



E-mail/ Fax transmittal

TO Community District 6 Distribution	FROM Borough President Marty Markowitz
DATE August 15, 2007	CONTACT Kevin Parris, Land Use & Community Coordinator Phone: (718) 802-3856 E-Mail: kparris@brooklynbp.nyc.gov
RE: ULURP Recommendation 070156 ZSK 130 Court Street	4 NO. PAGES, INCLUDING COVER

Attached is the recommendation report for ULURP application 070156 ZSK.

If you have any questions, please contact Kevin Parris at (718) 802-3856.

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**Brooklyn Borough President
Recommendation**

CITY PLANNING COMMISSION
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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 # 070156 ZSK
130 Court Street

In the matter of an application submitted by Two Trees Management Co. to facilitate the development of a six-story mixed use building on property located at 130 Court Street/ 182 Atlantic Avenue, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 23-47, Section 23-691, Section 23-711, Section 23-84, Section 23-86 and Section 36-33.

COMMUNITY DISTRICT NO. 6 BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE

EXPLANATION OF RECOMMENDATION – MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW



August 15, 2007

BOROUGH PRESIDENT

DATE

**RECOMMENDATION FOR THE GRANT
OF A SPECIAL PERMIT FOR
130 COURT STREET
070156 ZSK**

Public Hearing

On July 2, 2007 Borough President Marty Markowitz held a public hearing on the proposal by Two Trees Management to obtain a special zoning permit that will facilitate the development of a six-story mixed use building at a site on Atlantic Avenue at Court Street. At the hearing, a representative for the applicant explained that the special permit is needed to modify the zoning requirements for building heights, courtyard regulations, parking and other requirements.

It was further noted that the applicant agreed to a Certificate of No Effect issued by the Landmarks Preservation Commission (LPC), which mandates that the historic appearance of the landmarked South Brooklyn Savings Bank (SBSB) building would be restored should the special permit be granted. The applicant would be required to repair the exterior façade of the building, including all stone, masonry, bronze and metal work. As part of this agreement, a restrictive declaration placed on the property ensures the continued maintenance of the SBSB building in perpetuity. All work will be done under the supervision of approved LPC architects. Every five years, the property must be inspected by a preservation architect who reports any deficiencies with the building. Upon these findings, the applicant is responsible for any repairs that are deemed necessary based on this report.

In addition, a Certificate of Appropriateness (C of A) was issued to the applicant, allowing for alterations to be made to the landmarked historic site. The proposed structure will have to adhere to guidelines that will require the development to be compatible with the Atlantic Avenue character. The regulations mandated by the C of A are set to reinforce within the new structure the significant context established within the Cobble Hill Historic District.

A representative of City Council Member Bill de Blasio spoke in favor of the application, noting that any request for a zoning special permit for development in a historic district is considered on a case-by-case basis. Therefore, if this special permit is approved, future applications would also require a case-by-case review.

Speakers against the application included the current and former presidents of the Cobble Hill Association (CHA), a member of CHA, residents of Pacific Street and other area residents. Among the concerns noted are the following: the height exceeding 50 feet; the potential precedent being set for subsequent requests to exploit the height limit potentially endangering the legacy of the height limited district; that the special permit for constructing in a historic district was never used previously to get around the height limit; and, that views assumed to be protected in perpetuity by the height limited district would be lost. Other concerns noted include the following: the obligated restoration is an insignificant factor as the bank was renovated seven years earlier; the rear yard being less than 30 feet would create inadequate light and air for the neighboring buildings; and, the waiving of the otherwise required 43 parking spaces in a neighborhood where it is difficult to obtain parking is inappropriate.

Subsequent to the hearing, the borough president received testimony from Otis Pearsall, dated July 30, 2007, regarding the establishment of the Cobble Hill Limited

Height District (LH-1) with its height limit of 50 feet. Mr. Pearsall questioned whether the justification for the project to exceed the limit of the LH-1 is warranted.

CONSIDERATION

The applicant seeks several modifications from the Zoning Resolution. Some of these requests, such as the separation between buildings and the proportion of the outer court, would be required to achieve the objective of the LPC, that is, to provide sufficient separation between the west façade of the landmark bank structure and the new structure. Other requests are based on an attempt to maximize the use of the available floor area. As a requirement of the LPC approval, the granting of one or more waivers from the zoning regulations requires the filing of a deed declaration. The declaration obliges the current and future owners to restore the bank building and maintain the building in perpetuity. The borough president believes that of the requested changes to the Zoning Resolution all but the request to exceed the LH-1 maximum height of 50 feet are worthy of consideration. The borough president does not support the request that will allow the applicant to build out of context with respect to the Cobble Hill LH-1.

Modification to Waive the Required Parking

One of the requested modifications the applicant seeks is the waiver of all parking. The borough president is aware that the block along Atlantic Avenue to the east was rezoned in 2004. The 2004 zoning amendment modified the parking requirements to the extent that parking would not typically be required. The borough president believes that it is reasonable to treat the retail district on this side of Court Street in a consistent manner. In addition, the request to waive the residential parking requirement is warranted as the borough president believes that the area has sufficient off-street parking. As such, the borough president supports these changes to the parking requirements of the Zoning Resolution.

Modification to Reduce Rear Yard and Window Distance Requirements

The applicant also seeks approval that would allow the rear wall for the upper stories to be 20 feet from the rear lot line. Zoning requires a distance of 30 feet. The buildings located behind the proposed new building are built to the rear lot line. Among those buildings are the Brooklyn Youth Chorus and another non-residential building consisting of slightly more than half of the building abutting the rear lot line. The other two buildings are residential. According to the Zoning Resolution, development is permitted to abut the rear lot line up to a height of 23 feet. As proposed, the building would not make use of this available volume that would otherwise deprive the second floor of the buildings abutting the rear lot line of light and air. What might otherwise had been an imposition to the lower floors is thus balanced amongst all of the levels. The borough president believes this is a balanced solution.

Modification to Exceed the Building Height Limit

The applicant also seeks approval to exceed the LH-1 height limit of 50 feet. The LPC required setback of the sixth floor of the proposed structure would be visible to pedestrians along the north side of Atlantic Avenue and from buildings on Pacific Street.

Cobble Hill was designated by the City Planning Commission (CPC) as a LH-1 District soon after its 1969 LPC designation as a Historic District. The LH-1 has worked in tandem with the Landmarks Preservation Law to safeguard the historic architecture and scale of this brownstone neighborhood. It has accomplished this goal by removing the incentive to purchase and demolish the low-rise houses and commercial structures characteristic of the district and by limiting new construction to the dominating 50 foot historic height of the area. While the LPC is empowered to prevent, within statutory limits, the demolition or inappropriate exterior alteration of existing structures within a 'historic district', it is quite specifically barred from controlling the height or bulk of new buildings which might be built on parcels that are empty or, in the future, might become available for redevelopment. An important characteristic of Cobble Hill and Brooklyn Heights to its north, is the generally uniform height of buildings – typically three and a half or four stories. It is essential that this uniform height be maintained if the character of the district is to be preserved.

When designating the LH-1 District, it appears that CPC recognized there were many existing buildings within its boundaries that exceeded the height limit of 50 feet. The agreed upon height limit was based on the characteristic of the majority of what existed in the community. This collection of fine individual buildings in many continuous rows was the basis for the LH-1. The intrusions, as evident by the SBSB bank and other buildings along Atlantic Avenue off Clinton Street, were not meant to be the justification for under-built sites to exceed the limit of LH-1. The LH-1 designation was meant to prevent new structures to be higher than 50 feet. The proposal seeks a precedent that would add another intrusive structure in a designated 'historic district.' Should this intrusion be granted, it would set a precedent for other sites throughout the entire district to seek such an exception. Thus, the borough president believes that such an exception that will allow a new building to be built in excess of 50 feet is not warranted. He commends the community and its representatives who strongly advocated for respecting the intent of the LH-1 designation and the certainty that there would be no additional protrusions above its limit of 50 feet. The borough president believes that abiding by the LH-1 is the ultimate form of respect to those who purchased in this neighborhood subsequent to its establishment.

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends the approval of this application by the City Planning Commission and City Council subject to the following conditions:

- That the requested Special Permit to exceed the LH-1 be denied.