



CITY PLANNING COMMISSION

December 1, 2021 / Calendar No. 9

C 210272 ZSK

IN THE MATTER OF an application submitted by One Wythe LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96 of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed 8-story commercial and industrial building within an Industrial Business Incentive Area specified on the Maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3 and 4), in a M1-2 District. Borough of Brooklyn, Community District 1.

This application for a special permit pursuant to Zoning Resolution (ZR) Section 74-96 was filed by One Wythe LLC on February 9, 2021. This application, in conjunction with the related action, would facilitate the construction of an approximately 81,000-square-foot mixed office, retail, and industrial development at 1 Wythe Avenue in the Greenpoint neighborhood of Brooklyn, Community District 1.

RELATED ACTIONS

In addition to the special permit (C 210272 ZSK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently:

N 210273 ZRK Zoning text amendment to ZR Section 74-96 to add an Industrial Business Incentive Area (IBIA).

BACKGROUND

The applicant, One Wythe LLC, seeks a zoning special permit and a zoning text amendment to facilitate the construction of a new eight-story, 80,743-square-foot mixed-use development on the project area (Block 2641, Lots 1, 3, and 4) in the Greenpoint neighborhood of Brooklyn Community District 1.

The project area, coterminous with the development site, consists of the entirety of Block 2641 (Lots 1, 3, and 4), an irregular zoning lot bounded by Wythe Avenue to the north and west, Banker Street to the east, and North 15th Street to the south. In 2005, as part of the Greenpoint-Williamsburg Rezoning (C 050111(A) ZMK, et al), the surrounding area was rezoned from an M3-1 district, which allows heavy, unenclosed industrial uses, to an M1-2 district, which allows light industrial and commercial uses. The rezoning was intended to better reflect the types of existing industrial and commercial uses that had come to occupy the area and ensure that any new industrial uses would be fully enclosed and compatible with nearby residential and mixed-use neighborhoods.

The project area was also included in the Greenpoint-Williamsburg Industrial Business Zone (IBZ), established in 2006, intended to encourage the retention and growth of such businesses. The Greenpoint-Williamsburg IBZ is serviced by the industrial advocacy and non-profit organization Evergreen as part of its geographic portfolio.

In 2016, the Commission approved a zoning text amendment that designated a full city block (Block 2282, Lot 1), located two blocks southwest of the project area, (in Williamsburg as an Industrial Business Incentive Area (IBIA) and created two special permits available to developments or enlargements within this area (N 160126 ZRK). The IBIA was designed to support job densification and the creation of new industrial space through zoning mechanisms that reduce parking and loading, create loft-style building envelopes, and link industrial use requirements to new commercial space. The ZR Section 74-962 special permit allowed for an increase in bulk from a floor area ratio (FAR) of 2.0 to 4.8 FAR in specific industrial, manufacturing, and commercial uses are provided and modified public plaza requirements. The ZR Section 74-963 special permit allowed for a reduction of off-street parking and loading requirements.

In 2021, the IBIA was expanded into M1-4 zoning districts through the 42-11 Ninth Street Special Permit and Text Amendment (C 200303 ZSQ and N 200304 ZRQ). The text amendment also reorganized and consolidated sections of the ZR into one section to conform to a more

typical and streamlined structure of similar special permits available in Article 7, Chapter 4 (Special Permits by the City Planning Commission).

Previously-approved IBIA developments in the surrounding area include 25 Kent Avenue, an eight-story mixed-use industrial and commercial building approved in 2016 (C 160124 ZSK, C 160125, and N 160126 ZRK); 103 North 13th Street, a seven-story mixed-use industrial and commercial building currently under construction approved in 2019 (C 190084 ZSK, C 190083 ZRK, C 190085 ZSK); and 12 Franklin Street, a proposed seven-story mixed-use industrial and commercial building approved in 2019 (C 180387 ZSK, N 180388 ZRK, C 180389 ZSK). Also adjacent to the project area is the Acme Smoked Fish site where a rezoning was approved in 2021 in order to facilitate a proposed nine-story mixed-use commercial and industrial building (C 210138 ZMK, C 210139 ZSK).

The surrounding area is characterized by a mix of industrial, commercial, and residential land uses and building types. Historically, the Greenpoint-Williamsburg IBZ has comprised one- to two-story industrial and warehouse buildings, many of which are still occupied by light manufacturing uses while others have been converted to commercial uses. New development in the surrounding area includes a seven-story mixed-use industrial and commercial building two blocks south of the project area, the William Vale Hotel, a 22-story building three blocks south of the project area, and a two-story commercial and physical cultural establishment building just south of the project area on Banker Street.

The project area is located within an M1-2 zoning district which allows a maximum FAR of 2.0 for commercial and industrial uses and 4.8 for community facility uses. Building envelopes in M1-2 zoning districts are governed by a sky exposure plane, which begins at 60 feet above the street line. Parking requirements generally include one space per 300-1,000 square feet, depending on use. Immediately to the east and south of the project area is an M1-1 zoning district and immediately to the north and west of the project area is an M1-5 zoning district. M1 zoning districts are a light manufacturing district that typically produce low-scale buildings with a mix of light industrial, automotive, and warehouse uses, as well as office, hotel, retail, and restaurant uses in predominantly converted buildings.

The area is well-served by open space. McCarren Park is located east of the project area across Berry Street, and East River State Park is located southwest of the project area, at Kent Avenue between North Seventh and North Ninth streets. Properties adjacent to the East River are included in the Greenpoint-Williamsburg Waterfront Access Plan, and areas to the west and southwest of the project area are planned to be part of the future Bushwick Inlet Park, part of which has been constructed and opened to the public in 2013. When fully built out, Bushwick Inlet Park will span 28 acres between North Ninth Street and Quay Street.

The surrounding area is well-served by transit, with the Nassau Avenue subway station, providing service to the G train, located approximately four blocks to the east of the project area, and the Bedford Avenue subway station, providing service to the L train, located approximately 0.6 miles to the south. The B32 bus runs along Kent and Wythe avenues, connecting Long Island City and the Williamsburg Bridge Plaza. The B62 bus line runs along Bedford and Driggs avenues, connecting Long Island City and Downtown Brooklyn/Fulton Mall. The B43 and B48 buses run from Greenpoint to Prospect Park. Three Citi Bike stations are located within walking distance of the project area at the corner of North 12th Street and Bedford Avenue, at North 15th Street and Wythe Avenue, and at North 11th Street and Wythe Avenue. The North Williamsburg and Greenpoint East River Ferry stops are located within one mile of the project area.

The project area is a 16,652-square-foot irregular zoning lot that was previously improved with three one-story industrial buildings with a built FAR of 0.35. Prior to 2018, the site was previously occupied by a metal fabricator, architectural fabricator, photography studio, landscaping design-build firm, and a stone contractor.

The proposed actions would facilitate the development of a new eight-story, mixed use building with commercial, industrial, and retail uses. The 110-foot-high, 80,743-square-foot building would contain a total FAR of 4.8, with 33,643 square feet of Permitted Uses (2.0 FAR), 33,643 square feet of Incentives Uses (2.0 FAR), and 13,457 square feet of Required Industrial Uses (0.8 FAR).

Pursuant to ZR Section 74-96, “Permitted Uses” are any uses allowed by the underlying M1-2 zoning district; “Incentive Uses” are uses that are permitted in M1-2 zoning districts, but exclude hotels, retail, food and beverage, and other entertainment and hospitality uses; and “Required Industrial Uses” are a set of certain light industrial uses. As permitted under ZR Section 74-96, above the base maximum FAR of 2.0 in M1-2 districts, floor area may be increased by 3.5 square feet for each square foot of “Required Industrial Uses” up to a maximum FAR of 4.8, provided that the additional floor area beyond the maximum FAR of 2.0 is occupied by “Required Industrial Uses” and “Incentive Uses.”

The ground floor would be used primarily for the Required Industrial Uses and accessory retail uses. The cellar would contain office space and 15 bicycle parking spaces. The second through eighth floors would contain office space with terraces located on the fourth, sixth, and eighth floors. Approximately 8.6 percent of the project area would be open space with a publicly accessible planted seating area at the intersection of Banker Street and North 15th Street and open space along the ground floor lobby entrance on the corner of Banker Street and Wythe Avenue. The proposed development would contain no accessory parking and would provide one loading berth for small box trucks along Banker Street.

The proposed building would have a street wall height of 45 feet and rise to 110 feet after a 15-foot setback. The building’s dormers would allocate the building’s primary mass towards Wythe Avenue, a wide street, and emphasize Wythe Avenue as the primary street frontage while keeping the massing lower further along Banker Street and North 15th Street.

The project area is located within the AE floodplain. Accordingly, the ground floor would be raised to 12 feet in elevation above grade, the design flood elevation (DFE), per Appendix G of the Building Code. The cellar level is located approximately 12 feet below the DFE or zero feet in elevation below grade. The cellar would be fully dry floodproofed to the full height of the foundation wall and above the DFE. Portions of the ground floor below 12 feet would have retail show pits with glass windows at street level to provide pedestrians with a view of the retail space and further activate the streetscape. These limited areas would be constructed as wet floodproofed areas with flood damage-resistant materials.

To facilitate the proposed development, the applicant requests a zoning text amendment and special permit.

The proposed zoning text amendment (N 210273 ZRK) would modify Article VII, Chapter 4, Section 74-96 to designate the project area as a new IBIA, three blocks north of the existing IBIA. The applicant seeks a special permit (C 210272 ZSK) pursuant to ZR Section 74-963 (Permitted floor area increase) to increase the maximum floor area ratio for specific industrial, manufacturing, and commercial uses set forth in Section 43-12, and ZR Section 74-964(a) and (c) (Modifications in conjunction with a floor area increase) to modify the off-street parking requirements of Section 44-20 and the loading berth requirements of Section 44-50.

The special permit would increase the total allowable floor area by 47,100 square feet (approximately 2.8 FAR) for a defined set of industrial and commercial uses. This would include 13,457 square feet (0.8 FAR) of Required Industrial Uses and 33,643 square feet, or 2.0 FAR, of Incentive Uses, pursuant to ZR Section 74-96 and its related conditions and findings. The applicant also proposes to develop 33,643 square feet (2.0 FAR) of uses permitted in the underlying M1-2 zoning district. The amount, type, and location of these uses, among other conditions, would be included in site and floor plans, recorded against the tax lot, and for the life of the building would be viewed as a precondition of the issuance of any building permit or certificate of occupancy

The special permit would also waive the required 246 off-street accessory parking spaces and reduce loading berth requirements from four to one and reduce the minimum dimensions of the loading berth from 50 feet to 37 feet.

ENVIRONMENTAL REVIEW

This application (C 210272 ZSK), in conjunction with the applications for the related actions (N 210273 ZRK), 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 21DCP075K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on July 26, 2021. The Negative Declaration includes an (E) designation (E- 628) to avoid the potential for significant adverse impacts related to hazardous materials and air quality. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

WATERFRONT REVITALIZATION PROGRAM

This application 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 19-117.

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

UNIFORM LAND USE REVIEW

This special permit application (C 210272 ZSK) was certified as complete by the Department of City Planning on July 26, 2021, and duly referred to Brooklyn Community Board 1 and to the Brooklyn Borough President in accordance with Title 62 of the Rules of the City Of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210273 ZRK), which was referred in accordance with the procedures for non-ULURP matters.

Community Board Review

Brooklyn Community Board 1 held a public hearing on this application (C 210272 ZSK) on September 14, 2021, and by a vote of 32 in favor, none opposed and none abstaining, adopted a resolution to approve this application with the following conditions:

- “-1- There will be more greenery on the ground, terrace, and roof.
- 2- The developer will employ more extensive resiliency measures, e.g., install swales and deeper tree beds, employ fossil-free energy sources such as a geothermal heat loop system.
- 3- The owner will conduct outreach to direct neighbors, local block associations, and the surrounding community regarding the developer’s plans and all upcoming hearings dealing with the application and the construction and development of the building.
- 4- The owner will conduct outreach to direct neighbors, local block associations, and the surrounding community regarding the needs and wishes of the community for retail establishments in order to foster retail diversity.”

Borough President Recommendation

This application (C 210272 ZSK) was considered by the Brooklyn Borough President, who held a public hearing on September 27, 2021, and issued a recommendation approving this application on November 10, 2021. The Borough President also issued a recommendation approving the application for the related zoning text amendment (N 210273 ZRK) with the following conditions:

- “ 1. That the One Wythe Avenue floor plans be modified to 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 (sq. ft.) based on not being more than 10 percent of floor area per establishment

2. That to supplement enforcement safeguards, the City Council shall seek a binding commitment from the applicant requiring mounted signage depicting floor plans of the Required Industrial Use area consistent with Special Permit application drawing No. A-05 Cellar Floor Plan and A-04 Ground-Floor Plan along walls opposite elevator doors, and the corridor boundary entering/exiting the Required Industrial Use area
3. That the 1 Wythe Avenue floor plans be modified to label a 3,850 sq. ft segment of the cellar floor plan (drawing No. A-05) for Required Industrial Use at a rate of one 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.)
4. That prior to considering the application, the City Council obtain written commitments, in writing, from the developer, One Wythe LLC, to:
 - a. Provide for bike racks or docking stations in widened sidewalk extensions or bulb-outs that extend from the block's three corners and/or otherwise widened sidewalk areas
 - b. Construct curb extensions as part of a Builders Pavement Plan (BPP) in coordination with New York City Department of Environmental Protection (DEP) and the New York City Department of Transportation (DOT), or, if technically infeasible, enter into a standard DOT maintenance agreement for protected painted sidewalk extensions, at the site's three corners based on prior consultation with Brooklyn Community Board 1 (CB 1) and local elected officials
 - c. Explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, DEP rain gardens, micro-grid batteries, passive house design, solar façades, and/or wind turbines
 - d. Coordinate with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding installation of DEP rain gardens as part of a BPP in consultation with CB 1 and local elected officials
 - e. Retain Brooklyn-based contractors and subcontractors, especially those 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), 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 to ensure maximum opportunity for manufacturing uses to benefit from public policy that seeks dedicated floor area for such uses, as part of Required Industrial Use floor area, and limit office-like manufacturing processes and excessive retail use, the City Council should seek assurances from the New York City Department of City Planning (DCP) to modify New York City Zoning Resolution (ZR) Section 74-961 as follows:
 - a. Change the definition of Required Industrial Use to exclude manufacturing processes in Use Group (UG)17 where such processes are limited to products exclusively of digital format
 - b. Redefine 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 such use occupying no more than 10 percent of floor area per establishment
2. That to facilitate the enlargement of buildings in the M1-1 zoning district in the Greenpoint/Williamsburg Industrial Business Zone (IBZ), and discourage displacement of nearby 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 seek assurances from DCP to undertake:
 - a. A study of the M1-1 blocks to determine where it would be appropriate to upzone those blocks to M1-2, and then implement such a rezoning
 - b. An amendment to ZR Section 74-96 to make the Special Permit applicable to M1-1 properties in the Greenpoint/Williamsburg IBZ and include:
 - i. An M1-1 floor area increase standard modification to Section 74-962 consistent with the M1-1 maximum community facility floor area ratio (FAR) of 2.4
 - ii. Modification of 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 to improve the attractiveness of the Industrial Business Incentive Area (IBIA) Special Permit to property owners, DCP should prepare an application to amend ZR Section 74-96 to make the Special Permits applicable to zoning lots without any minimum lot size”

City Planning Commission Public Hearing

On October 20, 2021 (Calendar No. 3), the City Planning Commission scheduled November 3, 2021, for a public hearing on this application (C 210272 ZSK) in conjunction with the public hearings on the applications for the related action (N 210273 ZRK). The hearing was duly held on November 3, 2021 (Calendar No. 22). Five speakers testified in favor of the application and none in opposition.

An applicant team, comprised of the project attorney, architects, environmental consultant, and developer, spoke in favor of the application, describing the requested special permit and zoning text amendment, the context of the surrounding area, and the proposed project and need for mixed industrial and commercial use buildings. The architect described the design of the proposed development and stated the placement of the required industrial use on the ground floor of the building was supported by Community Board 1, in keeping with the intentions of the IBIA Program, and configured to work with the ground traffic patterns.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed special permit application (C 210272 ZSK), in conjunction with the related application for a zoning text amendment (N 210273 ZRK), is appropriate.

These actions will facilitate the development of 1 Wythe Avenue, the fifth project to use provisions in ZR Section 74-96 to advance a modern commercial office and light industrial building within an IBIA. The proposed building will comprise a total of 80,743 square feet, including 13,457 square feet of light industrial space, in the Greenpoint-Williamsburg IBZ. The

proposed development will also include publicly accessible open space, one at-grade loading berth, and 15 accessory bicycle parking spaces.

The Commission believes that the special permit (C 210272 ZSK) pursuant to ZR Section 74-96 to increase the maximum permitted floor area ratio is appropriate. The special permit will facilitate the development of an 80,743-square-foot building with office, industrial, and retail uses. This includes the provision of 13,457 square feet (0.8 FAR) of new light industrial and manufacturing space (Required Industrial Uses) and nearly 33,643 square feet (2.0 FAR) of office (Incentive Uses). The ZR Section 74-96 special permit regulations will limit the allowable building height to 110 feet and encourage a contextual, loft-style building form.

The Required Industrial Uses will be located on the ground floor and have direct access to a freight elevator and an off-street loading berth. The ground floor will also have 16 floor-to-floor ceiling height and full height windows. The Commission notes that the industrial space meets the minimum required square footage for horizontally contiguous space and has been designed to accommodate multiple light industrial tenants.

The Commission notes that the building has been designed to reflect loft-like buildings found in surrounding neighborhood. The proposed building will rise to a height of 45 feet before setting back 15 feet to a maximum height of approximately 110 feet, within context of surrounding buildings such as the 135-foot tall development at 25 Kent Avenue and the 250-foot tall William Vale Hotel. The Commission also notes that given certain site constraints, the design successfully shifts the bulk of the building to Wythe Avenue while the base of the building along Banker and North 15th streets reflects the warehouse character of surrounding buildings.

The Commission acknowledges that the building also meets the goals of quality ground floor design, with the proposed development exceeding the ground floor transparency requirements to enhance the pedestrian experience. The building will have two publicly accessible open spaces, one at the entrance on corner of Wythe Avenue and Banker Street and a planted seating area at the intersection of North 15th and Banker Street.

The Commission also notes that the applicant intends to include resilient and sustainable design elements in the building. As the project area is located within a 100-year floodplain, the building will be designed to be flood resilient and incorporates several floodproofing strategies. The Commission is pleased by the resilient and sustainable building design and encourages the developer to implement additional sustainability measures.

Regarding the recommendations by the borough president concerning additional limitations on Use Group 17, the Commission believes that further use restrictions are unnecessary and would be too restrictive. Additional use restrictions on Use Group 17 could preclude advances in operations and technology, making it difficult for businesses to respond to technological trends. Regarding the recommendation to add restrictions on accessory retail space, the applicant has stated that they will not utilize any Required Industrial Use accessory retail space to count towards their Incentive Use bonus. Furthermore, the Commission has been consistent in its belief that retaining flexibility is important for Required Industrial Use businesses, and that further zoning restrictions could impede business operations and viability, as previously noted in the Commission's decision regarding a similar application at 103 North 13th Street and 12 Franklin Street.

The Commission believes that the special permit (C 210272 ZSK) to modify the off-street parking requirements and loading berth requirements is appropriate. The special permit will allow the full waiver of up to 246 required accessory off-street parking spaces. The underlying M1-2 district has high parking and loading requirements that exceeds the needs of local businesses and limits construction of new light industrial and commercial buildings. The special permit will also allow the reduction of accessory off-street loading berths from four loading berths to one at-grade berth located along Banker Street, as well as permit the reduction in minimum loading berth dimensions from 50 feet to 37 feet to better reflect the type of trucks anticipated at the site. The applicants will also provide 15 bicycle parking spaces on the first floor, above the required amount of nine. The Commission encourages the applicant to provide additional bicycle parking in order to meet the growing demand.

The Commission notes that the parking and loading requirements of the M1-2 zoning district exceed the needs of the anticipated users of the proposed light industrial and commercial building and place an undue burden on development. Further, the requested parking waiver and proposed reduction in the loading requirements will not create or contribute to serious traffic congestion and will not inhibit vehicular and pedestrian movement. The one curb cut proposed is the minimum required for adequate access to the loading berth. The Commission believes that the proposed parking waiver and reduction of off-street loading is appropriate, recognizing the physical impact that the existing parking and loading regulations would have on a project of this small scale.

The Commission believes that the proposed zoning text amendment (N 210273 ZRK) modifying ZR Article VII, Chapter 4 (Special Permits by the City Planning Commission), designating Block 2641 as an IBIA, is appropriate.

The project area is located within one-quarter mile of three previously approved IBIA projects. The proposed IBIA is also within the Greenpoint-Williamsburg IBZ and an M1-2 zoning district. Expanding the IBIA to include other sites with similar conditions has created the opportunity for mixed commercial and industrial projects at different scales, potentially attracting a wider range of businesses across multiple commercial and industrial sectors.

The Commission notes that there has been a limited number of new office and industrial development in North Brooklyn's M1-1 and M1-2 zoning districts, partially due to the limited FAR and high parking and loading requirements. The special permit pursuant to ZR Section 74-96 provides the flexibility to encourage new commercial and light industrial development in this emerging employment center that could not otherwise be built under existing zoning requirements.

The Commission will continue to closely monitor the approved IBIA projects in this area as they are constructed and tenanted, and develop lessons learned from these emerging mixed industrial and commercial building typologies in this geography and beyond.

FINDINGS

The Commission hereby finds, pursuant to Section 74-966(a) of the Zoning Resolution, that the increase of the maximum permitted floor area ratio and bulk modifications will:

- 1) promote a beneficial mix of required industrial and incentive uses;
- 2) result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;
- 3) result in a building that has a better design relationship with surrounding streets and adjacent open areas; and
- 4) result in a development or enlargement that will not have an adverse effect on the surrounding neighborhood.
- 5) will, for yard or height and setback regulations, provide a better distribution of bulk on the zoning lot and will not unduly obstruct the access to light and air of surrounding streets and properties.

The Commission hereby finds, pursuant to Section 74-966(c) of the Zoning Resolution, that where modifications to parking or loading regulations are proposed:

- 1) such reduction or waiver of required parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;
- 2) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;
- 3) the *streets* providing access to the *development* or *enlargement* are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and
- 4) the reduction or waiver of loading berths requirements will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

RESOLUTION

Therefore, the City Planning Commission, deeming the action 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- 628 the proposed action will have no significant effect on the environment; 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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the application submitted by One Wythe LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96 of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES OF MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed eight-story commercial building within an Industrial Business Incentive Area, on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3, and 4), in an M1-2 District, is approved subject to the following terms and conditions:

1. The properties that are the subject of this application (C 210272 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by ARCHIMAERA, filed with this application, and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-02	Zoning Analysis	07/20/2021
A-03	Zoning Site Plan	07/20/2021

A-04	Ground Floor Plan	07/20/2021
A-05	Cellar Floor Plan	07/20/2021
A-06	Floor Plans - Level 2 & 3	07/20/2021
A-07	Floor Plans - Level 4 & 5	07/20/2021
A-08	Floor Plans - Level 6 & 7	07/20/2021
A-09	Floor Plans - Level 8	07/20/2021
A-10	Zoning Sections	07/20/2021
A-11	Zoning Sections	07/20/2021
A-12	Zoning Elevations – North 15 th Street & Banker Street	07/20/2021
A-13	Zoning Elevations – Wythe Avenue	07/20/2021
A-14	Flood Mitigation Plan	07/20/2021
A-15	Detail Elevations – Ground Level Transparency Compliance	07/20/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application.
3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
5. Development pursuant to this resolution shall be allowed only after the Notice of Restrictions attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Brooklyn.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 210272 ZSK), duly adopted by the City Planning Commission on December 1, 2021 (Calendar No. 9), 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.

ANITA LAREMONT, *Chair*

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

DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO III,

JOSEPH DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN,

ORLANDO MARÍN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

NOTICE OF RESTRICTIONS

THIS NOTICE OF RESTRICTIONS (this “Notice”), made as of this ___ day of ____, 2021, by One Wythe LLC, having an office address at 329 Hewes Street, Brooklyn, New York 11211 (hereinafter referred to as the “Owner”).

WITNESSETH:

WHEREAS, the Owner is the fee owner of certain real property located in the City and State of New York, Borough of Brooklyn and County of Kings, designated as Block 2641, Lots 1, 3, and 4 on the Tax Map of the City of New York, commonly known by the street addresses 1, 7, and 9 Wythe Avenue, Brooklyn, and more particularly described by the metes and bounds description set forth in Exhibit “A” annexed hereto and by this reference made a part hereof (which property, together with any improvements thereon, is hereinafter referred to as the “Premises”); and

WHEREAS, the Owner proposes a Text Amendment to the New York City Zoning Resolution (hereinafter the “Zoning Resolution” or “ZR”) to establish a new Industrial Business Incentive Area set forth in Zoning Resolution Section 74-96; and

WHEREAS, the Owner has submitted Application No. N 210273 ZRK to the City Planning Commission (“Commission”) requesting such Text Amendment; and

WHEREAS, the Owner has applied for a Special Permit (hereinafter “Special Permit”) set forth in ZR Sections 74-96 (Industrial Business Incentive Areas); and

WHEREAS, the Owner has submitted Application No. 210272 ZSK to the Commission requesting such Special Permit; and

WHEREAS, the Owner proposes to build a development (the “Subject Development”) pursuant to the Special Permits; and

WHEREAS, in connection with and as a requirement of ZR Section 74-967, Owner is required to file a Notice of Restrictions with the New York City Register; and

NOW THEREFORE, Owner gives notice to all future owners and to every party having any right, title or interest in the Subject Property and their respective successors, heirs or assigns:

1. If the Subject Development is constructed, Owner shall ensure that reference to this Notice of Restrictions shall be made on any temporary or final certificate of occupancy issued by the New York City Department of Buildings for the Subject Development, and any amendments thereto, as long as the Subject Development remains intact.

2. If the Subject Development is constructed, Owner shall comply with all public notice and posting requirements set forth in ZR Section 74-96.

3. If the Subject Development utilizes an increase the maximum permitted floor area ratio and modifications to the use, bulk and public plaza regulations pursuant to ZR Section 74-963 (Permitted floor area increase), the Subject Development shall comply with all applicable requirements, conditions, and safeguards set forth in ZR Section 74-96 or prescribed by the Commission to minimize adverse effects on the character of the surrounding area.

4. If the Subject Development utilizes modifications to parking and loading requirements for such developments or enlargements pursuant to ZR Section 74-964 (Modifications in conjunction with a floor area increase), the Subject Development shall comply with all applicable requirements, conditions, and safeguards set forth in ZR Section 74-965 or prescribed by the Commission to minimize adverse effects on the character of the surrounding area.

5. The Subject Development is to be developed only as shown on the plans prepared by Archimaera, and last revised and last revised on July 20, 2021, listed below, and attached hereto as **Exhibit B** (collectively, the “Site Plan”). A copy of this Site Plan is also on file in the Office of the Superintendent of Buildings for the Borough of Brooklyn.

Drawing No.	Title	Date
A-02	Zoning Analysis	07/20/21
A-03	Zoning Site Plan	07/20/21
A-04	Ground Floor Plan	07/20/21
A-05	Cellar Floor Plan	07/20/21
A-06	Level 2 & 3 Floor Plans	07/20/21
A-07	Level 4 & 5 Floor Plans	07/20/21
A-08	Level 6 and 7 Floor Plans	07/20/21
A-09	Level 8 Floor Plans	07/20/21
A-10	Zoning Sections	07/20/21
A-11	Zoning Sections	07/20/21
A-12	Zoning Elevations	07/20/21
A-13	Zoning Elevations	07/20/21
A-15	Detail Elevations	07/20/21
A-16	Streetscape Diagram	07/20/21
A-17	Streetscape Diagram	07/20/21
A-18	Streetscape Diagram	07/20/21

This NOTICE OF RESTRICTIONS shall be attached to and submitted with any applications relating to the Subject Property which are filed with DOB or the New York City Department of Transportation. These agencies and any other agencies of the City of New York may enforce the restrictions contained herein by any method authorized by law or in equity.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing declaration as of the date hereinafter written.

 Name:
 Title:

STATE OF NEW YORK)
) ss.:
 COUNTY OF KINGS)

On the ____ day of _____ in the year 2021, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

 Notary Public

Exhibit "A"
Legal Description of the Premises
Tax Block 2641, Lots 1, 3, and 4

As to Lot 1:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, known and designated as and by Lots number 187, 188 and 189 as shown on "Map of Estate of Henry Hilton, deceased, surveyed December, 1919 by Homer L. Bartlett, C.S." filed March 25, 1920, as Map Number 1687, more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southeasterly side of Wythe Avenue and the northeasterly side of North 15th Street;

RUNNING THENCE southeasterly, along the northeasterly side of North 15th Street, 258.36 feet, deed (258 feet 4 3/8 inches, survey) to the southwesterly side of Banker Street;

THENCE northwesterly, along the southwesterly side of Banker Street, 161.92 feet, deed (161 feet 11 inches, survey);

THENCE southwesterly, along a line forming an interior angle of 87 degrees 43 minutes 5 seconds with the southwesterly side of Banker Street, 26.58 feet, deed (25.71 feet, survey);

THENCE northwesterly along an exterior angle of 114 degrees 57 minutes 8 seconds with the preceding course, 103.17 feet, deed (103.5 feet, survey) to the southwesterly side of Wythe Avenue;

THENCE southwesterly, along the southeasterly side of Wythe Avenue, 50 feet to the point or place of BEGINNING.

As to Lots 3 and 4:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southeasterly side of Norman Avenue and the southwesterly side of Banker Street;

RUNNING THENCE southwesterly, along the southeasterly side of Norman Avenue, 36 feet 8 3/4 inches, deed (37 feet 3 inches, survey) to its intersection with the southeasterly side of Wythe Avenue;

THENCE southwesterly, along the southeasterly side of Wythe Avenue, 40 feet 9 5/8 inches, deed (41 feet 1 inch, tax map);

THENCE southeasterly at right angles to the southeasterly side of Wythe Avenue, 103 feet 5 inches, deed (103 feet 2 inches, tax map);

THENCE northeasterly at right angles to the southwesterly side of Banker Street, 25 feet 8 1/8 inches, deed (25.71 feet, survey) to the southwesterly side of Banker Street;

THENCE northwesterly along the southwesterly side of Banker Street, 112 feet 1 1/4 inches, deed (110 feet 6 inches, tax map) to the corner of the point or place of BEGINNING.

Exhibit “B”

Site Plan

[see following page]





Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
120 Broadway, 31st 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

1 WYTHE AVENUE INDUSTRIAL BUSINESS INCENTIVE AREA (IBIA) SPECIAL PERMIT – 210272 ZSK

An application submitted by One Wythe LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-96 of the New York City Zoning Resolution (ZR) to increase the maximum permitted floor area ratio in accordance with ZR Section 74-963, waive the off-street parking requirements of ZR Section 44-20, and modify the quantity and size of the loading berth requirements of Section 44-50. The requested actions are intended to facilitate an eight-story commercial and industrial building within an Industrial Business Incentive Area (IBIA), specified on the Maps in Section 74-968 at 1 Wythe Avenue in an M1-2 District in Brooklyn Community District 1 (CD 1).

BROOKLYN COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

October 29, 2021

DATE

RECOMMENDATION FOR: 1 WYTHE AVENUE INDUSTRIAL BUSINESS INCENTIVE AREA (IBIA) SPECIAL PERMIT – 210272 ZSK

One Wythe LLC submitted an application, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, and pursuant to Section 74-96 of the New York City Zoning Resolution (ZR) to increase the maximum permitted floor area ratio in accordance with ZR Section 74-963, waive the off-street parking requirements of ZR Section 44-20, and modify the quantity and size of the loading berth requirements of Section 44-50. The requested actions are intended to facilitate an eight-story commercial and industrial building within an Industrial Business Incentive Area (IBIA), specified on the Maps in Section 74-968 at 1 Wythe Avenue in an M1-2 District in Brooklyn Community District 1 (CD 1).

On October 6, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were no speakers on the item.

In response to Borough President Adams' inquiry as to what extent the zoning permits or precludes accessory retail operations with the defined Required Industrial Use floor area, the applicant's representative acknowledged that such floor area would be located on the ground floor but stated that there is no intent to dedicate a large percentage to retail uses. The representative also noted that local stakeholders, including Brooklyn Community Board 1 (CB 1) and the industrial development non-profit Evergreen did not express concerns about the integrity of the Required Industrial Use space.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, solar roof or façade panels, New York City Department of Environmental (DEP) rain gardens, and/or wind turbines, the representative stated intent to study and integrate such measures as the project moves toward construction, and also to examine the feasibility of installing a rain garden at the site's southern corner.

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 disclosed that the applicant intends to apply for the New York State Industrial & Commercial Abatement Program (ICAP) incentives and comply with its MWBE requirements.

Consideration

CB 1 approved this application on September 14, 2021, with the following conditions:

- That there would be more greenery on the ground, terrace, and roof
- That the developer would adopt more extensive resiliency measures such as DEP rain gardens and deeper tree beds, and employ fossil-free energy sources such as a geothermal heat loop system
- That the owner would conduct outreach to direct neighbors, local block associations, and the surrounding community regarding the developer's plans and all upcoming hearings dealing with the application, as well as the construction and development of the building
- That the owner would conduct outreach to direct neighbors, local block associations, and the surrounding community regarding their needs and wishes for retail establishments to foster retail diversity

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 to construct 4.8 FAR of commercial space, with the requirement

that a minimum 0.8 FAR be reserved for Required Industrial Uses. The ZR defines a Required Industrial Use as one “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 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 underdeveloped, which has allowed the City to absorb recent robust job growth. Mayor Bill de Blasio’s 2017 New York Works plan identified growing employment centers in transit-accessible areas outside Manhattan as vital strategy to support New York City’s 21st century economy. The plan estimated that demand for office space would grow by more than 60 million sq. ft. by 2025, with almost half based outside of Manhattan. Supporting office space creation in the outer boroughs would bring jobs closer to workers and encourage reverse commutes, relieving overburdened transit infrastructure. However, such investments would have to be balanced by the retention of space for industrial businesses that foster job diversity and provide essential services to the City. It is therefore worthwhile to consider industrial mixed-use development as a way to accommodate needed growth.

The IBIA Special Permit is designed to promote commercial development on M1-2 zoned blocks in the Greenpoint/Williamsburg IBZ, while guaranteeing manufacturing floor area that would not otherwise be required by zoning. 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 M1-2 zoning district, at a maximum FAR of 2.0 (Permitted Uses). The second category also includes uses permitted in the district, except for moving and storage facilities, and certain other uses (Required Industrial Uses). The third category is a narrow list of Permitted Uses confined to 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 FAR (or greater) of Required Industrial Uses.

The IBIA Special Permit has the dual benefit of increasing overall employment opportunities in the IBZ while creating space for vital manufacturing jobs. Developers can utilize revenues generated by the added commercial/office FAR to provide manufacturing floor area at rents that are within reach of industrial firms seeking to locate in the IBZ. Currently, only M1-2 zoned IBZ properties that comprise 5,000 or more square feet (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.”

1 Wythe Avenue follows 103 North 13th Street, 12 Franklin Street, and 25 Kent Avenue as the fourth Uniform Land Use Review Procedure (ULURP) application to seek such special permits under ZR Section 74-96.

The development site consists of three contiguous irregular tax lots occupying the entirety of a roughly triangular block in the Greenpoint/Williamsburg IBZ that extends approximately 271 feet along Banker Street, 258 feet along North 15th Street, and 128 feet along Wythe Avenue. The development site's total area is 16,822 sq. ft., and much of it is vacant, except for an extant metal trailer and a disused one-story building. The block is zoned M1-2, which makes the property eligible for the IBIA Special Permit.

1 Wythe Avenue is proposed as an eight-story, 80,743 sq. ft. mixed commercial and industrial building with a maximum height of 110 feet. The program includes 33,643 sq. ft. of permitted as-of-right uses, that would occupy the cellar, second floor, and portions of the third and fourth floors; 13,457 sq. ft. of Required Industrial Uses (with some accessory retail) concentrated on the ground floor, and 33,643 sq. ft. of Incentive Uses (office space) on the upper floors. Approximately 8.6 percent of the site, 1,438 sq. ft., would be provided as publicly accessible open space, at the corner of Banker and North 15th streets, and Banker Street and Wythe Avenue. The design also includes terraces on the fourth, sixth, and eighth floors. While no vehicle parking is intended, the development would contain 15 bicycle parking spaces, of which nine are required. The ground floor would have a flexible layout to accommodate industrial and accessory uses, accessible via Wythe Avenue, with a 37-foot-deep by 15-foot-wide loading berth on the north side of the building. As the development site is in a flood zone, the ground floor has been raised to the designated flood elevation. The building will incorporate additional dry and wet floodproofing measures.

The surrounding area consists primarily of commercial and industrial uses housed in large, low-rise warehouse buildings, as well as open-air parking lots. Adjacent blocks on either side of the project would be developed with a mixed office/industrial building on Gem Street that would accommodate Acme Fish, and a similar building that would be located at 12 Franklin Street.

It is Borough President Adams' policy to support land use actions that broaden economic opportunity within the permitted floor area. Actions that facilitate utilization of such floor area for occupancy by a wider range of job generating uses also provide 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 with strong creative, innovation, and maker economies. He further supports actions that establish reasonable height limits, advance truck loading berth requirements, and promote developments that incorporate neighborhood amenities.

The redevelopment of these parcels would transform underutilized land to facilitate productive commercial and light industrial uses and generate construction and permanent jobs. By providing dedicated space for light manufacturing use groups, the 1 Wythe Avenue project would ensure the presence of such establishments in an M district. This type of mixed-use development also supports the City's objective of industrial retention, and creation/preservation of quality jobs for workers without college degrees. Traditionally, manufacturing jobs offer low barriers to entry, with average wages twice that of the retail sector. As such, the industrial sector has long provided economic opportunity and mobility for New York's immigrant and low-income communities.

Borough President Adams supports development of industrial and manufacturing space through zoning incentives for office and retail uses. Such commercial space fosters an ecosystem of complementary and diverse uses that is highly desirable in certain Brooklyn neighborhoods. The choice is not whether creative, innovation, and maker uses belong in office districts or manufacturing zones but whether these industries can find space to grow in New York, as opposed to other cities, regions, and states.

Borough President Adams supports the increase in commercial development in proximity to public transit. Wythe Avenue would be accessible via the Brooklyn-Queens Crosstown Local G stops at Nassau Avenue four blocks east of the site, and the B32 bus, which stops one block west at Kent Avenue and North 14th Street. There are also several Citi Bike stations nearby, with a large dock across the street on the corner of Wythe Avenue and North 15th Street.

Borough President Adams is generally supportive of the proposed development. However, he believes there are opportunities to improve 1 Wythe Avenue and further modify the IBIA Special Permit to address issues he raised when this special permit was established in 2016. These include refining the list of Required Industrial Uses to exclude production of exclusively digital format, limiting the extent of permitted accessory retail space within the Required Industrial Use floor area, and enhancing visual representation requirements. 1 Wythe Avenue should yield additional public benefit as a condition of the requested parking waiver, including additional Required Industrial Use floor area and bicycle parking amenities. Finally, consistent with his policies, Borough President Adams seeks affordable commercial space for cultural and non-profit entities, incorporation of resilient and sustainable features, significant Vision Zero enhancements, and a high level of LBE and MWBE hiring. Finally, DCP should take action to promote additional development opportunities within the Greenpoint/Williamsburg IBZ through zoning map and text amendments that would expand the applicability of the IBIA Special Permit.

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 74-96. Under ZR Section 74-96.1, 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.

During Borough President Adams' review of 25 Kent Street, he expressed concern that the proposed range of uses would include processes formerly defined as traditional manufacturing that have evolved into digital format production supported by desktop computers. Examples include creation of advertising displays, general printing and publishing, and digital toy manufacturing. These digital manufacturing uses are often better able to compete with office uses for lucrative space in neighborhoods such as Greenpoint/Williamsburg. Permitting such operators to lease Required Industrial Use floor area at 1 Wythe Avenue would diminish the public policy benefits of establishing Required Industrial Use floor area for maker uses that are not able to pay higher commercial rents.

As a text modification is not within the scope of consideration, Borough President Adams believes that the development's Certificate of Occupancy (C of O) should exclude UG 17B manufacturing establishments that utilize processes limited exclusively to digital format product from the Required Industrial Use floor area. This could be achieved either through appropriate notations in the Special Permit application drawings or some acceptable legal mechanism, if the restrictions are delineated on floor plans filed with the New York City Department of Buildings (DOB).

Therefore, to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, the City Council should seek modification of the 1 Wythe Avenue floor plans with notations that exclude manufacturing processes in UG 17B limited to product of exclusively digital format, or implement a legal mechanism that establishes such uses as nonconforming with the intended C of O.

Limiting Accessory Retail as Part of Required Industrial Use Floor Area

There has been a tendency for certain UG 11A, 16, 17, and 18 uses — specifically alcoholic beverage producers or breweries to set aside a small section of floor area for accessory retail and/or eating and drinking establishments. For example, at Chelsea Market, patrons can buy baked goods from a small accessory retail section off the main baking production area. For artisanal food and beverage producers, an accessory sales component often provides important synergy and financial viability. It also enables these businesses to pay higher rents than other manufacturing uses, such as metal fabrication and woodworking, that do not typically have a retail or restaurant component. The Special Permit text does not specify whether such accessory operations are permitted to occupy the 0.8 FAR set aside for Required Industrial Uses or what percentage of such floor area they may constitute.

In his recommendations for 25 Kent Avenue, 12 Franklin Street, and 103 North 13th Street, Borough President Adams has consistently argued that allowing accessory retail and/or eating and drinking establishments to exceed a nominal amount of the Required Industrial Use floor area undermines the public purpose of the IBIA Special Permit. He is particularly concerned about such potential at 1 Wythe Avenue, as this project would provide most (if not all) of the Required Industrial Use floor area on the ground floor, which is typically reserved for retail and other non-manufacturing uses. Given the attractiveness of this proposition, Borough President Adams seeks to clarify the percentage of Required Industrial Use floor area at 1 Wythe Avenue that would be allotted to accessory retail as well as restaurant operations. He also 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 10 percent of floor area per establishment. Where a business plan supports an accessory use exceeding these limitations, such space should be designated as Permitted Use floor area, incorporated in the development's C of O, and indicated on floor plans filed with DOB.

Therefore, to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, the City Council should seek modification of 1 Wythe Avenue floor plans with notations that limit Required Industrial Use accessory retail (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 up to 10 percent of floor area per establishment, though not more than 1,000 sq. ft. Alternatively, the City Council could implement a legal mechanism that establishes such extent of accessory use as nonconforming with the intended C of O.

Regulatory Oversight of Required Industrial Use Floor Area

To ensure the integrity of Required Industrial Use space, ZR Section 74-967 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. Regarding the C of O, ZR Section 74-967 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 74-967, 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 74-967 (c)(1) through (c)(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 74-967. 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. This report must be submitted to DCP, the Brooklyn borough president, the local City Council member, and the community board. It must be prepared by an organization under contract with the City to provide inspection services, an SBS-certified firm or an entity that the SBS commissioner deems qualified to produce such report, provided that the qualified third party shall have a professional engineer or registered architect licensed in New York State to certify the report. Borough President Adams believes that one of the area's industrial non-profits such as Evergreen, the Greenpoint Manufacturing and Design Center (GMDC), and the North Brooklyn Development Corporation (NDDC) could serve as a competent administering agent for 1 Wythe Avenue.

In terms of visual clues to memorialize the inclusion of Required Industrial Use floor area, ZR Section 74-967 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. Therefore, Borough President Adams believes that it is appropriate to mandate signage depicting the Required Industrial Uses on the plans of any floor without direct access to the street. In addition to within the building lobby, the signage should be placed opposite elevators leading to such spaces, in the corridors upon entering such spaces. For 1 Wythe Avenue, this should be achieved via visible plaques depicting a floor plan of Required Industrial Use floor area, consistent with Special Permit application drawing No. A-04 Ground Floor Plan.

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-mounted signage depicting floor plan representation of Required Industrial Use area consistent with Special Permit application drawings No. A-04 Ground Floor Plan, opposite elevator doors and corridors connecting to the Required Industrial Use area.

Maximizing the Public Benefit of Space Resulting from The Waiver of Required Parking

As represented, the proposed development's cellar would provide 15,800 sq. ft. of gross floor area. Excluding bicycle storage, electric closet, elevator and mechanical equipment, hallways, restrooms, and two stairwells, the cellar provides approximately 13,500 sq. ft. for permitted uses. If used for self-parking, such space could accommodate 15 to 20 parking spaces given the acute triangular constraints. However, this would require a dual direction access ramp, which would claim 1,000 sq. ft. of ground-floor Required Industrial Use space.

CPC may elect to reduce or waive accessory off-street parking per ZR Section 74-963 from 246 as-of-right parking spaces to zero. However, the addition of six bicycle spaces beyond the nine required provides only a modest public benefit, while the developer achieves significant cost savings by waiving the required parking and freeing the cellar for revenue-producing permitted uses. Borough President Adams believes that the public benefit of 1 Wythe Avenue should be increased by securing additional space for Required Industrial uses at the overall Special Permit rate of one sq. ft. per three and a half sq. ft. of other uses. According to this ratio, the developer would set aside approximately 3,850 sq. ft. of non-zoning cellar floor area for Required Industrial Uses, an appropriate reciprocal benefit of the parking waiver.

To ensure the provision of such space, CPC and/or City Council should require that an appropriate segment of the cellar floor plan (drawing No. A-05) representing 3,850 sq. ft. be notated as Required Industrial Use space at a rate of one sq. ft. to three and a half sq. ft. excluding floor area used for vertical circulation and building support (e.g., electrical and mechanical closets), restrooms, and bicycle storage.

As an additional benefit, the developer should make efforts to facilitate and increase bicycle commuting to 1 Wythe Avenue, by investing in amenities and safety measures. Borough President Adams calls on One Wythe LLC to install bulb-outs and widen sidewalks extending from the block's three corners to accommodate bike racks or docking stations. Additionally, sidewalk bulb-outs extending in at least one direction should be fitted with bike racks as part of a Builders Pavement Plan (BPP).

Advancing Vision Zero Policies

Borough President Adams supports Vision Zero policies, including practices that extend sidewalks into the roadway to shorten pedestrian crossings in front of traffic lanes. These bulbouts or neckdowns, promote driver awareness of pedestrian crossings and encourage them to slow down. Curb extensions also provide additional sidewalk space for seniors and families especially near dangerous intersections. When these measures are implemented, all roadway users benefit from safer streets.

In 2015, Borough President Adams launched the Connecting Residents on Safer Streets (CROSS) Brooklyn initiative. In its first year, the program allocated \$1 million to build curb extensions at five dangerous intersections. When reviewing discretionary applications for new residential and mixed-use development Borough President Adams seeks opportunities to implement pedestrian safety measures.

While the development site is in an area zoned primarily for industrial use, 1 Wythe Avenue would draw a significant population of employees, retail customers, and visitors to the block. Given its location in the Greenpoint/Williamsburg IBZ, extensive frontage and three corners, Borough President Adams believes the project should incorporate significant pedestrian safety improvements, beyond the proposed public space amenities.

Per his CROSS Brooklyn initiative, Borough President Adams believes there are opportunities to integrate Vision Zero enhancements at the site's three corners via curb extensions and/or painted protected sidewalks. He recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan (BPP). If the implementation meets the New York City Department of Transportation (DOT)'s criteria, the agency should enable One Wythe LLC to undertake such improvements as part of its BPP after consultation with CB 1 and local elected officials. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from One Wythe LLC to coordinate CROSS Brooklyn implementation with DEP and DOT for curb extensions at one or more of the development's intersections, particularly those intended for pedestrian circulation, either as part of a BPP or as treated roadbed sidewalk extensions. The City Council should further seek demonstration of One Wythe LLC's commitment to enter into a standard DOT maintenance agreement for those intersections. Finally, DOT should confirm that implementation of such improvements would require consultation with CB 1 and local elected officials.

Advancing Sustainable Energy and Resilient Stormwater Management

It is Borough President Adams' policy to advocate for environmentally sustainable development that integrates blue/green/white roofs, micro-grid batteries, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require newly constructed buildings as well as those undergoing renovation (with some exceptions) to incorporate a green roof and/or solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate, which Borough President Adams believes developers should exceed by integrating blue roofs with green roof systems. Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally based construction and procurement.

In Borough President Adams' letter to President Joseph R. Biden Jr., dated January 21, 2021, he outlined policies to rebuild America as a more equitable and just society, including initiatives consistent with the Green New Deal. Specifically, Borough President Adams advocated investments in renewable energy and battery storage to move beyond reliance on natural gas and dirty "peaker plants" disproportionately sited in communities of color. He believes that grid-connected rooftop batteries should be a standard consideration for commercial buildings. Between existing flat roofs upgrades and new developments, there should be sufficient demand to manufacture such units locally and create industrial jobs.

Borough President Adams believes it is appropriate for One Wythe LLC to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) regarding government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development. One such program, the City's Green Roof Tax Abatement (GRTA) provides a reduction of City property taxes by \$5.23 per sq. ft. of green roof space, and up to \$15 in certain community districts. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the applicant to contact his office for further coordination on this matter.

As part of his resiliency policy, Borough President Adams seeks to advance stormwater management best practices including permeable pavers and/or rain gardens that promote DEP's green infrastructure agenda. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces 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 comprehensive green infrastructure strategy. Where it is not advisable to remove street trees, it's possible to integrate stormwater retention measures into existing tree pits, with additional plantings to increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Newtown Creek Wastewater Treatment Plant.

The required BPP for the proposed development provides an opportunity to install DEP rain gardens along the site's Banker Street, North 15th Street, and Wythe Avenue frontages. The ZR requirement to plant street trees provides shade on excessively hot days, helps combat the urban heat island effect, and provides other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris that can clog the inlet/outlet and prevent water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to ensure proper water absorption.

Borough President Adams believes that One Wythe LLC should consult with DEP, the New York City DOT, and the New York City Department of Parks and Recreation (NYC Parks) about integrating rain gardens with street trees as part of the BPP. Any implementation should involve advance consultation with CB 1 and local elected officials.

Therefore, prior to considering the application, the City Council should obtain written commitments from One Wythe LLC clarifying how it would integrate resiliency and sustainability features at 1 Wythe Avenue.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality across Brooklyn, with more than half of the borough's community districts reporting poverty rates of 20 percent or higher. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. One way to address this economic crisis is by prioritizing local hiring and promoting Brooklyn-based businesses, including those that qualify as LBE and MWBE. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those designated LBE 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 written commitments from One Wythe LLC, to retain Brooklyn-based contractors and subcontractors, especially those designated LBE consistent with Section 6-108.1 of the City's Administrative Code and MWBE to meet or exceed standards per Local Law 1 (no less than 20 percent participation), and coordinate oversight of such participation by an appropriate monitoring agency.

Maximizing the Special Permit's Public Purpose by Amending the Listed Required Industrial Uses

According to ZR 74-961, Required Industrial Uses are limited to UGs 11A, 16A, 16B, 17B, 17C, and 18A, with some exclusions. As noted earlier, UG 17B includes certain digital manufacturing uses supported by desktop computers, 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 have been declining for decades, New York City has seen growth in artisanal/creative industries including food and beverage, costume, film and television, furniture design, high-end apparel, metalwork, set design, and woodworking.

Unfortunately, these businesses struggle to find affordable real estate in the City's manufacturing zones, which are occupied by higher-value entertainment, office, and retail uses permitted in these districts as-of-right. The City has 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 campuses. It has also assisted industrial non-profits such as Evergreen and GMDC in expanding their portfolios of below-market rental space for small and medium manufacturers. These efforts help ensure employment for New Yorkers from every strata: high school to college graduates, life-long residents to recent immigrants, and skilled workers, as well as trainees.

Borough President Adams believes that Required Industrial Use space that results from the grant of the IBIA Special Permit is a public benefit that should be optimized via affordable rents and long-term leases for manufacturing firms to help maintain an active and competitive industrial sector in New York City.

Borough President Adams believes that it is appropriate to exclude UG 17 manufacturing processes limited exclusively to digital format product from the Required Industrial Use floor area by amending the ZR Section 74-961 definition of Required Industrial Uses, rather than enforcing use restrictions on a case-by-case basis. Therefore, the City Council should seek assurances from DCP that it would propose a zoning text amendment to modify ZR Section 74-961 to exclude UG 17 manufacturing processes limited to products exclusively of digital format from the list of Required Industrial Uses.

Realizing Appropriate Public Purpose through Regulation of Accessory Retail within Required Industrial Use Floor Area

Borough President Adams is concerned about manufacturers with business plans that rely on significant dining, drinking, and/or retail floor area. When defined as nearly 50 percent of a manufacturing establishment, such accessory uses diminish the public purpose of Required Industrial Use floor area for permitted 11A, 16A, 16B, 17B, 17C, and/or 18A uses. The primary reason is that businesses that derive revenue from such operations can pay higher rents than manufacturers whose production does not benefit from an accessory retail or restaurant component. Instead of restricting accessory commercial use case-by-case whenever the special permit is requested, Borough President Adams seeks to define and codify the percentage of Required Industrial Use floor area that can be utilized by uses incidental to primary manufacturing functions.

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

Therefore, to maintain the integrity of Required Industrial Use floor area for manufacturing businesses, the ZR Section 74-961 definition of Required Industrial Use should be amended to specify limits to accessory dining, drinking, and retail floor area. The City Council should seek assurances that DCP would undertake a text amendment to modify ZR Section 74-961 Required Industrial Use limit UGs 6A, 6C, 7B, 7D, 8B, 8C, 10A, and 12 accessory retail uses by permitting up to 100 sq. ft. regardless of the size of the Required Industrial Use floor area, and up to 1,000 sq. ft. based on such use constituting no 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 M1-1 zoned section of the Greenpoint/Williamsburg IBZ had not experienced the same degree of manufacturing displacement as the M1-2 zone. As such, a development-inducing mechanism was not deemed necessary for the M1-1 district to preserve and grow manufacturing jobs in the IBZ.

The 2005 Greenpoint/Williamsburg Rezoning converted most of an extensive M3-1 district to M1-2. The rezoned blocks retained the permitted M3-1 2.0 commercial FAR but gained a community facility FAR of 4.8 (not permitted in M2 and M3 districts), which paved the way for the IBIA Special Permit by allowing potential applicants to maximize buildout potential on eligible M1-2 lots.

However, the 2005 rezoning left out a considerable number of blocks in the M1-1 district that once served as a buffer between the M3-1 zone and residential area further inland. The remaining M1-1 zoned blocks include several light industrial and manufacturing property owners who have attested 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, increasing local employment opportunities and economic benefits citywide.

Borough President Adams recognizes that some of the M1-1 zoned blocks in the IBZ might include properties that do not warrant rezoning to M1-2 based on adjacency to residential development, and considerations of density and height. Nevertheless, the property owners may benefit from the ability to utilize additional community facility floor area for commercial development according to the IBIA Special Permit. A DCP-sponsored rezoning might provide a disincentive for conversion of these buildings to eating and drinking establishments — including entertainment venues, hotels, and retail uses. Conversely, lack of opportunity to expand Required Industrial Use floor area according to the Special Permit could lead to the loss of important manufacturing establishments.

Borough President Adams believes it is appropriate to expand the applicability of the Special Permit to properties that would be retained in the M1-1 zone, where it may not be appropriate to establish the M1-2 district. He urges DCP to undertake such corrective action to facilitate appropriate investment in the M1-1 designated blocks.

Therefore, Borough President Adams believes it is appropriate for DCP to undertake a zoning study to determine where it might be appropriate to change M1-1 zoning to M1-2 in the Greenpoint/Williamsburg IBZ to extend ZR Section 74-96 IBIA Special Permit applicability to all blocks in the M1-2 district. Upon completion, DCP should then file applications 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 with tailored regulations reflecting that such M1-1 permits half the community facility FAR of an M1-2 district. Such regulations should include modifying ZR Section 74-963 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 modifying 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 IBIA Special Permit Regulations to Enhance Utilization

Borough President Adams believes that the IBIA Special Permit's intent is diminished by the fact that it excludes IBZ lots zoned M1-1 and those with less than 5,000 sq. ft. of horizontally contiguous Required Industrial Use space. Furthermore, applicants seeking relief from archaic parking and loading requirements face additional costs that are burdensome for small owners. Altogether, many properties in the Greenpoint/Williamsburg IBZ are ineligible for or unlikely to pursue the IBIA Special Permit, which renders them vulnerable to conversion from traditional manufacturing to more profitable commercial uses, such as hotels, restaurants, and entertainment venues, which are all permitted as of right in M1 districts.

Such uses are likely to seek proximity to the disposable incomes of future employees at 25 Kent Avenue, 12 Franklin Street, and 103 North 13th Street, which would accelerate current trends. Therefore, it is important to provide more compelling alternatives to property owners of smaller lots and M1-1 zoned-lots in the IBZ. Borough President Adams believes that extending the potential

economic benefits associated with the IBIA Special Permit to all industrial property owners would advance the City's economic objectives by maximizing opportunities for creation of Required Industrial Use area in the Greenpoint/Williamsburg IBZ.

Extending Applicability to All Zoning Lots

Currently, the Special Permit stipulates 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 with zoning lot sizes of less than 5,000 sq. ft. By disqualifying these smaller properties from eligibility for ZR Section 74-965, these regulations deter higher-density commercial development that could result in new industrial space.

Borough President Adams believes that even a minor amount of Required Industrial Use floor area constitutes a public policy benefit, given that M1 zoning lacks the means to require or protect manufacturing space. Moreover, modern maker and start-up businesses typically seek smaller, subdivided spaces in new buildings. It is therefore appropriate to reduce the horizontally contiguous floor area parameters for Required Industrial Uses to accommodate existing zoning lots of 2,000 to 2,500 sq. ft. Borough President Adams believes that the Special Permit should be applicable to zoning lots without minimum lot size and seeks to modify ZR Section 74-965 (a) conditions for minimum amount of horizontally contiguous business enhancing floor area from 5,000 to 1,000 sq. ft.

Reducing Parking and Loading Berth Requirements

Parking and loading berth requirements in M1-1 and M1-2 districts, are based on outdated car-centric assumptions about outer-borough manufacturing. However, contemporary innovation and industrial businesses seek proximity to neighborhoods where their employees reside and encourage use of bicycling and public transportation. The standard M1-1 and M1-2 requirements do not reflect or serve the commuting needs of these companies and their workers.

Current requirements include a provision (ZR Section 44-22) that obligate the developer to provide the full number of parking spaces in case of future conversion to a use that might need more parking. ZR Section 44-21 requires one parking space per 300 sq. ft. of floor area to facilitate an eventual reversion of commercial occupancy to a light manufacturing use.

The IBIA Special Permit requires CPC findings to justify reductions in the number of parking spaces and loading berths. The associated cost of the necessary consultants and studies to achieve such relief makes 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 these additional expenses while right-sizing vehicle parking requirements.

Borough President Adams believes that establishing appropriate parking requirements within the Greenpoint/Williamsburg IBZ for developments approved by the IBIA Special Permit, necessitates modifying ZR Section 74-964 regulations to set a more reasonable zoning district standard for parking without the need for traffic generation studies. 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. Furthermore, ZR Section 44-22 should be made inapplicable as there is no reason to believe that new office development pursuant to the Special Permit would revert to full manufacturing or warehouse use.

Borough President Adams believes it is appropriate to introduce a zoning text change regulating automatic waivers of required parking based on ZR Section 36-232 for C8-3 zoning districts, which precludes the applicability of commercial parking requirements if the total number of required accessory off-street parking spaces for all uses on the zoning lot is below 40. Should the amendment otherwise be applicable to M1-1 districts, zoning lots under 18,000 sq. ft. would be eligible for a

waiver of parking requirements. IBIA Special Permit applicants would retain the option to exceed automatic standard reductions upon provision of supporting studies, contingent on CPC approval.

To promote more sustainable forms of transportation, Borough President Adams believes it would also be appropriate to introduce a zoning text change that would allow developers to offset the IBIA Special Permit vehicle parking requirements 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 spaces above and beyond this requirement should be allowed, through the Special Permit, to offset one vehicle parking space per bicycle parking space, for up to 33 percent of the otherwise required car spaces.

Loading

In containing both manufacturing (Required Industrial Uses) and commercial (Permitted Uses) 50 percent of the floor area is subject to loading berth requirements for manufacturing, per ZR Section 44-54. For example, a manufacturing floor area of 140,000 sq. ft. and 220,000 sq. ft. would require five loading berths, and a commercial floor area of 120,000 sq. ft. to 200,000 sq. ft. would stipulate five more. For a predominantly commercial building, such onerous loading berth requirements are just as archaic as the M zone parking requirements. Here again, mandating consultant analysis could potentially deter property owners from engaging in the IBIA Special Permit process.

ZR Section 36-92 off-street loading berth requirements for C8-3 zoning districts, which do not require loading berths for developments containing less than 8,000 sq. ft. manufacturing use, under 25,000 sq. ft. of retail use and up to 100,000 sq. ft. for office use. 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 these zoning district standards are also appropriate for developments pursuant to the IBIA Special Permit and that minimum loading berth requirements should be subject to ZR Section 36-92 regulations for C8-3 districts rather than of ZR Section 44-54.

To make the IBIA Special Permit attractive to all property owners in M1-1 and M1-2 districts within the Greenpoint/Williamsburg IBZ, minimize incentives for conversion of manufacturing space to more profitable hotel and restaurant establishments (including entertainment and retail uses), and encourage enlargement or redevelopment of existing buildings with Required Industrial Uses, Borough President Adams believes that DCP should incorporate Special Permit as-of-right parking and loading berth reductions per the C8-3 zoning district, in the aforementioned zoning text amendment to ZR Section 74-96.

Recommendation

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

1. That the One Wythe Avenue floor plans be modified to 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 (sq. ft.) based on not being more than 10 percent of floor area per establishment
2. That to supplement enforcement safeguards, the City Council shall seek a binding commitment from the applicant requiring mounted signage depicting floor plans of the Required Industrial

Use area consistent with Special Permit application drawing No. A-05 Cellar Floor Plan and A-04 Ground-Floor Plan along walls opposite elevator doors, and the corridor boundary entering/exiting the Required Industrial Use area

3. That the 1 Wythe Avenue floor plans be modified to label a 3,850 sq. ft segment of the cellar floor plan (drawing No. A-05) for Required Industrial Use at a rate of one 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.)
4. That prior to considering the application, the City Council obtain written commitments, in writing, from the developer, One Wythe LLC, to:
 - a. Provide for bike racks or docking stations in widened sidewalk extensions or bulb-outs that extend from the block's three corners and/or otherwise widened sidewalk areas
 - b. Construct curb extensions as part of a Builders Pavement Plan (BPP) in coordination with New York City Department of Environmental Protection (DEP) and the New York City Department of Transportation (DOT), or, if technically infeasible, enter into a standard DOT maintenance agreement for protected painted sidewalk extensions, at the site's three corners based on prior consultation with Brooklyn Community Board 1 (CB 1) and local elected officials
 - c. Explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, DEP rain gardens, micro-grid batteries, passive house design, solar façades, and/or wind turbines
 - d. Coordinate with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) regarding installation of DEP rain gardens as part of a BPP in consultation with CB 1 and local elected officials
 - e. Retain Brooklyn-based contractors and subcontractors, especially those 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), 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 to ensure maximum opportunity for manufacturing uses to benefit from public policy that seeks dedicated floor area for such uses, as part of Required Industrial Use floor area, and limit office-like manufacturing processes and excessive retail use, the City Council should seek assurances from the New York City Department of City Planning (DCP) to modify New York City Zoning Resolution (ZR) Section 74-961 as follows:
 - a. Change the definition of Required Industrial Use to exclude manufacturing processes in Use Group (UG)17 where such processes are limited to products exclusively of digital format
 - b. Redefine 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 such use occupying no more than 10 percent of floor area per establishment

2. That to facilitate the enlargement of buildings in the M1-1 zoning district in the Greenpoint/Williamsburg Industrial Business Zone (IBZ), and discourage displacement of nearby 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 seek assurances from DCP to undertake:
 - a. A study of the M1-1 blocks to determine where it would be appropriate to upzone those blocks to M1-2, and then implement such a rezoning
 - b. An amendment to ZR Section 74-96 to make the Special Permit applicable to M1-1 properties in the Greenpoint/Williamsburg IBZ and include:
 - i. An M1-1 floor area increase standard modification to Section 74-962 consistent with the M1-1 maximum community facility floor area ratio (FAR) of 2.4
 - ii. Modification of 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 to improve the attractiveness of the Industrial Business Incentive Area (IBIA) Special Permit to property owners, DCP should prepare an application to amend ZR Section 74-96 to make the Special Permits applicable to zoning lots without any minimum lot size