

CITY PLANNING COMMISSION

November 14, 2012 / Calendar No. 6

C 100218 ZMK

IN THE MATTER OF an application submitted by McGuinness Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 13a:

1. changing from an M1-1 District to an R7A District property bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street; and
2. establishing within a proposed R7A District a C2-4 District bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street;

as shown on a diagram (for illustrative purposes only) dated July 23, 2012, and subject to the conditions of CEQR Declaration E-287, in the Borough of Brooklyn, Community District 1.

The application for an amendment to the Zoning Map was filed by McGuinness Realty Corp on January 18, 2010 to change an M1-1 district to an R7A district with a C2-4 overlay to facilitate the construction of an 8-story, 155,000-square-foot mixed use development with 141 dwelling units and ground floor retail located on the eastern half of Block 2576 on McGuinness Boulevard, between Greenpoint Avenue and Calyer Street in the Greenpoint neighborhood of Brooklyn, Community District 1.

RELATED ACTIONS

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

N 100219 ZRK Zoning Text amendment to apply the Inclusionary Housing program to the proposed R7A district.

BACKGROUND

McGuinness Realty Corp is seeking zoning map and text amendments to rezone a site on McGuinness Boulevard from M1-1 to R7A with a C2-4 overlay and extend an adjacent

Inclusionary Housing designated area to apply the Inclusionary Housing program to the proposed rezoning area. These actions are requested to facilitate the development of an eight-story 155,000-square-foot building with 141 dwelling units and approximately 23,000 square feet of ground floor commercial space in the Greenpoint neighborhood of Brooklyn, Community District 1.

The rezoning area comprises the eastern half of block 2576, located on the west side of McGuinness Boulevard, between Calyer Street and Greenpoint Avenue. The rezoning area is zoned M1-1 and includes approximately 55,000 square feet covering seven tax lots, and small portions of two additional lots. The applicant owns two of these lots (Lots 20 and 23), covering approximately 60% of the rezoning area, or 33,750 square feet. The applicant's property is occupied by a small two story residential building and by a 29,000-square-foot one-story commercial building that is almost entirely vacant except for a small billiards hall. The remainder of the rezoning area is occupied by a gas station at the corner of Greenpoint Avenue and McGuinness Boulevard, and three- and four-story residential buildings fronting on Calyer Street, one of which has a truck parts store on the ground floor.

The rezoning area is on the boundary of R6B, R6A, and R7A districts mapped to the west, north, and south, respectively. To the west, the other half of Block 2576 is zoned R6B and consists of two- and three-story residential buildings and a newly constructed six-story 100-foot tall apartment building. Nearby blocks to the west, zoned mainly R6B consist of two- to four-story rowhouses and apartment buildings, some of which have ground floor retail. The Manhattan Avenue retail corridor, zoned C4-3, is located two blocks west of the rezoning area. North of the rezoning area where the short end of blocks front on McGuinness Boulevard and lots front on the side-streets, the western side of McGuinness Boulevard is zoned R6A. South of the rezoning area, where the long side of blocks, and most tax lots, front on the Boulevard, the western side of McGuinness is zoned R7A. This existing R7A district is an Inclusionary Housing designated area. A Key Food supermarket with a large surface parking lot is located across McGuinness Boulevard from the rezoning area in an M1-1 zoning district. Blocks to the east are zoned M1-1

and host a mix of industrial, commercial, and residential uses. The rezoning area is the only land on the west side of McGuinness Boulevard (with the exception of two blocks adjacent to Newtown Creek, approximately ½ a mile to the north) that is zoned for manufacturing.

The proposed zoning map and text amendments would extend the existing R7A district and the Inclusionary Housing designated area that are both mapped to the south of the area to be rezoned. The existing M1-1 district permits industrial and commercial uses to an FAR of 1.0 and some community facility uses to an FAR of 2.4. In M1-1 districts, buildings may rise to 30 feet at the street, above which they are controlled by a sky-exposure plane after a required setback. The proposed R7A district would, with the proposed text amendment, permit residential uses to an FAR of 3.45, bonusable to 4.6 with the provision of affordable housing. Community facility uses would be permitted to an FAR of 4.0 if residences are not present on the zoning lot. Buildings would be permitted to a height of 65 feet at the street, and 80 feet after a setback and contextual streetwall lineup provisions would apply.

The proposed C2-4 commercial overlay would allow existing commercial businesses to remain, and would allow for the proposed ground floor retail. C2-4 districts permit local retail and service uses to an FAR of 2.0, though commercial uses are limited to one story if residential uses are placed above them.

These actions are requested to facilitate the development of an 8-story, 155,000-square-foot mixed-use building with 141 dwelling units, and 23,375 square feet of ground floor commercial use on the applicant's property (lots 20 and 23). The development would be built to 4.6 FAR, taking full advantage of the available Inclusionary Housing bonus FAR and providing 20 percent of the residential floor area as affordable. The building would occupy the entire McGuinness Boulevard frontage of the applicant's property. The primary residential entrance and lobby would be located in the center of the building, and the rest of the building's frontage would be occupied by ground floor commercial space and parking entrances. The commercial ground floor would cover the entire lot, and tenant recreation space would be provided in the rear yard,

above the commercial ground floor. The development would include a 91-car sub-grade garage, which would be accessed via a 25-foot curb cut at the southern end of the development (on Lot 23). Another 25-foot curb cut would be located at the northern end of the development to allow access to a parking facility serving the 42-unit residential building on Lot 42, west of the rezoning area, pursuant to a pre-existing easement. Cars would pass beneath the upper floors of the building and on to Lot 42.

ENVIRONMENTAL REVIEW

This application (100218ZMK & 100219ZRK) 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 10DCP024K. The lead agency is the Department of City Planning.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued. The lead agency has determined that the proposed actions will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (EAS), hazardous materials sampling protocol and health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

To avoid any potential significant adverse impacts, the applicant has entered into a Restrictive Declaration for hazardous materials for their properties at Block 2576, Lots 20 and 23. An (E) designation, (E-287), for hazardous materials, air quality and noise would also apply, as described below. The applicant's sites (Block 2576, Lots 20 and 23) would receive an (E) designation for air quality and noise. The non-applicant owned site (Block 2576, Lot 7) would receive an (E) designation for hazardous materials, air quality, and noise.

The (E) designation requirements related to hazardous materials would apply to the following non-applicant owned block and lots:

Potential Development Site

Block 2576, Lot 7

The text of the (E) designation for hazardous materials is as follows:

Task 1 – Sampling Protocol

The applicant must submit to the Mayor’s Office of Environmental Remediation (OER) for review and approval, a Phase 1 of the site.

If site sampling is necessary, a soil and groundwater testing protocol including a description of methods and a site map with all sampling locations clearly and precisely represented must be submitted to OER. No sampling program should begin until written approval of a protocol is received from the OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination or non-petroleum based contamination) and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by the OER upon request.

Task 2 – Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to the OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such tests results, a determination will be made by the OER if the results indicate that remediation is necessary.

If the OER determines that no remediation is necessary, written notice shall be given by the OER.

If based on the test results, the OER concludes that remediation is required; a remediation plan must be prepared and submitted to the OER for review and approval. The applicant must complete such remediation when and as determined necessary by the OER. The applicant should then provide proper documentation, including an engineering certification, that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or

groundwater. This Plan would be submitted to the OER with the remediation plan for review and approval prior to implementation.

The (E) designation for air quality would preclude the potential for significant adverse air quality impacts related to heating and hot water systems (HVAC) emissions. The (E) designation for air quality would apply to the following properties:

Projected Development Site
Block 2576, Lots 20 and 23

Potential Development Site
Block 2576, Lot 7

The text for the (E) designations for air quality for the above properties is as follows:

Block 2576, Lots 20 and 23 (Projected Development Site): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 100 feet from the lot line facing Greenpoint Avenue, at a height of 3 feet above roof level (83 feet high), and will use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

Block 2576, Lot 7 (Potential Development Site): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 65 feet from the lot line facing Calyer Street, at a height of 3 feet above roof level (73 feet high), and will use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts.

With the placement of the (E) designations on the above block and lots, no significant air quality impacts related to HVAC emissions would be expected as the result of the proposed action.

The (E) designation for noise would preclude the potential for significant adverse impacts related to high levels of ambient noise. The text of the (E) designation for certain noise attenuation requirements for the properties identified follows below.

The following properties require 31 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise:

Projected Development Site

Block 2576, Lots 20 and 23

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

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 31 dB(A) window/wall attenuation on all building's east, north, and south facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

The following properties require 33 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise:

*Potential Development Site
Block 2576, Lot 7*

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

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 33 dB(A) window/wall attenuation on all building's east, north, and south facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

With the attenuation measures specified above, the proposed action would not result in any significant adverse noise impacts, and would meet CEQR guidelines.

With the implementation of the above referenced restrictive declaration and (E) designations, no significant adverse impacts related to hazardous materials, air quality or noise would occur.

The applicant signed the Conditional Negative Declaration on July 18, 2012. The Conditional Negative Declaration was published in the City Record on August 2, 2012 and in the New York State Environmental Notice Bulletin on October 31, 2012. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received and the Conditional Negative Declaration was issued on November 14, 2012.

UNIFORM LAND USE REVIEW

This application (C 100218 ZMK) was certified as complete by the Department of City Planning on July 23, 2012 and was duly referred to Community Board 1 and 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 100219 ZRK), which was referred for information and review on July 23, 2012 in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 100218 ZMK) on September 5, 2012, continued to September 12, 2012, and on September 12, 2012, by a vote of 32 in favor and 2 in opposition with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

1. The Applicant provide bicycle parking which exceeds that which is required by the NYC Zoning Resolution
2. The applicant expands the range of affordability for the low income units
3. The commercial units be more appropriately scaled to accommodate local retail, preferably +/- 2,000 square feet each
4. The Development includes sustainable building components where possible.

Borough President Recommendation

This application (C 100218 ZMK), in conjunction with the related application (N 100219 ZRK), was considered by the Borough President, who, on September 28, 2012, recommended approval of the application.

City Planning Commission Public Hearing

On October 3, 2012 (Calendar No.1), the City Planning Commission scheduled October 17, 2012, for a public hearing on this application (C 100218 ZMK). The hearing was duly held on October 17, 2012 (Calendar No. 9) in conjunction with the related application for a Zoning Text amendment (N 100219 ZRK).

There were a total of two speakers in favor of the application and no speakers opposed. Speakers in favor included the applicant and the applicant's lawyer who provided a summary of the project, stating that the applicant intends to build the project with inclusionary housing on-site and integrated into the building. The applicant also indicated that he is willing to explore options for accommodating a broader range of affordable housing and to work on addressing other concerns raised in the Community Board's recommendation.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 100218 ZMK), in conjunction with related action (N 100219 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 City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 10-099.

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

CONSIDERATION

The Commission believes that this amendment to the zoning map (C 100218 ZMK), in conjunction with the related amendment to the zoning resolution (N 100219 ZRK), is appropriate.

The Commission notes that the proposed rezoning area is bounded on three sides by medium density residential districts and that the rezoning area is the only land on the west side of McGuinness Boulevard (with the exception of two blocks adjacent to Newtown Creek, approximately ½ a mile to the north) that is zoned for manufacturing. The Commission believes that there are also many amenities available for future residents of the site including a supermarket across McGuinness Boulevard, and the Manhattan Avenue commercial corridor located two blocks west of the site. Lastly, the Commission also believes that the majority of the land to be rezoned is occupied by an underutilized and largely vacant single-story commercial building.

In 2009, the Commission approved an R7A district for the western side of McGuinness Boulevard on blocks south of the rezoning, in recognition of the width of McGuinness Boulevard and its prominence as a major transportation corridor upon which development permitted by R7A districts would be appropriate. The Commission believes that the rezoning area is similar to these blocks in that the long dimension of the block and the tax lots front on McGuinness Boulevard. This is in contrast to the blocks north of the rezoning area, which were zoned R6A in 2009, where the short dimension of the block fronts on McGuinness Boulevard and the tax lots generally front on the side streets. The Commission believes this proposal appropriately extends the existing R7A district mapped to the south by one block to encompass an adjacent area with similar block configuration.

The Commission also notes that the R7A district mapped south of the rezoning area is currently an Inclusionary Housing Designated Area and that the extension of this area to cover the proposed rezoning area would facilitate the creation of badly needed affordable housing in the Greenpoint community.

The Commission also notes that there are existing businesses within the proposed rezoning area, and that it is adjacent to the Greenpoint Avenue commercial corridor. The proposed C2-4 commercial overlay will allow those businesses to remain in conformance with the zoning with appropriate approvals, and will allow commercial uses to extend from Greenpoint Avenue to serve future

residents of McGuinness Boulevard.

With respect to the conditions of the Community Board's recommendation, Commission notes that applicant stated at the Commission's public hearing that he is willing to explore options for extending the affordability levels of the proposed affordable housing units. The applicant also stated at the same hearing that he would be willing to provide additional bicycle parking and to attempt to rent the proposed ground floor commercial space to smaller stores.

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, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d:

1. changing from an M1-1 District to an R7A District property bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street; and
2. establishing within a proposed R7A District a C2-4 District bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street;

as shown on a diagram (for illustrative purposes only) dated July 23, 2012, and subject to the conditions of CEQR Declaration E-287, in the Borough of Brooklyn, Community District 1.

The above resolution (C 100218 ZMK), duly adopted by the City Planning Commission on November 14, 2012 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

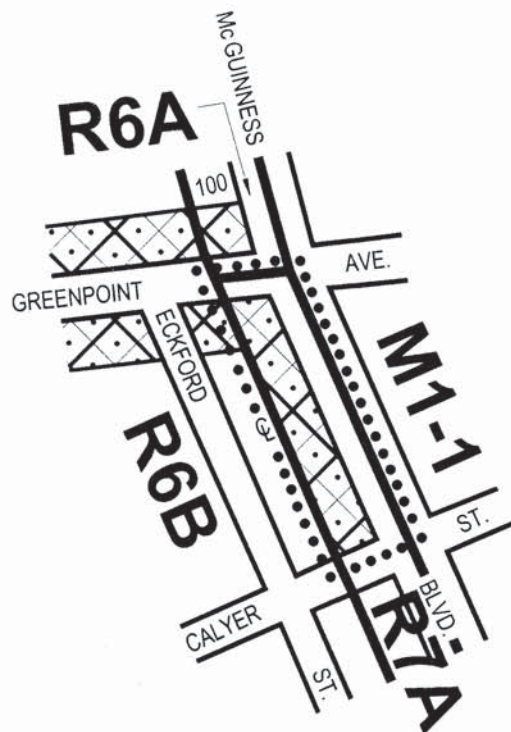
KENNETH J. KNUCKLES, ESQ., Vice Chairman

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.

ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,

MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,

ANNA HAYES LEVIN Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

13a

BOROUGH OF
BROOKLYN

New York, Certification Date
JULY 23, 2012

I. Sadko
I. SADKO, P.E., Deputy Director
Technical Review Division



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing an M1-1 District to an R7A District and by establishing a C2-4 District within the proposed R7A District.
-  Indicates a C2-4 District.

FAX



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 100218 ZMK**

Project Name: **209 McGuinness Boulevard**

CEQR Number: 10DCP024K

Borough(s): Brooklyn

Community District Number(s): 1

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 McGuinness Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a:

- changing from an M1-1 District to an R7A District property bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street; and
- establishing within a proposed R7A District a C2-4 District bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated July 23, 2012, and subject to the conditions of CEQR Declaration E-287.

Applicant(s): McGuinness Realty Corp. 500 Kingsland Avenue Brooklyn, NY 11222		Applicant's Representative: Stuart Beckerman Slater & Beckerman LLP 61 Broadway, Suite 1801 New York, NY 10006	
Recommendation submitted by: Community Board No. 1			
Date of public hearing: 9/5/12 continued 9/12/12		Location: 203 Diamond St., Bklyn, NY 11222 211 Ainslie St., Bklyn, NY 11211	
Was a quorum present? YES ☒ NO ☐		<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>	
Date of Vote: 9/12/12		Location: 211 Ainslie Street	
RECOMMENDATION ☐ Approve ☐ Disapprove ☒ Approve With Modifications/Conditions ☐ Disapprove With Modifications/Conditions			
See Attached Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: 32 # Against: 2 # Abstaining: 0 Total members appointed to the board: 48 # Recusals: 1 (Paul Pullo)			
Name of CB/BB officer completing this form 		Title Chairman	Date 9/13/12

Christopher H. Olechowski

2012-09-13 10:17:00

COMM-DOB-011-V01

1.0000000000000000



COMMUNITY BOARD No. 1

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HON. MARTY MARKOWITZ
BROOKLYN BOROUGH PRESIDENT



RABBI JOSEPH WEBER
FIRST VICE-CHAIRMAN

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SECOND VICE-CHAIRPERSON

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CHRISTOPHER H. OLECHOWSKI
CHAIRMAN

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

HON. DIANA REYNA
COUNCILMEMBER, 34th CD

CITY PLANNING APPLICATION ULURP #100218ZMK, N100219ZRY; MCGUINNESS BLVD., BROOKLYN, NY; BLOCK 2576, LOTS 5 (part), 7, 20, 23, 24, 25, 26, 27 and 42 (part)).

An application filed by McGuinness Realty Corp., the owner of the property located at 209/231 McGuinness Blvd. The applicant proposes the following land use actions affecting the Premises (Block 2576, Lots 5 (part), 7, 20, 23, 24, 25, 26, 27 and 42 (part)).

- An amendment to Zoning Map 13a, changing the property bounded by Greenpoint Avenue, McGuinness Blvd, Calyer Street and a line 100 feet westerly of McGuinness Blvd (the Rezoning Area) from an M1-1 District to an R7A District with a C2-4 District overlay.
- An amendment to the text of the NYC Zoning Resolution, Appendix F, to indicate on Map 1 of Brooklyn Community District 1, that the Rezoning Area is an Inclusionary Housing Designated Area.

The purpose of the Application is to facilitate redevelopment of the Premises with an eight story mixed-use building of approximately 155,000 square feet of Floor Area including approximately 141 Dwelling Units and 23,000 square feet of ground floor commercial space. Applicant representative is Slater & Beckerman LLP.

Mr. Neil Weisbard, with the Law office of Slater & Beckerman LLP presented an overview of the proposed project. The site proposed to be rezoned is a half block on McGuinness Boulevard currently occupied by a 1 story commercial structure, a gas station and a handful of small residential buildings.. The applicant, however, will only develop his site, which is the one story commercial structure at 209/231 McGuinness Blvd.

Project Description

The proposed building is as follows:

- 8 stories, 7 floors of residential units over ground floor retail and parking.
- FAR of 4.6
- 155,000 square feet in total
- approximately 141 residential units with 20% of those being Low Income units as defined under the City's Inclusionary Zoning Provisions.
- A mix of studios, one, two and three bedroom rental units.
- Low Income units are for residents at 80% AMI.
- The developer has partnered with North Brooklyn Development Corporation as sponsor of the Low Income units.
- 23,000 square feet of commercial space yielding 5-6 retail units at 4,000 – 5,000 square feet each.
- 68 residential parking spaces.
- 23 commercial parking spaces.

Discussion

There were many community residents in attendance. The concerns expressed by both committee members and attendees focused on the appropriateness of the scale of the proposed zoning, whether the community has seen too many rezonings and the general cumulative impact of all the various rezonings. Construction impacts discussed were noise, debris, road closings, construction fences, undermining of adjacent buildings, etc. Infrastructure impacts discussed were sewer capacity, bus and subway overcrowding, sidewalk disrepair, etc. Traffic impacts discussed were increased traffic and the lack of bicycle parking to accommodate the proliferation of bicycles in the city. Additionally, there were concerns about cars turning into and pulling out of the development onto McGuinness Blvd. and whether the width of the sidewalks are sufficient to accommodate a large pedestrian population along McGuinness Blvd and Greenpoint Avenue.

The committee agrees that a rezoning that produces new residential development along such a heavily traveled truck route as McGuinness Blvd needs to be accompanied by actions by other City agencies. Specifically the committee calls upon DOT to implement traffic calming measures along the entire length of McGuinness Blvd, redesign the intersection of McGuinness Blvd and Greenpoint Avenue to better serve pedestrians, bicycles and turning cars and to install additional bicycle rack along Greenpoint Avenue in the vicinity of the Greenpoint Avenue G train station.

Resolution

Whereas, this half block of M1-1 is the only manufacturing district west of the McGuinness blvd., and

Whereas, the site is generally bounded by residential development, and

Whereas, the adjacent zoning district along McGuinness Blvd. to the south is R7A, and

Whereas, the proposed rezoning allows for the development of affordable housing, and

Whereas, the proposed unit mix satisfies multiple residential needs, and

Whereas, in 2009 Brooklyn Community Board #1 approved the rezoning of the surrounding area, and

Whereas, at that time CB#1 recommended that McGuinness Blvd. be mapped with a commercial overlay,

the committee therefore **APPROVES** the application **WITH MODIFICATIONS** as follows:

1. The applicant provide bicycle parking which exceeds that which is required by the NYC Zoning Resolution.
2. The applicant expands the range of affordability for the low income units.
3. The commercial units be more appropriately scaled to accommodate local retail, preferably +/- 2,000 square feet each.
4. The development includes sustainable building components where possible.

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

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 #: 100218 ZMK-100219 ZRY

209 McGuinness Blvd.

In the matter of an application submitted by McGuinness Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map changing from an M1-1 District to an R7A District and establishing within a proposed R7A district a C2-4 District property bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street and a line midway between McGuinness Boulevard and Eckford Street.

COMMUNITY DISTRICT NO.

1

BOROUGH OF BROOKLYN

RECOMMENDATION

☒ APPROVE

☐ APPROVE WITH

MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH

MODIFICATIONS/CONDITIONS


BOROUGH PRESIDENT

September 28, 2012

DATE

**RECOMMENDATION FOR THE PROPOSED
ZONING TEXT AMENDMENT
100218 ZMK - 100219 ZRY**

PUBLIC HEARING

On September 19, 2012, Brooklyn Borough President Marty Markowitz held a public hearing for a land use application by McGuinness Realty Corp for an amendment to the Zoning Map and Text. Approval of these actions is being sought in order to facilitate residential development with an approximate total of 120 – 140 units, ground floor retail intended to serve the neighborhood, and parking.

All of the speakers who provided testimony were in support of the project. However, concern was expressed with regard to the potential risk of damage that could occur to the houses that abut the site as a result of construction. The applicant has expressed a willingness to keep all neighbors who abut the proposed development informed throughout the construction process. The Borough President has advised the applicant that keeping this dialogue open should be paramount before and during any construction actions.

CONSIDERATION

Community Board 1 (CB1) voted to approve these applications with modifications that included providing in excess of the required bicycle parking; a broader range of affordability of the low income units; a subdivision of the commercial area to spaces suited to accommodating local retail; and, the inclusion of sustainable building components where possible.

The applicant has requested the zoning designation be changed from M1-1 to R7A/C2-4 Inclusionary. The proposed zoning would extend the recently established R7A zoning as part of the 2009 Greenpoint-Williamsburg rezoning land use actions. It is the Borough President's policy to support land use changes that increase the supply of housing for Brooklyn residents, especially when such projects result in affordable housing. The Borough President is concerned that too many of the borough's residents leave because they can no longer afford to live in Brooklyn. The proposed zoning and text amendment provides an opportunity to address this concern by requesting allowance for the rezoned area to be part of the Inclusionary Housing program (IHP) to facilitate affordable housing.

The Borough President is committed to seeking opportunities for Brooklyn's working families to have access to affordable housing. This commitment is followed through in each discretionary land use action as he advocates for "Affordable Forever" measures, where possible. The Borough President believes that it is appropriate for this proposal to provide a percentage of housing devoted to such households as represented by tenants, civil servants and uniformed services. Such moderate-to middle-income units pursuant to the City's Inclusionary Housing Program would be "Affordable Forever."

Prior to the public hearing, the Borough President received the attached letter from the applicant which noted that the developer has maintained discussions with the

Department of Housing Preservation and Development (HPD) regarding the IHP and have begun working with the North Brooklyn Development Corp. to serve as the administering agent for the proposed affordable housing units. The Borough President commends the applicant on making best efforts to achieve this goal. The Borough President encourages the applicant to also contact the Housing Development Corporation to consider the feasibility of developing its units in a manner similar to the NewHOP model. Under this model, all but the IHP units shall be made affordable for middle income families earning up to 130 percent area median income (AMI).

RECOMMENDATION

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve the requested land use actions.

McGuinness Realty Corp.
500 Kingsland Avenue
Brooklyn, New York, 11222

July 10, 2012

Honorable Marty Markowitz
Brooklyn Borough President
209 Joralemon Street
Brooklyn, NY 11201

Dear Borough President Markowitz,

We are the owner of 209-231 McGuinness Boulevard, Tax Block 2576, Lots 20 and 23, Borough of Brooklyn (the "Premises"), and applicant to ULURP Nos. 100218 ZMK and N 100219 ZMY filed with the New York City Planning Commission (the "Applications").

The Applications are filed to:

1. Amend Zoning Map 13a, changing property, bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street and a line 100 feet westerly of McGuinness, from an M1-1 district to an R7A district with a C2-4 district overlay (the "Rezoning"); and
2. Amend the text of the Zoning Resolution to indicate, on Map 1 of Brooklyn Community District 1, that the Rezoning area is an inclusionary housing designated area.

If the Applications are approved, we propose to redevelop the Premises utilizing the Inclusionary Housing Program with a 7-8 story mixed use building (the "Proposed Building") with approximately 150,000 square feet of floor area with approximately 120-140 dwelling units and 20,000 square feet of ground floor commercial space.

We have been in discussions with the New York City Department of Preservation and Development ("HPD") regarding our participation in the Inclusionary Housing Program, and have begun discussions with North Brooklyn Development Corp., a not-for-profit organization, to be the administering agent of the proposed affordable units.

We are aware of your commitment to providing housing which is affordable to Brooklyn's working families. We share your commitment and, therefore, twenty percent of the units of the Proposed Building will be constructed and occupied pursuant to affordable housing guidelines of the Zoning Resolution's Inclusionary Housing Program and 421-A Programs. All affordable units, pursuant to the Inclusionary Housing and 421-A Programs will be located on the Premises.

Thank you and we look forward to working with you and your office.

Respectfully submitted,



Paul J. Pullo
President