Special Permit Pursuant to ZR Section 74-743
Innovative Urban Village (ENY CCC)
Project ID: 2019K0038

May 6, 2022

Applicant's Discussion of Conditions

12-10 Definitions

Large-scale general development (2/2/11)

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

The proposed large-scale general development (the "LSGD") contains ten new buildings and public access areas on a single zoning lot. The LSGD cannot be a large-scale residential development because the zoning lot is currently improved with an approximately 90,000 square foot (2.0 FAR) two story non-denominational house of worship constructed between approximately 1997 and 2000 (the "CCC"), which is situated on the western portion of the LSGD and which is proposed to remain. The LSGD cannot be a large-scale community facility development because it will not be used predominantly for community facility uses.

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

The LSGD has a lot area of approximately 10.3 acres (449,653 sf).

(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

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

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

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

The LSGD will be used as a unit and will consist of a mixed use, purpose-built development on the site of the CCC, comprised of income-based affordable housing, a performing arts center (the "PAC"), a grocery store, local retail, and a variety of community facilities targeted to the civic, economic, educational and cultural needs of the East New York neighborhood, in addition to passive publicly-accessible open space and other active open space areas that will serve the Development Site and the surrounding neighborhood. The LSGD has been under single fee ownership and comprises a single zoning lot under the definition of "zoning lot" set forth in ZR Section 12-10.

(c) shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of paragraph (a)(1) of Section 74-743 (Special provisions for bulk modification).

The LSGD shall be wholly located within an R7-2 District with a C2-4 Commercial District overlay.

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# that is not integrally related to the 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#.

The LSGD is currently improved with the CCC building, an approximately 90,000 square foot two story non-denominational house of worship constructed from approximately 1997 to 2000, which is situated on the western portion of the LSGD and which is proposed to remain. New proposed buildings within the LSGD would be arranged around the existing CCC building in a way that will create a community facility core anchored by the CCC, with residential uses surrounding and adjacent to this core. The CCC building would remain at its current location and would continue to be the dominant feature of the Development Site to serve its parishioners and the surrounding community. The CCC would also be part of a multi-faceted community facility program, including anticipated uses such as:

- An approximately 16,005 square foot performing arts center (PAC), located directly south of the Central Quad which will contain a performance space, meeting spaces for community gatherings and meetings, lobby, and support spaces to facilitate performances including plays, musical events, and speakers.

- A 24-hour[1] daycare facility containing approximately 11,950 square feet of floor area, located to the east of the Central Quad, within Building 4. The daycare will serve residents of the Proposed Development and the surrounding community and will have an outdoor playground, located to the rear of Building 4.

- An approximately 13,675 sf vocational training facility to be located within the CCC which will build upon CCC's existing vocational training efforts by providing a dedicated educational space that will allow for the opportunity to provide skills and workforce training to members of the community. Collaboration with local labor groups will be pursued to provide trainees with opportunities for workforce hiring.

There will be no bulk distribution from the zoning lot containing the CCC, as the LSGD will be a single zoning lot.

* * *

[1] Subject to review by the Office of Children and Family Services, Administration for Children's Services, and other agencies.

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Applicant's Statement of Findings

74-743
Special provisions for bulk modifications

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

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

The Applicant is seeking waivers with regard to the applicable yard, distance between buildings, and height and setback regulations for the Proposed Development, as shown on Dwgs. No. Z-050.00, Z-060.00--Z-064.00.

In particular, the Applicant requests the following waivers:

- Yards. The Development Site is comprised of a series of corner lot, through lot, and interior lot areas and would require a series of yards adjacent to the common lot line with the neighboring property even though a significant setback exists between the common lot line and the adjoining buildings. In particular, the following modifications are being requested:

  - A waiver of ZR 35-54 and ZR 23-51, which require a side yard along the common side lot line to the south with a minimum depth of 8 feet, at:
    - a portion Building 9 and 10 within 8 feet of the adjoining southern lot line, commencing at a height of 0 feet and rising to a height of 113.48 feet for a length of 63 feet and a height of 23 feet for the remaining length of 37 feet.
    - a portion of Building 2 within 8 feet of the adjoining southern lot line, commencing at a height of 0 feet and rising to a height of 119.77 feet for a length of 63 feet and a height of 23 feet for the remaining length of 115 feet.

  - A waiver of ZR 33-303 which requires a rear yard of 20 feet for commercial uses, at:
    - portions of the Garage within 20 feet of the lot line, commencing at a height of 23 feet and rising to a height of 87.03 feet and with a length of 201 feet along the southern portion of the lot line adjoining the Garage and a length of 123 feet along the eastern portion of the lot line.
    - portions of the PAC within 20 feet of the lot line, commencing at a height of 23 feet and rising to a height of 49.45 feet, with a length of 38 feet, 6 inches along the eastern portion of the lot line adjoining the PAC and 64 feet along the southern portion of the lot line and an additional 20 feet of length, as measured in a westerly direction from the intersection of the southern and eastern portions of the lot lines adjoining the PAC.

  - A waiver of ZR 23-471 and 23-543, which require a rear yard of 30 feet for residential uses, at:
    - portions of Building 4 within 30 feet of the lot line, commencing at a height of 0 feet, except where non-residential uses are proposed at the ground floor, in which case the waiver will commence above such non-residential uses, and rising to a height of 28 feet, 9 inches for a length of 20 feet and a height of 108 feet, 9 inches for the remaining length of 63 feet.

- Distance between buildings. In order to introduce a residential presence along Louisiana Avenue and Flatlands Avenue and at the same time maintain the CCC in its existing location, limited modifications to the requirements of Zoning Resolution Section 23-711 (Standard minimum distance between buildings) are requested between the CCC building and each of Buildings 7 and 8, Building 9 and 10, Building 6, and Building 5. More particularly, waivers are requested between the CCC and:

    - Building 7 and 8, for a length of 156 feet, where a distance of 50 feet is required for a window to wall condition and a distance of 40 feet is required for a wall to wall condition, to allow a minimum distance between buildings of 30 feet, 6 inches.
    - Building 9 and 10, for a length of 158 feet, where a distance of 50 feet is required for a window to wall condition, to allow a minimum distance between buildings of 48 feet.
    - Building 6, for a length of approximately 53 feet, where a distance of 50 feet is required for a window to wall condition, to allow a minimum distance between buildings of 36 feet, 6 inches.
    - Building 5, for a length of 21 feet, where a distance of 50 feet is required for a window to wall condition, to allow a minimum distance between buildings of 39 feet, 6 inches.

    In addition to the waivers between the adjoining residential buildings and the CCC, the following four modifications to distance between building controls are also being requested between certain of the other buildings as follows:

    a) A modification to distance between buildings for Building 5 and Building 6 to reduce the separation from the 60 feet that would be required under zoning where the facing walls both have legal windows to 50 feet. This modification would apply to an approximately 50 foot width of the buildings, and is the result of providing a wide visual connection between Flatlands Avenue and the PAC on the east side of Building 5, which prevents Building 5 from being located further away from Building 6. Building 6 is similarly constrained by the publicly accessible entrance plaza located to its east.
    b) A modification is also requested between Building 4 and the PAC to reduce the distance between building requirement of 50 feet to 34’-6” for an approximately 45’-0” width of Building 4 to an elevation of 28.72 feet. This minor adjustment will allow the maisonette portion of Building 4 to align with the private street system and at the same time allow the PAC to be situated at the core of the LSGD adjacent to the Central Quad and Garage, within the site line of the major entry portal at Flatlands and Georgia Avenue.
    c) A modification is also requested between Building 7/8 and Building 9/10 to reduce the distance between building requirement of 60 feet to 53’-6” for an approximately 53’-6” width of Building 7/8. This will allow for street walls to be provided along the private street separating the two buildings and will also allow for the location of the publicly accessible entrance plaza to the north of Building 7/8.
    d) A modification is also requested at the upper levels of portions of Building 9 and 10 to allow for a variation in the roof plane for these portions of the building, by allowing two portions of the building to be separated from one another at the upper floors by 39’-0” rather than the 60’-0” typically required where there are legal windows on each frontage and the height of the walls is in excess of 50 feet in height.

- Height and Setback. While the proposed R7-2 district provides an appropriate density for the Development Site and the Proposed Development, R7-2 MIH developments are subject to a prescribed set of height and setback controls that do not allow for the dynamic street wall presence and variation in heights envisioned for the Proposed Development. As noted above, MIH developments are limited to a height of 75 feet within 10 feet of a wide street and 15 feet of a narrow street and an overall building height of the lesser of 135 feet or 13 stories, and a minimum base height of 40 feet is required. Additionally, within 25 feet of an adjoining R5 district, buildings are limited to a maximum height of 55 feet within 100 feet of a wide street and 45 feet beyond 100 feet of a wide street.

    While portions of each building within the Proposed Development will comply with the minimum and maximum base height and maximum building height limitations, in order to

provide for an active streetscape and visual interest along surrounding streets, each building will require waivers in other areas. In particular:

- Building 1 will require a minimum base height waiver along Pennsylvania Avenue for a length of 43 feet and along Flatlands Avenue for lengths of 10 feet and 84 feet, 6 inches. Additionally, Building 1 will require a waiver of the maximum base and maximum building height, allowing for portions of Building 1 to rise to a heights of 140.87 feet and 160.87 feet and 15 stories.

- Building 2 will require a waiver of the maximum building height and maximum base height, allowing portions of Building 2 within 25 feet of the adjoining R5 district and within 10 feet of Louisiana Avenue, respectively to rise up to a height of 119.77 feet, and a waiver of the maximum building height to allow a portion of Building 2 to rise to an overall building height of up to 139.77 feet.

- Building 3 will require a minimum base height waiver along Flatlands Avenue for a length of 170 feet. Additionally, Building 3 will require a waiver of the maximum building height, allowing for a portion of Building 3 to rise to a height of 139.79 feet and a waiver of maximum building height and maximum base height to allow a portion of the building to rise to a height of 149.79 feet and 14 stories. Building 3 will also need a waiver of the maximum base height regulations to allow a portion of the building within 10 feet of Flatlands Avenue to rise to a height of 99.79 feet.

- Portions of Building 4 will require a waiver of the maximum building height within 25 feet of the adjoining R5 district, to allow these portions of Building 4 to rise to a height of 98.72 feet and 108.72 feet.

- Building 5 will require a minimum base height waiver along Flatlands Avenue for lengths of 51 feet and 41 feet. Additionally, Building 5 will require a waiver of the maximum building height, allowing a portion of Building 5 to rise to a height of 152.75 feet and 15 stories.

- Building 6 will require a minimum base height waiver along Flatlands Avenue for lengths of 20 feet and 97 feet. Additionally, Building 6 will require a waiver of the maximum base and maximum building height, allowing for a portion of Building 6 to rise to a height of 154.84 feet and 14 stories, and a waiver of the maximum base height to allow a portion of Building 6 to rise to a height of 114.84 feet.

- Building 7 and 8 will require a waiver of minimum base height requirements along Louisiana Avenue for a length of 127 feet. Building 7 and 8 will also require a waiver of maximum base height regulations, allowing for heights within 15 feet of Louisiana Avenue of up to 134.17 feet.

- Building 9 and 10 will require a waiver of the maximum base height, allowing for portions of the building to rise to a height of 133.48 feet and 113.48 feet. Building 9 and 10 will also require a waiver of the maximum building height within 25 feet of the adjoining R5 district, to allow a portion of the building to rise to a height of 113.48 feet.

- The PAC will require a waiver of the maximum building height within 25 feet of the adjoining R5 district, to allow a portion of the PAC to rise to a height of 49.45 feet.

- The Garage will require a waiver of the maximum building height within 25 feet of the adjoining R5 district, to allow a portion of the Garage to rise to a height of 87.03 feet.

*** * ***

(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 proposed bulk modifications will result in a better site plan and a better relationship among the buildings, the proposed open space at the heart of the LSGD (the "Central Quad"), the adjacent streets, and surrounding developments, benefiting both the occupants of the LSGD, the neighborhood, and the City as a whole, than would be achieved absent such modifications.

Waiving side and rear year requirements along the common property line allows for the location of the PAC adjacent to the southern property line in the center of the Proposed Development and the introduction of the Central Quad as a significant community open space in front of the PAC visible from Flatlands Avenue. The modifications to yard controls will also allow for the Garage to be located in proximity to the PAC and the CCC and away from the publicly accessible open space areas while allowing it to have a rational floor plate for maneuvering and limiting its overall height. On the eastern and western ends of the Development Site, the yard waiver for Building 2, Building 4, and Building 9 and 10 will allow for the location of private streets accessing Pennsylvania Avenue and Louisiana Avenue, breaking down the superblock into a more inviting, pedestrian friendly neighborhood scale.

As a result of the requested yard modifications, buildings in the Proposed Development will be located between 30 and 77 feet from the adjoining buildings to the south. These distances are generally well in excess of the 8 to 30 feet of open space that would typically be required as a result of yard requirements, but because most of this distance is on the property to the south, the modification is required.

In absence of the yard modifications, the PAC and the Buildings 2 and 4 would be required to move northward away from the southern zoning lot line, reducing the size of or eliminating the Central Quad and eliminating the internal street system. In addition, given the location of the CCC, the yard requirements would prevent Buildings 9 and 10 from having a feasible floorplate and the garage structure would not be able to be accommodated on the Development Site, likely resulting in the need to maintain surface parking for the CCC along this boundary,

As noted in the Project Description the modification of minimum distance between buildings requirements between the CCC building and residential buildings surrounding the CCC will allow for reasonable residential floor plates for the buildings while at the same time allowing for articulation of the residential building forms from the adjoining streets. The modification to distance between buildings for Building 5 and Building 6 would allow for the provision of a wide visual connection between Flatlands Avenue and the PAC while maintaining the publicly accessible entrance plaza located to the east. The modification to distance between buildings for Building 4 and the PAC will allow the maisonette portion of Building 4 to align with the private street system and at the same time allow the PAC to be situated at the core of the LSGD adjacent to the Central Quad and Garage, within the site line of the major entry portal at Flatlands and Georgia Avenue, and the modification to distance between buildings for the upper levels of portions of Building 9 and 10 will allow for a variation in the roof plane for these portions of the building.

Without the waivers, residential buildings could not be located along the frontages surrounding the CCC without creating inefficient floorplates with additional costs, eliminating the strong streetwall condition that would be created by the Proposed Project and eliminating opportunities for a retail presence on the western half of the block. The grand entrance from Flatlands would not be possible, and the maisonette units proposed for Building 4 could not be built, all of which would result in an inferior site plan for the development and the surrounding area.

The modification of height and setback controls allows for buildings with a dynamic and varied profile with building elements ranging from seven to fifteen stories creating visual interest throughout the project. The higher elements also allow for the introduction of the Central Quad to the center of the Project Area surrounded by the lower scale core anchored by the CCC and the PAC, which is anticipated to have a maximum height of approximately 50 feet. The modifications also facilitate the introduction of the private street network through the Development Site designed

to draw people into the site, as well as the extensive additional publicly accessible areas that will be provided as a result of the Proposed Development, including a landscaped approach to the CCC, located at the northwest corner of the site, the Central Quad, and an outdoor playground. The additional height will also permit the construction of additional affordable housing units, benefitting the neighborhood and the City as a whole.
In absence of the modifications, the residential development would have a static, uniform street wall and uniform height throughout development, and the open areas located between the buildings on the Development Site would not be possible, resulting in excessively long building walls and a less inviting presence to the surrounding neighborhood than would be achieved by the proposed modifications.

Together, the requested modifications would allow for the location of new residential buildings with dynamic profiles around the perimeter of a community facility core anchored by the existing CCC building, PAC, and Central Quad, which would create a social and cultural heart for community facility visitors, churchgoers, occupants of the residential buildings and the surrounding neighborhoods, and the introduction of a private street network that will break down the scale of the superblock.

(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 is anticipated to have a maximum FAR of The Proposed Development contemplates an FAR of 3.86 excluding the Garage,[2] less than the maximum of 6.5 FAR permitted and will not unduly increase the bulk of buildings on the block. Additionally, buildings within the LSGD will be located so as to allow for open space within the LSGD in the form of the Central Quad and a pedestrian approach to the LSGD at the corner of Flatlands and Louisiana Avenues.

As noted in the Project Description, there are numerous taller residential buildings in the nearby area, with heights up to 20 stories. The waivers being requested for the Proposed Development are consistent with and in many cases lower than these nearby buildings.

The modifications to building heights adjacent to the R5 district to the south will allow for buildings with heights within this area ranging from 49.45 to 113.15 feet, which are comparable to the roughly 98 to 130-foot tall buildings adjacent to the Development Site.

These limited requests are accompanied in other areas with a development envelope that limits the maximum height to less than what zoning allows. As shown in more detail in the Environmental Impact Statement, there would be no significant adverse impacts from the Proposed Development with respect to shadows as a result of the Proposed Actions. The proposed open space, together with the proposed private street system, and conservative increase in height, will allow for ample light and air within the LSGD. Recesses will be provided in street walls fronting on Louisiana, Flatlands, and Pennsylvania Avenues, and the buildings along these avenues will set back between approximately 0 and 10 feet from the street, allowing for additional light and air along adjoining streets.

Because of the low height of the CCC, the modifications to distance between building waivers for the buildings surrounding the CCC will only apply to the lower 43 feet of the buildings. Moreover, the CCC's low height will allow for substantial light and air to each of the buildings where a modification is requested that is well beyond what a taller building set further away from the surrounding buildings but in the same location as the CCC would provide. Similarly, the modification of distance between buildings between Building 4 and the PAC would be limited to the lower 49.45 feet of Building 4 due to the low height permitted for the PAC and would not have an appreciable effect on light and air to Building 4. The modification of distance between Buildings 5 and 6 is a limited waiver to allow legal windows to be located on both building walls facing this area: if only one building had legal windows the 50 foot separation would be allowed. Accordingly this requested modification would not affect the potential location of buildings on the Development Site and would not affect access to light and air.

[2] FAR inclusive of the Garage would be 4.29.

(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;

The LSGD comprises a single zoning lot that fronts on mapped streets.

(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 bordered by Flatlands Avenue (a wide street with a width of approximately 110 feet) to the north, Louisiana Avenue (a narrow street with a width of roughly 70 feet) to the west, and Pennsylvania Avenue (a wide street with a width of roughly 120 feet) to the east. Access to the Development Site would be available along Flatlands Avenue, Louisiana Avenue, and southbound Pennsylvania Avenue.

Flatlands Avenue is the key east-west roadway within the surrounding area and features a center median that bisects traffic and generally consists of two travel lanes plus a parking lane in each direction with dedicated left turn lanes at selected intersections. Pennsylvania Avenue, which runs coterminous with Granville Payne Avenue to the east of the Development Site is a key north-south roadway in this section of the borough and provides access to the Belt Parkway south of the Development Site and to the Jackie Robinson Parkway to the north. Louisiana Avenue runs parallel to Pennsylvania Avenue to the west of the Development Site and provides two-way traffic (generally one travel lane in each direction) with on-street parking from Glenwood Road to Seaview Avenue. The LSGD will have a private street system providing multiple points of entry to the LSGD via Louisiana, Flatlands, and Pennsylvania Avenues.

As discussed further in the EIS, project-generated vehicle traffic would use the key arterial roadways -- Pennsylvania Avenue and Flatlands Avenue -- to access the site. Both streets feature two through travel lanes in each direction plus dedicated left and right turn lanes at selected intersections. The street configuration would provide adequate capacity for motorists traveling to the site. With the exception of crossings with another major street (such as at the intersection of Pennsylvania Avenue with Linden Boulevard), the through-movements along these streets would not be expected to be significantly impacted by the project. Through-vehicle traffic traveling along these streets would be expected to generally experience an acceptable traffic level of service en route to and departing from the site. Thus, the streets providing access to the LSGD will be adequate to handle traffic resulting therefrom.

(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 that the LSGD meets the ownership requirements in paragraph (b) of the definition of "large scale general development" in ZR Section 12-10, has been attached to this application.

(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.

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.

It is anticipated that the Proposed Development will be constructed in several phases, during which time the CCC will remain operational. Phase 1A will consist of Buildings 1 and 2, located in the easternmost portion of the Development Site adjacent to Pennsylvania Avenue. Buildings 3 and 4, located just west of Phase 1A, and the Garage will be constructed in Phase 1B, which is currently contemplated to occur following Phase 1A. During this time, sufficient parking for CCC will be provided on the paved parking lot. Upon completion of the Garage, congregants and visitors to the CCC will be able to utilize the Garage for parking, with access provided via the existing paved parking lot, allowing for construction of the later phases while maintaining necessary parking for CCC services.

Phases 2A1 and 2A2, which may be constructed in any order or simultaneously, will include Building 5 and Building 6 located to the north of the CCC along Flatlands Avenue, and the PAC and quad, respectively. Phase 2A2 will also include the construction of the final leg of the private streets providing permanent access between the Garage and Louisiana and Flatlands Avenues. Building 7 and 8 (which is a single building with two portions) located to the west of the CCC along Louisiana Avenue will be constructed in Phase 2B and Building 9 and 10 (which is also a single building with two portions) at the southwestern corner of the Development Site adjacent to the Garage will be constructed in Phase 2C. Each Phase may be built in any order.

Within Manhattan Community District 1, where the Commission has approved a #large-scale general development# located within the South Street Seaport Subdistrict area of the #Special Lower Manhattan District# and located partially within a C6-2A district, the distribution of #bulk# pursuant to paragraph (a)(1) of Section 74-743 shall be permitted from a #zoning lot# containing existing #buildings#, where such existing #buildings# were previously developed pursuant to a #large-scale general development#.

Not applicable.

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.

Special Permit Pursuant to ZR Section 74-512
Innovative Urban Village (ENY CCC)
Project ID: 2019K0038

May 6, 2022

Applicant's Statement of Findings

74-512
In other Districts

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# 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 Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above curb level to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

The Applicant is seeking a special permit to allow for a public parking garage (the "Garage") with more than 150 spaces and to permit some of such spaces to be located on the roof of the Garage within an R7-2 district with a C2-4 commercial overlay. Access to the Garage will be provided via a curb cut on Louisiana Avenue located approximately 377 feet south of its intersection with Flatlands Avenue and approximately 418 feet north of its intersection with Vandalia Avenue, in accordance with Section 36-53. The open rooftop parking will be screened from all adjoining zoning lots in residence districts by a wall, barrier, or fence of fire resistant material, in accordance with Section 36-56. The regulations set forth in Sections 44-43, 36-55, 44-44, and 44-45 do not apply at the Development Site.

(a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;

The principal vehicular access for the Garage will be provided on Louisiana Avenue, a secondary street via a curb cut located approximately 377 feet south of Flatlands Avenue, a major street within the meaning of the Zoning Resolution. The Garage entrance is well within a quarter mile of this major street.

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

As stated above, the principal vehicular access to the Garage will be provided from Louisiana Avenue, at a point just south of Flatlands Avenue (a major street) and will allow vehicles access to the Garage without the need to pass through local streets in nearby residential areas. The location of the Garage will thus minimize vehicular traffic to and through local streets in nearby residential areas.

(c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

The Garage will have a total of up to 500 parking spaces. Adequate reservoir space to accommodate a number of vehicles equal to 5% of the total number of parking spaces will be provided along the private street and at the vehicular entrance to the garage.

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

Portions of the LSGD, including the portion on which the Garage is proposed, are currently used for open parking which is accessed via two curb cuts on Louisiana Avenue and one curb cut on Flatlands Avenue. The Proposed Development will relocate existing spaces into the Garage, which will also be accessed primarily via a curb cut on Louisiana Avenue, with periodic egress provided via a curb cut on Flatlands Avenue during times of peak usage.

Pennsylvania Avenue and Flatlands Avenue are key arterial roadways and feature two through travel lanes in each direction plus dedicated left and right turn lanes at selected intersections. The street configuration would provide adequate capacity for motorists traveling from the Garage. With the exception of crossings with another major street (such as at the intersection of Pennsylvania Avenue with Linden Boulevard), the through-movements along these streets would not be expected to be significantly impacted by the project as a whole. Through-vehicle traffic traveling along these streets would be expected to generally experience an acceptable traffic level of service en route to and departing from the site. Thus, the streets providing access to and from the Garage will be adequate to handle the traffic generated thereby.

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

The proposed roof parking will be located on a portion of the LSGD which is currently used for open parking by visitors to the CCC. It will be located adjacent to the predominant non-residential uses of the LSGD: the CCC and the performing arts center, and at a distance of 30 feet from the nearest existing building to the south. The rooftop parking will be screened from adjacent residential buildings with a decorative wall or barrier in accordance with the Zoning Resolution. At times when the full capacity of the Garage is not needed the roof will be used as an additional active open space providing recreational play space for the public. Thus, the roof parking will not impair the essential character or future use or development of adjacent areas.

(f) 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.

Not applicable

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#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

Not applicable

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before October 17, 2019, and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

Not applicable.