



**IN THE MATTER OF** an application submitted by 12 Franklin Property Co LLC, 12 Franklin 230 LLC and 12 Franklin 197 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-962 of the Zoning Resolution to increase the maximum permitted floor area ratio of Section 43-12 (Maximum Floor Area Ratio) in connection with a proposed seven-story commercial building within an Industrial Business Incentive Area, on property located at 12 Franklin Street (Block 2614, Lots 1, 3 and 8), in an M1-2 District, Borough of Brooklyn, Community District 1.

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This application for a special permit pursuant to Section 74-962 of the Zoning Resolution (ZR) was filed by 12 Franklin Property Co. LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC on May 2, 2018. With the related actions, it would facilitate the construction of an approximately 134,000-square-foot mixed office, retail, and industrial development at 12 Franklin Street in the Greenpoint neighborhood of Brooklyn, Community District 1.

### **RELATED ACTIONS**

In addition to the special permit (C 180387 ZSK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently:

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| <b>C 180389 ZSK</b> | Special Permit pursuant to ZR Section 74-963 (Parking and loading modifications in Industrial Business Incentive Areas) to modify the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES) and the loading berth requirements of Section 44-50 (GENERAL PURPOSES). |
| <b>N 180388 ZRK</b> | Zoning text amendment to ZR Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas) to add an Industrial Business Incentive Area (IBIA).   |

## **BACKGROUND**

The applicants, 12 Franklin Property Co. LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC, are seeking two zoning special permits and a zoning text amendment to facilitate a new seven-story, 110-foot-high, 134,222-square-foot mixed-use development at 12 Franklin Street (the development site, Block 2614, Lots 1, 3 and 8) in the Greenpoint neighborhood of Brooklyn Community District 1.

The project area, which would be subject to the proposed zoning text amendment, consists of the entire irregular block (Block 2614 bounded by Franklin Street, Meserole Avenue, Gem Street, and North 15<sup>th</sup> Street) and is located immediately to the east of the East River. In 2005, the surrounding area was rezoned from an M3-1 district, which allows heavy, unenclosed industrial uses, to an M1-2 district, which allows light industrial and commercial uses, as part of the Greenpoint-Williamsburg Rezoning (C 050111(A) ZMK, et al). The rezoning was intended to better reflect the types of existing industrial and commercial uses that had come to occupy the area and ensure that any new industrial uses would be fully enclosed and compatible with nearby residential and mixed-use neighborhoods. The project area was also included within the Greenpoint-Williamsburg Industrial Business Zone (IBZ), established in 2006, intended to signal a commitment to land use and public policies that encourage the retention and growth of such businesses. The Greenpoint-Williamsburg IBZ is serviced by the industrial advocacy and non-profit organization Evergreen as part of its geographic portfolio.

In 2016, the Commission approved a zoning text amendment that designated a full city block (Block 2282, Lot 1) in Williamsburg as an IBIA and created two special permits available to developments or enlargements within this area (N 160126 ZRK). The designated IBIA is located three blocks to the south of the project area. The IBIA was one of New York City's first attempts to connect an industrial use incentive to new office and retail development through a zoning mechanism, and it facilitated the development of 25 Kent Avenue, the area's first new speculative commercial office and light industrial building in decades.

The project area contains a mix of commercial and industrial uses in one- and two-story buildings, including a one-story building occupied by a sheet metal storage and fabrication company, a wholesale clothing company, and a two-story building converted to commercial office space. The project area is mapped with an M1-2 zoning district, a light industrial district that allows a floor area ratio (FAR) up to 2.0 for certain commercial and light industrial uses, and up to 4.8 for certain community facility uses. Building envelopes within M1-2 districts are governed by a sky exposure plane, which begins 60 feet above the street line. There are relatively high parking requirements, generally requiring one space per 300-1,000 square feet, depending on use. The project area is also located in Flood Zone AE and has a Base Flood Elevation of 11 feet. All new construction in this flood zone is subject to Appendix G of the Building Code, which ensures that new buildings meet or exceed Federal Emergency Management Agency regulations for resiliency.

The surrounding area, between Northside Williamsburg and Greenpoint, is characterized primarily by one- and two-story industrial buildings, many of which have been converted into office, retail, and eating and drinking establishments. The surrounding area also includes several hotels, including the 12-story Wythe Hotel and the 21-story William Vale Hotel.

The blocks to the south of the project area are located in an M1-2 zoning district, and the blocks to the north and a few blocks to the east are located in an M1-1 zoning district, which allows a maximum commercial and industrial FAR of 1.0 and a maximum community facility FAR of 2.4. The block immediately to the northeast is located in an M3-1 zoning district, which allows a maximum commercial and industrial FAR of 2.0 and has more limitations on commercial uses than M1 districts. These areas are primarily developed with low-scale buildings with a mix of light industrial, automotive, and manufacturing uses, as well as office, hotel, retail, and restaurant uses in predominantly converted buildings. New development in this area has been very limited since the mid-20th century.

The areas northwest and northeast of the project area are located in medium-density residential and mixed-use zoning districts, some of which allow light industrial uses (in M1-2/R6A and M1-2/R6B districts). The character of these mixed-use districts includes some light industrial uses in

low-scale buildings and some medium-density walk-up residential buildings with ground floor commercial uses.

The area is well-served by open space. Properties adjacent to the East River are included in the Greenpoint-Williamsburg Waterfront Access Plan, and areas to the west and southwest of the project area are planned to be part of the future Bushwick Inlet Park, part of which has been developed. When fully built out, Bushwick Inlet Park will span 28 acres between North 9th Street and Quay Street. East River State Park is directly south of Bushwick Inlet Park, and McCarren Park is approximately 0.2 miles from the project area.

The area is also accessible by transit, with the Nassau G subway station located approximately a half-mile east of the project area and the Bedford Avenue L subway station located approximately three-quarters of a mile to the southeast. The B32 bus route runs north and south along Kent and Wythe avenues, connecting Long Island City to the Williamsburg Bridge Plaza. There are two nearby Citi Bike stations, at the corner of Banker Street and Meserole Avenue, and at the corner of North 15th Street and Wythe Avenue. There are also two ferry stops, each approximately three-quarters of a mile from the project area.

The development site comprises approximately 28,000 square feet and currently contains three buildings with approximately 28,500 square feet of industrial and commercial uses, including a one-story building occupied by a brewery, bar and restaurant, as well as a storage use; a one-story building occupied by a music rehearsal space; and a one- and two-story building occupied by a plumbing supply store and a bar/restaurant. The plumbing supply store has relocated to another site in the neighborhood.

The proposed actions would facilitate the development of a new seven-story, 110-foot high, 134,222-square-foot, 4.8 FAR commercial, industrial, and retail development with 55,926 square feet of Permitted Uses (2.0 FAR), 55,926 square feet of Incentives Uses (2.0 FAR), and 22,370 square feet of Required Industrial Uses (0.8 FAR).

“Permitted Uses” are any uses allowed by the underlying M1-2 zoning district. “Incentive Uses” are permitted uses excluding hotels, retail, food and beverage, and other entertainment and hospitality uses. “Required Industrial Uses” are a set of certain light industrial and manufacturing uses that are more easily compatible with commercial uses, and include Use Groups 11A, 16A, 16B, 17B, 17C, and 18A. As allowed under ZR Section 74-962, above the base maximum 2.0 FAR in M1-2 districts, floor area may be increased by 3.5 square feet for each square foot of “Required Industrial Uses” up to a maximum FAR of 4.8, provided that the additional floor area beyond the maximum 2.0 FAR is occupied by “Required Industrial Uses” and “Incentive Uses.”

The first floor would be used primarily for retail and/or eating and drinking establishments, the industrial use would be located on the second floor with access to a freight elevator, and the upper floors would contain office or other Permitted Uses. The second, third, fourth, and fifth floors would have access to a two-story outdoor terrace, and the sixth and seventh floors would include a landscaped rooftop terrace. The building would also include 36 below-grade accessory parking spaces and 85 bicycle parking spaces. There would be two 40-foot-deep loading berths and two curb cuts on Gem Street to accommodate the parking entrance and access to the loading berths. According to the applicants, the proposed loading berths would accommodate the loading needs of all retail, light industrial, and office tenants.

The proposed building would have a street wall height of 75 feet and rise to a total of 110 feet after a 15-foot setback. Each floor would have a floor-to-ceiling height of 15 feet. The second floor has been designed to accommodate a variety of light industrial users, with an expansive column grid to promote flexibility, a dedicated exhaust system, direct access to freight elevators, and space for a conference center or retail space for manufacturing tenants.

As the proposed development is in Flood Zone AE, the building would employ floodproofing measures to address the discrepancy between the sidewalk elevation and Design Flood Elevation (DFE). The majority of the first floor would be raised to an elevation of 13 feet, one foot above the required DFE. The portions below the 13-foot elevation would be wet-floodproofed, allowing water to enter the building, and used for retail entrances, window displays, the office lobby, the service entrance, and the bicycle parking entrance. The garage entrance and two small utility rooms

would be dry-floodproofed, as would the cellar parking area. The proposed building would also include elements of sustainable design, such as a reduction in the amount of glazing and use of sustainable facade materials to help optimize energy utilization

To facilitate the proposed development, the applicants request a zoning text amendment and two special permits.

The proposed zoning text amendment (N 180388 ZRK) would modify Article VII, Chapter 4, Section 74-96 (Modification of Use, Bulk, and Parking and Loading Regulations in Industrial Business Incentive Areas) to designate the project area as a new IBIA.

The applicants also seek a special permit (C 130387 ZSK) pursuant to ZR Section 74-962 (Floor area increase and public plaza modifications in Industrial Business Incentive Areas) to increase the maximum floor area ratio for specific industrial, manufacturing, and commercial uses set forth in Section 43-12. The special permit would increase the total allowable floor area by 78,296 square feet, approximately 2.8 FAR, for a defined set of industrial and commercial uses. This would include 22,370 square feet, or 0.8 FAR, of Required Industrial Uses and 55,926 square feet, or 2.0 FAR, of Incentive Uses, pursuant to ZR Section 74-962 and its related conditions and findings. The applicant is also proposing to develop 55,926 square feet, or 2.0 FAR, of uses permitted in the underlying M1-2 zoning district. The amount, type, and location of these uses, among other conditions, are included in site- and floor-plans, recorded against the tax lot, and for the life of the building are reviewed as a precondition of the issuance of any building permit or certificate of occupancy. In total, the applicant is proposing a new 134,322-square-foot (4.8 FAR) office, light industrial, and retail development pursuant to the conditions and findings of the special permit.

The applicants also seek a special permit (C 180389 ZSK) pursuant to ZR Section 74-963 (Parking and loading modifications in Industrial Business Incentive Areas) to modify the off-street parking requirements of Section 44-20 and the loading berth requirements of Section 44-50. The special permit would reduce the required off-street accessory parking spaces from between 367-389 to 36, reduce loading berth requirements from three to two, and reduce the required length of loading

berths from 50 feet to 40 feet, pursuant to ZR Section 74-963 and its conditions and findings. This special permit can only be applied for in conjunction with a Section 74-962 special permit.

## **ENVIRONMENTAL REVIEW**

This application (C 180387 ZSK), in conjunction with the applications for the related actions (C 180389 ZSK, N 180388 ZRK), 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 18DCP099K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 20, 2018. The Negative Declaration included an (E) designation (E- 483) to avoid the potential for significant adverse impacts related to hazardous materials, air quality or noise. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment

## **UNIFORM LAND USE REVIEW**

This application (C 180387 ZSK) and the related special permit application (C 180389 ZSK) were certified as complete by the Department of City Planning and duly referred to Brooklyn Community Board 1 and to the Brooklyn 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 zoning text amendment (N 180388 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

## **Community Board Review**

Brooklyn Community Board 1 held a public hearing on this application (C 180387 ZSK) on September 17, 2018. On October 9, 2018, by a vote of 31 in favor, six opposed, and with no

abstentions, the Community Board adopted a resolution to approve this application with no conditions, to approve the related special permit application to reduce parking and loading requirements (C 180389 ZSK) with the condition that the number of parking spaces be increased from 36 to 60, and to approve the related zoning text amendment application (N 180388 ZRK) with the following conditions:

- “Related retail will not be counted as industrial space and cannot be located in the area earmarked as industrial space;
- Industrial/manufacturing space will be rented at least at 20% below market rate.”

### **Borough President Recommendation**

This application (C 180387 ZSK) was considered by the Brooklyn Borough President, who held a public hearing on October 11, 2018 and on November 15, 2018 issued a recommendation approving this application and the application for the related special permit (180389 ZSK). The Borough President also issued a recommendation approving the application for the related zoning text amendment (N 180388 ZRK) with the following conditions:

- “That, for C 180387 ZSK, the 12 Franklin Street floor plans shall be modified to notate the exclusion of manufacturing processes in Use Group 17 limited to product of exclusively digital format, and that Required Industrial Use accessory retail use (Use Groups 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12) be limited by permitting up to 100 square feet (sq. ft. without regard to the size of the Required Industrial Use floor are, though not more than 1,000 sq. ft. based on not being more than 10 percent of floor area per establishment
- That, in order to supplement enforcement safeguards, the City Council seek a binding commitment from the applicant that requires wall-mount signage depicting floor plans of the Required Industrial Use area consistent with the Special Permit application Z-012 Floor 2 & 3 Plans along walls opposite elevator doors, and the corridor boundary entering/existing the Required Industrial Use area



- That prior to considering the application, the City Council obtains commitments, in writing, from the developer, 12 Franklin Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC that would memorialize:
  - Exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatments, DEP rain gardens, passive house design, and/or solar panels
  - Retention of Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs), consistent with Section 6-108.1 of the City's Administrative Code, and minority and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it further resolved that:

- That in order to facilitate maximum opportunity for manufacturing uses to benefit from public policy that seeks to provide dedicated floor area for such uses, as part of Required Industrial Use dedicated floor area, from essentially office-like manufacturing processes and excessive retail use, the City Council should seek assurances from the New York City Department of City Planning (DCP) that it would undertake a zoning text amendment as follows:
  - Modify the New York City Zoning Resolution (ZR) Section 74-961 definition of Required Industrial Use to exclude manufacturing processes in Use Group 17 where such processes are limited to product exclusively of digital format
  - Modify ZR 74-961 Required Industrial Use accessory retail use to limit Use Groups (UGs) 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 by permitting up to 100 square feet without regard to the size of the Required Industrial Use floor area, though not more than 1,000 sq. ft. based on not such use being more than 10 percent of floor area per establishment
- That in order to facilitate the enlargement of existing buildings in the M1-1 zoning district in the Greenpoint-Williamsburg Industrial Business Zone (IBZ) and discourage nearby displacement of industrial uses, the City Council should call for wider applicability of the

Special Permit by mapping the entire IBZ, including its M1-1 zoning district, and seeking assurances from DCP that it would advance a zoning map and text amendment as follows:

- Undertake a study of the M1-1 blocks to determine to the extent that it would be appropriate to upzone such blocks to M1-2 and then to implement such a rezoning
- Undertake a zoning text amendment to amend ZR Section 74-96 to make the Special Permit applicable to M1-1 properties in the Greenpoint-Williamsburg IBZ and to include:
  - An M1-1 floor area increase standard modification of ZR 74-962 consistent with the M1-1 maximum community facility floor area ratio (FAR) of 2.4
  - Modification of ZR 74-962 (b)(3) conditions for maximum permitted street wall height to 50 feet and maximum height to 60 feet, though where a public plaza is provided, the maximum height may be 75 feet
- That in order to improve the attractiveness of the Industrial Business Incentive Area Special Permit to property owners, and make applicable to very small lots, prepare an application to amend ZR Section 74-96 as follows:
  - That the Special Permit be applicable to zoning lots without any minimum lot size
  - That for zoning lots up to 6,000 sq. ft., modify ZR Section 74-962 (b)(1) conditions for minimum amount of Required Industrial Use floor area to be not less than 1,000 sq. ft. of horizontally contiguous floor area
- That in order to establish more appropriate parking and loading berth requirements for developments within the Greenpoint-Williamsburg IBZ seeking the Special Permit for floor area increase pursuant to ZR Section 74-962 and ZR Section 74-963, the City Council should seek assurances from DCP that it would undertake a zoning text amendment that would:
  - Regulate Commercial Use Groups 6-16, according to ZR 36-21 for a C8-3 zoning designation, and make ZR 44-22 inapplicable
  - Permit every bicycle parking space provided above and beyond the requirement of ZR 44-60 to reduce automobile parking by one space for up to 33 percent of the required number of automobile parking spaces
  - Regulate automatic waiving of required parking according to ZR 36-232 for a C8-3 zoning designation

- Specifically note that the CPC may prescribe a set standard for a number of parking attendants as an additional condition and safeguard to minimize adverse effects on the character of the surrounding area
- Regulate minimum off-street loading berth requirements for truck loading to be applicable to ZR Section 36-92 instead of Zoning Section 44-54, per the C8-3 District
- Restrict City Planning Commission findings (a) - (d) for applications seeking to exceed such automatic reductions
- That the current City administration designate adequate capital budget appropriations to develop the remaining sections of the Bushwick Inlet Park
- That 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC engage with the Friends of Bushwick Inlet Park (FBIP) as a supporter, or otherwise contribute to the park's development and funding
- That 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits"

### **City Planning Commission Public Hearing**

On November 14, 2018 (Calendar No. 6), the City Planning Commission scheduled December 5, 2018, for a public hearing on this application (C 180387 ZSK) in conjunction with the public hearings on the applications for the related actions (C 180389 ZSK, N 180388 ZRK). The hearing was duly held on December 5, 2018 (Calendar No. 23). Six speakers testified in favor of the application.

The applicant team described the project and its potential benefits, including the creation of new light industrial space and Class A office space for smaller businesses in the area. The project architect described the various design elements of the proposed building, including the flexibility to accommodate diverse users. The architect also described the proposed industrial space, noting the 15-foot floor-to-ceiling heights, terrace space, window exposure on four sides of the building, wide corridors providing access to the freight elevator, and other elements necessary for future

industrial users. The architect stated that the design was intended to merge the industrial character of the neighborhood with a modern office aesthetic, with large windows and terrace cut-outs.

In response to the Community Board recommendation to provide additional parking, the applicant representative stated that while the additional parking could be accommodated in stackers, the proposed amount of parking would be appropriate for the type of project and location. In response to questions about the affordability of the industrial space raised by the Community Board, the applicant stated that the Required Industrial Space would likely be rented at a reduced rate, based on the market for office space, given the limited number of users that could occupy that space.

A representative of 32BJ SEIU, a service workers' union, spoke in support of the proposal, citing the developer's stated commitment to provide good property services jobs. A representative from the Association for a Better New York also spoke in support of the project, stating that the project would be a positive addition to the neighborhood, creating new transit-accessible office and light industrial space with modern amenities that would benefit the Greenpoint and Williamsburg communities.

A representative from Transportation Alternatives spoke in favor of the project, stating support for the parking waiver special permit because it would encourage biking, walking, and public transit use in a transit-accessible area. A representative from the Brooklyn Chamber of Commerce also spoke in favor of the applications, stating that the project would provide new, high-quality office and light industrial space for small businesses, as well as walk-to-work opportunities for North Brooklyn residents. The representative also stated support for the building design, activation of this portion of Franklin Street for commercial uses across from the planned Bushwick Inlet Park, and the requested parking reduction due to the project's proximity to transit.

There were no other speakers and the hearing was closed.

## **WATERFRONT REVITALIZATION PROGRAM**

This application (C 180387 ZSK) and its related actions (C 180389 ZSK, N 180388 ZRK), 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 Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 17-053.

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

### **CONSIDERATION**

The Commission believes that the proposed special permit application (C 180387 ZSK), in conjunction with the applications for the related actions (C 180389 ZSK) and (N 180388 ZRK), is appropriate.

These actions would facilitate the development of 12 Franklin Street, the second project to utilize ZR Section 74-96 to advance a modern commercial office and light industrial building within an IBIA. The proposed building would comprise a total of 134,222 square feet, including more than 22,000 square feet of light industrial and manufacturing space in the Greenpoint-Williamsburg IBZ. The proposed development would also include 36 below-grade accessory parking spaces, two at-grade loading berths, and 85 accessory bicycle parking spaces.

The Commission recognizes the continued experimental nature of these types of projects, having recently approved special permits and a text amendment creating the special permits on May 25, 2016 (C 160124 ZSK, C 160125 ZSK, N 160126 ZRK) to facilitate 25 Kent Avenue, the first new mixed industrial and commercial building in the area. The Commission notes that there has been limited new office and industrial development in North Brooklyn's M1-1 and M1-2 zoning districts, in part because these zoning districts allow limited FAR and have high parking and loading requirements. The special permits pursuant to ZR Section 74-96 provide the flexibility to encourage new commercial and light industrial development in this emerging employment center that could not otherwise be built under existing zoning requirements.

The Commission notes that the applicant intends to include resilient and sustainable design elements in the building. As the proposed site is located within a 100-year flood zone, the building would be designed to be flood resilient and incorporates several floodproofing strategies, including an innovative strategy for wet floodproofing the ground floor space while ensuring adequate transparency. The reduction in the amount of glazing and use of sustainable facade materials would help to optimize energy utilization. Construction of the proposed project would also result in the cleanup of the existing brownfield on the site. The Commission is pleased by the resilient and sustainable building design, and encourages the developer to explore additional sustainability measures.

The special permit (C 180387 ZSK) pursuant to ZR Section 74-962 to increase the maximum permitted floor area ratio of Section 43-12 (Maximum Floor Area Ratio) is appropriate. The special permit would facilitate the development of a seven-story, 134,222-square-foot (4.8 FAR) office, industrial and retail building. This includes the provision of over 22,000 square feet (0.8 FAR) of new light industrial and manufacturing space (Required Industrial Uses) and nearly 56,000 square feet (2.0 FAR) of restricted office and light industrial space (Incentive Uses). The total development would not exceed the underlying M1-2 district's maximum allowable FAR of 4.8, and the 74-962 special permit regulations would reduce the allowable building heights to a contextual, loft-style envelope of 110 feet. The Required Industrial Uses would be located on the second floor, and have direct access to a freight elevator and off-street loading berths. The floor-to-ceiling heights, floorplates, column spacing, and other amenities have been designed specifically to accommodate diverse light industrial tenants.

Regarding the recommendation by the Borough President concerning additional limitations on Use Group 17, the Commission believes that further use restrictions are unnecessary. Furthermore, additional use restrictions on Use Group 17 could preclude advances in operations and technology, making it difficult for businesses to respond to technological trends. Regarding the recommendation to add restrictions on accessory retail space, the applicants have stated that they would not utilize any Required Industrial Use floor area for accessory retail space. Furthermore, the Commission also notes the importance of retaining flexibility for Required Industrial Use businesses, and that further zoning restrictions could impede business operations and viability.

The special permit (C 180389 ZSK) pursuant to ZR Section 74-963 to modify the off-street parking requirements of Section 44-20 and the loading berth requirements of Section 44-50 is appropriate. The special permit would allow the reduction of accessory off-street parking spaces from up to 389 spaces to 36 spaces. These off-street parking spaces would be located in a self-service parking facility in the cellar of the proposed building, accessible from Gem Street. The special permit would also allow the reduction of accessory off-street loading berths from three loading berths to two, at-grade berths, located along Gem Street. The applicants are proposing to provide 85 bicycle parking spaces on the first floor, above the required amount of 17.

The number of parking spaces and loading berths are identified in the approved site plans. The Commission notes that the parking requirements of the M1-2 zoning district exceed the needs of local businesses and place an undue burden on development, limiting the construction of new light industrial and commercial buildings. As required by the findings of the special permit, the proposed amount of parking and loading would adequately serve both employees and customers based on a transportation analysis conducted as part of the environmental review. The Commission believes that the proposed reduction in the amount of accessory off-street parking and off-street loading for the project is appropriate. The Commission is also pleased to note that the project would provide nearly 70 additional bicycle parking spaces beyond what is required, further encouraging alternative modes of transportation.

The proposed zoning text amendment (N 180388 ZRK) modifying ZR Article VII, Chapter 4 (Special Permits by the City Planning Commission), designating Block 2614 as an IBIA, is appropriate.

The development and near-completion of 25 Kent Avenue demonstrate the feasibility, under certain conditions, of combining industrial and commercial uses in an emerging employment hub near transit. The proposed development, located three blocks north of the first IBIA at 25 Kent Avenue, would be smaller-scale in nature, offering a variety of spaces for small businesses across multiple sectors. The Commission notes that while the development site today contains approximately 28,500 square feet of commercial and industrial space, establishing a new IBIA

facilitates a project that would create nearly five times that amount of modern commercial and industrial space near growing residential neighborhoods.

The Commission also notes that, while not a condition of this approval, in response to the Brooklyn Borough President's recommendation to explore additional resiliency and sustainability measures as well as retain Brooklyn-based contactors and sub-contractors with local business enterprise (LBEs) and minority and women-owned business enterprises (MWBEs), that the applicant, in a letter addressed to the Brooklyn Borough President dated October 25, 2018, would incorporate Passive House elements into the design of the building and expects substantial M/WBE and LBE participation.

## **FINDINGS**

The Commission hereby finds, pursuant to Section 74-962(c) of the Zoning Resolution, that the increase of the maximum permitted floor area ratio will:

- (a) promote a beneficial mix of required industrial and incentive uses;
- (b) result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;
- (c) result in a building that has a better design relationship with surrounding streets and adjacent open areas; and
- (d) result in a development or enlargement that will not have an adverse effect on the surrounding neighborhood.

## **RESOLUTION**

Therefore, the City Planning Commission, deeming the actions described herein to be appropriate, adopts the following resolution:

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, and subject to the conditions of the CEQR Declaration E-483; and be it further



**RESOLVED**, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this 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 consideration described in this report, the application submitted by 12 Franklin Property Co LLC, 12 Franklin 230 LLC and 12 Franklin 197 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-962 of the Zoning Resolution to increase the maximum permitted floor area ratio of Section 43-12 (Maximum Floor Area Ratio) in connection with a proposed 7-story commercial building within an Industrial Business Incentive Area, on property located at 12 Franklin Street (Block 2614, Lots 1, 3 and 8), in an M1-2 District, is approved subject to the following terms and conditions:

1. The properties that are the subject of this and the related applications (C 180387 ZSK and C 180389 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by FXCollaborative Architects LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Zoning Analysis	05/29/2018
Z-003	Zoning Site Plan	05/29/2018
Z-010	Ground Floor Plan	05/29/2018
Z-011	Cellar Floor Plan	05/29/2018
Z-012	Floor 2 & 3 Plans	07/06/2018
Z-013	Floor 4 & 5 Plans	07/06/2018
Z-014	Floor 6 & 7 Plans	05/29/2018
Z-015	Zoning Sections	05/29/2018
Z-020	Zoning Elevations	05/29/2018
Z-021	Zoning Elevations	05/29/2018

Z-022	Detail Elevation	05/29/2018
Z-023	Detail Elevation	05/29/2018
Z-040	Flood Mitigation Plan	05/29/2018

1. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application.
2. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
3. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
4. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.
5. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 180387 ZSK), duly adopted by the City Planning Commission on January 9, 2019 (Calendar No. 15), 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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKES, Esq.**, *Vice Chairman*

**ALLEN P. CAPPELLI, Esq., MICHELLE R. de la UZ, JOSEPH I. DOUEK,  
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARÍN,  
LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

<b>NYC PLANNING</b> DEPARTMENT OF CITY PLANNING CITY OF NEW YORK		<b>Community/Borough Board Recommendation</b> Pursuant to the Uniform Land Use Review Procedure
Application #: <b>C 180387 ZSK</b>	Project Name: <b>12 Franklin Street</b>	
CEQR Number: 18DCP099K	Borough(s): <b>Brooklyn</b> Community District Number(s): <b>1</b>	
Please use the above application number on all correspondence concerning this application		

<b>SUBMISSION INSTRUCTIONS</b>
<p>1. Complete this form and return to the Department of City Planning by one of the following options:</p> <ul style="list-style-type: none"><li>• <b>EMAIL (recommended):</b> Send email to <a href="mailto:CalendarOffice@planning.nyc.gov">CalendarOffice@planning.nyc.gov</a> and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"</li><li>• <b>MAIL:</b> Calendar Information Office, City Planning Commission, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271</li><li>• <b>FAX:</b> to (212) 720-3488 and note "Attention of the Calendar Office"</li></ul> <p>2. Send one copy of the completed form with any attachments to the <u>applicant's representative</u> at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.</p>

**Docket Description:**

**IN THE MATTER OF** an application submitted by 12 Franklin Property Co LLC, 12 Franklin 230 LLC and 12 Franklin 197 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-962 of the Zoning Resolution to increase the maximum permitted floor area ratio of Section 43-12 (Maximum Floor Area Ratio) in connection with a proposed 7-story commercial building within an Industrial Business Incentive Area, on property located at 12 Franklin Street (Block 2614, Lots 1, 3 and 8), in an M1-2 District, Borough of Brooklyn, Community District 1.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, N.Y. 10271-0001.

<b>Applicant(s):</b> 12 Franklin Property Co. LLC, 12 Franklin 230 LLC, 12 Franklin 197 LLC 757 Third Avenue, 17th Floor New York, NY 10017	<b>Applicant's Representative:</b> Melanie Meyers Fried, Frank, Harris, Shriver & Jacobson, LLP One New York Plaza New York, NY 10004
<b>Recommendation submitted by:</b> Brooklyn Community Board 1	
<b>Date of public hearing:</b> 9/17/18	<b>Location:</b> 211 AINSLIE STREET BROOKLYN, NY 11211
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
<b>Date of Vote:</b> 10/09/18	<b>Location:</b> 211 AINSLIE STREET BROOKLYN, NY 11211
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions <b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b> SEE ATTACHED	
<b>Voting</b> # In Favor: 31 # Against: 6 # Abstaining: 0 Total members appointed to the board: 50	
<b>Name of CB/BB officer completing this form</b> CHAIRPERSON DEALICE FULLER	<b>Title</b> CHAIRPERSON <b>Date</b> 10/10/18



**COMMUNITY BOARD NO. 1**  
435 GRAHAM AVENUE – BROOKLYN, NY 11211  
PHONE: (718) 389-0009  
FAX: (718) 389-0098  
Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)  
Website: [www.nyc.gov/brooklyn1](http://www.nyc.gov/brooklyn1)

HON. ERIC L. ADAMS  
BROOKLYN BOROUGH PRESIDENT



SIMON WEISER  
FIRST VICE-CHAIRMAN  
DEL TEAGUE  
SECOND VICE-CHAIRPERSON  
STEPHEN J. WEIDBERG  
THIRD VICE-CHAIRMAN  
MARIA VIERA  
FINANCIAL SECRETARY  
SONIA IGLESIAS  
RECORDING SECRETARY  
PHILIP A. CAPONEGRO  
MEMBER-AT-LARGE

DEALICE FULLER  
CHAIRPERSON  
GERALD A. ESPOSITO  
DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33<sup>rd</sup> CD  
HON. ANTONIO REYNOSO  
COUNCILMEMBER, 34<sup>th</sup> CD

October 9, 2018  
(Amended at the Board Meeting)

**LAND USE, ULURP & LANDMARKS  
(SUBCOMMITTEE) COMMITTEE  
REPORT**

TO: Chairperson Dealice Fuller  
and CB #1 Board Members  
FROM: Ms. Del Teague, Committee Chair  
RE: Committee Meeting Held on October 3, 2018  
(7 members constitute a quorum for this committee.  
A quorum was present.)

The Land Use, ULURP & Landmarks (subcommittee) Committee met on October 3, 2018 at 6:30 PM in the CB #1's District Office, 435 Graham Avenue, Brooklyn, NY 11211.

**ATTENDANCE:** Present – Teague; Viera; McKeever; Chesler; Kaminski; Nieves; Rabbi Niederman; Sofer; Weidberg. Absent – Needelman; Weiser.

**1.) 103 NORTH 10<sup>TH</sup> STREET**

This is an application for a permit to operate a physical culture establishment within portions of the cellar and first floor of an existing mixed-use building in an M1-2/R6A zoning district. The establishment, "The Bath House Spa", will provide massage therapy by licensed massage therapists, facials, and saunas. There are also 3 pools: one hot tub for relaxation, and 2 others for alternate hot-cold submersions.

There will also be a restaurant and the applicant is applying for a liquor license.

**Resolution:** Considering the compliance with the requirements for therapist licensure and the category of related therapies to be provided, the committee voted unanimously for approval.

## 2.) CITY PLANNING: 12 FRANKLIN STREET ( 3 APPLICATIONS )

(A) The first application seeks a zoning amendment adding an Industrial Business Incentive Area to the entire block on which the applicant's building is located. Approval of the zoning change for the block, rather than just for the building site, would allow the owners of the adjacent buildings to ask for the special permit without having to also seek a zoning change.

Several organizations appeared in support of all three applications as being in furtherance of bringing valuable employment into the community and providing live-work spaces that would cut down on vehicular traffic.

Resolution: The committee voted unanimously to approve with the following conditions:

- (1) Related retail will not be counted as industrial space and cannot be located in the area earmarked as industrial space;
- (2) Industrial/manufacturing space will be rented at least at 20% below market rate;

The committee also voted to urge the city to respond to the Board's prior request to open-up this zoning amendment and the availability of obtaining the special permit to the M1-1 district and to complete the North Brooklyn Industry Innovation Plan.

(B) The second application, specific to the developer's site, asks for the special permit that would be allowed by the requested zoning amendment. Such permit would permit an increase in floor area for development occupied by the industrial, light manufacturing, and incentive uses in connection with a 7-story mixed-use commercial/industrial building.

Resolution: The committee voted unanimously to approve with the above conditions.

(C) The third application asks for reduction of the required parking spaces from 400 to 36 with an increase in bike parking to 85, 17 over the current requirement. It also seeks a reduction of loading space, proposing 2 loading births, each 40 feet deep.

The developer conceded he could increase the parking spaces to 60 without amending the application.

Resolution: The committee voted 7 in favor /2 against the request. The members in favor felt the smaller number would be an effective measure to cut down on people bringing cars into the area; the members against felt the developer should provide 60 spaces as an accommodation to the residents living in the area who already have difficulty parking.

At the October 9, 2018 regular Board Meeting of Brooklyn Community Board No. 1, the members voted to support the resolution with the condition that the number of parking spaces be increased to 60 spaces. The vote was 31 "YES"; 6 "NO"; 0 "ABSTENTIONS"; 0 "RECUSALS".

## 3.) 420 KENT AVENUE PHASING AUTHORIZATION

The developer wants authorization to open the esplanade and one of the two buildings that is completed and ready to be offered with 25% integrated affordable units, prior to completion of

the second building. The entire esplanade will be completed. The second building will have 20% integrated affordability.


Because of the time constraint, this application was presented at and scheduled to be voted on at the September board meeting, however, the lack of a quorum prevented a vote. The committee agreed to review the application and to present its recommendations to the full board on October 9, 2018 in the event the board wants to submit its opinion to the city, since the city is still considering the application.

At the September full board meeting, some members seemed to be in favor of allowing the developer to open access to the esplanade and the first building in order to take early advantage of the affordable units; other members expressed concerns about whether it would be safe to allow access while construction was still going on in the second building.

The committee inquired about the safety concerns. The developer informed the committee that there is ample access for emergency vehicles through both S8th and S10<sup>th</sup> Streets. Furthermore, there will be construction fences around the construction, which is expected to be completed within several months. The developer stated there will not be any more crane work, as most of the work yet to be done on the second building is internal.

Resolution: The committee voted unanimously to approve the application and to send the board's opinion to the city, even though our time to vote has passed.



 <b>Community/Borough Board Recommendation</b> Pursuant to the Uniform Land Use Review Procedure	
Application # <b>C 180389 ZSK</b> CEQR Number: 18DCP099K	Project Name <b>12 Franklin Street</b> Borough(s): Brooklyn Community District Number(s): 1
Please use the above application number on all correspondence concerning this application	

<p align="center"><b><u>SUBMISSION INSTRUCTIONS</u></b></p> <ol style="list-style-type: none"> <li>Complete this form and return to the Department of City Planning by one of the following options:           <ul style="list-style-type: none"> <li><b>EMAIL (recommended):</b> Send email to <a href="mailto:CalendarOffice@planning.nyc.gov">CalendarOffice@planning.nyc.gov</a> and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"</li> <li><b>MAIL:</b> Calendar Information Office, City Planning Commission, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271</li> <li><b>FAX:</b> to (212) 720-3488 and note "Attention of the Calendar Office"</li> </ul> </li> <li>Send one copy of the completed form with any attachments to the <u>applicant's representative</u> at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.</li> </ol>
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*Docket Description:*

**IN THE MATTER OF** an application submitted by 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-963 of the Zoning Resolution to reduce the off-street parking requirements of Section 44-20 (Required accessory off-street parking spaces for manufacturing, commercial or community facility uses) and the loading berth requirements of Section 44-50 (Off-street loading regulations), in connection with a proposed 7-story commercial building within an Industrial Business Incentive Area, on property located at 12 Franklin Street (Block 2614, Lots 1, 3 and 8), in an M1-2 District, Borough of Brooklyn, Community District 1.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, N.Y. 10271-0001.

Applicant(s): 12 Franklin Property Co LLC, 12 Franklin 230 LLC, 12 Franklin 197 LLC 757 Third Avenue, 17th Floor New York, NY 10017	Applicant's Representative: Melanie Meyers Fried, Frank, Harris, Shriver & Jacobson, LLP One New York Plaza New York, NY 10004
Recommendation submitted by: Brooklyn Community Board 1	
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Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
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<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions	
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SEE ATTACHED	
<b>Voting</b> # in Favor: 31 # Against: 6 # Abstaining: 0 Total members appointed to the board: 50	
Name of CB/BB officer completing this form CHAIRPERSON DEALICE FULLER	Title CHAIRPERSON
Date 10/10/18	





## COMMUNITY BOARD NO. 1

435 GRAHAM AVENUE – BROOKLYN, NY 11211

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.nyc.gov/brooklyncb1](http://www.nyc.gov/brooklyncb1)

HON. ERIC L. ADAMS  
BROOKLYN BOROUGH PRESIDENT



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DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33<sup>RD</sup> CD  
HON. ANTONIO REYNOSO  
COUNCILMEMBER, 34<sup>TH</sup> CD

October 9, 2018  
(Amended at the Board Meeting)

### LAND USE, ULURP & LANDMARKS (SUBCOMMITTEE) COMMITTEE REPORT

TO: Chairperson Dealice Fuller  
and CB #1 Board Members

FROM: Ms. Del Teague, Committee Chair

RE: Committee Meeting Held on October 3, 2018  
(7 members constitute a quorum for this committee.  
A quorum was present.)

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ATTENDANCE: Present – Teague; Viera; McKeever; Chesler; Kaminski; Nieves; Rabbi Niederman; Sofer; Weidberg. Absent – Needelman; Weiser.

#### 1.) 103 NORTH 10<sup>TH</sup> STREET

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There will also be a restaurant and the applicant is applying for a liquor license.

Resolution: Considering the compliance with the requirements for therapist licensure and the category of related therapies to be provided, the committee voted unanimously for approval.

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Resolution: The committee voted unanimously to approve with the following conditions:

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The committee also voted to urge the city to respond to the Board's prior request to open-up this zoning amendment and the availability of obtaining the special permit to the M1-1 district and to complete the North Brooklyn Industry Innovation Plan.

(B) The second application, specific to the developer's site, asks for the special permit that would be allowed by the requested zoning amendment. Such permit would permit an increase in floor area for development occupied by the industrial, light manufacturing, and incentive uses in connection with a 7-story mixed-use commercial/industrial building.

Resolution: The committee voted unanimously to approve with the above conditions.

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The developer conceded he could increase the parking spaces to 60 without amending the application.

Resolution: The committee voted 7 in favor /2 against the request. The members in favor felt the smaller number would be an effective measure to cut down on people bringing cars into the area; the members against felt the developer should provide 60 spaces as an accommodation to the residents living in the area who already have difficulty parking.

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Resolution: The committee voted unanimously to approve the application and to send the board's opinion to the city, even though our time to vote has passed.



**Email/Fax Transmittal**

<b>TO:</b> Brooklyn Community District 1 (CD 1) Distribution	<b>FROM:</b> Brooklyn Borough President Eric L. Adams
<b>DATE: November 15, 2018</b>	<b>CONTACT:</b> Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: inna.guzenfeld@brooklynbp.nyc.gov
<b>ULURP Recommendation:</b> 12 FRANKLIN STREET – 180388 ZRK, 180387 ZSK, 180389 ZSK	<b>NO. Pages, Including Cover: 23</b>

Attached is the recommendation report for ULURP applications 180388 ZRK, 180387 ZSK, 180389 ZSK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

**Distribution**

NAME	TITLE	OFFICE	EMAIL
Marisa Lago	Chair, City Planning Commission	(212) 720-3356	ygruel@planning.nyc.gov
Corey Johnson	Speaker, City Council	(212) 564-7557	speakerjohnson@council.nyc.gov
Winston Von Engel	Director, Brooklyn, Department of City Planning (DCP)	(718) 780-8270	wvoneng@planning.nyc.gov
Alex Sommer	Deputy Director, Brooklyn, DCP	(718) 780-8290	asommer@planning.nyc.gov
James Merani	Director, Land Use Review, DCP	(212) 720-3356	jmerani@planning.nyc.gov
Raju Mann	Director, Land Use Division, New York City Council	(212) 788-7207	rmann@council.nyc.gov
Amy Levitan	Land Use Division, New York City Council	(212) 788-7207	alevitan@council.nyc.gov
Stephen Levin	Council Member, District 34	(718) 875-5200	slevin@council.nyc.gov
Dealice Fuller	Chair, Community Board 1 (CB 1)	(718) 389-0098	bk01@cb.nyc.gov
Gerald A. Esposito	District Manager, CB 1	(718) 389-0098	bk01@cb.nyc.gov
Melanie Meyers	Applicant’s Representative, Fried, Frank, Harris, Shriver & Jacobson LLP	(212) 859-8785	melanie.meyers@friedfrank.com
Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

**Brooklyn Borough President Recommendation**  
CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
CalendarOffice@planning.nyc.gov



**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

**APPLICATION#:** 12 FRANKLIN STREET – 180388 ZRK, 180387 ZSK, 180389 ZSK

Applications submitted by 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the following land use actions: A zoning text amendment of New York City Zoning Resolution (ZR) Section 74-96 to designate the block bounded by Franklin Street, Gem Street, Meserole Avenue, and North 15<sup>th</sup> Street as a new Industrial Business Incentive Area; a special permit pursuant to ZR Section 74-962 to increase the maximum floor area ratio (FAR) for specific commercial, industrial, and manufacturing uses, and allow an adjustment in height and setback controls on the development site, and a special permit pursuant to ZR Section 74-963 to reduce the off-street parking and loading berth requirements for the development site. Such actions would facilitate the development of a seven-story commercial building within an M1-2 district in Brooklyn Community District 1 (CD 1). The building would contain a mix of industrial, office, and retail uses, with a total floor area of 134,222 square feet (sq. ft.).

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

**RECOMMENDATION**

☐ APPROVE  
☒ APPROVE WITH  
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE  
☐ DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

November 15, 2018

DATE



**RECOMMENDATION FOR: 12 FRANKLIN STREET – 180388 ZRK, 180387 ZSK, 180389 ZSK**

12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC submitted an application pursuant to Sections 197-c and 201 of the New York City Charter for the following land use actions: A zoning text amendment of New York City Zoning Resolution (ZR) Section 74-96 to designate the block bounded by Franklin Street, Gem Street, Meserole Avenue, and North 15<sup>th</sup> Street as a new Industrial Business Incentive Area; a special permit pursuant to ZR Section 74-962 to increase the maximum floor area ratio (FAR) for specific commercial, industrial, and manufacturing uses, and allow an adjustment in height and setback controls on the development site, and a special permit pursuant to ZR Section 74-963 to reduce the off-street parking and loading berth requirements for the development site. Such actions would facilitate the development of a seven-story commercial building within an M1-2 district in Brooklyn Community District 1 (CD 1). The building would contain a mix of industrial, office, and retail uses, with a total floor area of 134,222 square feet (sq. ft.).

On October 11, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on this zoning text amendment and special permits. There were two speakers on the item, both in favor of the item, a representative of 32BJ Service Employees International Union (SEIU) who cited the applicant's commitment to well-paying building service jobs at 12 Franklin Street, and the campaigns and policy director for Transportation Alternatives, who expressed support for the applicant's intent to pursue a waiver of the required accessory parking spaces.

In response to Borough President Adams' inquiry regarding the existing building, the extent to which its current or recently-relocated tenants could be defined as Required Industrial Uses, and the percent of occupancy that such uses represent, the applicant's representative stated that when the application was filed, there were five tenants occupying a total of 28,500 total sq. ft. at the site, including a cold-storage warehouse, a plumbing supply facility, a music studio, and two bars and restaurants. One of these had a brewery component constituting less than 10 percent of the establishment's space. Only the brewery would qualify as a Required Industrial Use, under ZR Section 74-961.

In response to Borough President Adams' inquiry as to what extent the zoning permits or precludes accessory retail operations within the defined Required Industrial Use floor area, given that the potential to set up such revenue-enhancing operations on the premises would allow food and beverage manufacturers to pay higher rents, the representative expressed the view that the objective of the special permit is to create opportunities for light manufacturing uses, which is also the applicant's goal. The representative estimated that of the projected 22,300 sq. ft. of Required Industrial Use, up to 2,000 sq. ft. could be utilized as accessory retail space. The applicant would support placing a note on the 12 Franklin Street floorplans restricting manufacturing space to Required Industrial Uses.

In response to Borough President Adams' inquiry regarding Brooklyn Community Board 1 (CB 1)'s resolution to increase the proposed development's minimum requirement to at least 60 parking spots and whether the applicant would consider modifying the special permit application to memorialize this condition, the representative stated that 12 Franklin Street would provide 85 bicycle spaces, as a means to reduce the need for employees to drive. If the applicant were required to provide more than the 36 proposed parking spaces, it would be necessary to have an attended parking facility, which the representative noted would be within the scope of the application.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, rain gardens, solar

panels, and/or wind turbines, the representative expressed that passive house design demands restrictions on energy use, which could make it difficult to attract the Required Industrial Uses. However, the applicant will look to implement passive house principles such as highly insulated facades. Other resiliency and sustainability features would be addressed in later stages of the design development for 12 Franklin Street.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the representative stated that the project would receive Industrial & Commercial Abatement Program (ICAP) tax incentives, which require the applicant to issue Requests for Proposals (RFPs) to at least three qualified MWBE firms. In order to increase LBE participation, the applicant has reached out to Evergreen, which will help ensure that opportunities to secure space at 12 Franklin Street are promoted to local businesses.

Prior to the hearing, Borough President Adams received testimony in support of 12 Franklin Street from the Brooklyn Chamber of Commerce, Evergreen, and the New York Building Congress. These organizations cited the need for modern office space in North Brooklyn, the value of a mixed commercial/manufacturing use model, and the project's focus on incentivizing the use of public transportation.

Subsequent to the hearing, Borough President Adams received a letter from the applicant, 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC, dated October 25, 2018, outlining commitments with regard to accessory retail use, accessory parking, LBE and MWBE hiring, and sustainability.

### **Consideration**

CB 1 approved this application on October 9, 2018 with the condition that the applicant increases the proposed number of parking spaces to 60.

In 2016, prompted by a ULURP application for 25 Kent Avenue, the City Planning Commission (CPC) adopted ZR Section 74-96 in Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas (IBIA). This zoning text amendment established one block of the Greenpoint-Williamsburg Industrial Business Zone (IBZ) as an IBIA, and created a special permit that allows developers to utilize the maximum community facility zoning in order to construct 4.8 FAR of commercial space, with the requirement that 0.8 FAR (or a minimum 17 percent) of such floor area be reserved for Required Industrial Uses. The ZR defines a Required Industrial Use as "a use that helps achieve a desirable mix of commercial and manufacturing uses in an Industrial Business Incentive Area and that generates additional floor area pursuant to provisions set forth in Section 74-962."

While new development in the Greenpoint-Williamsburg IBZ has tended toward entertainment and nightlife uses, there has also been office development that appears to reflect a growing need for commercial office space in Brooklyn. Demand from creative, media, and technology sectors has led to a reduced inventory of available commercial space in Downtown Brooklyn, DUMBO, and Williamsburg. These neighborhoods are attractive for such industries because they offer companies the opportunity to occupy converted loft spaces and operate in proximity to the communities where their workforces reside.

The purpose of the IBIA Special Permit is to promote commercial development on M1-2 zoned blocks in the Greenpoint-Williamsburg IBZ, while guaranteeing the provision of manufacturing floor area that would not otherwise be required by zoning. To that end, ZR Section 74-96 allows a change of use from the as-of-right 4.8 community facility FAR to 4.8 FAR for certain commercial

and manufacturing by creating three categories of use. The first category consists of uses permitted as-of-right in the underlying M1-2 zoning district, which are permitted as-of-right at a maximum 2.0 FAR (Permitted Uses). The second category consists of uses permitted in the underlying M1-2 zoning district, with the exception of hotels, moving and storage facilities, and certain other uses (Required Industrial Uses). The third category is a narrow list of Permitted Uses that comprises certain light industrial uses (Incentive Uses). According to the special permit, developers may construct an additional 2.0 FAR of such Incentive Uses only if the building provides 0.8 (or greater) FAR for Required Industrial Uses. Buildings utilizing the special permit are capped at a maximum 4.8 FAR.

The IBIA Special Permit has the dual benefit of increasing overall employment opportunities in the Greenpoint-Williamsburg IBZ while preserving a manufacturing base vulnerable to displacement. Developers are able to utilize revenues generated by the added commercial/office FAR to provide manufacturing floor space at rents that are within reach of manufacturing firms seeking to locate in the IBZ. Currently, only IBZ properties zoned M1-2 and **enable** 5,000 or more sq. ft. of horizontally contiguous floor area for Required Industrial Uses are eligible for the IBZA Special Permit.

Under ZR Section 74-962, prior to granting the IBIA Special Permit, CPC must find that the requested increase in the maximum permitted FAR will result in "a beneficial mix of Required Industrial and Incentive Uses...superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape...a building that has a better design relationship with surrounding streets and adjacent open areas...a development or enlargement that will not have an adverse effect on the surrounding neighborhood" and for applicants seeking an additional height bonus through the provision of a public plaza, "a public plaza of equivalent or greater value as a public amenity."

This application seeks to designate a block of the Greenpoint-Williamsburg IBZ, bounded by Franklin Street, Gem Street, Meserole Avenue, and North 15<sup>th</sup> Street as an IBIA pursuant to ZR Section 74-96. The development would take place on a 27,963 sq. ft. portion of the block consisting of three privately-owned lots. The site has frontage on Meserole Avenue, and Franklin, Gem, and North 15<sup>th</sup> streets. Historically, the site has been used for industrial and manufacturing purposes. Current properties on the assembled site include two buildings with a combined 11,389 sq. ft. that function as a bar and restaurant, as well as a plumbing supply store, a 6,000 sq. ft. building occupied by a music rehearsal space, and a 12,775 sq. ft. building containing a bar and restaurant with a brewery and storage space.

The proposed development would contain approximately 134,220 sq. ft. of floor area, 36 accessory parking spaces, and 85 bicycle parking spaces in the cellar, and two accessory loading docks on Gem Street, with 22-foot curb cuts. 12 Franklin Street would house three categories of use within the existing maximum FAR of 4.8. These categories include approximately 55,925 sq. ft. (41 percent) of Permitted Uses, 22,715 sq. ft. (18 percent) of Required Industrial Uses, and another 55,925 sq. ft. (41 percent) of Incentive Uses.

The building would have seven stories, with the first floor occupied primarily by eating and drinking establishments, as well as retail uses. The Required Industrial Use area would be located entirely on the second floor, with office space on the third, fourth, and fifth floors. A rooftop bar and restaurant is envisioned for the top two floors, which would also include a landscaped roof terrace. The building would have a street wall height of 75 feet, and a maximum height of 110 feet, as permitted by ZR section 74-962. Each floor would have a height of approximately 15 feet.



In order to serve a variety of light industrial and manufacturing uses, the second floor comprising the Required Industrial Use area is intended to be equipped with dedicated exhaust, direct access to freight elevators, and a flexible column grid. These amenities, together with the aforementioned high ceilings, are intended to allow occupancy by multiple firms, and accommodate special equipment and technology, according to their needs.

As per the Special Permit requirements, the property owner would provide 15-foot sidewalks along its building perimeter. Currently, such sidewalks are located 1.5 to 4.5 feet below the required Design Flood Elevation of 12 feet. Due to the site's location in a flood zone, the proposed design seeks to elevate the sidewalks using a combination of dry and wet flood-proofing. The majority of the ground floor would be raised to 13 feet, while the building's connections, mechanicals, and utilities would be located on the second floor.

12 Franklin Street would be accessible by a range of public transportation options including two subway lines, multiple buses, and a ferry. The Brooklyn-Queens Crosstown Local G stops at Nassau Avenue about six blocks away, while the 14<sup>th</sup> Street – Canarsie Local L line stops at Bedford Avenue, about 10 blocks southeast of the site. Bus connections are provided by the B32 bus, which runs along Franklin Street, and the B43 and B62 buses, which travel on Manhattan Avenue. The NYCFerry East River service is available at Kent Avenue/North Sixth Street. There are also several Citi Bike stations nearby, with the closest at Banker and North 15<sup>th</sup> streets.

It is Borough President Adams' policy to support land use actions that broaden economic opportunity within the permitted floor area through actions that facilitate utilization of such floor area for occupancy of a wider range of job-generating uses as a means to provide much-needed employment opportunities for varied skill sets. Borough President Adams supports the development of floor area for manufacturing use groups and for added density of office uses, in sections of Brooklyn where it supports creative, innovation, and maker economies. He further supports such actions that establish reasonable height limits, more need-based car parking and truck loading berth requirements, and that promote developments that incorporate amenities serving a benefit to the neighborhood.

The development of these parcels would transform substantially underutilized land to facilitate a mix of commercial and light industrial uses that would support the economy and create a substantial number of construction and permanent jobs. This development provides dedicated space that assures light manufacturing use group establishments would be operating in a manufacturing zoning district. Such development assures retention of the City's industrial sector as a means to create and retain good jobs for those without degrees from institutions of higher learning. The industrial sector has long been an avenue leading to equitable economic opportunity for immigrant populations, people of color, and low-income communities. Borough President Adams supports the preservation of IBZs for the creation of jobs that serve as pathway to the middle class. With low barriers to entry and real career pathways, industrial and manufacturing jobs — whose average wages are twice that of the retail sector — are a crucial avenue of opportunity and equitable economic development for low-income communities.

Borough President Adams supports the concept of encouraging development of industrial and manufacturing space through incentivizing commercial office and retail uses and creating an ecosystem for a mix of commercial and light industrial spaces in close proximity to the workforce. Such office space is in great demand in certain neighborhoods and the choice is not whether or not such creative, innovation, and/or maker office space belongs in traditional office districts or to what extent in manufacturing zoning districts. The choice is whether growth can adequately be accommodated where the industries want to locate in New York City as opposed to other regions of the United States and in the global community.

Though Borough President Adams is generally supportive of the proposed development, he, however, believes there are opportunities to improve the 12 Franklin Street proposal and further modify the IBIA Special Permit to address issues that he raised in 2016 with regard to the establishment of this special permit and remain relevant for developments under ZR 74-96. These include: refining the list of Required Industrial Uses to exclude production of exclusively digital format, limiting the extent that accessory retail space is allowed to occupy Required Industrial Use floor area, and enhancing visual representation requirements. Furthermore, he believes that there are actions that would promote appropriate development within the Greenpoint-Williamsburg IBZ through zoning map and text amendments to realize more opportunity for properties in the IBZ. Borough President Adams also has recommendations pertaining to resiliency and sustainability, LBE/MWBE jobs, and funding toward the completion and operation of Bushwick Inlet Park.

### **Defining Appropriateness of Listed Required Industrial Uses**

In 2016, the City Council adopted a modified version of a zoning text amendment advanced by the New York City Department of City Planning (DCP) that established Required Industrial Uses according to ZR Section 74-961. Under ZR 74-961, Required Industrial Uses are limited to Use Groups (UGs) 11A, 16A, 16B, 17B, 17C, and 18A with some exclusions. For example, UG 17B diagnostic medical laboratories do not qualify under the definition of Required Industrial Use.

Technological improvements have transformed certain traditional manufacturing space into office-like space with manufacturing processes being in a digital format product production supported by desktop computer work stations, similar to office space. During Borough President Adams' consideration of ZR 74-961 ULURP, he expressed concern that the range of proposed uses would permit uses that were formerly defined as traditional manufacturing but have evolved to be increasingly digital in nature. Examples include the creation of advertising displays, general printing and publishing, as well as digital toy manufacturing. Such manufacturing uses are often better able to compete with more traditional office uses to pay rent per sq. ft. for floor area. Permitting such digital manufacturing uses to lease Required Industrial Use floor area at the 12 Franklin Street development would diminish the public policy benefits of establishing Required Industrial Use floor area in the proposed development.

As a text modification is not within the scope of consideration, in order to maximize the resulting public benefit, Borough President Adams believes that the development's Certificate of Occupancy (C of O) should exclude from the Required Industrial Use floor area Use Group 17B manufacturing facilities that utilize processes limited exclusively to digital format product. He believes that this might be achieved either through notation incorporated in the application drawings for the requested Special Permit or some other acceptable legal mechanism, and be delineated as such on floor plans filed with the New York City Department of Buildings (DOB).

Borough President Adams believes that in order to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, prior to granting approval for 180387 ZSK, the City Council should seek modification of the 12 Franklin Street floor plans with notations that exclude manufacturing processes in UG 17B limited to product of exclusively digital format, or implement an equivalent legal mechanism that prohibits such use from being conforming with the intended C of O.

### **Limiting the Extent of Accessory Retail as Part of Required Industrial Use Floor Area**

There has been a trend for certain uses listed within Use Groups 11A, 16, 17, and 18 — specifically alcoholic beverages or breweries — in which a small accessory section of floor area is set aside for retail and/or eating and drinking establishments. For example, the Chelsea Market has an interior retail street, where one can purchase freshly-baked goods from a small accessory retail section off the main baking production area. There are also breweries that contain accessory beer halls

and/or restaurants. With the ongoing trend of artisanal food and beverage production, an accessory sales component often provides important synergy and financial viability. However, other manufacturing uses, such as metal fabrication and woodworking, do not lend themselves to accessory retail. This puts such uses at a disadvantage because permitted uses that profit from accessory retail or eating and drinking components would likely be able to pay more rent. Furthermore, if such accessory retail and/or eating and drinking floor space were of excessive size, it would undermine the purpose of establishing dedicated floor area for Required Industrial Uses. The special permit zoning text does not specify whether such accessory operations are permitted to occupy the 0.8 FAR set aside for Required Industrial Uses or what portion of such floor area they may constitute.

As Borough President Adams noted in his 2016 recommendations for 25 Kent Avenue land use actions, the proposed public policy benefits of establishing Required Industrial Use floor area at 12 Franklin Street would be diminished if the developer/operator were permitted to lease Required Industrial Use floor area if accessory retail and/or eating and drinking establishment uses consume more than a nominal amount of floor area.

As had been Borough President Adams' recommendation with regard to the 25 Kent Avenue ULURP application, he seeks to clearly define the extent of the Required Industrial Use floor area at 12 Franklin Street that would be allotted for supporting accessory retail and/or eating and drinking operations. He believes that it is appropriate to limit Required Industrial Use accessory retail operations, specifically for UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 by permitting up to 100 sq. ft. without regard to the size of the Required Industrial Use establishment, though not more than 1,000 sq. ft. or not exceeding 10 percent of floor area per establishment. Where a business plan supports an accessory use in excess of such size limitation, such floor area should be designated as Permitted Use floor area, incorporated in the development's C of O, and be delineated as such on floor plans filed with DOB.

Borough President Adams notes that the 12 Franklin Street application documents represent a second floor with approximately 2,480 sq. ft. set aside for a possible shared conference center or alternatively, an accessory retail space for manufacturing tenants. In the letter to Borough President Adams dated October 25, 2018, the applicant stated that accessory retail space for industrial tenants would be located in portions of 12 Franklin Street reserved for Permitted or Incentive Uses. The letter was not explicit regarding the second-floor conference space.

Borough President Adams believes that in order to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, prior to granting approval for 180387 ZSK, the City Council should seek modification of the 12 Franklin Street floor plans with notations that limit Required Industrial Use accessory retail uses (UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12) to 100 sq. ft. without regard to the size of the Required Industrial Use floor area or not exceeding 10 percent of floor area per establishment, though not more than 1,000 square feet, or implement an equivalent legal mechanism that prohibits such extent of accessory use from being conforming with the intended C of O.

#### **Regulatory Oversight of Required Industrial Use Floor Area**

In order to ensure the integrity of Required Industrial Use space, ZR Section 74-962 requires compliance and recordation, periodic notification by the owner, and annual reporting by a qualified third party. Under the Special Permit rules, the property owner must file a Notice of Restrictions, as a precondition to receiving a building permit from DOB. With regard to the C of O, ZR Section 74-962 states that "no temporary certificate of occupancy for any portion of the building to be occupied by incentive uses shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the building required to be occupied by required industrial



uses." Such regulation is designed to ensure that the Required Industrial Use area is provided before any Incentive Use area contingent on the provision of such manufacturing floor area is occupied.

According to ZR Section 74-962, each new lease executed for any part of the Required Industrial Use space requires public notification, via electronic resource, of certain information about each new tenant and use. Such notification must include, among other information, the total floor area of the Required Industrial Uses in the development, a digital copy of all approved Special Permit drawings pursuant to ZR Section 74-962 (a)(1) through (a)(4), and the names of all establishments occupying floor area reserved for Required Industrial Uses. Additionally, for each establishment, public notification must specify the amount of Required Industrial Use floor area, the UG, the subgroup, and the specific use as listed in the ZR.

The property owner is also required to retain a qualified third party, approved by the New York City Department of Small Business Services (SBS) to produce an annual report and conduct an inspection to ensure that the Required Industrial Use area is compliant with the provisions of ZR Section 74-962. Such report must include a description of each establishment with the North American Industry Classification System (NAICS) code and number of employees, the total amount of vacant Required Industrial Use floor area, as applicable, the average annual rent for aggregate the portions of the building reserved for occupancy by Required Industrial Uses, and the number of new leases executed during the calendar year, categorized by lease duration, in five-year increments. Such report must be submitted to DCP, as well as the Brooklyn borough president, the local City Council member, and the community board. Such report must be prepared by an organization under contract with the City to provide inspection services, an SBS-certified firm that provides such inspection services, or an entity that the commissioner of SBS determines to be qualified to produce such report, provided that any qualified third party selected by the owner to prepare such report shall have a professional engineer or a registered architect licensed under the laws of the State of New York to certify the report. Borough President Adams believes that one of the area's non-profit industrial business solutions providers such as Evergreen, Greenpoint Manufacturing and Design Center (GMDC), and the North Brooklyn Development Corporation (NDDC) would warrant consideration to potentially serve as an administering agent for 12 Franklin Street.

In terms of visual clues to memorialize the inclusion of the Required Industrial Use floor area, ZR Section 74-962 requires an information sign mounted at all primary entrances to the building stating the name and address, as well as the following: "This building is subject to Industrial Business Incentive Area (IBIA) regulations, which require a minimum amount of space to be provided for specific industrial uses."

Borough President Adams is concerned that the ZR does not require visual regulatory oversight of Required Industrial Use floor area beyond the primary entrances. As such, within the building it is possible to misrepresent such Required Industrial Use space as allowing as-of-right or incentive uses. In order to serve as a deterrent to such representation, Borough President Adams believes that it is appropriate to mandate signage depicting the Required Industrial Uses on the floor plans of any floor without direct access to the street. So in addition to within the building lobby, such signage should be placed opposite elevators leading to such spaces, in the corridors upon entering such spaces. For 12 Franklin Street, this should be achieved by requiring visible plaques depicting a floor plan representation of Required Industrial Use floor area, consistent with Special Permit application drawing Z-012 Floor 2 & 3 Plans.

Therefore, as an additional means to adequately provide additional regulatory oversight of Required Industrial Use floor area, Borough President Adams calls on the City Council to augment regulatory oversight of the Required Industrial Use floor area, by obtaining a binding commitment

from the applicant that requires wall-mount signage depicting floor plan representation of Required Industrial Use area consistent with Special Permit application drawing Z-012 Floor 2 & 3 Plans at walls opposite elevator doors, and corridor boundary entering/exiting from Required Industrial Use area.

#### **Advancing Resilient and Sustainable Energy and Stormwater Management Policies**

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint. The proposed development offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house design, solar panels, and wind turbines.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to introduce best practices to manage stormwater runoff such as incorporating permeable pavers and/or establishing rain gardens or tree pit enlargements that advance DEP's green infrastructure strategy. According to the "New York City Green Infrastructure 2017 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

Borough President Adams believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. In addition, blue/green roofs, permeable pavers, and rain gardens would divert stormwater from the City's water pollution control plants.

The sidewalk areas fronting the proposed development on Franklin Street, Meserole Avenue, and North 15<sup>th</sup> Street could potentially accommodate the construction of DEP rain gardens. Along North 15<sup>th</sup> Street, such rain gardens could be incorporated with the existing tree pits. 12 Franklin Street's location in a flood zone presents an additional opportunity to utilize rain gardens as part of an overall resiliency strategy.

It should be noted that such rain gardens would require maintenance commitment and attention from the property owner. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption. Such efforts could help advance DEP green water/stormwater strategies, enhancing the operation of the Newtown Creek Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams believes it is appropriate for the property owner to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per

square foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President

Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

In the letter to Borough President Adams dated October 25, 2018, the applicant stated intent to incorporate a range of sustainability measures including an expansive cool roof, low-flow plumbing fixtures, and optimized window shading strategies at 12 Franklin Street. The design would address resiliency concerns by elevating the ground floor one foot above the required design flood elevation, moving utilities to higher floors, and providing a wet-flood proofed building perimeter. The applicant would also coordinate with the Mayor's Office of Sustainability, NYSERDA, and NYPA to pursue relevant tax abatement programs.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC that clarify their intent to further explore additional resiliency and sustainability measures, and commitment to coordinate with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of expanded tree pits and installation and maintenance of DEP rain gardens, in consultation with CB 1 and local elected officials.

### **Jobs**

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as LBEs and MWBEs, is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

As noted during Borough President Adams' public hearing, the development is projected to receive ICAP tax incentives, which require the applicant to issue RFPs to at least three qualified MWBE firms. In addition, the letter to Borough President Adams dated October 25, 2018, states the applicant's intent to establish a community outreach program including a project website, to recruit LBE firms for the construction of 12 Franklin Street.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC that clarify its intent to memorialize retention of Brooklyn-based contractors and subcontractors, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code and MWBEs as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

### **Realizing Appropriate Public Purpose Benefit by Amending the Listed Required Industrial Uses**

As noted under ZR 74-961, Required Industrial Uses are limited to UGs 11A, 16A, 16B, 17B, 17C, and 18A, with some exclusions. UG 17B includes certain uses that are increasingly digital in nature,



spurred by technological improvements, where the manufacturing processes have evolved to digital format products supported by desktop computer work stations, similar to office space. Such digital uses include the creation of advertising displays, general printing and publishing, and toy manufacturing such as computer gaming applications. Currently, the only UG 17B use that does not qualify as a Required Industrial Use is diagnostic medical laboratories. As a result of such technological advancements, firms that are digital in nature are often able to compete financially with more traditional office uses when renting floor area. Therefore, such uses do not require the extent of assistance that many maker uses require in order to sustain a presence as a viable manufacturing sector in the urban neighborhoods of New York City.

While traditional manufacturing jobs in New York City have seen a steady decline, the City has seen growth in jobs related to artisanal/creative manufacturing, art production, beverage and food manufacturing, film and television production, fine woodworking and custom furniture designs, high-end apparel manufacturing, jewelry making, and even set design and costumes for Broadway and film stages. Unfortunately, such businesses face obstacles in finding affordable real estate in the City's manufacturing zones, due to the wide range of entertainment, office, and retail uses that are permitted as-of-right in manufacturing-zoned areas. The City has, to some extent, provided safe havens from the real estate market through direct and indirect oversight of the Brooklyn Army Terminal (BAT), Brooklyn Navy Yard (BNY), and Bush Terminal. It has also assisted industrial non-profits such as Evergreen and GMDC in expanding their portfolios of below market-rental space for such uses by creating permanently affordable space for small to medium-sized manufacturers who employ New Yorkers from every strata: high school to college graduates; life-long City residents to recent immigrants, and workers developing their skill sets to those trained in specific trades.

Borough President Adams believes that the Require Industrial Use space that results from the granting of the Special Permit to developments such as 25 Kent Avenue and 12 Franklin Street, is a public benefit that should optimize opportunities for manufacturing firms to secure affordable rents and long-term leases and affordable rents. By finding space in such buildings, manufacturing uses would benefit from below market rental opportunities, which would help keep maintain an active and competitive manufacturing sector in New York City.

Borough President Adams believes that it is appropriate public policy to exclude UG 17 manufacturing processes limited exclusively to digital format product from the Required Industrial Use floor area. As opposed to achieving such outcome on a case-by-case basis each time the IBIA Special Permit is requested, Borough President Adams believes that in order to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, such remedy should be codified in the ZR through further amending ZR Section 74-961 definition of Required Industrial Uses, to exclude processes limited exclusively to digital format product from UG 17. Therefore, the City Council should seek assurances from DCP that it would undertake a zoning text amendment to modify the ZR Section 74-961 definition of Required Industrial Use to exclude manufacturing processes in UG 17 where they are limited to product exclusively of digital format.

**Realizing Appropriate Public Purpose Benefit by Adequately Regulating the Extent of Accessory Retail as Part of Required Industrial Use Floor Area**

As noted in a previous section, Borough President Adams has concerns about manufacturing establishments with business plans that rely on a significant dining, drinking, and/or retail floor area footprint that would diminish the public purpose of establishing Required Industrial Use floor area, by defining such use as nearly 50 percent of such establishment, as accessory to the primary permitted UG according to ZR 74-961 as a 11A, 16A, 16B, 17B, 17C, and/or 18A use establishment. Borough President Adams believes that defining dining, drinking, and/or retail to such an extent undermines the public benefit of realizing Required Industrial Use floor area, as

such aspects of operation allow business plans to assume an ability to pay more rent than manufacturing operations that would not have the type of synergy to benefit from such a commercial component. As opposed to restricting such accessory commercial use on a case-by-case basis each time a such special permit is requested, he seeks to have clearly defined limits of the extent that Required Industrial Use floor area would be allotted for any supporting accessory dining, drinking, and retail operations.

Borough President Adams believes that it is appropriate to modify ZR Section 74-961 to limit Required Industrial Use accessory retail operations, specifically for UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12, by permitting up to 100 sq. ft. without regard to the size of the Required Industrial Use establishment's floor area, though not more than 1,000 sq. ft. or not exceeding 10 percent of floor area per establishment. Where a business plan supports an accessory use in excess of such size limitations, the floor area should be designated as permitted use floor area, incorporated in the development's C of O and be delineated as such on floor plans filed with DOB.

Borough President Adams believes it is appropriate public policy to modify the ZR Section 74-961 definition of Required Industrial Use to clarify that accessory retail uses should have size limitations. As opposed to achieving such outcome on a case-by-case basis for individual IBIA Special Permit applications, Borough President Adams believes that in order to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, such remedy should be codified in the ZR by further amending the ZR Section 74-961 definition of Required Industrial Use, to specify limits to accessory dining, drinking, and retail floor area. Therefore, the City Council should seek assurances from DCP that it would undertake a zoning text amendment to modify ZR Section 74-961 Required Industrial Use accessory retail use to limit Use Groups (UGs) 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 by permitting up to 100 sq. ft. without regard to the size of the Required Industrial Use floor area, though not more than 1,000 sq. ft. based on such use not being more than 10 percent of floor area per establishment.

#### **Facilitating Investment in the M1-1 Zoning District in the Greenpoint-Williamsburg IBZ**

When the Special Permit was initially proposed in 2016, the section of the Greenpoint-Williamsburg IBZ zoned M1-1 had not experienced the same degree of manufacturing displacement as the M1-2 zone. As such, a development-inducing mechanism was not deemed warranted for the M1-1 district, in the context of growing and preserving the IBZ's manufacturing job base.

The 2005 Greenpoint-Williamsburg Rezoning converted the majority of an M3-1 district to M1-2. The rezoned blocks retained the 2.0 commercial floor area permitted by M3-1 zoning, but gained community facility FAR (4.8), which does not exist for M2 and M3 manufacturing districts. In essence, the rezoning enabled the creation of the Special Permit for the designated IBIA in 2016 by granting the 4.8 community facility FAR that potential applicants could utilize to maximize buildout potential for eligible lots in the M1-2 zone.

However, the 2005 rezoning left a considerable number of blocks in the M1-1 district, which formerly served as a buffer between the M3-1 blocks and residential blocks, further inland. Examining the boundary between the M1-1 and the rezoned M1-2 districts reveals that the boundary line warrants reconsideration. The remaining M1-1 zoned blocks include a number of light industrial and manufacturing businesses whose property owners have stated that it would be beneficial to enlarge their buildings. Changing their zoning to M1-2, where appropriate, would provide a pathway for businesses to expand within their current spaces. This would enable the growth of business operations, increasing local employment opportunities and economic benefits citywide. Such DCP-sponsored rezoning might encourage these property owners to resist the temptation to convert their developments to eating and drinking establishments — including entertainment venues, hotels, and retail use. Borough President Adams urges DCP to undertake



corrective action to properly map the M1-1 designated blocks in the Greenpoint-Williamsburg IBZ as M1-2 and have the IBIA Special Permit made applicable in order to facilitate appropriate investment in the amended M1-2 designated blocks.

Borough President Adams recognizes that some of the blocks in the IBZ zoned primarily M1-1 include properties that might not be deemed appropriate for rezoning to M1-2 based on consideration for adjacent residential development in terms of density and height. Nevertheless, such property owners may benefit by being able to utilize the additional community facility zoning floor area as commercial floor area according to the ZR 74-962 IBIA Special Permit as a productive redevelopment of their property as opposed to repositioning existing manufacturing or warehousing space as eating and drinking establishments — including entertainment venues, hotels, and retail use. Conversely, the lack of opportunity to expand Required Industrial Use floor area according to the Special Permit could potentially result in the loss of manufacturing and warehousing establishments in the M1-1 district.

Borough President Adams believes it is appropriate to expand the applicability of the Special Permit to properties that would be appropriately retained in the M1-1 zoning district. Where it is not appropriate to establish the M1-2 district, Borough President Adams seeks for the IBIA Special Permit to be made applicable in order to facilitate appropriate investment in the existing M1-1 designated blocks. He urges DCP to undertake corrective action to designated M1-1 blocks in the Greenpoint-Williamsburg IBZ to make the Special Permit applicable in order to facilitate appropriate investment in the existing M1-1 designated blocks.

Therefore, Borough President Adams believes it is appropriate for DCP to undertake a zoning study to determine where in the Greenpoint-Williamsburg IBZ it is appropriate to change the M1-1 zoning to M1-2, and extend the applicability of ZR 74-96 IBIA Special Permit to all of the blocks in the M1-2 district. At the completion of such zoning study, DCP should then file applications to amend the zoning map and text accordingly and for ZR Section 74-96 to include the entire M1-2 zoning district area, as well as to make the Special Permit applicable to M1-1 zoned properties in the IBZ with customized regulations reflecting that such zone permits half the community facility floor area of an M1-2 district. Such regulations should include modification of ZR Section 74-962; with regard to the M1-1 floor area increase standard, to be consistent with the M1-1 maximum community facility floor area of 2.4 FAR, and modification of ZR Section 74-962 (b)(3), to require a maximum permitted street wall height of 50 feet and a maximum height of 60 feet, or 75 feet where a public plaza is provided.

#### **Amending the Industrial Business Incentive Area (IBIA) Special Permit Regulations to Enhance Utilization**

Borough President Adams believes that the intent of the IBIA Special Permit is diminished by the fact that the text stipulates a minimum zoning lot size requirement of 5,000 sq. ft. of horizontally contiguous Required Industrial Use space, and precludes the use of the Special Permit for zoning lots in the M1-1 zoning district. Furthermore, applicants seeking to rectify archaic automobile parking and truck-loading berth requirements face additional costs that are particularly burdensome for smaller properties. Altogether, many properties in the Greenpoint-Williamsburg IBZ are ineligible or unlikely to apply for the zoning text amendment to ZR Section 74-96 to be eligible to pursue ZR Section 74-962 IBIA Special Permit. As noted in the previous section, the inability to utilize Special Permit renders such properties vulnerable to conversion from traditional manufacturing use groups to more profitable hotel and eating and drinking establishments — including entertainment venues and retail.

This trend would likely be magnified by such uses seeking proximity to the disposable incomes of future employees at 25 Kent Avenue and 12 Franklin Street if more compelling alternatives are not

available to property owners of smaller lots and M1-1 zoned-lots in the IBZ. In order to reap the potential economic benefits associated with the IBIA Special Permit, Borough President Adams believes that it is important to advocate for all industrial property owners to maximize profitability in a manner that produces future floor area restricted to Required Industrial Use.

#### Extending Applicability to All Zoning Lots

Currently, the Special Permit requires a minimum of 5,000 sq. ft. of horizontally contiguous Required Industrial Use per floor. An analysis by the Office of the Brooklyn Borough President found dozens of properties within the Greenpoint-Williamsburg IBZ whose zoning lot size does not exceed 5,000 sq. ft. The regulations act as a deterrent by disqualifying these properties from applying for a zoning text amendment to ZR Section 74-96 to be eligible to pursue ZR Section 74-962 IBIA Special Permit as a means to accommodate additional commercial floor area on these smaller properties. Borough President Adams believes that generating even smaller quantities of permanently protected Required Industrial Use floor area is an appropriate public policy benefit, especially given that start-up firms typically seek smaller spaces. He believes that it would be appropriate to reduce the horizontally contiguous floor plate requirement for Required Industrial Uses to as little as 1,000 sq. ft. as a means to accommodate zoning lots as small as 2,000 to 2,500 sq. ft. Therefore, Borough President Adams believes that the Special Permit should be applicable to zoning lots without minimum lot size. Rather, it would be appropriate to seek modification of ZR Section 74-962 (b)(1) conditions for a minimum amount of business enhancing use floor area to be no less than 1,000 sq. ft. of horizontally contiguous floor area.

#### Reducing Parking and Loading Berth Requirements

Under M1-1 and M1-2 zoning districts, parking and loading berth requirements are primarily based on car-centric, outer-borough policies. However, the recent trend has been to accommodate the growing market of innovation firms and light industrial businesses in proximity to the neighborhoods where their employees reside. This enables such workforce to be much less dependent on automobiles to commute, which is entirely in contrast to the standard requirements of both the M1-1 and M1-2 zoning districts.

Current requirements include a provision (ZR Section 44-22) that is based on the most burdensome use whereby the developer always has to provide the highest required number of parking spaces in case of future conversion to a use that might require more parking. ZR Section 44-21 requires one parking space per 300 square feet of floor area. The basis for such a requirement is to allow for eventual return of commercial occupancy to a light manufacturing use.

According to the IBIA Special Permit, findings are required in order to justify any parking and loading berth reductions. The associated extensive studies and expensive traffic consultant costs make the permit less attractive to owners of smaller businesses and properties. Set standards would make the permit more applicable to other users who may not otherwise be able to afford the costs associated with completing the necessary studies, while right-sizing vehicle parking requirements.

Borough President Adams believes that in order to appropriately establish parking requirements within the Greenpoint-Williamsburg IBZ for developments approved by the IBIA Special Permit, it is necessary to modify regulations in ZR Section 74-963 by introducing a zoning text change that would incorporate a more reasonable zoning district standard for parking without the need to undertake a traffic generation study. The most fitting example can be found in ZR Section 36-21 for C8-3 zoning districts, for Commercial Use Groups 6-16, which requires one parking space per 1,000 sq. ft. of floor area. Furthermore, ZR Section 44-22 should be made inapplicable as it is not logical to suspect that new office development pursuant to the Special Permit would revert to light manufacturing or warehouse use.

To simplify the burden of parking requirements on smaller developments, Borough President Adams believes it is appropriate to introduce a zoning text change to regulate automatic waiving of required parking according to ZR Section 36-232 for C8-3 zoning districts. ZR Section 36-232 for C8-3 zoning districts precludes the applicability of parking requirements to commercial uses if the total number of accessory off-street parking spaces required for all such uses on the zoning lot is fewer than 40. Should the amendment otherwise be applicable to the M1-1 zoning district, the resulting parking waiver standards for zoning lots under 18,000 sq. ft. would be eligible for a waiver of parking requirements. Any applicant for the Special Permit pursuant to ZR Section 74-963 would still have the option of exceeding the automatic standard reductions upon provision of supportive studies, contingent on CPC approval.

To further alleviate the pressure of providing excess vehicle parking, and promote a more sustainable form of transportation, Borough President Adams believes it would also be appropriate to introduce a zoning text change that would allow developers to offset the required vehicle parking as-of-right as part of the IBIA Special Permit by providing more bicycle parking. Currently, ZR Section 44-60 requires the provision of one bicycle parking space per 10,000 sq. ft. of floor area. Borough President Adams believes that developers providing bicycle parking spaces above and beyond this requirement should be permitted, through the Special Permit, to offset one vehicle parking space per each bicycle parking space, for up to 33 percent of the otherwise required car parking spaces.

#### Loading

ZR Section 44-54 requires that 50 percent of the floor area be subject to loading berth requirements for manufacturing use, for buildings with both manufacturing (Required Industrial Use) and commercial (Permitted Use) floor area. For manufacturing floor area between 140,000 sq. ft. and 220,000 sq. ft., the requirement is five loading berths. The remaining floor area is subject to the requirement of five loading berths for commercial floor area between 120,000 sq. ft. and 200,000 sq. ft. For a predominantly commercial building, such onerous loading berth requirements are just as archaic as the aforementioned parking requirements. Requiring consultant analysis could potentially deter property owners from engaging in the IBIA Special Permit process. Borough President Adams believes that off-street loading berth requirements under ZR Section 36-92, per the C8-3 zoning district, are appropriate for Special Permit-driven development.

According to C8-3 zoning district standards pursuant to ZR Section 36-92, no loading berths are required for manufacturing use in developments not exceeding 8,000 sq. ft. or up to 25,000 square feet for retail use and up to 100,000 sq. ft. for office use. For example, one loading berth is required for manufacturing and retail use in a 40,000 sq. ft. development, and for office use of up to 200,000 sq. ft. Two loading berths are required for manufacturing use in developments of up to 80,000 sq. ft., for retail use of up to 100,000 sq. ft., and office use of up to 500,000 sq. ft. Three loading berths are required for manufacturing use in developments of up to 160,000 sq. ft., for retail of up to 250,000 sq. ft., and office use up to 800,000 sq. ft. Borough President Adams believes that, in lieu of ZR Section 44-54, it is appropriate for minimum off-street truck loading berth requirements to be applicable to ZR Section 36-92 per the C8-3 zoning district standard.

Therefore, in order to improve the attractiveness of the IBIA Special Permit to all property owners within the M1-1 and M1-2 zoning districts in the Greenpoint-Williamsburg IBZ, as a means to minimize vulnerability to conversion from traditional manufacturing use groups to more profitable hotel, as well as eating and drinking establishments — including entertainment venues and retail — and to encourage the enlargement and/or redevelopment of existing buildings through the provision of floor area that accommodates Required Industrial Uses, Borough President Adams believes that DCP should incorporate into the aforementioned zoning text amendment to ZR



Section 74-96, Special Permit parking and loading berth reductions that would be as-of-right per the C8-3 zoning district.

#### Appropriate Special Permit Safeguards

Within new parking garages, it has become more common to utilize stacked parking lifts in combination with horizontal parking of vehicles within new parking garages. Stacked parking necessitates the provision of parking attendants in order to move and rearrange parked vehicles. The efficiency of such a parking garage helps deter drivers from double parking or searching area streets for limited on-street parking. Double parking can disrupt vehicle movement and shift traffic to residential streets. The search for street parking brings drivers into competition for a limited resource with those already living and working in the area. Therefore, the operation of garages has significant quality-of-life impacts within the community.

In accordance with ZR Section 74-96.3 IBIA Special Permit, the zoning text directs the CPC to prescribe appropriate conditions to minimize adverse effects on neighborhood character. Borough President Adams believes that this section should explicitly direct CPC to consider setting forth a minimum number of parking attendants based on the hour of day and day of the week according to the intended hours of operation for establishments within the building. Additionally, the ZR's provision regarding accessory parking pursuant to Article 4 Chapter 4 does not provide any use restrictions for a development's parking spaces. Therefore, with proper management of this attended parking resource, Borough President Adams believes parking garages resulting from such approved special permits could serve as a fee-based community amenity for local employees and residents.

Therefore, Borough President Adams believes that DCP should incorporate in the aforementioned zoning text amendment to ZR Section 74-96, to have the Special Permit's appropriate conditions allow CPC the authority to determine the appropriate number of parking attendees, as warranted.

#### Furthering Development of Bushwick Inlet Park

The 2005 Greenpoint-Williamsburg rezoning was expected to result in the creation of more than 50 acres of new parkland along the East River waterfront. In 2016, the City acquired the CitiStorage property, which was needed to complete the site acquisition for Bushwick Inlet Park, and the following year allocated \$17.5 million for two undeveloped sections of the park.

However, additional funding is needed to complete the construction of the envisioned 28-acre park. Borough President Adams urges the City to take steps to identify funding sources to secure the completion of the promised parkland. Therefore, the current City administration should designate adequate capital budget appropriations to develop the remaining sections of Bushwick Inlet Park in a timely manner.

#### Enhancing the Operation of Bushwick Inlet Park

Bushwick Inlet Park has benefited from the advocacy provided by the Friends of Bushwick Inlet Park (FBIP), which was established in 2008 as a community organization dedicated to realizing, protecting, and serving Bushwick Inlet Park. FBIP works alongside NYC Parks and the Open Space Alliance for North Brooklyn in the development of Bushwick Inlet Park as well as its activation, education, and programming. FBIP coordinated events at the park, including Movies Under the Stars; hosted a 50 Kent Avenue Design Presentation, and held other community events to draw people to the sections of the opened park. FBIP maintains a Facebook page to keep area residents informed of its engagement and to promote dialogue. In order to help support its efforts in advocacy, programming, and stewardship of the park, the organization seeks assistance to make this waterfront a vibrant open space for the enjoyment of the community.

Borough President Adams believes that a completed Bushwick Inlet Park would be an important asset to the developers of 12 Franklin Street in terms of marketing the commercial, office, and retail space, as well as an amenity to the anticipated workforce. He believes that the developers should adopt a “good neighbor” policy by actively participating in their community, which in this case means active involvement and/or support of Bushwick Inlet Park.

Therefore, Borough President Adams calls on 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC to engage with FBIP as a supporter, or otherwise contribute to the park’s development and funding.

#### **Prevailing Wages and Local Hiring for Building Service Workers**

Jobs within the building service and industrial sector have long served as a pathway to middle-class living for lower-income individuals, including immigrants and people of color. Like industrial jobs, building service jobs have low barriers to entry and real career prospects. When compensated at prevailing wage standards, such jobs provide average wages twice that of the retail sector. Additionally, building service opportunities are often filled through local hiring.

Borough President Adams believes that it is appropriate to advocate for economic opportunities that allow families to remain in their neighborhoods, by securing sufficient income to alleviate their rent burdens. He further believes that building service positions often result in locally-based employment. Therefore, Borough President Adams strongly encourages 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC to commit to hiring locally for building service jobs and paying prevailing wages to this workforce.

#### **Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and the City Council approve this application with the following conditions:

1. That, for 180387 ZSK, the 12 Franklin Street floor plans shall be modified to notate the exclusion of manufacturing processes in Use Group 17 limited to product of exclusively digital format, and that Required Industrial Use accessory retail use (Use Groups 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12) be limited by permitting up to 100 square feet (sq. ft.) without regard to the size of the Required Industrial Use floor area, though not more than 1,000 sq. ft. based on not being more than 10 percent of floor area per establishment
2. That, in order to supplement enforcement safeguards, the City Council shall seek a binding commitment from the applicant that requires wall-mount signage depicting floor plans of the Required Industrial Use area consistent with Special Permit application Z-012 Floor 2 & 3 Plans along walls opposite elevator doors, and the corridor boundary entering/exiting the Required Industrial Use area
3. That prior to considering the application, the City Council obtain commitments, in writing, from the developer, 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC that would memorialize
  - a. Exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, DEP rain gardens, passive house design, and/or solar panels
  - b. Retention of Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City’s

Administrative Code, and minority- and women-owned business enterprises (MWBES) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be It Further Resolved:

1. That in order to facilitate maximum opportunity for manufacturing uses to benefit from public policy that seeks to provide dedicated floor area for such uses, as part of Required Industrial Use dedicated floor area, from essentially office-like manufacturing processes and excessive retail use, the City Council should seek assurances from the New York City Department of City Planning (DCP) that it would undertake a zoning text amendment as follows:
  - a. Modify the New York City Zoning Resolution (ZR) Section 74-961 definition of Required Industrial Use to exclude manufacturing processes in Use Group 17 where such processes are limited to product exclusively of digital format
  - b. Modify ZR 74-961 Required Industrial Use accessory retail use to limit Use Groups (UGs) 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 by permitting up to 100 square feet without regard to the size of the Required Industrial Use floor area, though not more than 1,000 sq. ft. based on not such use being more than 10 percent of floor area per establishment
2. That in order to facilitate the enlargement of existing buildings in the M1-1 zoning district in the Greenpoint-Williamsburg Industrial Business Zone (IBZ) and discourage nearby displacement of industrial uses, the City Council should call for wider applicability of the Special Permit by mapping the entire IBZ, including its M1-1 zoning district, and seeking assurances from DCP that it would advance a zoning map and text amendment as follows:
  - a. Undertake a study of the M1-1 blocks to determine the extent that it would be appropriate to upzone such blocks to M1-2, and then implement such a rezoning
  - b. Undertake a zoning text amendment to amend ZR Section 74-96 to make the Special Permit applicable to M1-1 properties in the Greenpoint-Williamsburg IBZ and to include:
    - i. An M1-1 floor area increase standard modification of ZR Section 74-962 consistent with the M1-1 maximum community facility floor area ratio (FAR) of 2.4
    - ii. Modification of ZR Section 74-962 (b)(3) conditions for maximum permitted street wall height to 50 feet and maximum height to 60 feet, though where a public plaza is provided, the maximum height may be 75 feet
3. That in order to improve the attractiveness of the Industrial Business Incentive Area Special Permit to property owners, and make applicable to very small lots, prepare an application to amend ZR Section 74-96 as follows:
  - a. That the Special Permit be applicable to zoning lots without any minimum lot size

- b. That for zoning lots of up to 6,000 sq. ft., modify ZR Section 74-962 (b)(1) conditions for minimum amount of Required Industrial Use floor area to be not less than 1,000 sq. ft. of horizontally contiguous floor area
- 4. That in order to establish more appropriate parking and loading berth requirements for developments within the Greenpoint-Williamsburg IBZ seeking the Special Permit for floor area increase pursuant to ZR Section 74-962 and ZR Section 74-963, the City Council should seek assurances from DCP that it would undertake a zoning text amendment that would:
  - a. Regulate Commercial Use Groups 6-16, according to ZR Section 36-21 for a C8-3 zoning designation, and make ZR Section 44-22 inapplicable
  - b. Permit every bicycle parking space provided above and beyond the requirement of ZR Section 44-60 to reduce automobile parking by one space for up to 33 percent of the required number of automobile parking spaces
  - c. Regulate automatic waiving of required parking according to ZR Section 36-232 for a C8-3 zoning designation
  - d. Specifically note that the CPC may prescribe a set standard for a number of parking attendants as an additional condition and safeguard to minimize adverse effects on the character of the surrounding area
  - e. Regulate minimum off-street loading berth requirements for truck loading to be applicable to ZR Section 36-92 instead of Zoning Section 44-54, per the C8-3 District
  - f. Restrict City Planning Commission findings (a) - (d) for applications seeking to exceed such automatic reductions
- 5. That the current City administration designate adequate capital budget appropriations to develop the remaining sections of Bushwick Inlet Park in a timely manner
- 6. That 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC engage with Friends of Bushwick Inlet Park (FBIP) as a supporter, or otherwise contribute to the park's development and funding
- 7. That 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC commit to a building service workforce that is recruited from the local population and paid prevailing wages, with appropriate benefits

12 Franklin Property Co LLC / 12 Franklin 230 LLC / 12 Franklin 197 LLC  
c/o Simon Baron Development LLC  
757 3<sup>rd</sup> Avenue, Suite 1701  
New York, NY 10017

October 25, 2018

Honorable Eric Adams  
Borough President  
Brooklyn Borough Hall  
209 Joralemon Street  
Brooklyn, NY 11201

Re: 12 Franklin Street, Brooklyn (C 180387 ZSK; C 180389 ZSK; N 180388 ZRK)

Dear Borough President Adams,

Thank you for the opportunity to present our applications for a zoning text amendment and two special permits at the public hearing held on October 11, 2018. The applications will facilitate the development of a seven-story, 134,222-square foot mixed office, retail and industrial building at 12 Franklin Street in Greenpoint, Brooklyn, providing office and light manufacturing space for local start-ups and Brooklyn-based companies. A number of questions were raised at the hearing, and I am pleased to confirm and elaborate on certain details of the project discussed at the public hearing.

Existing Required Industrial Use. Prior to the commencement of the proposed project, there were five tenants on the project site that occupied a total of 28,500 square feet of space. The uses were: a storage/warehouse/distribution facility; a plumbing supply company; a music rehearsal space; and two bar/restaurant uses, one of which contained a brewery component. Of these uses, only the brewery use would qualify under the definition of “Required Industrial Use” in Section 74-961 of the Zoning Resolution. The brewery component occupies about 2,000 square feet, less than 10% of the total area of the existing uses. The proposed project includes 22,370 square feet of floor area dedicated to Required Industrial Uses—a significant increase in the amount of light industrial uses on the site.

Accessory Retail Use. We understand that there is a question whether, under zoning, an industrial tenant could use a portion of the 22,370 square feet of floor area dedicated to Required Industrial Uses for accessory retail. We agree that no portion of the Required Industrial Use space should be dedicated to accessory retail. If an industrial tenant wants to include a retail component, the accessory retail will be located in the portions of the building reserved for Permitted or Incentive Uses, outside of the 22,370 square foot second-floor area dedicated to Required Industrial Uses.



Accessory Parking. Brooklyn Community Board 1 recommended approval of the special permit under Section 74-963 of the Zoning Resolution to modify parking and loading requirements on the condition that the amount of proposed parking be increased to 60 accessory parking spaces. We understand the problems related to traffic congestion and parking in the neighborhood. Because of these concerns, we want to discourage driving in every way we can and believe that increasing the number of parking spaces at the building will encourage driving over other forms of transportation. To that end, while it would be possible to increase the number of on-site spaces somewhat by operating an attended parking facility, we continue to believe that the proposed number of 36 accessory parking spaces is the appropriate amount. In a variety of ways, we aim to encourage the office employees and building visitors to use alternative modes of travel, including public transportation, bicycling, and walking. The building is a short walk from the Nassau Avenue G train station and the North Williamsburg and Greenpoint NYC Ferry stations. The building provides 85 bicycle parking spaces, five times the requirement of 17 spaces. The light industrial and office spaces are designed to support small businesses and entrepreneurial firms, and we expect many employees to live within walking distance. Given these opportunities for alternative transportation, building users will not need to drive to the site, and we fear that by increasing the parking supply, the parking demand will rise to meet it.

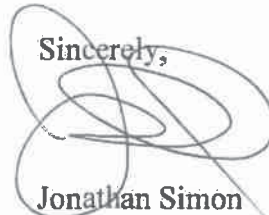
M/WBE & LBE Hiring. We expect substantial M/WBE and LBE participation. The ICAP program, in which we are participating, requires that at least three certified M/WBE firms be solicited to bid on each trade contract and sub-contract and has reporting requirements for all M/WBE outreach activities. We are also engaged in ongoing community outreach about this project and continued outreach during construction will help provide opportunities for marketing to LBE firms. We also plan (as we do with all of our projects) to establish a community outreach program, including a project website providing important data regarding the project timeline and construction information, and we believe that this can be a resource for local businesses as well.

Sustainability. We embrace the Borough President's goals of encouraging environmentally responsible development and maximizing sustainability measures. In furtherance of these goals, the project will incorporate many fundamental principles of Passive House design as well as other sustainability measures into the building. These include: a optimized window-wall ratio; optimized window shading strategies such as two story loggia overhangs, deeply recessed windows, and projecting brise soleils; an optimized building orientation with minimized windows on the south façade; reduced vehicle parking and increased bicycle parking; resiliency measures including elevated utilities, an innovative wet-flood proofed building perimeter, and a ground floor elevated 1 foot beyond required design flood elevation; water-efficient plumbing facilities and fixtures; healthy building materials; reduced urban heat island effect with an expansive cool roof; and integrated outdoor terraces at each floor to encourage a biophillic connection to nature.

Based on the questions heard at the Borough President hearing, the 12 Franklin project team will contact the Mayor's Office of Sustainability, NYSERDA and NYPA, to investigate possible sustainability and abatement programs, such as the Green Roof Tax Abatement Program as plans for the project are refined.

Thank you for your consideration, and please do not hesitate to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal stroke at the bottom.

Jonathan Simon

*Simon Baron Development*

*12 Franklin Property Co LLC, 12 Franklin  
230 LLC, and 12 Franklin 197 LLC*

cc: Richard Bearak  
Inna Guzenfeld