

## **CITY PLANNING COMMISSION**

---

February 27, 2019 / Calendar No. 13

N 190083 ZRK

---

**IN THE MATTER OF** an application submitted by North 13 Holdings LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission), Borough of Brooklyn, Community District 1.

---

This application for a zoning text amendment was filed by North 13 Holdings LLC on September 7, 2018. The proposed text amendment to Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas) seeks to add a new Industrial Business Incentive Area to the Zoning Resolution (ZR). With the related actions, it would facilitate the construction of an approximately 60,000-square-foot mixed office, retail, and industrial development at 103 North 13th Street in the Williamsburg neighborhood of Brooklyn, Community District 1.

### **RELATED ACTIONS**

In addition to the zoning text amendment (N 190083 ZRK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently:

- C 190084 ZSK** Special Permit by pursuant to ZR Section 74-962 to increase the maximum permitted floor area ratio of Section 43-12.
  
- C 190085 ZSK** Special Permit pursuant to ZR Section 74-963 to modify the off-street parking requirements of Section 44-20 and the loading berth requirements of Section 44-50.

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the related special permit (C 190084 ZSK).

## **ENVIRONMENTAL REVIEW**

This application (N 190083 ZRK), in conjunction with the application for the related actions (C 190084 ZSK, C 190085 ZSK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DCP182K. The lead is the City Planning Commission.

A summary of the environmental review appears in the report for the related special permit (C 190084 ZSK).

## **PUBLIC REVIEW**

This application (N 190083 ZRK) was duly referred to Brooklyn Community Board 1 and to the Brooklyn Borough President on October 15, 2018, in accordance with the procedures for non-ULURP matters, along with the applications for the related actions (C 190084 ZSK and C 190085 ZSK), which were certified as complete by the Department of City Planning and referred in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Review**

Brooklyn Community Board 1 held a public hearing on this application (N 190083 ZRK) on November 13, 2018. A summary of the vote and recommendations of Community Board 1 appears in the report for the related special permit (C 190084 ZSK).

### **Borough President Recommendation**

This application (N 190083 ZRK) was considered by the Brooklyn Borough President, who held a public hearing on December 17, 2018, and issued a recommendation approving the application

on January 28, 2019. A summary of the Borough President's recommendation appears in the report for the related special permit (C 190084 ZSK).

### **City Planning Commission Public Hearing**

On January 9, 2019 (Calendar No. 4), the City Planning Commission scheduled January 30, 2019 for a public hearing on this application (N 190083 ZRK) in conjunction with the public hearings on the applications for the related actions (C 190084 ZSK and C 190085 ZSK). The hearing was duly held on January 30, 2019 (Calendar No. 26). One speaker testified in favor of the application, as described in the report for the related special permit (C 190084 ZSK), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM**

This application (N 190083 ZRK) and its related actions (C 190084 ZSK, C 190085 ZSK), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on March 15, 2018, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 17-133.

This action was determined to be consistent with the policies of the WRP.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 190083 ZRK) is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the report for the related special permit (C 190084 ZSK).

### **RESOLUTION**

Therefore, the City Planning Commission, deeming the actions described herein to be appropriate, adopts the following resolution:

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, and subject to the conditions of the CEQR Declaration E-507; and be it further

**RESOLVED**, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination described in this report, The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;  
Matter ~~struckout~~ is to be deleted;  
Matter within # # is defined in Section 12-10;  
\*\*\* indicates where unchanged text appears in the Zoning Resolution.

**Article VII: Administration**

**Chapter 4  
Special Permits by the City Planning Commission**

\* \* \*

**74-96  
Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas**

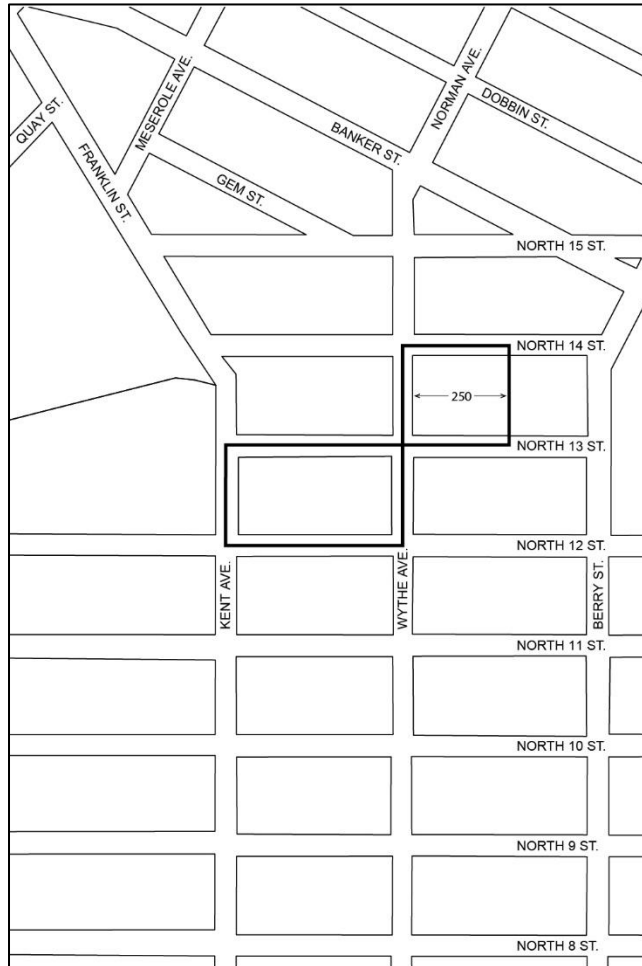
For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the map in this Section, the City Planning Commission may increase the maximum permitted #floor area ratio# and modify the #use#, #bulk# and #public plaza# regulations as set forth in Section 74-962 (Floor area increase and public plaza modifications in Industrial Business Incentive Areas). The Commission may also modify parking and loading requirements for such #developments# or #enlargements# pursuant to Section 74-963 (Parking and loading modifications in Industrial Business Incentive Areas).


For #developments# or #enlargements# receiving a #floor area# increase pursuant to this Section, Section 43-20 (YARD REGULATIONS), inclusive, shall be modified as follows: #rear yard# regulations shall not apply to any #development# or #enlargement# on a #through lot#.

Map of Industrial Business Incentive Areas ~~specified:~~

Community District 1, Borough of Brooklyn: The block bounded by North 12th Street, Kent Avenue, North 13th Street and Wythe Avenue

[PROPOSED MAP]



 Industrial Business Incentive Area

Portion of Community District 1, Borough of Brooklyn

\* \* \*

The above resolution (N 190083 ZRK), duly adopted by the City Planning Commission on February 27, 2019 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKES**, *Esq.*, *Vice Chairman*

**ALLEN P. CAPPELLI**, *Esq.*, **ALFRED C. CERULLO III**, **MICHELLE R. de la UZ**,

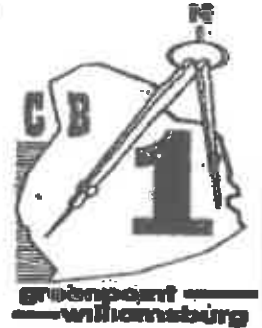
**HOPE KNIGHT**, **ANNA HAYES LEVIN**, **ORLANDO MARÍN**, **LARISA ORTIZ**,

**RAJ RAMPERSHAD**, *Commissioners*





**COMMUNITY BOARD NO. 1**  
435 GRAHAM AVENUE – BROOKLYN, NY 11211  
PHONE: (718) 389-0009  
FAX: (718) 389-0098  
Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)  
Website: [www.nyc.gov/brooklyncb1](http://www.nyc.gov/brooklyncb1)  
HON. ERIC L. ADAMS  
BROOKLYN BOROUGH PRESIDENT



EMSON WEISER  
FIRST VICE-CHAIRMAN  
DEL TEAGUE  
SECOND VICE-CHAIRPERSON  
STEPHEN J. WEIDBERG  
THIRD VICE-CHAIRMAN  
MARIA VIERA  
FINANCIAL SECRETARY  
SOFIA NIEVES  
RECORDING SECRETARY  
PHILIP A. CAPORUSSO  
MEMBER-AT-LARGE

DEALICE FULLER  
CHAIRPERSON  
GERALD A. ESPOSITO  
DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33<sup>RD</sup> CD  
HON. ANTONIO REYNOSO  
COUNCILMEMBER, 34<sup>TH</sup> CD

December 11, 2018

**LAND USE, ULURP & LANDMARKS**  
**(SUBCOMMITTEE) COMMITTEE**  
**REPORT**

TO: Chairperson Dealice Fuller  
and CB #1 Board Members

FROM: Ms. Del Teague, Committee Chair

RE: Committee Meeting Held on November 26, 2018  
(7 members constitute a quorum for this committee)

The Land Use, ULURP & Landmarks (subcommittee) Committee met on November 26, 2018 at 6:30 PM in the CB #1's District Office, 435 Graham Avenue, Brooklyn, NY 11211.

**ATTENDANCE:** Present: Teague; Viera; McKeever; Chesler; Niederman; Nieves; Sofer; Weiser. Absent: Barros; Kaminski; Weidberg. (A quorum was present)

**-1- City Planning: 103 North 13 Street (3 applications)**

(A) The first application seeks a zoning amendment adding an Industrial Business Incentive Area to the block on which the applicant's building is located. Approval of the zoning change for the block, rather than just for the building site, would allow the owners of the adjacent buildings to ask for the special permit without having to also seek a zoning change.

Evergreen is in support of all three applications as being in furtherance of bringing valuable employment into the community and providing live-work spaces that would cut down on vehicular traffic.

**Resolution:** The committee voted unanimously to approve with the following conditions:



- (1) Related retail will not be counted as industrial space and cannot be located in the area earmarked as industrial space;
- (2) Industrial/manufacturing space will be rented at least at 20% below market rate for industrial/ manufacturing spaces;

The committee continues to urge the city to respond to the Board's prior request to open-up this zoning amendment and the availability of obtaining the special permit to the M1-1 district and to complete the North Brooklyn Industry Innovation Plan.

(B) The second application, specific to the developer's site, asks for the special permit that would be allowed by the requested zoning amendment. Such permit would permit an increase in floor area for development occupied by the industrial, light manufacturing, and incentive uses in connection with a 7-story mixed-use commercial/industrial building. The proposed building is considerably smaller than the previous similar applications, i.e., 12,500 square feet, 125 feet frontage (N 13St).

**Resolution:** The committee voted unanimously to approve with the above conditions.

(C) The third application asks for reduction of the required parking spaces from 139 to 0. There will be ample provision for bikes. The applicant pointed out that there is no overnight parking in the area, so the spots are not very useful to residents. The applicant also claimed that there are always plenty of available spaces in the William Vale parking facility that could absorb this building's parking needs.

Applicant also seeks a modification of the loading space requirement from two to one. Evergreen had no opposition to the modification, agreeing their plan was adequate given the limited size of the proposed building.

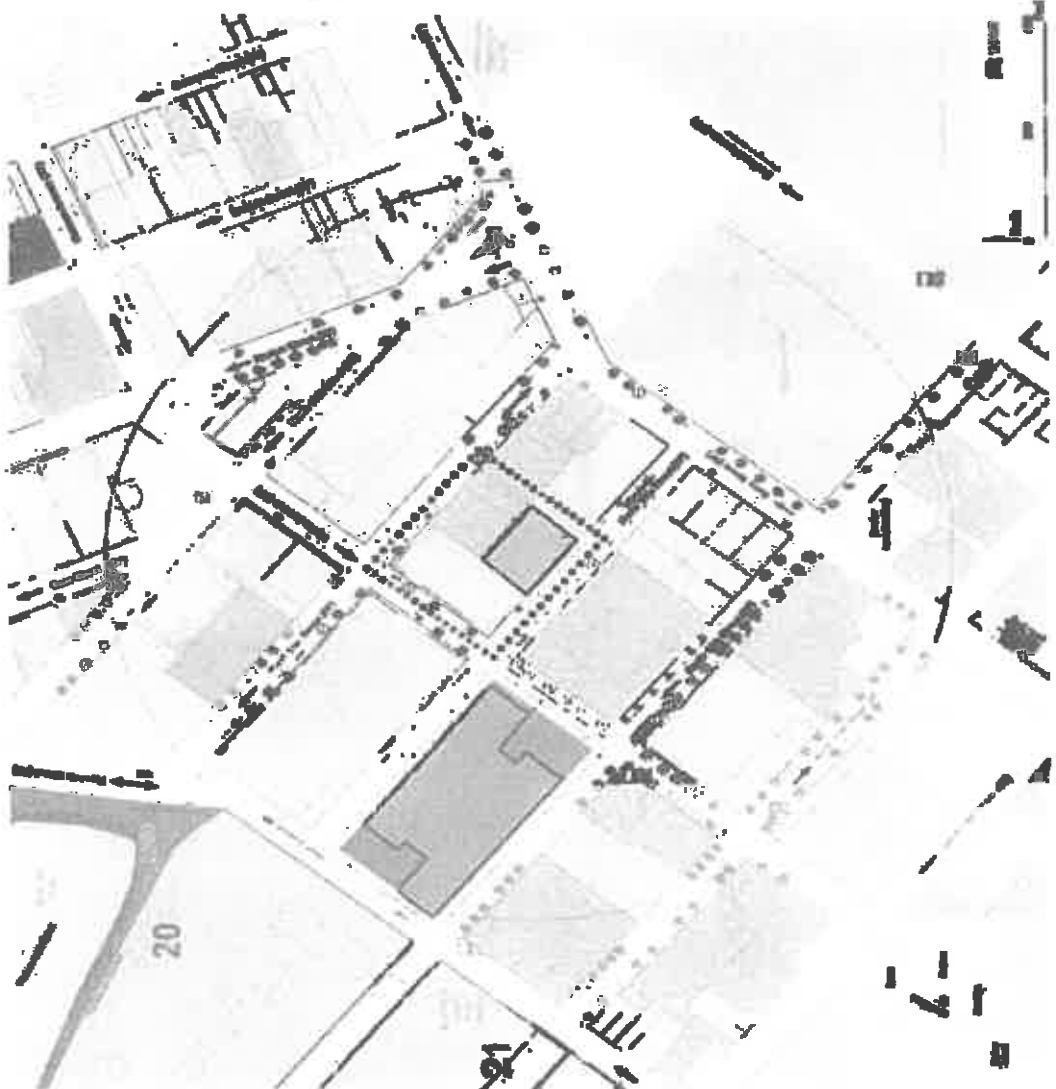
**Resolution:** The committee voted unanimously in favor of this request on the condition that the applicant provide us with proof from William Vale that they routinely have available parking spaces that would be sufficient to cover the building's needs.

**-2- Council Member Antonio Reynoso – Briefing on the City Council's Charter Revision Commission –**

Asher Freeman read the Council Member's testimony, which is attached. The committee thanked the Council Member for his assurance that he will advocate for the inclusion of the community boards in future changes to the charter. The Council Member will keep us informed and involved as his current generalized goals become more particularized.

**20.0000**  
 19. 30.  
 18. 30.  
 17. 30.  
 16. 30.  
 15. 30.  
 14. 30.  
 13. 30.  
 12. 30.  
 11. 30.  
 10. 30.  
 9. 30.  
 8. 30.  
 7. 30.  
 6. 30.  
 5. 30.  
 4. 30.  
 3. 30.  
 2. 30.  
 1. 30.

1. 30.  
 2. 30.  
 3. 30.  
 4. 30.  
 5. 30.  
 6. 30.  
 7. 30.  
 8. 30.  
 9. 30.  
 10. 30.  
 11. 30.  
 12. 30.  
 13. 30.  
 14. 30.  
 15. 30.  
 16. 30.  
 17. 30.  
 18. 30.  
 19. 30.  
 20. 30.



**20.0000**  
 19. 30.  
 18. 30.  
 17. 30.  
 16. 30.  
 15. 30.  
 14. 30.  
 13. 30.  
 12. 30.  
 11. 30.  
 10. 30.  
 9. 30.  
 8. 30.  
 7. 30.  
 6. 30.  
 5. 30.  
 4. 30.  
 3. 30.  
 2. 30.  
 1. 30.

1. 30.  
 2. 30.  
 3. 30.  
 4. 30.  
 5. 30.  
 6. 30.  
 7. 30.  
 8. 30.  
 9. 30.  
 10. 30.  
 11. 30.  
 12. 30.  
 13. 30.  
 14. 30.  
 15. 30.  
 16. 30.  
 17. 30.  
 18. 30.  
 19. 30.  
 20. 30.





BROOKLYN OFFICE  
244 UNION AVE  
BROOKLYN, NY 11211  
TEL: (718) 625-0244

CITY HALL OFFICE  
100 BROADWAY, SUITE 1740  
NEW YORK, NY 10007  
TEL: (212) 765-7000



THE COUNCIL  
OF  
THE CITY OF NEW YORK

DEALS  
SANITATION  
COMMISSIONS  
TRANSPORTATION  
LAND USE  
HOSPITALS  
GENERAL WELFARE  
SUBCOMMITTEE  
BORERS AND FRANCHISES

**ANTONIO REYNOSO**  
Council Member, 17th District, Manhattan & Queens

**Testimony to the New York City Charter Revision Commission by Council Member  
Antonio Reynoso  
Brooklyn Public Hearing on September 17<sup>th</sup>, 2013**

Good evening members of the Charter Revision Commission. Thank you for your service, and for this opportunity to testify. I am Council Member Antonio Reynoso and I will be testifying on behalf of the City Council's Progressive Caucus on our policies for the Commission's consideration.

While the City Council has amended the Charter from time to time, this is the first time a Charter Commission has convened through our legislative authority. We welcome all possibilities of topics that will be considered through this Commission; however, in this order of hearings, we will be focusing on the city's land use powers and process, which has wide-reaching effects on critical issues affecting the city, including affordable housing, displacement, homelessness, fair share and equity, infrastructure, and growth. This issue is a priority for the 22 members of our Caucus, who represent districts across the five boroughs of New York City.

It is no secret that the City's land use and planning processes are deeply flawed. Controversies and opposition to recent amendments have made quite evident that New Yorkers, grassroots organizers, elected officials and skilled professionals alike share deep concerns about the lack of transparency, community engagement, and equity evident in our land use processes and outcomes. New York City's approach to planning has been primarily reactive for decades. The current system encourages ad-hoc planning, in which the City positions itself to be strictly reactive to private development proposals, devastating homelessness, urgent needs for school seats, waitlists for students, and other infrastructure needs. This reactive approach even extends itself to perhaps our most pressing issue - housing and homelessness. We believe there's a better way.

Now more than ever, we are experiencing growth and change on a level not seen since the first half of the 20<sup>th</sup> Century. If we are truly going to be a City that values equity—a City that reflects the needs and priorities of its citizens—we cannot continue to take a piecemeal approach to planning our collective future. Low-income communities should not be solely responsible for bearing the brunt of new density or infrastructure for a growing city. With this Commission, we have an obligation to shift our planning

progress away from short-term political goals and toward long-term planning that accounts for the realities of climate change and the needs of a growing coastal city. We need to reimagine how land use decisions are made to empower communities in the planning process to advance the equitable distribution of City resources, facilities and new development.

As a first step, the Council set forth guiding principles that reflect the Council's values and will drive the development of our local jurisdictions moving forward:

- **Equity and fairness**, to ensure that all communities are doing their fair share and have equitable access to affordable housing, city services and amenities, and a healthy environment in which to live, work and raise their families;
- **Proactive and responsive plans**, that account for projected growth and existing conditions and infrastructure needs, alike;
- **Robust and inclusive engagement**, to ensure that all New Yorkers have a voice in our planning decisions, regardless of language, age, income, ability, gender, religion, color, race, ethnicity, etc.
- **Resilience and sustainability**, to guard against the future impacts of climate change and mitigate the adverse impacts they bring;
- **Transparency and accountability**, to ensure that all New Yorkers understand how and why decisions are made, how to participate in the process, and the ways in which those decisions affect their neighborhoods.

Guided by these principles, the Progressive Council will work together with external stakeholders to develop specific recommendations to achieve the following goals:

1. **Reform NYC's land use processes for community-driven, equitable growth and resilience through a Comprehensive Planning and Fair Share Framework**

It has become increasingly clear that the City can no longer rely on the zoning revolution and piecemeal neighborhood plans as a blueprint for our City's growth. We need to reform our land use processes to holistically address the City's need for housing, public facilities, and neighborhood amenities. A critical step the City could take towards these goals is the development and implementation of a comprehensive plan to plan for the city's long-term needs, including density targets, affordable and fair housing goals, schools, open space, infrastructure, and services to meet these needs city-wide and in specific districts. The targets should then be shared and met in collaboration with communities and elected representatives.

A real comprehensive plan could provide a meaningful vehicle to identify actions and policies that the City will undertake to achieve the plan's goals, including infrastructure investments, facility siting, and development plans for City-owned

also that help meet communities' needs for permanent fair affordable housing, protection from displacement, jobs and amenities. The City should also significantly reform its Fair Share process, starting with the recommendations laid out in the Council's 2017 Fair Share report, to achieve fairness in using municipal facilities.

**2. Facilitate community planning and protect planning from special interests by ensuring the independence of the City Planning Commission and creating a new office dedicated to long-term, community planning.**

A reforming of key players in NYC's development decision making processes is central to improving land use and planning outcomes in NYC. With a strong Mayorial majority and a Chair that simultaneously directs the City Planning Department, the Commission's objective review of projects with an eye toward the City's long-term needs will be thrown into question under any given Mayor. The City Planning Commission must therefore be reformed to ensure greater objectivity and independence from political actors.

A comprehensive plan has the capacity to ensure that residents know where the goals are, empower communities to make informed planning decisions for their neighborhoods, and ensure that all communities are doing their fair share to meet the City's needs and policy goals. But this will require all City agencies who engage in planning work to escape from their silos, which may require the creation of a new entity with the responsibility for coordinating this work, independent from the Department of City Planning. Such an agency could also be tasked with assisting communities in the development of their own plans, increasing the capacity of communities as they engage in citywide and neighborhood-based plans.

**3. Empower communities to meaningfully engage in development decisions before, during, and after formal processes through improved transparency, accountability, oversight and enforcement.**

A comprehensive plan cannot be a top down effort, but should rather be developed in true collaboration with local communities. To accomplish this, Community Boards must be reformed and given increased resources, so that they can bring an informed and independent perspective to the discussion. As recommended by the Mayor's 2018 Charter Revision Commission, the Community Board application and placement process should be reformed to better reflect the demographics in the communities they represent and reduce conflicts of interests. Community Boards should also be provided the resources to hire, contract or develop technical expertise to help advocate for the interests of local residents. Community Boards and Council Members should be given formal opportunities to provide input prior to the certification of land use actions.

As communities are empowered to engage in the planning process and/or create community-based plans, the City should ensure citywide and community goals are transparently met through mandated cross-agency use of local plans. The City should objectively examine local land-use actions and community plans to ensure they are consistent with the goals of the comprehensive plan, and then support implementation. The City should collect relevant information to aid communities in planning, and ensure transparency and timeliness in communication with communities and Community Boards. The City should also improve accountability, oversight and enforcement in the City Environmental Quality review process. The CEQR and EIS process should account for primary and secondary displacement, track neighborhood concerns after land use decisions are approved for actions forward, and require mitigation in those areas where significant adverse impacts are identified.

Our current system does not provide an avenue in which to have honest conversations about our city's needs - much of it is done out of the public eye with the concerns revealed and often negotiated just moments before a final vote. We have tried this method for long enough to know it is not working. It is time we re-evaluate our progressive methods through proactive planning work that is not guided by the latest real estate speculation, but by data, local history, commitment to right past inequities and projected long-term needs. Over the next several months, we will be releasing the proposals we have laid out today alongside our colleagues and stakeholders. Thank you to the Commissioners for your time and we look forward to working with you, our colleagues at the Council and key stakeholders to refine recommendations that reflect the principles and achieve the goals we have outlined here today.

Sincerely,



Antonio Reguero  
Council Member, 34<sup>th</sup> District





### Email/Fax Transmittal

<b>TO:</b> Brooklyn Community District 1 (CD 1) Distribution	<b>FROM:</b> Brooklyn Borough President Eric L. Adams
<b>DATE: January 28, 2019</b>	<b>CONTACT:</b> Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: inna.guzenfeld@brooklynbp.nyc.gov
<b>ULURP Recommendation:</b> 103 NORTH 13 <sup>TH</sup> STREET – 190083 ZRK, 190084 ZSK, 190085 ZSK	<b>NO. Pages, Including Cover: 19</b>

Attached is the recommendation report for ULURP applications 190083 ZRK, 190084 ZSK, 190085 ZSK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

### Distribution

NAME	TITLE	OFFICE	EMAIL
<b>Marisa Lago</b>	Chair, City Planning Commission	(212) 720-3356	ygruel@planning.nyc.gov
<b>Corey Johnson</b>	Speaker, City Council	(212) 564-7557	speakerjohnson@council.nyc.gov
<b>Winston Von Engel</b>	Director, Brooklyn, Department of City Planning (DCP)	(718) 780-8270	wvoneng@planning.nyc.gov
<b>Alex Sommer</b>	Deputy Director, Brooklyn, DCP	(718) 780-8290	asommer@planning.nyc.gov
<b>James Merani</b>	Director, Land Use Review, DCP	(212) 720-3356	jmerani@planning.nyc.gov
<b>Raju Mann</b>	Director, Land Use Division, New York City Council	(212) 788-7207	rmann@council.nyc.gov
<b>Amy Levitan</b>	Land Use Division, New York City Council	(212) 788-7207	alevitan@council.nyc.gov
<b>Stephen Levin</b>	Council Member, District 34	(718) 875-5200	slevin@council.nyc.gov
<b>Dealice Fuller</b>	Chair, Brooklyn Community Board 1 (CB 1)	(718) 389-0098	bk01@cb.nyc.gov
<b>Gerald A. Esposito</b>	District Manager, CB 1	(718) 389-0098	bk01@cb.nyc.gov
<b>Richard Lobel</b>	Applicant's Representative, Sheldon Lobel PC	(212) 725-2727	rlobel@sheldonlobelpc.com
<b>Richard Bearak</b>	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
CalendarOffice@planning.nyc.gov



**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

**APPLICATION#:** 103 NORTH 13<sup>TH</sup> STREET – 190083 ZRK, 190084 ZSK, 190085 ZSK

Applications submitted by North 13 Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the following land use actions: a zoning text amendment to New York City Zoning Resolution (ZR) Section 74-96 to designate four tax lots and parts of two others on the Wythe Avenue side of a block bounded by Berry, North 13<sup>th</sup>, and North 14<sup>th</sup> streets, as a new Industrial Business Incentive Area (IBIA); a special permit pursuant to ZR Section 74-962 to increase the maximum permitted floor area ratio (FAR) for specific commercial, industrial, and manufacturing uses, and allow an adjustment in the underlying height and setback regulations, and a special permit pursuant to ZR Section 74-963 to modify the accessory parking and loading berth requirements for the development site. Such actions would facilitate the development of a seven-story commercial building within an M1-2 district in Brooklyn Community District 1 (CD 1). The building would contain a mix of industrial, office, and retail uses, with a total floor area of approximately 60,000 square feet (sq. ft.). The proposed development would provide one loading berth and no off-street parking.

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

January 28, 2019

DATE

**RECOMMENDATION FOR: 103 NORTH 13<sup>TH</sup> STREET – 190083 ZRK, 190084 ZSK, 190085 ZSK**

North 13 Holdings LLC submitted applications pursuant to Sections 197-c and 201 of the New York City Charter for the following land use actions: a zoning text amendment to New York City Zoning Resolution (ZR) Section 74-96 to designate four tax lots and parts of two others on the Wythe Avenue side of a block bounded by Berry, North 13<sup>th</sup>, and North 14<sup>th</sup> streets, as a new Industrial Business Incentive Area (IBIA); a special permit pursuant to ZR Section 74-962 to increase the maximum permitted floor area ratio (FAR) for specific commercial, industrial, and manufacturing uses, and allow an adjustment in the underlying height and setback regulations, and a special permit pursuant to ZR Section 74-963 to modify the accessory parking and loading berth requirements for the development site. Such actions would facilitate the development of a seven-story commercial building within an M1-2 district in Brooklyn Community District 1 (CD 1). The building would contain a mix of industrial, office, and retail uses, with a total floor area of approximately 60,000 square feet (sq. ft.). The proposed development would provide one loading berth and no off-street parking.

On December 17, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on this zoning text amendment and special permits. There were no speakers on the item.

In response to Borough President Adams' inquiry as to what consideration has been given to complying with Brooklyn Community Board 1 (CB 1)'s recommendation that rents for the Required Industrial Use space not exceed 80 percent of area rents for manufacturing uses, the representative disclosed that the applicant has met with Evergreen, a non-profit organization that manages the City's Industrial Business Zones (IBZs) in Greenpoint and Williamsburg. The applicant understands the need for affordable industrial rents in the area, and discussed the potential for offering such rents at 103 North 13<sup>th</sup> Street.

In response to Borough President Adams' inquiry as to what extent the zoning permits or precludes accessory retail operations within the defined Required Industrial Use floor area, given that the potential to set up such revenue-enhancing operations on the premises would allow food and beverage manufacturers to pay higher rents, the representative acknowledged the concern and would be willing to discuss the issue in the future when potential tenants for the Required Industrial Use floor area have been identified.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, rain gardens, solar panels, and/or wind turbines, the representative expressed that the building would have a water-retentive green roof and high-efficiency glazing.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the representative stated that the applicant has developed multiple projects in the area that engaged LBE and MWBE contractors and subcontractors. The representative expressed that the developer would likely be willing to commit to LBE and MWBE participation on this project.

**Consideration**

CB 1 approved this application on December 11, 2018 with conditions.

In 2016, prompted by a ULURP application for 25 Kent Avenue, the City Planning Commission (CPC) adopted ZR Section 74-96 in Modification of Use, Bulk, Parking and Loading Regulations in IBIA's. This zoning text amendment established one block of the Greenpoint-Williamsburg Industrial Business Zone (IBZ) as an IBIA, and created a special permit that allows developers to

utilize the maximum community facility zoning in order to construct 4.8 FAR of commercial space, with the requirement that 0.8 FAR (a minimum 17 percent) of such floor area be reserved for Required Industrial Uses. The ZR defines a Required Industrial Use as "a use that helps achieve a desirable mix of commercial and manufacturing uses in an IBIA and that generates additional floor area pursuant to provisions set forth in Section 74-962."

While new development in the Greenpoint-Williamsburg IBZ has tended toward entertainment and nightlife uses, there has also been office development that appears to reflect a growing need for commercial office space in Brooklyn. Demand from creative, media, and technology sectors has led to a reduced inventory of available commercial space in Downtown Brooklyn, DUMBO, and Williamsburg. These neighborhoods are attractive for such industries because they offer companies the opportunity to occupy converted loft spaces and operate in proximity to the communities where their workforces reside.

According to a 2018 report by the New York City Department of City Planning (DCP), manufacturing districts outside of Manhattan — particularly those near transit — tend to be relatively under-developed and have proven to be a critical resource allowing the city to absorb recent robust job growth. New York Works, the jobs plan released by Mayor de Blasio in 2017, identified growing jobs in transit-accessible areas outside Manhattan as an important step to supporting the growth of New York City's 21<sup>st</sup> century economy. The plan estimated that demand for office space would grow by more than 60 million sq. ft. by 2025, with almost half of the demand outside of Manhattan. Supporting creation of office space outside of Manhattan would also bring jobs closer to workers and encourage reverse commutes, relieving strains on transit infrastructure. This growth would, however, have to be balanced by the need to retain space for industrial businesses that provide essential services to the city and a diversity of jobs. It is therefore worthwhile to consider the potential for industrial mixed-use development to help accommodate this growth.

The purpose of the IBIA Special Permit is to promote commercial development on M1-2 zoned blocks in the Greenpoint-Williamsburg IBZ, while guaranteeing the provision of manufacturing floor area that would not otherwise be required by zoning. To that end, ZR Section 74-96 allows a change of use from the as-of-right 4.8 community facility FAR to 4.8 FAR for certain commercial and manufacturing uses by creating three categories of use. The first category consists of uses permitted as-of-right in the underlying M1-2 zoning district, which are permitted as-of-right at a maximum 2.0 FAR (Permitted Uses). The second category consists of uses permitted in the underlying M1-2 zoning district, with the exception of moving and storage facilities, and certain other uses (Required Industrial Uses). The third category is a narrow list of Permitted Uses that comprises certain light industrial uses (Incentive Uses). According to the special permit, developers may construct an additional 2.0 FAR of such Incentive Uses only if the building provides 0.8 (or greater) FAR for Required Industrial Uses. Buildings utilizing the special permit are capped at a maximum 4.8 FAR.

The IBIA Special Permit has the dual benefit of increasing overall employment opportunities in the Greenpoint-Williamsburg IBZ while preserving a manufacturing base vulnerable to displacement. Developers are able to utilize revenues generated by the added commercial/office FAR to provide manufacturing floor space at rents that are within reach of manufacturing firms seeking to locate in the IBZ. Currently, only IBZ properties zoned M1-2 and comprise 5,000 or more sq. ft. of horizontally contiguous floor area for Required Industrial Uses are eligible for the IBIA Special Permit.

Under ZR Section 74-962, prior to granting the IBIA Special Permit, CPC must find that the requested increase in the maximum permitted FAR will result in "a beneficial mix of Required

Industrial and Incentive Uses...superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape...a building that has a better design relationship with surrounding streets and adjacent open areas...a development or enlargement that will not have an adverse effect on the surrounding neighborhood” and for applicants seeking an additional height bonus through the provision of a public plaza, “a public plaza of equivalent or greater value as a public amenity.”

103 North 13<sup>th</sup> Street follows 12 Franklin Street and 25 Kent Avenue as the third application to date entering the ULURP process to seek such special permits under ZR Section 74-96.

The IBIA would extend to a depth of 250 feet, inclusive of the 12,500 sq. ft. lot at 103 North 13<sup>th</sup> Street being considered for the requested special permits. This site previously housed a wholesale food distributor in a one-story industrial building that was demolished in 2014. The other properties in the proposed IBIA include 29 Wythe Avenue, and 180 and 190 North 14<sup>th</sup> Street. 29 Wythe Avenue is a corner through-lot improved with a two-story, 21,000 sq. ft. mixed commercial and industrial building. 180 North 14<sup>th</sup> Street is improved with a one-story, 8,528 sq. ft. commercial building. The owners of these properties filed demolition permits in 2017 and are contemplating a separate application pursuant to ZR 74-96. 190 North 14<sup>th</sup> Street is a three-story, 8,765 sq. ft. commercial building, constructed on a 4,000 sq. ft. lot. Finally, the IBIA would include a small portion of 200 North 14<sup>th</sup> Street and 8 Berry Street. The latter site has been approved for an as-of-right redevelopment by the New York City Department of Buildings (DOB).

As proposed, 103 North 13<sup>th</sup> Street would contain approximately 60,000 sq. ft. of floor area, 17 bicycle parking spaces, and one mid-block loading berth with a 17-foot curb cut. The provision of vehicle parking spaces required pursuant to ZR Section 44-20 would be waived pursuant to ZR Section 74-963. 103 North 13<sup>th</sup> Street would house three categories of use within the existing maximum FAR of 4.8. These categories include approximately 25,000 sq. ft. (41 percent) of Permitted Uses, 10,000 sq. ft. (18 percent) of Required Industrial Uses, and another 25,000 sq. ft. (41 percent) of Incentive Uses.

103 North 13<sup>th</sup> Street would have a street wall height of 75 feet, and a maximum height of 110 feet, as permitted by ZR Section 74-962. The building would have seven stories, with the first floor occupied primarily by eating and drinking establishments as well as retail uses. The Required Industrial Use area would be located entirely on the second floor, which would have a height of approximately 16 feet. The third through seventh floors would be reserved for office space. The seventh floor would have 20-foot ceilings to maximize views of the William Vale Hotel and the 25 Kent Avenue plaza.

In order to serve a variety of light industrial and manufacturing uses, the second floor comprising the Required Industrial Use area would have a freight elevator with direct access to the loading berth, and an exhaust shaft capable of accommodating various configurations based on the needs of future tenants. These amenities, together with the aforementioned high ceilings, are intended to allow occupancy by multiple firms, and accommodate special equipment and technology, according to their needs.

103 North 13<sup>th</sup> Street would be accessible by a range of public transportation options including two subway lines, multiple buses, and a ferry. The Brooklyn-Queens Crosstown Local G stops at Nassau Avenue about six blocks away, while the 14<sup>th</sup> Street – Canarsie Local L line stops at Bedford Avenue, about eight blocks southeast of the site. Bus connections are provided by the B32 bus, which runs along Kent and Wythe avenues, as well as the B48 and B62 buses, which stop on Lorimer Street. The NYC Ferry East River service is available at Kent Avenue/North Sixth Street.

There are also several Citi Bike Stations nearby, with the closest at Norman Avenue and North 15<sup>th</sup> Street.

It is Borough President Adams' policy to support land use actions that broaden economic opportunity within the permitted floor area. Such actions that facilitate utilization of such floor area for occupancy of a wider range of job generating uses are consistent with this policy as they provide a means to achieve much needed employment opportunities for varied skill sets. Borough President Adams supports the development of floor area for manufacturing use groups and for added density of office uses, in sections of Brooklyn where it supports creative, innovation, and maker economies. He further supports such actions that establish reasonable height limits, advance more need-based car parking and truck loading berth requirements, as well as promote developments that incorporate amenities serving a benefit to the neighborhood.

The development of these parcels would transform substantially underutilized land to facilitate a mix of commercial and light industrial uses that would support the economy and create a substantial number of construction and permanent jobs. This development provides dedicated space that assures light manufacturing use group establishments would be operating in a manufacturing zoning district. Such development assures retention of the City's industrial sector as a means to create and retain good jobs for those without degrees from institutions of higher learning. The industrial sector has long been an avenue leading to equitable economic opportunity for immigrant populations, people of color, and low-income communities. Borough President Adams supports the preservation of IBZs for the creation of jobs that serve as pathway to the middle class. With low barriers to entry and real career pathways, industrial and manufacturing jobs — average wages of which are twice that of the retail sector — are a crucial avenue of equitable economic development and opportunity for low-income communities.

Borough President Adams supports the concept of encouraging development of industrial and manufacturing space through incentivizing commercial office and retail uses and creating an ecosystem for a mix of commercial and light industrial spaces in close proximity to the workforce. Such office space is in great demand in certain neighborhoods. The choice is not whether or not such creative, innovation, and/or maker office space belongs in traditional office districts or to what extent in manufacturing zoning districts; the choice is whether growth can adequately be accommodated where the industries want to locate in New York City as opposed to other regions of the United States and in the global community.

Borough President Adams is generally supportive of the proposed development. However, he believes there are opportunities to improve the 103 North 13<sup>th</sup> Street proposal and further modify the IBIA Special Permit to address issues that he raised in 2016 with regard to the establishment of this special permit and which remain relevant for developments under ZR Section 74-96. These include: refining the list of Required Industrial Uses to exclude production of exclusively digital format, limiting the extent that accessory retail space is allowed to occupy Required Industrial Use floor area, and enhancing visual representation requirements. He believes that additional public benefit should be realized as a condition of waiving all accessory parking. Furthermore, he believes that there are actions that would promote appropriate development within the Greenpoint-Williamsburg IBZ through zoning map and text amendments to realize more opportunity for properties in the IBZ. Borough President Adams also has recommendations pertaining to sustainability and resiliency as well as LBE and MWBE jobs.

#### **Defining Appropriateness of Listed Required Industrial Uses**

In 2016, the City Council adopted a modified version of a zoning text amendment advanced by DCP that established Required Industrial Uses according to ZR Section 74-961. Under ZR Section 74-961, Required Industrial Uses are limited to Use Groups (UGs) 11A, 16A, 16B, 17B, 17C, and

18A, with some exclusions. For example, while UG 17B permits laboratories for testing, diagnostic medical laboratories that receive patients do not qualify under the definition of Required Industrial Use.

Technological improvements have transformed certain traditional manufacturing space into office-like space with manufacturing processes being digital format product production supported by desktop computer work stations, similar to office space. During Borough President Adams' consideration of ZR Section 74-961 regarding the ULURP to allow development at 25 Kent Street, he expressed concern that the range of proposed uses would permit those that were formerly defined as traditional manufacturing but have evolved to be increasingly digital in nature. Examples include the creation of advertising displays, general printing and publishing, and digital toy manufacturing. Such manufacturing uses are often better able to compete with more traditional office uses to pay rent per sq. ft. for floor area. Permitting such digital manufacturing uses to lease Required Industrial Use floor area at 103 North 13<sup>th</sup> Street would diminish the public policy benefits of establishing Required Industrial Use floor area in the proposed development.

As a text modification is not within the scope of consideration, in order to maximize the resulting public benefit, Borough President Adams believes that the development's Certificate of Occupancy (C of O) should exclude from the Required Industrial Use floor area such UG 17B listed manufacturing establishment that utilize processes limited exclusively to digital format product. He believes that this might be achieved either through notation incorporated in the application drawings for the requested Special Permit or some other acceptable legal mechanism, and be delineated as such on floor plans filed with the DOB.

Borough President Adams believes that in order to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, prior to granting approval for 190084 ZSK, the City Council should seek modification of the 103 North 13<sup>th</sup> Street floor plans with notations that exclude manufacturing processes in UG 17B limited to product of exclusively digital format, or implement an equivalent legal mechanism that prohibits such use from being conforming with the intended C of O.

#### **Limiting Extent of Accessory Retail as Part of Required Industrial Use Floor Area**

There has been a trend for certain uses listed within UGs 11A, 16, 17, and 18 — specifically alcoholic beverages or breweries — in which a small accessory section of floor area is set-aside for retail and/or eating and drinking establishments. For example, the Chelsea Market has an interior retail street, where one can purchase freshly-baked goods from a small accessory retail section off the main baking production area. There are also breweries that contain accessory beer halls and/or restaurants. With the ongoing trend of artisanal food and beverage production, an accessory sales component often provides important synergy and financial viability. However, other manufacturing uses, such as metal fabrication and woodworking, do not lend themselves to accessory retail. This puts such uses at a disadvantage because permitted uses that profit from accessory retail or eating and drinking components would likely be able to pay more rent. Furthermore, if such accessory retail and/or eating and drinking floor space were of excessive size, it would undermine the purpose of establishing dedicated floor area for Required Industrial Uses. The special permit zoning text does not specify whether such accessory operations are permitted to occupy the 0.8 FAR set aside for Required Industrial Uses or what portion of such floor area they may constitute.

As Borough President Adams noted in his 2016 recommendations for 25 Kent Avenue and his recent recommendations for 12 Franklin Street land use actions, the proposed public policy benefits of establishing Required Industrial Use floor area at 103 North 13<sup>th</sup> Street would be diminished if the developer/operator were permitted to lease Required Industrial Use floor area if

accessory retail and/or eating and drinking establishment uses consume more than a nominal amount of floor area.

As has been Borough President Adams' recommendation with regard to the 25 Kent Avenue and 12 Franklin Street ULURP applications, he seeks to clearly define the extent of the Required Industrial Use floor area at 103 North 13<sup>th</sup> Street that would be allotted for supporting accessory retail as well as eating and drinking operations. He believes that it is appropriate to limit Required Industrial Use accessory retail operations, specifically for UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 by permitting up to 100 sq. ft. without regard to the size of the Required Industrial Use establishment, though not more than 1,000 sq. ft. or not exceeding 10 percent of floor area per establishment. Where a business plan supports an accessory use in excess of such size limitation, such floor area should be designated as Permitted Use floor area, incorporated in the development's C of O, and be delineated as such on floor plans filed with DOB.

Borough President Adams believes that in order to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, prior to granting approval for 190084 ZSK, the City Council should seek modification of the 103 North 13<sup>th</sup> Street floor plans with notations that limit Required Industrial Use accessory retail uses (UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12) to 100 sq. ft. without regard to the size of the Required Industrial Use floor area or not exceeding 10 percent of floor area per establishment, though not more than 1,000 sq. ft., or implement an equivalent legal mechanism that prohibits such extent of accessory use from being conforming with the intended C of O.

#### **Maximizing Public Benefit of Space Resulting From The Waiver of Required Parking**

As represented, the proposed development's cellar would provide 12,500 sq. ft. of gross floor area. Within its foundation walls is a 94.67 foot by 115.33 foot space that, excluding bicycle storage, elevator and mechanical equipment, and two stairwells, provides approximately 9,440 sq. ft. to accommodate permitted uses. If this space were used for self-parking, it might be possible to accommodate 20 parking spaces given the columns now likely in place from the previous halted construction. However, providing a dual direction ramp to the cellar-level parking would lead to the loss of approximately 1,000 sq. ft. of ground floor retail, and force the developer to bear the cost of reconstructing the ground floor of the halted construction site.

Though CPC may reduce or waive off-street parking per ZR Section 74-963 from 139 to 174 as-of-right parking spaces, the addition of 17 additional bicycle spaces is, at best, a modest public benefit given the cost savings derived by the developer from the parking waiver, and the possible revenue for using the approximately 9,440 sq. ft. for permitted use.

Borough President Adams believes that the avoidance of costs associated with providing the otherwise required parking, combined with the ability to retain the income from retail uses that would be displaced to accommodate a parking ramp, as well as revenue from leasing up to 9,440 sq. ft. of cellar space for permitted uses, warrants additional consideration for public benefit. He believes that such public benefit should be achieved by securing additional space for Required Industrial uses at a rate consistent with that applied to the zoning floor area (one sq. ft. per three and a half sq. ft. of other uses). Therefore, it is appropriate to reserve approximately 2,700 sq. ft. of cellar floor area for occupancy by Required Industrial Uses.

In order to ensure the provision of such space, CPC and/or City Council should require that drawing No. A-6 be delineated to depict an appropriate segment of the cellar floor plan for Required Industrial Use at a rate of one sq. ft. to three and a half sq. ft. exclusive of floor area used for vertical circulation and building support floor area (e.g. mechanical closets) and bicycle storage.



### **Regulatory Oversight of Required Industrial Use Floor Area**

In order to ensure the integrity of Required Industrial Use space, ZR Section 74-962 requires compliance and recordation, periodic notification by the owner, and annual reporting by a qualified third party. Under the Special Permit rules, the property owner must file a Notice of Restrictions as a precondition to receiving a building permit from DOB. With regard to the C of O, ZR Section 74-962 states that "no temporary certificate of occupancy for any portion of the building to be occupied by incentive uses shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the building required to be occupied by required industrial uses." Such regulation is designed to ensure that the Required Industrial Use area is provided before any Incentive Use area contingent on the provision of such manufacturing floor area is occupied.

According to ZR Section 74-962, each new lease executed for any part of the Required Industrial Use space requires public notification, via electronic resource, of certain information about each new tenant and use. Such notification must include, among other information, the total floor area of the Required Industrial Uses in the development, a digital copy of all approved Special Permit drawings pursuant to ZR Section 74-962 (a)(1) through (a)(4), and the names of all establishments occupying floor area reserved for Required Industrial Uses. Additionally, for each establishment, public notification must specify the amount of Required Industrial Use floor area, the UG, the subgroup, and the specific use as listed in the ZR.

The property owner is also required to retain a qualified third party, approved by the New York City Department of Small Business Services (SBS) to produce an annual report and conduct an inspection to ensure that the Required Industrial Use area is compliant with the provisions of ZR Section 74-962. Such report must include a description of each establishment with the North American Industry Classification System (NAICS) code and number of employees, the total amount of vacant Required Industrial Use floor area, as applicable; the average annual rent for the combined total of the portions of the building reserved for occupancy by Required Industrial Uses, and the number of new leases executed during the calendar year, categorized by lease duration, in five year increments. Such report must be submitted to DCP, as well as the Brooklyn borough president, the local City Council member, and the community board. Such report must be prepared by an organization under contract with the City to provide inspection services, an SBS-certified firm that provides such inspection services, or an entity that the commissioner of SBS determines to be qualified to produce such report, provided that any qualified third party selected by the owner to prepare such a report shall have a professional engineer or a registered architect licensed under the laws of the State of New York to certify the report. Borough President Adams believes that one of the area's nonprofit industrial business solutions providers, such as Evergreen, Greenpoint Manufacturing and Design Center (GMDC), and the North Brooklyn Development Corporation (NDDC) would warrant consideration to potentially serve as an administering agent for 103 North 13<sup>th</sup> Street.

In terms of visual clues to memorialize the inclusion of Required Industrial Use floor area, ZR Section 74-962 requires an information sign mounted at all primary entrances to the building stating the name and address, as well as the following: "This building is subject to Industrial Business Incentive Area (IBIA) regulations, which require a minimum amount of space to be provided for specific industrial uses."

Borough President Adams is concerned that the ZR does not require visual regulatory oversight of Required Industrial Use floor area beyond the primary entrances. As such, within the building it is possible to misrepresent such Required Industrial Use space as allowing as-of-right or incentive uses. In order to serve as a deterrent to such representation, Borough President Adams believes that it is appropriate to mandate signage depicting the Required Industrial Uses on the floor plans of any floor without direct access to the street. So in addition to within the building lobby, such

signage should be placed opposite elevators leading to such spaces, in the corridors upon entering such spaces. For 103 North 13<sup>th</sup> Street, this should be achieved by require visible plaques depicting a floor plan representation of Required Industrial Use floor area, consistent with Special Permit application drawings No. A-06 Cellar Floor Plan and A-07 Level 2 & 3 Floor Plans.

Therefore, as an additional means to adequately provide additional regulatory oversight of Required Industrial Use floor area, Borough President Adams calls on the City Council to augment regulatory oversight of the Required Industrial Use floor area, by obtaining a binding commitment from the applicant that requires wall-mount signage depicting floor plan representation of Required Industrial Use area consistent with Special Permit application drawings No. A-06 Cellar Floor Plan and A-07 Level 2 & 3 Floor Plans at walls opposite elevator doors and corridor boundary entering/exiting from Required Industrial Use area.

### **Advancing Resilient and Sustainable Energy and Stormwater Management Policies**

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint. The proposed development offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house design, solar panels, and wind turbines.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens or tree pit enlargements that advance DEP's green infrastructure strategy. According to the "New York City Green Infrastructure 2017 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

Borough President Adams believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. In addition, blue/green roofs, permeable pavers, and rain gardens would divert stormwater from the City's water pollution control plants.

The sidewalk areas fronting the proposed development on North 13<sup>th</sup> Street could potentially accommodate the construction of DEP rain gardens, which could be integrated with the planting of new street trees.

It should be noted that such rain gardens would require maintenance commitment and attention from the property owner. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption. Such efforts could help advance DEP green water/stormwater strategies, enhancing the operation of the Newtown Creek Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams believes it is appropriate for the property owner to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, and consider

government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, North 13 Holdings LLC, that clarify their intent to further explore additional resiliency and sustainability measures, and commitment to coordinate with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of expanded tree pits and installation and maintenance of DEP rain gardens, in consultation with CB 1 and local elected officials.

### **Jobs**

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as LBEs and MWBEs, is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, North 13 Holdings LLC, that clarify its intent to memorialize retention of Brooklyn-based contractors and subcontractors, especially those that are designated LBE consistent with Section 6-108.1 of the City's Administrative Code and/or MWBE as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

### **Realizing Appropriate Public Purpose Benefit by Amending the Listed Required Industrial Uses**

As noted under ZR 74-961, Required Industrial Uses are limited to UGs 11A, 16A, 16B, 17B, 17C, and 18A, with some exclusions. UG 17B includes certain uses that are increasingly digital in nature, spurred by technological improvements, in which the manufacturing processes has evolved to digital format product supported by desktop computer work stations, similar to office space. Currently, the only UG 17B use that does not qualify as a Required Industrial Use is diagnostic medical laboratories. As a result of such technological advancements, firms that are digital in nature are often able to compete financially with more traditional office uses when renting floor area. Therefore, such uses do not require the extent of assistance that many maker uses require in order to sustain a presence as a viable manufacturing sector in the urban neighborhoods of New York City.

While traditional manufacturing jobs in New York City have seen a steady decline, the City has seen growth in jobs related to artisanal/creative manufacturing, art production, beverage and food

manufacturing, film and television production, fine woodworking and custom furniture designs, high-end apparel manufacturing, jewelry making, and even set-design and costumes for the Broadway stages.

Unfortunately, such businesses face obstacles in finding affordable real estate in the City's manufacturing zones as a result of the wide range of entertainment, office, and retail uses that are permitted as-of-right in manufacturing-zoned areas. The City has, to some extent, provided safe-havens from the real estate market through direct and indirect oversight of the Brooklyn Army Terminal (BAT), Brooklyn Navy Yard (BNY), and Bush Terminal. It has also assisted industrial non-profits such as Evergreen and GMDC in expanding their portfolios of below-market rental space for such uses by creating permanently affordable space for small to medium-sized manufacturers who employ New Yorkers from every strata: high school to college graduates; life-long city residents to recent immigrants, and workers developing their skill sets to those trained in specific trades.

Borough President Adams believes that the Required Industrial Use space that results from the granting of the Special Permit to developments such as 25 Kent Avenue, 12 Franklin Street, and 103 North 13<sup>th</sup> Street is a public benefit that should optimize opportunities for manufacturing firms to secure affordable rents and long-term leases. By finding space in such buildings, manufacturing uses would benefit from below-market rental opportunities, which would help maintain an active and competitive manufacturing sector in New York City.

Borough President Adams believes that it is appropriate public policy to exclude UG 17 manufacturing processes limited exclusively to digital format product from the Required Industrial Use floor area. As opposed to achieving such outcome on a case-by-case basis each time the IBIA Special Permit is requested, Borough President Adams believes that in order to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, such remedy should be codified in the ZR through further amending ZR Section 74-961 definition of Required Industrial Uses, to exclude processes limited exclusively to digital format product from UG 17. Therefore, the City Council should seek assurances from DCP that it would undertake a zoning text amendment to modify the ZR Section 74-961 definition of Required Industrial Use to exclude manufacturing processes in UG 17 in which they are limited to a product exclusively of digital format.

**Realizing Appropriate Public Purpose Benefit by Adequately Regulating the Extent of Accessory Retail as Part of Required Industrial Use Floor Area**

As noted in a previous section, Borough President Adams has concerns about manufacturing establishments with business plans that rely on a significant dining, drinking and/or retail floor area footprint that would diminish the public purpose of establishing Required Industrial Use floor area, by defining such use as nearly 50 percent of such establishment, as accessory to the primary permitted UG according to ZR Section 74-961 as a 11A, 16A, 16B, 17B, 17C, and/or 18A use establishment. Borough President Adams believes that defining dining, drinking, and/or retail to such an extent undermines the public benefit of realizing Required Industrial Use floor area, as such aspects of operation allow business plans to assume an ability to pay more rent than manufacturing operations that would not have the type of synergy to benefit from such a commercial component. As opposed to restricting such accessory commercial use on a case-by-case basis each time a such special permit is requested, he seeks to have clearly defined limits of the extent that Required Industrial Use floor area would be allotted for any supporting accessory dining, drinking, and retail operations.

Borough President Adams believes that it is appropriate to modify ZR Section 74-961 to limit Required Industrial Use accessory retail operations, specifically for UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12, by permitting up to 100 sq. ft. without regard to the size of the Required Industrial

Use establishment's floor area, though not more than 1,000 sq. ft. or not exceeding 10 percent of floor area per establishment. Where a business plan supports an accessory use in excess of such size limitations, the floor area should be designated as permitted use floor area, incorporated in the development's C of O and be delineated as such on floor plans filed with DOB.

Borough President Adams believes it is appropriate public policy to modify the ZR Section 74-961 definition of Required Industrial Use to clarify that accessory retail uses should have size limitations. As opposed to achieving such outcome on a case-by-case basis for individual IBIA Special Permit applications, Borough President Adams believes that in order to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, such remedy should be codified in the ZR by further amending the ZR Section 74-961 definition of Required Industrial Use, to specify limits to accessory dining, drinking, and retail floor area. Therefore, the City Council should seek assurances from DCP that it would undertake a zoning text amendment to modify ZR Section 74-961 Required Industrial Use accessory retail use to limit UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 by permitting up to 100 sq. ft. without regard to the size of the Required Industrial Use floor area, though not more than 1,000 sq. ft. based on no such use being more than 10 percent of floor area per establishment.

### **Facilitating Investment in the M1-1 Zoning District in the Greenpoint-Williamsburg IBZ**

When the Special Permit was initially proposed in 2016, the section of the Greenpoint-Williamsburg IBZ zoned M1-1 has not experienced the same degree of manufacturing displacement as the M1-2 zone. As such, a development-inducing mechanism was not deemed warranted for the M1-1 district, in the context of growing and preserving the IBZ's manufacturing job base.

The 2005 Greenpoint-Williamsburg Rezoning converted the majority of an M3-1 district to M1-2. The rezoned blocks retained the 2.0 commercial floor area permitted by M3-1 zoning, but gained community facility FAR (4.8), which does not exist for M2 and M3 manufacturing districts. In essence, the rezoning enabled the creation of the Special Permit for the designated IBIA in 2016 by granting the 4.8 community facility FAR that potential applicants could utilize to maximize buildout potential for eligible lots in the M1-2 zone.

However, the 2005 rezoning left a considerable number of blocks in the M1-1 district that formerly served as a buffer between the M3-1 blocks and residential blocks further inland. Examining the boundary between the M1-1 and the rezoned M1-2 districts reveals that the boundary line warrants reconsideration. The remaining M1-1 zoned blocks include a number of light industrial and manufacturing businesses, the property owners of which have stated that it would be beneficial to enlarge their buildings. Changing their zoning to M1-2, where appropriate, would provide a pathway for businesses to expand within their current spaces. This would enable the growth of business operations, increasing local employment opportunities and economic benefits citywide. Such DCP-sponsored rezoning might encourage these property owners to resist the temptation to convert their developments to eating and drinking establishments — including entertainment venues, hotels, and retail uses. Borough President Adams urges DCP to undertake corrective action to properly map the M1-1 designated blocks in the Greenpoint-Williamsburg IBZ as M1-2 and have the IBIA Special Permit made applicable in order to facilitate appropriate investment in the amended M1-2 designated blocks.

Borough President Adams recognizes that some of the blocks in the IBZ zoned primarily M1-1 include properties that might not be deemed appropriate for rezoning to M1-2 based on consideration for adjacent residential development in terms of density and height. Nevertheless, such property owners may benefit by being able to utilize the additional community facility zoning floor area as commercial floor area according to the ZR Section 74-962 IBIA Special Permit as a productive redevelopment of their property, as opposed to repositioning existing manufacturing or

warehousing space as eating and drinking establishments — including entertainment venues, hotels, and retail uses. Conversely, the lack of opportunity to expand Required Industrial Use floor area according to the Special Permit could potentially result in the loss of manufacturing and warehousing establishments in the M1-1 district.

Borough President Adams believes it is appropriate to expand the applicability of the Special Permit to properties that would be appropriately retained in the M1-1 zoning district. Where it is not appropriate to establish the M1-2 district, Borough President Adams seeks for the IBIA Special Permit Special Permit to be made applicable in order to facilitate appropriate investment in the existing M1-1 designated blocks. He urges DCP to undertake corrective action to designated M1-1 blocks in the Greenpoint-Williamsburg IBZ to make the Special Permit applicable in order to facilitate appropriate investment in the existing M1-1 designated blocks.

Therefore, Borough President Adams believes it is appropriate for DCP to undertake a zoning study to determine where in the Greenpoint-Williamsburg IBZ it is appropriate to change the M1-1 zoning to M1-2, and extend the applicability of ZR Section 74-96 IBIA Special Permit to all of the blocks in the M1-2 district. At the completion of such a zoning study, DCP should then file applications to amend the zoning map and text accordingly to amend ZR Section 74-96 to include the entire M1-2 zoning district area and to make the Special Permit applicable to M1-1 zoned properties in the IBZ with customized regulations reflecting that such a zone permits half the community facility floor area of an M1-2 district. Such regulations should include: modification of ZR Section 74-962, with regard to the M1-1 floor area increase standard, to be consistent with the M1-1 maximum community facility floor area of 2.4 FAR, and, modification of ZR Section 74-962 (b)(3) to require a maximum permitted street wall height of 50 feet and a maximum height of 60 feet, or 75 feet where a public plaza is provided.

### **Amending the Industrial Business Incentive Area (IBIA) Special Permit Regulations to Enhance Utilization**

Borough President Adams believes that the intent of the IBIA Special Permit is diminished by the fact that the text stipulates a minimum zoning lot size requirement of 5,000 sq. ft. of horizontally contiguous Required Industrial Use space, and precludes the use of the Special Permit for zoning lots in the M1-1 zoning district. Furthermore, applicants seeking to rectify archaic automobile parking and truck loading berth requirements face additional costs that are particularly burdensome for smaller properties. Altogether, many properties in the Greenpoint-Williamsburg IBZ are ineligible or unlikely to apply for the zoning text amendment to ZR Section 74-96 to be eligible to pursue ZR 74-962 IBIA Special Permit. As noted in the previous section, the inability to utilize Special Permit renders such properties vulnerable to conversion from traditional manufacturing use groups to more profitable hotel as well as eating and drinking establishments — including entertainment venues and retail uses.

This trend would likely be magnified by such uses seeking proximity to the disposable incomes of future employees at 25 Kent Avenue, 12 Franklin Street, and 103 North 13<sup>th</sup> Street if more compelling alternatives are not available to property owners of smaller lots and M1-1 zoned-lots in the IBZ. In order to reap the potential economic benefits associated with the IBIA Special Permit, Borough President Adams believes that it is important to advocate for all industrial property owners to maximize profitability in a manner that produces future floor area restricted to Required Industrial Use.

### **Extending Applicability to All Zoning Lots**

Currently, the Special Permit requires a minimum of 5,000 sq. ft. of horizontally contiguous Required Industrial Use per floor. An analysis by the Office of the Brooklyn Borough President found dozens of properties within the Greenpoint-Williamsburg IBZ whose zoning lot size do not

exceed 5,000 sq. ft. The regulations act as a deterrent by disqualifying these properties from applying for a zoning text amendment to ZR Section 74-96 to be eligible to pursue ZR Section 74-962 IBIA Special Permit as a means to accommodate additional commercial floor area on these smaller properties. Borough President Adams believes that generating even smaller quantities of permanently protected Required Industrial Use floor area is an appropriate public policy benefit, especially given that start-up firms typically seek smaller spaces. He believes that it would be appropriate to reduce the horizontally contiguous floor plate requirement for Required Industrial Uses to as little as 1,000 sq. ft. as a means to accommodate zoning lots as small as 2,000 to 2,500 sq. ft. Therefore, Borough President Adams believes that the Special Permit should be applicable to zoning lots without minimum lot size. Rather, it would be appropriate to seek modification of ZR Section 74-962 (b)(1) conditions for minimum amount of business enhancing use floor area to be no less than 1,000 sq. ft. of horizontally contiguous floor area.

#### Reducing Parking and Loading Berth Requirements

Under M1-1 and M1-2 zoning districts, parking and loading berth requirements are primarily based on car-centric, outer-borough policies. However, the recent trend has been to accommodate the growing market of innovation firms and light industrial businesses in proximity to the neighborhoods where their employees reside. This enables such workforce to be much less dependent on automobiles to commute, which is entirely in contrast to the standard requirements of both the M1-1 and M1-2 zoning districts.

Current requirements include a provision (ZR Section 44-22) that is based on the most burdensome use whereby the developer always has to provide the highest required number of parking spaces in case of future conversion to a use that might require more parking. ZR Section 44-21 requires one parking space per 300 sq. ft. of floor area. The basis for such a requirement is to allow for eventual return of commercial occupancy to a light manufacturing use.

According to the IBIA Special Permit, findings are required in order to justify any parking and loading berth reductions. The associated extensive studies and expensive traffic consultant costs make the permit less attractive to owners of smaller businesses and properties. Set standards would make the permit more applicable to other users who may not otherwise be able to afford the costs associated with completing the necessary studies, while right-sizing vehicle parking requirements.

Borough President Adams believes that in order to appropriately establish parking requirements within the Greenpoint-Williamsburg IBZ for developments approved by the IBIA Special Permit, it is necessary to modify regulations in ZR Section 74-963 by introducing a zoning text change that would incorporate a more reasonable zoning district standard for parking without the need to undertake a traffic generation study. The most fitting example can be found in ZR Section 36-21 for C8-3 zoning districts, for Commercial Use Groups 6-16, which requires one parking space per 1,000 sq. ft. of floor area. Furthermore, ZR Section 44-22 should be made inapplicable as it is not logical to suspect that new office development pursuant to the Special Permit would revert to light manufacturing or warehouse use.

To simplify the burden of parking requirements on smaller developments, Borough President Adams believes it is appropriate to introduce a zoning text change to regulate automatic waiving of required parking according to ZR Section 36-232 for C8-3 zoning districts. ZR Section 36-232 for C8-3 zoning districts precludes the applicability of parking requirements to commercial uses if the total number of accessory off-street parking spaces required for all such uses on the zoning lot is fewer than 40. Should the amendment otherwise be applicable to the M1-1 zoning district, the resulting parking waiver standards for zoning lots under 18,000 sq. ft. would be eligible for a waiver of parking requirements. Any applicant for the Special Permit pursuant to ZR Section 74-

963 would still have the option of exceeding the automatic standard reductions upon provision of supportive studies, contingent on CPC approval.

To further alleviate the pressure of providing excess vehicle parking, and to promote a more sustainable form of transportation, Borough President Adams believes it would also be appropriate to introduce a zoning text change that would allow developers to offset the required vehicle parking as-of-right as part of the IBIA Special Permit by providing more bicycle parking. Currently, ZR Section 44-60 requires the provision of one bicycle parking space per 10,000 sq. ft. of floor area. Borough President Adams believes that developers providing bicycle parking spaces above and beyond this requirement should be permitted, through the Special Permit, to offset one vehicle parking space per each bicycle parking space, for up to 33 percent of the otherwise required car parking spaces.

#### Loading

ZR Section 44-54 requires that 50 percent of the floor area be subject to loading berth requirements for manufacturing use, for buildings with both manufacturing (Required Industrial Use) and commercial (Permitted Use) floor area. For manufacturing floor area between 140,000 sq. ft. and 220,000 sq. ft., the requirement is five loading berths. The remaining floor area is subject to the requirement of five loading berths for commercial floor area between 120,000 sq. ft. and 200,000 sq. ft. For a predominantly commercial building, such onerous loading berth requirements are just as archaic as the aforementioned parking requirements. Requiring consultant analysis could potentially deter property owners from engaging in the IBIA Special Permit process. Borough President Adams believes that off-street loading berth requirements under ZR Section 36-92, per the C8-3 zoning district, are appropriate for Special Permit-driven development.

According to C8-3 zoning district standards pursuant to ZR Section 36-92, no loading berths are required for manufacturing use in developments not exceeding 8,000 sq. ft. or up to 25,000 sq. ft. for retail use and up to 100,000 sq. ft. for office use. For example, one loading berth is required for manufacturing and retail use in a 40,000 sq. ft. development, and for office use of up to 200,000 sq. ft. Two loading berths are required for manufacturing use in developments of up to 80,000 sq. ft., for retail use of up to 100,000 sq. ft.; and office use of up to 500,000 sq. ft. Three loading berths are required for manufacturing use in developments of up to 160,000 sq. ft., for retail of up to 250,000 sq. ft., and office use up to 800,000 sq. ft. Borough President Adams believes that, in lieu of ZR Section 44-54, it is appropriate for minimum off-street truck loading berth requirements to be applicable to ZR Section 36-92 per the C8-3 zoning district standard.

Therefore, in order to improve the attractiveness of the IBIA Special Permit to all property owners within the M1-1 and M1-2 zoning districts in the Greenpoint-Williamsburg IBZ, as a means to minimize vulnerability to conversion from traditional manufacturing use groups to more profitable hotel and eating and drinking establishments — including entertainment venues and retail uses — and to encourage the enlargement and/or redevelopment of existing buildings through the provision of floor area that accommodates Required Industrial Uses, Borough President Adams believes that DCP should incorporate in the aforementioned zoning text amendment to ZR Section 74-96, Special Permit parking and loading berth reductions that would be as-of-right per the C8-3 zoning district.

#### Appropriate Special Permit Safeguards

Within new parking garages, it has become more common to utilize stacked parking lifts in combination with horizontal parking of vehicles within new parking garages. Stacked parking necessitates the provision of parking attendants in order to move and rearrange parked vehicles. The efficiency of such a parking garage helps deter drivers from double parking or searching area



streets for limited on-street parking. Double parking can disrupt vehicle movement and shift traffic to residential streets. The search for street parking brings drivers into competition for a limited resource with those already living and working in the area. Therefore, the operation of garages has significant quality-of-life impacts within the community.

In accordance with ZR Section 74-963 IBIA Special Permit, the zoning text directs CPC to prescribe appropriate conditions to minimize adverse effects on neighborhood character. Borough President Adams believes that this section should explicitly direct CPC to consider setting forth a minimum number of parking attendants based on the hour of day and day of the week according to the intended hours of operation for establishments within the building. Additionally, the ZR's provision regarding accessory parking pursuant to Article 4 Chapter 4 does not provide any use restrictions for a development's parking spaces. Therefore, with proper management of this attended parking resource, Borough President Adams believes parking garages resulting from such approved special permits could serve as a fee-based community amenity for local employees and residents.

Therefore, Borough President Adams believes that DCP should incorporate in the aforementioned zoning text amendment to ZR Section 74-96, to have the Special Permit's appropriate conditions allow CPC the authority to determine the appropriate number of parking attendees, as warranted.

### **Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and the City Council approve this application with the following conditions:

1. That for 190084 ZSK, the 103 North 13<sup>th</sup> Street floor plans shall be modified as follows:
  - a. Notate the exclusion of manufacturing processes in Use Group (UG) 17 limited to product of exclusively digital format, and that Required Industrial Use accessory retail use (UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12) be limited by permitting up to 100 square feet without regard to the size of the Required Industrial Use floor area, though not more than 1,000 square feet based on not being more than 10 percent of floor area per establishment
  - b. Label a segment of the cellar floor plan (drawing No. A-06) for Required Industrial Use at a rate of one square foot (sq. ft.) to 3.5 sq. ft. exclusive of floor area used for vertical circulation and building support floor area (e.g. mechanical closets, etc.)
2. That in order to supplement enforcement safeguards, the City Council shall seek a binding commitment from the applicant that requires wall-mount signage depicting floor plans of the Required Industrial Use area consistent with Special Permit application drawing No. A-06 Cellar Floor Plan and A-07 Level 2 & 3 Floor Plans along walls opposite elevator doors, and the corridor boundary entering/exiting the Required Industrial Use area
3. That prior to considering the application, the City Council obtain commitments, in writing, from the developer, North 13 Holdings LLC, that would memorialize
  - a. Exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, DEP rain gardens, passive house design, and/or solar panels
  - b. Retention of Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's

Administrative Code, and minority- and women-owned business enterprises (MWBES), as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be It Further Resolved:

1. That in order to facilitate maximum opportunity for manufacturing uses to benefit from public policy that seeks to provide dedicated floor area for such uses, as part of Required Industrial Use dedicated floor area, from essentially office-like manufacturing processes and excessive retail use, the City Council should seek assurances from the New York City Department of City Planning (DCP) that it would undertake a zoning text amendment as follows:
  - a. Modify the New York City Zoning Resolution (ZR) Section 74-961 definition of Required Industrial Use to exclude manufacturing processes in UG 17 where such processes are limited to product exclusively of digital format
  - b. Modify ZR Section 74-961 Required Industrial Use accessory retail use to limit UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 by permitting up to 100 sq. ft. without regard to the size of the Required Industrial Use floor area, though not more than 1,000 sq. ft. based on no such use being more than 10 percent of floor area per establishment
2. That in order to facilitate the enlargement of existing buildings in the M1-1 zoning district in the Greenpoint-Williamsburg Industrial Business Zone (IBZ) and discourage nearby displacement of industrial uses, the City Council should call for wider applicability of the Special Permit by mapping the entire IBZ, including its M1-1 zoning district, and seeking assurances from DCP that it would advance a zoning map and text amendment as follows:
  - a. Undertake a study of the M1-1 blocks to determine the extent that it would be appropriate to upzone such blocks to M1-2, and then implement such a rezoning
  - b. Undertake a zoning text amendment to amend ZR Section 74-96 to make the Special Permit applicable to M1-1 properties in the Greenpoint-Williamsburg IBZ and to include:
    - i. An M1-1 floor area increase standard modification of ZR Section 74-962 consistent with the M1-1 maximum community facility floor area ratio (FAR) of 2.4
    - ii. Modification of ZR Section 74-962 (b)(3) conditions for maximum permitted street wall height to 50 feet and maximum height to 60 feet, though where a public plaza is provided, the maximum height may be 75 feet
3. That in order to improve the attractiveness of the Industrial Business Incentive Area (IBIA) Special Permit to property owners, make applicable to very small lots, prepare an application to amend ZR Section 74-96 as follows:
  - a. That the Special Permits be applicable to zoning lots without any minimum lot size

- b. That for zoning lots of up to 6,000 square feet, modify ZR Section 74-962 (b)(1) conditions for minimum amount of Required Industrial Use floor area to be not less than 1,000 square feet of horizontally contiguous floor area
- 4. That in order to appropriately establish more appropriate parking and loading berth requirements for developments within the Greenpoint-Williamsburg IBZ seeking the Special Permit for floor area increase pursuant to ZR Section 74-962 and ZR Section 74-963, the City Council should seek assurances from DCP that it would undertake a zoning text amendment that would:
  - a. Regulate Commercial Use Groups 6-16, according to ZR Section 36-21 for a C8-3 zoning designation, and make ZR Section 44-22 inapplicable
  - b. Permit every bicycle parking space provided above and beyond the requirement of ZR Section 44-60 to reduce automobile parking by one space for up to 33 percent of the required number of automobile parking spaces
  - c. Regulate automatic waiving of required parking according to ZR Section 36-232 for a C8-3 zoning designation
  - d. Specifically note that the CPC may prescribe a set standard for a number of parking attendants as an additional condition and safeguard to minimize adverse effects on the character of the surrounding area
  - e. Regulate minimum off-street loading berth requirements for truck loading to be applicable to ZR Section 36-92 instead of Zoning Section 44-54, per the C8-3 District
  - f. Restrict CPC findings (a) - (d) for applications seeking to exceed such automatic reductions