Project Description (LR Item 3)
Project ID: 2024K0263

535 Morgan Avenue

October 2024

1. Introduction

Me & Morgan LLC/Hemmer 2 LLC (the "Applicant") requests a discretionary action from the City Planning Commission (CPC) for a zoning map amendment to rezone the existing M1-1 district to C7-1 (the "Proposed Action") over Block 2817, Lot 1 (the "Development Site") in the East Williamsburg neighborhood of Brooklyn Community District 1.

The Proposed Action would enable a new supermarket greater than 10,000 sf in an existing retail development located on the Development Site (the "Proposed Development"). This change in use would occur on the eastern end of the Development Site, where existing retail establishments are already located in a one-story, 39,726 zoning square foot (zsf) retail building. The proposed new supermarket would occupy this 20,265 zsf portion (the eastern most portion). The remainder of the existing retail building would remain in 19,461 zsf and is not proposed to change under the Proposed Action. Overall, no new construction or expansion of the existing one-story building is proposed, and the Proposed Action would only allow a portion of an existing building to be re-tenanted by a grocery store use greater than 10,000 square feet, which is not currently permitted as-of-right in the existing M1-1 zoning district. The Proposed Development would preserve 110 existing parking spaces.

2. Background

The Development Site and surrounding area have been zoned M1-1 since the 1961 Zoning Resolution and has remained since that time. In October 1974, the area to the north of Meeker Avenue rezoned residential areas from R4 to R6 (CP-22801).

The area immediately to the north and west of the Development Site was amended in 2009 as part of the Greenpoint-Williamsburg Contextual Rezoning in July of 2009 (N 090333 ZRK / 090334 ZMK). That rezoned affected all or portions of 175 blocks in an area generally bounded by Clay Street, Franklin Street, McCarren Park, the Brooklyn-Queens Expressway (BQE), Union Avenue, Scholes Street, Leonard Street, Maujer Street, Cooper Park, Kingsland Avenue, Van Dam Street, Nassau and Norman Avenues, and McGuinness Boulevard. The rezoning amended R6, C4-3, and C8-2 districts to R6B, R6A, R7A, C4-3A, and C4-4A districts. This areawide rezoning intended to limit larger out-

of-character development in R6 districts on mid-blocks and encourage new development on wide avenues. In addition to the rezonings, (voluntarily) Inclusionary Housing areas were mapped in R7A areas on Manhattan, Metropolitan, Union, and Bushwick Avenues, Grand Street, and McGuinness Boulevard. As part of the larger rezoning, R6B districts were mapped immediately to the north of Meeker Avenue and to the west of Kingsland Avenue, where those areas were previously zoned R6. However, some R6 areas along Meeker Avenue (and the Brooklyn Queens Expressway) were maintained.

North Brooklyn Industry & Innovation Plan

The Development Site is located within the boundaries of The Department of City Planning's ("DCP") *"North Brooklyn Industry & Innovation Plan"* (2018) study area. The plan was released on November 19th, 2018, and an update was shared in April 2019 at Brooklyn Community Board 1 (April 9, 2019) and Community Board 4 (April 17, 2019). Utilizing input from the local community, the plan identifies strategies to promote job growth and economic activity and ensure that core industrial areas (i.e., areas of the most intensive industrial activity) promote zoning and land use for industrial areas to thrive. The plan explores new models for innovation districts to support 21st century businesses and jobs, with opportunities, as appropriate, for a mix of light industrial and commercial uses.

The North Brooklyn Plan also establishes a land use framework that identifies subareas based on existing trends and assets, which include the "Core Industrial Area," which is the central hub for essential industrial business; the "Growth District," which is a dynamic, transit-accessible district for creative and tech-driven jobs of the future; the "Transition Area," which is a mix of industrial and non-industrial uses serving as a buffer between subareas; and a "Commercial Edge" which consists solely of commercial properties at the edge of the study area, for which no intervention is recommended as part of the plan. Of the proposed subareas, the Development is located in the "Commercial Edge" at the southwestern most edge of the study area. One of the overall objects of the North Brooklyn Plan, is to preserve such areas, which offer opportunities for high employment density.

City of Yes - Zoning For Economic Opportunity

Subsequently in June of 2024, *City of Yes Zoning For Economic Opportunity* (COYEO) was passed by City Council (N 240010 ZRY). According to the Department of City Planning COYEO is a comprehensive overhaul of zoning regulations that would: (1) make it easier for businesses to find space and grow by lifting barriers so businesses can be closer to their customers; (2) boost growing industries by reducing zoning impediments for emerging business types; (3) enable more business-friendly streetscapes by delivering active, safe, and walkable streets for businesses and residents; and (4) create new opportunities for local businesses to open by establishing new zoning tools to

boost job growth and business expansion. COYEO would support economic growth and resiliency by allowing existing non-residential space to be repurposed for alternative non-residential uses and by providing businesses with additional flexibility to grow and thrive in New York City.

As part of COYEO, the C7 commercial district was transformed from an amusement uses zoning district (superseded in Coney Island by special district rules) and repurposed it as a loft-style nonresidential, commercial zoning district to allow for commercial and community facility uses without residential uses. The new C7 districts range from 2 to 15 FAR, which would permit all commercial uses except (then) Use Group 16, and permit Community Facility uses without sleeping accommodations.

In addition to creating these new districts, the larger text amendment under COYEO modernized and condensed use groups and included other text amendments promote economic development by ensuring a wider range of businesses can use existing commercial spaces.

There are no other relevant proposals or approved land use actions within the last ten years within 1,000 feet of the proposed Rezoning Area.

3. Description of the Surrounding Area

The Development Site is located within the East Williamsburg neighborhood of Brooklyn Community District 1. The Development Site is located immediately to the south of the Brooklyn Queens Expressway, which decides the East Williamsburg neighborhood with Greenpoint to the north. Immediately to the west is Kingsland Avenue, which is a neighborhood arterial and 70-foot roadway that travels north-south between Greenpoint and East Williamsburg. Meeker Avenue, the northern frontage of the Development Site, functions as a service road for the Brooklyn Queens Expressway. The Brooklyn Queens Expressway is immediately accessible from the Development Site and connects the area with Queens and points south in Brooklyn. To the south of the Development Site is Lombardy Street, which is a 60-foot side street. The eastern frontage of the Development Site is along Morgan Avenue, which is another 60-foot neighborhood arterial that travels north-south, connecting Greenpoint and East Williamsburg.

Land uses in the 600-foot surrounding area contain a mix of residential, industrial, commercial, and transportation uses, and also includes several vacant lots. The predominant land uses in the area are light industrial and residential. It should be noted the area immediately west and north are predominantly residential, with the areas further south and east containing predominantly more industrial, automotive and commercial uses. These land use patterns typically reflect zoning in this area, as further outlined below.

Accordingly, the area to the west and north of the Development Site is characterized by two- to three-story residential buildings and four- and five-story pre-war multi-family walkup apartment buildings. There are also several three-to-four story residential buildings located to the southeast of the Project Area along Beadel Street. The largest residential building in the vicinity of the Development Site, is a seven-story multi-family elevator building located at 62 Monitor Street. Situated along Driggs Avenue and the northern side of Meeker Avenue are several mixed commercial/residential buildings, which consist of two to three residential stories over ground-floor retail. Retailers in the mixed commercial/residential buildings in the surrounding area mostly consist of delicatessens, coffee shops, and small restaurants. The two entirely commercial lots in the 600-foot radius of the Development Site are located at the intersection of Kingsland and Meeker Avenues, and are occupied by a single, one-story restaurant. Further south at Frost Street and Kingsland Avenue is the NYCHA Cooper Park Houses.

The prevailing built form immediately to the east and south includes low-scale, high-lot-coverage industrial buildings that contain warehousing and distribution facilities for construction materials, food and beverage wholesalers, and auto parts shops. Also located to the east and south of the Development Site are two auto-related uses, including automotive service stations at 546 Morgan Avenue and 48 Beadel Street. NYCHA Cooper Park Houses, further south, are 7-story buildings with approximately 700 dwelling units spread between 11 buildings. There are limited community facility/institutional uses in the area, with P.S. 110 located at Monitor Street and Driggs Avenue to the north and St. Cecilia's Roman Catholic Church located to the west at Herbert Street and Monitor Street.

There is only one open space in the surrounding area, a small pedestrian plaza named Fidelity Triangle, which is located at 601 Meeker Avenue to the northwest of the Project Area. The 388-sf plaza is administered by NYC Department of Parks and Recreation.

As noted above, the Development Site is located in an M1-1 zoning district, which extends to the south of Meeker Avenue and the Brooklyn Queens Expressway and east of Kingsland Avenue. The area to the north of Meeker Avenue/Brooklyn Queens Expressway is zoned R6 and R6B. In addition, areas along Driggs Avenue around Morgan Avenue are zoned R6B/C2-4. The area to the west of Kingsland Avenue is zoned R6.

The M1-1 district allows for a variety of light manufacturing uses at a maximum of 1.0 FAR. Typical uses include repair shops, wholesale service and storage facilities, as well as heavier industrial uses subject to stringent performance standards (Use Groups I, III, IV, VI. VII, VIII, IX and C). Building heights for M1-1 districts are governed by a sky exposure plane that begins at 30 feet or two- stories, whichever is less. The M1-4A district is similar to the M1-1 district but permits buildings up to 5.0 FAR. The district permits the same uses with an increased height limit pursuant to the sky exposure plane. Off-street parking and loading facilities requirements vary in M1 districts. It should be noted, residential use is not permitted in M1-1 zoning districts.

R6 is a general residential district that permits buildings under both Quality Housing and Height Factor regulations. For height factor buildings, the district allows a maximum FAR from 0.78 to 2.43 for residential use and a corresponding required open space ratio (OSR) range of 27.5 to 37.5 percent. For Quality Housing buildings, 3.0 FAR is permitted for buildings on or within 100 feet of a wide street. For height factor buildings, 70% of dwelling units require parking, while for Quality Housing buildings, 50% of dwelling units require parking.

R6B is a contextual residential zoning district that predominantly produces four- and five-story buildings. Many of these are brownstone buildings are set back from the street and have small front yards. The R6B zoning district allows for a maximum FAR of 2.0 and requires application of the Quality Housing regulations. The maximum height is 50 feet. Off Street parking is required for half of all DUs. R6B/C2-4 districts permit ground-floor commercial retail or two-story commercial buildings, with a maximum of 2.0 FAR for commercial use. Parking is typically required for commercial uses at one space per 1,000 square feet and the requirement is waived under a requirement below 40 spaces, reflecting access to mass transit.

The area immediately to the south and east of the Development Site is located in the North Brooklyn Industrial Business Zone (IBZ). The third largest IBZ in the city by employment, the North Brooklyn IBZ covers 164 blocks (or portions thereof) in the East Williamsburg, Greenpoint, and Bushwick neighborhoods, and is generally bounded by Newtown Creek to the east and north, Flushing Avenue to the south, and the more residential areas of Greenpoint and Williamsburg to the west. Usually built upon pre-existing In-Place Industrial Parks, IBZs offer various incentives to prevent industrial uses from relocating outside of the City and represent a commitment by the City not to rezone these areas for residential uses. Within an IBZ, Industrial Business Solutions Providers offer industrial firms' guidance on accessing appropriate financial and business assistance programs, navigating and complying with regulatory requirements, developing workforces, and ensuring the neighborhood is well-maintained.

The Development Site is located within a Food Retail Expansion to Support Health Program (FRESH) Zone. The program encourages neighborhood grocery stores with a full range of grocery products in underserved communities via discretionary tax incentives through the NYC Industrial Development Agency (IDA).

The surrounding area is well-served by public transit and is within a Transit Zone. The Nassau Avenue station serviced by the G train is approximately 0.50 miles to the northwest of the Development Site and the Graham Avenue station serviced by the L train is approximately 0.65 miles to the southwest. In terms of bus transit, the B24 bus travels along Kingsland Avenue and provides service to the Williamsburg Bridge Plaza and points north in Greenpoint. In addition, two blocks north is Nassau Avenue, where the B48 bus line provides service between Prospect-Lefferts Gardens

and Greenpoint. The area is also served by a Citibike station located at the intersection of Morgan Avenue and Lombardy Street, immediately adjacent to the Development Site.

4. Description of the Proposed Project Area

The Proposed Project Area and Development Site are the same. See below for a description of the Development Site.

5. Description of the Proposed Development Site

The Development Site consists of a single tax and zoning lot (Block 2817, Lot 1) that encompasses a single block. The Development Site is an irregularly shaped block bounded by Kingsland Avenue to the west, Meeker Avenue to the north, Morgan Avenue to the east, and Lombardy Street to the south. It comprises a total of approximately 100,750 square feet of lot area.

The Development Site is improved with two single-story commercial retail buildings with a total of 42,888 zoning square feet of built floor area (0.43 FAR). The one-story retail building on the eastern portion of the site consists of 39,726 zoning square get and currently contains three retail tenants (an AutoZone Auto Parts store, a Dollar Tree, and a Staples office supply store; "East Retail Building"). The one-story building on the western portion of the site is a McDonalds fast food restaurant and drive-thru consisting of 3,162 zoning square feet of floor area. The remainder of the Development Site consists of approximately 57,862 square feet of surface parking, with a total of 110 spaces between the McDonalds and the East Retail Building. The eastern parking lot located in the middle of the block (serving the East Retail Building) consists of 94 parking spaces accessible via two curb cuts, one each along Lombardy Street and Meeker Avenue, and the western parking lot (serving the McDonalds) consists of 16 parking spaces.

The western portion of the Development Site contains three curb cuts (one from Lombardy Street and two from Meeker Avenue) to access the McDonalds. In terms of parking and ingress/egress, the McDonalds is separated from the larger retail building on the eastern portion of the zoning lot, with the two parking areas separated by a curb, with no internal vehicular connection provided. The zoning lot contains 2 loading bays, located in the East Retail Building.

As noted above, Kingsland Avenue is a 'narrow' street (per ZR 12-10) with a mapped width of 70 feet. Meeker Avenue follows the elevated Brooklyn Queens Expressway. The total width of the Meeker Avenue right-of-way and the BQE overpass is approximately 165 feet. Morgan Avenue and Lombardy Street are also 'narrow' streets with a mapped width of 60 feet.

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6. Description of the Proposed Development

The Proposed Action would facilitate a new grocery store on the Development Site, which is not currently permitted in excess of 10,000 square feet. This change would occur on the eastern end of the Development Site, where existing retail establishments are located (AutoZone Auto Parts store, a Dollar Tree, and a Staples office supply store), in a one-story, 39,726 square-foot building. The new retail establishment, a grocery store (which would replace the existing Staples retailer), would occupy an approximately 20,265 square-foot of the East Retail Building on the Development Site, and would exceed the size limit currently permitted as-of-right in the M1-1 zoning district. Given that the grocery store would reoccupy a portion of an existing building, the Proposed Development would only require interior renovations to the building. However, no structural exterior changes or additional development/expansion of the existing one-story building would occur as part of the Proposed Development. The remainder of the retail building would continue to contain a mix of retailers, as present in the existing conditions.

The western portion of the Development Site, which contains a fast-food restaurant (a McDonalds), would remain as well, with the McDonalds having a lease duration through 2054. The parking lot of the Development Site would be improved with landscaping and bicycle parking as part of the Proposed Development to improve the pedestrian experience. Although parking would no longer be required in the C7-1 district, the number of existing parking spaces (110 spaces) would remain, given the need for a level of parking for larger format retailers. In addition, the two existing loading bays would remain. As such. the Proposed Development would there continue to contain a built floor area of 42,888 zoning square feet (0.43 FAR), containing Use Group VI commercial retail and service uses.

7. Actions Necessary to Facilitate the Project

The Proposed Action consists of a zoning map amendment from M1-1 to C7-1. The proposed new C7-1 district would be mapped coterminous with the Development Site and generally bound by Meeker Avenue to the north, Morgan Avenue to the east, Lombardy Street to the south and Kingsland Avenue to the west. The proposed C7-1 permits 2.0 FAR for commercial and community facility uses (Use Groups I, III, IV, VI, VII, VIII, IX and X). The district permits a maximum base height of 45 feet and an overall maximum height of 65 feet. No accessory off-street parking is required for C7 districts in the Transit Zone.

The proposed C7-1 district would increase FAR from 1.0 FAR for commercial uses to 2.0 FAR, although existing floor area would remain at 0.43 FAR, given necessary surface parking for existing development and extended lease durations. In addition, new flexibility would be provided for future commercial retail and community facility uses, where most community facility uses are not currently permitted in M1-1 districts. Accordingly, the C7-1 district would marginally alter the permitted uses by allowing retail establishments of all sizes (Use Group VI), as well as community facility uses without sleeping accommodations, reflecting the need for a small area devoted to commercial services, over a light manufacturing district on this specific block.

The Proposed Action is intended to facilitate additional flexibility in the provision of commercial service uses for the Development Site, which is located between pre-existing residential communities (Williamsburg and Greenpoint) and a thriving commercial-industrial area. The location is appropriate for additional commercial flexibility, given walking distance from the aforementioned residential communities, as well as a location immediately adjacent a limited access freeway (Brooklyn Queens Expressway). Given the Development Site already contains commercial uses with surface parking, this area is more appropriate for a commercial district than a district devoted to light manufacturing and warehouse uses. The Development Site is also located outside an IBZ and the amendment from M1-1 to C7-1 would not result in the displacement of industrial businesses for this block.

As outlined in the *North Brooklyn Industry & Innovation Plan,* the Development Site was identified as a "Commercial Edge" area, which comprises solely of commercial properties on the edge of IBZ areas. These areas are recommended to be preserved as commercial areas, which offer opportunities for high employment density and services. The Development Site is not located in an IBZ with the North Brooklyn IBZ beginning to the south and east of the Development Site, in the M1-1 district.

Moreover, the proposal would eliminate parking requirements near transit, a noted goal of the plan. and would also be consistent with other citywide policies and initiatives, such as *OneNYC* and *New York Works*, by providing opportunities for accessible middle class job growth. Accordingly, the C7-1 district would be more consistent with this plan than an M1-1 district, as it would enable retail establishments in excess of 10,000 square feet, which are currently not permitted. In addition, in the future decades, should redevelopment occur on the Development Site following the expiration of existing leases, flexibility is provided for future commercial uses with an increased bulk envelope and no parking requirements.

8. Conclusion

The Proposed Action would amend a block from M1-1 to C7-1 to enable a new retail establishment (a grocery store) consisting of more than 10,000 square feet in a pre-existing commercial shopping

center. The currently M1-1 limits retail establishments to 10,000 square feet and does not reflect the commercial nature of this area. An amendment to C7-1 would enable additional flexibility for this area, which already contains a commercial shopping center and is appropriately located near residential communities, a limited access freeway and transit, and is not located in an Industrial Business Zone. The proposed C7-1 would also be appropriate with the *North Brooklyn Industry & Innovation Plan,* which designates this specific block for preservation of commercial use and employment. As such, the C7-1 district is appropriate for this area and would result in the necessarily flexibility to locate businesses and services adjacent thriving residential communities. Therefore, the Proposed Action is appropriately located and would be consistent with recent City-initiated policy proposals, including the *North Brooklyn Industry & Innovation Plan, New York Works, OneNYC* and would not be inconsistent with the City's IBZ program, recognizing and increasing commercial capacity and new jobs in an appropriate location outside the IBZ.