DRAFT: 1/13/2023
Project ID: 2022K0391

LR Item 3. Description of Proposal
230 Kent Avenue Rezoning

1. Introduction

Kent Riverview LLC (the "Applicant") proposes the rezoning of the block bounded by Kent Avenue, River Avenue, North 1st Street and Metropolitan Avenue (Block 2362, Lots 1 and 3) in Brooklyn Community District 1 (the "Project Area") from an M1-4 district to an M1-4/R7X district within Special Mixed Use District 8 ("MX-8"). A concurrent zoning text amendment is also proposed to amend (1) Zoning Resolution ("ZR") Appendix F to establish the Project Area within a Mandatory Inclusionary Housing ("MIH") Area; and (2) the table in ZR § 123-63 to include R7X as a designated residence district in MX-8 in Community District 1, Brooklyn in which MIH is required. The proposed actions would facilitate the development of a new, eight-story primarily residential building containing approximately 33,000 square feet ("sf") of floor area and approximately 40 dwelling units[1] on the southern portion of the block (Lot 1) ("230 Kent Avenue" or the "Development Site").

2. Background

On December 15, 1961, the Project Area was part of a comprehensive, two-mile-long M3-1 zoning district spanning Brooklyn's East River waterfront and the immediate upland blocks. In 2005, the areas to the north and east of the Project Area were rezoned as part of the Greenpoint-Williamsburg rezoning with residential, commercial, and special mixed-use districts. On December 15, 2021, as part of the River Ring Rezoning (C 220062 ZMK), the zoning district for the Subject Block was changed from an M3-1 district to an M1-4 district in order to reduce the potential for heavy industrial uses near the dense existing residential uses within the area and proposed under the River Ring development. Compared to M3-1 districts, M1-4 districts have strict performance standards for industrial uses. The Project Area is not part of the River Ring Development Site, which is located on the three blocks to the west of the Project Area and was mapped within a C6-2 district with substantial height and setback modifications pursuant to concurrent CPC special permits to allow, among other things, two mixed-use towers containing 49 and 64 stories, respectively.

3. Description of the Surrounding Area

The area within a 600-foot radius of the Project Area (the "Surrounding Area") is located adjacent to the East River waterfront in the Northside section of the Williamsburg neighborhood in Brooklyn Community District 1. The Surrounding Area is generally bounded by lots fronting on North 3rd Street to the north, Wythe Avenue to the east, Grand Street to the south, and the East

[1] Either 25 or 30 percent of the residential floor area would be required to be affordable housing depending on the MIH option selected during the public review process. This is likely to result in between 10 and 12 affordable units.

River to the west and includes the following zoning districts: R6, R6/C2-4, R6A/C2-4, C6-2, M1-4, M3-1 and a Special Mixed Use District ("MX-8") containing an M1-2/R6B and M1-2/R6A districts.

The existing M1-4 district is mapped on two small blocks extending from River Street to Kent Avenue, between North 1st Street and North 3rd Street. It includes the Project Area and the block to the north, recently improved with a six-story commercial building with offices and a supermarket. M1-4 districts are light manufacturing districts, which have high performance standards and often serve as buffers separating adjacent residential or commercial districts from M2 and M3 medium and heavy manufacturing districts.

A C6-2 district is mapped at the southern edge of the Surrounding Area, west of Kent Avenue and south of Grand Street. As part of the River Ring Rezoning, a C6-2 district also was mapped on portions of three large waterfront blocks to the west of the Project Area across River Street. While the C6-2 district is a medium density R8 residential equivalent, underlying height and setback regulations were substantially modified to allow 49- and 64-story towers containing residential, community facility, retail and office uses. The areas to the north and east of the Project Area were rezoned as part of the 2005 Greenpoint-Williamsburg rezoning with residential, commercial, and special mixed-use districts. More specifically, medium-density R6 and R6/C2-4 districts were mapped at the northern edge of the Surrounding Area, west of Kent Avenue and north of North 3rd Street. Also, the upland blocks east of Kent Avenue are located within a Special Mixed-Use District ("MX-8") that includes M1-2/R6A and M1-2/R6B paired districts, which are medium density contextual districts that permit a broad range of residential, community facility, commercial and light manufacturing uses.

M1 districts typically include light industrial uses, such as repair shops and storage facilities. Manufacturing uses that can comply with performance standards are allowed in M1 districts; office and most retail uses are also permitted. Hotels are only permitted by special permit. Certain community facilities, such as hospitals, are allowed by special permit, but houses of worship and medical offices in UG 4 are allowed as-of-right. M1-4 districts have a maximum permitted manufacturing and commercial FAR of 2.0 and community facility FAR of 6.5. Accessory parking is not required for most uses. Requirements for loading berths differ according to district, size, and type of use.

Mixed-use towers, one 49 stories and one 64 stories in height, were approved as part of the River Ring project (C 220064 ZSK) for the waterfront blocks west of Kent Avenue. These towers would rise to heights of 560 feet and 710 feet, respectively, and contain a combined 1,050 dwelling units, 263 of which will be affordable units. In addition, 30,000 sf of retail and 79,000 sf of community facility space will be provided. The prevailing land uses on the upland blocks east of Kent Avenue are multi-family elevator buildings ranging from six to eight stories and multi-family walkup buildings ranging from three to five stories. Such multiple dwellings located on or near the avenues that run north-south typically contain commercial retail uses on the ground floor. Light industrial uses on small lots are interspersed throughout the neighborhood.

The surrounding area is well-served by open space. Grand Ferry Park, an approximately 1.8-acre public park, and Domino Park, a privately-owned, publicly-accessible waterfront open space, are located to the southwest of the Project Area, and a playground at PS 84 is located approximately three blocks to the east. To the north, the Greenpoint-Williamsburg waterfront esplanade begins at North 3rd Street and runs north to Martha P. Johnson State Park and the future Bushwick Inlet Park, part of which has been completed. When fully built out, Bushwick Inlet Park will span 28 acres between North 9th Street and Quay Street.

The surrounding area is well-served by public transportation, with transportation options including multiple subway lines, several bus lines, and the East River Ferry. The L subway line at the Bedford Avenue stop is located one half-mile to the northeast, the G subway line at the Metropolitan Avenue stop is approximately one mile to the southeast, and the J/M/Z subway lines at the Marcy Avenue stop are approximately one mile to the southeast. The project area is directly served by the B32 and Q59 buses extending to Greenpoint, and Long Island City and Maspeth in Queens. The surrounding area is also proximate to Williamsburg Bridge Bus Plaza, which is connected to points in Manhattan, Brooklyn, and Queens by seven different bus lines. The North Williamsburg East River Ferry stop at North Sixth Street (three blocks north of the Project Area) connects Williamsburg and Greenpoint commuters to East 34th Street, DUMBO, and Wall Street. There is a Citibike station located at the intersection of Metropolitan and Wythe Avenues, as well as protected bike lanes along Kent Avenue, part of the Brooklyn Waterfront Greenway that connects Brooklyn waterfront neighborhoods. The Surrounding Area is entirely located within the *Transit Zone*.[2]

4. Description of the Project Area

The Project Area consists of Lots 1 and 3 on Block 2362, which comprise the entirety of the block bounded by River Street to the west, Kent Avenue to the east, Metropolitan Avenue to the north and North 1st Street to the south. With approximately 19,000 sf of lot area, the Project Area is an unusually small block. Block 2362, Lot 1 is the Development Site (described below) and Lot 3 is a vacant lot owned by Con Edison.

The Project Area is located within an M1-4 district, which is a light industrial district that allows commercial and industrial uses with a maximum FAR of 2.0 and limited community facility uses with a maximum FAR of 6.5. Bulk regulations are governed by a sky exposure plane, which begins at a height of 60 feet above the street line. Parking is not required for most uses in M1-4 districts and loading requirements vary by use.

5. Description of the Development Site

The Development Site consists of Lot 1 on Block 2362, which has a lot area of 5,474.71 sf. It is a corner lot with frontage on three narrow streets as follows: 100.75 feet of frontage on North 1st

[2] *See* Appendix I of the Zoning Resolution.

Street, 50.75 feet on Kent Avenue and 57.33 feet on River Avenue. It is currently vacant and has undergone environmental remediation through the New York State Department of Environmental Conservation ("DEC") Brownfield Clean-up Program. DEC issued a Certificate of Completion on May 20, 2021, which confirms that the remediation of the property has been implemented in accordance with the DEC-approved remedial work plan.[3]

While not part of the Development Site, the Project Area also includes the adjacent Lot 3 to the north of the Development Site. Lot 3 is a corner lot with an area of 13,378 sf. It has street frontage on three narrow streets as follows: 107 feet of frontage on Metropolitan Avenue, 120 feet on Kent Avenue and 120 feet on River Avenue. The site is owned by Con Edison and has been vacant since a 2-story building on the site was demolished in 2018.

6. Description of the Proposed Development

The proposed actions would facilitate development of an eight-story mixed-use building containing a total of 32,847.81 sf of floor area, approximately 40 dwelling units and ground floor retail. The proposed building's street wall would be located on the street line. The building would rise without setback to a total height of 105 feet, which matches the maximum base height of 105 feet. Because the building would be a mixed-use building containing both commercial and residential use, there are no applicable lot coverage regulations. *See* ZR § 123-64(b). A rear yard is neither required nor proposed. *See* ZR § 23-541. Depending on the MIH option selected during the public review process, either 25 or 30 percent of the residential floor area would be required to be affordable housing. No parking is proposed and none would be required.[4] Twenty bicycle parking spaces would be required and provided.

7. Actions Necessary to Facilitate the Project (the Proposed Rezoning)

a) Zoning Map Amendment: M1-4 to M1-4/R7X (MX-8)

The proposed M1-4/R7X (MX-8) district, when also mapped within a Mandatory Inclusionary Housing ("MIH") Area permits residential use with a maximum FAR of 6.0, community facility use with a maximum FAR of 5.0 and commercial and manufacturing uses at 2.0 FAR. For developments or enlargements that do not contain residential use (or where residential use does not trigger MIH requirements) the maximum base height is 95 feet and the maximum building

[3] Pursuant to an Environmental Easement recorded against the Development Site (CRFN 2019000376468), it may be used for "restricted residential", commercial and industrial uses. "Restricted Residential use" as defined in 6 NYCRR Part 375-1.8(g)(2)(ii) permits multi-family housing, but prohibits vegetable gardens and single-family homes.

[4] Due to the Development Site's location in the *Transit Zone* and its lot area less than 10,000 sf, parking is required for 30 percent of the market-rate dwelling units resulting in fewer than 15 required spaces. *See* ZR §§ 25-241& 25-251. Pursuant to ZR § 25-261, these spaces may be waived.

height is 125 feet. Where residential development triggers MIH requirements, height and setback regulations are modified to permit a maximum base height of 105 feet and a maximum building height of 145 feet.

The proposed actions would allow for the appropriate redevelopment of a small vacant block at a scale that provides a rational transition between the planned 560 and 710 foot-tall River Ring towers on the waterfront and the existing five- to seven-story buildings on the upland blocks. The proposed MX district is also appropriate with respect to permitted uses as the Surrounding Area contains a mix of residential, commercial and light industrial uses and the proposed actions would extend to the Project Area a widely mapped MX district established in 2005 that is reflective of this mix of uses. As the vacant Development Site has recently undergone environmental remediation, the proposed actions would return this property to productive use and thereby strengthen the City's tax base. Equally important, both the proposed market rate and affordable housing dwelling units would help to alleviate the City's acute housing shortfall.

b) Zoning Text Amendment to Appendix F (MIH Applicability)

The proposed zoning map amendment to change an M1-4 district to an M1-4/R7X (MX-8) triggers a text amendment to Zoning Resolution Appendix F to establish it as an MIH Area. In 2016, the City created the MIH program, which is applied to neighborhood rezonings and private applications that significantly increase residential capacity. The proposed text amendment to Appendix F is required because residential use would be newly permitted by the proposed M1-4/R7X (MX-8) district. Within MIH Areas, developments, enlargements, and conversions containing more than 10 units or 12,500 square feet are required to set aside a percentage of floor area for permanently affordable housing.

c) Zoning Text Amendment to ZR § 123-63

The establishment of an MIH area over the Project Area requires the inclusion of the R7X district in the table in ZR § 123-63 identifying it as a "designated residence district" within MX-8 in Community District 1, Brooklyn in which MIH is required. Because an R7X district has not previously been mapped within MX-8, it is necessary that it be added in connection with this application.

8. Conclusion

The Applicant proposes the rezoning of the Project Area from an M1-4 district to an M1-4/R7X district within Special Mixed Use District 8. A concurrent zoning text amendment is also proposed to amend (1) Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Area; and (2) ZR § 123-63 to insert R7X in the table as a "designated residence district" for the

purpose of making MIH applicable in MX-8. The proposed actions would facilitate the development of a new, eight-story mixed-use building containing approximately 33,000 sf of floor area on the Development Site.