ATTACHMENT 11 – STATEMENT OF FINDINGS

Brooklyn Yards – Zoning Lot 1
Brooklyn, NY

Special Permit Pursuant to 74-681
Applicant's Discussion of Findings

74-681
Development within or over a railroad or transit right-of-way or yard

(a) In all districts, when a development or enlargement, including large-scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right-of-way or yard and/or in railroad or transit air space, the City Planning Commission may permit:

******

(1) that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the lot area for such development or enlargement;

Zoning Lot 1 (Block 5727, p/o Lot 14[1]) will consist of a permanent platform, covering the railroad right-of-way below, to be included in the lot area for the Proposed Development.

******

(b) As a condition for granting a special permit, the Commission shall find that:
(1) the streets providing access to all uses pursuant to paragraph (a) above are adequate to handle traffic resulting there from;

The streets that border Zoning Lot 1 are adequate to handle traffic resulting from the Proposed Development. Zoning Lot 1 is bounded to the west by New Utrecht Avenue, an 80-foot-wide two-way street; to the south by 62nd Street, a 60-foot-wide one-way street with parking permitted only on one side; 15th Avenue to the east, an 80-foot-wide two-way street; and 61st Street to the north, a 60-foot-wide one-way street. Zoning Lot 1 would not feature any curb cuts, and therefore there would be no vehicles disrupting traffic on surrounding streets by entering or exiting Zoning Lot 1.

The Proposed Development, including the portion on Zoning Lot 1, is not expected to negatively affect traffic conditions in the surrounding area. As discussed in detail in the Environmental Assessment Statement (EAS), the Proposed Development would generate 97 a.m. peak hour vehicle trips, 46 midday peak hour vehicle trips and 91 p.m. peak hour vehicle trips. No intersection in the vicinity of the Project Area is projected to experience an incremental increase of 50 or more trips at any point in the day as a result of the Proposed Development, and therefore no significant adverse traffic impacts are expected to occur as a result of this ZR Section 74-681 Special Permit, or the Proposed Actions as a whole.

Additionally, Zoning Lot 1 is well-situated near public transit, reducing dependency on private automobiles, thereby reducing the amount of traffic that would be generated by the Proposed Development on Zoning Lot 1. Two subway stations are located within one block of Zoning Lot 1 – the 62nd Street station is located immediately west of Zoning Lot 1, at New Utrecht Avenue, with service on the D line between Coney Island and Norwood/205th Street in the Bronx via Manhattan; and the New Utrecht Avenue station is located on the block immediately south of Zoning Lot 1, with service on the N line between Coney Island and Astoria via Manhattan. The B9 bus line runs along 60th Street, with stops at 14th, 15th and 16th Avenue and provides service between Bay Ridge and Kings Plaza. The B16 bus stops approximately .25 miles north of Zoning

[1] Zoning Lot 1 will only consist of that portion of Lot 14 that will be covered by a permanent platform. The Applicant intends to subdivide tax Lot 14 such that Zoning Lot 1 will comply with the ZR 12-10 definition of "zoning lot," as interpreted by the Department of Buildings."

Lot 1, at 14th Avenue and 56th Street, and provides service between Prospects-Lefferts Garden and Fort Hamilton.

The Applicant is aware that on-street parking is an important traffic-related concern in the Project Area and its surroundings. As discussed in detail in the EAS, the evening/overnight parking demand for the Proposed Development as a whole is expected to peak at 146 spaces, and daytime demand (at the peak hour between 9 and 10 a.m.) is expected to peak at 145 spaces. An open, 40-space accessory parking lot would be provided within the Proposed Development, and therefore approximately 106 vehicles would not be accommodated on-site overnight and 105 vehicles would not be accommodated during the daytime peak hour. Residents would likely use on-street parking within ½-mile radius of the Project Area. As indicated in the EAS, with 636 available curbside spaces within the ½-mile radius of the Proposed Development during the midday and 602 available curbside spaces within ½-mile radius of the Proposed Development overnight, peak parking demand could be absorbed by available on-street spaces within the parking study area.

In addition, the Applicant has identified nine curb cuts no longer in use (i.e., they do not lead to any parking or loading) and that could be opened up for on-street parking by the Department of Transportation. Furthermore, private parking garages in nearby buildings (including 1667 61st Street, 1421 61st Street and 1133 58th Street) have available monthly parking spaces that would be available to residents of the Proposed Development. Therefore, it is not expected that the Proposed Development would result in a significant adverse impact to on-street parking conditions.

Parking demand for the Proposed Development, which was calculated pursuant to CEQR Technical Manual guidance, is not reflective of a neighborhood with this amount of immediate access to transportation and an abundance of alternative off-street parking. The existence of numerous forms of transit and neighborhood walkability result in a transit-rich and pedestrian-friendly environment that reduces the demand for private automobile ownership and parking. CEQR Technical Manual guidance also does not account for commute-to-work patterns in the Development Site's surrounding area, where approximately 30 percent (three times the City-wide average) of workers walk to work. Therefore, the availability of on-street parking spaces for residents, businesses and community facilities in the surrounding area would not be adversely affected.

(2) the distribution of floor area and the number of dwelling units or rooming units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development or enlargement, including any portion of the development or enlargement located beyond the boundaries of such railroad or transit right-of-way or yard;

The Proposed Development would include seven new residential buildings on Zoning Lot 1. The Zoning Lot 1 residential buildings would range in height from four stories (plus penthouse)/55 feet to six stories/75 feet and would contain a total 104,449 square feet of residential floor area. This residential floor area would be spread throughout Zoning Lot 1, to create consistent and appropriately-scaled development throughout the zoning lot, as opposed to concentrating floor area and dwelling units in a single out-of-scale building on only a portion of the zoning lot. By breaking the zoning lot's residential floor area and dwelling units into seven buildings, as opposed to one long building, the Applicant will be able to break up the Proposed Development's façade, creating a varied streetscape at Zoning Lot 1's street frontages.

The existing and proposed residential development in the surrounding area is characterized by older apartment buildings, which range between four (plus penthouse) and six-stories in height, typically located along the avenues, and two and three-story semi-detached and attached residences, typically located along the mid-block areas. The Proposed Development on Zoning Lot 1 would be in line with this existing context, as well as nearby developments. Thirteen six-story residential buildings are under construction on the east side of Block 5516, one block northeast of Zoning Lot 1, and will rise to a maximum 70 feet in height. A second development, consisting of two seven-story (75-foot) mixed-use buildings and one eight-story (85-foot)

building, is proposed on the south side of Block 5509 and the north side of Block 5516 – the blocks directly northeast of Zoning Lot 1.

Zoning Lot 1 would be anchored by a ten-story, maximum 176-foot commercial portion of a mixed-use building ("Building One") fronting on New Utrecht Avenue, a wide street with an elevated train above. Building One would feature a publicly accessible area at its New Utrecht Avenue frontage, open from grade to the sky, creating usable ground floor retail and second and third floor office space that can receive light and air below the elevated train tracks, and additional office space with views above the elevated train tracks. In addition, creation of this publicly accessible area will improve the pedestrian experience along New Utrecht Avenue.

(3) all uses, developments or enlargements located on the zoning lot or below a platform do not adversely affect one another;

The Applicant intends to construct eight new buildings on a platform located above the existing right-of-way of the Bay Ridge line of the Long Island Railroad (the "LIRR ROW"). The buildings would contain a total of 163,427 square feet of floor area on Zoning Lot 1, comprised of one mixed-use building and six residential buildings. The Proposed Development would transform Zoning Lot 1 from an open railroad cut that currently bisects Borough Park and the surrounding neighborhoods into an active part of the community that reflects the evolution of the area from low-density industrial use to a growing mixed-use community. The proposed platform itself would insulate proposed residential and commercial uses from the noise and activity of the existing railroad and future additional transportation below-grade.

The above-grade development, including the platform itself, has been carefully engineered to adhere to clearances provided to the Applicant by the Metropolitan Transit Authority (the "MTA") such that the Proposed Development, including any below-grade structural elements, would not interfere with the MTA's existing or future operations. The LIRR ROW is currently used approximately once daily for freight travel. The Proposed Development would not interfere with freight travel and would accommodate proposed future rail alignments or possible rail expansions, such as the MTA's proposed Interborough Express.

(4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the development does not preclude future use of, or improvements to, the right-of-way for such transportation use.

The structural system for the proposed platform and the Proposed Development has been carefully designed so as not to preclude current or future transportation use on Zoning Lot 1. The Applicant is engaged in an ongoing dialogue with the MTA to modify certain deed restrictions and negotiate certain easements necessary to effectuate the Proposed Development. The MTA has provided the Applicant with proposed clearances necessary for the expansion of the use of the LIRR ROW, as well as the appropriate locations for structural elements that would support the Proposed Development, which has informed the design of the Proposed Development. Prior to commencement of construction, the MTA must review and approve plans and specifications for the Proposed Development, which would confirm that the site plan and structural design do not preclude existing or future use of, or improvements to, the LIRR ROW.

(c) For any development or enlargement located within or over railroad or transit right-of-way or yard:

(1) the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:

(i) the total lot area of that portion of a railroad or transit right-of-way or yard to be covered by a platform; and/or

This figure is provided on the plans included in this application.

(ii) the total lot area of such right-of-way or yard that has been permanently discontinued or terminated;

N/A

(2) ownership of rights to develop in railroad or transit air space or within a railroad or transit right-of-way or yard where such use has been permanently discontinued or terminated, shall meet the requirements of the zoning lot definition in Section 12-10 (DEFINITIONS);

N/A

(3) where the railroad or transit right-of-way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;

The proposed platform on Zoning Lot 1 will be unperforated except protected openings required for utilities, ventilation or other necessary purposes.

(4) the Commission may establish an appropriate level or levels instead of curb level as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, floor area, lot coverage, open space, yards, and minimum distance between buildings;

N/A

(5) the Commission may permit buildings to be connected by a bridge or tunnel, within a portion of a street, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as lot area or generate any floor area; and in the case of a bridge, the Commission shall find that such bridge will:

N/A

******

(d) The Commission shall require the provision of adequate accessory off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any use permitted on the zoning lot, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Proposed Development includes 40 parking spaces, located on Zoning Lot 3, which the Applicant believes is adequate to prevent traffic congestion caused by curb parking of vehicles.[2]

As discussed in detail in the Environmental Assessment Statement ("EAS") submitted as part of this application, the evening/overnight parking demand for the Proposed Development as a whole is expected to peak at 159 spaces, and midday demand is expected to peak at 157 spaces. An open, 40-space accessory parking lot would be provided within the Proposed Development, and therefore approximately 119 vehicles would not be accommodated on-site overnight and 117 vehicles would not be accommodated during the daytime peak hour. Residents would likely use on-street parking within ½-mile radius of the Project Area. As indicated in the EAS, with 636 available curbside spaces within the ½-mile radius of the Proposed Development during the midday and 602 available curbside spaces within ½-mile radius of the Proposed Development overnight, peak parking demand could be absorbed by available on-street spaces within the parking study area.

[2] The Proposed Development does not require any loading berths pursuant to applicable provisions of the Zoning Resolution.

In addition, the Applicant has identified eleven curb cuts no longer in use (i.e., they do not lead to any parking or loading) and that could be opened up for on-street parking by the Department of Transportation. Furthermore, private parking garages in nearby buildings (including 1667 61st Street, 1421 61st Street and 1133 58th Street) have available monthly parking spaces that would be available to residents of the Proposed Development. Therefore, it is not expected that the Proposed Development would result in a significant adverse impact to on-street parking conditions.

Parking demand for the Proposed Development, which was calculated pursuant to CEQR Technical Manual guidance, is not reflective of a neighborhood with this amount of immediate access to public transit and an abundance of alternative off-street parking. The existence of numerous forms of transit and neighborhood walkability result in a transit-rich and pedestrian-friendly environment that reduces the demand for private automobile ownership and parking. CEQR Technical Manual guidance also does not account for commute-to-work patterns in the Development Site's surrounding area, where approximately 30 percent (three times the City-wide average) of workers walk to work. Therefore, the availability of on-street parking spaces for residents, businesses and community facilities in the surrounding area would not be adversely affected.

******