200 Kent Avenue Rezoning
Project Description
2-4-26

1. Introduction

This is an application by 206 Kent LLC and 206 Kent Investor LLC (collectively, the "Applicant") seeking the following actions with respect to the property located at 200-206 Kent Avenue in Williamsburg, Brooklyn (Brooklyn Block 2356, Lot 1) (the "Development Site" or the "Project Area"):

a. A zoning map amendment to rezone the Development Site/Project Area from an M1-4 zoning district to an M1-4A/R7X (MX-8) zoning district (the "Zoning Map Amendment"); and

b. A zoning text amendment to Appendix F of the Zoning Resolution of the City of New York, effective December 5, 1961, as amended (the "Zoning Resolution" or "ZR") to establish the Project Area within a Mandatory Inclusionary Housing ("MIH") Area (the "Zoning Text Amendment", and with the Zoning Map Amendment, the "Proposed Actions").

The Project Area and the Development Site boundaries are coterminous. The Proposed Actions would facilitate the partial conversion and enlargement of an existing, 5-story, underutilized and predominately vacant commercial building (the "Existing Building") containing 176 parking spaces, into a mixed-use, primarily residential building with up to approximately 135,511 square feet ("sf") of floor area, including approximately 93,529 sf of residential floor area, 41,982 sf of commercial retail space and 43 parking spaces (the "Proposed Development").

2. Background

From 1961 until relatively recently, the Development Site/Project Area and the majority of the area within 600 feet (the "Surrounding Area") were mapped within an M3-1 manufacturing zoning district -- a low scale, heavy manufacturing district with a maximum permitted floor area ratio ("FAR") of 2.0. The Surrounding Area's M3-1 zoning district was reflective of the manufacturing uses that predominated the Williamsburg neighborhood, including the East River waterfront. In 2005, as part of the Greenpoint-Williamsburg Rezoning, portions of the Surrounding Area to the north, east, and south of the Development Site were rezoned to permit a mix of uses, including residential uses (the "Greenpoint-Williamsburg Rezoning") (C 050111(A) ZMK; N 050110(A) ZRK). The Development Site/Project Area, however, remained mapped within an M3-1 District given its manufacturing use at that time (vacant storage/warehouse buildings). The Greenpoint-Williamsburg Rezoning facilitated the transition of the Williamsburg waterfront from a primarily industrial area to one characterized by public open spaces, significant residential density and varied retail and entertainment uses.

The Existing Building was constructed in 2018 pursuant to M3-1 zoning. The Existing Building is five stories (approximately 86 feet in height) and contains approximately 44,814 sf of commercial floor area, including ground floor retail and office space on floors three through five. A total of 177 accessory off-street parking spaces are located in the cellar (43 spaces) and on the second floor (134 spaces). The ground floor retail space is tenanted with a national grocery chain (Trader Joes) entrance, smaller local retailers and is partially vacant; the three floors of office space above is also largely vacant.

In 2021, as part of the "River Ring" project (C 220061 MLK, C 220062 ZMK, N 220065 ZAK, C 22070 ZSK and C 210425 MMK), the Development Site/Project Area was rezoned to an M1-4 district. At that time the City Planning Commission stated in its Report that: "changing the zoning from M3-1 to M1-4 on the non-applicant owned sites will not only create a buffer between the proposed project to the west and the mixed- use area to the east, but also allow a wider array of commercial and industrial uses that are more compatible with and in service to the surrounding community." Following the rezoning, the maximum permitted FAR on the Development Site/Project Area remained at 2.0 FAR, while the permitted uses on the Development Site/Project Area expanded to include certain community facility uses.

In 2023 the City approved a zoning map amendment (C 230289 ZMK) and a zoning text amendment (N 230288 ZRK) associated with the development of an eight-story, approximately 32,847 sf mixed-use building at 230 Kent Avenue. Approximately 3,300 sf would be devoted to ground floor retail space while the remaining 29,500 sf would comprise residential floor area containing 40 apartments, of which 12 would be permanently income-restricted. This proposed project was also rezoned to an M1 zoning district as part of "River Ring" and then, similar to the Proposed Actions, was rezoned to an MX zoning district.

On June 6, 2024 the New York City Council (the "City Council") enacted two (2) City-wide zoning text amendments collectively known as "City of Yes for Economic Opportunity" (N 240010 ZRY; N 240011 ZRY) (the "COYEO Amendment"). The COYEO Amendment updated regulations for local businesses, reducing barriers for expansion, and modernized rules for streetscapes and commercial corridors to support economic growth. For example, and as applicable to the Proposed Actions, the COYEO Amendment created "A" suffix manufacturing districts -- including the M1-4A district proposed by the Applicant -- and also modified density and height regulations applicable to these manufacturing districts.

On December 5, 2024 the City Council also enacted a City-wide zoning text amendment known as "City of Yes for Housing Opportunity" (N 240290 ZRY) (the "COYHO Amendment"). The COYHO Amendment updated residential bulk regulations to permit and encourage additional housing development -- including with respect to residential floor area ratio, height and setback and other zoning bulk provisions applicable to the Development Site.

The Proposed Actions would rezone the Development Site/Project Area to enable the enlargement and partial conversion of the Existing Building into a mixed-use, primarily residential building with up to approximately 93,529 sf of residential floor area and approximately 41,982 sf of commercial retail space. The Proposed Development would maintain the Existing Building while vertically expanding the portion of the Existing Building with additional stories above its podium. This enlargement and conversion would enable the Proposed Development to provide new market rate and affordable housing and allow for development that would conform with similar patterns of development along Kent Avenue to the north and south of the Development Site/Project Area.

3. Description of the Surrounding Area

The Surrounding Area generally includes the portion of the Williamsburg neighborhood north of Grand Avenue, south of North 5th Street, east of the East River and west of Wythe Avenue. The Surrounding Area is entirely within Brooklyn Community District 1 and City Council District 33.

a. Land Use

The Surrounding Area is characterized by a mix of residential, industrial, commercial and institutional uses. To the east of the Development Site/Project Area, the predominant uses include residences, retail establishments (specifically along Kent and Wythe Avenues), restaurants, offices and light-manufacturing spaces. Residential uses include both multi-family buildings and single and two-family walk-up buildings.

To the north of the Development Site/Project Area, the Surrounding Area mostly includes mixed-use buildings with ground floor retail and residences above. The Surrounding Area's waterfront buildings include prominent high-rises located at 2 Northside Piers (30 stories), 1 North 4th Place (41 stories), 1 North Pier (30 stories), and 34 North 7th Street (15 stories). The Austin, Nichols and Company Warehouse -- a former warehouse that was converted to primarily residential use in 2016 -- is also located immediately north of the Development Site/Project Area across North 3rd Street. To the northeast of the Development Site/Project Area, residential uses consist of mid-sized residential buildings (up to approximately seven stories) and row-houses. Warehouse, automotive and light-industrial uses are also located to the north and northeast of the Development Site/Project Area.

Residential and commercial uses also characterize the area at the southern end of the Surrounding Area. The residential uses in this area consist of multifamily buildings ranging from five to seven stories and smaller multifamily buildings that range from two to four stories. The

area along the waterfront features several predominantly residential high-rise towers that are part of the Domino Large-Scale General Development, a multiple block redevelopment that was initially approved in 2010 (C 100187 ZSK) and modified in 2014 (C 140132 ZSK). Commercial uses are interspersed among the residential uses and include theaters, eating and drinking establishments, and space for retail and service uses. This area also contains several sites that either currently or previously have been used for industrial purposes (e.g., a New York Power Authority-owned power plant at 49 River Street and a Con Edison-owned vacant lot at 218 River Street).

On the southern portion of the block to the immediate south of the Development Site/Project Area (Block 2362, Lot 1), development is planned for an eight-story, approximately 32,847 sf mixed-use building at 230 Kent Avenue. Approximately 3,300 sf would be devoted to ground floor retail space while the remaining 29,500 sf would comprise residential floor area containing 40 apartments, of which 12 would be permanently income-restricted. The building is proposed to rise to 105 feet in height.

West of the Project Area is a series of unimproved lots that make up River Ring. Facilitated by a series of land use actions approved in 2021, River Ring proposes to include two predominantly residential high-rise towers (one rising to approximately 560 feet, and the other to 710 feet)[1] which together could provide up to 1,050 apartments, of which 263 would be permanently affordable. River Ring will also contain community facility and commercial spaces, as well as approximately 2.9 acres of public open space along the East River waterfront. Currently, the site is being used for industrial and vehicle outdoor storage.

b. Zoning

The Surrounding Area contains a range of commercial, residential, manufacturing and "MX" mixed use districts. The Special Mixed-Use District (MX) encourages the creation of mixed residential and industrial uses in close proximity and/or in the same building. The majority of the Surrounding Area located east of Kent Avenue is mapped within an M1-2/R6A (MX-8) district. This is a medium density district that permits a wide range of commercial, residential and light manufacturing uses, with buildings typically ranging between three and seven stories. This district permits up to 2.0 FAR for manufacturing or commercial uses, 3.0 FAR for standard residences, 3.9 FAR for "Qualifying affordable housing", and up to 3.0 FAR for community facility uses.

R8 districts and an R6 district are mapped within the Surrounding Area along the East River waterfront on the blocks to the north of the Development Site/Project Area west of Kent Avenue. On waterfront blocks in Waterfront Access Plan BK-1 in Brooklyn Community District, the R8 district permits a maximum residential FAR of up to 6.5 (with Qualifying affordable housing), and the R6 district permits residential FAR of up to 3.05. A C2-4 commercial overlay is mapped over portions of both districts, allowing up to 2.0 FAR for commercial uses and 6.5 FAR for community facility uses in the R8 district and up to 4.8 FAR of community facility use in the R6 district.

The portion of the Surrounding Area to the west of the Development Site/Project Area is mapped within a C6-2 district (R8 equivalent), but this area is part of River Ring and is subject to a series of special permits and authorizations that modify the underlying zoning regulations.[2] The underlying C6-2 district regulations permit up to 6.0 FAR for commercial uses, 6.5 FAR for community facility uses, and 8.64 FAR for residential uses. The River Ring development will contain up to 1,158,800 sf of floor across two primarily residential high-rise towers, for an effective FAR of 6.17.

An M3-1 district remains two blocks south of the Development Site/Project Area on the west side of Kent Avenue; this district allows up to 2.0 FAR for commercial and manufacturing uses. On the southern half of the block to the south of the Development Site/Project Area is an M1-4/R7X (MX-8) district, which permits FARs of up to 2.0 for commercial and manufacturing uses, 6.0 for residential uses, and 5.0 for community facility uses. Finally, small portions of the Surrounding Area are mapped within R6A/C2-4 and M1-2/R6B districts.

[1] These figures are exclusive of bulkheads.

[2] See CPC Report, C 220062 ZMK for a full list of River Ring's approvals.

c. Open Space

The Surrounding Area is well served by open space. Approximately two blocks to the south of the Development Site/Project Area is the 1.8-acre Grand Ferry Park, which is separate from but adjacent to the privately owned, publicly accessible waterfront open space at Domino Park. Additionally, an approximately 3.08 acre open space is located along the waterfront to the north of the Development Site/Project Area at the North 5th Street Pier and Park, a public park that contains lawns and a waterfront esplanade. The waterfront area northwest of the Development Site/Project Area is located in Waterfront Access Plan BK-1 which contemplates the provision of waterfront public access areas, shore public walkways, waterfront yards, visual corridors and upland connections.

d. Landmarks

The Austin, Nichols & Company Warehouse Building,[3] a National Historic Register of Historic Places listed building, is located on the block to the north of the Project Area. There are no historic districts mapped within the Surrounding Area.

e. Transportation

The Surrounding Area is well served by public transportation. A bus stop for the B32 bus line is located immediately east of the Development Site/Project Area on Kent Avenue, and the Bedford Avenue stop on the L subway line is located 0.5 miles from the Development Site/Project Area. Citibike stations are located within the Surrounding Area at the corners of Wythe and Metropolitan Avenues and on Kent Avenue and Grand Street. The East River line of the NYC Ferry network stops approximately three blocks north of the Development Site/Project Area at North 6th Street, providing service to Lower Manhattan and other points along the East River in Brooklyn and Queens.

4. Description of the Development Site/Project Area

The Development Site/Project Area are coterminous and consist of Lot 1 of Brooklyn Block 2356. With approximately 22,585 sf of lot area, Lot 1 comprises the entirety of the block bounded by Kent Avenue, Metropolitan Avenue, River Street, and North 3rd Street. The Development Site/Project Area is mapped within an M1-4 zoning district, which is a low-scale, light manufacturing district with a maximum floor area ratio of 2.0. Previously the Development Site/Project Area was rezoned M3-1, which reflected the heavy industrial and warehouse uses located along the waterfront.

Currently, the Development Site/Project Area is in good condition and is improved with the Existing Building, a five-story predominantly vacant commercial building that contains approximately 44,814 sf of floor area and 177 accessory parking spaces (which were built in compliance with the then applicable M3-1 zoning district regulations). The Existing Building's ground floor is tenanted with a national grocery store chain (Trader Joe's) and other smaller retail spaces, while the third through fifth floors are mostly vacant office space. The cellar is primarily used for accessory parking spaces, and the second floor has been constructed for additional accessory parking, but at current, remains vacant. At the time of construction, the Existing Building was designed to structurally support additional development on top of its podium.

5. Description of the Proposed Development

The Proposed Development would comprise the enlargement and partial conversion of the Existing Building.

The Existing Building is five stories (approximately 86 feet in height) and contains approximately 44,814 sf of commercial floor area. The Existing Building was designed to support additional bulk without major alteration, and a portion of its existing built form (37'-8" in height) would remain while the portion located above the podium (48'-9" in height) would be vertically expanded.

[3] See National Register Information System ID number 07000629. This building is not an LPC designated landmark.

The Proposed Development would transform a predominantly vacant commercial building into a mixed-use development containing up to 135,511 sf of floor area, consisting of up to 93,529 sf of residential floor area, approximately 41,982 sf of commercial retail floor area and 43 below-grade, accessory parking spaces. The Proposed Development could contain up to 143 dwelling units, of which 29-43 would be affordable pursuant to MIH. The Proposed Development would introduce residential use to the Development Site/Project Area and would slightly decrease the Existing Building's commercial floor area by approximately 2,832 sf. The Existing Building's 43 permitted parking spaces located in the cellar would continue to exist in the Proposed Development.

6. Actions Necessary to Facilitate the Project

The following actions are necessary to facilitate the Proposed Development:

a. A zoning map amendment to rezone the Project Area from an M1-4 zoning district to an M1-4A/R7X (MX-8) zoning district; and

b. A zoning text amendment to Appendix F of the Zoning Resolution to establish the Project Area within an MIH Area.

The Proposed Actions would permit residential use on the Development Site/Project Area at a density commensurate with completed and proposed residential buildings on the surrounding blocks. The new M1-4A/R7X (MX-8) district would also be consistent with the higher-density zoning districts and larger buildings to the north, south and west of the Development Site/Project Area. This district would permit a maximum FAR of 5.0 for manufacturing, commercial and community facility uses and 6.0 for residential uses. The M1-4A/R7X (MX-8) district regulations generally permit a maximum building height of 155 feet. However, under the Proposed Actions, a maximum building height of 193.75 feet would be permitted for the Development Site/Project Area because it is larger than 20,000 sf (see Zoning Resolution Section 123-652(a)). The Development Site/Project Area is located in the Inner Transit Zone wherein accessory off-street parking is not required for new dwelling units.

Maintaining a manufacturing district paired with a residential district, moreover, would provide flexibility to maintain the existing complementary retail uses (e.g., supermarket, eating and drinking establishments, etc.), commercial and light manufacturing uses (i.e., maker spaces) and would eliminate the requirement for non-residential accessory parking within the Proposed Development. This would provide new opportunities for affordable and market-rate housing development in an area experiencing population growth in line with the City's policy goals to develop housing in "high opportunity" areas.

The proposed zoning text amendment would allow for the Development Site/Project Area to be mapped as an MIH Area where Options 1-3 may be selected subject to the following:

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI and at least 10 percent of the residential floor area at 40 percent of AMI.

- Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

- Option 3: 20 percent of the residential floor area shall be provided as housing affordable to households at an average of 40 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

7. Conclusion

The Applicant seeks the Proposed Actions to permit residential use on the Development Site/Project Area at a density commensurate with completed and proposed residential buildings on the surrounding blocks and within the Williamsburg neighborhood. In addition to facilitating the

transformation of a currently underutilized commercial building, the Proposed Actions would provide new opportunities for affordable and market-rate housing development in an area experiencing population growth in line with the City's policy goals to develop housing in "high opportunity" areas.