July 24, 2024 / Calendar No. 13 C 220080 ZMK

IN THE MATTER OF an application submitted by B.P. Mill Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, by changing from an M1-1 District to an M1-5 District property bounded by Mill Street, Hamilton Avenue (southwesterly portion), Centre Street, a line 70 feet southwesterly of Hamilton Avenue (southwesterly portion), a line midway between Mill Street and Centre Street, and a line 100 feet southeasterly of Clinton Street, as shown on a diagram (for illustrative purposes only) dated March 4, 2024, and subject to the conditions of CEQR Declaration E-699, Borough of Brooklyn, Community District 6.

This application for a zoning map amendment was filed by B.P. Mill Street, LLC on August 18, 2021, to change an M1-1 zoning district to an M1-5 zoning district. This application would facilitate the development of a ten-story, approximately 64,000-square-foot mixed-use development containing 7,779 square feet of retail space, 14,832 square feet of ambulatory diagnostic use, and 41,734 square feet square feet of office space at 150 Mill Street (Block 552, Lot 13) in the Red Hook neighborhood of Brooklyn, Community District 6.

BACKGROUND

The applicant seeks a zoning map amendment to change an M1-1 zoning district to an M1-5 zoning district to facilitate the development of a new ten-story, approximately 64,000-square-foot mixed-use development containing 7,780 square feet of retail space, 14,830 square feet of ambulatory diagnostic use, and 41,730 square feet square feet of office space at 150 Mill Street in the Red Hook neighborhood of Brooklyn, Community District 6.

The project area consists of multiple lots at the northeast corner of Block 552, bounded by 50-foot-wide Centre Street to the south, 95-foot-wide Clinton Street to the west, 50-foot-wide Mill Street to the north, and 55-foot-wide Hamilton Avenue, which runs beneath the elevated Gowanus Expressway, to the east. The applicant-controlled development site, Lot 13, is located

on the southeast corner of Mill Street and Hamilton Avenue. Lots 21, 22, 23, 24, 25, and portions of lots 5, 17, 18, 29, 31, and 34 make up the remainder of the project area.

The development site is an irregularly shaped lot with approximately 93 feet of frontage along Mill Street and approximately 46 feet of frontage along Hamilton Avenue and has a total lot area of approximately 9,900 square feet. The property is currently improved with a single-story industrial building of approximately 1,000 square feet (0.11 FAR) built in 1995 that is currently used by a scaffolding rental business.

A gas station with four wide curb cuts occupies Lots 21, 22, 23, 24, 25, and 29 and has a total lot area of approximately 7,740 square feet. Approximately half of Lot 29 is located within the project area. Lot 5 is a 14,000 square-foot rectangular lot, approximately 4,000 square-feet of which is included within the project area. The property is located at the southeast corner of Clinton and Mill Streets and contains a 23,000 square-foot (1.64 FAR) Department of Citywide Administrative Services (DCAS) Community Facility Day Care.

Lot 17 is an approximately 4,480 square-foot lot located directly adjacent to the development site and is improved with a three-story, 3,744 square-foot (1.97 FAR) mixed-use building with two residential units above a restaurant. Lot 18 is an approximately 4,480 square foot-lot improved with a one-story, 4,480 square foot (1.0 FAR) industrial building tenanted by a contractor. Very small portions of lots 17 and 18 are located outside of the project area.

Very small portions of lots 31 and 34 are located within the project area, the former of which is a 3,825-square-foot lot improved with a two-story, approximately 3,789 square-foot (0.99 FAR) warehouse and Lot 34 is a 7,346-square-foot lot improved with a one-story, approximately 1,125 square-foot (0.15 FAR) auto body facility.

The surrounding area is characterized by a mix of industrial, commercial, and multi-family walk-up and elevator buildings. The areas south and southeast of the project area are characterized by industrial and automotive uses, while the residential uses are generally located to the north and west of the project area. Three- to six-story mixed use residential and commercial buildings are located to the north and east of the project area across the Gowanus Expressway, an elevated six-

lane highway approximately 180 feet in width. Ground floor retail uses line the major streets, including Court Street, adjacent to the project area. The New York City Housing Authority (NYCHA) Red Hook Houses, developed in 1938, are located to the west of the surrounding area in an R5 zoning district. It is the largest NYCHA development in Brooklyn, consisting of approximately 24 six-story buildings. The Gowanus Expressway serves as a boundary between the neighborhoods of Red Hook and Carroll Gardens. The project area is located along the southbound route of Hamilton Avenue, a three-lane, 55-foot-wide street which runs beneath the Gowanus Expressway.

The project area lies at the edge s of the Southwest Brooklyn Industrial Business Zone (IBZ). IBZ areas were established by the City to support industrial businesses through tax credit benefits and other city-based programs.

The project area is located within an M1-1 zoning district that extends beyond the project area to the south. The project area is also located adjacent to R5, R5/C1-3, R6B, R6A, and R6A/C2-4 zoning districts. R5 districts are mapped to the west of the project area along Clinton Street and covering the NYCHA Red Hook Houses. R6B districts are mapped in the residential areas to the north and east of the project area across the Gowanus Expressway in Carroll Gardens. The nearby R6A districts are mapped to the northeast of the project area along Court Street. C1-3 commercial overlays in the area are predominantly mapped over the R5 districts to the west of the project area along Clinton Street, while C2-4 overlays are predominantly mapped along Court Street in Carroll Gardens.

M1-1 zoning districts are low-density manufacturing districts that permit industrial and commercial uses up to an FAR of 1.0 and certain community facility uses up to an FAR of 2.4. Buildings in M1-1 districts are generally required to be 30 feet or two stories along the street wall, after which building heights are governed by the sky exposure plane that allows height to increase, with no maximum limit, based on distance from the street. M1-1 districts have high parking requirements, generally requiring 1 space per 300 square feet of commercial use and 1 space per 1,000 square feet of industrial use.

R5 districts are low-density districts that allow a variety of housing types up to an FAR of 1.25, typically producing three- and four-story attached houses and small apartment buildings up to a

maximum building height of 40 feet. Parking is required for 85% of dwelling units. R6B districts are medium-density contextual residential districts designed to reflect the character of old rowhouse neighborhoods with a maximum residential FAR of 2.0 and a maximum height of 50 feet, or 55 feet with a Qualifying Ground Floor. R6A districts are contextual residential zoning districts producing Quality Housing buildings that are seven or eight stories tall. The maximum residential FAR in an R6A district is 3.0 and the maximum building height is 70 feet, or 75 feet for buildings with a Qualifying Ground Floor. Off-street parking is required for 50% of dwelling units in R6A and R6B districts.

When mapped over an R5 district, C1-3 districts have a commercial FAR of 1.0 and commercial use must be located at the ground floor. C1-3 districts require one parking space per 400 square feet of general retail or medical facility floor area. C2-4 districts allow a slightly wider range of local-serving community retail and service uses than C1-3 districts while requiring less parking, at only one space required per 1,000 square feet of commercial use. When mapped over R6A districts, the commercial FAR is 2.0.

There are several community facility uses in the surrounding area. Strong Place for Hope Daycare is located partially within the project area, just west of the development site at the intersection of Mill and Clinton streets. On Block 552, a USPS post office is located just south of the project area and New Brown Memorial Baptist Church is located on the southwest corner of the block. The Choo Choo Train Daycare is located approximately 400 feet east of the project area on Court Street.

Nearby open spaces include the Red Hook Recreation Area, a 58.5-acre park with baseball, basketball, swimming, handball, soccer, and running facilities located 500 feet southwest of the project area. Approximately 100 feet east of the project area is the 0.03-acre Cough Triangle, and approximately 600 feet northwest of the project area is the 0.43-acre Admiral Triangle, which includes a playground.

The area is well-served by public transit, located within the Transit Zone with several options for subway and bus service. The Smith – 9th Street subway station provides access to the F and G lines and is located approximately three blocks northeast of the project area. The B57 bus, connecting Gowanus to Maspeth via Downtown Brooklyn, and the B61 bus, connecting Park

Slope to Downtown Brooklyn via Red Hook, both have stops within one block of the project area. In addition, there are four Citi Bike stations within two block of the project area and there are bike lanes on Smith, Court, West 9th, and Garnet Streets in the surrounding area.

The project area has been mapped with an M1-1 zoning district since 1961. In 2009, a large portion of the Carroll Garden neighborhood to the northeast of the project area was rezoned as part of the Carroll Gardens and Columbia Street Rezoning (C 090462 ZMK). This action established contextual zoning districts over approximately 89 blocks with the goal of protecting the neighborhoods' residential character and the height and scale of existing three- to five-story homes and apartment buildings.

The proposed development is a ten-story mixed-use building with 64,345 square feet of floor area (approximately 6.49 FAR), including 7,779 square feet of retail space proposed as a supermarket at the ground floor and cellar levels, 14,832 square feet of ambulatory diagnostic uses at the second and third floors, and 41,734 square feet of office uses on floors four through ten. The building would rise approximately six stories before setting back on the upper floors at an angle per a sky exposure plane. The supermarket would have entrances on Mill Street and Hamilton Avenue and the lobby providing service to the upper floors would have an entrance on Hamilton Avenue. While no parking is proposed for the development, as none is required, a freight lobby for the building would be located on Mill Street.

In order to facilitate the proposed development, the applicant proposes a zoning map amendment to rezone the existing M1-1 zoning district to an M1-5 zoning district. M1-5 zoning districts are medium-density manufacturing districts that permit industrial and commercial uses up to an FAR of 5.0 and certain community facility uses up to an FAR of 6.5. New developments within M1-5 districts are subject to a sky exposure plane that commences at a height of 85 feet above the street line (or six stories, whichever is less) with a required setback at or below the 85-foot height of 15 feet on a narrow street and 20 feet on a wide street. Parking is not required in M1-5 districts.

ENVIRONMENTAL REVIEW

This application (C 220080 ZMK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 22DCP016K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on March 1, 2024. The Negative Declaration included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-699). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (C 220080 ZMK) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on March 15, 2018, pursuant to the New York State Waterfront Revitalization and Coastal Resource Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 18-169.

The action was determined to be consistent with the policies of the New York City Water Revitalization Program.

UNIFORM LAND USE REVIEW

This application (C 220080 ZMK) was certified as complete by the Department of City Planning on March 4, 2024 and duly referred to Brooklyn Community Board 6 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 6 held a public hearing on this application (C 220080 ZMK) on March 28, 2024, and on April 10, 2024, by a vote of 28 in favor, two opposed, and two abstaining, the board adopted a resolution recommending approval of the application with the following condition:

> "The applicant and local community-based organizations (CBOs) will prepare a letter or MOU outlining the CBA's inclusions. The applicant will continue to dialogue with the local CBOs throughout the ULURP process."

Borough President Recommendation

This application (C 220080 ZMK) was considered by the Brooklyn Borough President, who held a public hearing on April 16, 2024, and on June 7, 2024, issued a recommendation to disapprove the application.

City Planning Commission Public Hearing

On June 12, 2024 (Calendar No. 3), the City Planning Commission scheduled June 26, 2024, for a public hearing on this application (C 220080 ZMK). The hearing was duly held on June 26, 2024 (Calendar No. 21). Four speakers testified in favor of the application, and none in opposition.

The first three speakers testifying in favor of the application were members of the project team. The applicant's representatives presented an overview of the application, including the surrounding uses and zoning districts as well as nearby transit connections and the project's ability to create jobs. The architect then spoke about the history of the development site, the specific conditions of the site, and details about the proposed development. He explained that the proposed development will have dedicated drop-off areas and a dedicated loading space on Mill Street. The applicant team also discussed an updated proposal to include light manufacturing on the second story.

In response to questions from the Commission, the applicant representative, architect, and environmental consultant went into detail about the industrial space being considered for the second floor, loading and unloading plans, and a potential no-standing zone along Mill Street. They also discussed pedestrian flow and safety in the surrounding area, indicating that the area would undergo significant changes to ensure pedestrian safety, and responded to inquiries about delivery and loading logistics. The applicant team provided an overview of their correspondence with tenants of the NYCHA Red Hook Houses and potential opportunities for such tenants. The team discussed their conversations with stakeholders in the area about ensuring the proposed development was a positive contributor to the area and the Southwest Brooklyn IBZ.

There were no other speakers, and the hearing was closed.

The Department also received one email of opposition to the project from a local resident.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 220080 ZMK) is appropriate. These actions will facilitate the development of a ten-story mixed-use building with 64,345 square feet of floor area including 7,779 square feet of retail space proposed as a supermarket at the ground floor and cellar levels, 14,832 square feet of community facility uses at the second and third floors, and 41,734 square feet of office uses on floors four through ten. The Commission is pleased that the project will activate a site that has historically remained underdeveloped with job-generating uses that are compatible with other nearby uses and beneficial to residents in the area.

The Commission believes that the proposed density and height permitted by the proposed M1-5 district is appropriate at this location given the neighborhood context adjacent to a truck route and an elevated highway, access to infrastructure, and existing uses in the surrounding area. While Mill Street is narrow at only 50 feet, the development site’s location adjacent to the Gowanus Expressway and near several other large buildings in the Red Hook and Carroll

Gardens neighborhoods indicate that this is an appropriate location for developments permitted by the proposed M1-5 district.

Due to the low permitted FAR and high parking requirement, the current M1-1 zoning has served as a barrier to redevelopment of underutilized lots such as the development site. Many of the existing buildings in the surrounding area are noncompliant with the current M1-1 zoning district that has remained unchanged since 1961. The proposed M1-5 zoning district will allow for an increase in height and density and elimination of parking requirements with no change in permitted use. Developments permitted by the proposed M1-5 district are appropriate in an area characterized by a mix of uses, including several non-industrial uses, and good access to transportation infrastructure.

In response to requests by the Community Board and Borough President to commit to including industrial space within the proposed development, which were echoed at the public hearing, the Commission notes that the specific uses of the project are outside the scope of the requested action. The Commission further recognizes that while the project area falls just within the boundaries of the Southwest Brooklyn IBZ and the applicant has not clarified a commitment to advance manufacturing uses within the IBZ, the immediate surrounding area is characterized by a mix of uses, including a daycare, a church, mixed residential and commercial buildings, and a post office. However, the Commission notes that industrial uses are permitted under the proposed M1-5 zoning district and supports a broader mix of uses within the development to better serve the community and provide local employment opportunities. The Commission further encourages the applicant to work with local industrial service providers to develop a non-residential program that supports high-quality industrial jobs and services for surrounding residents, particularly those residing in the nearby NYCHA houses.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on March 1, 2024, with respect to this application

(CEQR No. 22DCP016K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c, by changing from an M1-1 District to an M1-5 District property bounded by Mill Street, Hamilton Avenue (southwesterly portion), Centre Street, a line 70 feet southwesterly of Hamilton Avenue (southwesterly portion), a line midway between Mill Street and Centre Street, and a line 100 feet southeasterly of Clinton Street, as shown on a diagram (for illustrative purposes only) dated March 4, 2024, and subject to the conditions of CEQR Declaration E-699, Borough of Brooklyn, Community District 6.

The above resolution (C 220080 ZMK), duly adopted by the City Planning Commission on July 24, 2024 (Calendar No. 13) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
GAIL BENJAMIN, ANTHONY CROWELL, Esq., DAVID GOLD, Esq., LEAH GOODRIDGE, Esq., RASMIA KIRMANI-FRYE, ORLANDO MARÍN, RAJ RAMPERSHAD, *Commissioners*

JUAN CAMILO OSORIO, *Commissioner, VOTING NO*