



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

REVISED NEGATIVE DECLARATION*

Supercedes Negative Declaration Issued on May 23, 2016

Project Identification

CEQR No. 16DCP065K

ULURP Nos. C160124ZSK, C160125ZSK, N160126ZRK

SEQRA Classification: Type I

Lead Agency

City Planning Commission

120 Broadway, 31st Floor

New York, NY 10271

Contact: Robert Dobruskin

(212) 720-3423

Name, Description, and Location of Proposal:

25 Kent Avenue

The applicant, 19 Kent Acquisition LLC is seeking:

1. *Zoning Text Amendment creating a new Zoning Resolution Section 74-96 Special Permit:* DCP and Kent Acquisition LLC are proposing to create a new special permit pursuant to ZR 74-96 and identifying the special permit's applicable geography, described as an "Industrial Business Incentive Area." Within this geography, a CPC special permit would allow an increase in floor area for certain commercial and light industrial uses ("Incentive Uses") when required light industrial and manufacturing uses ("Required Industrial Use") are provided within a proposed development. The new special permit would allow the CPC to modify use, bulk, parking, and loading regulations for properties within the proposed project area if certain conditions and findings are met.

*This Revised Negative Declaration analyzes proposed City Council modifications including: modification of the defined term "required industrial use" to include additional restrictions, additional chronological language, language establishing a third-party monitoring and reporting role for the "required industrial use" spaces, and finally, non-substantive technical changes. These proposed modifications are described in the supporting statement below.

Carl Weisbrod, *Chairman*
120 Broadway, 31st Floor, New York, N.Y. 10271
(212) 720-3300 FAX (212) 720-3219
<http://www.nyc.gov/planning>

Proposed definitions within ZR 74-96:

- *Industrial Business Incentive Area* - a geographic area for which the new special permit can be applied. An Industrial Business Incentive Area (IBIA) has a bonus ratio and maximum FAR that is based on the underlying zoning district (note: in the Environmental Assessment Statement dated December 31, 2015, this area was referred to as an “Enhanced Business Area”).
- *Required Industrial Use*- a use that helps achieve a desirable mix of commercial and manufacturing uses in an Industrial Business Incentive Area, and that generates additional floor area pursuant to provisions set forth in Section 74-962 and is: listed in Use Groups 11A, 16A excluding “automobile, motorcycle, trailer, or boat sales,” “motorcycle or motor scooter rental establishments,” “stables for horses,” “riding academies,” “trade schools for adults,” “crematoriums, human,” “poultry or rabbit killing establishments,” “animal hospitals and kennels” and “animal pounds or crematoriums”, 16B, 17B and 17C, as specified in Sections 32-20 (Use Group 11), 32-25 (Use Group 16) and 42-14 (Use Group 17). Any diagnostic medical laboratories that receive patients shall in no event be considered a required industrial use; and “beverages, alcoholic or breweries” as listed in Section 42-15 (Use Group 18A), where permitted by the provisions of the applicable zoning district, provided the applicable performance standards pursuant to Section 42-20 are met.
- *Incentive Uses* – as-of-right commercial and light industrial uses as permitted by the underlying M1-2 district, with the exception of transient hotels in Use Group 5, as specified in Section 32-14; uses in Use Groups 6A and 6C as specified in Section 32-15; uses in Use Group 8C as specified in Section 32-17; uses in Use Group 10A as specified in Section 32-19; uses in Use Groups 12 and 13 as specified in Sections 32-21 and 32-22; and moving or storage offices with no limitation as to storage or floor area per establishment, packing or crating establishments, and warehouses as specified in Section 32-25.

Proposed applicable geography per ZR 74-96:

Kent Avenue Industrial Business Incentive Area per ZR 74-96, the applicable Kent Avenue Industrial Business Incentive Area is an M1-2 district as drawn on a map within the Text Amendment but bounded by Kent Avenue on the west, North 13th Street on the north, Wythe Avenue on the east, and North 12th Street on the south, within Community District 1, Borough of Brooklyn. The proposed project area’s current M1-2 zoning district allows 2.0 FAR of commercial and light industrial uses as-of-right. The proposed special permit would allow the CPC to approve developments that include a mix of as-of-right uses, “Required Industrial Uses,” and “Incentive Uses.” Within the proposed “Kent Avenue Industrial Business Incentive Area,” the bonus incentive uses can be increased by 1 square foot of floor area for each 3.5 square feet, up to a maximum of 4.8 FAR for the total development.

2. *Special permit approval for modification of maximum allowable floor area, maximum allowable height, and modification of public plaza requirements per ZR 74-962.* Kent Acquisition LLC is requesting a CPC special permit approval to allow (i) the increase of total development floor area from 2.0 FAR (160,000 square feet) to 4.75 FAR (380,097 square feet); (ii) allow an increase in the proposed development's maximum height from 110-feet to 135-feet; and (iii) the modification of public plaza requirements set forth in ZR 37-70, specifically 37-713 plaza proximity to an existing open space and 37-76(b) public plaza proximity to public entrance.
3. *Special Permit approval for modification of accessory off-street parking space and loading berth requirements per ZR 74-963:* Kent Acquisition LLC is requesting a CPC special permit approval to allow (i) the reduction in the number of required off-street accessory parking spaces from 1,267 to 275; and (ii) a reduction in the number of required off-street accessory loading berths from ten to three.

The proposed actions will facilitate a proposal by the applicant, 19 Kent Development LLC, to construct a 380,097 zoning square feet (485,156 gsf), 4.75 FAR development consisting of commercial, industrial and retail space on Block 2282, Lot 1 within the Williamsburg neighborhood in Brooklyn, Community District 1. The project site is bounded by North 13th street to the North, North 12th Street to the South, Wythe Avenue to the East, and Kent Avenue to the West. The boundaries of the Industrial Business Incentive Area correspond to the boundaries of the proposed project site.

The Proposed Development would consist of eight stories and would be approximately 135 feet tall (excluding rooftop mechanical equipment). The Proposed Development would include approximately 169,768 gsf (159,848 zsf) of Permitted Uses or as-of-right uses (1.99 FAR), approximately 165,921 gsf (156,533 zsf) of Incentive Uses (1.96 FAR), and approximately 70,722 gsf (63,714 zsf) of Required Industrial Use (0.79 FAR). The Proposed Development would also provide three loading docks and a 275-space below-grade parking garage. Additionally, two 7,200 sf public plazas are proposed on opposite corners of the Development Site (one would be located on the north-west corner of Wythe Avenue and North 12th Street and the other would be located on the south-east corner of Kent Avenue and North 13th Street). Finally, an approximately 13,838 gsf covered publicly-accessible pedestrian walkway is proposed on the ground floor approximately midway between North 12th Street and North 13th Street which would provide connectivity east-west through the Development Site.

The affected area is zoned M1-2 and is located within the 175-block area rezoned in the 2005 Greenpoint-Williamsburg Rezoning. M1 districts are often buffers between M2 and M3 districts and adjacent residential or commercial districts. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices, hotels, and most retail uses are also permitted. Certain community uses, such as ambulatory care facilities and houses of worship are permitted as-of-right. M1-2 districts allow maximum FAR of 2.0 for manufacturing and commercial uses and up to 4.8 for community facility uses, and building height and setbacks are controlled by a

sky exposure plane. Within M1-2 districts, off-street parking is required. Prior to the 2005 Greenpoint-Williamsburg Rezoning, the Development Site was zoned M3-1.

New York City Department of Building (NYC DOB) issued a permit allowing the construction of an 11-story commercial and community facility office building containing 605,536 gsf (383,040 zsf), including 1,100 parking spaces. This building, which is permitted as-of-right by the underlying M1-2 district, would rise to a height of 157 feet above curb level. On February 20, 2014, pursuant to Demolition Permit No. 320961562, the Development Site was granted approval to begin site clearance and in August, 2014 pursuant to New Building Permit No. 320591944, was granted approval to begin construction of the foundations for this building. Currently, the site is enclosed by construction fencing and foundation work has begun for the approved, as of-right building.

The proposed project is expected to be completed by 2018.

To avoid the potential for significant adverse impacts related to air quality and noise, an (E) designation (E-373) has been incorporated into the proposed actions, as described below and would apply to the Development Site (Block 2282, Lot 1).

The text of the (E) designation for air quality is as follows:

Any new commercial development on Block 2282, Lot 1 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems. The location of any hot water stacks and one HVAC stack shall be restricted to at least 70 feet from the southerly lot line facing North 12th Street and 198 feet from the easterly lot line facing Wythe Avenue to avoid any potential significant adverse air quality impacts. All HVAC and hot water stacks shall be located at a minimum of 150 feet above grade.

To preclude the potential for significant adverse air quality impacts from any Required Industrial Use developed pursuant to Zoning Resolution Section 74-962, emission stack(s) must be located at least 70 feet from southerly lot line facing North 12th Street and 198 feet from the easterly lot line facing Wythe Avenue and at least 150 feet above grade to avoid any potential significant adverse air quality impacts. Automobile and woodworking related uses are prohibited.

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

To ensure an acceptable interior noise environment, future commercial uses on Block 2282 Lot 1 must provide a closed window condition with a minimum of 26 dBA window/wall attenuation on all building's façades to maintain an interior noise level of 50 dBA. 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.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf

of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated December 31, 2015, and the Revised Environmental Assessment Statement, dated May 20, 2016, and has prepared a Technical Memorandum dated July 13, 2016, prepared in connection with the ULURP Application (Nos. C160124ZSK, C 160125ZSK, N160126ZRK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement which finds that:

1. The (E) designation for air quality and noise would ensure that the proposed actions would not result in significant adverse impacts.
2. A Revised Environmental Assessment Statement, dated May 20, 2016, reflected City Planning Commission Modifications including: changing the name of Enhanced Business Area to Industrial Business Incentive Area; changing the name of Business Enhancing Use to Required Industrial Use (RIU's); adding a required public placard similar to FRESH Program requirements; requiring a website which would detail Required Industrial Use (RIU's), square footage, and the location of businesses in the building; reducing the text's applicable geography, from the approximately 14- block M1-2 district to the single- block proposed Development Site; prohibiting transient hotel usage (Use Group 5) for developments receiving a special permit under the proposed provisions of 74-962. Additionally, the Revised Environmental Assessment Statement reflected an updated air quality analysis and e-designation requirements based on refined building roof plans as well as minor editorial changes. As detailed in the May 20, 2016, Revised Environmental Assessment Statement, the proposed modifications to the original text amendment would not have the potential for significant impacts on the environment and would not alter the conclusions of the Environmental Assessment Statement dated December 31, 2015 and the Negative Declaration issued January 4, 2016.
3. A Technical Memorandum dated July 13, 2016, reflects proposed City Council modifications. These proposed modifications include: modification of the defined term "required industrial use" to include additional restrictions, a requirement that temporary certificates of occupancy for the incentive space be preceded by temporary certificates of occupancy for the required industrial space, additional language providing clarity on when a building owner is required to update its website, language establishing a third-party monitoring and reporting role for the "required industrial use" spaces, and finally, non-substantive technical changes related to the information sign (placard).
4. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Revised Negative Declaration, you may contact Lisa Blake at (212) 720-3621.

Robert Dobruski

Robert Dobruski, AICP, Director
Environmental Assessment & Review Division
Department of City Planning

Date: July 13, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: July 13, 2016