



CITY OF NEW YORK
Community Board No. 2

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ERIC ADAMS
Borough President

SHIRLEY A. McRAE
Chairperson

ROBERT PERRIS
District Manager

October 24, 2018

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 "570 Fulton Street Rezoning," four applications submitted on behalf of 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC for a roughly triangular area southeast of the intersection of Flatbush Avenue and Fulton Street, in Brooklyn.

The four applications consist of a zoning map change (C 180459 ZMK) from C6-4 to C6-9; a zoning text amendment (N 180457 ZRK) establishing the permissible floor area ratio (FAR) and height, setback and tower regulations for C6-9 districts in the Special Downtown Brooklyn District (SBDB) and creating a new special permit for the modification of bulk requirements for buildings in C6-9 districts in the SBDB; an application for a special permit (C 180458 ZSK) pursuant to the newly created special permit; and a request for a waiver (N 180455 ZCK) of the subway stair relocation requirements in the SBDB.

Narratively, applicant seeks to merge a development site and an adjacent property, already under construction by a related entity, into a single zoning lot, upzone both and utilize the newly created FAR to construct office space in addition to residential development that would take advantage of the existing, as-of-right FAR. The proposed building requires modification of certain bulk requirements due to an irregularly shaped development lot and a goal of minimizing the height of the structure. The property already under construction received a waiver of the subway stair relocation requirement and as a result of the zoning lot merger, a second waiver is sought.

The community board held a public hearing on these applications on September 13, 2018 at St. Francis College, 180 Remsen Street, Brooklyn, New York. Nine of the 48 members of Community Board 2 on that date attended the hearing, one less than required for quorum pursuant to the Uniform Land Use Review Procedure (ULURP).

Following the hearing and discussion, the CB2 Land Use Committee voted five in favor, one opposed, one abstention (5-1-1) to recommend that Community Board 2 oppose the four applications. On October 10, 2018, the community board voted 19 in favor, 13 opposed, one abstention (19-13-1) to ratify the Land Use Committee recommendation in opposition.

The split vote reflects a recognition that the project fulfills long-standing policy goals of Community Board 2. The community board is on record as supporting the development of new office space in Downtown Brooklyn as well as the construction of affordable housing anywhere in the district. Some of the votes against the recommendation to disapprove were cast by board members who do not want to deter the office space or affordable housing proposed as part of this project.

However, there were also practical concerns as well as more philosophical opposition. Some members of the CB2 Land Use Committee were shocked to learn that a subway stair relocation waiver was granted for 1 Flatbush Avenue. The property, under construction by a related entity, is adjacent to the Nevins Street subway station. This heavily used station is in poor repair* and does not comply with standards established pursuant to the Americans with Disabilities Act, has limited exits and entrances that impede movement on the sidewalk, and is often crowded at the insufficient turnstiles. The statement made by the applicant's team, 'We did everything asked of us by New York City Transit,' was of no consolation. New development adds burden to the already inadequate subway station but in this case, the Metropolitan Transportation Authority reportedly asked little of the developer.

Some committee members were also upset to learn that deliveries to the proposed commercial space are planned to be made from the street, where the current Department of Transportation regulation is No Standing, Monday-Friday, 7am-7pm. Fulton Street is the first street where drivers may turn left (east) after crossing the Manhattan Bridge and is very busy. When asked about the possibility of a loading bay, applicant's attorney and architect both stated unequivocally that curb cuts are prohibited on this section of Fulton Street. This response is at best incomplete; Section 101-51 of the Zoning Resolution states

"...the City Planning Commission may, by authorization, permit a curb cut ... for parking facilities and loading berths on a zoning lot that does not have access or egress on another street, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan."

The zoning lot merger may complicate the applicability of this section of the Zoning Resolution.

Some members are also resentful that the Downtown Brooklyn Development Plan, approved in 2004 "to generate an estimated 4.5 million square feet of new commercial office space," has almost exclusively produced market-rate residential development instead and resulted in a net

* A study by the Citizens Budget Commission, based on the Metropolitan Transportation Authority's August 2015 "Stations Condition Survey," found 24 of 47 structural components (51 percent) at the Nevins Street station were not in a state of good repair.

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loss of office space. The City of New York granted tremendous value to property owners in Downtown Brooklyn and asked for no public benefit in return. Viewed from this vantage, the proposed project seems to plead, 'If you want the commercial development promised almost 15 years ago, then you need to bestow even more additional density.'

The project proposal also arrives amidst unprecedented physical growth in Downtown Brooklyn and other parts of Community District 2. Some members of CB2 as well as the general public are alarmed by the combined sum of development and are therefore opposed to any increase in FAR. For many people, much of the appeal of Brooklyn has been its lower density and the "Manhattanization" of the central business district and surrounding areas is distressing.

This perception of over-development, combined with the more concrete concerns about the Nevins Street subway station and the absence of a loading bay, formed the majority opinion of Community Board 2 on the "570 Fulton Street Rezoning." I am submitting herewith the formal community board recommendation reports for C 180459 ZMK and C 180458 ZSK. Thank you for the opportunity to comment.

Sincerely,



Irene Janner
Acting Chairperson

cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Laurie Cumbo
New York City Council
Winston Von Engel, Brooklyn Borough Director
Anand Amin, City Planner
Department of City Planning
Jay A. Segal, Shareholder
Greenberg Traurig, LLP

IJ:RP

Application #: **C 180458 ZSK**

CEQR Number: 18DCP111K

Project Name: **570 Fulton Street**

Borough(s): Brooklyn

Community District Number(s): 02

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, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 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 570 Fulton Street Property LLC and One Flatbush Avenue property LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-82* of the Zoning Resolution to modify the height and setback requirements and tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards) and Section 23-47 (Minimum Required Rear Yards), and to modify the inner court recess requirements of Section 23-852(b) (Inner court recesses), in connection with a proposed mixed use development on property located at 570 Fulton Street a.k.a. 1-25 Flatbush Avenue (Block 2106, Lots 26, 35, & p/o 24), in a C6-9** District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2.

*Note: a zoning text amendment is proposed to modify several sections of Article X, Chapter 1 (Special Downtown Brooklyn District) under a concurrent related application (N 180457 ZRK).

**Note: the development site is proposed to be rezoned by changing a C6-4 District to a C6-9 District, under a concurrent related application (C 180459 ZMK).

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

Applicant(s): 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC c/o Meadow Partners, 130 East 59th Street New York, NY 10022		Applicant's Representative: Jay A. Segal, Esq. Greenberg Traurig LLP 200 Park Avenue New York, NY 10166
Recommendation submitted by: Brooklyn Community Board 2		
Date of public hearing: September 13, 2018		Location: St. Francis College, 180 Remsen Street, Brooklyn
Was a quorum present? YES <input type="checkbox"/> NO <input checked="" 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>
Date of Vote: October 10, 2018		Location: Brooklyn Hospital, 121 DeKalb Avenue, Brooklyn
RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions <u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>		
Voting # In Favor: 19 # Against: 13 # Abstaining: 1 Total members appointed to the board: 48		
Name of CB/BB officer completing this form Irene Janner 		Title Acting Chairperson Date 10/24/2018

Application #: **C 180459 ZMK**

Project Name: **570 Fulton Street**

CEQR Number: 18DCP111K

Borough(s): Brooklyn

Community District Number(s): 02

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

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Docket Description:

IN THE MATTER OF an application submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from a C6-4 District to a C6-9 District property bounded by Fulton Street, a line perpendicular to the southwesterly street line of Fulton Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the westerly streetline of Rockwell Place, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 190 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the southeasterly street line of Hudson Avenue, and Flatbush Avenue, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-490.

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