Herkimer-Williams
Discussion of Conditions for LSGD
May 2025

12-10
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 #street# intersection and is not either a #large-scale residential development# or a #large-scale community facility development#, and:

The LSGD contains four new buildings (plus the potential construction of a kiosk within a proposed publicly-accessible open space) and a building to remain on five zoning lots that are contiguous, would be contiguous but for their separation by a street or would be contiguous to one another in accordance with ZR 74-742(g), as proposed. None of these zoning lots are in a Large-Scale Residential Development or a Large-Scale Community Facility Development.

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

The Development Site (Parcels 1, 2, 3, 4 and 5) have a total lot area of 111,551 square feet (or approximately 2.56 acres).

(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 and/or its affiliates are the contract vendee of Block 1555, Lot 19; Block 1576, Lots 1 and 34; and Block 1577, Lots 17, 26, 32, 35, 51, and 53, of which the owner's of such lots have executed authorizations (each of which are submitted herewith) allowing the filing of the subject application.[1] Mystic Display Co., Inc. is the owner of Block 1577, Lots 1, 7, 56 and 58, which has also authorized the filing of the subject application. By authorizing the subject application to be filed and by executing the restrictive declaration, the property owners have agreed upon development of the Development Site in accordance with the plan for the LSGD.

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

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

Not applicable.

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[1] 1519 Herkimer, LLC is the current owner of Block 1555, Lot 19; 2465 Atlantic, LLC is the current owner of Block 1576, Lots 1 and 34; Fulton Junction, LLC is the owner of Block 1577, Lots 17 and 26; and Broadway Junction, LLC is the owner of Block 1577, Lots 32, 35, 51 and 53. Their owner's authorizations are submitted herewith.

(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 of any #Commercial# or #Manufacturing District#, subject to the restrictions of paragraph (a)(l) of Section 74-743 (Special provisions for bulk modification).

Pursuant to the proposed Rezoning that is being sought as part of the Proposed Actions, the Development Site will be located partially in a C6-4 District (a commercial district) and partially an Ml-6 District (a manufacturing 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# this is not integrally related to 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#.

All buildings on the Development Site will be demolished to make way for the LSGD, except one building on Parcel 2 (Block 1576, Lot 34). The building on Lot 34 is three-stories, approximately 37'-tall, and currently primarily leased by a sign shop, along with some smaller commercial office uses. With respect to the building, it was constructed in 1946 and is similar to the low-scale residential and commercial buildings that have historically been developed to the east and south in Cypress Hills and East New York.

The Lot 34 building, which is intended to contain the existing sign-making establishment long-term, is integral to the LSGD because it is a long-standing commercial building, reminiscent of prior development forms in the neighborhood. This low-rise building would facilitate a transition from the proposed new hi-rise building on Parcel 2 to Atlantic Avenue to the south.

In addition to retaining an establishment containing a unique commercial use that aligns with project goals of establishing the Project Area as a mixed-use, regional destination for diverse economic and commercial opportunity (which is supported by numerous public transit options), the dimensions of this parcel would render substantial new development infeasible. As part of the LSGD approvals, the building's height would be restricted to no more than 55 feet, allowing for all of its unused floor area to be incorporated—primarily for affordable housing—into the new Building B, thereby integrally contributing to one of the LSGD's main goals of creating new affordable housing opportunities in the neighborhood.

Furthermore, as shown in the plans submitted herewith, no floor area would be distributed from Parcel 2 to any other parcel within the LSGD.

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74-74
Large-scale General Development

For #large-scale general developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

There are several zoning lots planned as a unit for the purpose of better site planning while safeguarding the present or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

(a) Any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, any #enlargement# of such existing #buiding# shall be subject to the requirements set forth in Section 52-00 (DEFINITIONS AND GENERAL PROVISIONS).

The proposed uses will comply with the applicable as-of-right use regulations of the proposed C6-4 and Ml-6 Districts; except, however, within the M1-6 district, the Applicant is seeking the Retail Special Permit to allow size-restricted Use Group VI retail uses to have areas greater than 20,000 sf pursuant to ZR 74-161.

(b) Any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

The Development Site is not part of a Large-scale Residential Development or Large-scale Community Facility Development.

74-742
Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternative ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the

#large-scale general development#) of, or executed a binding sales contract for, all the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-sacle general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

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(g) partially under State or City ownership, and occupied by an elevated rail line and associated structures, and is located within the boundaries of Community District 5 in the Borough of Brooklyn partially within a C6-4 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership.

The Development Site is bifurcated by MTA property (Block 1555, Lot 1 and Block 1576, Lot 13) and Williams Place. Parcels 1 and 2 are separated from Parcel 3, 4, and 5 by two intervening tracts of land owned by the MTA and located west of Williams Place. These tracts of land are improved with elevated rail superstructure and would be located in a C6-4 district and a mapped MIH Designated Area if the Proposed Actions are approved. Under ZR 74-742(g), as proposed by the subject Text Amendment, the MTA tracts will be treated as a street or part of a street for the contiguity purposes of Section 12-10 (DEFINITIONS) definition of Large-scale General Development.