Chapter 2: Land Use, Zoning, and Public Policy

A. INTRODUCTION

As described in Chapter 1, "Project Description," the Proposed Actions would rezone the western portion of a block in the Williamsburg neighborhood of Brooklyn (the Project Area, coterminous with the Rezoning Area). This would facilitate the construction of a new mixed-use building containing office, light industrial, community facility, and retail uses (the Proposed Project) on the site of an existing single-story warehouse located at 307 Kent Avenue (the Development Site, or Projected Development Site 1). The Proposed Actions are also anticipated to result in a new mixed-use development on an adjacent site at 305 Kent Avenue (Projected Development Site 2). This chapter assesses the potential impacts of the Proposed Actions on land use, zoning, and public policy, as compared with conditions in the Future without the Proposed Actions (the No Action condition). As described below, the assessment concludes that the Proposed Actions would be compatible with existing land uses, zoning, and public policies in the surrounding area.

PRINCIPAL CONCLUSIONS

The Proposed Actions would not result in significant adverse impacts related to land use, zoning, and public policy. The Proposed Actions would be compatible with existing land uses, zoning, and public policies in the Project Area. The Proposed Actions would facilitate the development of commercial, light industrial and manufacturing, community facility, and retail uses that would be consistent with the mixed-use nature of the surrounding neighborhood. The new office, light industrial, and medical office uses would provide additional space for employment in a mix of uses and the ground level retail would further activate the street and provide retail opportunities for the local population. The proposed building on Projected Development Site 1 would be at a similar scale to several existing buildings within the study area and smaller than several other buildings within the study area such as the existing and the planned buildings of the Domino Sugar Refinery redevelopment. The development anticipated on Projected Development Site 2 as a result of the Proposed Actions would also be of a similar scale and contain a mix of commercial and community facility uses, including ground-floor retail uses. The Proposed Actions would be consistent with public policies, in particular contributing to the ongoing transformation of the neighborhood from a former industrial area to a mixed-use area as consistent with OneNYC's goal of thriving neighborhoods. The Proposed Actions have also been assessed for consistency with the City's Waterfront Revitalization Program (WRP) and have been determined to be consistent with the policy (see **Appendix A**; WRP #16-156).

B. METHODOLOGY

The Project Area is located in the Williamsburg neighborhood of Brooklyn Community District 1. The analysis of land use, zoning, and public policy assesses the area within 400 feet of the Project Area, which is where the Proposed Actions could reasonably be expected to cause potential effects, according to the 2020 *City Environmental Quality Review (CEQR) Technical Manual*. The

land use study area is generally bounded by South 1st Street to the north, Wythe Avenue to the east, South 5th Street to the south, and the East River to the west (see **Figure 2-1**).

The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then considers land use, zoning, and public policy in the No Action condition in the 2023 analysis year by identifying developments and potential policy changes expected to occur within that timeframe. Probable impacts of the Proposed Actions are then identified by comparing conditions in the Future with the Proposed Actions (the With Action condition) with those conditions in the No Action condition.

C. EXISTING CONDITIONS

LAND USE

PROJECTED DEVELOPMENT SITE 1

The Project Area covers the western portion of Brooklyn Block 2415 and includes five tax lots and portions of two more tax lots. Projected Development Site 1, on which the Proposed Project is to be constructed, consists of Lot 1, and measures approximately 14,425 square feet (sf) in size. Projected Development Site 1 is currently improved with a single-story warehouse building with a mezzanine that is used as a warehouse/production event space known as "Villain." The existing building was constructed in 1971 and contains approximately 15,296 gross square feet (gsf) of floor area.

Projected Development Site 1 is currently owned by the applicant, 307 Kent Associates.

PROJECTED DEVELOPMENT SITE 2

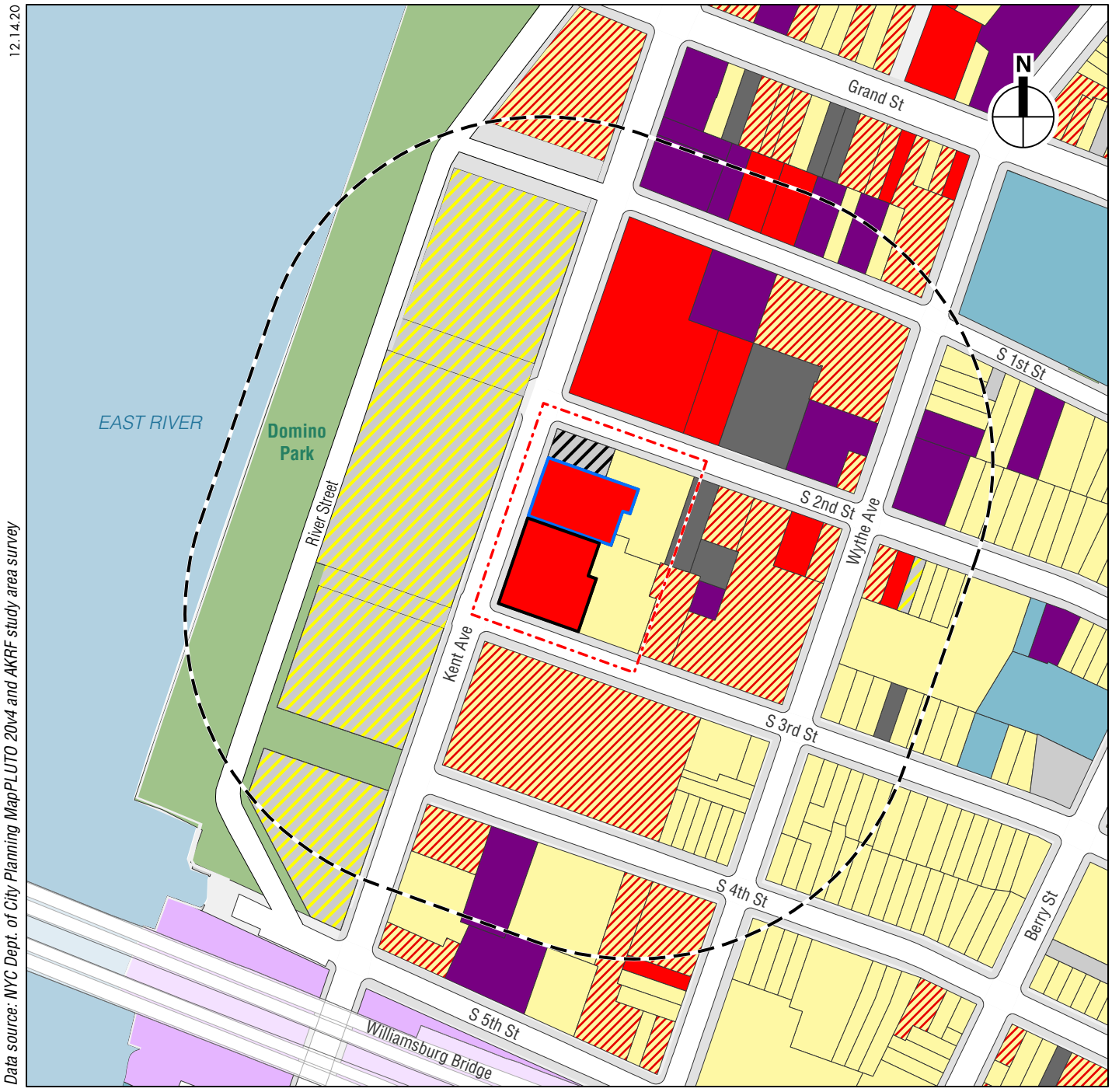
In addition to the Proposed Project, the Project Area contains another site that could be redeveloped by the analysis year as a result of the Proposed Actions. This site, Projected Development Site 2, consists of Lot 6 and measures approximately 11,330 sf in size. Projected Development Site 2 is currently occupied by an 11,334-gsf single story warehouse constructed in 1962.

This applicant does not control this site.

REMAINDER OF THE PROJECT AREA

The Project Area also includes three additional lots and portions of two more lots on Block 2415 that are not anticipated to be redeveloped as a result of the Proposed Actions. These are Lots 10, 7501, 7502, and portions of (p/o) Lots 16 and 38. Lots 10, 7501, and 7502 were redeveloped pursuant to 2003 BSA Resolution (BSA Cal. No 102-03-BZ), which granted a variance for the development of three buildings that have subsequently been completed. This development consists of two four-story residential condominium buildings with a combined floor area of 57,819 gsf on Lots 7501 and 7502, which were completed in 2009 and 2010, and a single-story commercial building with a floor area of 3,212 gsf on Lot 10 completed in 2008 that is currently vacant. A shared accessory parking lot also exists in the rear yard and rear yard equivalent of Lots 7501 and 7502 containing 29 parking spaces for building residents.

Lot 16 currently contains a private accessory parking lot associated with an adjacent daycare use at 56 South 2nd Street (Lot 19), while Lot 38 contains a 12,172-gsf four-story residential walk-up with ground floor retail constructed in 1920 and converted to the current use in 2000.



Existing Land Use

307 KENT AVENUE

Figure 2-1

STUDY AREA

Uses within the land use study area include residential, commercial, community facility, industrial, parking, and open space uses and range from large buildings to single-story structures (see **Table 2-1**). The remainder of Block 2415 to the east of the Project Area contains residential uses with commercial and community facility uses below, fully commercial buildings, and manufacturing/heavy commercial uses in one- to five-story buildings. Notably, a new five story mixed-use building containing retail, office, and residential uses was recently completed at 60 South 2nd Street fronting Wythe Avenue.

The portion of the block across Wythe Avenue to the east within the study area includes several multifamily residential walk-up buildings, some with commercial uses below, two vacant lots, and a new 19-story residential apartment building at 321 Wythe Avenue completed in 2018. The block to the southeast of the Project Area also contains several multifamily residential walk-up buildings, though without commercial uses on the ground floors.

The block directly south of the Project Area is primarily residential, with some ground floor commercial uses. The eastern portion of the block is occupied by several multi-story walkup residential-only buildings, both new and old, and the western portion consists of 325 Kent Avenue, a new residential development. Opened in 2018 as the first building of the former Domino Sugar Refinery project, 325 Kent Avenue (the only part of the project located to the east of Kent Avenue), is a 16-story, 383,249-gsf residential building containing 522 dwelling units (DUs) and commercial uses on its ground floors. The southernmost block in the study area, south of South 4th Street, has a mix of uses including residential, residential with commercial, and industrial uses. Building types include single-story warehouses and bars, multifamily walkup residential buildings, and multifamily elevator apartment buildings, some with ground floor retail. A project to convert an existing warehouse to a mixed-use building containing commercial and residential uses is also under construction at 333 Kent Avenue.

West of the Project Area is the aforementioned site of the former Domino Sugar Refinery, which extends from Kent Avenue to the East River between South 5th Street and Grand Street. Since the refinery closed in 2004, the site has been undergoing a redevelopment process that will lead to a mix of residential, commercial, community facility, and park uses spread out amongst four new buildings, a new park, and a renovated and reimagined refinery building, which is a NYC Landmark.[1] The plan for the site includes improved public access to the waterfront and affordable housing.[2] As previously described, the first of these buildings, 325 Kent Avenue, containing 522 DUs, is the only part of the project located to the east of Kent Avenue and opened in 2018. Domino Park, a new 5-acre public park also opened in 2018 and extends the length of the site along the East River with several upland connections to Kent Avenue. The northernmost of the project's new residential towers, at 260 Kent Avenue, which will contain 332 DUs, recently completed construction and is partially occupied. Two additional residential towers are planned at 280 Kent Avenue and 350 Kent Avenue, containing 680 and 422 DUs respectively, and the landmarked former refinery building at 314 Kent Avenue will be renovated and redeveloped as commercial space.

[1] See individual designation report by the Landmarks Preservation Commission (LPC), LP-2268, for the former Havemeyers & Elder Filter, Pan & Finishing House, also known as the Domino Sugar Refinery building, at 219-314 Kent Avenue.

[2] See CPC Lead Report (C 100187 ZSK).

The block to the north of the Project Area also contains a mix of uses including commercial, industrial, residential with commercial below, and parking uses. The western portion of the block is occupied by the two-story headquarters of Vice, a media organization. Other buildings on the block include single-story warehouse buildings and art studios, a single multifamily walkup residential building with commercial uses on the ground floor, and an eight-story multifamily elevator apartment building with commercial uses on the ground floor. The portions of the northernmost block within the study area contain several single-story manufacturing buildings and multifamily walkup residential buildings, both with and without ground floor commercial uses. The small portion of the block to the northeast of the Project Area that is within the study area includes two single-story manufacturing buildings and several multifamily walkup residential buildings without ground floor commercial uses.

Table 2-1
Existing Land Uses within the Study Area

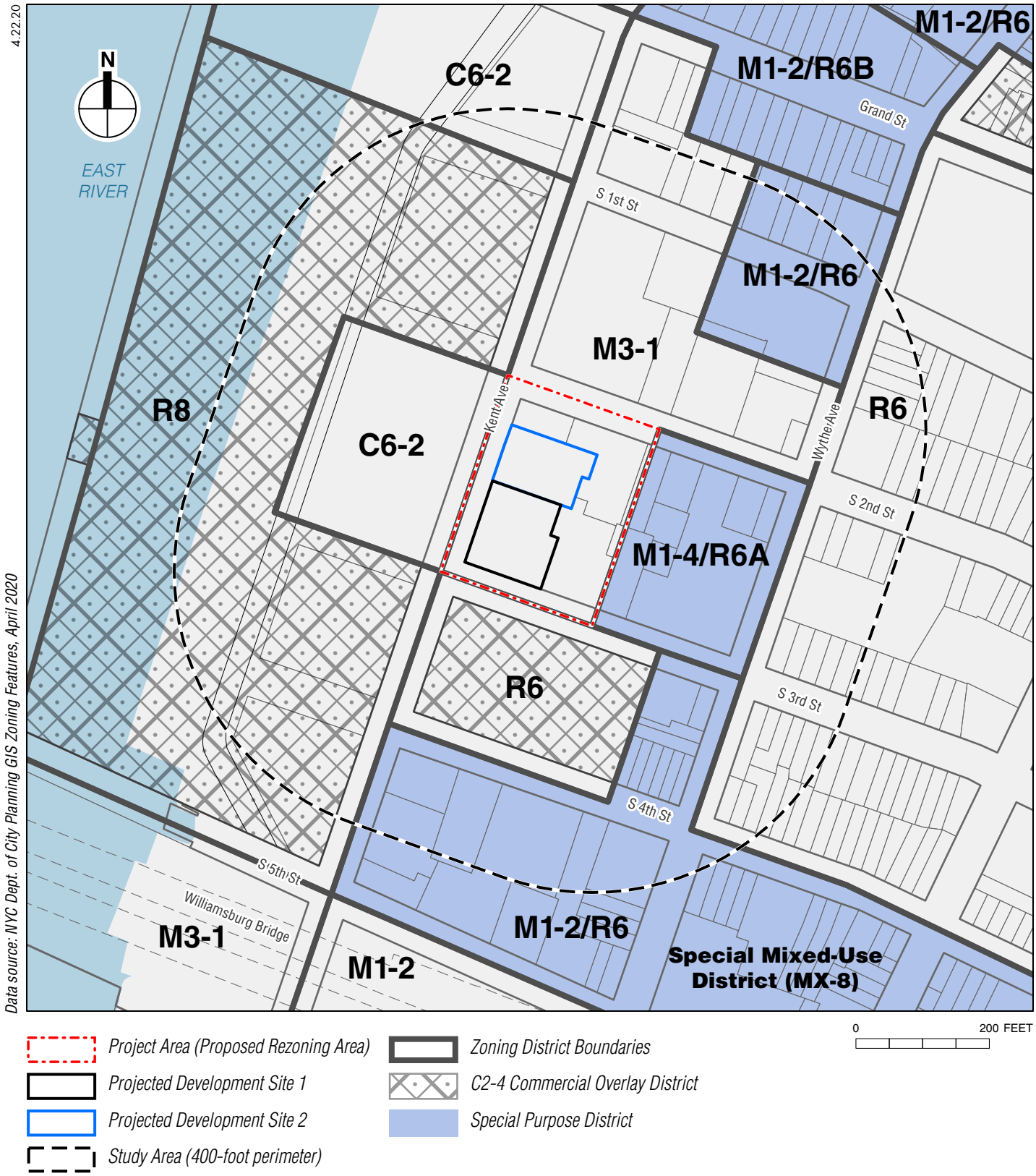
Land Use	Number of Lots	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)	Building Area (sf)	Percentage of Total Building Area (%)
Residential	49	52.69	159,964	13.22	447,746	23.39
Mixed Commercial and Residential	13	13.98	190,556	15.75	1,194,565	62.41
Commercial/Office Buildings	9	9.68	88,528	7.32	107,923	5.64
Industrial/Manufacturing	10	10.75	58,918	4.87	60,782	3.18
Open Space	1	1.08	509,214	42.10	-	-
Parking Facilities	4	4.30	24,747	2.05	-	-
Under Construction	5	5.38	173,706	14.36	96,821	5.06
Vacant Building	1	1.08	3,206	0.27	6,341	0.33
Vacant Land	1	1.08	833	0.07	-	-
Totals	**93**	**100.00**	**1,209,672**	**100.00**	**1,914,178**	**100.00**

Notes: Total lot areas and building areas included for all lots which have 50 percent or more of their area within the land use study area.
Sources: New York City PLUTO™ data files, 2018 and 2020 field visits.

ZONING

PROJECT AREA

The Project Area is currently zoned as M3-1 (see **Figure 2-2** and **Table 2-2**). M3-1 districts are manufacturing districts that are intended for heavy industrial uses that generate noise, traffic, or pollutants and are generally located some distance from residential areas with a buffer district in between the two uses to ensure safety. M3-1 districts were extensively mapped along the City's waterfront as part of the comprehensive 1961 Zoning Resolution, a reflection of the past working waterfronts. M3-1 districts have a manufacturing and commercial floor to area ratio (FAR) maximum of 2.0, while residential use and community facility uses are prohibited. Building heights in M3-1 districts may reach up to 60 feet before a setback is required. One parking space per 300 sf of floor area is required for most retail and service uses. Industrial and manufacturing uses require a range of one space per 1,000 to 2,000 sf of floor area. Large parts of this M3-1 district have subsequently been rezoned to allow for more mixed uses, including the eastern



Existing Zoning

portion of the Project Area's block, which was rezoned in 2011 from M3-1 to become part of an MX district further described below (Wythe Avenue Rezoning, CEQR Number 07DCP035K).

Portions of Lot 16 and 38 are zoned as M3-1 and are located in the Project Area, while the remainder of these lots are zoned as an MX (M1-4/R6A) district, described further below, and are located outside of the Project Area. As the M3-1 zoned portions of Lots 16 and 38 are currently located less than 25 feet from the existing zoning district boundary line between the M3-1 and MX (M1-4/R6A) districts, the entirety of Lots 16 and 38 can, under existing zoning (ZR Sec. 77-11), be treated as if wholly located within the MX district.

Table 2-2
Zoning Districts Located in the Study Area

Zoning District	Maximum FAR[1,2]	Uses/Zone Type
R6	3.0 (2.2 on narrow streets) under Quality Housing; 2.43 under Height Factor	Medium-density residential district
R8	7.2 (6.02 on narrow streets) under Quality Housing; 6.02 under Height Factor	High-density residential district
C2-4 overlay	2.0 commercial	Commercial overlay[3]
C6-2	6.0 commercial	High-density commercial district
M1-2	2.0 manufacturing	Light manufacturing district
M1-4	2.0 manufacturing	Light manufacturing district
M3-1	2.0 manufacturing	Heavy manufacturing district
MX-8 (M1-2/R6)	3.0 residential (2.2 on narrow streets) under Quality Housing; 2.43 residential under Height Factor; 2.0 manufacturing; 2.0 commercial; 6.5 community facility[4]	Mixed-use district
MX-8 (M1-4/R6A)	3.0 residential; 2.0 manufacturing; 2.0 commercial; 3.0 community facility[3]	Mixed-use district

Notes:
[1] FAR is a measure of density establishing the amount of development allowed in proportion to the lot area. For example, a lot of 10,000 sf with a FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf.
[2] FAR and bulk regulations are substantially modified when mapped within a LSGD or IHDA.
[3] In mixed-use buildings, commercial uses must always be located beneath residential uses.
[4] Only community facility uses in UG 4 are permitted.
Source: *New York City Zoning Resolution*

STUDY AREA

The study area contains a variety of zoning designations (see **Table 2-2**). The remainder of Block 2415 is located within a Special Mixed Use District (MX), specifically MX-8. The MX-8 Special Mixed-Use District was established in the Williamsburg and Greenpoint neighborhoods as part of a 2005 rezoning (Greenpoint-Williamsburg Rezoning, CEQR #04DCP003K) intended to facilitate new housing and commercial development on vacant and underutilized land, and was subsequently extended to the remainder of Block 2415 as part of the 2011 Wythe Avenue Rezoning, CEQR # 07DCP035K). MX districts, by pairing M1 light manufacturing districts with a residential district (potentially R3 through R10), encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area, promote the opportunity for

workers to live in the vicinity of their work, create new opportunities for mixed use neighborhoods, and recognize and enhance the vitality and character of existing and potential mixed use neighborhoods. Residential uses in MX districts are generally governed by the underlying residential district's FAR regulations, while commercial, manufacturing, and community facility uses are generally governed by the underlying manufacturing district's FAR controls.[3] The portion of the MX-8 district mapped on the eastern portion of Block 2415 is designated as an M1-4/R6A district and located within an Inclusionary Housing designated area (IHDA).[4] IHDA are designated areas in which a developer may construct more floor area if they provide a specified amount of affordable housing.

When M1 districts are paired with a residential district within an MX district, the underlying M1 uses regulations are modified by dividing heavy commercial and industrial uses into three categories: (i) uses permitted as-of-right, (ii) uses with restrictions and (iii) excluded uses. M1 districts are light manufacturing districts that permit uses such as woodworking, repair facilities, wholesalers, and storage facilities. Industrial uses are permitted in M1 districts if they meet M1 performance standards, and office and retail uses are also permitted.[5] M1-4 districts have a manufacturing and commercial FAR of 2.0. Community facility uses in Use Group 4 are also permitted as of right in M1-4 districts, with a maximum FAR of 3.0 when located within an MX district and paired with an R6A district.[6] No parking for non-residential uses is required in M1-4/R6A districts. The maximum residential FAR in an R6A district in an IHDA is 2.7 (rising to 3.6 when affordable housing is provided in accordance with ZR § 23-90, inclusive).

Height limitations are uniformly established within MX districts for all permitted uses. In this M1-4/R6A district, the height regulations follow an R6A building envelope. R6A districts are medium-density contextual residential districts in which Quality Housing bulk regulations are mandatory. Quality Housing bulk regulations have high lot coverage allowances and height and setback rules that ensure the construction of buildings that either maintain or establish a scale similar to older buildings. The minimum and maximum base heights range from 40 feet to 50 feet (above which a setback is required) and the maximum building height is 70 feet.[7] Parking is required for 50 percent of DUs.[8]

The three blocks in the eastern portion of the study area to the east of Wythe Avenue between South 1st and South 4th Street have an R6 zoning designation and are located within an IHDA. R6 districts within IHDA permit a base residential FAR of 2.2 beyond 100 feet of a wide street

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[3] With the exception of community facility FAR being governed by the MX's residential district.

[4] See Appendix F of the Zoning Resolution, Brooklyn Community District 1, Map 2.

[5] While transient hotels are generally prohibited on an as-of-right basis in M1 districts, they are permitted in MX districts.

[6] When community facility use is located within a building containing residential use in an MX district and within an IHDA area, the maximum community facility FAR cannot exceed the maximum residential FAR (whether the base FAR of 2.7 or the increased FAR of 3.6 through the provision of affordable housing).

[7] In an M1-4/R6A district, if affordable housing is provided in accordance with ZR § 23-90 et seq., the maximum base height and maximum building height may be increased from 50 feet to 65 feet and from 70 feet to 80 feet, respectively. If a qualifying ground floor is provided, then the maximum building height can be increased to 85 feet.

[8] Parking requirements are further modified in certain areas for lots less than 10,000 sf in size and for income restricted DUs within the Transit Zone.

and a base residential FAR of 2.7 within 100 feet of a wide street.[9] Through the provision of affordable housing, FAR may be increased to 2.42 and 3.6, respectively. The maximum base height is 65 feet within 100 feet of a wide street and 45 feet beyond 100 feet of a wide street. Parking is required for 50 percent of DUs.[10]

The western portion of the block to the south of the Project Area (the portion containing the 325 Kent Avenue building) is also zoned as an R6 district but with a C2-4 commercial overlay. C2 commercial overlay districts are mapped within residential districts along streets that serve local retail needs and are found extensively throughout the City's lower- and medium-density areas and occasionally in higher-density districts. These districts preserve the underlying residential zoning regulations while allowing for ground-level retail uses in residential buildings. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors, as well as a wider range of uses such as funeral homes and automotive repair services. When mapped in R6 through R10 districts, the maximum commercial FAR is 2.0, and commercial buildings are subject to commercial bulk rules.

The eastern portion of the block located directly south of the Project Area as well as the southernmost block in the study area are also zoned as part of the MX-8 Greenpoint-Williamsburg MX District. This portion of the MX-8 district is designated as an M1-2/R6 mixed-use district, combining an M1-2 manufacturing district with the R6 residential zoning district described above. M1-2 manufacturing districts are similar to the M1-4 district also described above, but require one parking space for every 300 sf of floor area.

The approximate 9.8-acre former Domino Sugar Refinery site to the west of Kent Avenue, while mapped within R6/C2-4, R8/C2-4 and C6-2 districts, is under the jurisdiction of the City Planning Commission (CPC) as part of a 2010 Large Scale General Development (LSGD), which substantially modifies the underlying bulk regulations for this site. The 2010 CPC actions included a zoning map amendment that rezoned approximately 11 acres[11] of M3-1-zoned land to a combination of R6/C2-4, R8/C2-4 and C6-2 districts with height and setback modifications that allow significantly taller buildings than would otherwise be permitted by the underlying regulations for these districts. On March 5, 2014, the CPC, through special permits, authorizations and certifications,[12] amended a large-scale general development[13] plan originally approved on July 29, 2010 for the former Domino Sugar Refinery site. As a result of these approvals, the redevelopment of the site will provide waterfront public access and affordable housing, and ensure the preservation of the landmarked former Domino Sugar Refinery building.

[9] A wide street is a street that is 75 feet or more in width, while a narrow street has a width of less than 75 feet.

[10] Parking requirements are further modified in certain areas for lots less than 10,000 sf in size and for income restricted DUs within the Transit Zone.

[11] The Domino Site LSGD is comprised of an approximately 9.8-acre site on "waterfront blocks" to the west of Kent Avenue and the Project Area, and a separate approximately 1.3-acre site to the east of Kent Avenue directly to the south of the Project Area across South 3rd Street.

[12] See CPC Lead Report (C 140132 ZSK).

[13] ZR §12-10, in addition to other requirements, defines a LSGD as treating contiguous zoning lots as a single development site notwithstanding their separation by a street.

Most of the remaining portion of the study area to the north of the Project Area is zoned as an M3-1 district; the only exception is the northeastern corner of the study area, which is part of the MX-8 Greenpoint-Williamsburg MX District with M1-2/R6 zoning.

PUBLIC POLICY

WATERFRONT REVITALIZATION PROGRAM (WRP)

The Project Area and portions of the study area are located within the boundaries of New York City's Coastal Zone (see **Figure 2-3**). Therefore, the Proposed Actions are subject to a consistency review under the City's WRP. The WRP is the City's principal Coastal Zone management tool and establishes a broad range of public policies for the City's coastal areas. A local Waterfront Revitalization Program (WRP), such as New York City's, is subject to approval by the New York State Department of State (NYSDOS) with the concurrence of the United States Department of Commerce pursuant to applicable State and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the Federal Coastal Zone Management Act. The WRP was originally adopted by the City of New York in 1982, revised in 2002, and revised again in 2013. The most recent versions were approved by the City Council in 2013 and adopted by NYSDOS (with the concurrence of the U.S. Department of Commerce) in 2016.

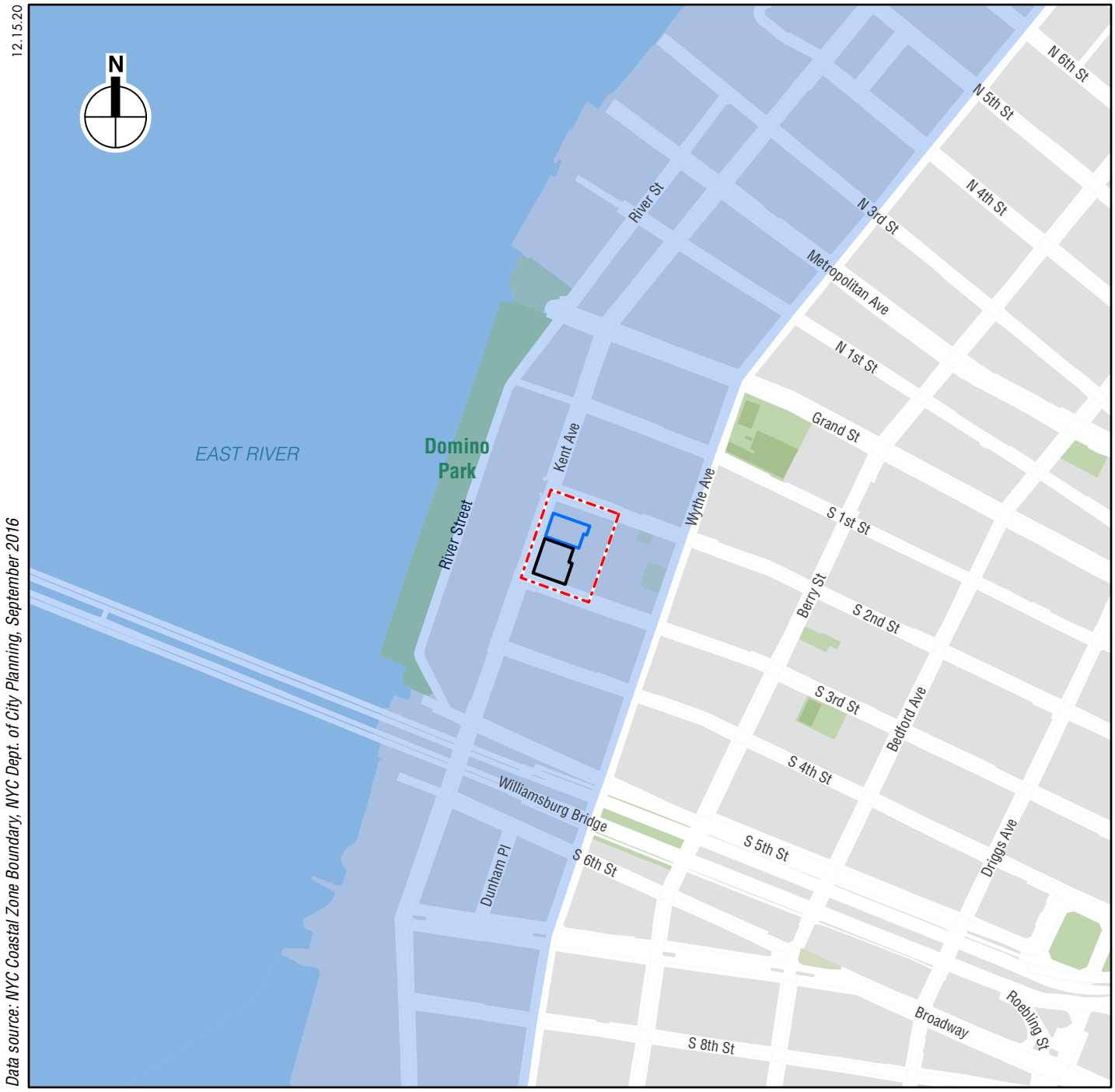
The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives. The recent revisions' incorporation of climate change and sea level rise considerations to increase the resiliency of waterfront areas, promotion of waterfront industrial development, as well as commercial and recreational waterborne activities, increased restoration of ecologically significant areas, and best practices for the design of waterfront open spaces. In addition, as part of the WRP revisions, the Coastal Zone boundary has been extended further inland in many locations to reflect alterations to Federal Emergency Management Agency (FEMA) flood zone maps. All proposed actions subject to CEQR, the Uniform Land Use Review Procedure (ULURP), or other City, State, or federal agency discretionary actions that are situated within New York City's designated Coastal Zone boundary must be reviewed and assessed for their consistency with the WRP. An assessment of the Proposed Actions' consistency with applicable WRP policies is warranted, and is included in the environmental impact statement (EIS).

PLANYC/ONENYC

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, One New York: The Plan for a Strong and Just City (OneNYC) was released by the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency. OneNYC builds upon the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include those related to housing (ensuring access to affordable, high-quality housing) and thriving neighborhoods (ensuring that neighborhoods will be well-served).

NEW YORK WORKS

In June 2017, the New York City Office of the Deputy Mayor for Housing and Economic Development released New York Works, an economic development plan focused on supporting



NYC Coastal Zone Boundary

307 KENT AVENUE

Figure 2-3

growing industries and employment opportunities through City investments and direct actions, with the goal of creating 100,000 new quality jobs. The plan focuses on key sectors that have the potential to support well-paid jobs, including technology, life sciences and healthcare, industrial and manufacturing, and creative and cultural sectors, and also supports the revitalization of the traditional commercial office sector. The plan also outlines several strategies for public support, including modernizing and repurposing City-owned properties for commercial or manufacturing uses, financing and tax incentives, and infrastructure investments.

D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

LAND USE

PROJECTED DEVELOPMENT SITE 1

In the No Action condition, it is expected that the existing conditions within the Project Area would remain in 2023. The Project Area would not be rezoned from M3-1 to M1-5 and the nine-story mixed-use building proposed for Lot 1 would not be constructed. The existing use of the site as a warehouse/production event space is assumed to continue under the No Action condition.

PROJECTED DEVELOPMENT SITE 2

In the No Action condition, it is expected that the existing warehouse use on Lot 6 would remain in 2023 and the site would not be redeveloped.

REMAINDER OF THE PROJECT AREA

In the No Action condition, it is expected that the existing conditions and uses within the remainder of the Project Area would remain in 2023. Lots 10, 7501 and 7502, would remain under Board of Standards and Appeals (BSA) jurisdiction per the 2003 BSA resolution. Any redevelopment or enlargement of the existing buildings on these lots would be contingent upon further discretionary a BSA approval process. No changes to Lots 16 and 38 are anticipated.

STUDY AREA

Within 400 feet of the Project Area, there are seven background development projects that are currently anticipated to be completed by 2023. These include four different buildings that are part of the redevelopment of the former Domino Sugar Refinery site, as well as two additional projects, see **Table 2-3**.[14]

The four buildings that are part of the Domino Sugar Refinery redevelopment are three mixed-use towers at 260, 280, and 350 Kent Avenue and the adaptive reconstruction and reuse of the landmarked former Domino Refinery building (the former Havemeyers & Elder Filter, Pan & Finishing House) at 314 Kent Avenue. 260 Kent Avenue, which recently completed construction and is partially occupied, will contain 332 DUs and 159,652 zoning square feet (zsf) of commercial space at full occupancy. The next tower planned in the development at 280 Kent Avenue will contain 680 DUs, 11,018 zsf of commercial space, 75,145 zsf of community facility space, which will be a 375-seat new elementary school, and 481 parking spaces. The completion of 280 Kent

[14] The first building to be built as part of the redevelopment of the former Domino Sugar Refinery site, 325 Kent Avenue, was completed and opened in 2018.

Avenue will be followed by the construction of the final tower planned at 350 Kent Avenue, which will contain 422 DUs, 41,801 zsf of commercial space, and 300 parking spaces. The reconstruction and adaptive reuse of the former Domino Refinery building at 314 Kent Avenue will yield 429,068 zsf of commercial space and 35,753 zsf of community facility space (artist/studio spaces). The estimated completion years for the buildings at 280 and 350 Kent Avenue are currently unknown, and are expected to occur after the Proposed Project's 2023 build year. The adaptive reuse of the former Domino Refinery building at 314 Kent Avenue is expected to be completed by the 2023 build year.

The other development projects within the study area planned for completion by 2023 are smaller in scale. These include 72 South 2nd Street, which will contain 7 DUs, 2,611 zsf of commercial space, 1,139 zsf of community facility space, and 1 parking space; and 333 Kent Avenue, an alteration to an existing building, which will contain 2 DUs, and 8,879 zsf of commercial space.

Table 2-3
No Build Projects

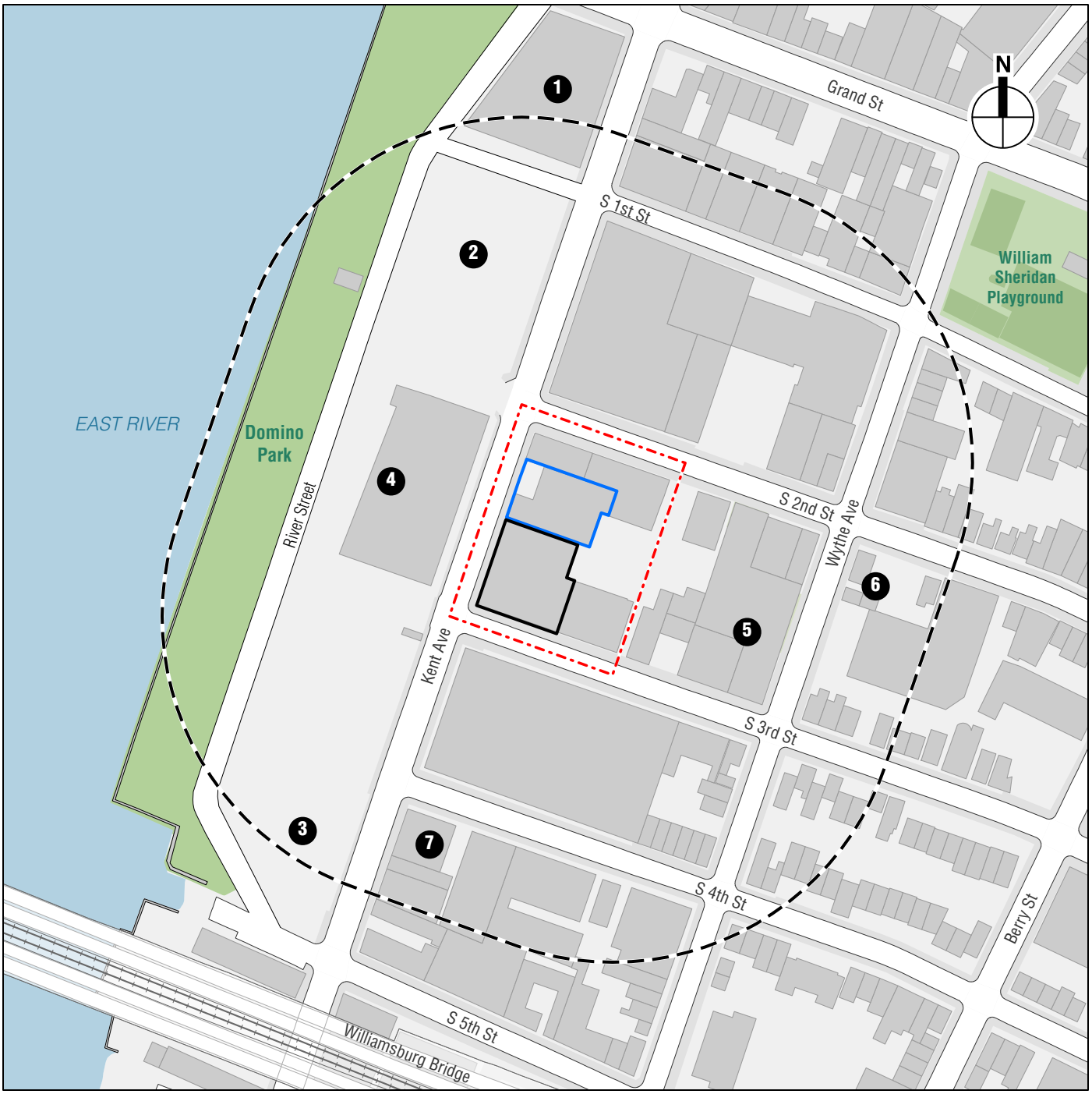
Fig Ref.[1]	Project Name/Address	Project Description/Program
Land Use Study Area (400-foot Radius)		
1	260 Kent Avenue[4]	DUs: 332 Commercial: 159,652 zsf
2	280 Kent Avenue[2]	DUs: 680 Commercial: 11,018 zsf Community Facility: 75,145 zsf (375-seat school) Parking: 481 spaces
3	350 Kent Avenue[2]	DUs: 422 Commercial: 41,801 zsf Parking: 300 spaces
4	314 Kent Avenue (former Domino Sugar Refinery building)	Commercial: 429,068 zsf Community Facility: 35,753 zsf
5	60 South 2nd Street[4]	DUs: 28 Commercial: 50,902 zsf Parking: 14 spaces
6	72 South 2nd Street	DUs: 7 Commercial: 2,611 zsf Community Facility: 1,139 zsf Parking: 1 space
7	333 Kent Avenue[3]	DUs: 2 Commercial: 8,879 zsf

Notes:
[1] See **Figure 2-4**.
[2] The completion years for 280 Kent Avenue and 350 Kent Avenue are currently unknown, but are expected to occur after the Proposed Project's 2023 build year. They have been included as No Build Projects to provide for a conservative CEQR assessment.
[3] Alteration enlarging an existing building.
[4] Construction completed in late 2019 and building is partially occupied as of 2020.
[*] Unless noted otherwise, planned projects are assumed for purposes of this analysis to be complete by the analysis year of 2023.
Sources:
DOB; AKRF, Inc., field survey, February and December 2018, December 2020; New York YIMBY (http://newyorkyimby.com); CityRealty (https://www.cityrealty.com/)

ZONING AND PUBLIC POLICY

No changes to zoning or public policy applicable to the Project Area are expected by 2023.

12.15.20



0 200 FEET

Project Area (Proposed Rezoning Area)

Projected Development Site 1

Projected Development Site 2

Study Area (400-foot perimeter)

1 *No Build Project*



No Build Projects

307 KENT AVENUE

Figure 2-4

E. THE FUTURE WITH THE PROPOSED ACTIONS

LAND USE

PROJECTED DEVELOPMENT SITE 1

In the With Action condition, the applicant would demolish the existing single-story building on Projected Development Site 1 and construct the Proposed Project, a nine-story mixed-use building. The proposed building would contain approximately 101,000 gsf of floor area, including 70,000 gsf of office uses (split between 1/3 office use and 2/3 light industrial and manufacturing use for the purposes of analysis), 22,000 gsf of community facility (medical office) uses, and 9,000 gsf of retail uses on the ground floor.[15] The Proposed Project would be approximately 151 feet tall (163 feet tall including mechanical bulkhead), with a total FAR of up to 6.5 (including up to 1.5 FAR of UG 4A community facility uses).

PROJECTED DEVELOPMENT SITE 2

It is assumed that the Proposed Actions would facilitate the development of Projected Development Site 2 (Lot 6). It is anticipated that the site would be redeveloped with a new nine-story mixed-use building containing approximately 80,500 gsf of floor area. This would include 55,000 gsf of office uses, 17,500 gsf of community facility (medical office) uses, and 8,000 gsf of retail uses on the ground floor. The anticipated building on Projected Development Site 2 would be approximately 125 feet tall with a total FAR of up to 6.5 (including up to 1.5 FAR of UG 4A community facility space.

REMAINDER OF THE PROJECT AREA

No changes are anticipated in the remainder of the Project Area as a result of the Proposed Actions. Lots 10, 7501, 7502, and portions of Lots 16 and 38 do not meet the criteria of a "soft site" as defined by the *CEQR Technical Manual*. As previously mentioned, Lots 10, 7501, and 7502 would remain under Board of Standards and Appeals (BSA) jurisdiction per the 2003 BSA resolution. Any redevelopment or enlargement of the existing buildings on these lots would be contingent upon a further discretionary BSA approval process. The portions of Lots 16 and 38 that are within the Project Area can currently be developed under the existing M1-4/R6A zoning covering the remaining portion of these lots, and this situation would remain in the With Action condition. As such, the Proposed Actions would not increase the development potential of Lots 16 and 38, and no changes to these lots are anticipated.

STUDY AREA

The Proposed Actions would not result in any land use changes outside of the Project Area. The study area would continue to be characterized by a mix of predominately residential, commercial,

[15] Approximately 6,000 gsf of loading and mechanical space has been included in the office uses gsf total. As discussed in Chapter 1, "Project Description," the proposed M1-5 district encourages commercial and light industrial uses, and manufacturing uses would be subject to stringent performance standards consistent with the mixed-use character of the neighborhood. For the purposes of the CEQR analyses, a portion of the 70,000 gsf commercial uses are assumed to be light industrial in order to present a conservative analysis for certain technical areas, such as Air Quality, and a portion is assumed to be office in order to present a more conservative analysis in other technical areas, such as Transportation.

industrial, and park uses. The Proposed Project's commercial, light industrial and manufacturing, community facility, and retail uses would be consistent with the mixed-use nature of the surrounding neighborhood and further reinforce it. Local retail uses that would be facilitated on Projected Development Site 1 would be similar to existing local retail uses in the study area. At a height of nine stories, the Proposed Project would be at a similar scale to several existing buildings within the study area such as 390 Wythe Avenue and 330 Wythe Avenue. The Proposed Project's build scale would be smaller than several existing and proposed buildings within the study area including 325 Kent Avenue, 321 Wythe Avenue, and the planned buildings of the Domino Sugar Refinery redevelopment. The building anticipated to be developed on Projected Development Site 2 and its mixed uses would also be consistent with land uses in the study area and be at a scale similar to or smaller than several existing and planned buildings within the study area. The building's local retail uses would further activate the street at the ground level and provide additional retail opportunities to the local population. The building's new office, light industrial, and medical office uses would provide additional space for employment in a mix of uses within the neighborhood. Overall, the Proposed Actions would be compatible with and supportive of land uses in the surrounding area and would not result in significant adverse land use impacts.

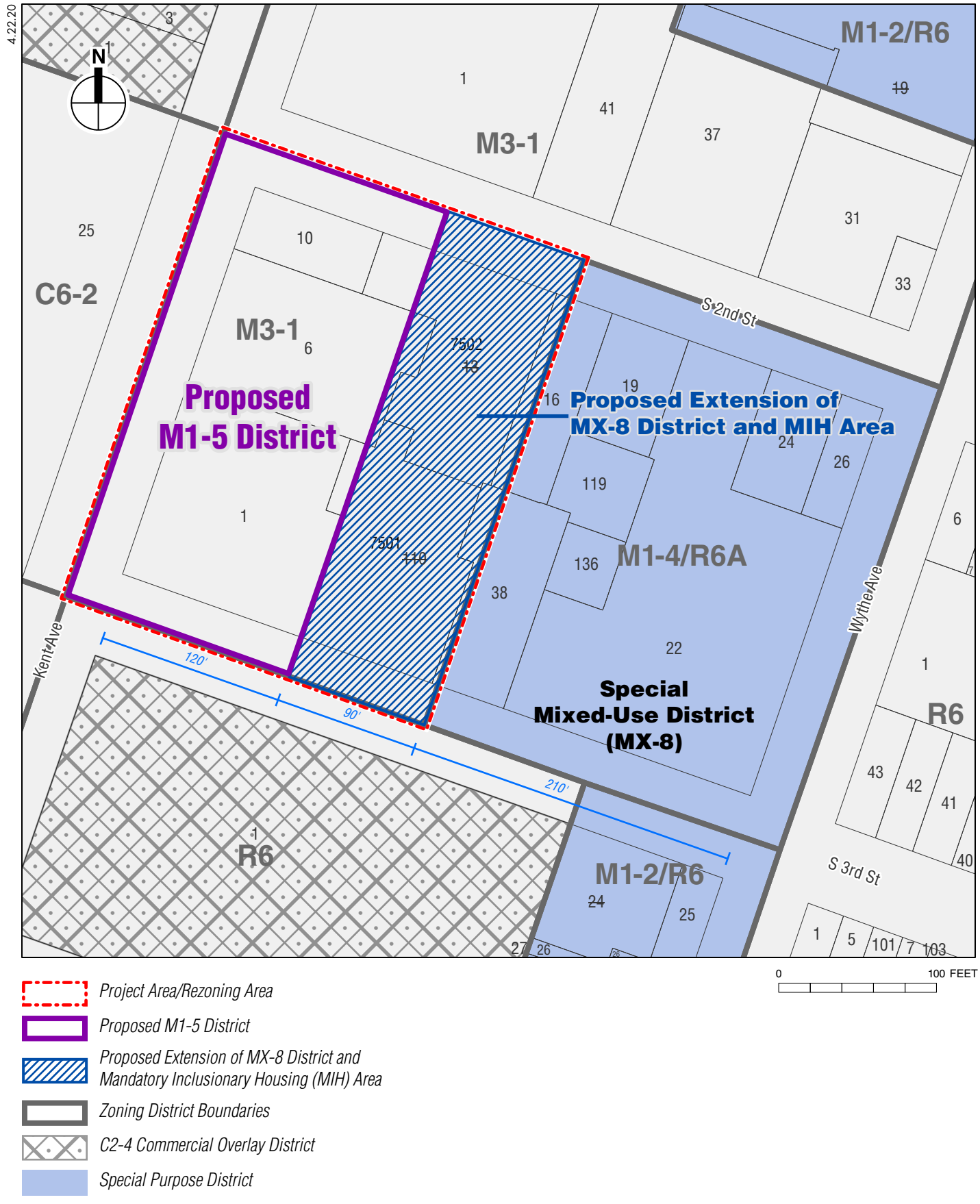
ZONING

The Proposed Actions are a zoning map amendment and a zoning text amendment. The zoning map amendment that would change a portion of the existing M3-1 zoning in the Project Area to M1-5. This new zoning district would cover the western portion of Block 2415, extending from Kent Avenue to a boundary 120 feet eastwards. In addition, the existing MX-8 (M1-4/R6A) district covering the eastern half of the block would be extended westward by 90 feet to meet the boundary of the proposed M1-5 district, rezoning portions of Lots 6, 16, 38, 7501, and 7502, thereby eliminating an existing split-lot condition (see **Figure 2-5**). M1-5 districts are manufacturing zoning districts similar to the M1-2 and M1-4 districts described above. However, M1-5 districts have a maximum manufacturing and commercial FAR of 5.0, a maximum community facility FAR of 6.5, and maximum total FAR of 6.5 if community facility use is provided.[16] Heights are governed by a sky exposure plane, which begins at 85 feet above the street line, and no accessory parking is required.

As a result of the proposed extension of the MX-8 district westwards by 90 feet, a text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution is also necessary to remove a 90-foot wide portion of the Subject Block from the "Excluded Area" shown on Map 2 in order to make Mandatory Inclusionary Housing (MIH) regulations applicable for the proposed MX-8 (M1-4/R6A) rezoning area. MIH is required due to the increase in effective residential FAR, a use not previously permitted, that would result from the extension of the MX-8 (M1-4/R6A) district under the Proposed Actions. MIH would be applicable only to new development or enlargements, and, as recently constructed and converted residential uses exist on the portion of the block in question, no new affordable housing is anticipated as a result of this text amendment.

Overall, there are no sites that would be redeveloped as a result of the Proposed Actions within the Project Area and/or the study area other than the Projected Development Sites 1 and 2. As described above, the Proposed Project, which would be facilitated by the proposed rezoning, would be similar to the mix of uses and mixed-use buildings in the study area, and would not

[16] Community facility uses in M1 districts are generally limited to UG 4.



Proposed Zoning

307 KENT AVENUE

Figure 2-5

represent a significant increase in built scale as compared to the existing and planned buildings in the study area. Therefore, the Proposed Actions would be consistent with existing zoning in the study area and would not result in any significant adverse zoning impacts.

PUBLIC POLICY

The Proposed Project would be consistent with public policies. In particular, the Proposed Actions would contribute to the ongoing transformation of the neighborhood from a former industrial area to a mixed-use area as consistent with OneNYC's goal of thriving neighborhoods. The mix of uses within the Proposed Project would be consistent with the City's vision for the neighborhood, codified in the previous rezoning of parts of the study area to MX-8. The Proposed Project would also support the goals of New York Works by facilitating the creation of at least 70,000 gsf of space (up to 125,000 gsf including Projected Development Site 2) for well-paid jobs in the light industrial and manufacturing and office sectors as envisioned by the plan.

WATERFRONT REVITALIZATION PROGRAM

The Project Area is located within the City's designated Coastal Zone Boundary. In accordance with the guidelines of the *CEQR Technical Manual*, an evaluation of the project's consistency with WRP policies was undertaken, and is the Proposed Actions would be consistent with the policies of the WRP (WRP#: 16-156).

The Proposed Actions were determined to support WRP Policy 1 (support and facilitate commercial and residential redevelopment in areas well-suited to such development) and to be consistent with WRP Policy 5 (protect and improve water quality in the New York City Coastal Area), Policy 6 (minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change), Policy 7 (minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety) and Policy 10 (protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City Coastal Area). The Consistency Assessment Form and supporting material is included as **Appendix A**, and were determined to be consistent with the WRP as set forth in a letter from DCP's Waterfront Open Space Division dated, September 22, 2020, with an assigned WRP number of WRP# 16-156.

The Proposed Actions would be consistent with public policy in the study area, and would not result in any significant adverse impacts to public policy. ✷