

# 13 – 15 GREENPOINT AVENUE

## CEQR No. 16DCP167K

### (Land Use ID No. N 160282ZRK)

## TECHNICAL MEMORANDUM

June 14, 2017

### A. INTRODUCTION

This memorandum summarizes the potential environmental effects of the modification (the Council Modification) by the New York City Council (City Council) to the original proposed zoning text amendment analyzed in the November 2016 *13-15 Greenpoint Avenue Zoning Text Amendment Environmental Assessment Statement (EAS)*. The proposed action analyzed in the EAS, and approved by the New York City Planning Commission (CPC) on April 26, 2017 was a zoning text amendment (Zoning Text Amendment) to Zoning Resolution (ZR) Section 62-35 (Special Bulk Regulations in Certain Areas within Community District 1, Brooklyn) that would permit an 11-story mixed-use building on the property located at 13-15 Greenpoint Avenue (Block 2556, Lots 45 and 46, the “development site”), which is adjacent to WNYC Transmitter Park (the Park), to have a massing oriented towards the Park rather than only towards Greenpoint Avenue and Kent Street, on which the development site fronts. The development site is located on the block bounded by Kent Street, West Street, Greenpoint Avenue and the East River, in the Greenpoint neighborhood of Brooklyn, Community District 1. It lies within R6 and R6/C2-4 zoning districts and is designated as Parcel 12(b) on Waterfront Access Plan BK-1 (WAP).

The original Zoning Text Amendment would modify the applicability of requirements of ZR Sections 23-532(a)(Required Rear Yard Equivalents), 23-861 (General Provisions), 62-354(g) and 62-354(h)(Special Height and Setback Regulations) with respect to Parcel 12(b) by providing that: (i) the lot line separating the development site from the Park (Park Street Line) will be considered as a street line of a wide street for purposes of applying the bulk regulations of the Zoning Resolution, including, the provisions governing rear yards and rear yard equivalents and the minimum distance between legally required windows and lot lines, (ii) the provisions of ZR Section 62-354(g) requiring the roof of a facility containing off-street parking spaces to be landscaped shall not apply to the building, and (iii) the provisions of ZR Section 62-354(h) governing street wall location and height shall not apply and in lieu thereof (a) the street wall of the building fronting the Park shall be set back a minimum of 8 feet from the Park Street Line (and no balconies shall be permitted within such 8-foot setback area) and (b) at least 90 percent of the width of the street wall of the building fronting on Kent Street shall be located within 8 feet of the street line and extend to a minimum height of 30 feet.

In response to comments received during the public review process for the Zoning Text Amendment land use application, the Council Modification (attached as Exhibit A to this memorandum) would increase the minimum required setback of a street wall facing the Park containing legally required windows to 28 feet from the Park Street Line (versus 8 feet under the approved Zoning Text Amendment) and no balconies would be permitted on such street wall. In addition, the Council Modification would require that as part of the proposed development a wall (or if a wall is prohibited by the Building Code, a fence) be

constructed along the Park Street Line to a height of 6 feet (for portions facing ground-floor residential use) to 10 feet (for portions facing ground-floor commercial use).

In order to comply with the Council Modifications, the Applicant, Kent/ Greenpoint, LLC, has revised the original design (the “Original Design”) for the residential portion of the proposed development, which was studied in the EAS, from an 11-story rectangular-shaped double-loaded corridor design, set back 8 to 17 feet from the Park Street Line, to an 11-story L-shaped single-loaded corridor design with one wing running parallel to and set back approximately 30 feet from the Park Street Line and a second wing running parallel to Kent Street (the “Revised Design”). Under the Revised Design, the 1-story commercial component fronting on Greenpoint Avenue would be set back approximately 20 feet from the Park Street Line (versus 15 feet under the Original Design). The Applicant also intends to construct a 10-foot concrete wall across the entire Park Street Line as part of the Revised Design. Notwithstanding the proposed design changes between the Original Design and the Revised Design, there would be no changes in the number of dwelling units (77), including the number of units anticipated to be reserved for households earning up to 80 percent of area median income (AMI) (6) and households earning up to 130 percent of AMI (17), the number of parking spaces (36), the number of stories (11) and maximum base height (65 feet) and building height (115 feet) and only minimal changes to the total area of the building (86,515 gross square feet [gsf] for the Revised Design versus 86,300 gsf under the Original Design).

This memorandum concludes that the modifications to the proposed development reflected in the Revised Design would not result in any new significant adverse impacts.

## **B. PROJECT HISTORY**

The CPC, as lead agency, reviewed the EAS documenting the environmental effects of the proposed action under City Environmental Quality Review (CEQR) and issued a Negative Declaration on November 28, 2016. The determination was based on an environmental assessment which found that:

1. An existing (E) Designation for hazardous materials and noise (E-138), assigned as part of the 2005 Greenpoint-Williamsburg Rezoning (CEQR No. 04DCP003K) will continue to apply. No significant adverse impacts related to hazardous materials and noise were expected to result from the proposed action.
2. No other significant effects on the environment which would require an Environmental Impact Statement were foreseeable.

The CPC referred the application for the proposed action on November 28, 2016 to Community Board 1 and the Brooklyn Borough President for information and review in accordance with the procedures for non-ULURP matters. Community Board 1 held a public hearing on the application on December 6, 2016 and on January 17, 2017, by a vote of 25 in favor, 1 in opposition, and no abstentions, adopted a resolution recommending disapproval of the application with no conditions. The Brooklyn Borough President held a public hearing on the application on January 9, 2017, and issued a recommendation to approve the application, subject to conditions, on March 13, 2017. The CPC held a hearing on March 22, 2017 on the application and voted unanimously to approve the application on April 26, 2017. The Subcommittee on Zoning and Franchises of City Council held a hearing on the application on May 16, 2017 and voted to recommend approval of the application, subject to the Council Modification, which recommendation for approval was adopted by the Committee on Land Use on June 5, 2017.

## C. PROPOSED MODIFICATIONS

As with the Original Design, the Applicant intends to demolish the existing buildings on the development site and erect a new mixed-use Quality Housing building that utilizes the maximum permitted FAR of 2.75, including the bonus available for inclusionary housing that is available in the R6 district in the Inclusionary Housing Designated Area (IHDA) pursuant to ZR Section 62-352(b)(2), plus up to approximately 4,000 zsf (4,200 gsf) that would be transferred from up to four Air Rights Parcels (versus up to 5,700 zsf [6,000 gsf] of floor area transfer from up to four Air Rights Parcels under the Original Design). Less zoning floor area is required under the Revised Design because the single-loaded corridors would have windows providing daylight and qualify for deductions from floor area under the Quality Housing Program (ZR Section 28-14).

The development site has a lot area of 22,230 sf. Under the Revised Design, the building would contain 86,515 gsf of floor area (a 215 gsf increase over the Original Design), including mechanical space, bicycle storage, accessory off-street parking, and other area that is not included in the definition of “floor area” set forth in ZR Section 12-10 (total proposed zoning floor area for the project is 65,133 sf [a 1,700 sf decrease from the Original Design]; 4,288 sf would be used for Use Group 6 commercial uses [a 322 sf decrease from the Original Design] and 60,845 sf would be used for residential use [a 1,388 sf decrease from the Original Design].) Of the 86,515 gsf, 72,950 gsf would be residential space (a 380 sf increase over the Original Design), including 77 dwelling units, lobby area, and 1,120 gsf of ground floor recreation space (a 200 sf increase over the Original Design)<sup>1</sup>, 4,600 gsf (a 100 sf decrease from the Original Design) would be ground floor commercial (retail) space, and 8,965 gsf (a 65 sf decrease) would be interior space used for 7,700 gsf of ground floor off-street accessory parking (including bicycle storage) and a 1,265 gsf ramp to off-street accessory parking on the roof of a portion of the first story.<sup>2</sup>

Each of the Air Rights Parcels has a lot area of 1,900 sf, generating a maximum base permitted floor area of 4,617 zsf. The building would contain 77 dwelling units, yielding an average dwelling unit size of approximately 947 gsf (a 5 gsf increase over the Original Design). The development site is within the Transit Zone created by the Zoning for Quality and Affordability (ZQA) Text Amendment and, accordingly, 36 off-street accessory parking spaces would be required pursuant to ZR Sections 25-23 and 25-25, and 36 spaces would be provided, with 18 enclosed ground floor-level spaces accessible from Kent Street and 18 spaces on the roof above the enclosed ground floor-level spaces accessible by a ramp from Greenpoint Avenue.

The building would comply with the provisions of the Inclusionary Housing Program applicable to new developments in the WAP, which requires that 7.5 percent of the total floor area on the zoning lot (exclusive of ground floor non-residential floor area) be reserved for households earning up to 80 percent of Area Median Income (AMI). The building is also anticipated to comply with the programmatic requirements of the recently adopted Affordable New York Housing Program, which would require that at least 30 percent of the dwelling units be reserved for households earning up to 130 percent of AMI. Accordingly, the Applicant anticipates that approximately 6 units, comprising approximately 4,565 zsf of residential floor area (approximately 4,790 gsf), will be reserved for households earning up to 80 percent of AMI and 17 additional units will be reserved for households earning up to 130 percent of AMI.

As with the Original Design, the building would vary in height from 1 to 11 stories, with a total height of 115 feet plus a mechanical bulkhead. The massing of the building would be oriented primarily toward the

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<sup>1</sup> An additional 1,100 sf of recreation space would be provided on the building's roof area.

<sup>2</sup> The 6,700 gsf upper parking area would be located on the roof over the 1st floor of the building and would not be counted as part of the building's gsf as it would not be enclosed.

Park and toward Kent Street, with legally required windows facing the Park (as well as both streets). Residential access would be provided from Kent Street approximately 45 feet east of the Park Street Line, and the building's retail space would be provided in two spaces fronting on Kent Street and an additional space on Greenpoint Avenue. Its frontage on Greenpoint Avenue would be one-story and 15 feet high, with one of the retail spaces and the access ramp to the 18 unenclosed parking spaces. On Kent Street, the western 108'-0" of frontage would be 6 stories (65 feet) high before a 15-foot setback. The eastern 30'-0" of frontage would be one-story of retail with a height of 30 feet. The residential component of the proposed building would be set back approximately 30 feet from the Park Street Line, except for a ground-floor canopy (with terraces above) which would extend 6 feet into the setback area, and the one-story commercial component fronting on Greenpoint Avenue would be set back approximately 20 feet from the Park Street Line. A mechanical bulkhead would be provided above the 11<sup>th</sup> story, up to an elevation of 133'. The existing curb cuts on both Kent Street and Greenpoint Avenue would be eliminated and replaced with a single curb cut on each frontage. Site plans, axonometric drawings and renderings of the Original Design and Proposed Design are attached as Exhibit B to this memorandum.

#### **D. ENVIRONMENTAL EFFECTS OF THE PROPOSED MODIFICATIONS**

The Council Modification would result in a Revised Design for the residential portion of the proposed development from an 11-story rectangular-shaped double-loaded corridor design, set back 8 to 17 feet from the Park Street Line, to an 11-story L-shaped single-loaded corridor design with one wing running parallel to and set back approximately 30 feet from the Park Street Line and a second wing running parallel to Kent Street. The 1-story commercial component fronting on Greenpoint Avenue would be set back approximately 20 feet from the Park Street Line (versus 15 feet under Original Design). A 10 foot concrete wall would be constructed along the entire Park Street Line. Because the uses, the number of dwelling units (including the number of income-restricted units), and the number of parking spaces would not change, and the total amounts of gross and zoning floor area would change only minimally, no changes to the previously approved analyses of land use, zoning and public policy; socioeconomic conditions; community facilities; open space; historic and cultural resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; transportation; air quality; greenhouse gas emissions; noise; public health; neighborhood character; or construction would occur with the proposed modification. The following analyses address the effects of the proposed modifications on shadows and urban design and visual resources, and concludes that the proposed modified project would not result in any significant adverse impacts.

#### ***SHADOWS***

The Original Design was analyzed for its potential to cast shadows on publicly accessible open spaces, historic landscapes, historic resources with sunlight dependent features, or important natural features, in accordance with the *CEQR Technical Manual*. The analysis presented in the EAS identified the following areas of concern: WNYC Transmitter Park, located adjacent to the development site to the west, and a small portion of American Playground, located two blocks from the development site to the southeast.<sup>3</sup> The analysis presented in the EAS concluded that incremental shadows resulting from the Original Design would not result in any significant adverse impact to these resources of concern.

The Park lies to the west-southwest of the proposed building; consequently, incremental shadows are cast in the Park from the proposed development during morning hours when the sun is in the eastern sky. Under the Revised Design, the residential component of the proposed development would be set

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<sup>3</sup> The Eberhard Faber Pencil Company Historic District, which is also located within the maximum shadow radius of the proposed development, was not considered to be sunlight sensitive based on criteria discussed in the EAS.



back approximately 30 feet from the Park Street Line (an increase of 13 to 22 feet over the Original Design). Likewise, the 1-story commercial component fronting on Greenpoint Avenue would be set back approximately 20 feet from the Park Street Line (an increase of 5 feet over the Original Design). In addition, a 10-foot concrete wall would be constructed along the Park Street Line as part of the proposed development. As shown on the shadows diagrams included in Exhibit C to this memorandum and further discussed below, increasing the setback of the proposed development from the Park Street Line reduces the length of incremental shadows in the Park.

### **Tier 1 Screening Assessment**

As with the Original Design, the proposed building with the Revised Design would reach a total height of 133' to the roof above the bulkheads. Based on 2014 *CEQR Technical Manual* criteria, the longest shadow that any building or structure would cast during the year (except within an hour and a half of sunrise or sunset which is not deemed to be of concern) is 4.3 times its height. Applying the 4.3 factor to the maximum building height of 133 feet results in a maximum shadow distance of approximately 571.9 feet. This is shown on the attached Tier 1 Screening Assessment diagram.

### **Tier 2 Screening Assessment**

The Tier 2 Screening Assessment diagram shows the area south of the development site that would not experience any shadows cast by the proposed building with the Revised Design. As shown on the attached diagram, American Playground and the southern portion of the Park are located within the area that is between -108 degrees from true north and +108 degrees from true north so no further assessment is required for these areas. However, the bulk of the Park could still be affected by shadows from the project and further assessment of this area is therefore required.

### **Tier 3 Screening Assessment**

A Tier 3 screening assessment has been performed to determine when and for how long new shadows would be cast by the Revised Design on the Park. As shown on the attached Tier 3 Screening Assessment figures, the proposed development under the Revised Design could cast shadows on the Park during the December 21<sup>st</sup>, March 21<sup>st</sup>, May 6<sup>th</sup>, and June 21<sup>st</sup> analysis days. The attached Tier 3 Screening Incremental Impact Assessment figures illustrate the extent and duration of new shadows that would be cast by the proposed building on the Park relative to those that would be cast by the as-of-right development on the project site. The analysis is presented below. It should be noted that although the as-of-right development on the development site would result in a building of up to 14 stories in height relative to the proposed building which would only rise to a maximum of 11 stories, the configuration of the buildings would differ. The massing of the proposed building would be oriented toward the Park allowing for a single building segment whereas for the as-of-right development, a 60-foot rear yard equivalent would be required along the centerline of the through-lot portion of the development site, which would require the building to be constructed as two separate building segments - one fronting Greenpoint Avenue and the other fronting Kent Street. Therefore, relative to the as-of-right development on the site, the proposed building would cast some incremental shadows on the Park.

1. December 21<sup>st</sup> Analysis Day – No incremental shadows would be cast by the proposed development on Transmitter Park under either the Original Design or the Revised Design.
2. March 21<sup>st</sup> Analysis Day – Incremental shadows would affect a relatively small area of Transmitter Park along its northern edge from approximately 7:36 am to 10:08 am, a period of 2 hours, 32 minutes (as compared to from approximately 7:36 am to 10:19 am, a period of 2 hours, 43 minutes, under the Original

Design). The incremental shadows would affect the same area of Transmitter Park under the Revised Design as with the Original Design while the duration of shadow would be reduced by 11 minutes under the Revised Design relative to the Original Design.

3. May 6<sup>th</sup> Analysis Day – Relative to the March 21<sup>st</sup> analysis day, shadows would affect a somewhat larger area of Transmitter Park along its northern edge and towards the center of the Park from approximately 6:27 am to 10:27 am, a period of 4 hours, 0 minutes (as compared to from approximately 6:27 am to 11:25 am, a period of 4 hours, 58 minutes under the Original Design). The incremental shadows would affect slightly less of the northerly lawn area of Transmitter Park under the Revised Design relative to the Original Design and the duration of shadow would be reduced by 58 minutes under the Revised Design relative to the Original Design.

4. June 21<sup>st</sup> Analysis Day – Relative to the May 6<sup>th</sup> analysis day, shadows would affect a somewhat larger area of Transmitter Park in its north-central area from approximately 5:57 am to 10:39 am, a period of 4 hours, 42 minutes (as compared to from approximately 5:57 am to 11:33 am, a period of 5 hours, 36 minutes). The incremental shadows would affect significantly less of the northerly and westerly lawn areas of Transmitter Park as well as slightly less of the northerly play area under the Revised Design relative to the Original Design and the duration of shadow would be reduced by 54 minutes under the Revised Design relative to the Original Design.

Transmitter Park is a 6.61 acre neighborhood park operated and maintained by the NYC Department of Parks and Recreation (DPR) adjoining the project site to the west. The Park is described on the DPR website as follows:

WNYC Transmitter Park was opened to the Greenpoint-Williamsburg communities in 2012 as a local waterfront destination. Once the working home of the WNYC radio transmission towers, the park is now a stunning green space, with both natural areas and also places for fishing, play, and active recreation.

The Park includes an overlook to the south, seating, and a waterfront esplanade. The center of the Park includes a large, open lawn with a separate children's play area featuring a nautical theme to reflect the site's context. It also includes a spray shower and nature gardens. A pedestrian bridge has been restored as a wetland accessible to visitors. At the end of Kent Street is a recreational pier, featuring opportunities for fishing and a view of the Manhattan skyline and East River.

New shadows cast by the proposed project on the Park under both the Original Design and the Revised Design would primarily affect lawn areas with several trees. There would be a minimal incremental shadows effect on the children's playground area located in the northeast corner of the Park. As shown on the Incremental Shadows drawings, much of the new shadows on the May 6<sup>th</sup> and June 21<sup>st</sup> analysis days would affect the mapped portion of the Park located under water. A small portion of the southern half of the Park would experience new shadows on the June 21<sup>st</sup> analysis day. However, incremental shadows from the project would not affect the southern half of the Park on any other analysis days. As indicated under the Analysis Day discussion above, incremental shadows cast under the Revised Design would generally be somewhat less in both extent and duration than under the Original Design.

### **Analysis Summary**

None of the new shadows cast on WNYC Transmitter Park by the proposed project with the Revised Design would be considered significant. The maximum duration of new shadows cast by the project would be 4 hours, 42 minutes during the longest day of the year (i.e. June 21<sup>st</sup>) (as compared to 5 hours, 36 minutes under the Original Design). Impacts to vegetation are generally not considered to be

significant unless vegetation would receive less than four to six hours of direct sunlight during the growing season. In New York City on June 21<sup>st</sup>, the sun rises at 5:25 am, and sets at 8:31 pm, a period of 15 hours, 6 minutes. Subtracting the 4 hours, 42 minutes of incremental shadow cast by the Revised Design of the project on this day would leave 10 hours, 24 minutes of direct sunshine on the Park. The Park would therefore receive more than the four to six hours of direct sunlight during the growing season specified above. The proposed development would not cast any new shadows on the Park during the cold weather months (e.g. December 21<sup>st</sup> analysis day) when shadows effects to passive recreational features such as sitting areas are of greatest concern.

Additional shadows cast by the proposed project under both the Original Design and the Revised Design during the spring and summer months would occur during the morning period only which is not the peak activity period of the Park. In addition, new shadows would only occupy a portion of the Park while other accessible sunlit portions of the Park would remain available for park patrons. Finally, shadow impacts on the Park playground area would be largely the same under No-Action and With-Action conditions under both the Original Design and the Revised Design.

### **Conclusion**

The proposed development under the Revised Design would not result in significant adverse shadows impacts on open space resources and no further assessment is needed for the project.

## ***URBAN DESIGN AND VISUAL RESOURCES***

### **Introduction**

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:

1. Projects that permit the modification of yard, height, and setback requirements;
2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.

### **Yard, Height, and Setback Requirements**

With the Council Modification, the proposed Zoning Text Amendment would modify the applicability of requirements of ZR Sections 23-532(a)(Required Rear Yard Equivalents), 23-861 (General Provisions), 62-354(g) and 62-354(h)(Special Height and Setback Regulations) with respect to Parcel 12(b) by providing that: (i) the lot line separating the development site from the Park (Park Street Line) will be considered as a street line of a wide street for purposes of applying the bulk regulations of the Zoning Resolution, including, the provisions governing rear yards and rear yard equivalents and the minimum distance between legally required windows and lot lines, (ii) the provisions of ZR Section 62-354(g) requiring the roof of a facility containing off-street parking spaces to be landscaped shall not apply to the building, and (iii) the provisions of ZR Section 62-354(h) governing street wall location and height shall not apply and in lieu thereof (a) the street wall of the building fronting the Park shall be set back a minimum of 8 feet from the Park Street Line, except for such portions of the street wall containing legally required windows, which shall be set back 28 feet from the Park Street Line (and no balconies shall be permitted on such street wall) and (b) at least 90 percent of the width of the street wall of the building

fronting on Kent Street shall be located within 8 feet of the street line and extend to a minimum height of 30 feet.

Based on the above zoning modifications, the proposed action would result in a change to the yard, height, and setback requirements applicable to the proposed development on the development site. As a consequence of these zoning modifications, there would be the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning.

### Future Without the Project

Absent the Zoning Text Amendment, the Applicant would redevelop the development site with an as-of-right mixed-use building that would fully comply with the applicable regulations in the R6 district and C2-4 overlay district on waterfront blocks in an IHDA and in WAP BK-1. Accordingly, the No-Action RWCDs would reflect the following assumptions

The existing buildings on the site would be demolished. The as-of-right building would contain 88,250 gsf of floor area. Of the 88,250 gsf, 71,550 gsf would be residential space for 76 dwelling units, and associated area; 4,200 gsf would be ground floor commercial (retail) space; and 12,500 gsf would be space used for ground floor off-street accessory parking.<sup>4</sup> 35 off-street accessory parking spaces would be provided, all of which would be enclosed on the ground floor of the building.

The as-of-right building would vary in height from 1 to 14 stories: the development site would be built full for one-story with ground floor commercial space, off-street accessory parking and residential lobby and amenity space; a 7-story residential portion would front on Kent Street; and a 14-story residential portion would front on Greenpoint Avenue. More floor area would be provided on Greenpoint Avenue because it is 20-feet wider than Kent Street and, as a result, views and light and air for the portion of the as-of-right building fronting on Greenpoint Avenue would be less impacted by future potential development of the parcel south of Greenpoint Avenue than would be the case on Kent Street. Accordingly, on Greenpoint Avenue, the as-of-right Building would have a 6-story street wall (65 feet) before a 10-foot setback. Above the 10th story, the lot coverage of the 11th - 14th stories would be reduced at each level in accordance with ZR Section 62-354(b)(3), up to a total height of 145 feet. On Kent Street, the western 66 feet of the as-of-right building's frontage would be 6 stories (65 feet) before a 15-foot setback, and the 7th story would be 75 feet high. On 71 feet of the remainder of the Kent Street frontage, a one-story, 30-foot high retail space will be provided, as well as an entrance to the off-street accessory parking facility. The 14- and 7-story portions of the as-of-right building would be separated by a 70-foot rear yard equivalent above the ground floor. The as-of-right building would be built to the side lot line it shares with the Park.

### Future With the Project

In the future with the action, the Revised Design for the proposed development would reflect the following assumptions. See the site plan, axonometric drawing and renderings for the Proposed Design in Exhibit B to this memorandum and the urban design diagrams included in Exhibit D to this memorandum and further discussed below.

With the proposed Zoning Text Amendment as modified by the Council Modification, the Applicant would demolish the existing buildings on the site and construct a building on the site that would contain 86,515 gsf of floor area. Of the 86,515 gsf, 72,950 gsf would be for 77 dwelling units and associated area; 4,600 gsf would be ground floor commercial (retail) space; and 8,965 gsf would be space used for ground

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<sup>4</sup> An unenclosed parking area above the first story roof would have 7,000 gsf of area.

floor off-street accessory parking and a ramp to off-street accessory parking on the roof of a portion of the first story<sup>5</sup>. 36 parking spaces would be provided, with 18 enclosed ground floor level spaces accessible from Kent Street and 18 spaces on the roof above the enclosed ground floor-level spaces accessible by a ramp from Greenpoint Avenue. The building would vary in height from 1 to 11 stories, with a total height of 115 feet plus a mechanical bulkhead. The massing of the building would be oriented toward the Park and toward Kent Street, with legally required windows facing the Park (as well as both streets).

The building would vary in height from 1 to 11 stories, with a total height of 115 feet plus a mechanical bulkhead. The massing of the building would be oriented toward the Park and toward Kent Street, with legally required windows facing the Park (as well as both streets). Residential access would be provided from Kent Street approximately 45 feet east of the Park Street Line, and the building's retail space would be provided in two spaces fronting on Kent Street and an additional space on Greenpoint Avenue. Its frontage on Greenpoint Avenue would be one-story and 15 feet high, with one of the retail spaces and the access ramp to the 18 unenclosed parking spaces. On Kent Street, the western 108'-0" of frontage would be 6 stories (65 feet) high before a 15-foot setback. The eastern 30'-0" of frontage would be one-story of retail with a height of 30 feet. The residential component of the proposed building would be set back approximately 30 feet from the Park Street Line, except for a ground-floor canopy (with terraces above) which would extend 6 feet into the setback area, and the one-story commercial component fronting on Greenpoint Avenue would be set back approximately 20 feet from the Park Street Line. A mechanical bulkhead would be provided above the 11<sup>th</sup> story, up to an elevation of 133'. The existing curb cuts on both Kent Street and Greenpoint Avenue would be eliminated and replaced with a single curb cut on each frontage.

The intent of the Zoning Text Amendment is to allow portions of the proposed building to have its massing oriented towards the adjacent Transmitter Park rather than only towards Greenpoint Avenue and/or Kent Street, on which the project site fronts. The Zoning Text Amendment would allow modifications to the requirements set forth in the following provisions of the Zoning Resolution in order to allow the proposed massing of the building:

1. ZR Section 23-532(a) provides that on through lots with a depth of more than 110 feet from street to street, a 60-foot rear yard equivalent is required to be provided midway (or within 5 feet of being midway) between the two street lines upon which such through lot fronts. As shown on the Site Plan, the building would have its massing oriented towards the Park and Kent Street and a rear yard equivalent would not be provided midway between Greenpoint Avenue and Kent Street.

The Zoning Text Amendment would provide that the Park Street Line (i.e., the lot line separating the development site from the Park) would constitute a "street line" for purposes of applying all bulk regulations under the Zoning Resolution. Under ZR Section 23-541, no rear yard is required to be provided within 100 feet of the point of intersection of two street lines intersecting at an angle of 135 degrees or less. The Park Street Line would intersect the street lines of Kent Street and of Greenpoint Avenue street line each at angles of approximately 90 degrees. Therefore, if the Zoning Text Amendment is approved, no rear yard would be required within 100 feet of either of such intersections.

2. ZR Section 23-861 provides that the minimum distance between a legally required window and a side lot line is 30 feet. A "side lot line" is any lot line that is not a front lot line or a rear lot line. Absent the Zoning Text Amendment, the Park Street Line would constitute a side lot line. The building would have legally required windows oriented towards the Park, set back approximately 28 to 30 feet from the Park Street Line.

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<sup>5</sup> The upper parking area would be 6,700 gsf of the building's roof area.

A “front lot line” is a street line. The Zoning Text Amendment would provide that the Park Street Line would constitute a “street line” for purposes of applying all bulk regulations under the Zoning Resolution. Accordingly, if the Zoning Text Amendment is approved, legally required windows may be provided within 28 feet to 30 feet of the Park Street Line.

3. ZR Section 62-354(g) provides that any roof of a facility containing off-street parking spaces, not otherwise covered by a building, be landscaped. In order to provide the minimum required 36 off street accessory parking spaces, 18 spaces would be provided at the ground-floor of the building and an additional 18 spaces would be provided on the 1-story roof of the building above. Below-grade parking is not feasible given the location of the development site in the Flood Hazard Area. Likewise, the roof-level parking cannot be enclosed without exceeding the maximum lot coverage (65 percent) permitted in R6 districts in the Waterfront Area.

In order to allow parking on the 1-story roof of the building, the Zoning Text Amendment would provide that the requirements of Section 62-354(g) would not apply to the development site.

4. ZR Section 62-354(h) provides that for developments in the WAP, at least 70% of the width of a building’s street wall fronting on streets such as Kent Street and Greenpoint Avenue must be within 8 feet of the street line and at least 30 feet high. The building would comply with this provision on Kent Street, as its street wall would be within 8 feet of the street line and at least 30 feet high for 138 feet (100% of the 138-foot wide frontage). On Greenpoint Avenue, however, the building’s street wall would not exceed a height of 15 feet, and it would not comply with Section 62-354(h).

One retail portion of the development would front on Greenpoint Avenue as would an entrance to the parking within the building. Two additional retail stores and an additional parking entrance would front on Kent Avenue as would the lobby for the residential portion of the development. Each parking entrance would be 20 feet wide. Two curb cuts are currently located along the Greenpoint Avenue frontage of the site which would be reduced to one for the proposed development. Three curb cuts are currently located along the Kent Street frontage of the site which would be reduced to one for the proposed development.

The Zoning Text Amendment would require that the street wall of the building fronting the Park be set back at least 8 feet from the Park Street Line, except that the street wall of portions of the building containing legally required windows, would be required to be set back 28 feet from the Park Street Line. and no balconies would be permitted on such street wall. The Zoning Text Amendment would also require that at least 90 percent of the width of the street wall of the building fronting on Kent Street shall be located within 8 feet of the street line and extend to a minimum height of 30 feet.

A children’s playground is located along the northern portion of the park’s boundary with the development site while the remainder of the park’s shared boundary with the site is a passive use area containing plants and shrubs. There is a wrought iron fence along the shared lot line which would be removed and replaced with a 10-foot high concrete wall along the entire Park Street Line.

The Applicant believes that orienting the massing of the building towards the Park and Kent Street will provide for a more efficient building and for better interaction between the building, the Park and the waterfront. Absent the Zoning Text Amendment, a 60-foot rear yard equivalent would be required along the centerline of the through-lot portion of the development site, which would require the building to be constructed as two separate building segments - one fronting Greenpoint Avenue and the other fronting Kent Street - with two separate building cores (including stairs and elevators). This configuration would reduce the amount of floor area that could be used for dwelling units and amenity space. A massing oriented towards the Park and Kent Street would allow for a single building segment and a single core and

therefore more floor area for dwelling units and useable amenity space. The Applicant believes that such a massing also would help to activate the Park and would increase security by providing an “eyes on the park” condition. Absent the Zoning Text Amendment, apartment layouts and legal windows in the building would be oriented only toward the streets and the rear yard equivalent, and only a limited amount of lot line windows would face the Park. With the Zoning Text Amendment, apartment layouts and legal windows would front the Park as well as the streets. Finally, the Zoning Text Amendment would allow for better light and air in the Park. Absent the Zoning Text Amendment, the building would be required to be located on the lot line adjoining the Park. With the Zoning Text Amendment, the building would be set back approximately 20 to 30 feet from the Park providing for better light and air in the Park.

Based on the above, it is concluded that the proposed zoning modifications and the associated changes to the yard, height, setback, and other requirements applicable to the proposed development under the Revised Design would result in a development that would be superior to the conforming development on the property. Although there would be the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, these alterations would be more appropriate to the setting of the project site adjacent to Transmitter Park which is a significant visual resource in the area. A significant adverse impact to urban design would not occur from the proposed zoning modifications and the associated changes to the yard, height, setback, and other requirements under the Revised Design.

### **Floor Area**

Under the Revised Design, the proposed action would result in the construction of 86,515 gsf/65,133 zsf of floor area on the project site relative to 88,250 gsf/63,783 zsf in the future without the proposed project. The proposed building would be 1,735 gsf smaller and 1,350 zsf larger than the conforming building. It would contain 1,400 gsf more residential floor area and 1 additional dwelling unit, and 400 gsf more commercial floor area than the as-of-right development but it would include 3,405 gsf less floor area for off-street accessory parking providing 1 more parking space than the conforming building.

Under the applicable regulations in the R6 district and C2-4 overlay district on waterfront blocks in an IHDA and in WAP BK-1, the 22,230 square foot property could be developed with up to 61,133 square feet of zoning floor area based on the maximum FAR with IH bonus of 2.75. Both the as-of-right and the proposed developments on the site exceed this maximum permitted floor area.

The as-of-right building would utilize the maximum permitted FAR of 2.75, including the bonus available for inclusionary housing that is available in the R6 district in the IHDA pursuant to ZR Section 62-352(b)(2), plus approximately 2,650 zsf (2,780 gsf) that would be transferred from up to four Air Rights Parcels, described for the proposed building below. For the proposed building, the Applicant anticipates transferring up to 4,000 zsf of excess floor area (approximately 4,200 gsf), or development rights, from up to four of five adjacent parcels on Block 2556 (Lots 48, 49, 50, 51, and 52 (collectively, the Air Rights Parcels)) through the provisions set forth in ZR Section 62-353 (Special floor area, lot coverage and residential density distribution regulations). The Air Rights Parcels are located in the R6/C2-4 zoning district, which permits a maximum of 2.75 FAR assuming the inclusionary housing bonus. The Air Rights Parcels are each improved with three-story buildings with residential uses on the upper floors and either residential or commercial uses on the ground floors. The buildings on Lots 48, 51 and 52 each contain an estimated 2,880 gsf, and the buildings on Lots 49 and 50 each contain an estimated 3,800 gsf. Assuming mechanical deductions of 3%, Lots 48, 51 and 52 each contain approximately 2,795 zsf and Lots 49 and 50 each contain approximately 3,685 zsf. Following the transfer of development rights from the Air Rights parcels, the as-of-right development of 88,250 gsf/63,783 zsf and the proposed development of 86,515 gsf/65,133 zsf would both comply with the floor area requirements pursuant to zoning. Although

the proposed building would have more zoning floor area than the as-of-right development on the site, it would be smaller in terms of gross or actual square footage on the property. In comparison to the as-of-right development on the site, the proposed project would use additional excess floor area from the Air Rights parcels. As the use of air rights from the adjacent parcels is allowed for development on the project site pursuant to zoning, the proposed project would not result in an increase in built floor area beyond what would be allowed as-of-right.

Based on the above, it is concluded that a significant adverse impact to urban design would not occur from an increase in built floor area under the Revised Design beyond what would be allowed as-of-right.

### **Views**

The 400-foot radius project study area surrounding the project site includes several visual resources including Transmitter Park adjacent to the project site to the west and the East River beyond, and the Eberhard Faber Pencil Company Historic District. Views of these areas are available from the sidewalks adjacent to the project site. The proposed action would not result in the obstruction of publicly accessible views to these visual resources that are not allowed by the existing zoning of the property.

### **Conclusion**

Based on the above, an urban design assessment would not be required and the proposed action under the Revised Design would not result in significant adverse impacts to urban design or visual resources.



Exhibit A

Zoning Text Amendment with Council Modification

62-356 Special bulk regulations for zoning lots adjacent to public parks

On Parcel 12b within Waterfront Access Plan BK-1 in Section 62-931, any #lot line# that coincides with the boundary of a #public park# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #bulk# regulations of this Resolution, except that the provisions of paragraphs (g) and (h) of Section 62-354 (Special height and setback regulations) shall not apply.

In lieu thereof, the #street wall# of any #building# fronting on a #lot line# that coincides with the boundary of a #public park# shall be located at least eight feet from such #lot line#, except that any portion of a #building# containing a #legally required window# shall be located at least 28 feet from such #lot line#. No balconies shall be permitted on any #street wall# of such #building# facing a #public park#.

In addition, a wall, or if a wall is prohibited by the Building Code, a fence, shall be provided along the #lot line# that coincides with the boundary of a #public park#. Such wall or fence shall be a minimum of six feet in height, except that any portion of such wall or fence facing a ground floor level #commercial use# in a #building# shall be a minimum of 10 feet in height. However, if the Commissioner of Buildings determines that such wall or fence located in a #residence district# is subject to the provisions of Building Code section 3112.1, exceptions (2) or (3), such wall or fence shall be a minimum of eight feet in height along the boundary of a #public park#.

At least 90 percent of the width of the #street wall# of a #building# or #buildings# fronting on Kent Street shall be located within eight feet of the #street line# and extend to a minimum height of 30 feet.

Exhibit B

Plans, Drawings and Renderings

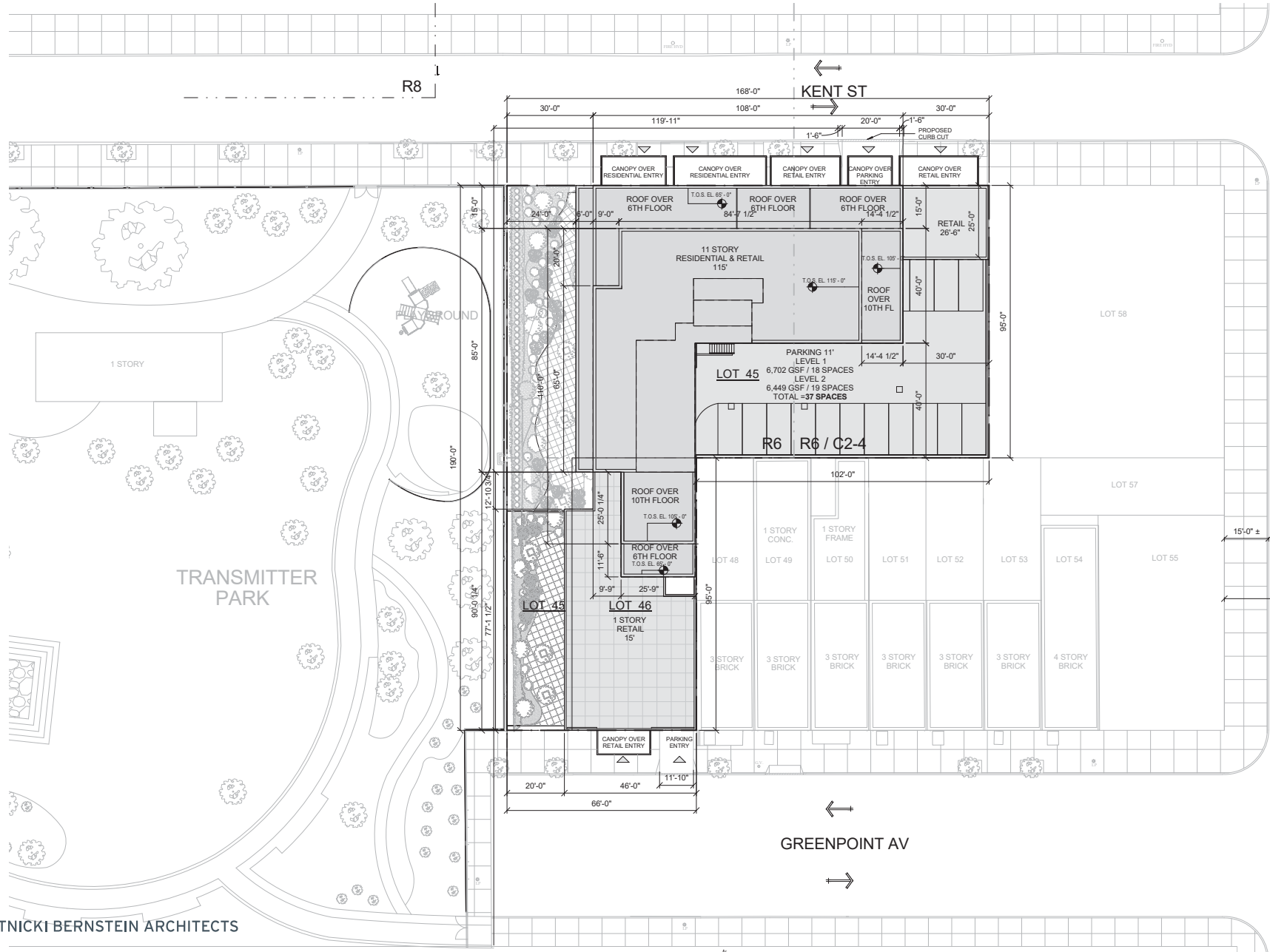
[Attached behind.]



# 26 KENT STREET

BROOKLYN, NY

## Revised Design - Site Plan



# 26 KENT STREET

BROOKLYN, NY

Original Design - Axonometric View



KUTNICKI BERNSTEIN ARCHITECTS

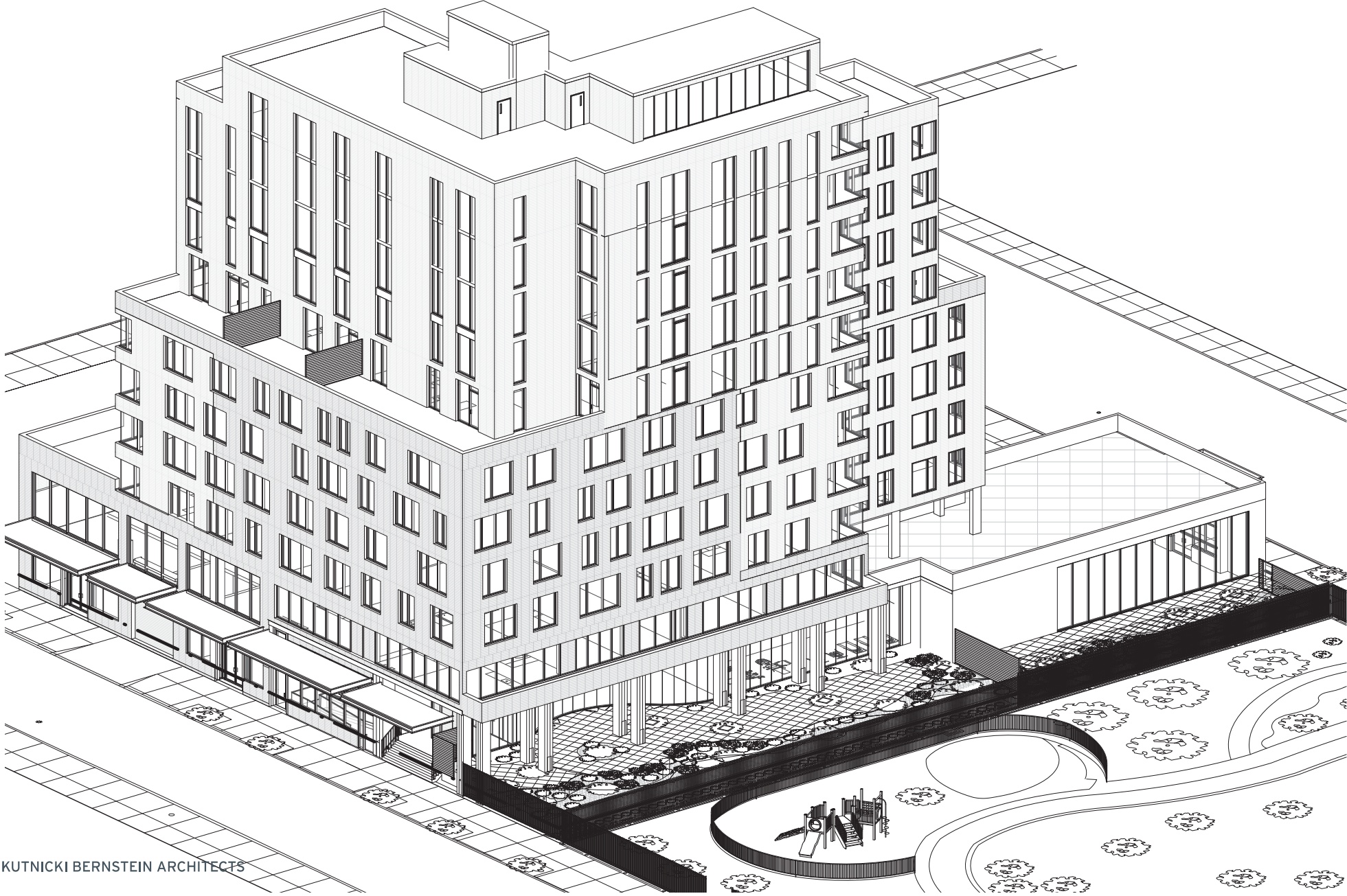
*For Illustrative Purposes Only*



# 26 KENT STREET

BROOKLYN, NY

Revised Design - Axonometric View



KUTNICKI BERNSTEIN ARCHITECTS

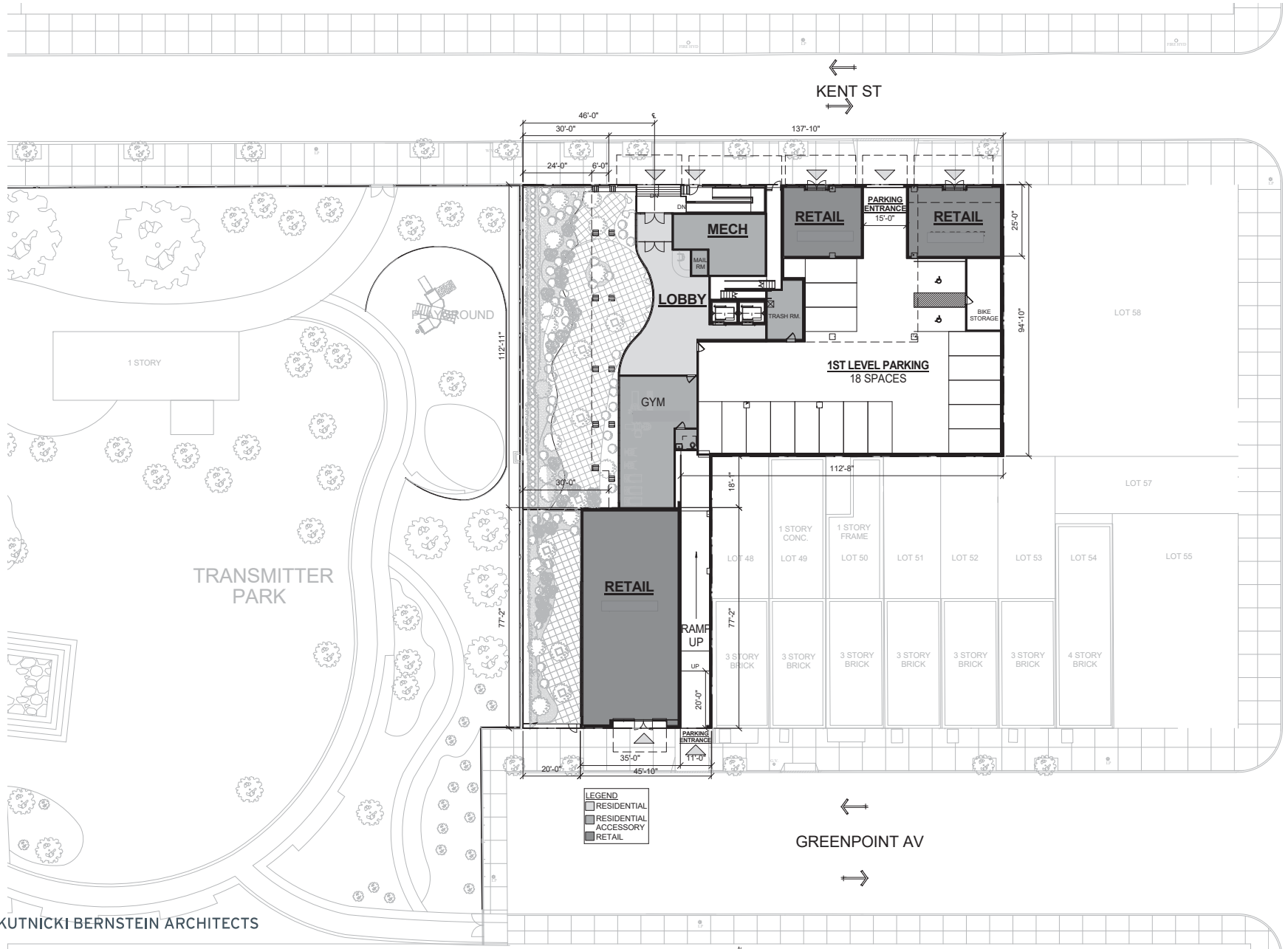
*For Illustrative Purposes Only*



# 26 KENT STREET

BROOKLYN, NY

## Revised Design - First Floor Plan





# 26 KENT STREET

BROOKLYN, NY

Original Design -  
Perspective from Transmitter Park



*For Illustrative Purposes Only*



Revised Design -  
Perspective from Transmitter Park



26 KENT STREET - BROOKLYN

*For Illustrative Purposes Only*

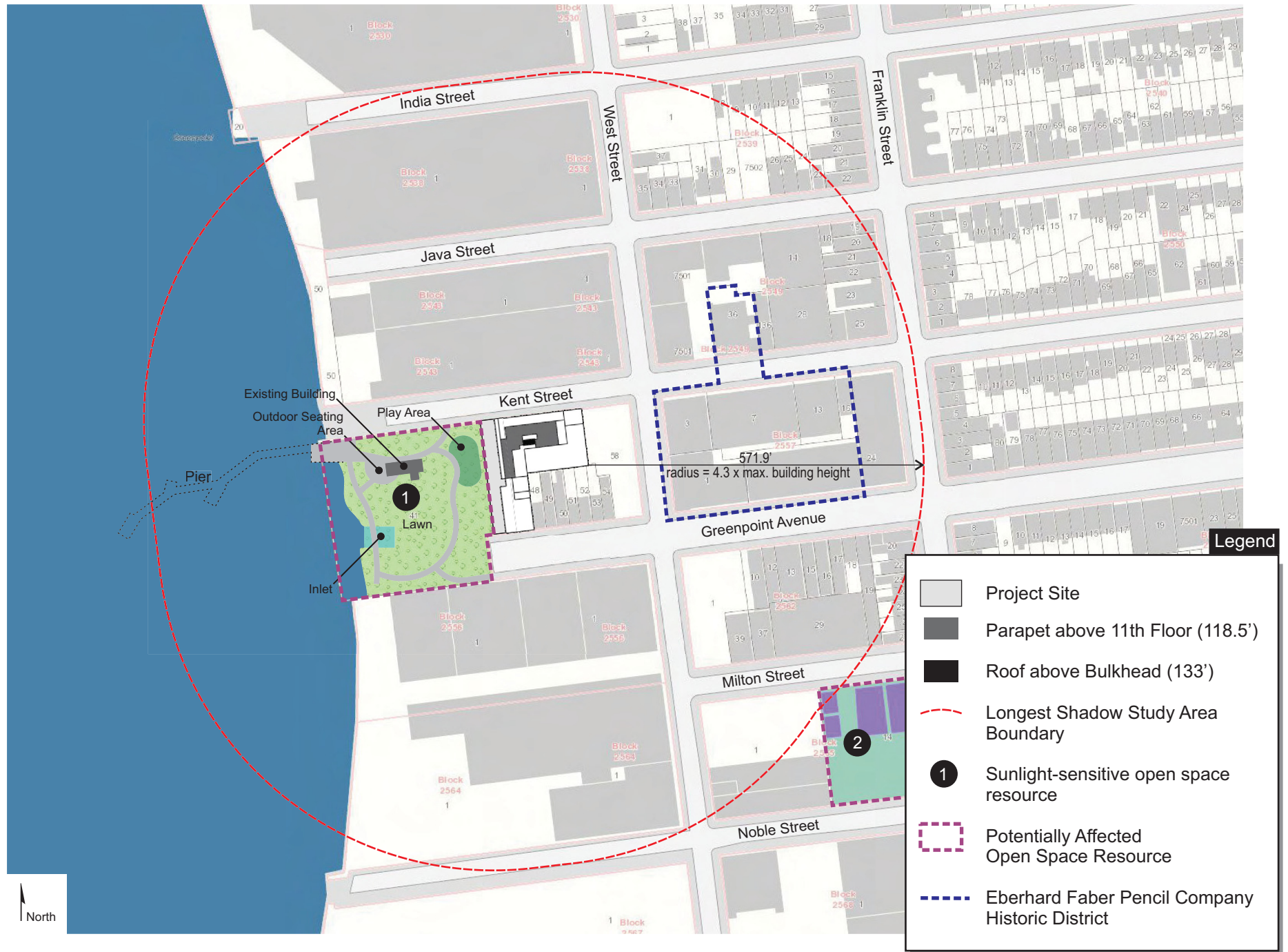
MPEP

Exhibit C

Shadows Analysis

[Attached behind.]

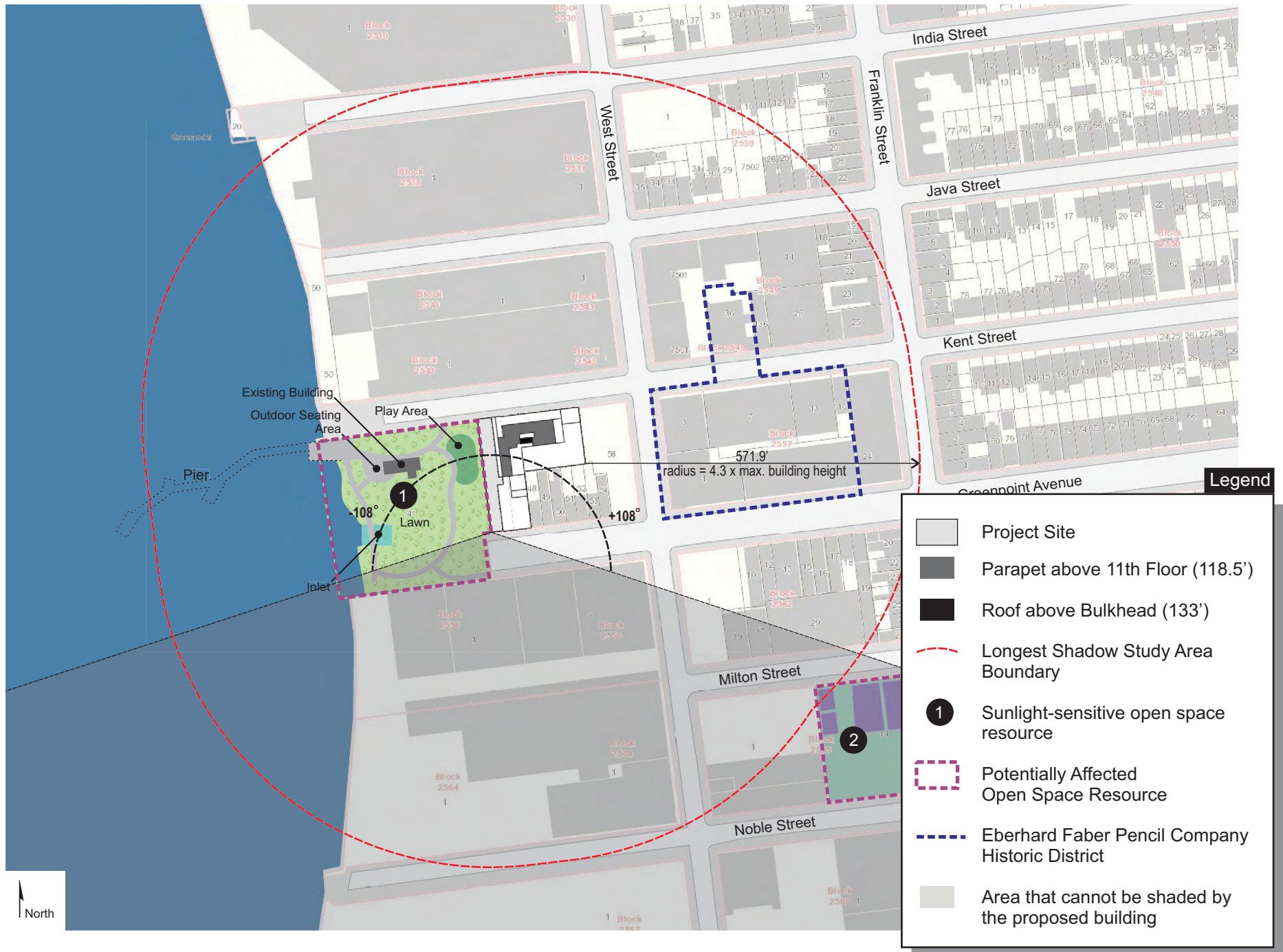




**Legend**

- Project Site
- Parapet above 11th Floor (118.5')
- Roof above Bulkhead (133')
- Longest Shadow Study Area Boundary
- 1 Sunlight-sensitive open space resource
- Potentially Affected Open Space Resource
- Eberhard Faber Pencil Company Historic District







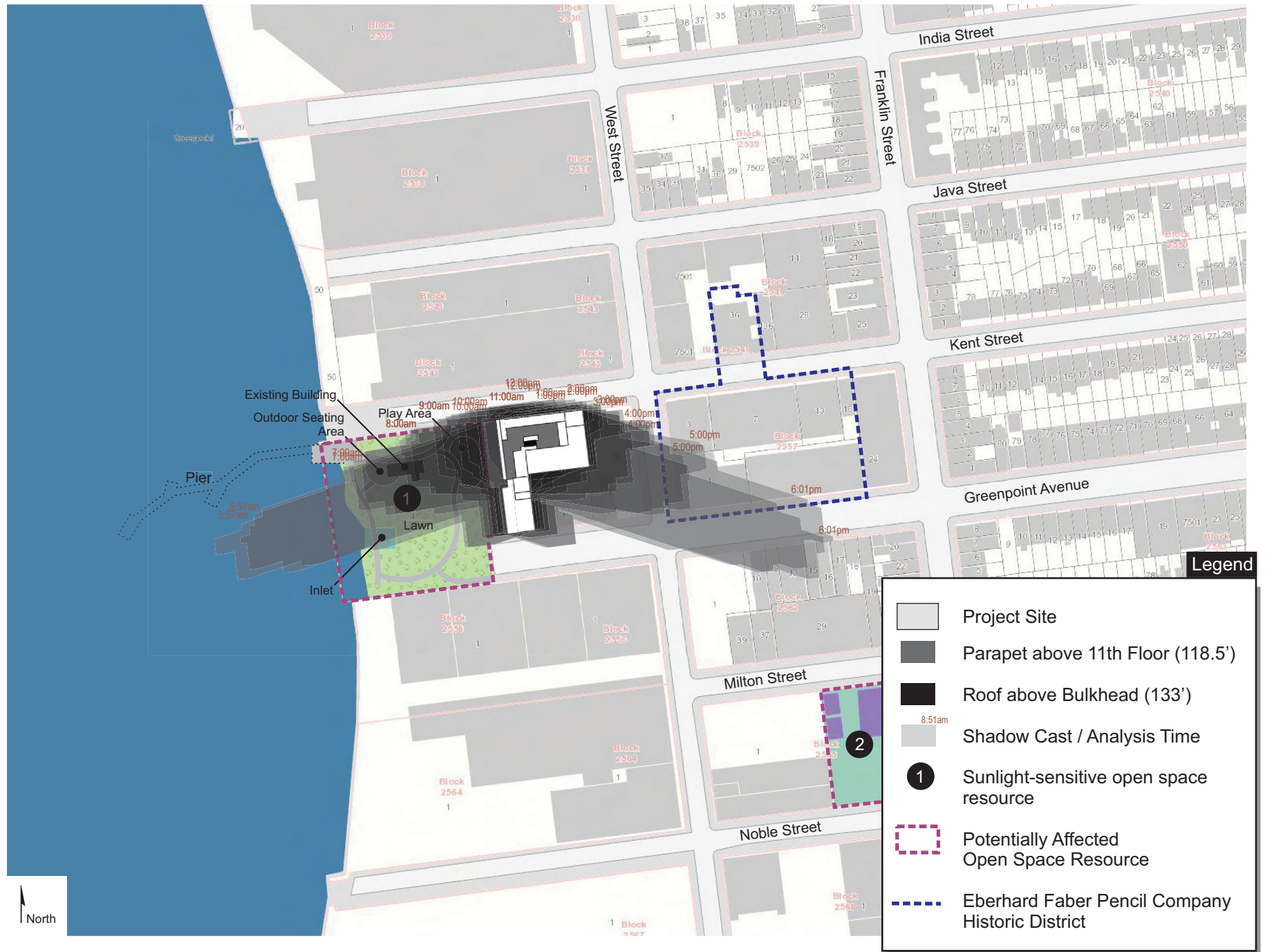


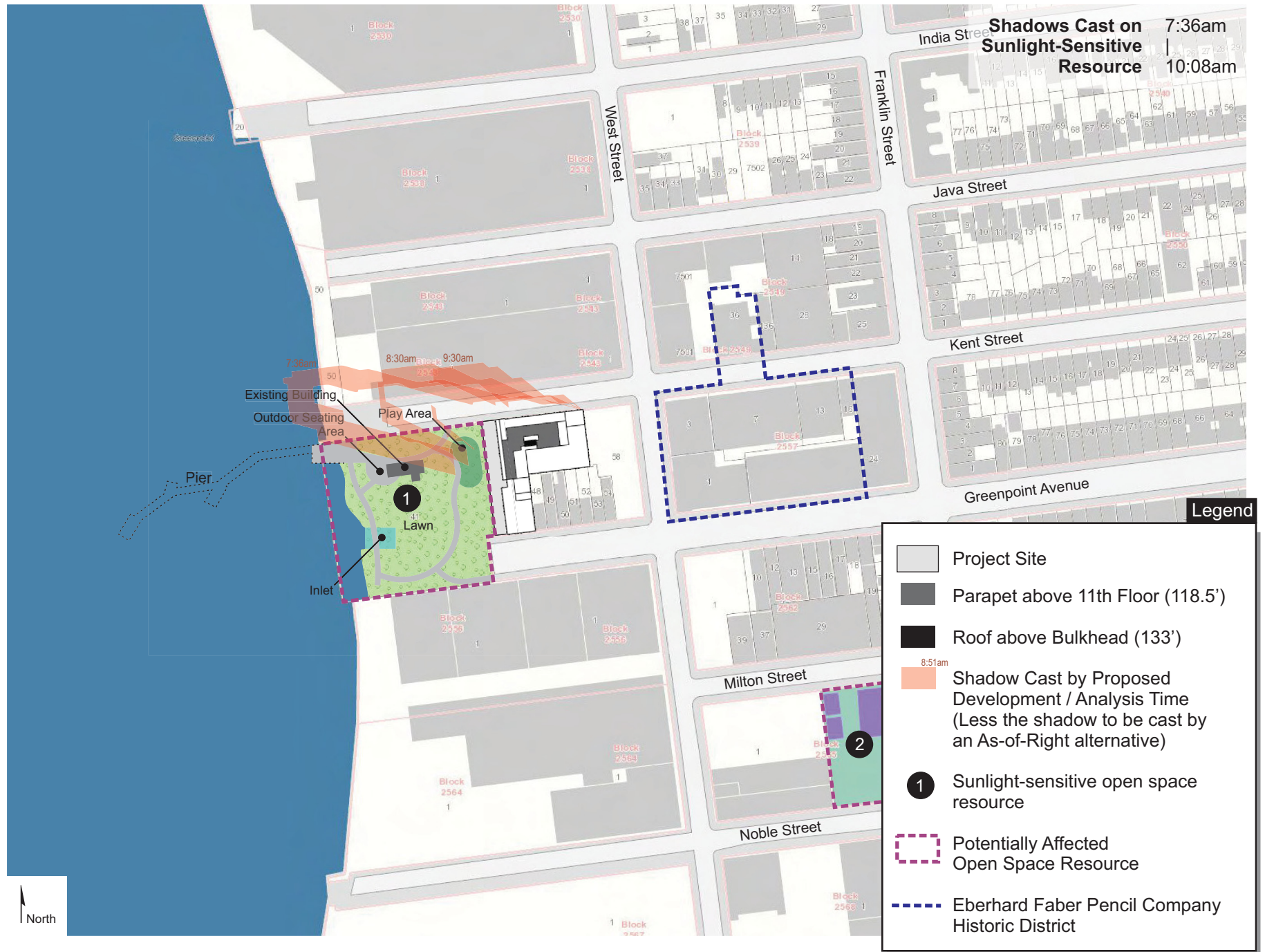




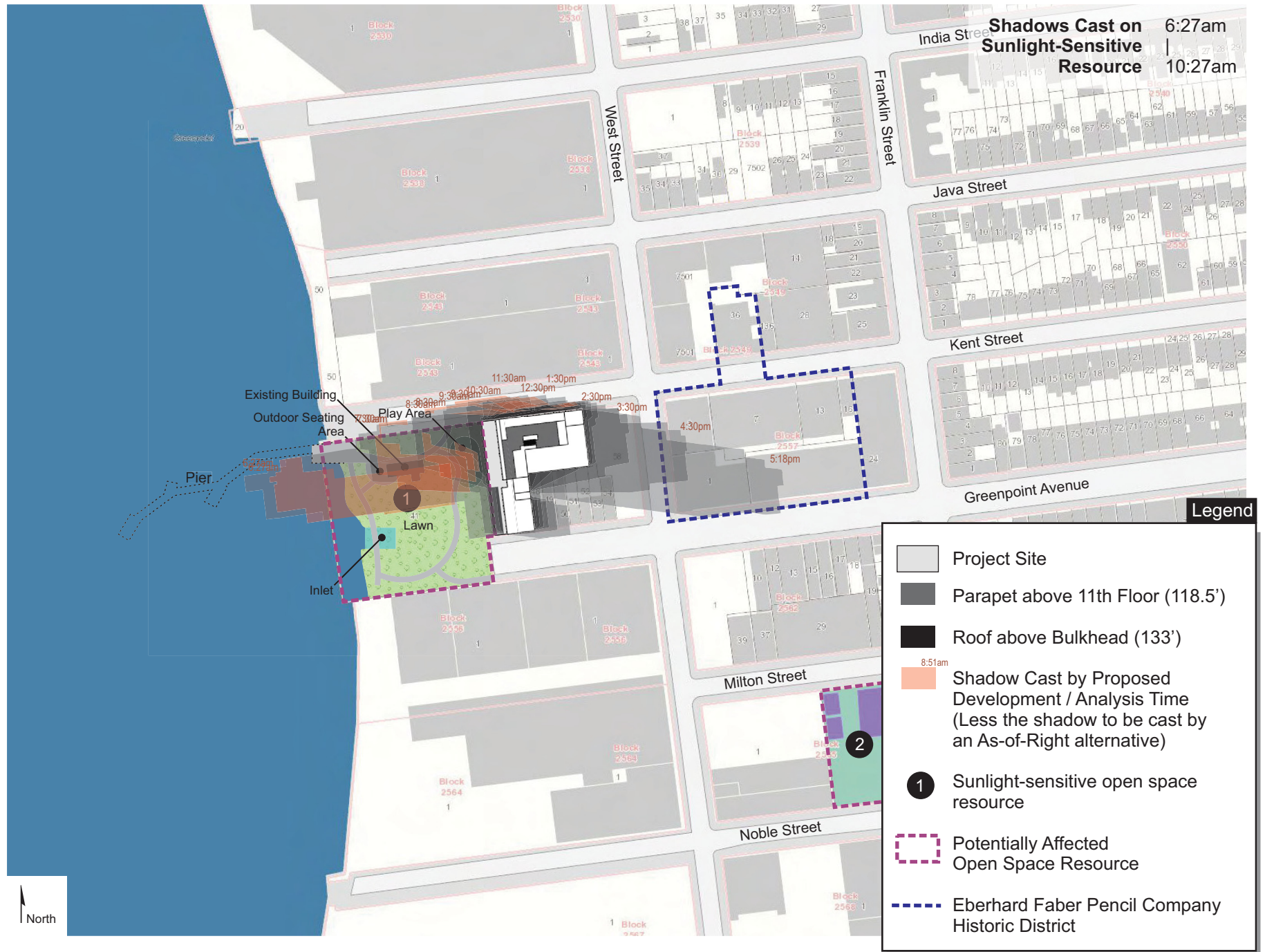












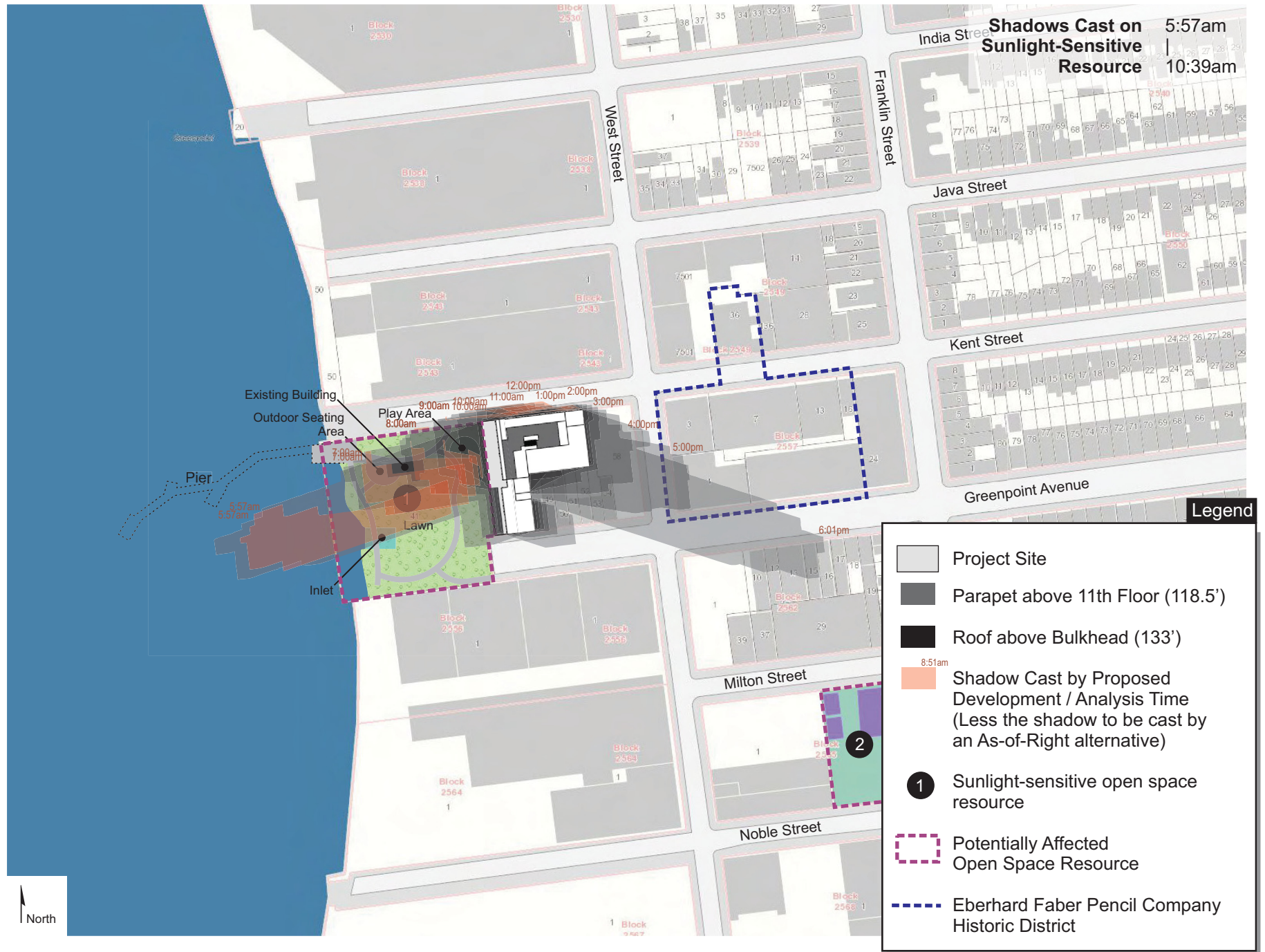


Exhibit D

Urban Design Diagrams

[Attached behind.]



Greenpoint Avenue facing west (Site at right)



No-Action Scenario

Greenpoint Avenue facing west (Site at right)



Proposed Project

Kent Street facing west (Site at left)



No-Action Scenario

Kent Street facing west (Site at left)



Proposed Project



Transmitter Park facing southeast (Site ahead)



No-Action Scenario

Transmitter Park facing southeast (Site ahead)



Proposed Project



Transmitter Park facing northeast (Site ahead)



No-Action Scenario

Transmitter Park facing northeast (Site ahead)



Proposed Project