River Ring Development
August 16, 2021

Applicant's Project Description

1. Introduction

This is an application by River Street Partners LLC (the "**Applicant**") for the following actions (the "**Actions**") with respect to the property located on Brooklyn Block 2355, Lots 1 and 20, Block 2356, Lot 1, Block 2361, Lots 1, 20 and 21, Block 2362, Lots 1 and 3, Block 2376, Lot 50, and demapped portions of North 1st Street and Metropolitan Avenue (the "**Project Area**"):

1) A zoning text amendment to a) establish the portion of the Project Area to the west of River Street as an Mandatory Inclusionary Housing ("**MIH**") area; b) amend Zoning Resolution Section 74-742 to allow a large scale general development ("**LSGD**") that does not meet the ownership requirements of Section 74-742, when the site of such LSGD includes the Proposed Development (as defined below) and where the areas in which the State or City have certain property interests; and c) amend Zoning Resolution Section 74-743 to permit, as part of the LSGD, (i) the lot area of a new platform seaward of the bulkhead line to be part of the upland lot area of the waterfront zoning lot, provided that the amount of lot area so incorporated is less than the lot area of shoreline seaward of the bulkhead line to be removed in connection with the LSGD, (ii) additional new piers or platforms to be included as lot area for purposes of floor area, dwelling unit and other bulk regulations, provided that the amount of floor area generated by such new piers or platforms does not exceed the floor area generated by existing piers or platforms, and (iii) such new piers or platforms to be exempt from certain requirements otherwise applicable to piers and platforms provided as part of a waterfront public access area (the "**Text Amendment**");

2) A zoning map amendment to rezone the Project Area from an M3-1 zoning district to C6-2 and M1-4 zoning districts (the "**Map Amendment**");

3) A zoning special permit pursuant to Zoning Resolution Sections 74-743(a)(2) and 74-743(a)(13), as modified under the Text Amendment, to allow the construction of new piers and platforms in the seaward portion of the LSGD that are accessible and enjoyable by the public; allow such piers and platforms to generate floor area, provided that the total distribution of floor area is limited to the floor area generated by existing land seaward of the bulkhead line to be removed and existing piers and platforms; and to modify bulk regulations (the "**LSGD Special Permit**");

4) A zoning special permit pursuant to Zoning Resolution Section 74-533 to reduce the required accessory residential off-street parking spaces in a Transit Zone (the **"Parking Special Permit**");

5) Zoning authorizations to:

    a. modify the Zoning Resolution's requirements for location, area and minimum dimensions of waterfront public access areas pursuant to Zoning Resolution Section 62-822(a);

    b. modify requirements within waterfront public access areas pursuant to Zoning Resolution Section 62-822(b); and

    c. allow for phased development of waterfront public access areas pursuant to Zoning Resolution Section 62-822(c) (collectively, the "**Waterfront Authorizations**);

6) A zoning certification pursuant to Zoning Resolution Section 62-811 with respect to compliance with waterfront public access area and visual corridor requirements, as modified by Waterfront Authorizations (the "**Waterfront Certification**"); and

7) A landfill action to add approximately 6,319 square feet of landfill as part of the waterfront public open space plan (the "**Landfill Action**").

Concurrent with these Actions, a related application for a City Map change has been filed under Application No. 210425 MMK to demap, discontinue, close, and dispose of a portion of Metropolitan Avenue to the west of River Street and a portion of North 1st Street west of River Street (the "**Demapping Action**"). In addition, with respect to each of the special permits and authorizations, the Applicant is requesting an extension of term of such approvals to a period of ten years during which substantial construction of the phased project would be completed.

The Actions will together facilitate the development of two (2) mixed-use buildings including a total of approximately 1,158,800 square feet of floor area (the "**Proposed Development**") on Block 2355, Lots 1 and 20, Block 2361, Lots 1, 20 and 21 and Block 2376, Lot 50 (the "**Development Site**"). The Development Site is approximately 399,780 square feet in area and is bounded by River Street to the east, North 3rd Street to the north, the East River to the west and Grand Ferry Park and North 1st Street to the south. The Proposed Development would include approximately 1,049,800 square feet of residential use (approximately 1,050 dwelling units, of which approximately 263 units (25%) will be affordable), a 30,000 square foot community center, 79,000 square feet of commercial space, including local retail, accessory parking spaces for at least 20% of market-rate dwelling units, and approximately 2.9 acres of new public open space (plus approximately 2.32 acres of accessible in-river space and 0.86 acres of intertidal area).[1] In addition to the Proposed Development, the Map Amendment will rezone two (2) non-applicant owned blocks (Blocks 2356 and 2362) to the east of the Development Site (from M3-1 to M1-4).

2. Background

The Project Area occupies the portions of Brooklyn Blocks 2355 and 2361 west of River Street, Block 2356, Lot 1, Block 2362, Lots 1 and 3, and Block 2376, Lot 50; and is generally bounded by River Street to the east, North 3rd Street to the north, the East River to the west and property owned by the New York Power Authority ("**NYPA**") to the south. The Project Area is located within Brooklyn Community District 1 and an M3-1 zoning district.

The Project Area is approximately 441,660 square feet in area and is comprised of the Development Site and two (2) non-applicant owned parcels (Block 2362, Lots 1 and 3; and Block 2356, Lot 1). The Development Site includes upland portions and seaward portions containing existing in-water structures. As part of the Demapping Action, the Development Site will also include an approximately 23,116 square foot area of Metropolitan Avenue and an approximately 3,374 square foot area of North 1st Street that are proposed to be demapped. The southern portion of the Development Site, along the shore of the East River adjacent to the NYPA property, is currently improved with an approximately 13,000 square foot miniature golf course as an interim use designed to promote awareness of climate change and provide educational opportunities to visitors to the waterfront. The remainder of the Project Area is comprised of: (i) a recently constructed six-story, commercial building with office space, destination retail and approximately 176 accessory attended parking spaces (Block 2356, Lot 1); (ii) a vacant lot owned by Con Edison (Block 2362, Lot 3); and (iii) a vacant lot that appears to be undergoing environmental remediation (Block 2362, Lot 1).

The Project Area historically contained warehousing, storage and other industrial uses reflective of its M3-1 manufacturing zoning. The Project Area's location along the East River, moreover, enabled ships and other vessels to dock and unload various materials that would be stored along the waterfront. The Project Area's existing in-water structures remain as vestiges of the piers, platforms, catwalks, docks and caissons that once accommodated these industrial uses, including the Development Site's prior use as a Con Edison fuel oil storage complex (the Development Site's use until its decommissioning in 2012). The Williamsburg neighborhood surrounding the Project Area has evolved over time from predominately manufacturing uses to mixed residential, commercial and light-manufacturing uses. Recent rezonings, including the 2005 Greenpoint-Williamsburg neighborhood rezoning (C 050111 (A) ZMK; C 040415 MMK; C 040416 MMK; C 040417 MMK and C 040418 MMK) directly to the north and east of the Project Area and the 2010 Domino Rezoning (C 100185 ZMK), as amended in 2014 (C 140132 ZSK),

[1] Floor area allocations by use are illustrative.

directly to the south of the Project Area (which rezoned that site from manufacturing to commercial/residential zoning districts) helped spur these changes in the surrounding neighborhood and reflect changes in land use policy that have advanced the area's recent evolution.

3. Description of the Surrounding Area

Land Use. The Project Area is located along Brooklyn's East River waterfront in the Williamsburg neighborhood and within Brooklyn Community District 1. The area is characterized by a mix of residential, industrial, commercial and institutional uses. To the east and northeast of the 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 Project Area residential uses predominate, with large tall-waterfront towers and shorter mid-sized residential buildings and row-houses located upland. Warehouse, automotive and light-industrial uses are also located to the north/northeast of the Project Area. To the south is a large-scale general development comprising the former Domino Sugar Site (the "**Domino LSGD**"). The Domino LSGD is being developed to include residential, retail and office uses within four new buildings and one converted and enlarged landmarked building. Further to the south, and beyond the Domino LSGD, the surrounding area is entirely residential (and comprised of mid/low rise multi-family buildings) except for retail establishments along Broadway and Grand Street. West of the Project Area is the East River.

Zoning. The surrounding area contains a variety of zoning districts, including mostly residential and mixed use districts. The Project Area is located in an M3-1 district which is a low density, heavy manufacturing district with a maximum FAR of 2.0. M3-1 districts typically include large, one- and two-story light industrial and commercial office buildings that often cover the entirety of the parcel on which they are located.

To the south and east, mixed-use districts, such as M1-2/R6A districts, allow commercial residential and light industrial uses with buildings typically ranging between three and seven stories. R6B residence districts located east/southeast of the Project Area, reflect less dense residential development, including townhouses, single family homes and walkup apartment buildings. C1-4, C2-3 and C2-4 commercial overlays along Bedford Avenue permit local retail uses on the ground floor of these residential buildings. To the south east, there is an R6/C2-4 district that has a maximum residential FAR that ranges from 2.2 to 3.6 and permits the development of mid-rise buildings.

The waterfront blocks of the Domino LSGD located to the south of the Project Area are mapped with R8/C2-4 and C6-2 (R8 equivalent) districts. Both of these non-contextual R8 districts have an FAR ranging from 5.4 to 7.2. The underlying height and setback regulations for these medium density commercial districts, have been modified by special permit to allow significantly taller buildings than would otherwise be permitted.

To the north of the Project Area, R6/C2-4 and R8/C2-4 districts are located along the waterfront and an M1-2/R6A district is located further inland.

Open Space. Open space in the area is provided to the south at Domino Park (bounded by Kent Avenue, Grand Street, the East River and South 5th Street), Grand Ferry Park (bounded by the East River, Grand Street, River Street and the NYPA site immediately south of the Project Area) and Martha P. Johnson State Park/Bushwick Inlet Park (bounded by North 10th Street, Kent Avenue, North 7th Street and the East River). The "Edge Park" and a waterfront esplanade connecting Martha P. Johnson State Park/Bushwick Inlet Park to the Project Area are located immediately to the north.

Landmarks. The Domino Sugar Factory, an individual New York City designated landmark, is located on Kent Avenue between South 2nd and South 3rd Streets. The Austin, Nichols & Company Warehouse Building, which is listed on the National Historic Register of Historic Places, is located to the north of the Project Area.

Public Transit. The B32 bus line runs north along Kent Avenue and connects the Project Area to Queens to the north and Broadway to the south. The Bedford Avenue stop on the L line and the Marcy Avenue stop on the J, M and Z lines are located within a mile from the Project Area.

4. Description of the Project Area/Development Site

The Project Area includes the following components:

- ***Project Area***: The Project Area is approximately 441,660 square feet in area fronting on Kent Avenue (60 feet wide), North 3rd Street (50 feet wide) and the East River. It currently comprises land identified on the Tax Map for the City of New York, Kings County, as (i) Block 2355, Lots 1 and 20, which consists of an upland portion fronting on North 3rd Street, River Street, and Metropolitan Avenue, and a seaward portion that includes land under water within the prolongations of Metropolitan Avenue and North 3rd Street; (ii) Block 2356, Lot 1, bounded by North 3rd Street, Kent Avenue, Metropolitan Avenue, and River Street; (iii) Block 2361, Lots 1, 20, and 21, which consists of an upland portion fronting on Metropolitan Avenue, River Street, and North 1st Street, and a seaward portion that includes land under water within the prolongations of Metropolitan Avenue and North 1st Street; (iv) Block 2362, Lots 1 and 3, bounded by Metropolitan Avenue, Kent Avenue, North 1st Street and River Street; (v) Block 2376, Lot 50, which consists of an upland portion fronting partially on North 1st Street and bordering the NYPA facility to the east and Grand Ferry Park to the south, and a seaward portion; and (vi) portions of Metropolitan Avenue and North 1st Street between River Street and the pierhead line (including prolongations of such streets west of the bulkhead line) that would be demapped under Application No. 210425 MMK.

  The Development Site comprises portions of three waterfront blocks (Blocks 2355, 2361 and 2376) and portions of Metropolitan Avenue and North 1st Street between River Street and the bulkhead line that are proposed to be demapped under Application No. 210425 MMK, with a combined zoning lot area of approximately 399,780 square feet.

  The Project Area also includes two upland blocks (Blocks 2356 and 2362) which are located directly east of the Development Site, across River Street. Block 2356 consists of a single lot (Lot 1) with a lot area of 22,640 square feet. It is occupied by a recently constructed six-story, mixed commercial building with office space, a destination retail (Trader Joe's) below grade, ground floor retail, approximately 176 accessory attended parking spaces, and a roof garden on the third floor. On Block 2362, Lot 3 is a vacant 13,378 square feet lot owned by Con Edison, and Lot 1 is an approximately 5,862-square-foot lot that was previously occupied by a single story building that was demolished in 2019; subsequent permits have been filed for excavation, bracing and shoring, and the site appears to be undergoing environmental remediation.

  The Project Area is in an M3-1 district, which permits a base maximum FAR of 2.0 FAR for industrial and commercial uses. Residential and community facility uses are not permitted. Within an M3-1 district for a non-waterfront block, a building may rise to 60 feet before setting back from the street line, above which it must observe a sky exposure plane. The M3-1 district parking regulations require 1 accessory parking space per 300 square feet of floor area for most permitted uses. The proposed M1-4 district permits the same base maximum FAR of 2.0 for industrial and commercial uses and a base maximum FAR of 6.5 for community facility uses, which are not permitted in an M3-1 district. Within an M1-4 district, a building may rise to 60 feet before setting back from the street line, above which it must observe a sky exposure plane. There are no parking requirements within an M1-4 district.

- ***Development Site***: The Development Site comprises six tax lots (Block 2355, Lots 1 and 20, Block 2361, Lots 1, 20 and 21 and Block 2376, Lot 50) on three waterfront blocks and the portions of Metropolitan Avenue and North 1st Street between River Street and the pierhead line that are proposed to be demapped under Application No. 210425 MMK. The lot area of the Development Site is approximately 399,780 square feet, and is generally

located on the west side of River Street between North 3rd Street and Grand Avenue. The Development Site has approximately 464 feet, 8 inches of frontage on River Street, 200 feet, 7 inches of frontage on North 1st Street and 283 feet of frontage on North 3rd Street.

The Development Site is predominantly vacant. However, at the southern upland lot portion, the Applicant has recently partnered with local artists and community organizations to provide an approximately 13,000 square foot, 18-hole miniature golf course, with design and educational elements raising awareness of climate change. The miniature golf course is an interim use approved by the Department of Small Business Services, and it is intended to activate an otherwise vacant waterfront area and create an educational and recreational opportunity for visitors to the waterfront.

The existing Development Site consists of 137,506 square feet of upland lot portion and a 235,784 square foot of seaward lot portion, which includes 19,582 square feet of existing in-water structures qualifying as "piers" or "platforms" as defined in ZR Section 62-11, and additional structures that are not connected to the upland portions of the Development Site and therefore are not counted as "piers" or "platforms."[2] Of the 137,506-square-foot upland lot portion, approximately 8,267 square feet of land comprises a portion of the shoreline projecting seaward (west) of the U.S. Bulkhead line. Within the seaward lot portion of the Development Site, Block 2361, Lot 21 and the northern portion of Block 2376, Lot 50 (roughly the northern 130 feet) are lands under water owned by the State of New York, which will grant easements and such other rights as may be necessary to construct portions of the Ring (defined below) and other in-water structures as part of the Proposed Development under this Application. In addition, the City of New York may have certain property rights with respect to the lands under water within the prolongations of North 1st Street and Metropolitan Avenue, which are proposed to be demapped under Application No. 210425 MMK.

As a result of the Actions, the lot area of the proposed Development Site will consist of 170,103 square feet of upland lot portion, and 229,677 square feet of seaward lot potion, which includes 28,454 square feet of new in-water structures.[3] On Block 2376, Lot 50, a new platform projecting seaward (west) of the U.S. Bulkhead line with an area of 10,008 square feet will be provided and treated as upland lot portion of the Development Site.[4] On Block 2355, Lot 1, a 6,319-square-foot area of land will be filled seaward of the existing mean high water line.[5] In addition, the proposed upland lot area will include 23,116 square foot area of Metropolitan Avenue and an approximately 3,374 square foot area of North 1st Street that are proposed to be demapped.[6]

The Development Site is located entirely with an M3-1 zoning district and in a Transit Zone. M3-1 districts permit a base maximum FAR of 2.0 FAR for industrial and commercial uses. Residential and community facility uses are not permitted. Within an M3-1 district for a waterfront block, a building may rise to a maximum base height of 60 feet before setting back from the street line, above which the maximum building height is 110 feet. The M3-1 district parking regulations require one accessory parking space per 300 square feet of floor area for most permitted uses. The Development Site is proposed to be rezoned to a C6-2 district (R8 equivalent). The proposed rezoning would increase the maximum permitted FAR from 2.0 to 7.2 FAR, with inclusionary housing, with up to 6.5 for both community facility and commercial uses. Within a C6-2 district, on a waterfront block, a building may rise to a maximum base height of 70 feet before setting back from the street line, above which the maximum building height is 210 feet (plus 40 feet under

[2] As defined in ZR Section 62-11, "upland lot" is the portion of land that is located landward of the U.S. Bulkhead line and shall also include a portion of the shoreline projecting seaward of the U.S. Bulkhead line.
[3] Under the proposed text amendment, the floor area generated by reconstructed or replaced piers, platforms or other structures would not exceed that generated by existing piers or platforms (19,582 SF).
[4] Under the proposed text amendment, the new platform area would be treated as upland lot, but the lot area included within the upland lot would not exceed the lot area of the shoreline projecting seaward (west) of the U.S. Bulkhead line that is removed (8,267 SF).
[5] The area of land being filled comprises 4,366 square feet of area projecting seaward (west) of the U.S. Bulkhead line and 1,953 square feet of area landward (east) of the U.S. Bulkhead line. As such, the lot area of Block 2355, Lot 1 will increase by an additional 4,366 square feet.
[6] Under the density regulations of the proposed C6-2 zoning district, the demapped streets would generate approximately 190,728 sf of floor area in excess of the floor area that would be utilized by the Proposed Development.

the penthouse provision). The C6-2 district parking regulations require accessory parking spaces at a rate of 40% of the number of market rate dwelling units and 12% of the number of affordable dwelling unit; there are no parking requirements for income restricted housing units within a Transit Zone or for commercial and community facilities uses.

5. Description of the Proposed Development

Building Design. The Proposed Development consists of two mixed-use towers: a 49-story, approximately 560' tall tower (600' including bulkhead) containing approximately 498,600 square feet of residential use, a 30,000 square feet community center and 11,000 square feet of commercial retail use (the "**Building A**"), and a 64-story, approximately 710' tall tower (750' including bulkhead) containing approximately 551,200 square feet of residential use and 68,000 square feet of commercial office and retail use (the "**Building B**"). In total the Proposed Development will include approximately 1,158,800 square feet (6.17 FAR).[7] The Proposed Development would also include approximately 250 accessory attended parking spaces. Building A will have a residential tower size of up to 15,070 square feet and Building B's residential tower size will be up to 13,922 square feet. Local retail uses on the ground floor of both buildings would activate street frontages along North 3rd Street, North 1st Street and River Street as well as along the Development Site's open space. The Proposed Development's accessory parking garage would be accessed from Building B via an entrance/exit on North 1st Street. No loading docks are required, and none will be provided. The Proposed Development would include 538 required bicycle parking spaces.[8]

The Proposed Development's bulk will be located on the Development Site in a manner that shifts the distribution of bulk away from the significant open areas provided along the shoreline, on seaward structures, and on the central portion of the Development Site, between the buildings. The residential tower floor plates and tower widths will allow the efficient configuration of bulk at the upper stories of the two buildings in a manner that seeks to minimize impacts on the open space located on the Development Site and on the surrounding streets. The Proposed Development will fill a major gap in the surrounding neighborhood while significantly improving the streetscape along River Street, North 1st Street and North 3rd Street, and providing a major contribution to public access along the North Brooklyn waterfront.

The design and architecture of the Proposed Development would produce a distinctive addition to the Brooklyn waterfront's skyline, and the proposed mixed-used development would add much needed community space and serve the citywide goal of increasing affordable housing in safe, high opportunity neighborhoods that have superior access to transportation, open space and schools. The Proposed Development would also contain ground floor retail uses that would contribute to a lively streetscape and enhance the Development Site's open spaces, discussed below.

Waterfront Public Access Areas and Public Access Areas. The Proposed Development would include approximately 126,308 square feet (2.9 acres) of new public open space (plus 2.32 acres of accessible in-river space and 0.86 acres of intertidal area) on the Development Site, significantly expanding the existing open space network along the East River waterfront to facilitate a continuous public waterfront experience spanning from Bushwick Inlet Park in the north to Grand Ferry Park and Domino Park in the south.

The waterfront public space would also include educational programming and a variety of other opportunities for enjoyment of the waterfront by the community at large. Active and passive recreation facilities to be provided in the public open space include a public beach on a new cove, stepped seating area facing the beach with granite block seating, a ramped boat launch for non-motorized watercraft (e.g., kayaks, paddleboards), a nature play area, a lawn, tidal and nature trails, viewing and seating areas on in-water structures, and landscaped plantings. Man-made freshwater

[7] Excluding the lot area of the portions of Metropolitan Avenue and North 1st Street that are proposed to be demapped, which do not generate floor area that would be utilized by the Proposed Development, the FAR of the Proposed Development is approximately 7.18, within the maximum 7.2 permitted in the proposed C6-2 district.
[8] The total number of required bicycle parking spaces is subject to change as set forth in Zoning Resolution Section 36-711.

wetlands would also be created upland of the shoreline. In accordance with waterfront zoning requirements, an approximately 1,000-foot-long shore public walkway would be provided along the East River; a segment of the shore public walkway would extend over a portion of the new salt marsh and tide pools being created along the south end of the cove.

6. Actions Necessary to Facilitate the Proposed Development

As described below, the Actions are necessary to facilitate the Proposed Development.

a. *A zoning text amendment to a) establish the portion of the Project Area to the west of River Street as an MIH area; b) amend Zoning Resolution Section 74-742 to allow a large scale general development ("**LSGD**") that does not meet the ownership requirements of Section 74-742, when the site of such LSGD includes the Proposed Development and is partially under State or City ownership; and c) amend Zoning Resolution Section 74-743 to permit, as part of a LSGD, (i) the lot area of a new platform seaward of the bulkhead line to be part of the upland lot area of the waterfront zoning lot, provided that the amount of lot area so incorporated is less than the lot area of shoreline seaward of the bulkhead line to be removed in connection with the LSGD, (ii) additional new piers or platforms to be included as lot area for purposes of floor area, dwelling unit and other bulk regulations, provided that the amount of floor area generated by such new piers or platforms does not exceed the floor area generated by existing piers or platforms, and (iii) such new piers or platforms to be exempt from certain requirements otherwise applicable to piers and platforms provided as part of a waterfront public access area.*

<u>MIH Text Amendment to Appendix F of the Zoning Resolution</u>

The Applicant is requesting a zoning text amendment to Appendix F to designate the Development Site as a Mandatory Inclusionary Housing area, consistent with the policy goals of the *City's Housing New York: A Five Borough, Ten-Year Plan*. The amendment to Appendix F of the Zoning Resolution would permit the Applicant to develop the Proposed Development in accordance with the MIH program. The MIH program requires that permanently affordable housing be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH area. Within this area, all housing developments, enlargements and conversions that meet the criteria set forth in the MIH program must comply with the requirements of either option one or two, described below:

- *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.

- *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.

The Proposed Development would provide approximately 1,050 dwelling units, of which 263 units (25%) will be affordable. Designation of the Development Site as an MIH area will ensure that affordable units and any future development within the MIH area are permanently affordable.

<u>Modification to LSGD ownership requirements of Section 74-742</u>

The Text Amendment will also modify a portion of Section 74-742 which generally requires all owners of property within a LSGD to be applicants for a LSGD special permit, but includes certain exceptions where the City and/or the State have certain property interests within an LSGD.

As described above, the City and State have certain property interests in portions of the seaward lot area of the LSGD for the Proposed Development. The Text Amendment would add to existing exceptions to the ownership provisions to allow the Applicant to be sole applicant with respect to the LSGD special permit. The Applicant would pursue all agreements and understandings with the State and City necessary to include State- and City-owned property within the LSGD.

Modification to Section 74-743 (a) and (b)

The Text Amendment will also allow (i) up to 8,267 square feet of a new platform seaward of the bulkhead line, equivalent to the amount of upland lot area seaward of the existing shoreline that would be removed, to be part of the upland lot area of the waterfront zoning lot, and (ii) new accessible in-water structures to be constructed as new piers and platforms within the seaward lot portion of the Development Site, replacing existing piers and platforms, to be included in the LSGD without being subject to certain design and other requirements otherwise applicable to new piers and platforms, provided that such structures are an integral part of the proposed LSGD resulting in a superior site plan and appropriate relationship with the surrounding waterfront areas and shorelines and provide a significant public access to and within the seaward portion of the LSGD. The Text Amendment would permit these new piers and platforms to generate floor area for incorporation in the Proposed Development, provided that, although the area of new piers and platforms as part of the Proposed Development would total 28,454 square feet within the seaward lot, the amount of floor area generated would not exceed the amount that could be generated from the 19,582 square feet of existing piers and platforms located in the seaward portion of the LSGD zoning lots under ZR Section 62-31.

As discussed above, the Proposed Development would include 2.32 acres of accessible in-river space. As shown on DWG Nos. Z01-1 and L-100, the Proposed Development provides a continuous path along the water's edge in order to connect the existing waterfront areas and shorelines. The waterfront is made accessible through the construction of a "Ring" pier structure located in the seaward portion of the Development Site. The Ring consists of portions of a large, circular walkway on pilings surrounding the proposed beach and an intertidal area, which would connect to upland portions of the waterfront public access area at the northern and central portions of the Development Site. A planted walkway extends from the circular walkway at the northwest portion of the Development Site, along the pierhead line, which would have multiple viewing "outposts" and a variety of seating options. There is also a walkway extending from the southern portion of the upland waterfront public access area to the pierhead line, which would be partially planted and partially on pilings and would terminate in a large space useable as an "outdoor classroom." The outdoor classroom would also be accessible by a connection to the circular walkway, and as a result there would be multiple potential paths for pedestrians utilizing the new piers and platforms. The new piers and platforms at the southwestern portion of the LSGD and at the pierhead line at the northern portion of the LSGD will also function on breakwaters such that the water east of these structures will be useable by the public for recreational activities, such as kayaking.

The Text Amendment would allow the "Ring" and the other accessible piers and platforms described above to be included with the Proposed Development as part of the LSGD. The proposed new piers and platforms form an integral part of the waterfront public access area provided as part of the LSGD and, with multiple access points, are appropriately related to the shoreline within the LSGD and adjacent waterfront areas to the north and south. The seaward structures provide significant public access to and within the seaward portion of the LSGD, and, by creating opportunities for a variety of active and passive activities, including in-water activities, in a manner that is unique to the North Brooklyn waterfront, the new piers and platforms result in a superior site plan that would not be possible without such structures.

b. A zoning map amendment to rezone the Project Area from an M3-1 zoning district to C6-2 and M1-4 zoning districts.

The Map Amendment would rezone the Development Site from M3-1 to C6-2 (R8 equivalent), and the remaining portion of the Project Area would be rezoned from M3-1 to M1-4.

The Map Amendment, accordingly, would increase the Development Site's permitted FAR from 2.0 to 6.5 for commercial uses, while allowing residential uses at an FAR of up to 7.2 (and up to 6.5 FAR for community facility uses). The proposed C6-2 district (R8 equivalent district) is consistent with the R8 district mapped north of the Development Site between Kent Avenue and the pierhead line and the C6-2 district mapped south of the Development Site, along Grand Street and Grand Ferry Park. Accordingly, it would promote the development of new mixed-use density development, including residential development with a mandatory affordable housing component, compatible with the existing mixed-use land use patterns in the area. On the lots comprising the remainder of the Project Area, the M1-4 district between Kent Avenue and River Street would increase the permitted FAR from 2.0 to 6.5 for community facility uses (consistent with the bulk permitted for community facility uses in the R8 district to the north, but it would maintain the maximum 2.0 FAR for commercial/manufacturing uses. This would provide a transition/buffer zone between the Development Site and the mixed-use district mapped to the east.

c. *A zoning special permit pursuant to Zoning Resolution Sections 74-743(a)(2) and 74-743(a)(13), as modified under the Text Amendment, to allow the construction of new piers and platforms in the seaward portion of the LSGD that are accessible and enjoyable by the public; allow such piers and platforms to generate floor area, provided that the total distribution of floor area is limited to the floor area generated by existing land seaward of the bulkhead line to be removed and existing piers and platforms; and to modify bulk regulations.*

Construction of New Piers and Platforms within the LSGD

In connection with construction of the cove as part of the proposed waterfront public access area, approximately 8,267 square feet of existing shoreline lot area west of the bulkhead line, which is currently "upland lot" area, would be removed. At the same time, a new platform located seaward of the bulkhead line would be constructed. The lot area of the new platform (approximately 10,008 square feet) is more than the amount of existing shoreline upland of the bulkhead line that would be removed, and under the proposed zoning text, the lot area of this new platform included in the upland lot would be limited to 8,267 square feet, which is the lot area the existing shoreline lot area west of the bulkhead line to be removed.

As discussed above, new in-water structures, which would be classified as piers and platforms within the LSGD, include elevated trails/walkways, viewing steps and other accessible passive recreation areas. These piers and platforms will form an integral part of the LSGD and meet all other standards for inclusion in the LSGD under the text amendment. The existing in-water structures, which could otherwise generate floor area under the Zoning Resolution, cover approximately 19,582 square feet of lot area, and could generate up to 140,990.4 square feet of floor area. The new in-water structures will cover approximately 28,454 square feet of the seaward lot area, but the amount of floor area generated would be limited to the 140,990.4 square feet of floor generated by the existing structures.

Height and Setback Regulations

The Applicant seeks modification of the Height and Setback Regulations of Section 62-341 to accommodate the proposed tower envelopes, which shift the proposed bulk to the northeastern and southeastern corners of the Development Site, thereby maximizing the available footprint for waterfront public access areas and public access areas. As shown in detail on drawings Z00-2 and Z05-1 to Z07-1B included with this Application, the Proposed Development is seeking to modify the following provisions:

- ZR Section 62-341(a)(2), to modify the initial setback distance of 10 feet from a wide street line, 15 feet from a narrow street line, and 30 feet from the boundary of a Shore Public Walkway;

- ZR Section 62-341(c)(1), to modify the maximum base height of 70 feet within the initial setback distance;

- ZR Section 62-341(c)(2) and 62-341(a)(4)(ii), to modify the maximum building height rule which limits the height of all buildings to 250 feet (inclusive of penthouses);

- ZR Section 62-341(c)(3), to modify the floor area distribution provision, which requires a minimum floor area coverage of at least 30 percent of the waterfront lot area at a height of 20 feet for buildings exceeding the maximum base height of 70 feet;

- ZR Section 62-341(c)(4), to modify the maximum residential tower size rule, which limits the residential tower size at a maximum gross area of 8,100 square feet above the maximum base height of 70 feet; and

- ZR Section 62-341(c)(5), to modify the maximum width of 100 for walls facing the shoreline.

Accordingly, a special permit to modify height and setback requirements is requested.

Special Permit Lapse Period

The Applicant also requests, pursuant to Section 11-42(c), a ten year lapse period for the LSGD special permit, parking special permit, and authorizations to modify certain waterfront requirements and to allow for phased development. Section 11-42(a) provides that, for a development with multiple buildings subject to special permit, the permit is considered vested if 'substantial construction' for one of the buildings is completed within four years following permit issuance. Due to the size and complexity of the Proposed Development, substantial construction of one of the two buildings is not anticipated to have occurred within this four year period. Section 11-42(c) provides that upon a showing that a longer time period for substantial construction is required for a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, extend the period to a period not to exceed 10 years.

d. A zoning special permit pursuant to Zoning Resolution Section 74-533 to reduce the parking requirements for accessory group parking facilities in a Transit Zone.

The accessory parking regulations of Sections 25-23 and 25-251 as applicable within the Transit Zone, including Brooklyn Community District 1, would require accessory parking spaces at a rate of 40% of the number of market rate dwelling units (no off-street accessory parking spaces are required for income-restricted housing units in the Transit Zone). As shown on drawing Z00-2, the Proposed Development would provide parking spaces at a rate of 20% of the number of market rate dwelling units. Section 74-533 permits the Commission, for a development or enlargement within the Transit Zone, including a LSGD, that includes at least 20 percent of all dwelling units as income-restricted housing units, to reduce or waive the number of required accessory residential off-street parking spaces. Accordingly, the Proposed Development is seeking a special permit to reduce the parking requirement for market rate dwelling units to 20%.

e. Zoning authorization to modify the Zoning Resolution's requirements for location, area and minimum dimensions of waterfront public access areas and visual corridors pursuant to Zoning Resolution Section 62-822(a).

The Applicant is seeking modifications to the following requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and Section 62-332 (Rear yards and waterfront yards), governing the location, area and minimum dimensions of waterfront public access areas:

- ZR Section 62-332(a), to modify the minimum depth requirement of 40 feet for waterfront yards;

- ZR Section 62-53(a)(2), to modify the minimum width requirement of 40 feet for a shore public walkway; and

- ZR Sections 62-571(a)(1) and 62-571(a)(2), to modify the average minimum width to depth ratio for supplemental public access areas and the minimum depth requirement perpendicular to the shore public walkway.; and

Accordingly, an authorization pursuant to Section 62-822(a) to modify Sections 62-332 and 62-50 is requested.

f. Zoning authorization to modify requirements within waterfront public access areas pursuant to Zoning Resolution Section 62-822(b).

The Applicant is seeking modifications to the following provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), governing requirements within waterfront public access areas:

- ZR Section 62-61(d)(2), to modify the requirement for the grade level of the planting area that is within five feet of the pedestrian circulation path, to be no more than three feet higher or lower than the adjoining level of the pedestrian circulation path;

- ZR Section 62-611(c), to modify the requirement that certain permitted obstructions be located beyond 20 feet of the shoreline;

- ZR Section 62-62(a)(1), to modify the requirement for the required circulation path to be located within 10 feet of the shoreline for at least 20% of the length of such shoreline;

- ZR Section 62-62(b), to reduce the minimum linear feet of seating that is required within the shore public walkway and supplemental public access area;

- ZR Section 62-62(c)(1)(i), to modify the requirement that a lawn area comprising at least 15% of the required planting area be provided within the waterfront public access area;

- ZR Sections 62-62(c)(2)(i) and 62-62(c)(2)(ii), to modify the requirement that a screening buffer with a minimum width of six feet be provided running along the entire boundary of the waterfront public access area where it abuts non-publicly accessible areas of the zoning lot;

- ZR Sections 62-651(c)(1), 62-651(c)(2), and 62-651(c)(3), to modify the locational and dimensional requirements for guardrails, fences and walls;

- ZR Sections 62-652(f), to modify the minimum requirements for social seating and tables within the waterfront public access area;

- ZR Section 62-653, to modify the requirement to provide a minimum level of illumination throughout all other areas and an average illumination to minimum foot candle uniformity ratio within the waterfront public access area;

- ZR Section 62-655(a), to modify the requirement that retaining walls not exceed a maximum height of three feet; and

- ZR Section 62-656(a), to modify the requirement that certain paving materials be used within the waterfront public access area.

Accordingly, an authorization pursuant to 62-822(b) to modify Section 62-60 is requested.

g. Zoning authorization to allow for phased development of waterfront public access areas pursuant to Zoning Resolution Section 62-822(c).

The Applicant seeks an authorization to allow for a phased development of the required waterfront public access areas. The phased development would allow a portion of the waterfront public access area to be developed as part of a first phase, together with the construction of Building A. The remaining portion of the waterfront would be completed as part of a second phase, together with the construction of Building B. Accordingly, an authorization pursuant to Section 62-822(c) to allow for phased development of waterfront public access areas is required. The details of the phased development are further documented in the phasing plans, as shown on Dwg. Nos. L-601 and L-602.

h. A zoning certification pursuant to Zoning Resolution Section 62-811 with respect to compliance with waterfront public access area and visual corridor requirements, as modified by the zoning authorizations.

The Applicant seeks a certification by the Chairperson of the City Planning Commission pursuant to Section 61-811(b) that the proposed waterfront public access area complies with the provisions of Sections 62-332 (Rear yards and waterfront yards), 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), as modified by the Waterfront Authorizations. As documented in the plans and discussion of conditions submitted herewith, the Proposed Development complies with the applicable waterfront public access area requirements pursuant to Sections 62-332, 62-50 and 62-60 respectively, as modified by the Waterfront Authorizations, and accordingly, the Development Site is eligible to receive a certification of compliance pursuant to Section 62-811.

i. A landfill action to add approximately 6,319 square feet of landfill as part of the waterfront public open space plan.

Landfill of approximately 6,319 square feet is needed to create open area as part of the waterfront public space on the Development Site. The landfill area is on the northern-most portion of the Development Site, just south of the terminus of North 3rd Street. The purpose of the proposed landfill is to enhance the protective nature of the cove and other resilient flood protection measures, as well as promote increased healthy ecology along the shoreline.

7. Conclusion

The Actions would facilitate new world-class buildings along the Williamsburg waterfront with a mix of residential, retail, and community facility uses. The Proposed Development would also provide unique and innovative open space improvements that would provide pedestrian access out in the water, allow for in-water activities, and introduce a new beachfront and a salt marsh to enhance natural resources within the East River. The Proposed Development will be a distinctive new addition to the Brooklyn skyline, will support the City's goals of increasing affordable housing, and provide all City residents with access to a significant new waterfront public amenity.