LR ITEM 3: Project Description
Bergen Street Rezoning
May 20, 2022

I. Introduction

BNW3 Re-Gen, LLC (the "Applicant") seeks to rezone the majority of Brooklyn Block 388, in the Boerum Hill neighborhood of Community Board 2, from its current M1-2 zoning district to an R7D district with a C2-4 commercial overlay and an R7A zoning district, and a zoning text amendment to establish a Mandatory Inclusionary Housing ("MIH") area (collectively, the "Rezoning"). The Rezoning would encompass Lots 19, 42 and 51 (the "Development Site"), owned by the Applicant, and Lots 1, 8, 9, 11, 12, 31, 34, 35, 36, 37, 38, 41, 52 and 58 (together with the Development Site, the "Project Area"). Lot 1 ("Lot 1") and Lots 34, 35, 36, 37 and 41 (the "Third Avenue Parcel," and together with Lot 1, the "Leased Parcels") are leased from HPD by the Applicant's affiliate Ulano Corporation ("Ulano"). The Rezoning would allow the Applicant to redevelop the Development Site, currently improved with a one- to two- story industrial building and accessory parking, with a mixed-use development containing commercial, community facility and residential uses, including affordable housing (the "Proposed Development").

II. Background

The Project Area was rezoned from an R6 zoning district to its current M1-2 zoning district in January 1973 (ULURP No. 21667) in conjunction with the Bergen Street Urban Renewal Plan (the "URP"). The objectives of URP, which went into effect in May 1971 and expired in 2011, were "to promote the sound growth and economic development of the City by returning vacant and underutilized land to productive and high-performance use; increasing the employment opportunities for the residents of surrounding neighborhoods, insuring the controlled growth of a highly desirable manufacturing firm; assuring the long-term compatibility of industry with housing located with a mixed-use area; and terminating the building deterioration and insanitary vacant land use." Those objectives were aligned with the objectives of Ulano, a manufacturer of screen-printing materials, expanding its manufacturing facilities to the Project Area. Ulano is an affiliate of the Applicant and is the current occupant of the Development Site and Leased Parcels. The company has had a presence in the neighborhood for more than 50 years. If this application is approved, the Applicant would be open to discussing with HPD releasing Ulano's lease of the Leased Parcels in order to facilitate a future HPD proposal on the Leased Parcels.

Following the URP, Ulano has continued to operate at the Development Site and Leased Parcels through today. The City's assumption that a reputable manufacturing business would bring good jobs to the neighborhood and help reduce "urban blight" were proven correct. At its height, Ulano employed more than 120 people at the site, most of them from the surrounding neighborhood.

In the years since Ulano expanded to the Development Site and Leased Parcels, the surrounding neighborhood has taken on an increasingly residential and mixed-use character. As the area surrounding the Project Area has become an increasingly desirable place to live, manufacturing

business in the middle of such a residential area has created problems for the residents, as well as for the company. Noise related to manufacturing, truck traffic moving goods in and out the facility and similar issues related to typical industrial operations have led to frequent complaints from residents. For the company, dealing with these issues has been difficult, and receiving and shipping products through a dense urban environment has become cumbersome and expensive. Ulano therefore is in the process of shifting operations to sister facilities elsewhere, and the Applicant seeks the Rezoning so that the Project Area would better fit with the dominant residential character of the surrounding area.

There have been no land use actions within 600 feet of the Project Area in the last 20 years. However, an application (the "98 Third Avenue Rezoning") is currently being sought on Block 388 to rezone the portion of Block 388 within 100 feet of Third Avenue to an R7D/C2-4 zoning district (an action which is captured by the instant application) and to rezone Lot 42, part of the Development Site, to an R6B zoning district (which action differs from the instant application), which was certified by the Commission on December 13, 2021. Additionally, as part of the New York City Housing Authority's ("NYCHA") NextGen housing program, two 16-story residential towers are proposed to be constructed on the block south of the Project Area, on portions of NYCHA's Wyckoff Gardens complex currently used as surface parking lots. The proposed residential towers would contain 500 dwelling units, 50 percent of which would be affordable.

III. Description of the Surrounding Area

The Project Area is an M1-2 zoning district mapped on the majority of the block bounded by Bergen Street to the north, Third Avenue to the east, Wyckoff Street to the south and Nevins Street to the west. The M1-2 district is described in detail in the following section.

The area immediately south of the Project Area is in an R6 zoning district. The R6 district in the Project Area's surrounding area is improved Wyckoff Gardens, a New York City Housing Authority tower-in-the-park development, and a series of single- and multi-family walk-up buildings on the south side of Warren Street between the two Wyckoff Gardens super blocks. The Wyckoff Gardens buildings range from six stories to as tall as 21 stories on the super block just south of the Project Area. R6 districts are medium-density residence districts with either height factor or Quality Housing bulk regulations, where the maximum permitted floor area ratio ("FAR") for residential uses ranges from 0.78 to 2.43 depending on height factor, or 3.0 FAR within 100 feet of a wide street and 2.2 FAR beyond 100 feet of a wide street for Quality Housing buildings. R6 districts also allow up to 4.8 FAR of community facility development. Quality Housing buildings in R6 districts can have a maximum height of 70 feet, or 75 feet on wide streets with provision of a qualifying ground floor; the maximum height of non-quality housing buildings, including community facility buildings, is governed by a sky exposure plane.

The areas immediately east of the Project Area, along Third Avenue, as well as further north of the Project Area, along parts of Atlantic Avenue, are in an R7A zoning district with a C2-4 commercial overlay. The R7A/C2-4 district in the Project Area's surrounding area is improved with a range of uses, including two- to eight-story buildings with ground floor retail and residential or commercial uses above, and community facility uses such as churches. The majority of such buildings are between three and four stories. R7A districts are contextual

districts that allow up to 4.0 FAR of residential or community facility development. Quality Housing buildings in R7A districts can have a maximum height of 80 feet, or 85 feet on wide streets with provision of a qualifying ground floor. A C2-4 commercial overlay within an R7A district allows for development of up to 2.0 FAR of commercial floor area, although commercial uses in a mixed-use building will be limited to the building's ground floor.

There are a number of R6B zoning districts in the Project Area's surrounding area, including a small R6B zoning district on the Project Area's block and a large R6B zoning district north and west of the Project Area. The R6B districts in the Project Area's surrounding area are largely improved with two- to three-story single- and multi-family row houses. R6B districts are contextual districts that allow up to 2.0 FAR of residential or community facility development. Quality Housing buildings in R6B districts can have a maximum height of 50 feet, or 55 feet on wide streets with provision of a qualifying ground floor.

There are also a number of R6A zoning districts in the Project Area's surrounding area, including on the block just north of the Project Area. The block north of the Project Area is improved with three- to four-story residential buildings, a church and a one-story NYC Job Center. Another R6A district, mapped along the south side of Atlantic Avenue, north of the Project Area, is mapped with a C2-4 overlay allowing up to 2.0 FAR of commercial floor area, although commercial uses in a mixed-use building are limited to the building's ground floor. This R6A/C2-4 zoning district is improved with many three-story buildings with ground floor commercial or community facility uses and residential uses above, as well as single-story commercial buildings and a large eight-story residential building. R6A districts are contextual districts that allow up to 3.0 FAR of residential or community facility development. Quality Housing buildings in R6A districts can have a maximum height of 70 feet, or 75 feet on wide streets with provision of a qualifying ground floor.

There are several R7B zoning districts located at the midblocks on the blocks east of the Project Area. The R7B districts in the Project Area's surrounding area are largely improved with three- to four-story multi-family residential buildings, and a large taxi lot on the north side of Bergen Street between Third and Fourth Avenues and an accessory residential parking lot on the north side of Warren Street between Third and Fourth Avenues. R7B districts are contextual districts that allow up to 3.0 FAR of residential or community facility development. Quality Housing buildings in R7B districts can have a maximum height of 75 feet.

Where group parking facilities are provided in R6A, R6B, R7A and R7B zoning districts and for Quality Housing buildings in R6 zoning districts in the Project Area's surrounding area, parking must be provided for 50 percent of the residential units. For non-Quality Housing buildings in R6 zoning districts in the Project Area's surrounding area, parking must be provided for 70 percent of the residential units. Parking requirements for commercial uses in C2-4 overlays vary by use. For example, one parking space is required for every 1,000 sf of retail floor area, including active retail space in a cellar.

The Special Downtown Brooklyn District is located three blocks north of the Project Area. The Special Downtown Brooklyn District seeks to encourage high-density development in Brooklyn's central business district while preserving historic architecture and creating transitions

from the high-density Downtown core to the lower-scale residential communities of Fort Greene, Boerum Hill, Cobble Hill and Brooklyn Heights. Areas south and east of the Project Area are part of the proposed Special Gowanus Mixed-Use District, which aims to bring the area's zoning in line with the existing mixed-use character of the Gowanus neighborhood and promote development of housing (especially affordable housing) and job-creating uses and to improve the existing streetscape through sidewalk widenings, landscaping and creation of public open space.

The Project Area is located in the Transit Zone. The Transit Zone encompasses areas outside the Manhattan Core that are within a half mile of a subway station and have low automobile ownership rates. Within the Transit Zone, special lower accessory parking requirements apply to affordable housing units.

There are several institutional uses within 400 feet of the Project Area: Acorn High School of Justice (500 Pacific Street); Kingdom Hall of Jehovah's Witnesses (127 Third Avenue); Wyckoff Senior Center (280 Wyckoff Street); Chabad of Carroll Gardens (232 Bergen Street); David Foulke Memorial Garden (248-250 Bergen Street); Language Laughter Studio Preschool (137 Nevins Street); the Pacific School (P.S. 38 and P.S. 47) (450 Pacific Street); the Temple of Restoration Church (490 Pacific Street); and the Bethel Baptist Church, located across Bergen Street from the Development Site (265 Bergen Street).

The Project Area is located approximately .25 miles from the Atlantic Avenue Barclays Center Subway Station, with 2, 3, 4, 5, B, D, N, Q and R train service. The B65 bus runs westbound on Bergen Street (to Downtown Brooklyn/Fulton Mall) and eastbound on Dean Street (to Crown Heights/Ralph Avenue) with stops at Third Avenue. The B37 bus runs in both directions on Third Avenue, from Bay Ridge/Shore Road to Atlantic Avenue Barclays Center, and stops at the intersection of Dean Street and Third Avenue. The B103 bus runs in both directions on Fourth Avenue, from Canarsie/Williams Avenue to Downtown Brooklyn/Tillary Street and stops on Fourth Avenue between Dean Street and Pacific Street. There is a Citi Bike dock located just south of the Project Area, at the southwest corner of Wyckoff Street and Third Avenue.

IV. Description of the Project Area

The Project Area comprises the M1-2 zoning district located on Brooklyn Block 388, bounded by Bergen Street to the north, Third Avenue to the east, Wyckoff Street to the south and Nevins Street to the west. The Project Area consists of:

1. The Development Site, discussed in the following section;

2. The Third Avenue Parcel, an approximately 7,200 sf lot used for parking accessory to the Development Site (Lots 34, 35, 36 and 37) and a one-story portion of the Ulano facility (Lot 41);

3. Lot 1 (153 Nevins Street), an approximately 11,500 sf lot used for parking accessory to the Development Site;

4. Lot 8 (256 Bergen Street), an approximately 1,680 sf lot improved with a four-story residential building;

5. Lot 9 (258 Bergen Street), an approximately 2,320 sf lot improved with a four-story residential building with ground floor commercial uses;

6. Lot 11 (260 Bergen Street), an approximately 2,000 sf lot improved with a four-story residential building;

7. Lot 12 (262 Bergen Street), an approximately 2,500 sf lot improved with a four-story residential building;

8. Lot 31 (300 Bergen Street), an approximately 5,000 sf lot improved with a gas station;

9. Lot 38 (118 Third Avenue), an approximately 2,600 sf lot improved with a two-story building recently renovated to house a medical facility;

10. Lot 52 (267 Wyckoff Street), an approximately 6,000 sf lot improved with a three-story building containing residential uses and an event space; and

11. Lot 58 (259 Wyckoff Street), and approximately 2,500 sf lot improved with a three-story residential building.

The Project Area is in the Boerum Hill neighborhood in Brooklyn Community Board 2. The Project Area is currently in an M1-2 zoning district where commercial, light industrial and some community facility uses are permitted. The M1-2 zoning district allows for development of up to 2.0 FAR of commercial or manufacturing floor area and up to 4.8 FAR of community facility floor area. Buildings in M1-2 districts may have a maximum base height of 60 feet or four stories, after which the building must set back 20 feet from a narrow street or 15 feet from a wide street, and may continue to rise pursuant to a sky exposure plane of 2.7 feet vertical per foot of horizontal setback on a narrow street or 5.6 feet vertical per foot of setback on a wide street. In the M1-2 district, parking is required at a rate of one space per 300 sf of floor area for many commercial uses, including general retail uses, and parking is required at a rate of one space per 1,000 sf of floor area for manufacturing and semi-industrial uses.

V. Description of the Development Site

The Development Site is improved as follows:

- Lot 19, a 46,700-sf lot, is improved with the one- to two-story Ulano factory and the majority of its accessory offices. The portion of Lot 19 fronting on Wyckoff Street is used as an accessory parking lot. Lot 19 has one curb cut on Wyckoff Street, providing access to the accessory parking lot, and three curb cuts on Bergen Street accessing three loading berths.

- Lot 42, a 2,000-sf lot, is improved with a one-story portion of the Ulano factory that contains accessory offices.

- Lot 51, a 2,000-sf lot, is unimproved and can be accessed by a curb cut on Wyckoff Street.

The Development Site has a total area of 50,700 sf.

VI. Description of the Proposed Development

The Rezoning would facilitate the Proposed Development, a four-building mixed-use development containing commercial, community facility and residential uses. The Proposed Development would have a total floor area of approximately 238,420 sf, comprised of approximately 9,680 sf of commercial floor space (including 5,000 sf of cellar space), 10,000 sf of community facility floor space (including approximately 4,500 sf of cellar space) and 228,260 sf of residential floor area. The Proposed Development would be constructed pursuant to Quality Housing requirements and would contain approximately 300 dwelling units. Pursuant to the proposed MIH Option 2, the Proposed Development would contain 30 percent, or approximately 68,500 sf, affordable housing floor area, which would yield approximately 90 affordable units.

Where a property is mapped for MIH and MIH-required affordable housing floor area is provided on-site, Quality Housing buildings can have increased height pursuant to ZR 23-664. The Proposed Development would have a maximum height of 95 feet/9 stories, which height is permitted in the proposed R7A zoning district pursuant to ZR 23-664. The portions of the Proposed Development adjacent to Block 388's existing R6B zoning district would be limited to a maximum height of 65 feet pursuant to ZR 23-693 and the Applicant is proposing to construct two 37-foot tall townhouse-style buildings, one on either side of the existing R6B district.

The Proposed Development would be configured as follows:

- Sycamore Place, a nine-story, 95-foot tall mixed-use building would be located on the north side of Lot 19, fronting on Bergen Street. It would contain approximately 4,680 sf of ground floor retail space (and another approximately 5,000 sf of cellar retail space) closest to Third Avenue (in the R7D/C2-4 district), approximately 5,500 sf of ground floor community facility space (and another approximately 4,500 sf of cellar community facility space) and approximately 169,800 sf of residential floor area. This building would also contain the majority of Proposed Development's ground-level parking garage. To break up the scale of Sycamore Place's 400-foot frontage, the street wall would be articulated up to five feet from the street line. The main residential entrance would be located at the center of the building's frontage, but the building would have two cores.[1] A setback above the building's fourth floor would offset taller portions of the building from the four-story residential buildings to the Development Site's west. Sycamore Place

[1] The building will also have two secondary means of ingress/egress onto Bergen Street for back-of-house use, tenants bringing bicycles in and out of the building and emergency egress.

would feature additional setbacks, between 10 and 15 feet from the street wall (15 feet from the property line), above the seventh floor, where it would also feature dormers.

- Linden Place, a nine-story, 95-foot tall residential building would be located on the south side of Lot 19, fronting on Wyckoff Avenue. It would contain approximately 33,660 sf of floor area. Linden Place would contain a portion of the Proposed Development's ground-level parking garage. Linden Place would set back 15 feet above its seventh story, where it would also feature dormers.
- Two three-story, 37-foot tall residential townhouse-style buildings would front on Wyckoff Avenue, one on Lot 42 and one on Lot 51. Each would contain approximately 2,400 sf of floor area. The two townhouse buildings would be located on either side of the existing R6B district on Block 388, which is improved with three-story townhouse buildings.

The Proposed Development would provide parking for approximately 125 cars. The parking garage would be accessed by one 22-foot (including splays) curb cut on Bergen Street on the west side of the Sycamore Place building. The proposed commercial and community facility uses in the Proposed Development do not meet the floor area threshold for required loading berths. However, the Proposed Development will include two permitted loading berths, each accessed by a 12-foot-wide curb cut, on its Bergen Street frontage – the eastern loading berth for use by the retail tenant, to move retail deliveries off the street, and both for use by the residential component, for tenant move-ins and move-outs and for storage of waste between trash/recycling pickups.

VII. Actions Necessary to Facilitate the Proposed Development

The Rezoning, comprised of a rezoning of the Project Area from its current M1-2 zoning district to an R7D/C2-4 zoning district within 100 feet of Third Avenue and an R7A zoning district beyond 100 feet of Third Avenue and mapping the Project Area for MIH, would facilitate the Proposed Development. The Project Area's surrounding area is largely residential, with commercial overlays allowing for local retail on main thoroughfares, such as Third Avenue, Fourth Avenue and Atlantic Avenue. The Project Area represents the only manufacturing district in not only its immediate area, but in all of Boerum Hill. The Rezoning would allow the Development Site to be redeveloped from its current industrial use to housing – in conformance with the area's residential zoning – while still providing a place for local retail and community facility uses. The Rezoning would also legalize the existing residential uses in the Project Area.

As explained in Section II, above, the Project Area was rezoned from an R6 zoning district to its current M1-2 zoning district in January 1973 (ULURP No. 21667) in conjunction with the now expired URP, to allow for Ulano's expansion. Now, Ulano is phasing out its operations in the Project Area and consolidating its operations to locations outside the City. The Rezoning would return the Project Area to its former residential nature, in harmony with the surrounding area. The Rezoning would help ensure future development would fit the majority-residential character of the neighborhood, creating a more peaceful environment for surrounding residents.

The Rezoning is designed such that the Development Site will create a transition area between the high-rise Wyckoff Gardens NYCHA complex to the south, Third Avenue to the east and lower density residential neighborhoods to the west and north. Pursuant to their certificates of occupancy, the three buildings that comprise Wyckoff Gardens rise to a height of 180.5 feet. The Proposed Development represents a significant step down from this tower-in-the-park development, with heights ranging from 37 feet, adjacent to the existing R6B zoning district on Block 388, to a maximum 95 feet. The proposed R7D/C2-4 district allows for a concentration of bulk on Third Avenue, a wide street, and the proposed R7A district creates a transition to the lower-density areas of Boerum Hill.

As part of the Rezoning, the Project Area will be mapped for MIH. The Applicant is proposing to map Options 1 and 2 in order to provide multiple avenues of meeting MIH requirements for future development within the Project Area. The Applicant is proposing to use Option 2 for the Proposed Development, which will result in construction of approximately 90 affordable housing units (68,500 sf of affordable housing floor area) at an average income of 80 percent AMI.

VIII. Conclusion

The Rezoning would replace the Project Area's existing manufacturing district with residential districts that would blend with the residential character of surrounding blocks, while introducing a commercial overlay within 100 feet of Third Avenue to maintain Third Avenue's commercial character. Furthermore, the Rezoning would facilitate the Proposed Development, which would create approximately 300 new dwelling units, including approximately 90 affordable units, and would serve as a transition between the high rise Wyckoff Gardens buildings to the south and lower density residential neighborhoods to the north and west.