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Introduction

The DUMBO Neighborhood Association (DNA) is strongly opposed to the Department of City Planning-sponsored proposed 12-block rezoning (Figure 1) east of the Manhattan Bridge (CEQR#09DCP053K, ULURP#090309ZRK/090310ZMK), as it flies in the face of both the Community Board 2-initiated and community-supported Old Brooklyn District 197-A plan designed a decade ago as well as our own proposal for a comprehensive rezoning plan for all of DUMBO, Fulton Ferry and Vinegar Hill. Our plan, designed by urban planner Paul Graziano (Figure 2), was initiated in response to the piecemeal efforts over the past decade by the Department of City Planning, who has ignored the Old Brooklyn District plan in its entirety. With the exception of the rezoning of a small portion of Vinegar Hill, DCP has supported high-density growth driven by developers in the DUMBO area. The current DCP proposal is no exception.

Also, despite repeated statements by the DCP, there has been little outreach to the actual residential or industrial/commercial community within the targeted area. In fact, at the unveiling of their study approximately one year ago at DCP's offices, out of two dozen or so attendees, there were 3 residents and small business owners; 2 staffers representing local elected officials and about 10 landlords, developers and their legal representatives.

Our testimony will be broken up in to several parts based upon the different issues that are pertinent to the Department of City Planning's proposed rezoning action as justified by their Environmental Assessment Statement: height, scale and density; the DUMBO Historic District; existing manufacturing and commercial jobs; population and schools; and inclusionary zoning and affordable housing.

Height, Scale and Density:

The Department of City Planning's reasoning to rezone the residential component of this area R8A, with an R7A zone 150' east of Jay Street, is flawed. The summary of why DCP is proposing this particular zone has its basis in what they describe as planning principles. However, we believe that these same planning principles can be achieved by redrawing the map to better reflect the existing built environment in the proposed rezoning area. In this way, development potential will more carefully be balanced with the current physical form and fabric of DUMBO.

Based upon figures and statistics within the EAS report (See Figures 3 and 4), it is clear that there are all or parts of four blocks that basically meet the criteria for an R8A zone. Three of those blocks are between Adams and Jay streets north of Plymouth Street and the fourth is bounded by Pearl, Water, Jay and Front streets. Those four blocks are also significant in terms of how they relate to other large buildings in DUMBO: they are full-block industrial-type buildings which have more in common with the Gair buildings west of the Manhattan Bridge.

The remaining blocks in the proposed rezoning area are primarily made up of buildings 15 to 65 feet in height, with several vacant lots or portions of parcels that are currently vacant. There are only five buildings that are above 80 feet, which is the maximum height in an R7A zone, and three of those are below 85 feet. Additionally, except for one other building, all other buildings are at or below the streetwall maximum height of 65 feet. This would allow for significant development above those heights, including rooftop

additions that would be unseen from street level. On parcels that are redevelopable, an 80-foot height limit would generate a scale that is more in keeping with the existing built environment.

DUMBO Historic District:

While more than 90% of the proposed rezoning area is located within the DUMBO Historic District, 12 parcels (or parts of those parcels) have buildings on them that are considered “no style” and two parcels are wholly vacant. These buildings will be allowed to be demolished and/or heavily altered with permission from the Landmarks Preservation Commission; additionally, contributing buildings, while not eligible for demolition, will be able to have large additions on top of their buildings or be incorporated into new development if included in a multi-building redevelopment project. This scenario is described as being probable at several sites in the EAS. At several public and private meetings that the DNA has attended, the Department of City Planning has made statements to the effect that “the LPC will make sure that new construction will not be overly tall, dense or harm the fabric of the historic district.” DNA has made it clear to the DCP that we find this statement absolutely misleading. **While the LPC has jurisdiction over design review in the DUMBO Historic District, they are prohibited by law to take zoning into consideration when they make a decision on a project.**

This has been proven time and again, most recently with the LPC’s decision pertaining to St. Vincent’s Hospital in the Greenwich Village Historic District. The LPC approved a 286-foot tall building in an area where most building heights are 6 stories or less, and the tallest are no more than 12 stories. While they lowered the height of the proposed building several stories, they did not challenge the underlying zoning that was proposed for the site. The building complex is completely out of scale, height and density with the surrounding neighborhood. It is apparent that, should the target area of the DUMBO rezoning that is being considered be designated an R8A, there will be buildings that are out of scale with the surrounding neighborhood, and the entire context of the historic district and its resources will inexorably change.

Based on these concerns, the DNA believes that changing the zoning map as we have proposed (Figures 5 and 6) will better protect the DUMBO Historic District while still allowing reasonable development in our neighborhood.

Existing Manufacturing and Commercial Jobs:

Based on statistics and diagrams published in the EAS (Figure 7), over 60% of the proposed rezoning area is currently being used as industrial and/or commercial. The remaining parcels are either vacant; parking, transportation and utility usage; solely residential; or a mix of residential, commercial and industrial.

The EAS describes the MX-2 zone as a Special District “which was created in 1999 to encourage investment in mixed industrial and residential areas, to promote the opportunity for workers to live in the area they work, and to recognize and enhance the vitality and character of existing and mixed use neighborhoods.” While this might be technically true, the outcome of what has happened in every area in the city zoned MX has been quite different.

The Pratt Center for Community Development recently undertook a study of another manufacturing area nearby in Brooklyn that may be rezoned in the near future. The biggest concerns in that area – which are remarkably similar to this part of DUMBO – are scale and density, affordable housing and (most of all) retention of jobs in the current depressed economy. Two sentences from the report sums up the problem in that neighborhood as well as DUMBO: **“The problem with MX districts is that since they allow both residential and manufacturing uses as-of-right, they do not tend to lead to a balance of uses, since the real estate market favors non-industrial development. This essentially makes MX zones areas of transition where new residential development eventually overwhelms manufacturing.”**

As described above, the proposed MX zone in this portion of DUMBO will, like other blocks in DUMBO that have been mapped similarly, result in the disappearing of active industrial and non-retail commercial uses in the target area. Currently, there is no plan to relocate the existing jobs and industry to other nearby neighborhoods in Brooklyn. DNA brought these concerns to DCP and recommended the creation of a Special District to go with the proposed rezoning that would encourage industrial retention. This “inclusionary industrial” zoning would have created ground-floor opportunities and an assessment on square footage when a building was converted in order to relocate existing industrial or commercial businesses within DUMBO or, if necessary, to other nearby neighborhoods. While DCP’s reaction was positive in the meetings that took place, clearly no action was taken to enact this type of Special District.

Finally, the EAS report has a breakdown of how many parcels would be redeveloped, converted or remain under present use. Under the current proposal, it is estimated that approximately 15% of the area would have new construction; 35% would likely see conversion of existing buildings; another 30% could possibly see conversion of existing buildings; and 20% would remain under present conditions. Based upon these percentages, the EAS report disclosed that 171 businesses with an estimated 673 employees will be displaced. The MX zone would be transformational in every sense of the world, which is not necessarily to the benefit of DUMBO or Brooklyn. Therefore, this action should be abridged to protect as many active industrial/commercial buildings and sites as possible.

Population and Schools:

The DCP and EAS report describe a 9% increase of the overall population in DUMBO, or approximately 2,014 residents, should a full build-out in the proposed rezoning area be completed. Of those residents, there would be approximately 258 elementary and 107 middle school students. Interestingly, the EAS for the proposed DCP rezoning was written by the same author who wrote the report for the Two Trees proposed Dock Street tower development - Phillip Habib & Associates. More interesting is the conflicting accounts pertaining to the want or need of a middle school that are given in each report.

In the Dock Street EAS, Habib emphasized that the new public middle school “will serve approximately 300 neighborhood children and have state-of-the-art amenities and immediate access to the planned Brooklyn Bridge Park. This facility would be particularly valuable to the DUMBO area, as there is currently only one middle school in the immediate vicinity of this neighborhood, which is located approximately a ½-mile away from the Development Site.” We believe that the wording within the Dock Street EAS report was purposefully misleading as later language in that report to the contrary is reinforced by the DCP proposed rezoning EAS. In the current DCP EAS which cannot take the Dock Street project into any consideration as it may not be approved, Habib minimizes any additional school-age student population – thereby minimizing the effect new development will have on DUMBO – by stating that **“the Proposed Action would not result in any significant adverse impacts on public elementary and intermediate schools in the study area. In the future with the Proposed Action, utilization rates for elementary and intermediate schools within school planning zone 2 would be 76 and 53 percent, respectively. Based on this analysis, there is sufficient elementary and intermediate school capacity within school planning zone 2, as well as CSD 13, to accommodate students generated by new development associated with the RWCDS. Therefore no significant adverse impact to public schools as a result of the Proposed Action is expected.”** Habib further goes on to disclose that the latest available DOE enrollment projection data for 2007-2016 for CSD 13 expected a decline of 15.7 percent for elementary schools and 16.7 percent for middle schools between 2006 and 2012.

One report says that a school would be “particularly valuable” in the DUMBO area. The other report says no schools are needed because there is more than sufficient capacity. Both reports were written within three months of one another and both sites in question are within ¼ of a mile of each other. Which report is telling the truth? We believe that, as might be evident, the EAS reports are self-serving documents that, if at

all accurate, are twisting facts in order to make an argument for the applicant – whether private or public – to justify their actions.

Inclusionary Zoning and Affordable Housing:

According to the DCP and EAS report, the proposed rezoning will create approximately 891 units of new housing of which 99, or 11%, are considered affordable. Other recent rezonings in nearby areas of Brooklyn and other areas in Queens and Manhattan have had a minimum threshold of 20%. Even the Dock Street project, which DNA opposes in its present form, includes a provision for 20% of its units as being affordable. This is unacceptable by any measure, as is the argument that the R8A zone as proposed is needed to generate additional affordable housing units.

In addition, DNA is concerned with the approximately 200 residential units which already exist in the proposed rezoning area. Many of these units are de facto “affordable” but are not protected by rent control or stabilization laws. In fact, some of these residential units in the proposed rezoning area are the last work-live spaces and low and moderate-income apartments left in DUMBO. There is no question that, under the proposed rezoning, particularly in the R8A area, many if not most of the existing units will be converted into market-rate rentals or condominiums, resulting in a net loss of “affordable” housing in DUMBO. This would result in many more than the 5 persons that its estimated in the EAS would be displaced.

Summary

In summary, the DNA requests that Community Board 2 reject this application for the following reasons:

- 1) The proposed rezoning will create out-of-scale development in this part of DUMBO, particularly within the proposed R8A zone.
- 2) The proposed rezoning will harm the DUMBO Historic District, as new construction within the historic district on “no style” and vacant parcels will not relate to the historic fabric of the neighborhood.
- 3) The loss of businesses and jobs that will result from residential conversions in this area is not in the best interests of the DUMBO neighborhood, Brooklyn or the City of New York in this current depressed economy.
- 4) Both the Dock Street and proposed rezoning EAS reports were written by the same consultant and there are very different versions of how the schools in CSD 13 will be affected by new development.
- 5) The inclusionary zoning will only generate 11% “affordable” housing units and the danger of displacing existing “affordable” units with luxury rentals and condominiums.

Very Truly Yours,

DUMBO Neighborhood Association