109 Marcus Garvey Boulevard
June 2024

74-743

Special provisions for bulk modification

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

* * * *

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

To facilitate the construction of the Proposed Development, this Application requests the Commission permit increasing the height of Building E to include up to 14-stories with a maximum building height of 155 feet, whereas only nine-stories and a maximum height of 95 feet is permitted in the R7A district.

The waivers proposed by the Applicant will allow for a more efficient layout on the Development Site, with new dwelling units to be located in an open area on the property with the construction of a new building. Without the waivers, Building E would not be achievable.

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(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 development,

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 location of the Proposed Development described in this Application will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding developments, and adjacent open areas than would be possible without the proposed modifications to height and setback requirements described above.

Building E is permitted to be constructed to a maximum height of 95 feet and include 9-stories and will include a maximum of 155 fee, with 148 feet proposed and 14-stories. Increasing the height up to 14-stories, rather than 9-stories that would typically be permitted, allows for better utilization of the site plan throughout the Development Site. The consolidation of new units in areas currently underutilized for residential development does not disrupt existing and new opens spaces proposed for improvement throughout the LSGD, as the lot area proposed to be utilized for new residential development currently consists of surface parking. Moreover, the remaining open area between the new 14-story building (Building E) and the closest adjacent pre-existing building (Building B) would enable the creation of a new courtyard while preserving an existing playground area.

Accordingly, through the height waiver under the LSGD Special Permit, Building E of the Proposed Development would be massed in a manner that preserves the amount of usable open spaces that currently exist within the Development Site and allows for the additional units that can be achieved in the additional 5-stories would be allowable through the increase in height of this building. It should be noted that minimal landscaped areas would be removed in order to construct the new building in the Proposed Development. Instead, Buildings E will be constructed in the location of surface parking, which will be relocated under Building E. An adjacent playground will be maintained to this building.

As such, the Proposed Development respects the original design intent and presence of the existing 3- to 9-stories buildings located throughout the Development Site, as well as taller buildings in the Surrounding Area, while introducing new income-restricted housing units to the LSGD, shorter than the mid-block density of development on adjacent blocks, with a 24-story building located immediately to the north. The improvement and creation new open spaces for the residents for the residents would not have been achievable if an alternative development scenario was proposed that was shorter and wider and prevents the implementation of an open area between Buildings B and E.

While an additional 5-stories is requested for Building E, the new building is designed to complement the scale of existing buildings on the LSGD, with the base height of the new building complying with the underlying R7A requirements with 75 feet in height, consistent with a base height of 65 feet for Building B. Moreover, orienting the bulk of the LSGD with the new 14-story

buildings along Vernon Avenue will respect contextual building regulations and rise shorter than the 24-story building located across the street to the north.

In summary, the Proposed Development seeks to blend with and support the existing buildings located within the Development Site that will be subject to the LSGD Special Permit and is intended to respect and enhance the built context of the Surrounding Area. The site plan provides a variety of benefits to the residents and occupants of the LSGD. Instead of stretches along Vernon and Willoughby Avenues remaining underutilized with surface parking, Buiilding E will provide new street walls with transparent façade areas intended to activate the street area. Moreover, new outdoor furniture, fencing, plantings and street trees will improve the streetscape and amenities of the LSGD, representing an improvement for residents of the LSGD as well as Surrounding Area.

The Proposed Development along with the improvements made throughout the LSGD will enliven the pedestrian experience in this location and serve to enliven inactive street frontages along both Vernon Avenue and Willoughby Avenue between Marcus Garvey Boulevard and Lewis Avenue.

Accordingly, for the reasons stated above, the increase in height, as well as waiver of minimum distance between buildings and location of a street wall in relation to the street line, will results in a better site plan and relationship among buildings than would be possible as of right, and therefore benefits both the occupants of the LSGD as well as the neighborhood and the City as a whole.

> ***(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 Proposed Development involves additional height on a portion of a zoning lot that currently contains surface parking. The new 175,017 zoning square feet of space would be spaced next to an existing 9-story building (132,328 square feet) and adjacent a 24-story building located across the street on a block immediately to the north. The main bulk waiver resulting from the LSGD would permit an extra 5-stories where 9-stories are permitted as-of-right, to enable a more efficient layout across the zoning lot. Otherwise, existing bulk remains in the LSGD, and floor area would not be located across the zoning lot that would not comply with the underlying floor area regulations the R7A zoning district, not will they result in the location of the Proposed Development unduly obstructing access to light and air to the detriment of the occupants or the users of buildings in the nearby blocks or the public streets.

The proposed envelopes of Building E will facilitate an even distribution of light and air within the blocks of the Surrounding Area. Along with the existing buildings in the Development Site, the Proposed Development will form a new usable open space located between existing and new building proposed to be improved as a courtyard that will serve existing and new residents of the

LSGD. The design approach serves to mitigates the impact of the Proposed Development upon the light and air experienced by users of the pedestrians passing through the Development Site and is a nod to the tower-in- the-park design character found on adjacent blocks but updated for a more and modern sense of place-making. This results in a more playful interplay of light and air over and around contextual street walls, with an even distribution of light and air at street level and in the adjoining open spaces.

In summary, the Proposed Development was designed to carefully respond to the existing built context of the Development Site and the Surrounding Area. This overall design approach, that provides new open space between existing and new development, ensures the occupants and users of the buildings in the Proposed Development, Development Site, and of nearby buildings, and people utilizing the surrounding streets, receive more light and air than if the Proposed Development strictly complied with the 9-story maximum permitted envelope along Vernon Avenue and Willoughby Avenue, that would be otherwise permitted in the R7A district proposed to be mapped at this location.

(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;

Not Applicable

(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 LSGD is comprised of the Development Site, which is currently improved with four 3- to 9-story buildings including a total of 267 units of income restricted housing spread across portions of a 130,000 square-foot zoning lot by that is served by efficient traffic arterials and local streets (Marcus Garvey Boulevard, Willoughby Avenue, Vernon Avenue, Lewis Avenue). The Proposed Development would include an additional 292 units of income-restricted housing located in the Transit Zone, and therefore no parking is required, and no parking would be provided in connection with the new building that would be included within the LSGD. However, the 63 existing parking spaces present on the Development Site would be relocated under the new building.

As the Zoning Resolution presumes that little to no parking is anticipated to be utilized by income restricted housing units, it follows that minimal private automobile traffic is to be expected by the occupants of the Proposed Development, which primary consists of the introduction of senior housing. Accordingly, the streets providing access to the LSGD should continue to adequately handle traffic resulting from the use of the Development Site for a new affordable housing building.

(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;

Not Applicable

(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 #large-scale general 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 or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) 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:

(i) the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and

(ii) such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks# or of people using the public #streets#.

Grant of a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large-scale development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner;

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 with regard to ownership requirements in paragraph (b) of the large-scale general development definition set forth in Section 12-10 shall have been filed with the Commission prior to granting the actions requested herein.

(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

12) where new piers or new platforms are constructed, replaced or reconstructed in

accordance with the provisions of paragraph (a)(13) of this Section, such new piers and new platforms are an integral part of such large-scale general development, result in a superior site plan and form an appropriate relationship with adjacent waterfront public access areas and shorelines, and provide significant public access to or within the seaward lot portion of the waterfront zoning lot.

Not Applicable

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, where the Commission has approved a large-scale general development and a lot line of such large-scale general development coincides with the boundary of a mapped public park, such lot line shall be considered to be a street line of a wide street for the purposes of applying all use and bulk regulations of this Resolution.

Not Applicable

In addition, within Manhattan Community District 2, where the Commission has approved a large-scale general development located partially within a C2-7 District, if any open space approved pursuant to paragraph (a)(4) of Section 74-743 is subsequently mapped as a park and transferred to City ownership, the open space requirement approved for such large-scale general development pursuant to paragraph (a)(4) of Section 74-743 shall be reduced by the area of such public park.

Not Applicable

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a large-scale general development. The Commission may establish procedures resulting in limiting the amount of affordable floor area utilizing public funding that may count toward satisfying the affordable floor area required in paragraph (c)(2) of Section 23-154. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such large-scale general development.

Not Applicable

For a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed large-scale general development, a phasing plan showing the distribution of bulk and open space and, in the case of a site plan providing for common open space, common open areas or common parking areas, a

maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Proposed Development includes the construction of a single building (Building E) that would be conducted in a single phase. The building includes private open areas utilized as surface parking. The preservation of parking during construction shall be codified in the large-scale restrictive declaration recorded against the property, including a maintenance plan for such space and surety for the continued availability of the spaces for the use by residents.

The Commission may prescribe additional conditions and safeguards to improve the quality of the large-scale general development and to minimize adverse effects on the character of the surrounding area.