

TECHNICAL MEMORANDUM
25 KENT AVENUE
CEQR No. 16DCP065K
JULY 13, 2016

An Environmental Assessment Statement (EAS) for the proposed zoning text amendment was completed on December 31, 2015 and a Negative Declaration was issued on January 4, 2016. A Revised EAS, completed on May 20, 2016, considered City Planning Commission (CPC) modifications to the proposed zoning text amendment. The modifications proposed by the CPC were analyzed in the Revised EAS, dated May 20, 2016. A Revised Negative Declaration reflecting CPC modifications was issued on May 23, 2016. The New York City Council (City Council) is actively considering additional modifications to the adopted text amendment. These proposed modifications are discussed below in Section B.

A. INTRODUCTION

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.

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.

B. DESCRIPTION OF THE POTENTIAL MODIFICATIONS

The proposed City Council modifications consist of the following changes: 1) changes to the definition of “Required Industrial Use” 2) additional chronological language 3) third-party monitoring and reporting and 4) non-substantive technical changes. Each of these is discussed below.

1. CHANGES TO THE DEFINITION OF REQUIRED INDUSTRIAL USE

As mentioned earlier, a “Required Industrial Use” is 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. The defined term “Required Industrial Use” in the proposed text has been modified to include additional restrictions to Use Group (UG) 16A including the restriction of auto-related sales and rentals, horse stables, trade schools, animal hospitals and crematoriums, poultry and rabbit killing establishments, and human crematoriums. Language was also added to provide additional clarity that no diagnostic labs receiving patients would be included within the “Required Industrial Use,” consistent with existing zoning definitions for UG 17.

The proposed text modifies the definition of “Required Industrial Use” to exclude uses previously allowed. This is more restrictive than what was analyzed in the Revised EAS and consequentially, does not have the potential to result in environmental impacts.

2. *ADDITIONAL CHRONOLOGICAL LANGUAGE*

The proposed text includes additional chronological language that was added to clarify that “Required Industrial Use” spaces must receive a Temporary Certificate of Occupancy (TCO) prior to a TCO being issued for “Incentive Use” spaces. Language is also proposed to be added providing additional clarity on when a building owner is required to update its website with any new “Required Industrial Use” tenants, providing minor flexibility between the lease-signing and actual occupancy.

The first change is a procedural change related to building occupancy and does not have the potential to result in environmental impacts. Language clarifying when the building owner must update their website is also procedural in nature and does not have the potential to result in environmental impacts.

3. *THIRD-PARTY MONITORING*

The proposed text includes an entirely new sub-section, establishing a third-party monitoring and reporting role for the “Required Industrial Use” spaces. First, this sub-section allows the City or Small Business Services (SBS) to select an organization to provide a third-party inspection service of the “Required Industrial Use” spaces. Second, this sub-section identifies the specific information to be collected by this third-party inspection of the “Required Industrial Use” spaces, including:

- a) A description of the businesses and number of employees;
- b) The total amount of RIU floor area that is vacant;
- c) Average annual rents for the RIU floor area; and
- d) The number of new leases executed during the calendar year.

The use of language related to “averages” and “increments” is intended to protect the ability of the property owner and tenants to negotiate lease terms and prevent the poaching of tenants and spaces over time. And finally, that this reporting would be provided in a form, provided to SBS or the selected third-party organization, by the Department of City Planning, to ensure consistency in reporting over time.

These changes are procedural in nature and do not have the potential to result in environmental impacts.

4. *TECHNICAL CHANGES*

Additional non-substantive language modifications were also included in the City Council’s changes such as a change which clarified the requirements of the information sign/placard.

These type of changes are non-substantive in nature and would not have the potential to result in environmental impacts.

In conclusion, none of the proposed City Council modifications to the ZR text amendment adopted by the CPC on May 25, 2016, would have the potential to result in any new environmental impacts and would not

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alter the conclusions disclosed in the Revised Negative Declaration dated May 23, 2016 nor the Revised Environmental Assessment dated May 20, 2016.