Acme Fish Expansion Project
30 Gem Street
Block 2615, Lots 1, 6, 19, 21, 25, 50, and 125
Borough of Brooklyn

Discussion of Conditions
ZR § 74-743 - Large-Scale General Development Special Permit

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ZR §12-10 Definition of a Large-Scale General Development

Large-scale general development

A "large-scale general development" contains one or more buildings on a single zoning lot or two or more zoning lots that are contiguous or would be contiguous but for their separation by a street or a street intersection and is not either a large-scale residential development or a large-scale community facility development; and

(a) Has or will have an area of at least 1.5 acres;

The proposed Large-Scale General Development ("LSGD" or "Proposed Development"), a single zoning lot, is coterminous with the Development Site. The Development Site is approximately 116,756 SF (2.7 acres) in lot area.

(b) Has been or is to be used, developed, or enlarged as a unit:

(1) Under single fee ownership or alternate ownership arrangements as set forth in the zoning lot definition in Section 12-10 (DEFINITIONS) for all zoning lots comprising the large-scale general development; or

The Applicant is the contract vendee of the entirety of the Development Site and, once purchased, will be held in single fee ownership by the Applicant.

(2) under single fee, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

Not applicable.

(c) shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of paragraph (a) (1) of Section 74-743 (Special provisions for bulk modifications).

The Development Site is currently located in an M3-1 zoning district. The proposed zoning map amendment will rezone the Development Site to an M1-5 zoning district.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large- scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

There are no existing buildings on the Development Site that will remain a part of the LSGD.

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Discussion of Findings

Large-Scale General Development Special Permit
ZR § 74-743 Special provisions for bulk modification

ZR §74-743 Special provisions for bulk modification

(a) For a #large-scale general development#, the City Planning Commission may permit:

(1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:

(i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;

(ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of #commercial floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted, except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of #commercial floor area# from a C6 District to a C2 District may be permitted;

Not applicable.

(2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;

The applicant is requesting the following proposed modifications of the height and setback regulations under 74-743(a)(2) to allow for the design of the proposed development:

- ZR 43-43 to increase the maximum base height and penetrate the sky exposure plane within the M1-5 district.

The proposed LSGD Special Permit will permit the distinctive design of the commercial component of the Proposed Development by increasing the base height above 85 feet on the fifth floor on Gem Street, permitting the penetration of the sky exposure plane at the fifth, eighth, and ninth floors on Gem Street, and the penetration of the sky exposure plane on the eighth and ninth floors on Meserole Avenue.

* * *

(b) In order to grant a special permit pursuant to this Section for any large-scale general development, the Commission shall find that:

(1) the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding developments, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the large-scale general development, the neighborhood, and the City as a whole;

The requested LSGD modification will enable a better site plan, a more rational distribution of floor area, a better relationship of the building on the Development Site to the Surrounding Area, and a better project design, by providing: (1) publicly-accessible open spaces and two pedestrian paths at grade which will enable a better relationship to the adjacent streets and access to the neighborhood open spaces; (2) the placement of the bulk in the center of the site which allows for the building heights to step down along the Development Site's four street frontages, affording a better relationship to surrounding developments in the neighborhood; (3) the placement and location on the Development Site of the new state-of-the-art Acme Smoked Fish processing facility and the new office and retail component. This will result in a better site plan than that permitted as-of-right, better access to light and air on the site and adjacent blocks, and a better experience for pedestrians by providing new links to the existing grid via pedestrian pathways in the neighborhood and the City as a whole.

The LSGD special permit will permit the vertical distribution of commercia floor area on the site, which will accommodate the ACME factory unobstructed ventilation requirements, and provide maximum landscape public access areas and improved pedestrian access through the block. The proposed new mixed-use development, will encompass the entire block with approximately 583,778 SF, comprising a new and improved 95,299 SF Acme Smoked Fish processing facility, approximately 488,479 SF of commercial office and retail space on the Development Site, 21,403 square feet of public access area ("PAA"), approximately 5,775 square feet of open areas adjacent to the retail establishments, 65 bike parking spaces, and approximately 150 off-street accessory parking spaces.

The Proposed Development will improve and offer new links to the existing street grid by providing at grade publicly accessible open spaces and pedestrian pathways. The Development Site is just one block east of the to-be-developed portion of Bushwick Inlet Park, which will wrap around Bushwick Inlet, an inlet of the East River. The proposed LSGD site plan, which includes new east-west and north-south mid-block pedestrian pathways, will provide enhanced access to the proposed waterfront park for the building's occupants and neighborhood residents. The Proposed Development's site plan will improve the pedestrian experience at a major junction linking the neighborhoods of Williamsburg and Greenpoint.

The LSGD Special Permit modification pursuant to ZR74-743(a)(2) would allow the office building component of the Proposed Development to penetrate the required sky exposure plane and the required initial setback distance allowing wider floor plates consistent with office user's needs. The proposed street wall will exceed the required set back at 85 feet height to a height of 104 feet and will allow the penetration of the sky exposure plane on the 5th, 8th, and 9th floors on the Gem Street frontage, and to a height of 104 feet at the 8th and 9th floors on the Meserole Avenue frontage.

The Proposed Development will be superior to an as-of-right M1-5 development. An as-of-right development would limit the maximum front wall height of the Proposed Development to 85 feet, and require compliance with a sky exposure plane of 2.7:1. The Proposed Development and the proposed waivers will allow for vertical stacking of bulk on Gem Street and Meserole Avenue, which will allow for ACME to be a standalone facility, and the provision of approximately 21,403 square feet of PAA. The PAA will provide open landscaped areas including a variety of seating options, and a better experience for pedestrians by providing new links via pedestrian pathways to the existing grid in the neighborhood. In addition, the proposed waivers will allow for the distribution of the commercial floor area on the site to accommodate the factory ventilation requirements and will produce a better site plan with maximum landscaped public areas allowing improved pedestrian access in and through the large block.

(2) the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;

The bulk modification pursuant to the LSGD plan will allow the unique site layout, specifically the location of the building on the zoning lot and the arrangement of the floor area, and improve light and air for the surrounding properties, on-site occupants, and people using the streets, as well as maximize access to at-grade public pedestrian pathways, circulation routes, and Public Access Areas. The Proposed Development is situated on the north, east, and west portions of the zoning lot which provides multiple open areas on the southern portion of the lot.

Through the distribution of the floor area and the location of the building, the Proposed Development will maintain the street wall along Banker Street, Meserole Avenue, and Gem Street, while along Wythe Avenue and North 15th Street the building is pulled back approximately 25 feet from the property line. By vertically arranging the floor area, the resulting development provides a smaller building footprint, both at the lower levels of the building and at grade, allowing the provision of unique open space on the zoning

lot which increases the amount of light and air available, to occupants of the Proposed Development and people using the surrounding streets. The smaller building footprint on the zoning lot permits approximately 12,880 square feet of Public Access Area open to the sky. With the tallest portion of the building toward the center of the block the proposed building, heights vary from nine stories centered in the middle of the Development Site, and respectively decreasing from five stories on Gem Street, and five and three stories on Meserole Avenue, ranging from four, three, and two stories on Banker Street, and six and two stories on Wythe Avenue.

The Proposed Development would be built at a bulk and height compatible with surrounding properties which have completed construction and developments approved by the City. These include the recently constructed eight-story 135 feet high commercial office and light manufacturing building located at 25 Kent Avenue three blocks to the south, the approved seven-story 110 feet high commercial office and light manufacturing development located at 12 Franklin Street one block to the west, and the approved seven-story commercial office and light manufacturing development located at 103 North13th Street two blocks to the south. The William Vale Hotel, a twenty-three-story 250 feet high hotel located three blocks to the south, was developed in accordance to the zoning district regulations.

(3) where a zoning lot of a large-scale general development does not occupy a frontage on a mapped street, appropriate access to a mapped street is provided;

The zoning lot comprising the LSGD will have frontage on five mapped streets: Meserole Avenue, Banker Street, Gem Street, North 15th Street, and Wythe Avenue.

(4) considering the size of the proposed large scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;

The Proposed Development is located on five streets, Wythe Avenue on the south, Banker Street on the east, Meserole Avenue on the north, and Gem and North 15th Streets on the west. The street network in proximity to the Proposed Development is comprised of an irregular grid pattern with one-way streets. Located east of Banker Street, Wythe Avenue becomes Norman Avenue, which is an east-west bound double lane street with curbside parking in each direction. Cayler Street which runs parallel and to the north of Meserole Avenue, is an eastbound single lane street with parking on both the north and south sides of the street. Located west of the Proposed Development is Franklin Street, a north-south bound street with one moving lane in each direction. A two-way bike lane has recently been installed along the west (southbound) curb.

It is anticipated that occupants and visitors to the Development Site will utilize the following roadways:

(a) Banker Street, 70- foot-wide, north bound single lane street with parking on both the east and west sides of the street;
(b) North 15th Street, 60-foot-wide, north bound double lane street with parking on both the east and west sides of the street;

(c) Gem Street, 60-foot-wide, north bound single lane street with parking on both the east and west sides of the street;
(d) Meserole Street, 60-foot-wide, west bound single lane street with parking on both the north and south sides of the street;
(e) Wythe Street, 60-foot-wide, west bound single lane street with parking on both the north and south sides of the street.

The main entrance to the office uses will be on Gem Street, whereas the Acme Smoked Fish main entrance will be located on Banker Street. The entrances to the retail uses will be located on Banker, Wythe, North 15th, Gem Streets, and the public pedestrian east-west pathway. Vehicle pick-ups and drop-offs for the office and retail uses are likely to occur along Banker, Gem, and Wythe Streets. Taxi routes would be generally similar to routes for autos, with drop-offs and pickups primarily occurring along the Proposed Development's frontages on Wythe Avenue and Gem, Banker and North 15th Streets.

The on-site public parking garage entrance will be located on Gem Street. Autos en-route to the Proposed Development from the north and east are expected to approach the Development Site via Norman and Wythe Avenues and turn onto Gem Street to access the parking garage entrance. Autos from the south are expected to use North 15th Street to reach Gem Street. Outbound garage autos would likely utilize Calyer and Franklin streets (en route to the north and east), and Wythe Avenue (en-route to the south).

Much of the truck loading and unloading activity associated with the existing Acme Smoked Fish facility currently occurs at curbside along Gem Street and Meserole Avenue. It is estimated that new demand generated by the proposed Acme Smoked Fish facility and new office and retail uses would total approximately 12 trucks (primarily single unit trucks) in the midday peak hour with fewer trucks in other periods. Under the proposed LSGD site plan, three loading berths for the proposed office and retail uses would be located on Banker Street while Acme Smoked Fish would have one loading berth on Banker Street and two berths on Meserole Avenue. By providing new off-street loading berths and distributing the vehicular access points among three Development Site frontages, the LSGD site plan will reduce the amount of project-generated traffic concentrated on any one street.

The pedestrians going to/from the Proposed Development tend to utilize the sidewalks and crosswalks adjacent to the Development Site as well as along the corridors connecting the site to the Nassau Avenue (G) and Bedford Avenue (L) subway stations (e.g., Norman and Wythe avenues). The Proposed Development would feature two pedestrian pathways, one extending north-south from Wythe Avenue to the mid-block of the Development Site, and the second, under the commercial building, extending east-west from Banker Street to Gem Street. These pathways would provide multiple pedestrian access/egress routes to the Proposed Development's office and retail uses, dispersing demand that would otherwise be concentrated on the sidewalks adjacent to the Development Site.

The environmental review completed for the Proposed Actions determined that the Proposed Development would have an impact on traffic in the immediate vicinity of the Development Site. While the Proposed Development would result in adverse traffic impacts at eight intersections, implementation of recommended traffic engineering improvements, such as signal timing changes and the installation of

a new traffic signal, would fully mitigate the impacts at three of these intersections. It should also be noted that the relocation of Acme's warehousing and distribution functions to a facility in New Jersey will result in a substantial reduction in the number of Acme-related truck trips at the Development Site. Curbside loading and unloading activity would also be substantially reduced as trucks would be able to utilize the six loading berths planned for the Proposed Development. The reduction in truck trips and curbside activity is expected to improve traffic flow on streets at the Development Site, as well as pedestrian conditions on crosswalks.

While some nearby intersections may experience increased congestion during peak periods, the five streets adjacent to the Development Site are expected to be able to accommodate the vehicular and pedestrian activity generated by the Proposed Development. The Environmental Impact Statement, ("EIS") concludes that through implementation of the accepted mitigations the streets providing access to the office, retail, and Acme Smoked Fish uses will be adequate to handle traffic resulting from those uses.

(5) when the Commission has determined that the large-scale general development requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;

The Proposed Development will not require significant additions to existing public facilities serving the surrounding area. Fire and police protection services, hospitals and health facilities, parks, and library services would continue to operate with ample capacity in the future with the proposed actions.

(6) where the Commission permits the maximum floor area ratio in accordance with the provisions of paragraph (a)(4) of this Section, the open space provided is of sufficient size to serve the residents of new or enlarged buildings. Such open space shall be accessible to and usable by all residents of such new or enlarged buildings, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such general-large scale development shall include superior landscaping for open space of the new or enlarged buildings;

Not Applicable.

(7) where the Commission permits the exclusion of lot area or floor area in accordance with the provisions of paragraph (a)(5) of this Section … such modification will facilitate a desirable mix of uses in the large-scale general development and a plan consistent with

the objectives of the Inclusionary Housing program and those of Section 74-74 (Large-Scale General Development) with respect to better site planning;

Not applicable.

(8) where the Commission permits portions of buildings containing accessory parking spaces to be excluded from the calculation of lot coverage in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of lot coverage will result in a better site plan and a better relationship among buildings and open areas than would be possible without such exclusion and therefore will benefit the residents of the large-scale general development;

Not applicable.

(9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:

Not applicable.

(10) a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; and

A declaration will be filed with the Commission.

(11) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a) (12) of this Section, such #floor area# distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the #development# of affordable housing units within a #large-scale general development#.

Not applicable.