action Approvals

i. Zoning Map Amendments

Current zoning designation within and around the area within 600 feet of the Development Site (the "Surrounding Area") have largely been in place since 1961. The Project Area and a portion of the Surrounding Area to the east and across the Canal are zoned an M2-1 medium manufacturing district in the Transit Zone. In the Surrounding Area, a heavy manufacturing district (M3-1) is located north and south of the Development Site. In the nearby Carroll Gardens, across Smith Street to the south is an M1-1 light manufacturing district. The M1-1 and former R6 districts[1] were rezoned, either in whole or in part, when Carroll Gardens was rezoned in 2009 with contextual R6A and R6B zoning districts and C2-4 commercial overlays, including the contextual districts directly across Smith Street from the Project Area.[2] The Carroll Gardens rezoning imposed contextual zoning height limits to restrict out-of-context development in response to community concerns. The commercial overlay districts were mapped to support commercial growth along retail corridors, while protecting the neighborhood character of the mid-block.

The Project Area and portions of the Surrounding Area to the south and east are located in the Southwest Brooklyn Industrial Business Zone (IBZ). IBZs were created in 2006 to establish geographic areas that protect existing manufacturing users and encourage industrial growth. Specific economic tools like tax incentives and relocation assistance apply to IBZs, and the City does not support rezoning areas within IBZs to permit residential uses. This designation fosters high-performing business districts by creating competitive advantages over locating in areas outside of New York City.

In 1993, the City Planning Commission adopted a Citywide text change called, "Special Regulations Applying in the Waterfront Area" (Art. VI, Chapter 2 of the Zoning Resolution; the "Waterfront Regulations"). Recognizing the decline in manufacturing use along many parts of New York City's waterfront and the potential for growth of mixed-use, the waterfront zoning

[1] See C 980680 ZMK, adopted on April 7, 1999.
[2] See C 090462 ZMK, adopted on October 28, 2009.

regulations set forth use, bulk and open space controls designed to facilitate appropriate new development, reestablish public access to the waterfront, and protect natural resources. The recent history of the Gowanus neighborhood in the Surrounding Area, excluding the Development Site, reflects such a transition from heavy industrial use to mixed-use. Many of the low-scale industrial buildings have been repurposed with commercial uses, including offices, restaurants, gyms and entertainment establishments. Some of these redevelopments have included shore public walkways and other waterfront amenities, if required by waterfront zoning regulations. The Waterfront Regulations apply to the Project Area, including the Development Site.

In the Surrounding Area, outside of the Project Area, the Department of City Planning is undertaking an extensive rezoning called the Gowanus PLACES Neighborhood Planning Study ("Gowanus Study"). In October of 2016, the Department of City Planning (DCP) along with other City agencies launched the Gowanus Neighborhood Planning Study, which seeks to foster and create a thriving, more resilient neighborhood by reinforcing and encouraging a robust local economy anchored by a mix of uses and businesses, while creating opportunities for new housing with affordable housing in appropriate locations.[3] In early 2017, the Study began a community outreach process to gather feedback on a variety of topics before developing a planning and land use framework for the area. *Gowanus: A Framework for a Sustainable, Inclusive, Mixed-use Neighborhood* (the Framework), released in June 2018, identifies potential goals and strategies, including land use changes, to be developed and implemented as part of a neighborhood plan. The stated vision is to "foster a thriving, inclusive and more resilient Gowanus where existing and future residents and workers are able to participate in civic, cultural and economic activities and where a wholly unique resource – the Canal – can thrive and play an active role in that equitable and sustainable growth." Based on this vision, the Framework provides proposed objectives and strategies in planning and policy categories including sustainability and resiliency; environmental remediation; community and cultural resources; housing; economic and job development; transportation; and land use and urban form. Following the completion of the Framework, in January 2019, DCP released a zoning proposal that seeks to modify the regulations affected by an approximately 80-block area in support of these objectives. The zoning proposal, which includes

[3] The Gowanus Study was preceded by "Bridging Gowanus," a 2013-2016 community planning process led by local elected officials to envision a sustainable, livable, and inclusive Gowanus neighborhood.

the creation of a new Special Gowanus Mixed-Use District, seeks to allow a wide range of uses in the Gowanus area to support mixed-use growth with affordable housing, maintain and grow Gowanus' commercial and industrial businesses, and provide special tools to activate ground floors and create new public spaces and waterfront access where appropriate. The zoning proposal is expected to begin review under the City's Uniform Land Use Review Procedure (ULURP) process in 2020. Though not located within the area proposed to be rezoned as part of the Gowanus Neighborhood Plan, the Proposed Development is consistent with its goals to improve flood resiliency, increase public landscaped open space along the Canal, and improve access to new jobs in the neighborhood.

As a follow-up to the Gowanus Framework released in the spring of 2018, DCP, agency partners, and local stakeholders are leading a public engagement effort to develop a shared vision for the southern part of Gowanus within the Southwest Brooklyn IBZ and neighboring blocks. The central goal of the study is to support business growth, create a land use framework, and identify priority infrastructure and workforce development needs that can reinforce the area as a 21st century jobs hub for industrial and commercial uses.

ii. Other actions

In addition to the zoning map amendments referenced above, there have been three CPC actions in the Surrounding Area for acquisitions and dispositions by the City.[4] The first of these City actions was approved on November 30, 1994 and involved the acquisition of property adjacent to the 9th Street Bridge to allow the replacement, maintenance, and repair of the bridge (see C 930326 PQK). The second related action (C 930325 MMK) amended the City Map and established easements related to the 9th Street Bridge. The third City action was approved November 20, 1996 and disposed of City-owned property on West 9th Street.

B) Board of Standards and Appeals ("BSA") Resolutions

Within the Surrounding Area, only one BSA resolution has been approved. At the corner of Garner

[4] C 930326 PQK, C 930325 MMK, and C 940646 DMK.

Street and Court Street, one block from the Development Site, the BSA approved the legalization and extension of a physical culture establishment (CKO Kickboxing) on April 13, 2010.[5]

C) Other City, State, or Federal Approvals

Following years of environmental neglect and industrial pollution, the Gowanus Canal was designated a federal National Priorities List (i.e. a Superfund site) by the U.S. Environmental Protection Agency ("EPA") in March 2010. In its listing, EPA called it "one of the nation's most extensively contaminated water bodies." As part of this effort, EPA has overseen the stabilization and/or replacement of sections of the Gowanus bulkhead in the Surrounding Area, including at the Development Site.

3. Description of the Surrounding Area

A) Gowanus Canal

Within the Surrounding Area, there is a section of the Gowanus Canal (the "Canal") and a mix of industrial, commercial, and multi-family residential uses. The Canal is a 1½-mile-long, manmade waterway extending from the Gowanus Bay. It was completed in 1869 to allow the movement of freight and materials within the planned Gowanus industrial area.

A scrap metal facility and fuel oil storage depot are located to the south of the Development Site, outside of the Project Area. Commercial businesses include professional offices, moving services, ballrooms and local retail. Several mixed-use commercial and residential buildings are located on Smith Street across from the Development Site in the Carroll Gardens neighborhood. St. Mary's Playground is located to the north of the Development Site.

There are no City landmarks or historic districts within the Surrounding Area.

[5] See BSA 11-10-BZ.

B) Transportation

The Smith – 9th Street Station of the F/G train is located in the Project Area and is at the southwest property boundary of the Development Site. Within the Surrounding Area, the B61 bus runs east/west along 9th Street from Prospect Park to Borough Hall and the B57 bus runs north/south along Smith Street from the Red Hook to Maspeth, Queens. The South Brooklyn Ferry, connecting Lower Manhattan, DUMBO and Bay Ridge, is located seven blocks west at the Erie Basin.

C) Open Space

Areas of open space located within a few blocks of the Development Site include the St. Mary's Playground, on Smith Street, and the Cough Triangle, adjacent to the Gowanus Expressway. The Gowanus Study proposes to map city-owned land (Block 471, Lot 100) one block away to the north of the Development Site, within the Surrounding Area, as public park. Waterfront zoning regulations and a proposed Waterfront Access Plan (WAP) for Gowanus would facilitate incremental development of a continuous shore public walkway along the Canal. The Canal is expected to be remediated and activated with public spaces along the waterfront that connect to the proposed Waterfront Public Access Area on the Development Site.

4. Description of Proposed Project Area

The Project Area comprises the entire block bounded by the Gowanus Canal, Huntington Street, Smith Street, and 9th Street. Huntington Street, Smith Street, and 9th Street are all defined as narrow streets under the Zoning Resolution. It has four tax lots, including the Development Site, which is described in detail below. Tax Lot 1 (7 9th Street) is owned by the City of New York and is improved with the elevated Smith – 9th Street Station and tracks of the F/G train. Tax Lot 48 (3 9th Street) is improved with two one-story commercial buildings with an estimated 2,600 square

feet and is occupied by a deli and restaurant. The lot area of Tax Lot 48 is approximately 3,254 square feet.

Tax Lot 49 (501 Smith Street) has a lot area of approximately 2,047 square feet and is improved with a vacant one-story building, formerly used for building materials sales, with an estimated 2,000 square feet. According to the Department of Finance, the building is classified as a factory/industrial use.

5. Description of the Proposed Development Site

The Development Site (Lot 8) is owned by the Applicant and has a lot area of approximately 49,854 square feet, based on the location of the renovated bulkhead pursuant to the requirements of the EPA. The Development Site has 334 feet of frontage along Huntington Street, a mapped and improved street of unknown title, according to the Borough President's office and the title company. The New York City Law Department issued a Corporation Counsel's Opinion, dated May 8, 2019, describing that portion of Huntington Street as a public way for the purposes of constructing improvements and providing services. Huntington Street qualifies as a narrow street under the Zoning Resolution.

The Development Site is vacant of any buildings and is currently used as an open contractor's yard and bus storage accessed from a single curb cut of 23 feet on Huntington Street. In 2017, an existing one-story materials storage building was demolished. Therefore, there is no floor area utilized on the Development Site.

6. Description of Proposed Development

The Proposed Development would have approximately 99,703 square feet (2.0 FAR) of manufacturing (Use Group 17) and commercial floor area (Use Group 6).

The Proposed Development will include an open contractor yard, a workshop and accessory offices for the Applicant's use; other offices and production space in the upper floors; and retail

space with transparent glazing at the ground floor accessible from Huntington Street, as required to comply with screening buffer requirements under waterfront zoning regulations.[6] Loading will be provided in the rear of the building.

The Applicant is proposing to construct a WPAA of approximately 7,548 square feet, which meets the minimum size of the waterfront public access area required by the Zoning Resolution for a project this size. It comprises 15.14% of the total lot area. No upland connection/visual corridor or supplemental public access area is required. Nevertheless, the Applicant is providing a 1,056 square foot public access area (PAA) along its Huntington Street frontage, as discussed below.

The proposed shore public walkway follows the edge of the bulkhead and extends to the northern street line of Huntington Street. Based on the specifications of the New York City Fire Department, a turnaround will be provided at the end of Huntington Street, without disruption to the WPAA. With the exception of five authorizations, as described below, the proposed design of the WPAA meets or exceeds the requirements of the Zoning Resolution, including circulation paths, linear seating, planting areas with a variety of trees, shrubs, perennials, and pavements that are resistant to the effects of flooding. The WPAA design encourages the use of active and playful grove areas by utilizing bundled wood benches, trusses, and industrial railings reminiscent of the historic waterfront uses along the Canal. At the end of Huntington Street, the Applicant proposes to construct a stepped terrace along the Canal to connect to the adjacent development site on Block 471. The stepped terrace will have seating opportunities while simultaneously providing absorptive planting to catch runoff from the street. Bicycle parking, trash receptacles and signage will be provided to meet or exceed the applicable standards.

The Applicant proposes to dedicate a triangular portion of the Development Site (approximately 97 feet long by 21 feet wide) fronting Huntington Street as a Public Access Area (the "PAA"). The PAA will provide a connection from the WPAA to allow pedestrian access from Huntington Street. It will also encompass the portion of the fire access turnaround that overlaps the Development Site. The Applicant will maintain a minimum 10-foot-wide path of unobstructed access through the PAA where it connects to the northern portion of the WPAA.

[6] See Section 62-62(c)(2)(iii)(b).

7. Actions Necessary to Facilitate the Project

A) Zoning Map Change

The proposed action rezones the Project Area from an M2-1 zoning district to an M2-3 zoning district. These districts have the same bulk and use requirements, but different parking standards.

In both an M2-1 and an M2-3 zoning district the maximum permitted FAR is 2.0. The height of a front wall or portion of a building within 20 feet of the lot line may not exceed a height of 60 feet or four stories, whichever is less. Above 60 feet, a 20-foot horizontal setback is required and a building must stay within a sky exposure plane of 2.7 vertical feet to one horizontal foot (2.7:1) on a narrow street.

An M2-1 and an M2-3 zoning district permits uses in Use Groups 6 through13, which includes retail, commercial, and recreation uses; Use Group 16, which includes semi-industrial and automotive uses, such as building materials sales, shops and vehicle showrooms; and Use Group 17 which includes medium intensity manufacturing uses, such as textile production, food processing, and machinery manufacture.

M2-1 and M2-3 districts do not have the same parking requirements. In an M2-1 district, for manufacturing or semi-industrial uses in Use Groups 17A with a minimum of either 10,000 SF of floor area or 15 employees, 1 parking space is required per 2,000 square feet of floor area or 1 space per 3 employees (whichever requires the larger number of spaces). Most commercial uses require parking at a rate of 1 space per 300 square feet of floor area. With a maximum floor area of 97,024 square feet permitted, if it were to remain an M2-1 district, the Development Site would have a high parking requirement, as discussed below, that would preclude as-of-right development at 2 FAR for the Applicant's current and proposed uses. These parking requirements run counter to the City's goal of promoting transit-accessible employment, including in IBZs, which provide vital manufacturing and commercial jobs for New Yorkers.

In an M2-1 district, a Use Group 17 contractor's business requires parking at a ratio of 1 space per

2,000 square feet of floor area, or 1 space per 3 employees, whichever is less. Open exterior uses, such as building materials storage or contractors' yards, count as floor area for the purposes of calculating required parking. Offices and retail uses require 1 parking space for every 300 square feet of floor area. Thus, a building that includes a ground floor construction business with 60 employees plus an additional 75,000 square foot office space would require parking for 270 cars. Provision of a parking area for 270 cars would preclude construction of the building. Construction of a parking garage in this Flood Hazard Area would have to be above grade, due to the expense of flood-proofed, below-grade construction at the Development Site. An above-grade parking garage would preclude development of a zoning compliant building that utilizes all of the available floor area and it would not be cost effective. Furthermore, use of the lot area at grade for parking would preclude the use of the Development Site as a construction yard.

In contrast to the M2-1 zoning district, the proposed M2-3 zoning district has no required parking for any manufacturing and commercial uses.

Historically, M2-3 districts were zoned only in waterfront areas in Manhattan. M2-3 use regulations are geared towards medium performance manufacturing uses, with limited retail options. The proposed M2-3 district is also appropriate for Brooklyn near waterfront areas, particularly for areas that are proximate to mass transit. The M2-3 district will eliminate parking requirements that, in M2-1 district, are too onerous to allow the retention of existing manufacturing and its expansion, or the development of new manufacturing and commercial buildings. Without the requirement for hundreds of new parking spaces, more floor area can be devoted to uses that keep people employed. When the M2-3 district is mapped in a Transit Zone, employees have direct access to public transportation in the Surrounding Area. In this case, the Development Site is located in a Transit Zone and is directly adjacent to the Smith – 9th Street Station of the F/G train.

B) Certification of WPAA

The Applicant is requesting a Certification of the WPAA concurrently with the proposed zoning map change in order to provide a public amenity that will serve as a model for future waterfront

public access areas along the Canal. The WPAA is designed as part of a comprehensive site plan in order to enhance and activate the proposed commercial space at the Development Site. The WPAA is designed with the following goals in mind: (1) to engage the waterfront and encourage public access; (2) to introduce ample landscaping and flood resiliency; and (3) to establish consistency and continuity with future WPAA's developed along the Canal in the Gowanus Study area.

C) Authorizations to Modify Requirements of WPAA

The Applicant is seeking multiple Authorizations pursuant to Section 62-822(b) of the Zoning Resolution to address five design modifications.

1) An Authorization would modify the maximum grade change permitted between the pedestrian circulation path and adjoining planting areas pursuant to Section 62-61(d)(2) of the Zoning Resolution. This modification provides a maximum grade change of 39 inches to allow for a diverse pedestrian experience along the waterfront, while addressing flood mitigation and storm water management.
2) An Authorization would reduce the planting area requirement from 50% required under Section 62-62(c)(1) of the Zoning Resolution down to approximately 26%. Such a modification helps facilitate the activation of the grove areas with accessible seating and other usable space. The proposed design also accommodates flexible seating and site lines along other portions of the WPAA, including future connections to waterfront access areas north and south of the Development Site.
3) An Authorization would waive the requirement for a screening buffer, under Sections 62-62(c)(2) and 62-655(a)(7) of the Zoning Resolution, for the 10'-4" wide section of the WPAA between the boundary of the PAA and the building's edge to accommodate the private outdoor space. This waiver allows for continuity of social spaces, both inside and outside of the WPAA, which provide a visual connection to the Canal and the shore public walkway from the street. There is no screening buffer required along the length of the building façade and the PAA.

4) An Authorization is needed to increase the maximum permitted height of a fence in the WPAA, as required under Section 62-651(c), from 3'-0" to 3'- 6" to prevent falls pursuant to the New York City Building Code. The proposed fence matches the guardrail of the WPAA, both in operation and design.
5) An Authorization is needed to modify the dimensions of the tree pits required under Section 62-655(a)(1) of the Zoning Resolution. This waiver is required to seamlessly connect occupiable areas beneath the tree canopy with a walkable surface.

Note that more detailed descriptions of the rational for these Authorizations are provided in the LR 11 form attached hereto. Detailed plans for the public access area are set forth in the drawings submitted as part of this Application.

8. Conclusion

The requested Zoning Map Change, Certification, and Authorizations will allow the construction of vital manufacturing and commercial uses, along with the activation of the waterfront area, in an underutilized area of the Gowanus neighborhood. Furthermore, the M2-3 zoning district will encourage job-generating development within the Project Area consistent with the goals of the IBZ. The proposed Waterfront Public Access Area will provide a unique and valuable public amenity that also effectuates the goals of the Gowanus Study and proposed rezoning.