74 Bogart Street Rezoning
Project Description
September 18, 2024

Introduction

This is an application by 74 Bogart LLC (the "Applicant") to the New York City Planning Commission (the "CPC") for a change to the Zoning Map of the City of New York with respect to 74 Bogart Street, Brooklyn (Block 3048, Lot 1; the "Project Area") from an M1-2 zoning district to an M1-4A zoning district pursuant to Section 197-c of the New York City Charter (the "Rezoning"). The Rezoning will facilitate the development of a seven-story, approximately 118-foot-tall building with approximately 240,000 zoning square feet ("zsf") on the western portion of the Project Area to be used as Use Group IX fine art storage (formerly Use Group 16) (the "Proposed Development").

Background

The Applicant, which is the fee owner of the Project Area, is an entity controlled by UOVO ART LLC ("UOVO"), a preeminent logistics solutions provider for commercial and personal art collections, including those of artists, collectors, fashion designers, galleries, museums, and various institutions. UOVO offers comprehensive stewardship of collections, including climate-controlled storage, secure transportation and shipping via its in-house fleet of vehicles, packing and crating, art installation, digital inventory management, archiving solutions, and more. UOVO owns and operates state-of-the-art facilities throughout the country, specializing in storage customized for the care and preservation of fine art and other collectibles. With a team of industry professionals and extensive training programs, UOVO ensures the safe-guarding of collections.

In New York City, UOVO has two existing art storage facilities: a 150,000 sf, three-story building at 105 Evergreen Avenue, Brooklyn, and a 280,000 sf building at 41-54 22nd Street in Long Island City, Queens that also serves as it headquarters. These facilities collectively serve as the base of operations for over 100 people, including art handlers, technical art experts, truck drivers, and administrative staff. In recent years, UOVO has seen a growing demand from major NYC museums and institutions for additional art storage space in the City. To help fulfill that demand, UOVO is proposing the Proposed Development.

The New York City Department of City Planning's North Brooklyn Industrial and Innovation Plan, issued in 2018, describes the Project Area as the "Growth District" which is generally a mixed-use manufacturing and commercial area that is "characterized by lively and distinctive street art and a growing mix of art galleries, restaurants and bars, music venues, TAMI and other office-based businesses, legacy large-scale industrial uses, and small manufacturers." The plan also notes the Growth District's adjacency to mass transit and a strong creative culture as hallmarks of the neighborhood, which allows it to have the potential to support greater density. Specifically, the plan states, "the Morgan Avenue and Jefferson Street subway stations, located centrally within the Growth District, are valuable assets that can continue to support job growth and serve a rapidly growing number of workers. But a finite supply of multi-story loft buildings,

the predominance of low-scale warehouses, and zoning that discourages new construction constrain the supply of space." The Project Area is also in close proximity to the North Brooklyn Industrial Business Zone (IBZ).

Additionally, and as discussed further below, the City recently approved the "City of Yes" Text Amendment for Economic Opportunity - M Districts (N 240011 ZRY), which resulted in the creation of new manufacturing districts that remove impediments to and expand opportunities for business location and growth within manufacturing districts by providing a wider range of available densities than the current M districts allow, updated bulk regulations that enable more loft-like physical typologies, and right-sized parking and loading requirements. The proposed zoning district, M1-4A, that would be mapped over the Project Area, would be one of these recently created manufacturing districts.

In addition to the 2024-approved, city-wide City of Yes Text Amendment for Economic Opportunity – M Districts, which allows the Applicant to seek a mapping of the proposed M1-4A zoning district, there has only been one land use action approved within the surrounding area in the past ten years: in 2021, a site selection and acquisition of property by DOT and DCAS for new DOT sidewalk and street operational units at 101 Varick Avenue (210329 PCK).

Description of the Surrounding Area

The Project Area is located in the East Williamsburg neighborhood of Brooklyn in Community District 1. The area surrounding the Project Area is primarily occupied by loft and low-rise buildings used for industrial and manufacturing uses, as well as a number of open lots for vehicle and contractor material storage. Artist's studios also populate the surrounding area. Other retail, office and entertainment uses are also interspersed throughout.

Regarding the surrounding area's built context, one- to four-story loft, warehouse and other industrial buildings predominate, along with a variety of 3- to 4-story residential buildings (which are non-conforming in the district), as well as several large open lots used for vehicle and contractor material storage (such as concrete mixing and supplying). Additionally, immediately to the southwest of the Project Area across Bogart Street is Gilbert Ramirez Park, an approximately 1.03-acre NYC Park with both active (e.g. basketball and handball courts) and passive (e.g. a garden and pathways) uses.

The surrounding area mainly consists of, and the Project Area is located entirely in, an M1-2 zoning district. M1-2 districts are light manufacturing districts which permit most commercial uses (such as Use Group IX self-storage) as well as industrial uses that meet high performance standards. Residential use is not permitted. The maximum permitted FAR is 2.0 for commercial use and 4.8 for community facility use. No rear yards are required for lots occupying entire street blocks. Height and setback regulations allow for a maximum front wall height of 60 feet or 4 stories (whichever is less), followed by a minimum initial setback of 20 feet along narrow streets, and thereafter may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 5.6:1 along narrow streets. With respect to the Project Area, under M1-2 zoning district regulations, the existing building has a certificate of occupancy for Use Group 16D self-storage facility (now Use Group IX) and utilizes all available zoning floor area on the site.

Other zoning districts in the surrounding area includes an M3-1 district two blocks to the north and north of Johnson Avenue (surrounding Newton Creek), a small R6 district one block west on the opposite side of Gilbert Ramirez Park, and an M1-1 zoning district generally mapped over blocks to the southeast. M3-1 district are heavy manufacturing districts that tend generate noise, traffic or pollutants, and have lesser performance standards. They permit most commercial uses and industrial/production uses. Residential use is not permitted. The maximum permitted FAR is 2.0 for commercial use. No rear yards are required for lots occupying entire street blocks. Height and setback regulations allow for a maximum front wall height of 60 feet or 4 stories (whichever is less), followed by a minimum initial setback of 20 feet along narrow streets, and thereafter may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 5.6:1 along narrow streets. M1-1 districts are light manufacturing districts which permit most commercial uses as well as industrial uses that meet high performance standards. Residential use is not permitted. The maximum permitted FAR is 1.0 for commercial use and 2.4 for community facility use. No rear yards are required for lots occupying entire street blocks. Height and setback regulations allow for a maximum front wall height of 30 feet or 2 stories (whichever is less), followed by a minimum initial setback of 20 feet along narrow streets, and thereafter may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 1:1 along narrow streets.

Within the surrounding area, Bogart Street—on the Project Area's western edge—is a one-way, southbound route carrying traffic from its terminus at the LIRR Bushwick Branch to Flushing Avenue. Ingraham Street—on the Project's northern edge—is a one-way, westbound route carrying traffic from Varick Avenue to Bogart Street. Morgan Avenue—on the Project Area's eastern edge—is a one-way, southbound street carrying traffic from Meeker Ave in the north (adjacent to the Brooklyn-Queens Expressway) down to Flushing Avenue. Finally, Harrison Place—on the Project Area's southern edge—is also a one-way street carrying traffic eastbound from Bogart Street to Varick Avenue. There are several public transportation sources available within the surrounding area. Immediately adjacent to the Project Area is the Morgan Avenue station on the L subway line—with entrances located near the Bogart Street/Harrison Place intersection and Morgan Avenue/Harrison Place intersection. Additionally, the B60 bus, which provides service between the Williamsburg Bridge and Canarsie, has a stop on its southbound route adjacent to the Project Area on Morgan Avenue; and the B57 bus, which provides service between Maspeth and Red Hook, has stops four blocks south of the Project Area near the Morgan Avenue/Flushing Avenue intersection.

Description of the Project Area

The Project Area occupies the entire block bounded by Bogart Street, Ingraham Street, Morgan Avenue and Harrison Place in the East Williamsburg neighborhood of Brooklyn. It is a rectangular, 400' x 200' lot with 80,000 sf of lot area. On its eastern side fronting Ingraham Street, Morgan Avenue and Harrison Place, the site is currently occupied by a seven-story, approximately 72'-6"-tall, 160,000 zsf building used for Use Group IX (formerly Use Group

16D) self-storage. This existing building was completed in February 2023.[1] In addition, the Applicant anticipates an approximately 16,000-sf portion of the ground floor will be dedicated to Use Group VI retail use once a lease is signed for such space, and is in the process of actively marketing the space to potential retail tenants. Three accessory parking spaces and five accessory loading berths are provided in connection with the self-storage facility. On its western edge fronting Bogart Street, the Project Area contains a surface parking lot for commercial vehicle storage currently leased to FedEx. Curb cuts for the self-storage facility are located on Ingraham Street and Harrison Place nearest to the existing building, while one curb for FedEx's surface parking lot is located on Bogart Street.

As noted above, immediately adjacent to the Project Area is the Morgan Avenue station on the L subway line with entrances located near the Bogart Street/Harrison Place intersection and Morgan Avenue/Harrison Place intersection. In accordance with Article VI, Chapter 6 of the Zoning Resolution and the Zoning for Accessibility Text Amendment, the Project Area is a "primary transit-adjacent site" and requires confirmation from the Metropolitan Transit Authority (MTA) as to whether a transit easement volume must be reserved within the Project Area. Pursuant to a letter dated April 2, 2024, the MTA determined that no such easement volume is required.

The Project Area is recognized as a brownfield by the New York State Department of Environmental Conservation ("NYSDEC") and is part of NYSDEC's Brownfield Cleanup Program, which encourages cleanups of brownfields and promotes their redevelopment. However, the Applicant has completed remediation, undergone coordination with NYSDEC to develop a Site Management Plan ("SMP") and has received documentation confirming completion of cleanup action at the Project Area. More specifically, in December 2022, NYSDEC granted an environmental easement to the Applicant, confirming an SML would control future cleanup and the use of the Project Area for commercial use. The SML was issued in January 2023, confirming that remediation and all cleanup action had been completed, and establishing institutional and engineering controls over exposure with respect to any remaining contamination and to provide protection of public health and the environment. The Proposed Development would be required to comply with all components of the SMP.

As discussed in the more detail below, the Proposed Development would be constructed on the western portion of the Project Area, while the existing Use Group 16D self-storage facility would remain on the eastern portion.

Description of the Proposed Development

The Proposed Development will be constructed in accordance with M1-4A zoning regulations. The Applicant proposes to construct the Proposed Development as a seven-story, approximately 118-foot tall building with approximately 240,000 zsf on the western portion of the Project Area for use as Use Group IX fine art storage (formerly Use Group 16). The Proposed Development

[1] The existing building used for Use Group 16D self-storage was constructed as-of-right since the Project Area is not located in a ZR Appendix J Designated Manufacturing Area, and therefore did not require the ZR 74-932 special permit.

would be constructed out to the street lines and front Ingraham Street, Bogart Street and Harrison Place. The building would rise to a front wall height of approximately 83'-4" (5 stories) on each street frontage; set back 20' along each street frontage; and then rise to an overall height of approximately 118' (7 stories). In accordance with M1-4A regulations, the Proposed Development would not contain new accessory parking spaces, but would contain four accessory loading berths—two with access from Ingraham Street, and two with access from Harrison Place (with new curb cuts on each street). The existing curb cut along Bogart Street would be eliminated. The existing self-storage facility building on the eastern portion of the Project Area would remain after construction of the Proposed Development.

M1-4A districts are—with respect to use—light manufacturing districts which permit most commercial uses as well as industrial uses (such as Use Group IX self-storage and general storage/warehouse uses), but do not permit residential use. M1-4A district bulk regulations promote more contextual loft-like envelopes with wider floor plates, higher base heights and maximum buildings heights (as opposed to non-contextual M districts subject to front wall height limits and sky exposure planes). M1-4A districts permit a maximum FAR of 5.0 for commercial/manufacturing use and community facility use. Front yards and side yards are not required; and for zoning lots occupying entire blocks (such as the Project Area) no rear yards or rear yard equivalents are required. Height and setback regulations allow a maximum base height of 125' at the street line, an initial minimum setback of 15' along narrow streets, and a maximum building height of 155'. Additionally, for buildings on zoning lots greater than 20,000 sf in area (such as the Project Area), the maximum buildings heights may be increased by up to 25%. No accessory parking is required; and with respect to loading requirements, the number of berths varies depending on the use and floor area provided therefor, but for a 240,000 zsf Use Group XI art storage building, four accessory loading berths would be required.

The Rezoning, which will allow for the Proposed Development to be constructed in accordance with M1-4A district regulations, is consistent with the built context of the surrounding area and will not alter the neighborhood character. As noted above, City Planning's North Brooklyn Industrial and Innovation Plan, issued in 2018, describes the area in which the Project Area is located as the "Growth District". Such plan, among others, was the basis for the City of Yes Economic Opportunity – M-District text amendment in 2024, which saw the creation of "A" contextual M districts as way to enable greater development of modern loft-like buildings to support and grow businesses in the city's industrial areas, and promote development of buildings that can be adaptable and meet the needs of a range of business types and sizes.

Within the area studied by the 2018 plan, the Growth District has the greatest concentration of multi-story industrial loft buildings, but at the same time the number of these buildings (and the space therein) is constrained due to existing non-contextual zoning regulations. With respect to use, the area is generally a mix of new retail and entertainment venues interspersed among existing industrial and warehouse buildings. Some of the key recommendations of the 2018 plan were to encourage new zoning that increased density up to 5.0 FAR for industrial and commercial uses and allowed for larger loft-like envelopes. Additionally, as mentioned above, the plan identified the subway stations (including the Morgan Avenue station) within the Growth District as valuable transit assets, and recommended zoning changes for transit-accessible

development—for example, increased commercial and industrial density near these subway stations.

As noted above, under the FAR regulations of the M1-2 district, with the existing self-storage facility building, the Project Area has utilized all available floor area. With the Rezoning to M1-4A, new commercial floor area would become available on the Project Area to construct the Proposed Development. Because the existing self-storage building on the Project Area already utilizes 2.0 FAR, new development under the M1-4A district for commercial and industrial use would be limited to 3.0 FAR and likely be massed in accordance with the loft-style building regulations of the new "A" contextual districts—i.e., a new building would be constructed out to the street lines (such as the Proposed Development). Additionally, the unique needs of the Applicant's art storage business, which require large floor plates and high floor-to-ceiling heights, would lead to shorter, bulkier buildings. Overall, the Applicant believes the proposed Use Group IX fine art storage facility use is in high demand from major museums and institutional art holders throughout the City and would be an appropriate use and bulk arrangement for the western portion of the Development Site.

Due to the specialized requirements of art storage, such as the need for climate control, high floor-to-ceiling heights, and greater security, the Proposed Development would solely be used for Use Group IX art storage use. However, the Applicant proposes to add some glazing along the first floor near the intersection of Bogart Street and Harrison Place (where the building's reception and administrative and security offices will be located) to break up the façade, and to utilize decorative corrugated panels with different densities on the upper floors to provide a variety of façade treatments.

Actions Necessary to Facilitate the Project

To facilitate the Proposed Development, the Applicant is seeking a zoning map change to rezone the Project Area from an M1-2 zoning district to an M1-4A zoning district. The Rezoning to an M1-4A district would achieve City Planning's 2018 North Brooklyn Industrial and Innovation Plan's goals of increasing density for commercial and industrial uses at the Project Area up to 5.0 FAR, while simultaneously promoting the development of multi-story loft buildings in an area immediately adjacent to mass-transit. Furthermore, the Rezoning, which would increase density on a block that is immediately across the street from two entrances to the Morgan Avenue station on the L subway line, is consistent with the 2018 plan's aims to promote transit-accessible development for commercial and industrial uses.

The proposed M1-4A district is also compatible with the nearby manufacturing, commercial and industrial use zoning as it will continue to be surrounded by M1 districts. Several blocks to the south, west and north of the Project Area are M1-2 districts, and to the southeast is an M1-1 district. The proposed M1-4A zoning district will allow for the same mix of uses as the existing zoning districts adjacent to the Project Area and within the surrounding area. Furthermore, even though the M1-4A district has a higher permitted commercial/manufacturing FAR than the nearby M1-1 and M1-2 districts, because the Project Area is already developed with an approximately 2.0 FAR building, the Proposed Development which would contain only approximately 3.0 FAR of floor area and therefore would not be inconsistent with the low to

mid-scale bulk characteristics of the loft and industrial-style buildings that are predominate in the surrounding area.

Conclusion

The Rezoning of the Development Site from an M1-2 district to an M1-4A district would allow the Applicant to construct a new, approximately 240,000 zsf building for fine art storage in north Brooklyn in order to satisfy a demonstrated demand for such use. The Applicant, which has a history of developing and operating similarly-situated art storage facilities, has seen a growing need for these types of spaces in the City from major museums, institutional art holders and collectors, and seeks to construct the Proposed Development to fulfill that demand. The Rezoning of the Development Site to an M1-4A district, would facilitate the creation of additional floor area needed to construct the Proposed Development. Mapping the M1-4A zoning district here is in keeping with the neighborhood character identified in the 2018 North Brooklyn Industrial and Innovation Plan (and, in many ways, implemented by the 2024 City of Yes Economic Opportunity – M Districts text amendment) with its distinct loft-like buildings and mixed-use commercial and industrial character, to which the Proposed Development would positively contribute.