Applicant's Discussion of Conditions and Findings

Waterfront Special Permits – ZR §62-837

492-518 Kent Avenue and 2-18 Division Avenue
Block 2023, Lot 10
Borough of Brooklyn

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ZR 62-837 Bulk and parking modifications on waterfront blocks

(a) Bulk modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of any applicable yard, lot coverage, height and setback, and distance between buildings regulations, for a development on a zoning lot within a waterfront block, excluding any portion on a pier or new platform, provided the Commission finds that such modifications will not adversely affect access to light and air on surrounding waterfront public access areas, streets and properties; and

The Applicant is seeking a special permit to waive initial set back, maximum base height, maximum building height, and maximum width of walls facing the shoreline, to allow for a better site plan within a waterfront block.

The requested waivers are as follows:

Pursuant to **ZR 62-341(a)(2),** an initial setback distance shall be a horizontal distance measured for a depth of 15 feet from a narrow street and 10 feet from a wide street. From the boundary of the shore public way an initial setback distance shall have a depth of 30 feet.

A setback waiver will be required for the Proposed Development because the Proposed Development will provide no setback from the zoning lot lines.

Pursuant to **ZR 62-341 (c)(2),** the height of a building or portion may not exceed the maximum building height of 185 feet.

A building height waiver will be required for the Proposed Development because the Proposed Development will have a maximum height of 355 feet.

Pursuant to **ZR 62-341 (c)(1),** the height of a building or portion located within the initial setback distance may not exceed the maximum base height of 65 feet.
A base height waiver will be required for the Proposed Development because the Proposed Development will provide a base height of 130 feet.

Pursuant to **ZR 62-341(c)(5),** the maximum width of any story of a building that faces a shoreline entirely above the maximum base height of 65 feet shall not exceed 100 feet.

A waiver for the width of building wall facing shoreline will be requested for the Proposed Development because the Proposed Development will provide building walls facing the shoreline of 343 feet 9 inches.

Such waivers will not adversely affect access to light and air on surrounding waterfront public access areas, streets, and properties. Given the Development Site's proximity to the East River and Roberto Clemente Park there would be little to no difference between the shadows cast by the Proposed Development, with and without the above referenced waivers.

(1) will result in a better site plan and a better relationship between the zoning lot and the adjacent streets, surrounding neighborhood, adjacent open areas and shoreline than would be possible through strict adherence to the regulations; or

The proposed setback, maximum height, maximum base height, and maximum width of shoreline wall waivers will result in a better site plan and a better relationship between the zoning lot and the adjacent streets surrounding neighborhood, adjacent open areas, and shoreline, than would be possible through strict adherence to the regulations.

Without the proposed waivers, most of the floor area on the Development Site would be distributed evenly across the proposed building segments. This would result in shorter but much bulkier building that would appear as a "wall-of-buildings" from the waterfront, on Division Avenue, and Kent Avenue. The building would be imposing and cumbersome to pedestrians and residents of the surrounding neighborhood. The proposed waivers, however, will allow for most of the Development Site's floor area to be concentrated in three building segments, which permits two building portions to be reduced in size. This will allow for the interspersing of shorter and taller building portions which will break up the bulk of the development on the site, remove the "wall-of-buildings" condition, and allow for a better pedestrian experience. For example, the building portions that will face the waterfront esplanade will consist of a twenty-three-story building structure that will be flanked by much smaller six and four-story building portions. This arrangement will reduce the bulk, and enhance the pedestrian experience, on the waterfront esplanade.

The proposed waivers will also create continuity in the surrounding neighborhood as well as the waterfront. With the proposed waivers, the resulting height of the Proposed Development will be substantially similar in height to the proposed 480 Kent Avenue and 490 Kent Avenue development across Division Avenue and the approved developments at Schaefer Landing and 420 Kent Avenue to the north. The proposed buildings at 480 and 490 Kent Avenue will range in height from 21- to 22-stories, and the approved buildings at Schaefer Landing and 420 Kent Avenue range in height from 14- to 24-stories. The Proposed Development, by comparison, will range in height from four and six stories to 23-stories. The proposed waivers will support the continuity along the Williamsburg waterfront, as the three developments to the north of the site will be similar in size.

The Proposed Development will improve and offer new links to the existing street grid by providing new waterfront publicly accessible areas and public accessible access areas as well as additional covered and

open spaces. The proposed site plan which includes east-west mid-block public accessible area, a Visual Corridor, as well as north-south shore public walkway with supplemental access area, will provide enhanced access to the waterfront for the building's occupants and neighborhood residents. On Kent Avenue the north and south base segments step back at grade to provide open landscaped areas.

(2) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing buildings or other structures.

Not applicable

Applicant's Discussion of Conditions and Findings

Waterfront Certification– ZR §62-811

492-518 Kent Avenue and 2-18 Division Avenue
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ZR §62-811 Waterfront public access and visual corridors

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

> ***(a) there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:***
>
> > ***(1) the #development# is exempt pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) or 62-51 (Applicability of Visual Corridor Requirements); or***

Not applicable.

> > ***(2) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-90 (WATERFRONT ACCESS PLANS);***

Not applicable.

> ***(b) a site plan has been submitted showing compliance with the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);***

A site plan showing WPAA compliance with the provisions of Sections 62-50 and 62-60 is being submitted with this application.

Section 62-57 of the Zoning Resolution requires that 20 percent of the Development Site's lot area (23,050 square feet) be a waterfront public access area. The Proposed Development will include approximately 49,453 square feet of publicly accessible open space which will be comprised of:

- 20,466 square feet of shore public walkway;
- 2,584 square feet of supplemental public access area;
- 12,350 square feet of public access area -PAA 1; and
- 14,053 square feet of Visual Corridor-PAA 2.

The WPAA will be located along the shoreline and is designed to provide both passive and recreational opportunities. Landscaped areas with maintained plantings will be provided throughout the open space and will incorporate design elements that complement the surrounding areas.

(c) a site plan has been submitted showing compliance with the provisions of Section 62-90;

Not applicable.

(d) for #developments# listed in Section 62-52, paragraph (b),on a #zoning lot# containing a public access area established prior to October 25, 1993, meeting the terms of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for the life of the #development# subject to such agreement, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of Section 62-58 have been submitted; or

Not applicable.

(e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-59 (Special Regulations for Zoning Lots that Include Parks).

Not applicable.

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (requirements for Recordation).

A restrictive declaration will be executed and filed as per Section 62-74.

Applicant's Discussion of Conditions and Findings

Waterfront Certification– ZR §74-52

492-518 Kent Avenue and 2-18 Division Avenue
Block 2023, Lot 10
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74-52
Parking Garages or Public Parking Lots in High Density Central Areas

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces...provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

The Applicant is proposing a 234-space attended public parking garage in the cellar level of the Proposed Development.

44-43

Location of Access to the Street

M1 M2 M3
In all districts, as indicated, the entrances and exits of all permitted or required #accessory group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#.

The entrance/exit to the proposed public parking garage is located on Division Avenue 91 ft 9 ½ inches from Kent Avenue and 69 feet 1 ½ inches feet from the entrance to the SPW.

44-44

Surfacing

M1 M2 M3

In all districts, as indicated, all open accessory off-street parking spaces or permitted public parking lots shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

No open parking spaces or parking lots are proposed. Not applicable.

44-45

Screening

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on* zoning lots *adjacent to the boundary of a* Residence District*, either at natural grade or on a roof:

(a) shall be screened from all adjoining* zoning lots *in* Residence Districts *(including such* zoning lots *situated across a* street*) by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;

(b) shall be maintained in good condition at all times;

(c) may be interrupted by normal entrances or exits; and

(d) shall have no* signs *hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

Paragraph (a) shall not apply at the street line of zoning lots where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

Not applicable.

As a condition of permitting such use, the Commission shall make the following findings:

(a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located.

The public parking garage will be compatible with the uses in the Surrounding Area. Especially to the south of the Development site, the Brooklyn Navy Yard, is located in a Manufacturing District and is characterized by light industrial, commercial, and warehouse uses, which provide vital and essential functions in the Surrounding Area. The Surrounding area to the east and the north contain residential uses

located in Residential Districts. The 470 Kent Avenue mixed -use development located directly across the street on the northside of Division Avenue will provide on the entrance to the 394- space project accessory parking garage. The proposed public parking garage will not impact the Surrounding Area because such use is compatible with the commercial, light-industrial character of the area and the residential developments, as discussed below, the garage will not adversely affect traffic congestion.

The proposed 234-car public parking garage will be needed to accommodate the projected parking demand on the Development Site. Based on the weekday parking accumulation projections prepared by Philip Habib & Associates, it is anticipated that the Proposed Development's office and local retail would result in a maximum on-site parking demand of 234 parking spaces. It is expected that the majority of the Proposed Development's public parking garage users would be office employees. At their highest, the expected parking demand will be 9 spaces for local retail, and 225 spaces for office uses. The public parking garage special permit would allow for an increase in the maximum permitted public parking permitted at the Development Site, thus allowing the Proposed Development to better accommodate project-generated parking demand. The proposed weekday on-street parking utilization rates, prepared by Phillip Habib & Associates, indicate that there are no public parking spaces available in the surrounding area, which supports the need for off-street spaces.

(b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

The entrance to the public parking garage will be located west of Kent Avenue on Division Avenue, which is a 70 feet wide east and west bound street and operates with one moving lane and one parking lane in each direction. This segment of Division Avenue, terminating at the waterfront, is on the edge of the local street network and not embedded in the residential area. To access the public parking garage vehicles will come from Division Avenue and from Kent Avenue turning west onto Division Avenue

Kent Avenue is 90 feet wide and therefore a "wide street" as defined in the Zoning Resolution, and which serves as a north-south major arterial providing access to the Brooklyn waterfront. Within the vicinity of the Development Site, to the south of Clymer Street, Kent Avenue operates as a two-way north-south street with a parking lane along the eastern curb and a two-way stripped bicycle path along the western curb. To the north of Clymer Street, Kent Avenue operates a one-way northbound street with two parking lanes and a two-way striped bicycle path along the western curb. The striped bicycle path is part of the Brooklyn Waterfront Greenway. At the intersection with Division Avenue, the Kent Avenue left lane is striped for vehicle left turns only.

Locating the public parking garage entrance on Division Avenue will reduce potential traffic interactions with bicyclists utilizing the Brooklyn Greenway Bicycle Path. The traffic signal located at the intersection of Kent and Division Avenues will reduce traffic congestion on Kent Avenue.

The proposed public parking garage will contain a functional reservoir space system, with attendants, that will ensure that traffic will not back up onto Division Avenue. The Proposed Garage has 234 spaces and provides the required 12 reservoir spaces which will be accessed via a ramp extending from Division Avenue to the below-grade parking spaces. In compliance with the Zoning Resolution these reservoir

spaces will accommodate arriving vehicles and minimize the likelihood of vehicles queuing on the public street waiting to enter the garage.

Due to the location of the Marcy Avenue Subway Station to the northeast of the Development Site at the intersection of Broadway and Havemeyer Street, most pedestrian volumes to and from the Development Site will be concentrated on the east side of the Development Site during weekday AM and PM peak periods, and therefore, will result in minimal interaction with the curb cut for the garage.

The primary entrances to the Proposed Development will be on Kent Avenue, east of the curb cut, so the majority of pedestrians will enter the office lobby prior to encountering the curb cut further west on Division Avenue. While there will be retail spaces located on Division Avenue west of the curb cut in the western portion of the North segment, the Development Site provides multiple entrances both from the SPW and through the public access area PAA 1 which is entered on Kent Avenue and connects the SPW. The alternate entrances located from the SPW and the public access area PAA 1 are also located east and south of the Division Avenue garage curb cuts. Therefore, it is anticipated that pedestrians traveling to and from Marcy Avenue Subway Station to the Development Site would experience minimal interaction with the public parking garage curb cut.

The width of the sidewalk on Division Avenue and the new circulation spaces will create through-access across the Development Site, via the SPW and the public access area PAA 1 and Visual Corridor-PAA 2. These areas will increase pedestrian flow through the site, enhance the pedestrian experience, and promote walkability overall.

Further, the Environmental Impact Statement concludes that the proposed public parking garage would not result in any significant adverse impacts on vehicular and pedestrian flow on the surrounding street, and therefore, will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow

(c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

While much of the vehicular traffic will come from Kent Avenue from the east of the Development Site, and along Division Avenue from the south and the north, the location of the public parking garage at the termination of Division Avenue will have minimal effects on the residential areas and streets to the east and the north. Vehicles traveling to and from this block of Division Avenue will be primarily concentrated on Kent and Division Avenues, which are the major collector wide streets for this project and not from local residential streets.

(d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

The Proposed Development will be in compliance with the reservoir requirement and provides twelve reservoir spaces at the entrance of the public parking garage (234 spaces x 0.05 = 11.70 spaces required).

(e) that the #streets# providing access to such #use# will be adequate to handle traffic generated thereby;

The major north-south roadways providing access to the public parking garage are Kent Avenue and Wyeth Avenue, and the major east-west roadway Division Avenue. The public parking garage is located on the southside of Division Avenue at the termination of the street near the waterfront. Division Avenue is a 70 feet wide east and west bound street and operates with one moving lane and one parking lane in each direction.

All vehicles entering the parking garage will come directly across Division Avenue or will turn west from Kent Avenue. The Environmental Impact Statement indicates that both Kent Avenue and Division Avenue will adequately handle traffic generated by the parking garage. Further, any potential traffic congestion will be mitigated by the parking garage's 12 reservoir spaces.

(f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or the future use or development of adjacent areas; and

Roof parking is not proposed.

(g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

Within the M1-5 district, no floor space comprising the public parking garage is exempt from the definition of floor area, other than the floor space located on the cellar level, which is, by definition, not floor area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.