Discussion of Findings
ZR 74-966 Special Permit to Increase Floor Area in Industrial Business Incentive Areas
20 Berry Street (Block 2283, Lots 25, 28, 31, 33, 35, 38, 41 and 43)
Borough of Brooklyn
February 7, 2024

74-966
Findings

In order to grant additional #floor area# and any modification to #bulk#, publicly accessible open space or parking and loading regulations, the City Planning Commission shall find that:

(a) For all applications with a #floor area# increase, and for any applications with #bulk# modifications, such increase or modification:

(1) Will promote a beneficial mix of #required industrial# and #incentive uses#;

The ZR 74-965 special permit (the "Special Permit") will facilitate the development of a ten-story, 192,000 zoning square feet ("zsf"; 4.8 FAR) mixed industrial, office, restaurant, and retail building (the "Proposed Development") at 20 Berry (the "Development Site). The Proposed Development will include 32,000 zsf of required industrial uses (0.80 FAR), 80,000 zsf of permitted uses (2.0 FAR), and 80,000 zsf of incentive uses (2.0 FAR), for a total of 4.8 FAR. The required industrial uses will be located on the 2nd and 3rd floors: 23,786 zsf on the 2nd floor and 8,215 zsf on the 3rd floor. This range of sizes will allow for flexibility, based on each tenant's needs.

The Proposed Development is located at the intersection of different land use patterns and built forms, including the following:

- A predominantly residential neighborhood to the south;
- McCarren Park, a large, 35-acre open space with active and passive recreation, to the east;
- A mix of low- and medium-height manufacturing and commercial buildings to the north and west.

As such, the proposed mix of industrial, office, restaurant, and retail uses is appropriate for this section of Greenpoint-Williamsburg, as it acts as a natural connector between the uses to the south, north, and west. The Proposed Development will bring new jobs and goods and services to both the residential neighborhood to the south and the commercial/manufacturing area to the north/west. It also has nearly the same mix of uses as the other nearby Industrial Business Incentive Area ("IBIA") projects, such as 19-25 Kent Avenue (one block to the north-west) and 103 North 13th Street (across North 13th Street to the north).

The proposed density will allow for a diverse tenancy by encouraging synergies among the tenants, such as a light manufacturer with a direct relationship with a retailer or office in the building, or a brewery serving a food and beverage tenant in the building. The proposed height of this 10-story Proposed Development is an appropriate scale for the Development Site, as it is adjacent to the 21-story William Vale Hotel. It is also similar in scale to the other nearby IBIA projects, such as 19-25 Kent Avenue (8-stories) and 103 North 13th Street (7-stories).

(2) Will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;

The Special Permit will result in superior site planning, will have a harmonious urban design relationship with the surrounding area, and will promote a safe and enjoyable streetscape.

The Special Permit will result in a superior site plan, as it encourages the creation of open space. By allowing an additional 25' in building height when publicly accessible open space is provided, this Special Permit adjusts the permitted bulk to allow floor area to instead be provided on upper levels, thus enabling public benefits to be provided at grade level. This Special Permit facilitates the creation of the bonused, publicly accessible open space located along Berry Street (the "Public Plaza Area"), as well as the four non-

bonused publicly accessible open spaces along North 12th Street, North 13th Street and Berry Street (the "Non-Bonused Open Area"). These publicly accessible open spaces, totaling 9,690 sf, will read as a natural extension of McCarren Park and will provide space for passive recreational use. The additional height permitted by the Special Permit will be balanced by this open space, will be set back from all bounding streets, and will read uniformly with the other nearby tall buildings, such as the William Vale Hotel (21-stories), 19-25 Kent Avenue (8-stories) and 103 North 13th Street (7-stories).

The Special Permit will result in a harmonious urban design relationship, as the bulk of the Proposed Development has been designed to be contextual and respectful of the surrounding context. The majority of the area in the Proposed Development is closer to the northwest of the site, with minimal bulk located to the southwest of the site. This design sets the Proposed Development back from – and mitigates shading on – the lower, medium-scale mixed-use buildings to the south and McCarren Park to the east.

The Special Permit will result in a safe streetscape, as only one curb cut will be provided. It is proposed on the farthest portion of the lot from McCarren Park and from street intersections to mitigate impacts on the pedestrian experience.

The Special Permit will result in an enjoyable streetscape, as it requires ground floor street widenings and glazing. The Proposed Development will be set back at grade along North 13th Street and Berry Street to facilitate a 15' clear sidewalk around the entire Development Site. These street widenings, along with the publicly accessible open space, will activate each of the bounding streets and allow the public to meander and break off from the street grid. The transparency of the walls along the street and along the publicly accessible open space will increase the visibility of ground floor uses. This increased public circulation and synergy is especially appropriate, given that it is located directly across from McCarren Park.

In summary, the Proposed Project – with its publicly accessible open spaces, street widenings, and thoughtful design – will result in superior site planning, a harmonious urban design relationship with the surrounding area, and a safe and enjoyable streetscape at this key neighborhood corner.

(3) Will result in a #building# that has a better design relationship with the surrounding #streets# and adjacent open areas;

The Proposed Development will have a superior design relationship with the surrounding streets and McCarren Park. The Proposed Development will provide a continuous street wall on all street frontages, except for those portions of the street where the building will recess or set back to provide publicly accessible open space. This design will activate the street walls and open spaces/building interfaces with retail, and the newly activated streets will work in tandem with the proposed public open space, extending seamlessly from the sidewalks to the center of the Development Site. Here, the podium floors will have cascading terraces that add verticality to this public/private interaction. This is a unique urban moment that is unprecedented in this area of Williamsburg, at a site located directly across from the neighborhood's largest and most frequented public park and the mixed-use commercial corridor along North 12th Street.

(4) Will result in a #development# or #enlargement# that will not have an adverse effect on the surrounding neighborhood; and

The Proposed Development will not have an adverse effect on the surrounding neighborhood. The proposed mix of commercial and industrial uses is consistent with the existing uses to the west and north of the Development Site. The proposed density (4.8 FAR) matches the densities permitted to the west (4.8 FAR in M1-2 districts) and south (4.8 FAR in M1-2/R6A districts). The proposed bulk will also be sensitive to McCarren Park and the primarily residential buildings to the south by placing most of the massing in the northwest corner of the Development Site.[1]

As discussed below, the Proposed Development is seeking waivers of required commercial parking and loading. If granted, these waivers will not cause significant increases in vehicular traffic. Increases in the number of pedestrians will be mitigated due to the unique open space features incorporated into the proposed design. The Proposed Development will consolidate the parking and loading entrances in a central location along North 13th Street, thus removing all of the existing curb cuts along North 12th Street and

[1] There are several one-story manufacturing buildings and a six-story commercial building in the M1-2 and M1-1 districts located to the north of the Development Site that will not be significantly impacted by building shadows.

Berry Street, both of which are streets used for the predominantly north-south foot traffic between Williamsburg and Greenpoint and traffic to and from McCarren Park.

(5) Will, for #yard# or height and setback regulations, provide a better distribution of #bulk# on a #zoning lot# and will not unduly obstruct the access to light and air of surrounding #streets# and properties.

The Proposed Development will comply with the permitted bulk for IBIA Area 1. The underlying M1-2 regulations require a rear yard equivalent for the Development Site's through-lot portion (beyond 100'-0" of Berry Street). However, as a condition of an IBIA project (ZR 74-965(c)), no rear yard equivalents are required. The Proposed Development complies with all other mandated height and setback requirements for IBIA projects, including a setback above a maximum street wall of 75'-0" and a maximum building height of 135'-0" where public open space is provided. Therefore, the Proposed Project complies with the IBIA bulk regulations.

The Proposed Development will not unduly obstruct access to light and air on the surrounding streets and properties. The Development Site occupies the southeastern half of Block 2283. The street grid is approximately 45 degrees off of true north. The Proposed Development is comprised of a ten-story L-shaped building that occupies the northern portion of the Development Site and a two-story building portion located at the southern corner of the Development Site. As described above, the location and design of the open space maximizes pedestrian circulation and engagement and achieves ground floor activation. The two-story corner building portion is only 40'-0" in height and will cast minimal shadows into the proposed public open space. For a majority of the day and year, the ten-story L-shaped building will not cast shadows over the residential building to the south or into the public open space on the Development Site and will not significantly shadow North 12th Street or Berry Street. It will cast shadows on commercial and industrial buildings to the north, northeast, and northwest in the adjacent M1-1 and M1-2 districts and North 13th Street, which is the least utilized street bounding the Development Site. Therefore, the Proposed Development will not unduly obstruct the access to light and air of the surrounding streets and properties.

(b) Where modification to publicly accessible open space requirements of paragraph (f) of Section 74-965 (Conditions) are proposed, such modifications will result in a publicly accessible open space of equivalent or greater value as a public amenity.

The proposed publicly accessible open space will comply with the requirements set forth in Section 74-965(f), except for Section 37-713 (Locational restrictions), 37-714 (Restrictions on orientation), and 37-76(b) (Public entrances). The waiver of these sections will result in a publicly accessible open space of greater value as a public amenity, as described below.

<u>Locational restrictions</u>

The Applicant is seeking a waiver of Section 37-713 (Locational restrictions) pursuant to Section 74-964(b) to permit publicly accessible open space to be located within 175 feet of a public park. The underlying plaza regulations do not permit new publicly accessible open areas within 175 feet of existing publicly accessible open areas or public parks. The Development Site is located directly across from McCarren Park (35 acres), which is only 60 feet away across Berry Street. Although the proposed Public Plaza Area is closer to McCarren Park than 175 feet, this space will function as a natural extension of the Park. The proposed Public Plaza Area will bring porosity to the streetscape by allowing pedestrians to exit the park, cross the street, and enter into a centralized public space before continuing onto adjacent open spaces which lead to North 12th Street and North 13th Street. The proposed Public Plaza Area includes passive recreation amenities and is flanked by ground floor retail uses that will activate this 24/7 open space and serve as a connector between McCarren Park and the Williamsburg neighborhood. Therefore, the Public Plaza Area's proximity to McCarren Park will result in a public amenity of greater value.

<u>Restrictions on orientation</u>

The Applicant is seeking a waiver of Section 37-714 (Restrictions on orientation) pursuant to Section 74-966(b) to permit an east-facing publicly accessible open space. The underlying plaza regulations do not permit an east-facing plaza if a zoning lot has south-facing street frontage in excess of 40 feet. The Development Site has approximately 200 linear feet of frontage in the north, east, and south. The proposed Public Plaza Area will be located in the middle of the Development Site and will be east-facing by fronting on Berry Street. Although the Public Plaza Area is not south-facing, the connected Non-Bonused Open

Areas are south- and north-facing. This enables the public to have access to open spaces that are south-, east- and north-facing while allowing the Public Plaza Area to face McCarren Park and act as a natural extension of the Park. Therefore, this waiver will result in a publicly accessible open space of greater value as a public amenity.

Public entrances

The Applicant is seeking a waiver of Section 37-76(b) (Public Entrances) pursuant to Section 74-966(b) to allow the entrance to the principal use of the building to be located more than 10 feet from the major portion of the publicly accessible open space and to allow the building entrance and lobby to occupy less than 20 feet of the frontage of the public plaza. The proposed lobby will be located 57 feet from the Public Plaza Area. This will allow more space for retail uses to front on the Public Plaza Area and thus encourage the public use of the Public Plaza Area to access those establishments. The proposed lobby will front on the Non-Bonused Open Area, thereby encouraging the public to utilize open spaces on the Development Site. Therefore, this waiver will result in a publicly accessible open space of greater value as a public amenity.

(c) 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;

The Applicant proposes to waive 607 required parking spaces (574 spaces for commercial use and 33 spaces for manufacturing use). Such a waiver will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement.

The Proposed Project will have 21,868 zsf (plus approximately 23,799 sf below-grade) of retail, 11,632 zsf for a restaurant, 118,458 zsf of office space, 32,000 zsf of industrial space, and 8,042 zsf (plus approximately 57,840 sf below-grade) for accessory off-street parking uses. Cellar space used for retailing does count toward the parking and loading requirements. The underlying zoning requires 1 space for 200 zsf for supermarkets, 1 space for 300 zsf of commercial/retail, and 1 space per 1,000 zsf for industrial space, for a total of 687 parking spaces. However, 80 parking spaces are proposed.

Most trips generated by the office, light industrial, retail, and restaurant uses are expected to walk, bike, or take the mass transit services located only a few blocks to the north or south of the Development Site, instead of travel by car or taxi. The Environmental Assessment Statement ("EAS") for this project calculates the travel demand for this project based on factors cited in the 2021 City Environmental Quality Review (CEQR) Technical Manual and the 2012-2016 American Association of State Highway Transportation Officials (AASHTO) Census Transportation Planning Products (CTPP) reverse journey-to-work data for census tracts in proximity to the Development Site, data from a 2019 mode choice survey for an office use in Williamsburg, Brooklyn; data provided by the New York City Departments of City Planning (NYCDCP) and Transportation (NYCDOT), and factors developed for recent environmental reviews. The transportation planning factors estimate that approximately 84% of trips related to local retail uses are taken by walking or biking, and only 11% are by auto. Approximately 46% of weekday AM, weekday PM, and Saturday office trips are taken by subway and 27% of trips are taken by walking or biking, while only 12% of trips are by auto. Approximately 38% of weekday AM, weekday PM, and Saturday light industrial trips are taken by auto, whereas 36% of the trips are by subway and 20% are by walking or biking. During the weekday midday period, approximately 83% of the light industrial and office trips are taken by walking or biking and only 2% are taken by auto. Approximately 40% of restaurant trips are taken by walking or biking and 15% are by subway, while only 20% are by auto. After a Level 2 Traffic Screening Assessment and detailed pedestrian and parking analyses, the EAS concludes that the proposed uses will have no significant adverse impacts to traffic, pedestrians, and parking conditions. As such, the waiver of required parking spaces that will result in 80 proposed accessory parking spaces at the Development Site will not create 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;

The one proposed curb cut is the minimum required for adequate access to off-street parking and internal loading. Currently, the Development Site has eight curb cuts dispersed among the street frontages. In contrast, the Proposed Development will provide one curb cut on the south side of North 13th Street, close to the mid-block. This curb cut will be 47'-6" wide excluding splays and 52'-6" wide including splays. It will be used for ingress to and egress from the subgrade parking (80 parking spaces) and will serve the two adjacent enclosed loading berths. One curb cut is the minimum necessary to accommodate the proposed parking and loading and it will minimize the disturbance on other streets frontages of the Development Site. North 13th Street is the least traveled street of all the bounding streets and the only street that accommodates two-way traffic. Placing a curb cut on the one-way streets, especially those for loading, would have a negative impact on the vehicular flow of these streets by forcing vehicles to queue as trucks reverse from the street into a loading berth. In addition, there are heavily used bicycle lanes on North 12th Street (westbound) and Berry Street (northbound), and both North 12th Street and Berry Street have more pedestrian foot traffic because they are primary connectors from McCarren Park into central Williamsburg (heading south on Berry Street) and from McCarren Park to the waterfront park (heading west on North 12th Street). Locating the parking and loading curb cut on North 13th Street will avoid unnecessary impacts to these existing vehicular, bike, and pedestrian traffic 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

The streets providing access to the Development Site are adequate to handle the traffic generated by the Proposed Development. North 12th Street is a one-way, westbound street and Berry Street is a one-way, northbound street. North 13th Street is a two-way street. All bounding streets are 60 feet wide (narrow streets). Vehicles arriving at the Development Site will be dispersed, with passenger vehicles accessing the main lobby on North 13th Street for pick-up and drop-off and other passenger vehicles and delivery vehicles turning on Berry Street.

(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.

The Applicant proposes to waive five loading berths (two berths for commercial use, two berths for office use, and one berth for manufacturing use). The two proposed loading berths will be located at the North 13th Street façade toward the mid-block. This location was chosen because North 13th Street is the only two-way street bounding the Development Site, and it is as far as possible from the intersection with Berry Street and McCarren Park. It is safer for trucks to access the enclosed loading berths on two-way streets, where motorists are anticipating opposing traffic. The reduction in the number of loading berths further decreases the potential for such impacts as the curb cuts are minimized to serve only two berths and, as such, only one curb cut is proposed; it is 47'-6" wide excluding splays and 52'-6" wide including splays. If seven berths were required, they would occupy most of the frontage along North 13th Street (140 feet out of 200 feet), in addition to the 30 feet of frontage used for parking ingress and egress. If all seven curb cuts were provided, any truck turning into the eastern-most bay would impact even Berry Street traffic, as the curb cut serving such a berth would be located only 30 feet from the intersection. Further, the EAS analyzed loading and traffic impacts and found that no intersection is expected to experience an increase of 50 or more incremental vehicles during any of the peak hours and thus no significant traffic impacts are expected. Therefore, the proposed reduction in required loading berths will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.