

**PROPOSED SPECIAL PERMIT FOR ENHANCED BUSINESS AREAS IN CERTAIN  
MANUFACTURING DISTRICTS**

**25 Kent Avenue, Brooklyn**

December 4, 2015

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

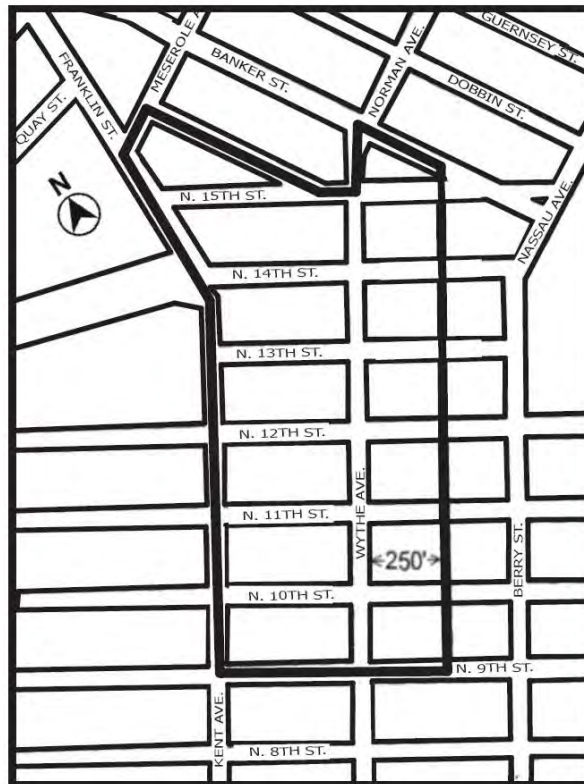
**Article VII  
ADMINISTRATION**

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

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**APPENDIX A: Enhanced Business Areas**

Map 1



Portion of Community District 1, Brooklyn

**Statement of Conditions  
ZR §74-96 Special Permit to Increase Floor Area  
in Enhanced Business Areas  
25 Kent Avenue  
Block 2282, Lot 1  
Borough of Brooklyn**

**74-96**

***Modification of Use, Bulk, Parking and Loading Regulations in Enhanced Business Areas***

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

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

\* \* \*

**(b) Conditions**

**(1) Minimum amount of #business-enhancing uses#**

*#Business-enhancing uses# shall occupy a minimum of 5,000 square feet of horizontally contiguous #floor area# and shall be served by loading areas and freight elevators with sufficient capacity.*

The Proposed Development will contain substantial floor area devoted to Business Enhancing Uses. The floor area dedicated to Business Enhancing Uses is contiguous, occupying undivided spaces of greater than 5,000 square feet of floor area on the second and third floors. The Business Enhancing Uses are supported by three loading berths (each 12 feet wide by 33 feet deep) located on the ground floor level, fronting on North 13<sup>th</sup> Street. One Class A freight elevator with approximately 45 square feet in area, which can handle general freight loading up to 4,500 pounds, will be provided adjacent to the loading berths. The elevator allows for the movement of goods between the Business Enhancing Uses and the loading berths. A second freight elevator, identical in size and capacity, will be provided at the southeastern entrance to the Proposed Development. Together, the two freight elevators are sufficient to handle the trafficking of goods and building service operations associated with the Proposed Development's Business Enhancing, Incentive, and Permitted uses (see attached letter from Van Deusen & Associates, vertical transportation consultations for the Proposed Development).

(2) *Minimum sidewalk width*

*All #developments# and horizontal #enlargements# that front upon a #street line# shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the #zoning lot#. Such sidewalk, and any open area on the #zoning lot# required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall be accessible to the public at all times. For the purposes of applying the #street wall# location requirements and the height and setback regulations of paragraph (b)(3) of this Section, any sidewalk widening line shall be considered to be the #street line#.*

The sidewalk adjacent to the Proposed Development will be built to a width of 15 feet. Such sidewalk, and any open area on the zoning lot required to meet such minimum width, will be improved in accordance with the standards of the New York City Department of Transportation, will be at the same level as any adjoining public sidewalk, and will be publicly accessible at all times.

(3) *Height and setback*

*The height and setback regulations of the applicable zoning district shall apply as modified by the provisions of this paragraph.*

(i) *The #street wall# of any #building# shall be located on the #street line# and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the #building#, whichever is less. At least 70 percent of the aggregate width of such #street wall# below 12 feet shall be located at the #street line# and no less than 70 percent of the aggregate area of the #street wall# up to the base height shall be located at the #street line#. However, up to a width of 130 feet of such #street wall# located on the short end of the #block# may be set back from the #street line# to accommodate a #public plaza#.*

(ii) *The height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or within 15 feet of a #narrow street# shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section 43-42 shall be modified to include dormers above the maximum base height within the front setback area, provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 50 percent of the #street wall# and a maximum height of 110 feet. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 110 feet. All heights shall be measured from the #base plane#.*

*Where a #public plaza# is provided pursuant to paragraph (b)(5) of this Section, such maximum #building# height may be increased to 135 feet.*

(iii) *Along the short dimension of a #block#, up to 130 feet of such #street wall# may be set back from the #street line# to accommodate a #public plaza#, and a #street wall# located at the #street line# that occupies less than 40 percent of the short end of the #block# may rise without setback to the maximum #building# height.*

The Proposed Development complies with all conditions. The distinctive stepped façade of the Proposed Development results in a complex set of street wall setbacks on North 12<sup>th</sup> Street and North 13<sup>th</sup> Street. On North 12<sup>th</sup> Street, the street wall of the Proposed Development will rise to a minimum base height of 55 feet above curb level before providing a ten foot setback from the street line. The street wall will then rise to 70 feet before providing an additional 7 foot 6 inch setback, before then rising to approximately 86 feet. At 86 feet in height, the street wall will set forward approximately 2 feet 6 inches (resulting in a fifteen foot setback from the street line), then rises to a height of 102 feet before providing an additional 12 foot 6 inch setback. The street wall then rises to a height of 118 feet, then sets forward by approximately 2 feet 6 inches, before rising to a total building height of 134 feet. No portion of the street wall on North 12<sup>th</sup> Street within 15 feet of the street line exceeds a maximum building height of 134 feet.

On the North 13<sup>th</sup> Street façade, the street wall of the Proposed Development rises to a minimum base height of 55 feet above curb level before providing a ten foot setback from the street line, then the street wall rises to 70 feet before providing an additional 5 foot setback. The street wall then rises to a height of 86 feet, then sets back an additional 7 feet. Above the 7 foot setback, the street wall rises to a height of 102 feet before setting forward 2 feet, then rising to a height of 118 feet, then setting back 12 feet 6 inches, before rising to a total building height of 134 feet. No portion of the street wall on North 13<sup>th</sup> Street within 15 feet of the street line exceeds a maximum building height of 134 feet.

Along both Wythe Avenue and Kent Avenue, the building will provide two 80-foot-wide glazed street walls which rise without setback to the Proposed Development's maximum height of 134 feet. Along each of Wythe Avenue and Kent Avenue, one of the 80-foot-wide street walls (equivalent to 40% of the 200 foot wide short end of the block) will be located at the street line, and one is set back by approximately 64 feet 10 inches from Kent Avenue, and 60 feet two inches from Wythe Avenue, to accommodate a public plaza. The two 80 foot wide street walls will be separated by a 40 foot wide, partially covered pedestrian corridor. Along each of North 12<sup>th</sup> Street and North 13<sup>th</sup> Street, the street wall will be set back by 80 feet to accommodate the Wythe Avenue Plaza and the Kent Avenue Plaza (hereafter defined).

82.9% of the aggregate width of the Proposed Development's street walls below 12 feet will be located at the street line, and 70.8% of the total aggregate area of the Proposed Development's street walls will be located at the street line. The aggregate width and area of the street walls do not include the portion of the Proposed Development set back from the street line to accommodate the public plazas.

(4) *Ground floor design*

- (i) *The ground floor level #street walls# and ground floor level walls fronting on a #public plaza# of a #development# or horizontal #enlargement# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between a height of two feet above the level of the adjoining sidewalk or #public plaza# and a height of 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent materials shall*

*not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#. The ground floor transparency requirements of this paragraph (b)(4)(i) shall not apply to #uses# listed in Use Groups 11, 16, 17 and 18, or to #accessory# loading berths, or garage entrances#; or*

Between a height of two and twelve feet above the level of the first finished floor above curb level, the ground floor level street walls, and ground floor level walls fronting on the landscaped public plazas, will be glazed with transparent materials. On the North 13<sup>th</sup> Street (North) frontage of the Proposed Development, 1,717 square feet of the street wall will be glazed, out of a total of 2,460 square feet of street wall area, equivalent to 69.80% of the street wall. On the North 12<sup>th</sup> Street (South) frontage, 2,129 square feet of the street wall will be glazed, out of a total of 3,950 square feet of street wall, equivalent to 53.90% of the street wall. On the Kent Avenue (West) frontage, 1,490 square feet of the street wall will be glazed out of a total of 1,598 square feet, equivalent to 93.24% of the street wall. On the Wythe Avenue (East) frontage, 1,385 square feet of the street wall will be glazed out of a total of 1,598 square feet of street wall, equivalent to 86.67% of the street wall.

In total, 6,826 square feet of the street wall on all four facades of the Proposed Development, will be glazed, out of 9,606 square feet of street wall. Thus, 71.06% of the street wall will be glazed. The floor levels behind such transparent materials will not exceed the level of the window sill for a depth of at least four feet, measured perpendicular to the street wall.

- (i) *For #zoning lots# within flood hazard areas, in lieu of the requirements of paragraph (b)(4)(i) of this Section, the provisions of Section 64-22 (Transparency Requirements) shall apply; and*

Not applicable.

- (iii) *For any #street wall# widths greater than 40 feet in length that do not require glazing as specified in paragraphs (b)(4)(i) or (b)(4)(ii), as applicable, the facade, measured between a height of two feet above the level of the adjoining sidewalk and a height of 12 feet above the level of the first finished floor above #curb level#, shall incorporate design elements, including lighting and wall art, or physical articulation.*

Below the level of the first story ceiling, the portions of the Proposed Development's façade that do not require glazing will include design elements. One design element will be lighting fixtures, integrated into both the building envelope and the hardscape and landscape, to provide a comfortable and safe environment at all hours of the day.

- (5) *Public Plazas.*

*A #public plaza# shall contain an area of not less than 12 percent of the #lot area# of the #zoning lot# and minimum of at least 2,000 square feet in area. All #public plazas# shall comply with the provisions set forth in Section 37-70, inclusive, except certification requirements of Sections 37-73 (Kiosks and Open Air Cafes) and 37-78 (Compliance) shall not apply.*

Two plazas for public use will be located on opposite corners of the Development Site, at grade. On the eastern side of the Development Site, a 7,200 square foot landscaped public plaza would be



located on the northwest corner of Wythe Avenue and North 12<sup>th</sup> Street (the “Wythe Plaza”). The Wythe Plaza will have 60 feet of frontage on North 12<sup>th</sup> Street and 120 feet of frontage on Wythe Avenue. On the western side of the Development Site, a 7,200 square foot landscaped public plaza would be located on the southeast corner of Kent Avenue and North 13<sup>th</sup> Street (the “Kent Plaza”). The Kent Plaza will have 60 feet of frontage on North 13<sup>th</sup> Street and 120 feet of frontage on Kent Avenue. Together, the plazas will comprise 14,400 square feet, which is equivalent to approximately 18% of area of the 80,000 square foot Development Site.

The public plazas will comply with the requirements of this (b)(5) section, with the exception of Section 37-76(b) (Mandatory Allocation of Frontages for Permitted Uses – Public Entrances). Also, the Kent Avenue Plaza will not comply with Section 37-713, which prohibits location of a public plaza within 175 feet of an existing publicly accessible open area or public park.

The plazas will not comply with the ZR 37-76(b) requirement that there be no greater than 10 feet of distance between the public plazas and the main building entrance. The distance from each public plaza to the main building entrance will be approximately 104 feet. The increased distance between the public plazas and the main building entrance serves to enhance the public space at the Proposed Development, and the experience of pedestrians and visitors to the building. Although located greater than 10 feet from the boundary of either the Wythe or Kent Avenue public plazas, the main building entrance is located immediately adjacent to the Proposed Development’s publicly-accessible pedestrian corridor. This location will draw pedestrians and visitors to the building into the publicly-accessible pedestrian corridor which, although not included within the defined boundaries of the Kent Avenue Plaza and the Wythe Avenue Plaza, has been designed together with the public plazas as a singular, cohesive public space and pedestrian experience.

The Kent Avenue Plaza will not comply with the ZR §37-713 prohibition on plazas within 175 feet of an existing publicly accessible open area or public park. The Kent Avenue Plaza will be located within 175 feet of a portion of Bushwick Inlet Park, which is mapped on Block 2287, Lot 1, and located west of Kent Avenue between North 11<sup>th</sup> Street and North 12<sup>th</sup> Street. Such location will contribute to a chain of open space leading pedestrians from Wythe Avenue to the waterfront. The block directly to the west across Kent Avenue from the Development Site has been slated for inclusion within Bushwick Inlet Park but is not yet a public park.

The plazas will provide all other amenities required for public plazas under the Zoning Resolution. The Kent Avenue Plaza will provide 379 square feet of benches and seat walls, 66 square feet of moveable seating, a 479 square foot open air café, 9 square feet of trash receptacles, 2 square feet of drinking fountains, and 1,523 square feet of plantings. In total, permitted obstructions in the Kent Avenue Plaza will total 2,458 square feet, or 34% of the total plaza space, which complies with the requirement that no more than 50% of the area may be occupied by permitted obstructions. The Wythe Avenue Plaza will provide 342 square feet of benches and seat walls, 52 square feet of moveable seating, a 354 square foot open air café, 10 square feet of trash receptacles, 2 square feet of drinking fountains, and 1,569 square feet of plantings. In total, permitted obstructions in the Wythe Avenue Plaza will total 2,329 square feet, or 32% of the total plaza space, in compliance with the requirement that no more than 50% of the plaza area be occupied by permitted obstructions.

(6) *Signs.*

*In all Enhanced Business Areas #signs# are subject to the regulations applicable in C6-4 Districts as set forth in Section 32-60, inclusive.*

All signage at the Proposed Development will comply with the signage regulations applicable in C6-4 districts.