79 Quay Street Rezoning
Community District 1, Brooklyn
June 16, 2021

1. Introduction

Quay Plaza LLC (the "Applicant") proposes a series of land use actions to rezone a portion of an existing M1-2/R6A (MX-8) Special Mixed Use District to an M1-4/R7D (MX-8) zoning district in the Greenpoint neighborhood within Brooklyn Community District 1. The proposed Project Area consists of Block 2589, Lots 1, p/o 23 and p/o 13 (the "Project Area") and is bounded by Quay Street to the south, West Street to the west, Cayler Street to the north and Franklin Street to the east. The following actions are proposed:

1. A zoning map amendment to change the existing M1-2/R6A (MX-8) zoning district to an M1-4/R7D (MX-8) zoning district; and

2. A text amendment of:

    a. Zoning Resolution ("ZR") Article XII, Chapter 3 to add an R7D zoning district to the MX-8 Designated Residence Districts; and

    b. A text amendment of ZR Appendix F; Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 1, Brooklyn to establish a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 within the proposed Project Area.

The proposed actions will facilitate the development of 79 Quay Street (Block 2589, Lot 1) (the "Development Site") with a new nine-story, approximately 92,157 sq. ft., 5.58 FAR mixed residential and commercial building with approximately 86 dwelling units. The Proposed Development will either provide 22 affordable housing units (25%) pursuant to Option 1 of the MIH program or 26 affordable housing units (30%) pursuant to Option 2 of the MIH program. The Applicant will seek additional input from Brooklyn Community Board 1 and Council Member Levin regarding the level of affordability for the Proposed Development.

2. Background

In 2005, the Project Area was rezoned from an M1-1 zoning district to the current MX-8 (M1-2/R6A) zoning district as part of the Greenpoint-Williamsburg Rezoning (N 50110 (A) ZRK, C 050111(A) ZMK), effective May 11, 2005). The Greenpoint-Williamsburg Rezoning sought to facilitate the development of housing and open spaces while permitting light industrial and commercial uses along Brooklyn's East River waterfront and the adjoining upland neighborhoods. The Greenpoint-Williamsburg Rezoning created the opportunity to build thousands of new housing units, including affordable housing. The rezoning also recognized the mixed-use character that defined the neighborhoods and created the Special Mixed Use District (MX-8) to permit light industrial, commercial, and residential uses to coexist. The Special Mixed Use (MX-8) District included portions of the rezoning area in both Greenpoint and Williamsburg that were characterized by a mix of residential buildings, light industrial and commercial uses, and loft buildings converted to residential use. This Special Mixed Use District allowed for the development of new housing, the revitalization of vacant and underutilized land, and the continuation of mixed uses. Additionally, the rezoning also facilitated the continuous use of publicly accessible waterfront and new public open spaces along the East River waterfront.

3. Description of the Surrounding Area

The Project Area is located in the southwestern portion the Greenpoint neighborhood within Brooklyn Community District 1. Existing land uses within the surrounding area primarily consist of multi-family residential buildings, mixed commercial and residential buildings, industrial buildings, and vacant land. Industrial buildings range from one to three stories in height and are generally located to the south and southeast of the Project Area. Multi-family residential buildings range in height from two to seven stories and are generally located to the north of the Project Area. Mixed-use buildings front the eastern portion of Franklin Street serving local retail needs. The

Brooklyn Expo Center, an approximately 60,000 sq. ft. event space, is located to the north of the Project Area. The blocks to the west of the Project Area are currently vacant but are proposed to be part of a new phased development site. Two 14-story mixed-use buildings are proposed to be built at 29 West Street and 37 West Street, and a 33-story mixed-use building is proposed to be built at 65 Private Driveway.[1] An MTA Mobile Wash Unit is located directly to the south of the Project Area at 40 Quay Street. The MTA previously issued a Request for Proposal at this site for a new development, however, New York State may purchase the land as part of the New York State's Environmental Bond Act.[2]

A private application was recently approved by the City Planning Commission at 12 Franklin Street (C 180387 ZSK, N 180388 ZRK, C 180389 ZSK, effective March 1, 2019). The application for a zoning text amendment of ZR Section 74-96 and special permits pursuant to ZR Sections 74-962 and 74-963 permitted the construction of a new seven-story, 134,222 sq. ft. (4.8 FAR) commercial and industrial development located approximately 300 feet south of the Project Area. Additionally, a private application by the Acme Smoked Fish Corporation is pending for a zoning map amendment, zoning text amendment, a Large-Scale General Development special permit and other land use actions to facilitate a new mixed-use commercial and industrial buildings at 30 Gem Street, located approximately 580 feet from the Development Site. The proposed actions would permit a new 91,743 sq. ft. Acme Smoked Fish processing plant and a 492,035 sq. ft. commercial and office building.

Non-contextual zoning districts mapped to the west of the Project Area including R8 and R6 zoning districts. A C2-4 commercial overlay is mapped along western portion of West Street and to the south of Quay Street. The MX-8 Special Mixed Use District (M1-2/R6A and M1-2/R6B) is mapped to the north of the Project Area. R6B and M1-1 zoning districts are mapped to the east, with a C2-4 overlay mapped along Franklin Street. R6, M1-1 and M3-1 zoning districts are mapped to the south. A C2-4 commercial overlay is mapped to the south of Quay Street.

Special Mixed Use District MX-8 (M1-2/R6A and M1-2/R6B Zoning Districts)

The Project Area is currently located within the M1-2/R6A portion of the MX-8 Special Mixed Use Zoning District. This Special Mixed Use District allows for the development of new housing and the continuation of mixed residential, light industrial, and commercial uses. The Special Mixed Use District allows greater flexibility for live-work accommodations and mixed use buildings, both of which are characteristic of the Greenpoint-Williamsburg area. The Special Mixed Use District requires that certain manufacturing uses seeking to locate within or adjacent to a residential use obtain a professional certification that environmentally hazardous materials are not involved.

R6A zoning districts are medium-density contextual districts that permit residential and community facility uses. R6A districts allow a maximum FAR of 3.0 for residential and community facility uses (up to 3.6 for residential uses with Inclusionary Housing). Bulk regulations for R6A districts require a base height between 40 feet and 65 feet and have a maximum total height limit of 75 feet for Quality Housing buildings with qualifying ground floors (up to 85 feet with Inclusionary Housing). R6A districts require off-street parking for 50 percent of the dwelling units in a building, with an exemption from parking for income-restricted units within the Transit Zone. Parking can be waived if five or fewer spaces are required.

R6B zoning districts are contextual districts that permit residential and community facility uses with a maximum FAR of 2.0 (up to 2.2 for residential uses with Inclusionary Housing). The base height of a new building before setback must be between 30 and 45 feet and the maximum height is 55 feet. The street wall of a new building, on any lot up to 50 feet wide, must be as deep as one adjacent street wall but no deeper than the other building. Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units and are further modified within the Transit Zone. Parking can be waived if five or

[1] 37 West Street is proposed to be a 14-story, 90,357 sq. ft. building. *See* NB Application 321647811, 29 West Street is proposed to be a 14-story 233,433 sq. ft. building. *See* NB Application 321231412. 65 Private Driveway is proposed to be a 33-story, 366,608 sq. ft. building. *See* NB Application 320909996.

[2] *See* "Assembly Member Lentol Announces $200 Million in Environmental Bond Act Authorization Fund for Land Acquisition", at https://bushwickinletpark.org/wp-content/uploads/2020/04/ENV-BOND-ACT-40-QUAY.pdf?utm_source=Friends+of+Bushwick+Inlet+Park+List&utm_campaign=992ba2fd66-EMAIL_CAMPAIGN_2019_01_17_01_53_COPY_01&utm_medium=email&utm_term=0_1ab283829c-992ba2fd66- (last visited June 1, 2020).

fewer spaces are required.

M1-2 zoning districts permit light industrial and commercial uses and do not permit new residential uses. The maximum FAR for permitted manufacturing and commercial uses is 2.0 and 4.8 for permitted community facility uses. When mapped within a Special Mixed Use District, the maximum floor area permitted for community facility use is the maximum floor area ratio allowed for community facility use pursuant to the designated Residence District regulations.

R8
R8 zoning districts are non-contextual districts generally mapped in higher density areas of the city and permit a range of building types. Buildings can range in height from mid-rise eight- to ten-story buildings to much taller buildings. The maximum FAR for a height factor development in R8 districts ranges from 0.94 to 6.02, and the open space ratio ranges from 5.9 to 11.9. There are no set height limits, but the building must be set within the sky exposure plane, which begins at a height of 85 feet above the street line and then slopes inward over the zoning lot. Off street-parking is generally required for 40 percent of a building's dwelling units, but requirement are lower for income-restricted housing units and can be modified within the transit zone. Quality Housing regulations provide for a maximum FAR of 7.2 within Inclusionary Housing or located on a wide street. The street wall of the building must extend along the width of the zoning lot and at least 70% of the street wall must be within eight feet of the street line. Off-street parking requirements are the same as for height factor buildings.

R6
R6 districts are non-contextual zoning districts and permit all housing types at a maximum FAR of up to 2.43 and a maximum FAR of up to 4.8 for buildings containing certain community facility uses. R6 is a height factor district where residential and community facility uses are permitted with no fixed height limits and building envelopes are regulated by a sky exposure plane and open space ratio after a maximum base height of 60 feet. Residential development under the optional Quality Housing Program has a maximum FAR of 2.2 on narrow streets with a 55-foot building height limit and a maximum of 3.0 FAR on wide streets with a height limit of 70 feet. Off-street parking is required for 70 percent of the dwelling units. This requirement is lowered to 50 percent of the units if the lot area is less than 10,000 sq. ft. or if Quality Housing provisions are used. In R6 districts, off-street parking requirement are waived if fewer than five spaces are required.

C2-4
C2-4 commercial overlay districts are mapped within residential neighborhoods along streets that serve local retail needs. C2-4 overlays mapped over R6-R10 zoning districts have a commercial FAR of 2.0. Parking is generally required for 1 per 1,000 sq. ft., but is waived for developments generating less than 40 spaces. C2-4 districts allow for a somewhat wider variety of local retail and service uses, including UGs 1- 9 and 14.

M1-1
M1-1 zoning districts permit light industrial uses, such as woodworking shops, repair shops, wholesale service, storage facilities, limited community facility uses, and commercial uses. New residential use is not permitted within the M1-1 district. The maximum FAR permitted for manufacturing and commercial uses within the M1-1 district is 1.0 and 2.4 for permitted community facility uses. Off-street parking is required for manufacturing and commercial uses, and for most uses is calculated based on the amount of floor area. In M1-1 districts, the off-street parking requirement may be waived if fewer than fifteen spaces are required.

M1-5

An M1-5 zoning district was recently mapped to the southeast of the Development Site. M1-5 zoning districts permit nearly all industrial uses if they meet the stringent M1 performance standards, most commercial uses, and limited community facility uses. The maximum commercial FAR is 5.0 and the maximum community facility FAR is 6.5. Residential and community facility uses are not permitted. The maximum base height is 85'-0" or six stories, whichever is less and has an initial setback of 20 feet on a narrow street or 15 feet on a wide street. The height is governed by the sky exposure plane. M1-5 zoning districts do not require parking. The required number of loading berths is dependent on the type of use and its related floor area.

M3-1

M3-1 zoning districts accommodate heavy industrial uses and certain commercial uses at a maximum FAR of 2.0. New residential and community facility uses are not permitted. A sliver of an M3-1 district remains Franklin Street near the Bushwick Inlet. M3 districts are generally located near the waterfront and are buffered from residential area. Parking is required for 1 per 300 sq. ft.

The Bushwick Inlet Park is located to the south of the Project Area. The approximately 35.5 acre park that includes a multipurpose field for soccer, football and other sports, a viewing platform, playground and public access to the waterfront. The 61 Franklin Street Community Garden is located to the north of the Project Area and is a member operated communal garden and open space.

Public Transportation

The Project Area is located within a Transit Zone. The Greenpoint and Nassau Avenue G-train subway stations are each located approximately 0.5 east of the Project Area. There are numerous bus lines within walking distance from the Project Area. The B32 bus connects Williamsburg Bridge Plaza and Long Island City, and has stops in both directions within a one-minute walk. The B62 bus stop connects Downtown Brooklyn and Long Island City, and runs along Manhattan Avenue. The B43 bus connects Greenpoint and Lefferts Garden and is approximately a 10-minute walk from the Project Area. There are designated bike lanes along West Street, Franklin Street and Banker Street. A new bike lane is currently proposed on Quay and Franklin Streets to connect the existing protected bike lanes along West Street and Kent Avenue. The India St./Greenpoint Ferry Terminal is located approximately 0.5 miles to the north of the Project Area.

Other Zoning Designations

There are Inclusionary Housing Designated Areas mapped to the north of the Project Area from Franklin Avenue to the East River. The Project Area and surrounding area are located within the Transit Zone pursuant to ZR Appendix G, where reduced parking requirements apply to developments with income-restricted housing units. Additionally, Project Area is located within the Coastal Zone and Flood zone. The Project Area is located within the New York City Waterfront Revitalization Program (WRP). The WRP aims to maximize the benefits derived from economic development, environmental conservation and public use of the waterfront.

4. Description of the Proposed Project Area

The Project Area is located in the Greenpoint neighborhood within Brooklyn Community District 1. The Project Area consists of Block 2589, Lots 1, p/o 23 and p/o 13. The proposed land use actions would change the existing southern portion of the Special Mixed Use District (MX-8) M1-2/R6A zoning district to an M1-4/R7D zoning district. The western portion of the subject Block 2589 is improved with one-story industrial buildings. The remainder of the block has a large vacant lot and three- and four-story multi-family residential buildings. As noted above, the Project Area is located within the Coastal Zone, Flood Zone (1% annual flood plain), and an Inclusionary Housing Designated Area.

Non-Applicant Controlled Sites

Block 2598, Lot 23 (85 Quay Street) is an approximately 6,000 sq. ft. lot and is improved with an 13,810 sq. ft. three-story multi-family building with six dwelling units. Plans were filed and recently approved at the Department of Buildings to legalize loft dwelling conversion and to obtain a new Certificate of Occupancy.

Block 2598, Lot 13 (93 Quay Street) is an approximately 18,537 sq. ft. lot and is improved with an 18,537 sq. ft. industrial facility, consisting of a photography studio. There is currently an E-Designation (E-138) recorded against the site for HazMat, Air Quality and Noise, pursuant to the Greenpoint-Williamsburg Rezoning. In July 2020, plans were filed at the Department of Buildings

to permit the construction a new seven-story plus cellar mixed-use building. As of November 15, 2020, the plans are still under review.

5. Description of Proposed Development Site

The proposed Development Site is located at 79 Quay Street and consists of one tax lot (Block 2589, Lot 1) of approximately 16,500 sq. ft. The Development Site has approximately 165 feet of frontage along Quay Street and 100 feet of frontage on West Street, both 60-ft wide narrow streets. The Development Site is improved with three buildings on the lot consisting of an interior decorating studio, a furniture maker, a rock climbing gym and two residential dwelling units. There are two existing curb cuts along the Quay Street frontage measuring 37'-0" and 25'-0" and two existing curb cuts along the West Street frontage both measuring 15'-0".

6. Description of the Proposed Development

The proposed development is a new nine-story residential and commercial building with approximately 92,157 sq. ft. of floor area with an FAR of 5.58. The proposed building has a height of 101'-1" with a base height of 67'-1" The proposed building would contain approximately 10,584 sq. ft. of commercial (retail) floor area (0.64 FAR) and approximately 81,573 sq. ft. of residential floor area (4.94 FAR) with 86 dwelling units to be developed pursuant to Quality Housing regulations. The proposed development would provide the required residential parking in the cellar with space for approximately 32 cars and 43 bicycles.

7. Actions Necessary to Facilitate the Project

The two actions necessary to facilitate the proposed project are: a zoning map amendment changing from an M1-2/R6A to an M1-4/R7D zoning district within the Project Area and a zoning text amendment to amend ZR Article XII Chapter 3 MX-8 District to include the R7D zoning district and to establish an MIH Area with MIH Option 1 and Option 2 within the Project Area. The transition from an M1-2/R6A to an M1-4/R7D district is appropriate because it is consistent with the surrounding mixed-use context and would further area-wide planning goals of promoting mixed-use development with affordable housing and job growth on underutilized properties near transit.

<u>Proposed Zoning Map Amendment</u>

The Project Area is characterized by underdeveloped buildings and is ideally suited to support growth for the Greenpoint neighborhood of Brooklyn Community District 1. The Project Area is in close proximity to existing higher density residential zoning districts. As discussed above, the blocks located to the west of West Street are zoned R6 and R8, non-contextual residential zoning districts. The Project Area is located within a Transit Zone and is walking distance to the G train and local bus lines.

The proposed rezoning would encourage reinvestment in the western portion of Greenpoint. The Project Area is underdeveloped and presents an opportunity for new mixed-use growth. The proposed R7D district is a medium-density contextual district that would permit residential development at a maximum FAR of 5.6 for developments with permanent affordable housing set aside pursuant to the MIH program. The Project Area is located on a corner lot and the proposed development would establish an appropriate context for this block of Quay Street and support the proposed density. The location on the corner of Quay and West Streets provide an entryway to the Greenpoint waterfront The R7D would continue to provide an appropriate transition between the non-contextual R6 and R8 districts mapped along the waterfront to the west and the R6B zoning district mapped to the east. Additionally, the Project Area is an appropriate location for residential development at the proposed density due to its close proximity to public transit and open space. The Project Area is located within walking distance to the Greenpoint and Nassau Avenue G-train station, the B32, B62 and B43 busses, and the India St./Greenpoint Ferry Terminal and the Bushwick Inlet.

The proposed M1-4 zoning would also be mapped within the Project Area. The Project Area is located to the northwest of existing M1-1 and M3-1 zoning districts. The M1-4 zoning district

would permit the existing 2.0 FAR density, but would reduce the parking requirement. The M1-4 zoning district would be consistent with the surrounding area's built context. The location of the Project Area within a Transit Zone allows for more walk-to-work opportunities. The M1-4 zoning district would meet the City's goals of reinforcing and increasing job generating uses.

Mapping the proposed M1-4/R7D district would further the City's goals by promoting development on underdeveloped property proximate to an existing residential community and public transit that is undergoing a substantial rise in the price of housing related to an inadequate supply of housing to meet the current demand. The Project Area is underutilized and would benefit from the development of residential buildings. Furthermore, the Surrounding Area contains a range of local retail and service uses. The Special Mixed Use district would continue to permit these uses, while being consistent with the character of the neighborhood. The proposed rezoning would promote the development of new medium-density housing with active ground floor commercial uses to serve the neighborhood and provide jobs. The MX district will permit a wide variety of uses that would activate the site, and encourage reinvestment in underutilized lots, which would help create a vibrant development within the Surrounding Area.

Text Amendment Article XII, Chapter 3

The Applicant proposes to amend Section 123-63 of the Zoning Resolution to amend the existing MX-8 Special Mixed Use District to include an R7D zoning district. The proposed text amendment will further the City's goals in allowing new housing development as well as the continuation and expansion of light industry and commercial businesses within the area. It will also permit an enlargement of the residentially converted loft buildings. The amendment would permit additional commercial uses at the site, as the parking requirement of an M1-4 zoning district would substantially reduce space needed for parkin and can instead be used for commercial uses. Additionally, the amendment would permit construction of residential buildings at a higher density in furtherance of the City's goals to provide additional housing units.

Mandatory Inclusionary Housing Area Text Amendment

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 25-30 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. The Applicant proposes mapping both MIH Option 1 and Option 2 within the Project Area to provide maximum flexibility for non-Applicant controlled sites. The Applicant seeks to map Options 1 and 2 for the Development Site, resulting in approximately 22 – 26 permanently affordable units, but the Applicant will seek additional input from Brooklyn Community Board 1 and Council Member Levin regarding the level of affordability for the Proposed Development. The proposed affordable housing set asides would ensure that development within the Project Area would address the critical need for new affordable housing in Brooklyn Community District 1. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by increasing affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development.

8. Conclusion

The Applicant proposes a zoning map amendment to map an M1-4/R7D zoning district in the Project Area and a zoning text amendment to establish the Project Area as an MIH Area and. The proposed actions would facilitate a mixed-use development in the Greenpoint neighborhood within Brooklyn Community District 1. The proposed development would create approximately 86 dwelling units and would permit retail uses in the local neighborhood. The proposed rezoning would provide increased opportunities for housing development on underutilized sites, including mandatory affordable housing and non-residential use. The MIH program ensures that new development within the Project Area would address the need for housing that serves low-income levels. These actions would be consistent with the City's goals of strengthening neighborhoods, expanding housing, including affordable housing, and employment in transit accessible areas while respecting the character of surrounding residential communities.