**Innovative Urban Village Substantial Compliance**
**Project Description**

## 1. Introduction

This is an application by Innovative Urban Living, LLC (the "Applicant") seeking confirmation by the NYC Department of City Planning ("DCP") that minor updates with respect to the envelope of Building 5 on the previously approved site plan and related zoning calculations (the "Design Change") for the Large-Scale General Development ("LSGD") comprised of Brooklyn Block 4434, Lots 100, 1 and 10 and Block 4430, Lot 1 within Brooklyn Community Board 5 (the "Development Site"), are in substantial compliance with a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution of the City of New York ("ZR" or "Zoning Resolution") under Application No. C 220311 ZSK (the "74-743 Special Permit").

## 2. Approvals to be Modified

### a. Prior Approvals

The Development Site obtained approvals, which were part of a series of zoning actions granted by the City Planning Commission (the "CPC") on October 11, 2022:

- C 220311 ZSK - Pursuant to ZR Section 74-743(a)(2) of the Zoning Resolution to modify the side and rear yard regulations of Section 23-40 (Yard Regulations, Section 23-50 (Additional Yard Regulations), Section 33-30 (Other Special Provisions for Rear Yards), and 35-50 (Modification of Yard Regulations), height and setback requirements of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings, 23-69 (Special Height Limitations), and the minimum distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), was approved by the City Planning Commission with modifications on October 11, 2022 (Cal. No. 16) and by the City Council on November 22, 2022 (Res. No. 403), on which date said Resolution of Approval became effective; and

- C 220314 ZSK - Pursuant to ZR Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 500 spaces within a proposed 7-story garage building, and to permit some of such spaces to be located on the roof of such public parking garage, was approved by the City Planning Commission on October 11, 2022 (Cal. No. 15) and by the City Council on November 22, 2022 (Res. No. 404), on which date said Resolution of Approval became effective (the "74-512 Special Permit"); and

- C 220312 ZMK - Zoning map amendment changing from an R5 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, was approved by the City Planning Commission on October 11, 2022 (Cal. No. 13) and by the City Council on November 22, 2022 (Res. No. 401), on which date said Resolution of Approval became effective; and

- C 220313 ZRK - Zoning text amendment to modify Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying Appendix I for the purpose of expanding the Transit Zone, was approved by the City Planning Commission on October 11, 2022 (Cal. No. 14) and by the City Council on November 22, 2022 (Res. No. 402), on which date said Resolution of Approval became effective.

In connection with the LSGD, a restrictive declaration was executed on March 27, 2024 and recorded on April 2, 2024 at CRFN 2024000081736.

### b. Subsequent Review

On December 31, 2025, DCP determined that reconfiguration and re-design of the garage layout were in substantial compliance with the 74-512 Special Permit under Application No. N 260159 CSK (the "2025 Determination").

Subsequently, on April 23, 2026, DCP determined that updates to the garage envelope were in substantial compliance with the 74-512 Special Permit under Application No. N 260304 CSK (the "2026 Determination"). The 2026 Determination allows for construction of a standard rectangular garage structure, with the envelope of the garage frontage extending to the west by 22 feet in order to better accommodate a stair bulkhead and the ADA access elevator. This envelope extension allows for a better configured garage layout and also reduces the overall construction cost of the garage facility.

**3. Findings and Determinations Made Pursuant to 74-743 Special Permit**

Pursuant to ZR Section 74-743:

(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;

(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#;

(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;

(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;

(5) Not applicable.

(6) Not applicable.

(7) Not applicable.

(8) Not applicable.

(9) 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

(11) Not applicable.

**4. Proposed Change**

The requested substantial compliance determination is with respect to envelope changes to Building 5, fronting on Flatlands Avenue, and related updates to zoning calculations to the 74-743 Special Permit, as discussed in detail below:

- Building 5: The roofs over the current 11-story (at height 132.75 feet) and 12-story (at height 152.75 feet) portions of Building 5 would be increased to allow for a uniform level at the top floor, at 13-stories with a height of 152.75 feet. This change would allow for the building to accommodate an additional 15 affordable units. The increase in the envelope would not result in creating a new non-compliance as the maximum height permitted under current zoning regulations in effect (adopted under the City of Yes for Housing

Opportunity text amendment) allows a maximum height of 155 feet. The zoning calculations sheet (Z-020.00 LSGD Zoning Analysis) has been entirely updated to reflect current zoning regulations.

- Height Waivers: All of the buildings on the zoning lot have been updated to apply the provisions of the City of Yes for Housing Opportunity Text Amendment, and where applicable, waivers, including height waivers that are no longer required, have been removed. Under the City of Yes for Housing Opportunity Text Amendment, the transition height rule was updated to apply where the zoning district boundary line coincides with the lot line of the zoning lot. Besides a sliver portion extending from Louisiana Avenue where the R5 district boundary crosses, the transition height rule does not apply.

## 5. Affected Drawings

The proposed Design Change would supersede the approved drawings listed in the CPC report under Application No. C 220311 ZSK, as follows:

| Dwg No. | Title | Last Revised Date |
|---|---|---|
| Z-020.00 | LSGD Zoning Analysis | 10/04/2022 |
| Z-021.00 | LSGD Zoning Diagram | 10/04/2022 |
| Z-030.00 | Overall Large Scale Site Plan | 10/04/2022 |
| Z-050.00 | Waiver Plan | 10/04/2022 |
| Z-060.00 | Zoning Section | 10/04/2022 |
| Z-061.00 | Zoning Section | 10/04/2022 |
| Z-062.00 | Zoning Section | 10/04/2022 |
| Z-063.00 | Zoning Section | 10/04/2022 |
| Z-064.00 | Zoning Section – Street Frontages | 10/04/2022 |
| Z-070.00 | Urban Design Notes | 10/04/2022 |
| Z-071.00 | Urban Design Notes | 10/04/2022 |

## 6. Conclusion

As discussed herein, the Applicant respectfully requests a determination that the proposed Design Change is in substantial compliance with the 74-743 Special Permit.