Holland & Knight

31 West 52nd Street | New York, NY 10019 | T 212.513.3200 | F 212.385.9010
Holland & Knight LLP | www.hklaw.com

281 & 311 Marcus Garvey Boulevard
Applicant's Statement of Findings
Special Permit Pursuant to Section 74-743
November, 2022

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;

Building 1 includes 1,820 square feet of floor area distributed from the R7A/C2-4 portion to the R6B portion of Development Site 1. Building 2 includes 4,250 square feet of floor area distributed from the R6A portion to the R7A/C2-4 portion of Development Site 2. R6B, R6A, and R7A/C2-4 districts each permit residential use and therefore the distribution of bulk across the boundaries of these districts is permitted by this section.

(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;

N/A

(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 A and B to each include up to ten-stories and rise to building height of 105 feet, whereas only nine-stories and a maximum height of 95 feet is permitted in the R7A district. Some portions of Buildings A and B also exceed the maximum base height of 65 feet applicable within the R7A district. The plans submitted with this Application include a maximum building envelope of approximately ten extra feet beyond the building heights contemplated by the Proposed Development to account for any potential need to increase floor to ceiling heights, larger sized bulk heads or rooftop mechanicals in the event solar panels exceed the size and location restrictions set forth in the Zoning Resolution. This Application also requests increasing the height of Building A and B beyond the maximum height limit permitted of 65 feet when located within 25 feet of the boundary from the lower density adjacent R6B district in order to make more efficient use of unit layouts and increase the unit count within Buildings A and B to allow for the creation of more affordable housing units than would be achievable without these modest encroachments.

* * * * *

(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.

Buildings A and B are only permitted to be constructed to a maximum base height of 65 feet and maximum building height of 95 feet and include nine-stories. In some locations the Proposed

Development includes base heights proposed to rise to a height of 75 feet and building roof heights to rise to a height of 105 feet, or ten feet more than would be typically permitted. Increasing the height by one story above what would typically be permitted along Marcus Garvey Boulevard allows for better utilization of the site plan throughout the Project Area. The consolidation of new units along Marcus Garvey Avenue in areas currently underutilized for residential development does not disrupt existing and new opens spaces proposed for improvement throughout the LSGD. For example by moving slightly more density into Building 1 at the intersection of Marcus Garvey Boulevard and Quincy Street than would normally be permitted by the maximum bulk envelope at that location allows for the preservation and creation of new open space oriented toward the intersection of Marcus Garvey Boulevard and Gates Avenue.

Accordingly, through the height and setback waivers under the LSGD Special Permit, Building A and B of the Proposed Development would be massed in a manner that preserves the amount of usable open spaces that currently exist within the Project Area and allows for the additional units that can be achieved in the additional tenth story that would be allowable through the slight increase in bulk of these two buildings. It should be noted that no landscaped areas would be removed in order to construct the two new buildings in the Proposed Development. Instead Buildings A and B will be constructed in the location of two- and one-story underutilized non-residential buildings that have served their useful life and prevent the appropriately scaled sized development along Marcus Garvey Avenue currently contemplated by the Proposed Development. In this way the Proposed Development respects the original design intent and presence of the existing six-story buildings located throughout the Project Area and Surrounding Area, while introducing new income-restricted housing units to the within the LSGD along Marcus Garvey Avenue at slightly higher densities than exists in teh midblock. This pattern of development and neighborhood character was contemplated and is promoted by the mapping of the R7A district over this thoroughfare just north of the Development Sites that was adopted as part of the Bedford-Stuyvesant North rezoning in 2012. Based on the opportunity that is presented by the development of east side of the Marcus Garvey Avenue between Quincy Street and Monroe Street this zoning designation is proposed to extend southward over the Project Area. The modest increase in height over what is permitted as-of-right in a R7A district is in keeping with the higher density contemplated for the Marcus Garvey Avenue short ends of the block in the Surrounding Area and serves to unlock the increased potential of the Development Sites described above that makes the Proposed Development feasible and more attractive. The creation of new open green spaces for the residents and the surrounding community would not have been achievable if an alternative development scenario was proposed that was squatter and fatter along the Avenue frontage and in keeping with the strict controls of the district bulk regulations applying at this location.

The contextual street walls and ten-story height of the Proposed Development taken with the five existing six-story buildings within which they integrate provides a balanced composition, massed at a complementary scale, rising from the street lines throughout the Project Area. The existing buildings within the Development Site are afforded respect and acknowledged as the primary and

predominant built form in the Surrounding Area, by refraining from increasing the height of the two new buildings included in the Proposed Development beyond ten stories. At the same time, visual variety will be achieved through varying base heights, usage of dormers and by stepping up to Building A and B from the existing five six-story buildings to the east. And symmetry will be achieved through the anchoring of the LSGD with the two new ten-story building on opposite ends of the Project Area along Marcus Garvey Boulevard. Moreover, orienting the bulk of the LSGD with the ten-story buildings along Marcus Garvey Boulevard will serve to strengthen the street together as a local retail thoroughfare with higher levels of pedestrian, vehicular and commercial activity.

In summary, the Proposed Development seeks to blend with and support the existing buildings located within the Project Area 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 and Surrounding Area. Instead of a stretch of Marcus Garvey Boulevard remaining underutilized and feeling abandoned, Buildings A and B will provide new street walls with ground floor non-residential uses intended to attract new users to the space. The Proposed Development along with the improvements made throughout the LSGD will enliven the pedestrian experience in this location of Bedford-Stuyvesant neighborhood of Brooklyn, and serve to knit together disconnected blocks frontages along Marcus Garvey Boulevard that form the west border of the Project Area. Accordingly, for the reasons stated above, the increase in height and setback requested by this Application 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 large-scale development 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 distributions of floor area between zoning district boundaries that better allocate floor area among the Project Area than would be allowed as of right. Building 1 includes 1,820 square feet of floor area distributed from the R7A/C2-4 portion to the R6B portion of Development Site 1. Building 2 includes 4,250 square feet of floor area distributed from the R6A portion to the R7A/C2-4 portion of Development Site 2. These minor distributions of floor area across district boundaries do not result in unduly increasing the bulk of buildings in any one block, nor will the 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 Buildings A and B facilitate an even distribution of light and air within the blocks of the Surrounding Area. Along with the existing buildings in the Project Area, the

Proposed Development will form a network of open spaces located between existing and new building proposed to be improved as courtyards 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 Project Area, and is a nod to the tower-in-the-park design lineage from which the existing buildings hail, but through a more contemporary and modern sense of place-making. for a playful interplay of light and air over and around the stepped design 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 Project Area and the Surrounding Area. This overall design approach, that provides commensurate open spaces along with each building within the LSGD, ensures the occupants and users of the buildings in the Proposed Development, Project Area, and of nearby buildings, and people utilizing the surrounding streets, receive more light and air than if the Proposed Development strictly complied with the nine story maximum permitted envelope along the entirety of Marcus Garvey Boulevard between Quincy Street and Monroe 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;

N/A

(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 Project Area, which is currently improved with five six-story buildings including a total of 335 units of income restricted housing spread across portions of two city-blocks surrounded by and well served by efficient traffic arterials and local streets. The Proposed Development would include an additional 155 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 two new buildings that would be included within the LSGD. Because the Zoning Resolution presumes that very little, to no parking, is anticipated to be needed by income restricted housing units, it stands to reason that little to no additional traffic should be expected to be produced by the occupants of the Proposed Development. Accordingly, the streets providing access to the LSGD should continue to adequately handle traffic resulting from the use of the Development Site for two new affordable housing buildings.

(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;

N/A

(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#;

N/A

(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;

N/A

(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#;

N/A

(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;

N/A

(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#.

N/A