



CITY PLANNING COMMISSION

May 23, 2007 / Calendar No. 18

C 070286 PPK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition to 167 Johnson Street, LLC, of a negative easement interest on City-owned property located at 287 Gold Street a.k.a. 172 Tillary Street (Block 134, Lot 6) in the Borough of Brooklyn, Community District 2.

The application for the disposition of a negative easement interest on City-owned property was filed by the Department of Citywide Administrative Services (DCAS), Division of Real Estate Services (DRES) on January 30, 2007.

BACKGROUND

This application by the Department of Citywide Administrative Services (DCAS), Division of Real Estate Services (DRES), for the disposition of negative easement interests to 167 Johnson Street, LLC, to restrict new development within 60 feet of the southern boundary of City-owned property located at 287 Gold Street, a.k.a. 172 Tillary Street, (Block 134, Lot 6), would, in connection with a zoning lot merger, facilitate 75,000 square feet of unused development rights to be utilized on a property adjacent to the subject property in the development of a forty-story residential building with ground-floor commercial uses and accessory parking in Downtown Brooklyn, Community District 2, Brooklyn.

The subject property, Block 134, Lot 6, is city-owned, is 38,250 square feet in area and is developed with two two-story buildings, totaling 50,000 square feet of floor area, occupied by the Police and Fire Departments in a C6-4 zoning district within the Special Downtown Brooklyn District. There are currently approximately 332,500 square feet of unused development rights on the city property. The current zoning was approved as part of the Downtown Brooklyn Plan in 2004 to further economic development and residential construction in Downtown Brooklyn. The current C6-4 zoning district permits a Floor Area Ratio (FAR) of 10 for all uses and the special

district limits building heights to 400 feet. The residential FAR may be increased to 12 with use of the Inclusionary Housing program.

The owner of the property adjacent to the subject property, 167 Johnson Street, LLC (Block 134, Lots 1, 5, 30, 36, 38 and 41), is proposing to build a residential building with ground-floor commercial uses and accessory parking, and to utilize the Inclusionary Housing program to provide affordable housing units off-site in Community District 2. 167 Johnson Street, LLC, intends to enter into a Zoning Lot Development Agreement (ZLDA) in order to utilize 75,000 square feet of unused development rights from the subject city-owned property (Block 134, Lot 6) in the proposed development on the adjacent property. The City, in the proposed negative easement that is the subject of this report (C 070286 PPK), would agree not to build within 60 feet of the property line that abuts the privately owned parcel. This negative easement would provide light and air to units built along the property line in the new building. It would facilitate the ZLDA and the use of the development rights would increase the floor area of the proposed building by 75,000 square feet (including 15,000 square feet for affordable units) to approximately 325,000 square feet, and its height from 35 to 40 stories.

The blocks immediately surrounding the subject property contain former loft buildings converted to residential use, a privately-owned office building used by the Police Department, a 40-story apartment building currently under construction, and an assemblage of buildings awaiting private redevelopment. Surrounding uses include Bridge Plaza, a mixed-use neighborhood, across Tillary Street to the north; the mid-rise Ingersoll Houses, a NYCHA development, to the east; loft buildings converted to residential use and various new and proposed high- and mid-rise residential and commercial buildings to the south; and MetroTech, a office campus development to the west across Flatbush Avenue Extension.

ENVIRONMENTAL REVIEW

This application (C 070286 PPK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality

Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Office of Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on January 24, 2007.

UNIFORM LAND USE REVIEW

This application (C 070286 PPK) was certified as complete by the City Planning Commission on February 5, 2007, and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application on February 21, 2007 and on March 14, 2007, by a vote of 29 to 0 with 4 abstentions, adopted a resolution recommending approval.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on April 18, 2007, with the following conditions:

- That consistent with the proceeds generated from the sale of the development rights, the City of New York requires the developer to substantially increase the number of affordable units on-site.
- The Police Department should continue its actions to ameliorate the condition of parking of vehicles on sidewalks abutting private property;
- The city takes steps to improve the parking facility north of Tillary Street at Prince Street, including lighting and more secure fencing.

City Planning Commission Public Hearing

On April 11, 2007 (Calendar No. 3), the City Planning Commission scheduled April 25, 2007, for a public hearing on this application (C 070286 PPK). The hearing was duly held on April 25, 2007 (Calendar No. 20). There were four speakers in favor and none in opposition.

The speakers in favor included representatives of the Economic Development Corporation (EDC), of 167 Johnson Street, LLC, and of the Downtown Brooklyn Partnership. The representative of EDC testified that the proposed negative easement would facilitate new housing in Downtown Brooklyn and further the goals of the Downtown Brooklyn Plan, approved in 2004. The proposed residential building would also generate affordable housing in Community District 2 through the Inclusionary Housing program. He further stated that, pending approval of the proposed action, the developers had agreed to reserve 20 percent of the floor area of the transferred development rights from the subject property for units affordable to households earning no more than 110 percent of Area Median Income. The representative of the owner of 167 Johnson Street noted that there was an under-utilized parking lot north of Tillary Street for use by Police and Fire Department personnel and that the property owner was in contact with the local precinct to help resolve the issue of Police officers of the parking in the surrounding streets. The representative of the Downtown Brooklyn Partnership also spoke in support of the application. A nearby property owner also testified about illegally-parked vehicles belonging to Police Department personnel on the sidewalks in front of his property.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the disposition of a negative easement interest on city-owned property located at 287 Gold Street (Block 134, Lot 6) is appropriate.

The subject property is city-owned and consists of two two-story buildings occupied by the Police and Fire Departments. Approval of the application would facilitate a zoning lot merger that would allow the building proposed for the abutting privately-owned property to increase in size from 35 to 40 stories, and provide approximately 15,000 square feet in on-site affordable housing units.

The Commission notes that the proposed residential building is consistent with the goals and zoning regulations of the recently-approved Downtown Brooklyn Plan and would add to the revitalization of this area east of Flatbush Avenue Extension with new housing and would also provide affordable housing units.

Regarding the recommendation of the Borough President, the Commission notes that there is a city-owned, under-utilized, paved and fenced parking lot on the north side of Tillary Street for use by employees of the Police and Fire departments. The Commission further notes that the developer of the proposed residential building at 167 Johnson Street has been working with these city departments to resolve some of the parking issues of in the area. The Commission also notes that the Inclusionary Housing programs permits affordable units to be located both on or off of the development site

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that the disposition to 167 Johnson Street, LLC, of a negative easement interest on City-owned property located at 287 Gold Street a.k.a. 172 Tillary Street (Block 134, Lot 6) in the Borough of Brooklyn, Community District 2, proposed in an application by the Department of Citywide Administrative Services, dated January 30, 2007, is approved.

The above resolution (C 070286 PPK), duly adopted by the City Planning Commission, on May 23, 2007 (Calendar No. 18), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

BETTY CHEN, LISA A. GOMEZ, NATHAN LEVENTHAL, JOHN MEROLO,

KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners