



CITY PLANNING COMMISSION

July 1, 2009/Calendar No. 11

C 090310 ZMK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an M1-4/R7A District property bounded by Plymouth Street, Bridge Street, a line midway between Plymouth street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, and a line 150 feet easterly of Jay Street;
2. changing from an M3-1 District to an M1-4/R7A District property bounded by:
 - a. John Street, Bridge Street, Plymouth Street, and a line 150 feet easterly of Jay Street; and
 - b. Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street;
3. changing from an M1-2 District to an M1-4/R8A District property bounded by Plymouth Street, a line 150 feet easterly of Jay Street, Front Street, and Adams Street;
4. changing from an M3-1 District to an M1-4/R8A District property bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, a line 150 feet easterly of Jay street, Plymouth Street, and Adams Street; and
5. establishing a Special Mixed Use District (MX-2) bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, Bridge Street, Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, Adams Street, Plymouth Street, and Adams Street;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated February 17, 2009, and subject to the conditions of CEQR Declaration E-231.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on February 12, 2009, to rezone all or portions of 12 blocks generally bounded by Adams Street, John Street, Bridge Street and Plymouth Street from M1-2 and M3-1 districts to

M1-4/R7A (MX-2) and M1-4/R8A (MX-2) districts in the DUMBO neighborhood of Community, District 2, Brooklyn.

RELATED ACTION

In addition to the amendment of the Zoning Map, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 090309 ZSK Zoning text change to apply the Inclusionary Housing program to the DUMBO rezoning area and to rename the Special Mixed-Use District (MX-2) to DUMBO

BACKGROUND

The New York City Department of City Planning proposes a zoning map amendment to apply contextual mixed-use zoning districts to an approximately 12-block area in the DUMBO neighborhood of Brooklyn Community District 2. DUMBO is located along Brooklyn's East River waterfront and is situated between the historic neighborhoods of Fulton Ferry and Brooklyn Heights to the west and south, Vinegar Hill and the Brooklyn Navy Yard to the east and Downtown Brooklyn and Bridge Plaza to the south within Community District 2. The proposed rezoning area is generally bounded by the Manhattan Bridge and Anchorage Place to the west, John Street and the East River to the north, Bridge Street to the east and Front Street to the south.

In conjunction with the rezoning, a related zoning text amendment (N 090309 ZRK) would designate the DUMBO rezoning area as an Inclusionary Housing area and would change the name of the Special Mixed Use District 2 (MX-2) from Fulton Ferry to DUMBO.

Neighborhood Character

DUMBO's emergence in the early 19th century as a bustling manufacturing hub resulted from the success of steam ferries that crossed the East River from the nearby Fulton Ferry Landing. The development activity that was generated by this commerce had a profound impact on the neighborhood. At the end of the 19th century, industrial companies began to develop the area with high density brick and reinforced concrete loft buildings to take advantage of the ease of storing, refining and shipping materials from this transportation hub. These loft buildings, which continue to define DUMBO's character today, rise at the street line without setback and are punctuated with large windows that allowed sunlight into the industrial workspaces. Following the general trend of industrial decline in Northeastern cities, the companies and workforce that operated from loft buildings in DUMBO gradually diminished by the middle of the 20th century.

Following land use and market trends of recent decades, DUMBO has evolved from its industrial past into a dynamic, mixed use community that has adapted by housing a new generation of uses. A residential presence grew in the late 1970s as artists priced out of gentrifying Manhattan neighborhoods transformed the large spaces into work studios and residences. Beginning in the mid-1980s, the New York City Loft Board regulated the legalized conversion of many of these units as Interim Multiple Dwellings (IMD). Since then there has been a steady increase in residential occupancy within the existing loft buildings, both through illegal conversions and

Board of Standards and Appeals (BSA) variances. Art galleries and local retail shops, among other design-oriented users, have located predominantly in ground-floor spaces to service the increased activity in the neighborhood. The neighborhood's large footprint loft spaces and attractive rental prices have attracted creative commercial companies in new media fields such as web and design, music production and promotion, and graphic arts.

In recognition of DUMBO's unique built character, the neighborhood has received two historic district designations in recent years. The proposed rezoning area is completely within the DUMBO Industrial District established by the State and National Register of Historic Places in 2000, and is almost entirely within the DUMBO Historic Districts established by the LPC in 2007.

Land Use

The proposed rezoning area contains approximately 12 blocks situated along Jay Street and Bridge Street the neighborhood's two predominant north-south corridors. Buildings along the Jay Street corridor vary greatly in their respective size, ranging from 1 to 12 stories. The few low-rise buildings of 1 to 3 stories typically have ground floor uses of neighborhood services such as restaurants or local retail with upper floors containing residential use. Buildings of 3 to 7 stories rise from 50 to 80 feet, due to the tall ceiling heights of the loft structures. These are more likely to be uniformly occupied by warehousing or studio uses as several of these buildings have loading docks or other structural conditions that have prevented ground floor conversions. Lastly, the largest loft buildings of 6 to 12 stories, or 80 to 145 feet in height, are typically of mixed-use character. Although there are some vestiges of earlier light-manufacturing uses such

as waste paper transfer, ground floor uses typically include dry cleaners, art galleries, garment production, and furniture sales. The remaining floors of these lofts contain an array of uses, including architectural, graphic design, and other business services, printing companies, woodworking and similar light industrial work, and art studios.

Buildings in the Bridge Street corridor commonly range from 4 to 7 stories, or 50 to 75 feet. Smaller foundries and garages of 20 feet in height are also interspersed. Both of these building types do not typically have ground floor uses that interact with the street and are more likely to be occupied by industrial uses including furniture production, woodworking, and metal sculpting that have remained during the area's transformation. There are also concentrations of office space and residential units throughout the Bridge Street area as well.

DUMBO is served by the F train with a stop one block south of the rezoning area at the intersection of York and Jay Streets. Subway service is also available on the A and C trains with a station at High Street, seven blocks to the southwest. The B61 and B25 bus routes also have stops near the proposed rezoning area.

In December 2007, the LPC designated the DUMBO Historic District. Twenty-five lots within the proposed rezoning area contain style buildings as determined by the LPC, requiring these buildings to undergo LPC review of any proposed alteration or demolition.

Previous Actions

The proposed action follows six previous private and department sponsored rezonings in the past ten years in the surrounding and adjacent areas that have increased the mixed-use character of

the neighborhood. These include the mapping of a C6-2A district in 1998 to allow for the mixed-use conversion of buildings along Main Street; the contextual residential rezoning of Vinegar Hill, in conjunction with the LPC designation of an historic district; the creation in 1999 of Brooklyn's first Special Mixed Use District, M1-2/R8A (MX-2) to allow for mixed-use conversion and new construction between the Manhattan and Brooklyn Bridges from Water to York Streets; and several private rezoning applications to facilitate new mixed use developments. These actions have generated over 900 new residential units.

Existing Zoning

The rezoning area is currently zoned M1-2 and M3-1. Four blocks north of Plymouth Street, as well as a property at the southeast corner of the Bridge Street and Plymouth Street, are zoned M3-1. Portions of eight blocks south of Plymouth Street are mapped M1-2. The M3-1 zoning has been in place since the current Zoning Resolution was adopted in 1961 while the M1-2 zoning was mapped in 1986, reducing the size of the M3-1 district to reflect the shift in types of industrial uses in the area.

M1-2

An M1-2 district is currently mapped over approximately two-thirds of the rezoning area generally located south of Plymouth Street. M1-2 districts permit Use Groups 4-14, and 16-17, which include light manufacturing and industrial uses, many commercial uses and certain community facility uses. There are no height limits and building envelopes are governed by the sky exposure plane. M1-2 permits 2.0 FAR; however buildings containing community facility uses are permitted up to 4.8 FAR.

M3-1

An M3-1 district is currently mapped in the area north of Plymouth Street or approximately one-third of the rezoning area. M3-1 districts permit Use Groups 6-14, and 16-18, which include heavy manufacturing and industrial uses up to 2.0 FAR and certain commercial uses. There are no height limits and building envelopes are governed by the sky exposure plane.

PROPOSED ACTIONS

Zoning Map Change (C 090310 ZMK)

The DUMBO rezoning would change the existing M1-2 and M3-1 zoning to mixed use, contextual zoning districts (M1-4/R8A and M1-4/R7A, (MX-2)) and extend the adjacent Special Mixed Use District (MX-2) established in 1999. The proposed rezoning would allow residential conversion of existing loft buildings and promote new construction at densities consistent with the existing built character.

M1-4/R8A (MX-2) from M3-1 and M1-2

Ten full or partial blocks, along the Jay Street corridor would be rezoned to an M1-4/R8A mixed-use district. This area is generally bounded by Adams Street to the west, John Street and the East River to the north, Front Street to the south, and a line 150 feet east of Jay Street to the east. Buildings with large floor plates that rise without setback to their maximum height are the predominant development on of these blocks.

The proposed M1-4/R8A mixed use district would allow residential and community facility uses within Use Groups 1-4, and commercial and manufacturing uses within Use Groups 5-15 and 17. The proposed M1-4/R8A district requires new buildings to have a base height of 60 to 85 feet and a maximum building height of 120 feet. New buildings in M1-4/R8A districts must be located at the street line.

In conjunction with the related zoning text amendment (N 090309 ZRK) to extend the Inclusionary Housing program to the proposed M1-4/R8A district, residential developments would have a maximum base FAR of 5.4 which could be increased to 7.2 FAR with the provision of affordable housing. Manufacturing and commercial uses would retain their current limit of 2.0 FAR, and community facility uses would have an FAR limit of 6.5. The contextual height limits established by the M1-4/R8A district would apply to all new development.

M1-4/R7A (MX-2) from M3-1 and M1-2

Five partial blocks along the Bridge Street corridor are proposed to be rezoned to an M1-4/R7A mixed-use district. This area is generally bounded by John Street to the north, the properties on the east side of Bridge Street to the east, Front Street to the south, and a line 150 feet east of Jay Street to the west. This corridor is characterized by five to seven story lofts buildings that rise without setback.

The proposed M1-4/R7A mixed use district would also allow residential and community facility uses within Use Groups 1-4, and commercial and manufacturing uses within Use Groups 5-15 and 17. The proposed M1-4/R8A district requires new buildings to have a base height of 60 to

85 feet and a maximum building height of 120 feet. New buildings in M1-4/R7A districts must be located no closer to the street than a neighboring building.

In conjunction with the related zoning text amendment to extend the Inclusionary Housing program to the proposed M1-4/R7A district, residential developments would have a maximum base FAR of 3.45 which could be increased to 4.6 FAR with the provision of affordable housing. Manufacturing and commercial uses would retain their current limit of 2.0 FAR, and community facility uses would have an FAR limit of 4.0. The contextual height limits established by the M1-4/R7A district would apply to all new development.

Zoning Text Amendment (N 080309 ZRK)

The related zoning text amendment (N 090309 ZRK) will make the Inclusionary Housing Program applicable in the proposed M1-4/R7A and M1-4/R8A districts within the rezoning area establishing incentives for the creation and preservation of affordable housing in conjunction with the development in the area.

Under the Inclusionary Housing program, developments providing affordable housing are eligible for a floor area bonus, within contextual height and bulk regulations tailored to this area. Affordable units can be provided either on the same site as the development earning the bonus, or off-site either through new construction or preservation of existing affordable units. Off-site affordable units must be located within the same community district or within a half-mile of the bonused development. Available City, State, and Federal housing finance programs may be used

to finance affordable units. The combination of a zoning bonus with housing programs would establish an incentive for the development and preservation of affordable housing in DUMBO.

The zoning text amendment would also change the name of the Special Mixed Use District 2 (MX-2) from Fulton Ferry to DUMBO to more accurately reflect the name of the area.

ENVIRONMENTAL REVIEW

This application (C 090310 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 designated CEQR number is 09DCP053K. The lead agency is the City Planning Commission.

After a study of the environmental impact of the subject application (C 090310 ZMK), a negative declaration was issued on February 17, 2009, which included (E) designations for hazardous materials, air quality, and noise.

To avoid potential impacts associated with hazardous materials an (E) designation for hazardous materials would be placed on the following properties:

Block	Lot
1	50
18	1

20	1, 12, 14, 21, 29
29	16
30	1, 4, 6, 7, 19, 20, 22, 23, 24
31	1, 14, 30
32	1, 55, 56
40	1, 13
41	1, 2, 5, 13, 42, 44
42	1

The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP.

With the placement of the (E) designations on the above block and lots, no significant adverse impacts related to hazardous materials are anticipated.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be placed the following properties:

Block	Lot
20	12, 14, 21, 29
30	1, 4, 21

31	1, 14
41	1, 2, 13, 42, 44

The text for the (E) designations is as follows:

Block 20, Lot 12: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 12 feet for Oil No. 2 from the lot line facing Bridge Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 20, Lot 14: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 16 feet for Oil No. 2 from the lot line facing Bridge Street and the lot line facing Plymouth Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 20, Lot 21: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 12 feet for Oil No. 2 from the lot line facing Jay Street and the lot line facing Plymouth Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 30, Lots 1, 4 and 21: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 18 feet for Oil No. 2 from the lot line facing Plymouth Street and 20 feet for the lot line facing Jay Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 31, Lot 14: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 21 feet for Oil No. 2 from the lot line facing Bridge Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 41, Lots 1 and 2: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 14 feet for Oil No. 2 from the lot line facing Water Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 20, Lot 29: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 19 feet for Oil No. 2 from the lot line facing John Street and 20 feet for Oil No. 4 from the lot line facing Jay Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 31, Lot 1: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 21 feet from Oil No. 2 from the lot line facing Bridge Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 41, Lots 13, 432 and 44: Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 26 feet from Oil No. 2 from the lot line facing Water Street and 24 feet for Oil No. 4 from the lot line facing Jay Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no significant adverse impacts related to stationary source air quality are expected.

To avoid the potential for significant adverse impacts associated with noise, the proposed action would map (E) designations for noise requiring a minimum of either 40 dBA or 45 dBA of window/wall attenuation for all new dwelling units. An (E) designation requiring a minimum of

40 dBA of window/wall attenuation for all new dwelling units would be placed on the following properties:

Block	Lot
1	50
19	1
30	6, 7, 19, 20, 22, 23
41	1, 2, 5, 13, 42, 44

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 40 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. To achieve 40 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning. The required degree of window/wall attenuation would require added project costs and could limit the range of design options. The City has not made any determination that cost-effective attenuation measures are available for this site. Commercial uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation in order to maintain an interior noise level of 50 dBA.

An (E) designation for noise requiring a minimum of 45 dBA of window/wall attenuation for all new dwelling units would be placed on the following properties:

Block	Lot
18	1
29	16
30	1, 4, 24
40	1

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 45 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. To achieve 45 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning. The required degree of window/wall attenuation would require added project costs and could limit the range of design options. The City has not made any determination that cost-effective attenuation measures are available for this site. Commercial uses must provide a closed window condition with a minimum of 40 dBA window/wall attenuation in order to maintain an interior noise level of 50 dBA.

With the placement of the (E) designations on the above block and lots, no significant adverse impacts related to noise are anticipated.

UNIFORMLAND USE REVIEW

This application (C 090310 ZMK) was certified as complete by the Department of City Planning on February 17, 2009, and was duly referred to Community Board 2 and the Borough President,

in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related application for a the zoning text amendment (N 090309 ZRK) which was referred to Community Board 2 and the Borough President in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on March 18, 2009 and on April 7, 2009, by a vote of 13 to 10 with one abstention, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

This application was considered by the Brooklyn Borough President who issued a recommendation on May 27, 2009 approving the application with the following conditions:

1. That blocks containing 10, 20 and 68 Jay Street and 155 Water Street be rezoned to M1-4 in lieu of M1-4/R8A.
2. That the remainder of the M1-4/R8A zoning district to be reduced to 100 feet east of Jay Street in lieu of 150 feet, with the area beyond 100 feet becoming part of the proposed M1-4/R7A district.
3. That the remaining blocks fronting Pearl Street be rezoned M1-4/R7A in lieu of M1-4/R8A.
4. That Senator Squadron's proposal be given consideration to determine the merits of a Brooklyn Bridge Park Increment Recapture (PIRC) district inclusive of the area within the DUMBO rezoning.

City Planning Commission Public Hearing

On May 20, 2009 (Calendar No. 9), the City Planning Commission scheduled June 3, 2009, for a public hearing on this application (C 090310 ZMK). The hearing was duly held on June 3, 2009

(Calendar No. 20), in conjunction with the public hearing for the related action (N 090309 ZRK). There were nine speakers in favor of the application and one speaker in opposition.

The speakers in support of the proposal included representatives of the Brooklyn Chamber of Commerce, the DUMBO Improvement District, the Downtown Brooklyn Partnership, property owners and retailers.

Speakers in support of the application testified the Department's proposed zoning would reflect DUMBO's existing mixed-use character and would enhance and support the continued growth of the neighborhood. Speakers testified that an increase in the residential population of the DUMBO neighborhood is needed in order to support local businesses by introducing a critical mass of residents to generate the necessary foot traffic to support a variety of retail uses. Speakers noted that the proposed zoning districts appropriately reflect the predominant density and scale of buildings in the area. They also noted that because most of the rezoning area is within the DUMBO Historic District, review of proposed development within the rezoning area would further protect its historic character. Speakers noted that the size and shape of many of the large commercial buildings make them ill suited for conversion to residential uses and are therefore likely to stay in commercial use. Property owners testified that they plan to maintain current commercial buildings in their current use, but seek opportunities to renovate existing buildings for residential use.

A representative of the DUMBO Neighborhood Alliance (DNA) spoke against the proposal. The speaker stated that the DNA opposes the proposal because the proposal does not reflect an earlier

proposed but not submitted Old Brooklyn District 197-a plan and the DNA's own rezoning recommendations. The speaker also testified that the proposal would allow excessive height and density thereby affecting the DUMBO historic district, would displace businesses, may affect schools, and does not provide for sufficient affordable housing.

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

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for the related actions, 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 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et. seq.). The designated WRP number is 08-099.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 090310 ZMK) in conjunction with the related application for amendments to the zoning text (N 090309 ZRK) is appropriate.

The Commission believes that the amendment to the zoning map is appropriate. The proposed rezoning would preserve the mixed-use character of the DUMBO neighborhood, allow for residential conversion of existing underutilized loft buildings, promote new construction of mixed-use buildings at densities consistent with the built character of the area and provide incentives for permanently affordable housing.

The Special Mixed Use District was designed to encourage investment in mixed residential and industrial neighborhoods, promote the opportunity for workers to live proximate to their jobs, create new opportunities for mixed-use communities and recognize and enhance the vitality and character of existing and potential mixed-use neighborhoods. The proposed rezoning would extend an existing Mixed Use District eastward to encompass the rezoning area. The Mixed Use District allows for a mixture of uses that would reflect and complement the uses currently existing in the rezoning area, with permitted building bulk and scale consistent with the neighborhood. The Commission believes the proposed rezoning would better reflect land use trends in the rezoning area than the existing M1-2 and M3-1 manufacturing zoning districts and is consistent with past Department rezoning initiatives in the DUMBO neighborhood.

The Commission believes the proposed M1-4/R8A (MX-2) and M1-4/R7A (MX-2) heights and densities are appropriate for the rezoning area. The rezoning would reflect the existing high-density building context near the Manhattan Bridge, and provide a transition to the Vinegar Hill neighborhood by stepping down the permitted heights and densities from the M1-4/R8A district to the M1-4/R7A district. Buildings in the rezoning area are built along the street line with no setback. Heights of historic buildings in the proposed M1-4/R8A district range from 23 feet to

145 feet. While a few very large buildings have heights of 90, 123 and 145 feet, many of the buildings in this area have heights between 60 and 85 feet, consistent with the permitted base height limits of the proposed R8A district. In the proposed R7A district, the heights of historic buildings range from 20 feet to 99 feet, but most of the building have heights between 45 and 65 feet, consistent with the base height limits of 40 to 65 feet permitted under the proposed zoning.

The Commission notes that the proposed rezoning area is located predominantly within the DUMBO Historic District, and most buildings within the historic district are classified as contributing buildings. Demolition of contributing buildings as well as additions would require approval by the Landmarks Preservation Commission (LPC). For vacant or non-contributing sites within the historic district, LPC would review proposed projects to determine their appropriateness in the context of the existing built character of the historic district, and in particular, neighboring buildings. The Commission notes that the maximum base heights under the proposed zoning match the scale of many of the smaller buildings in the area, while the maximum building heights permitted in the rezoning area best match the heights of the taller buildings in the rezoning area. The Commission believes that the combination of the LPC's review of projects in the historic district and the proposed zoning districts would create a regulatory framework that will help maintain the character of the DUMBO neighborhood while allowing for growth.

The Commission acknowledges the recommendations of the Borough President and the Commission notes that previous rezonings to mixed-use districts has contributed to the successful revitalization of the area of DUMBO west of the Manhattan Bridge. The area west of

the bridge was rezoned ten years ago to an M1-2/R8A district without affecting the industrial and commercial buildings similar to 20 and 68 Jay Street while encouraging development of new residential buildings on underdeveloped sites and allowing a mix of uses in existing underused buildings, resulting in a successful, vibrant, mixed-use community. The Commission further notes that owners of the buildings containing the largest number of jobs in the area, including 20 and 68 Jay Street and 155 Water Street, have provided written testimony to the Community Board that they intend to keep their buildings in commercial use. Finally, the Commission believes that full block loft buildings in the area are unlikely candidates for residential conversion because their large floor plates are better suited to commercial and industrial uses, and would be costly to convert to residential use. The Commission therefore believes that the proposed zoning for these blocks is appropriate

The Commission further notes that the Borough President's recommendation to reduce the depth of the proposed R8A district boundary along Jay Street from 150 feet to 100 feet is outside the scope of the application. The Commission notes that many of the lots fronting on the east side of Jay Street have a depth of 150 feet and the proposed depth of 150 feet would support the existing historic character of the neighborhood where most buildings are built to a consistent street wall height. The Commission believes that splitting these lots between zoning districts with different height limits could result in buildings that would be inconsistent with the predominant built character of the DUMBO neighborhood.

Similarly, the Borough President's recommendation to rezone properties along Pearl Street to M1-4/R7A instead of the proposed M1-4/R8A is outside the scope of the application. The

Commission notes that the buildings located along Pearl Street generally exceed the base height limits or FARs densities permitted in the proposed R7A district. The Commission believes the proposal for a combination of M1-4/R8A and M1-4/R7A districts were appropriately chosen to reflect the existing built context and create a framework for new development that would create a sensitive transition between the DUMBO and Vinegar Hill neighborhoods.

The Commission does not believe, as does the DNA, that the proposed heights and densities are excessive and would negatively affect the DUMBO Historic District. The Commission believes that the proposed zoning districts complement the heights and densities of historic buildings in the DUMBO Historic District. The Commission notes that the proposed districts have street wall height limits that match the heights of the mid-rise buildings in the rezoning area. Further, the Commission notes that the proposed building heights and FARs are less than are found in the largest buildings in the neighborhood. Finally, the Commission notes that development within the Historic District will be reviewed by the Landmarks Preservation Commission to ensure their compatibility with the historic context. Furthermore, the Commission notes that the environmental assessment statements produced for the DUMBO rezoning and the private rezoning application for the Dock Street project, which used the same methodology, both found that there are sufficient school seats to serve residents and that growth in the area would not result in a significant adverse impact on schools.

The Commission believes that the application of the Inclusionary Housing Program in this area is appropriate and will build upon the City's commitment to provide affordable housing throughout New York City. The Inclusionary Housing program would maintain height limits for the

contextual districts while allowing a floor area bonus of up to 33 percent for developments providing 20 percent affordable housing. The Commission believes this program, which has already resulted in hundreds of affordable units completed or in construction in Brooklyn, is an effective tool for promoting affordable housing in conjunction with new developments and investment in rehabilitation and permanent preservation of existing affordable units. In response to testimony by the DNA, the Commission notes that the proposed text amendment uses the standard inclusionary housing program, which provides incentives to new construction to provide 20% of floor area as permanently affordable housing. The Commission notes, however, that a large share of residential growth in the neighborhood could occur through renovation and reuse of existing underutilized buildings, which would not be subject to the inclusionary housing bonus.

Finally, the Commission believes that the use of “DUMBO” is a more appropriate description of the area covered by Special Mixed Use District MX-2, than “Fulton Ferry Landing.”

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; 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. 12d:

1. changing from an M1-2 District to an M1-4/R7A District property bounded by Plymouth Street, Bridge Street, a line midway between Plymouth street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, and a line 150 feet easterly of Jay Street;
2. changing from an M3-1 District to an M1-4/R7A District property bounded by:
 - a) John Street, Bridge Street, Plymouth Street, and a line 150 feet easterly of Jay Street; and
 - b) Plymouth Street, a line 100 feet easterly of Bridge Street, a line midway between Plymouth Street and Water Street;
3. changing from an M1-2 District to an M1-4/R8A District bounded by Plymouth Street, a line 150 feet easterly of Jay Street, Front Street, and Adams Street;
4. changing from an M3-1 District to an M1-4/R8A District property bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, a line 150 feet easterly of Jay street, Plymouth Street, and Adams Street; and
5. establishing a Special Mixed Use District (MX-2) bounded by John Street, the northerly centerline prolongation of Pearl Street, a line 100 feet northerly of John Street, the northerly centerline prolongation of Jay Street, John Street, Bridge Street, Plymouth Street, a line 100 feet easterly of bridge Street, a line midway between Plymouth Street and Water Street, a line 200 feet easterly of Bridge Street, Water Street, a line 125 feet easterly of Bridge Street, a line midway between Water Street and Front Street, a line 75 feet easterly of Bridge Street, Front Street, Adams Street, Plymouth Street, and Adams Street;

Borough of Brooklyn, Community District 2, as shown in a diagram (for illustrative purposes only) dated February 17, 2009 and which includes CEQR designation E-231.

The above resolution (C 090310 ZMK), duly adopted by the City Planning Commission on July 1, 2009 (Calendar No. 11), 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.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER,
IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, Commissioners