



IN THE MATTER OF an application submitted by Alwest Old Fulton, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, by changing from an M2-1 District to a M1-5 District property bounded by a line 200 feet southeasterly of Elizabeth Place, Old Fulton Street, Brooklyn Queens Connecting Highway, Hicks Street, Poplar Street, McKenny Street, and Doughty Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 28, 2019, and subject to the conditions of CEQR Declaration E-519.

This application for a zoning map amendment was filed on July 11, 2018 by Alwest Old Fulton, LLC to change an M2-1 zoning district to an M1-5 zoning district to facilitate the development of a five-story commercial and retail building in the Fulton Ferry neighborhood of Brooklyn, Community District 2.

BACKGROUND

The applicant seeks a zoning map amendment to rezone three tax lots (Block 202, p/o Lot 12, p/o Lot 14, and Lot 18) from an M2-1 zoning district to an M1-5 zoning district. Coterminous with the area to be rezoned, the project area is generally bounded by Old Fulton Street to the north, Hicks Street to the east, and Doughty Street to the south.

The project area is located in the Fulton Ferry neighborhood, a triangular area bordered by the Brooklyn Bridge and DUMBO neighborhood to the north, the Brooklyn-Queens Expressway (BQE) and Brooklyn Heights neighborhood to the south, and the East River to the west. The Fulton Ferry neighborhood is developed with a mix of residential, commercial and industrial uses, as well as public open spaces located under the Brooklyn Bridge and the BQE.

Old Fulton Street is an active commercial corridor that serves as the primary pedestrian connection between the 85-acre Brooklyn Bridge Park and the neighborhoods of Downtown Brooklyn and Brooklyn Heights. The north side of Old Fulton Street is lined with four-story buildings with ground-floor commercial uses and residential units above. The south side of Old Fulton Street is predominantly developed with commercial uses, including one-story auto body

shops and parking lots. Other residential development in the area ranges from four- to nine-story buildings. Larger eight- to 15-story commercial and mixed-use converted loft buildings are located south of the project area in Fulton Ferry and north of the project area in DUMBO, a mixed-use residential and commercial area that has emerged as a premier job center for technology startups. The Watchtower Buildings, a building complex located two blocks south of the project area which formerly served as a headquarters for the Jehovah's Witnesses, are undergoing a conversion to 635,000 square feet of office space, 35,000 square of retail space, and 15,000 square feet of hospitality uses in five 11-story buildings. The application known as 90 Sands Street (C 200059 ZMK and N 200060) included a zoning map change from M1-6 to M1-6/R10 and was approved by the City Planning Commission on February 19, 2020. The Eagle Warehouse and storage company, a nine-story former manufacturing loft building that was converted to residential use in 1980, is located directly west of the project area.

The project area is well-served by public transportation. It is located approximately one quarter-mile southeast of the High Street – Brooklyn Bridge station (servicing the A and C trains), one half-mile north of the Clark Street station (servicing the 2 and 3 trains) and one-half mile west of the York Street station (servicing the F train). The project area is also served by the B25 bus, which runs along Old Fulton Street and provides service to Broadway Junction. Citi Bike has a station across Old Fulton Street from the project area. The East River Ferry, which departs from Fulton Ferry landing one block west of the project area, provides service to Midtown Manhattan. The area is also served by the six-lane elevated BQE, part of Interstate 278, that connects the project area to southern Brooklyn and Queens. The surrounding area is well-served by open space, including the aforementioned Brooklyn Bridge Park to the west; Hillside Park, Squibb Park, Fruit Street Sitting Area and Harry Chapin Playground to the south; Anchorage Plaza to the north; and Cadman Plaza Park to the east. The project area is located at the nexus of three historic districts, the Fulton Ferry Historic District to the northwest, the DUMBO Historic District to the north, and the Brooklyn Heights Historic District to the south, but it is not itself within a historic district.

The project area is located within an M2-1 zoning district, a low-density manufacturing district that allows a maximum floor area ratio (FAR) of 2.0 for industrial and select commercial uses.

The maximum base height in M2-1 districts is 60 feet or four stories, whichever is less, and the maximum building height is subject to a sky exposure plane. M2-1 districts permit a range of light and heavy industrial uses. Off-street parking requirements vary by use, but typically require one parking space for every three employees or every 1,000 square feet of industrial floor area and one parking space per 300 square feet of commercial floor area. The zoning has been in place since 1961 and extends from the Brooklyn Bridge south to Red Hook.

Surrounding zoning districts include R7-1 and R8 with C1-5 overlays mapped southeast of the project area by the BQE. R7-1 zoning districts permit a maximum FAR of 3.44 on a narrow street or 4.0 FAR on a wide street (outside the Manhattan Core) under the Quality Housing program, or between 0.87 and 3.44 FAR under height factor regulations. R8 zoning districts permit a maximum FAR of 6.02 on a narrow street or 7.2 on a wide street (outside the Manhattan Core) under the Quality Housing program, or between 0.94 and 6.02 under height factor regulations. Commercial and community facility developments in C1-5 overlays must conform to the Quality Housing program bulk restrictions applicable in R7-1 and R8 districts.

The proposed development site (Block 202, p/o Lot 14) is an irregularly-shaped, 6,593-square-foot through lot improved with a one-story auto body shop (0.97 FAR), which would be demolished prior to construction of the proposed development. To encourage a consistent land use pattern on the south side of Old Fulton Street, the project area boundary includes two lots adjacent to the development site that are not owned or controlled by the applicant. 58 Old Fulton Street (Block 202, Lot 18) is a 4,705-square foot corner lot improved with a two-story, approximately 3,700-square-foot (0.79 FAR) auto body shop. The proposed zoning would not affect conformance or compliance of the existing building on Lot 18 and would allow new conforming uses to be developed. 46 Old Fulton Street (Block 202, p/o Lot 12) is a 4,690-square-foot lot, improved with a four-story, approximately 16,000-square-foot (4.0 FAR) commercial building. Approximately 500 square feet on the eastern side of Lot 12 is included in the project area and would be unaffected by the zoning change due to split lot regulations. The project area also includes a small triangular area south of the BQE at the intersection of Poplar and Hicks streets. This triangle includes the Poplar Street Community Garden, a 1,943-square-foot Green Thumb Garden, which is part of the mapped street and would be unaffected by the

proposed zoning change.

The applicant proposes a five-story commercial building that would include approximately 32,965 square feet (4.9 FAR) of retail space on the cellar, ground and second floors, and office space on the third through fifth floors. The applicant is targeting creative users as potential office tenants, including those in the technology, start-up, advertising/marketing and design/fashion sectors. The new building's floorplates would be 6,593 square feet on each floor, resulting in 100-percent lot coverage. The proposed street walls would be located at the street line and rise to a height of 85 feet without setback. There would be no required accessory off-street parking or loading, and no parking or loading would be provided on the development site.

To facilitate the proposed development, the applicant proposes a zoning map amendment to rezone the project area from an M2-1 to an M1-5 zoning district. This district would be mapped between the south side of Old Fulton Street, the north side of Doughty Street, and the west side of Hicks Street. M1-5 is a moderate density light-manufacturing district that allows a maximum industrial and commercial FAR of 5.0 and a community facility FAR of 6.5. The maximum base height in M1-5 districts is 85 feet or six stories, whichever is less, and the maximum building height is subject to a sky exposure plane.

ENVIRONMENTAL REVIEW

The application (C 190011 ZMK) was reviewed pursuant to the New York State Environmental Quality Review (SEQRA), and SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. This designated CEQR numbers is 19DCP009K.

After the study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 28, 2019.

UNIFORM LAND USE REVIEW

This application (C 190011 ZMK) was certified as complete by the Department of City Planning

on October 28, 2019 and was duly referred to Community Board 2 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application (C 190011 ZMK) on November 20, 2019 and, on December 11, 2019, by a vote of 37 in favor, two opposed, and none abstaining, adopted a resolution recommending disapproval of the application with no conditions.

Separately, Community Board 2 submitted a letter to the City Planning Commission on December 19, 2019 expressing disappointment that the applicant did not meet with community groups prior to certification and calling for the project to provide additional community benefits. The letter documented testimony by the Fulton Ferry Landing Association, which indicated preference for design review control through a historic district, and the DUMBO Action Committee, which encouraged the applicant to provide community benefits, such as plantings on the traffic island across Old Fulton Street.

Borough President Recommendation

This application (C 190011 ZMK) was considered by the Borough President, who issued a recommendation disapproving the application with conditions on January 27, 2020. The Borough President's recommendation included the following conditions:

- “1. That a rezoning application not advance prior to a determination by the New York City Landmarks Preservation Commission (LPC) to enlarge the Fulton Ferry Historic District.

Be It Further Resolved:

1. That at such time when the proposed development is ready to proceed, Alwest Old Fulton, LLC provide written commitments clarifying how it would:
 - a. Set aside a portion of the commercial space for one or more local non-profit organizations such as arts and/or cultural entities at below-market lease terms, as warranted
 - b. Explore the incorporation of additional resiliency and sustainability measures such as passive house design and rain gardens

- c. Retain 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
2. That the New York City Department of Transportation (DOT) provide written comment to the City Council regarding the advancement of rezoning 50 and 58 Old Fulton Street with regard to the need to reconstruct the cantilever section of the Brooklyn-Queens Expressway (BQE).”

City Planning Commission Public Hearing

On January 22, 2020 (Calendar No. 1), the City Planning Commission scheduled February 5, 2020 for a public hearing on this application (C 190011 ZMK). The hearing was duly held on February 5, 2020 (Calendar No. 23). Seven speakers testified in favor of the application and three in opposition.

An applicant team, consisting of the developer, land use attorney, and project architect, spoke in favor of the application, describing the proposed development, requested actions, and surrounding context. The developer stated the intent to design a building that respects the context of the neighborhood. The applicant representative emphasized that Old Fulton Street caters to pedestrians and that the objective is to create a more cohesive commercial street frontage consistent with surrounding commercial and mixed-use buildings that would lead to an improved streetscape and the creation of 150 office jobs.

In response to community concerns regarding consistency with historic character and inclusion within the Fulton Ferry Historic District, the applicant representative noted that a new architect had been hired to better address the historic context. The applicant representative also noted that the project area was excluded from the original 1977 Fulton Ferry Historic District boundaries and LPC had made no effort to revisit these boundaries upon reviewing the project’s environmental assessment statement. The applicant representative also stated that, because the site is located over 100 feet from the BQE, construction would not disrupt future BQE

reconstruction plans.

Four additional speakers spoke in support of the proposed actions. A DUMBO business owner and tenant in one of the developer's nearby buildings spoke in favor of the project, noting that it would create opportunities for small businesses and address pedestrian safety concerns around the auto body shop. A DUMBO resident and spoke in support of the proposed actions, citing the potential for improved pedestrian safety. A Vinegar Hill resident and tenant in one of the developer's other buildings spoke in support of the project, noting the developer's commitment to maintaining community character. Another applicant representative stated the applicant's commitment to follow up with the New York City Department of Transportation on any potential effect of the proposed project on BQE reconstruction.

Three speakers testified in opposition to the proposed action. A local resident and member of the Northern Heights Community Group spoke in opposition to the proposed action, expressing concern that the action was not subject to discretionary design control through a historic district and noted a preference for more green space. A representative of the Bridge Harbor Heights Condo Association and Northern Heights Community Group spoke in opposition to the proposed action, citing the need for complete BQE plans prior to considering any land use changes. A Rockaways resident spoke in opposition to the proposed action.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 190011 ZMK) is appropriate.

The requested actions will facilitate the redevelopment of an underutilized site into a five-story building that will include approximately 33,000 square feet of retail and office space. The project area occupies a critical location on one of the few upland connections between Brooklyn Bridge Park and Downtown Brooklyn, and the current lack of active ground floor uses creates a disconnect with the vibrant pedestrian streetscape on the north side of Old Fulton Street. The

density, use, and parking constraints of the project area's current M2-1 zoning discourage development consistent with the commercial and retail land use trends in the surrounding area.

The Commission believes that the proposed M1-5 zoning district is appropriate and would facilitate development consistent with surrounding zoning, land uses and built forms. Old Fulton Street is a wide street that can appropriately accommodate a modest increase in density and the proposed 85-foot building height is consistent with nearby buildings, such as the Eagle Street Warehouse on the west side of the block and the Watchtower Buildings two blocks south of the site. The Commission believes that commercial and retail uses would be consistent with the active retail that already exists on Old Fulton Street and the growing trend toward office use nearby in DUMBO and Fulton Ferry. The Commission is pleased that the proposed actions will facilitate the creation of a cohesive commercial frontage and improve streetscape conditions along a burgeoning commercial corridor that serves as a key pedestrian connection to Brooklyn Bridge Park.

The Commission received comments that the site be incorporated into the adjacent Fulton Ferry Historic District to ensure that new development is consistent with the surrounding historic context. The Commission notes that designating historic districts is outside its purview and notes that the sole agency responsible for doing so is LPC.

Regarding the conditions of the Borough President that the applicant "explore the incorporation of additional resiliency and sustainability measures such as passive house design and rain gardens," the Commission is pleased that the applicant stated in a letter dated January 9, 2020 that they intend to install a green roof with wetland planting on the roof of the proposed building to allow for on-site retention of all storm water. The applicant also stated that they "have retained a civil engineer and will continue to study the feasibility of rain gardens on the Old Fulton Street sidewalk adjacent to our site, keeping in mind pedestrian circulation and locations of utility vaults, fire hydrants, light poles and other sidewalk conditions." The Commission recognizes the Borough President's conditions for affordable commercial and/or arts space; retaining Brooklyn-based contractors; and soliciting written comments from DOT regarding possible BQE reconstruction plans, but notes that they are beyond the scope of this application.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on October 28, 2019 with respect to this application (CEQR No. 19DCP009K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City Of New York, effective as of December 16, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section No. 12d, by changing from an M2-1 District to a M1-5 District property bounded by a line 200 feet southeasterly of Elizabeth Place, Old Fulton Street, Brooklyn Queens Connecting Highway, Hicks Street, Poplar Street, McKenny Street, and Doughty Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 28, 2019, and subject to the conditions of CEQR Declaration E-519.

The above resolution (C 190011 ZMK), duly adopted by the City Planning Commission on March 4, 2020 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

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

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Commissioners



Email/Fax Transmittal

TO: Brooklyn Community District 2 (CD 2) Distribution	FROM: Brooklyn Borough President Eric Adams
DATE: January 23, 2020	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: iguzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: 50 OLD FULTON STREET REZONING – 190011 ZMK	NO. Pages, Including Cover: 10

Attached is the recommendation report for ULURP application 190011 ZMK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

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Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
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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 #: 50 OLD FULTON STREET REZONING – 190011 ZMK

An application submitted by Alwest Old Fulton, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change the eastern portion of a block bounded by Doughty Street, Elizabeth Place, Hicks Street, and Old Fulton Street, from M2-1 to M1-5. Such action would facilitate the development of an approximately 39,000 square foot (sq. ft.), five-story commercial building with retail stores occupying the cellar, ground, and second floors, as well as office space on the floors above in Brooklyn Community District 2 (CD 2).

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

- DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

January 23, 2020

DATE

RECOMMENDATION FOR: 50 OLD FULTON STREET REZONING – 190011 ZMK

Alwest Old Fulton, LLC, submitted an application pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change the eastern portion of a block bounded by Doughty Street, Elizabeth Place, Hicks Street, and Old Fulton Street, from M2-1 to M1-5. Such action would facilitate the development of an approximately 39,000 square foot (sq. ft.), five-story commercial building with retail stores occupying the cellar, ground, and second floors, as well as office space on the floors above in Brooklyn Community District 2 (CD 2).

On December 10, 2019, Brooklyn Borough President Eric Adams held a public hearing on this rezoning application. There were two speakers on the item, both in opposition, including a member of a neighborhood coalition affected by the reconstruction of the Brooklyn-Queens Expressway (BQE), and a board member of the Fulton Ferry Landing Association (FFLA). The coalition representative referenced the forthcoming comprehensive plan for the expressway's reconstruction and called on the City to hold off approving any rezoning until the plan's full scope is known, including the status of off-ramps or other structures that may encroach upon the surround properties. The FFLA representative cited multiple new large- and small- scale developments slated for the area, and expressed the position that the application is premature, given the pending BQE study.

In response to Borough President Adams' inquiry as to what consideration has been given to providing affordable community facility or retail space for local arts and cultural organizations, the applicant's representative stated that such an arrangement had not previously been considered, but would be discussed with the developer.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design and/or New York City Department of Environmental Protection (DEP) rain gardens, the representative stated that the design would achieve some degree of onsite water retention. Moreover, while tree pits are not required in manufacturing zones, the applicant would be amenable to planting trees.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and women-owned business enterprises (MWBEs) in the construction process, the representative disclosed that the applicant may apply for a New York State Industrial and Commercial Abatement Program (ICAP) exemption, which requires rigorous outreach to MBWE firms.

Subsequent to the hearing, Borough President Adams received a letter from the applicant, dated January 9, 2020, stating intent to integrate green infrastructure at 50 Old Fulton Street, and meet MWBE hiring goals, as a condition of state funding for the project.

Subsequent to the hearing, Borough President Adams received a letter from FFLA detailing the following concerns: The developer's lack of outreach to FFLA prior to the start of the ULURP process; the proposed development's potential impact on the yet-to-be defined BQE renovation project; the site's proximity to the Fulton Ferry Historic District, combined with its exemption from the New York City Landmarks Preservation Commission (LPC) design regulations, as well as increasing density in the area stemming from the pending addition of 1,000 new residential units, and 20,000 sq. ft. of planned retail development, including multiple eating and drinking establishments on Old Fulton Street.

Consideration

Brooklyn Community Board 2 (CB 2) voted to disapprove this application on December 11, 2019.

The proposed actions would affect three adjacent lots at the eastern end of a block in the Fulton Ferry Landing neighborhood. The proposed development site, located at 50 Old Fulton Street, is an interior through lot with frontage on Doughty and Old Fulton streets, which contains nearly 6,600 sq. ft., and is occupied entirely by a one-story automobile body shop. The use dates back to the 1960s. Approximately 6,475 sq. ft. of this property would be rezoned from M2-1 to M1-5. The rezoning area includes a 512 sq. ft. sliver of 46 Old Fulton Street, improved with a four-story, 16,000 sq. ft. warehouse, and 58 Old Fulton Street, a more than 4,700 sq. ft. property improved with a two-story, 3,708 sq. ft. body shop.

The current M2-1 zoning allows a floor area ratio (FAR) of 2.0 for commercial uses, whereas the requested M1-5 district would permit 5.0 FAR. The applicant's objective is to develop a fully commercial, five-story building with retail space in the cellar through second floors, and offices above. For the stores, the applicant is targeting Use Group (UG) 6 local retail uses, which include eating and drinking establishments. The office space is envisioned for design, marketing, and technology tenants.

It should be noted that the rezoning area extends into Brooklyn Heights and also includes a small triangular median at the intersection of Hicks and Old Fulton streets, and a portion of the BQE elevated ramp that borders two south-lying residential districts.

The existing M2-1 district extends from the Brooklyn Bridge to the western portion of Red Hook, encompassing Brooklyn Bridge Park and the Red Hook Container Terminal. Across Old Fulton Street, north of the rezoning area, is an R7-1 district that extends southeast to Cadman Plaza, and an adjacent R8 district. Further northeast are two MX districts, M1-2/R8 and M1-2/R8A, established through the 2009 DUMBO rezoning. Southwest of the site are two medium-density residential districts, R6 and R7-1, which extend over most of Brooklyn Heights.

The site is located just outside the FFHD, designated in 1977, which extends east from Furman Street and the waterfront to Plymouth Street, south from the Brooklyn Bridge to Water Street, and finally, Doughty Street. The district covers the western portion of the development block, a single 20,000 sq. ft. lot occupied by the nine-story Eagle Warehouse, at 28 Old Fulton Street. This building, formerly an office and storage facility, was converted to co-operative apartments in the 1980s.

The surrounding context is a dynamic mix of commercial uses, including offices, restaurants, and retail, contained primarily within historic waterfront buildings. There are several large residential properties, including converted warehouses such as 28 Fulton Street, and new condominiums within Brooklyn Bridge Park, which also includes a hotel. There has been a spate of new development in the vicinity spurred by the 2009 departure of the Watchtower organization and the subsequent sale and redevelopment of its holdings in the area. To date, the most significant project is the Brooklyn Panorama, an \$80 million conversion of a two-acre campus composed of five interconnected buildings (25, 30, 50, and 58 Columbia Heights as well as 55 Furman Street) for office and retail uses. Much of the demand for commercial space is driven by the recent influx of design and technology companies, which has transformed the adjacent DUMBO neighborhood into an innovation hub.

50 Old Fulton Street is located within a Transit Zone, and is served primarily by bus and ferry service. The B24 bus travels along Old Fulton Street and stops at the northern edge of the block. The East River Ferry Fulton Street stop is located two blocks west of the site, in Brooklyn Bridge Park. The closest subways — the Eighth Avenue Express A/Eighth Avenue Local C at High Street, and the Sixth Avenue Local F at York Street — are both approximately five blocks away from the site.

When considering such rezoning, it would be appropriate to seek the inclusion of cultural opportunities, integration of resilient and sustainable construction elements, and advancement of local employment.

Borough President Adams believes that such enhancement of commercial development rights should yield commensurate public benefits, such as affordable space for arts and cultural organizations. 50 Old Fulton Street is situated in close proximity to Downtown Brooklyn and DUMBO, which are both hubs for arts, dance, and cultural activities. Unfortunately, many organizations that provide such programming cannot afford to lease space in these neighborhoods. Borough President Adams believes that the inclusion of arts and cultural use floor area at 50 Old Fulton Street would be consistent with the public benefit intent achieved through the residential development pursuant to the New York City Zoning Resolution (ZR)'s Mandatory Inclusionary Housing (MIH) program.

Other policies seek to advance sustainable energy and flood resiliency by promoting opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction, introducing best practices to manage stormwater runoff such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint. In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly constructed roofs, as well as existing roofs undergoing renovation (with some exceptions) incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems, and expand the City's highly reflective (white) roof mandate. 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. Blue/green roofs, permeable pavers, and rain gardens would help divert stormwater from the City's water pollution control plants.

It is also Borough President Adams' policy to promote economic development that creates more employment opportunities. Prioritizing local hiring would assist in addressing the current employment crisis across the borough. Additionally, promoting Brooklyn-based businesses, including those that qualify as locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBES), is central to Borough President Adams' economic development agenda. The applicant reiterated intent to seek an ICAP property tax exemption for the proposed commercial office use at 50 Old Fulton Street. In order to qualify for such benefits, Alvest Old Fulton, LLC would be required to solicit a minimum of three bids from M/WBES for all major construction contracts and subcontracts in accordance with Local Law 67.

Borough President Adams generally supports the redevelopment of underutilized land for productive uses that maximize permanent job opportunities for Brooklyn residents. There are yet-to-be determined opportunities to realize additional public benefits through the proposed development, however, he is concerned about the sequencing of the request to rezone this property, given its proximity to the Fulton Ferry Historic District, that he does not believe would be remedied during the ULURP public review process. Furthermore, there are questions stemming from the need to address the useful life of the cantilever section of the BQE.

Appropriate Design Controls

Borough President Adams recognizes the limited supply of underutilized and vacant land in the Fulton Ferry neighborhood. Given current real estate trends, the area appears to be suited for retail and office development. 50 Old Fulton Street is just beyond the boundaries of the Fulton Ferry Historic District (FFHD), designated for its strong historical and architectural significance. Enabling a more than two-fold FAR increase for as-of-right development at 50 Old Fulton Street has the potential to

adversely affect the district's unique character. Without adequate design oversight, there would be no way to ensure architectural expression consistent with its contributing buildings.

Borough President Adams believes that an appropriate mechanism is needed to ensure that the proposed fully commercial development yields an appropriate design solution for the Fulton Ferry Historic District. He understands that it would be unviable to advance an expansion of the district while this application is under ULURP consideration. Nevertheless, he believes that in certain cases it is appropriate to defer a rezoning proposal in order to implement safeguards against potential adverse impacts. Within the northwest section of CD 2 are two examples where establishment of historic districts preceded rezoning. These include the designation of the Vinegar Hill Historic District by the LPC in 1997 and the DUMBO Historic District in 2007. Both areas were also subject to rezonings, which were only adopted by the City Council after significant sections were afforded landmarks protections.

Borough President Adams believes that the Fulton Ferry Historic District deserves similar consideration. Therefore, it would be best to defer the proposed rezoning of 50 Old Fulton Street, as in the case of the 1998 Vinegar Hill rezoning, and the 2009 rezoning of DUMBO. Such action would provide an opportunity for LPC to consider expanding the Fulton Ferry Historic District to Hicks Street, consistent with community concerns. Therefore, Borough President Adams believes that this application should not advance prior to appropriate LPC evaluation of the district's boundaries.

Set Aside Portion of Commercial Space for Affordable Local Cultural Use

Borough President Adams believes that the proposed redevelopment presents an opportunity to provide affordable space for arts and cultural organizations. As proposed, 50 Old Fulton Street would provide nearly 33,000 sq. ft. of commercial space, with approximately 40 percent intended as retail floor area. In addition, the cellar, which is excluded from zoning FAR, would likely be reserved for such uses. Given such extensive floor area, a portion of the commercial space at 50 Old Fulton Street could be targeted to local arts and/or cultural groups at below-market rents. In addition to meeting Borough President Adams' policy goals, such inclusion would augment cultural programs in the area, including offerings at Brooklyn Bridge Park.

If and when this rezoning does advance, Borough President Adams calls on Alwest Old Fulton, LLC to set aside for such uses a portion of the space envisioned for retail stores within the proposed development.

Therefore, prior to considering a resubmission of this application, the City Council should obtain commitments in writing from the developer, Alwest Old Fulton, LLC, clarifying how it would memorialize setting aside a portion of the commercial space for local non-profit organizations such as arts and/or cultural entities at below-market lease terms, as warranted.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

The proposed development would provide opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, solar panels, and wind turbines. In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly constructed roofs, as well as existing roofs undergoing renovation (with some exceptions) incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems, and expand the City's highly reflective (white) roof mandate.

Additionally, the required Builders Pavement Plan for the proposed development would allow the developer to incorporate DEP rain gardens along the site's Doughty Street and/or Old Fulton Street frontages, though the planting of street trees is not required in manufacturing zones. The

implementation of rain gardens could help advance DEP green infrastructure strategies, and enhance the operation of the Red Hook Wastewater Treatment Plant during wet weather.

If and when this rezoning does advance, Borough President Adams believes that Alwest Old Fulton, LLC should consult with DEP, the New York City Department of Transportation (DOT) and the New York City Department of Parks and Recreation (NYC Parks), as well as CB 2 and local elected officials regarding the integration of a rain garden with new street trees, as part of a Builders Pavement Plan.

In the letter dated January 9, 2020, the applicant expressed intent to implement a green roof with wetland plantings at 50 Old Fulton Street, in addition to a stormwater detention tank, to facilitate on-site retention of all stormwater. The applicant has further retained a civil engineer to study the feasibility of installing rain gardens on the proposed development's Old Fulton Street sidewalk.

Therefore, prior to considering a resubmission of this application, the City Council should obtain commitments, in writing, from the applicant, Alwest Old Fulton, LLC clarifying how it would memorialize integrating resiliency and sustainability features. The City Council should further seek demonstration of Alwest Old Fulton, LLC's commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens as part of a Builders Pavement Plan, for development site intersections in consultation with CB 2 and local elected officials.

Jobs

Prioritizing local hiring and promoting Brooklyn-based businesses, including those qualify as LBE and MWBE is central to Borough President Adams' economic development agenda. This application would provide opportunities 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 that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

In the letter dated January 9, 2020, the applicant reiterated intent to seek an ICAP property tax exemption for the proposed commercial office use at 50 Old Fulton Street. In order to qualify for such benefits, Alwest Old Fulton, LLC would be required to solicit a minimum of three bids from M/WBEs for all major construction contracts and subcontracts in accordance with Local Law 67.

Borough President Adams believes that prior to considering a resubmission of this application, the City Council should obtain commitments in writing from the developer, Alwest Old Fulton, LLC, that clarify its intent to memorialize retention of Brooklyn-based contractors and subcontractors, especially those who are designated LBE consistent with Section 6-108.1 of the City's Administrative Code and MWBE 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.

BQE Reconstruction

The need for a complex reconstruction of a 1.5-mile section of the BQE presents many unknowns. A community coalition has raised the possibility that the project, which is pending a comprehensive study, would require temporary or permanent use of the 50 Old Fulton Street site. The concern is if the property is fully redeveloped at the time for the reconstruction, it would be unavailable for taking by DOT, which might constrain the agency's design for this very complex project.

Borough President Adams understands the community's desire to achieve an optimal solution for the reconstruction of the BQE. He believes that it would be appropriate for DOT, prior to City Council review of this application, to comment on the proposed rezoning as regards roadway design considerations for the BQE reconstruction. He therefore calls on DOT to provide a written

determination as to whether it would be appropriate for the development to proceed, given the need to re-engineer the cantilever section of the BQE.

Recommendation

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

1. That a rezoning application not advance prior to a determination by the New York City Landmarks Preservation Commission (LPC) to enlarge the Fulton Ferry Historic District.

Be It Further Resolved:

1. That at such time when the proposed development is ready to proceed, Alwest Old Fulton, LLC provide written commitments clarifying how it would:
 - a. Set aside a portion of the commercial space for one or more local non-profit organizations such as arts and/or cultural entities at below-market lease terms, as warranted
 - b. Explore the incorporation of additional resiliency and sustainability measures such as passive house design and rain gardens
 - c. Retain 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
2. That the New York City Department of Transportation (DOT) provide written comment to the City Council regarding the advancement of rezoning 50 and 58 Old Fulton Street with regard to the need to reconstruct the cantilever section of the Brooklyn-Queens Expressway (BQE).

ALWEST OLD FULTON, LLC
c/o Tryad Group LLC
120 W. 45th Street, Suite 1010
New York, New York 10036

January 9, 2020

Honorable Eric Adams
Brooklyn Borough President
209 Joralemon Street
Brooklyn, New York 11201

Re: 50 Old Fulton Rezoning
ULURP No. 190011ZMK

Dear Borough President Adams:

We are the applicant with respect to the above-referenced application seeking a rezoning from the New York City Planning Commission for the property located at 50 Old Fulton Street in the Fulton Ferry Landing neighborhood of Brooklyn (Block 202, Lot 14), which was the subject of your public hearing on December 10, 2019. This letter responds to certain questions that arose at the hearing:

- *What is the applicant's commitment with regard to M/WBE participation?*

We intend to seek an ICAP property tax abatement for the commercial office use proposed on the site. To be eligible for these benefits, we will be required to comply with Local Law 67, which, among other things, requires that we reach out to and solicit a minimum three bids from Minority and Women-Owned Business Enterprises (M/WBEs) for all major construction contracts and subcontracts.

- *How will the applicant incorporate sustainability measures, such as green/blue/white roofs, into its proposed development?*

We intend to install a green roof with wetland planting on the roof of our proposed building. This, along with a storm water retention tank, will allow for on-site retention of all storm water.

- *Has the applicant explored the possibility of providing sidewalk rain gardens at the site?*


Thank you for bringing DEP's sidewalk rain garden initiative to our attention. We were not previously aware of this program, but are have retained a civil engineer and will continue to study the feasibility of rain gardens on the Old Fulton Street sidewalk adjacent to our site while keeping in mind pedestrian circulation and locations of utility vaults, fire hydrants, light poles and other sidewalk conditions.

Hon. Eric Adams
January 9, 2020
Page 2

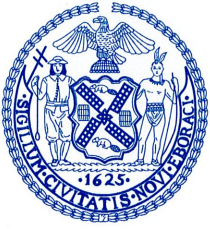
Sincerely,

ALWEST OLD FULTON, LLC

By:


Name: ADAM WESTREICH
Title: Authorized Signatory

cc: Richard Bearak
Ina Guzenfeld
Tonya L. Cantlo, Esq.
Nick Hockens, Esq.



CITY OF NEW YORK
Community Board No. 2

**350 JAY STREET - 8TH FL.
BROOKLYN, N.Y. 11201**

(718) 596-5410 FAX (718) 852-1461
bk02@cb.nyc.gov

ERIC ADAMS
Borough President

LENUE H. SINGLETARY III
Chairperson

ROBERT PERRIS
District Manager

December 19, 2019

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

via mail and calendaroffice@planning.nyc.gov

Dear Chair Lago:

I am writing to inform you that Community Board 2 (CB2) has reviewed and made a determination on the "50 Old Fulton Rezoning," C 190011 ZMK, an application filed on behalf of Alwest Old Fulton LLC to rezone a portion of an M2-1 district in Fulton Ferry Landing to M1-5 to facilitate the construction of a new, five-story, commercial building.

The community board held a public hearing on this application on November 20, 2019 in the Pfizer Auditorium at the NYU Tandon School of Engineering, 5 Metrotech Center, Brooklyn, New York. Fifteen of the 48 members of Community Board 2 on that date attended the hearing, which was held prior to a regularly scheduled meeting of the CB2 Land Use Committee. Two people testified at the hearing; Katrin Adam, a long-time neighborhood resident, who stated that she was speaking on behalf of the Fulton Ferry Landing Association (FFLA), and Dana Mazo, a Dumbo resident representing the Dumbo Action Committee (DAC).

Ms. Adam testified that although 50 Old Fulton Street is just outside of the Fulton Ferry Historic District, the Landmarks Preservation Commission-designated district is small and therefore the design of every building is important, including the structure proposed here. Ms. Adam stated that the community should have had the opportunity to review and comment on the design. She also expressed her opposition to Application C 190011 ZMK, stating the entire neighborhood should be considered for rezoning instead.

Dr. Mazo testified that DAC is pleased that the building will be commercial, not residential, and expressed support for the building height. However, she stated that there needs to be some community benefit if 50 Old Fulton Street and the other sites included in the application are upzoned. Dr. Mazo proposed that Alwest Old Fulton maintain the planted traffic islands across the street that are under the jurisdiction of, but not maintained by, the Department of Transportation.

Marisa Lago, Chair
City Planning Commission
December 19, 2019
Page 2

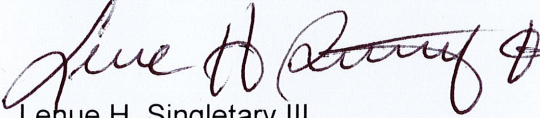
Several members of the CB2 Land Use Committee expressed their disappointment that the applicant had not met with the FFLA and DAC prior to certification. The committee discussed asking for the application to be withdrawn, or tabling review.

A committee member expressed her belief that there needs to be some community benefit as part of the rezoning. Another member stated that the building is out-of-scale with the neighborhood, an opinion that was challenged with the observation that the proposed five-story, 85-foot tall building is shorter than the Eagle Warehouse at 28 Old Fulton Street, two buildings to the west.

Following the hearing and discussion, the committee voted 10 in favor, three opposed, two abstentions (10-3-2) to recommend that Community Board 2 *disapprove* the application. On December 11, 2019, the community board voted 37 in favor, two opposed, no abstentions (37-2-0) to ratify the Land Use Committee's recommendation.

I have submitted herewith the duly executed Community Board Recommendation form. Thank you for the opportunity to comment.

Sincerely,



Lenue H. Singletary III

cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Stephen T. Levin
New York City Council
Winston Von Engel, Brooklyn Borough Director
Kevin Kraft, City Planner
Department of City Planning
Nick Hockens, Shareholder
Rachel Scall, Associate
Greenberg Traurig LLP
Katrin Adams, Member
Fulton Ferry Landing Association
Mallory Kasdan and Melissa Prober, Co-Chairs
Dumbo Action Committee

Application #: **C 190011 ZMK**

Project Name: **50 Old Fulton Rezoning**

CEQR Number: 19DCP009K

Borough(s): Brooklyn

Community District Number(s): 2

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Alwest Old Fulton, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, by changing from an M2-1 District to a M1-5 District property bounded by a line 200 feet southeasterly of Elizabeth Place, Old Fulton Street, Brooklyn Queens Connecting Highway, Hicks Street, Poplar Street, McKenny Street, and Doughty Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 28, 2019, and subject to the conditions of CEQR Declaration E-519.

Applicant(s): Alwest Old Fulton, LLC 236 Greenpoint Avenue, Suite 4 Brooklyn, NY 11222	Applicant's Representative: S. Nicholas Hockens Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166
--	--

Recommendation submitted by: Brooklyn Community Board 2
--

Date of public hearing: November 20, 2019	Location: NYU Tandon School of Engineering, 5 Metrotech Center
--	---

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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Date of Vote: December 11, 2019	Location: Bishop Loughlin Mem. High School, 357 Clermont Avenue
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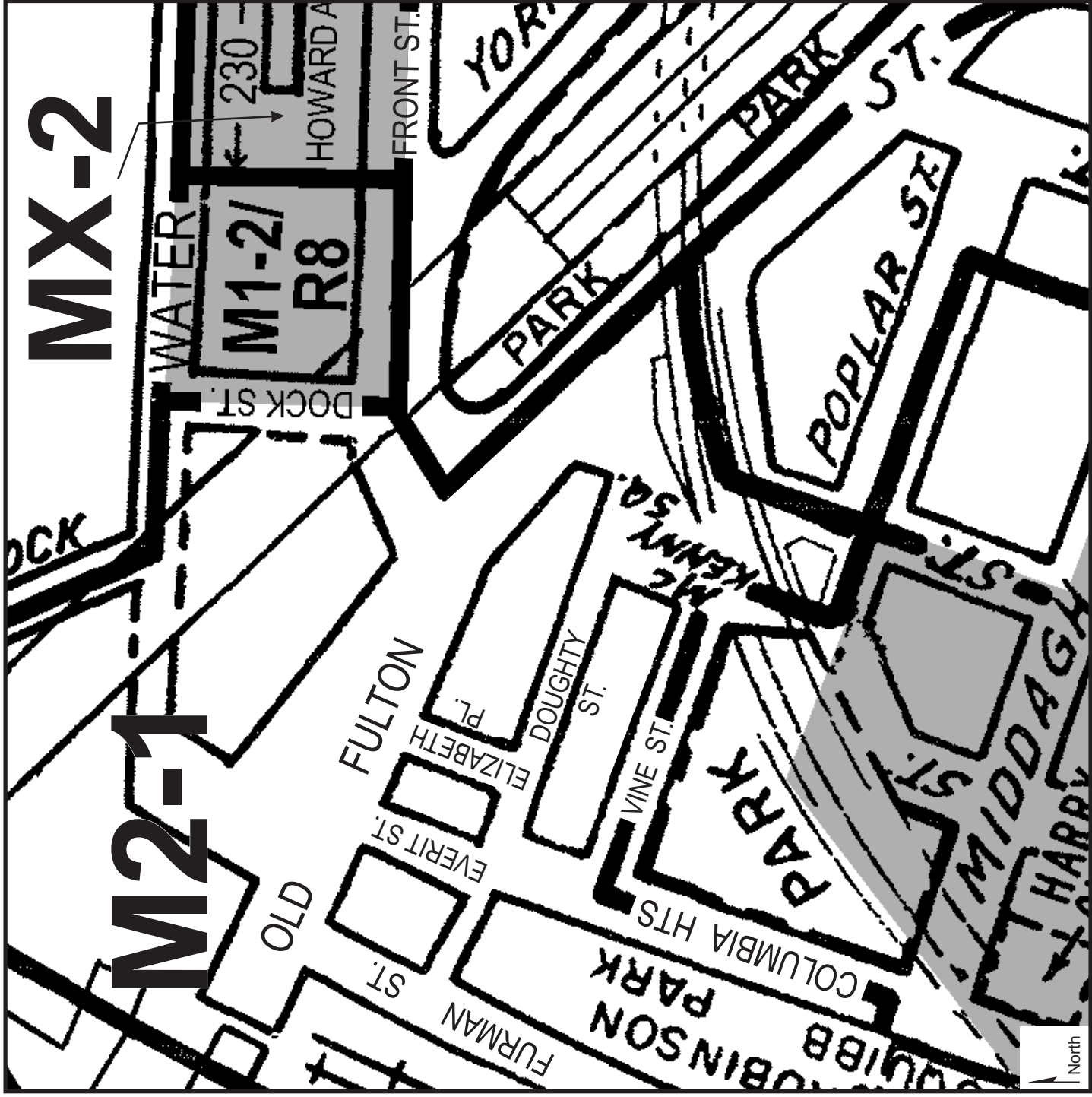
RECOMMENDATION	
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input checked="" type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting			
# In Favor:	37	# Against:	2
# Abstaining:	0	Total members appointed to the board:	48

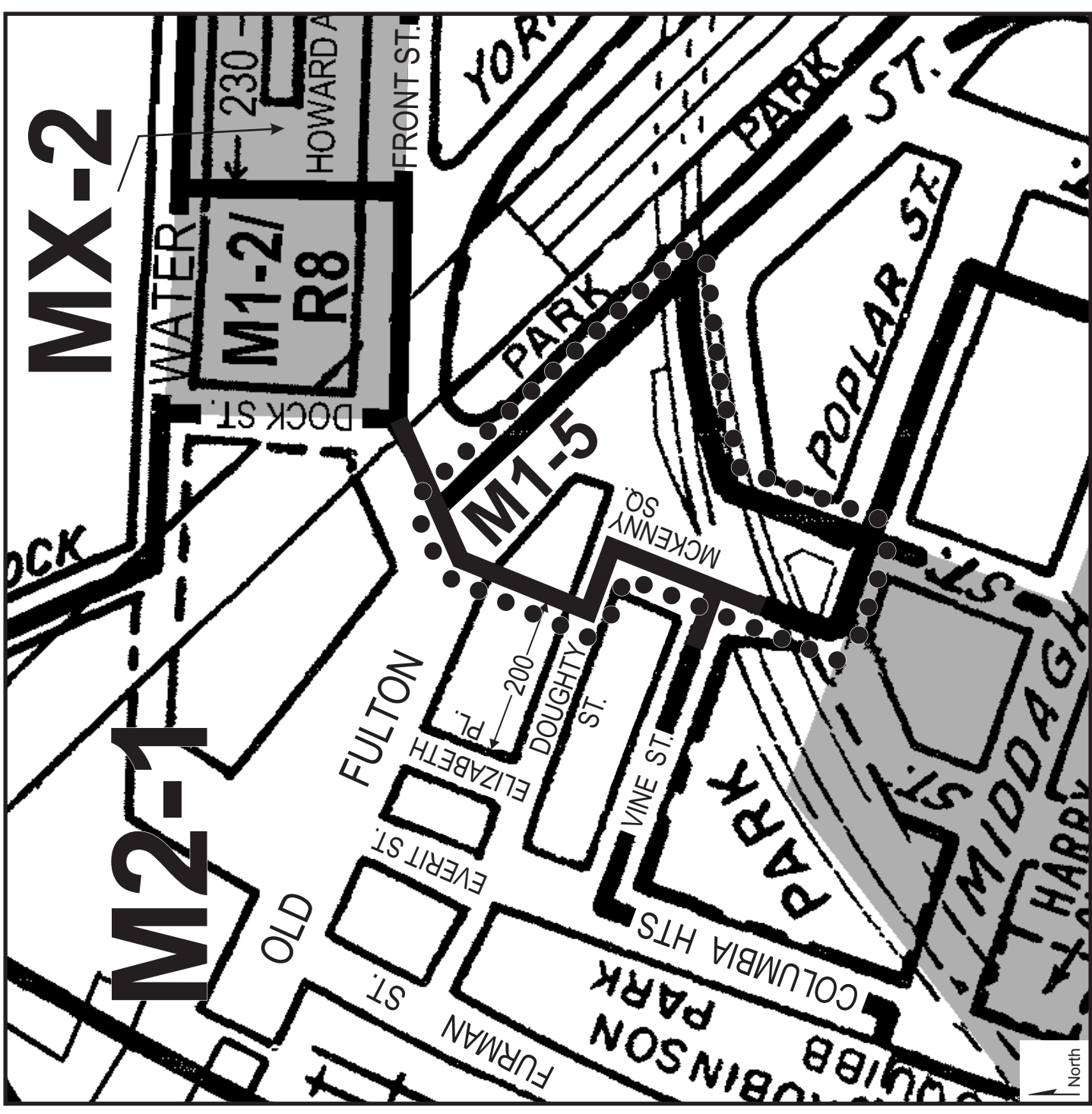
Name of CB/BB officer completing this form Lenue H. Singletary III	Title Chairperson	Date 12/19/2019
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Zoning Change Map



Current Zoning Map (12d)

- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5



Proposed Zoning Map (12d) - Area being rezoned is outlined with dotted lines

Rezoning from M2-1 to M1-5