130 St. Felix Street – Bulk Modifications Special Permit
Statement of Findings

101-82
Modification of Bulk Regulations for Certain Buildings on Irregular Sites

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped after [date of adoption], for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no Use Group 5 #use# shall be permitted in any portion of the #building# receiving such modifications, and:

The Applicant seeks to modify certain bulk (court, tower lot coverage, and rear yard) regulations to facilitate the Proposed Development, a mixed-use residential and community facility development that would be located in C6-4 and C6-6 districts within the Special Downtown Brooklyn District mapped after the date of the adoption of the related application for a zoning map amendment.

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

Lots 37, 40, and 7501 (collectively, the "Development Site") form an irregularly shaped zoning lot improved with existing historic buildings (One Hanson on Lot 7501 and the Brooklyn Music School campus on Lot 37) that frame the irregularly shaped, narrow vacant Lot 40, upon which the Proposed Development would be constructed (the "Project Site"). The shape of the zoning lot and the presence of pre-1961 historic buildings, in particular One Hanson, result in practical difficulties in complying with court, tower lot coverage, and rear yard regulations, as described further below. These practical difficulties are compounded by the fact that the Development Site is located in a historic district where development is subject to review and approval by the Landmarks Preservation Commission (the "LPC") and where the existing buildings on the Development Site include contributing features that limit the placement of development on the Project Site. These practical difficulties require modest modifications to the applicable court, tower lot coverage, and rear yard controls as follows.

i. Modification of Inner Court Controls: The Project Site is narrow along its western edge, with only approximately 47 feet of frontage on Ashland Place. In order to accommodate the Proposed Development program, including a mechanical core and circulation spaces, and respond to the LPC's direction that development set back as far as possible from the St. Felix Street frontage and be limited to a maximum height of no more than 267 feet, it is necessary to build to the lot lines of the Project Site within the narrow portion of the Project Site. However, One Hanson features a shallow setback along the common lot line with the Project Site. When the Proposed Development is complete, this existing setback area would be classified as an approximately 75-square-foot inner court with a width of approximately 2.4 to 3.6 feet and a length approximately 25 feet, which would not comply with the minimum dimension requirements for inner courts.[1] Complying with inner court regulations would require the Proposed Development to set back from One Hanson in a manner that would create an inefficient building floor plate in the Proposed Development and compromise the provision of housing, including the affordable housing to be included in the Proposed Development. Therefore, the Applicant seeks a modification to permit this inner court condition.

ii. Modification of Tower Lot Coverage Controls: The Proposed Development would be located on a zoning lot with One Hanson, a building with a high lot coverage of approximately 15,254 square feet (38 percent of the approximately 39,764-square-foot Development Site) at a height of 150 feet, approaching the maximum permitted lot coverage of 40 percent.[2] (If the One Hanson zoning were coterminous with the One Hanson condominium lot, One Hanson would have a lot coverage of approximately 79 percent at a height of 150 feet,

[1] ZR Sections 12-10 and 23-80 provide that a small inner court on which legally required windows do not face must have an area of at least 200 square feet and no dimension may be less than 10 feet.

[2] ZR Section 101-223(c).

almost double what zoning allows.) As a result of the configuration of One Hanson, the Proposed Development would only be permitted to have a lot coverage of approximately 650 feet at a height of 150 feet, which would not be close to allowing a viable floor plate, making new development on the Project Site financially unviable particularly with the lower floors occupied by the Brooklyn Music School expansion. The Project Site is small and, because it occupies the through-lot portion of the Development Site, it is unable to provide more of its floor area below 150 feet because of the required rear yard equivalent and because of the LPC requirements to set back the upper floors of the building along the St. Felix Street frontage to align approximately with the historically significant Brooklyn Music School buildings on the Development Site. It is also not possible to accommodate the Proposed Development's floor area above the existing buildings on Lot 37 because they are contributing buildings in a historic district and the LPC is highly unlikely to approve an enlargement exceeding one or two stories. Therefore, the Applicant seeks a modification to permit the Proposed Development to have an approximately 6,146-square-foot floor plate at a height of 150 feet, resulting in a total lot coverage of approximately 21,400 square feet (54 percent) at a height of 150 feet. In addition, if the One Hanson lot were not part of the zoning lot, the lot coverage of the Proposed Development would amount to approximately 30 percent at a height of 150 feet, well below the 40 percent lot coverage allowed.

iii. Modification of Rear Yard Controls: The Proposed Development would be located on a narrow through-lot portion of the Development Site and use substantial setbacks along St. Felix Street to establish an appropriate relationship between the Proposed Development and its historic context. The Proposed Development would provide a rear yard equivalent comprised of a 40-foot area along the full length of the St. Felix Street street line, which would require a 20-foot rear yard equivalent portion along the Ashland Place street line. The setbacks needed along the St. Felix Street frontage would push the mass of the building towards Ashland Place; on such a narrow lot it would be difficult to accommodate the Proposed Development program, including a mechanical core and circulation spaces, while providing a 20-foot open area along Ashland Place beginning at the floor level of the lowest story used for dwelling units.[3] An approximately four-foot decrease in the depth of the rear yard equivalent from the fourth story to the twenty-second story, as well as the elimination of a rear yard equivalent at the third story, would accommodate a reasonably efficient residential floor plate and a sufficient number of residential units within the development envelope approved by the LPC. Additionally, for the Proposed Development to establish an architectural relationship with the Brooklyn Music School townhouses to the north pursuant to the Certificate of Appropriateness from the LPC, the third story of the Proposed Development (which includes dwelling units) must be located within approximately 22 feet of the 40-foot open area along St. Felix Street. Therefore, the Applicant seeks modifications to permit (i) one story that contains dwelling units within 22 feet of the 40-foot rear yard equivalent portion along St. Felix Street and all of the rear yard equivalent portion along Ashland Place and (ii) an approximately four-foot-deep, 22-story residential building portion and existing non-complying portions of One Hanson of varying heights within part of the 20-foot rear yard equivalent portion along Ashland Place.

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

The practical difficulties of developing on the Development Site have not been created by the owner or by a predecessor in title. Rather, they were created as a result of the development of One Hanson circa 1929, pursuant to then-applicable zoning regulations that are incompatible with modern zoning regulations. Specifically, then-applicable zoning regulations facilitated a tall, high lot coverage building with shallow setbacks at its perimeter, leaving the Project Site with only approximately 47 feet of street frontage on Ashland Place. Because the Development Site is located in a historic district, it is subject to LPC review; building design modifications necessary to obtain LPC approval of a Certificate of Appropriateness pose further challenges. These regulatory factors have posed practical difficulties in complying with the bulk regulations discussed in paragraph (a) above.

It should be noted that the practical difficulties resulting from the presence of One Hanson would not be increased in any manner by adding Lot 37 (the Brooklyn Music School site) to the zoning

[3] ZR Sections 23-532 and 33-53.

lot. Adding Lot 37 to the zoning lot would not affect in any manner the need for the inner court waiver between One Hanson and the Proposed Development, would have no effect on LPC's direction that the upper floors of the Proposed Development set back from St. Felix Street by 40 feet, and would reduce the extent of the tower lot coverage waiver being requested by adding 7,853 square feet of lot area to the Development Site.

(c) the proposed modifications are limited to the minimum needed to relieve such difficulties;

The Applicant seeks only three bulk modifications to relieve the practical difficulties of developing the Development Site.

Courts: Permitting the Project Site to be developed to its lot lines is necessary to accommodate the minimum feasible floor plate configuration and size on a narrow lot. Providing a recess adjacent to One Hanson's existing shallow setback in order to provide an inner court condition that complies with ZR Sections 12-10 and 23-80 would not be feasible because it would reduce substantially the Proposed Development's building floor plate, creating an inefficient configuration that would reduce the number of residential units, including affordable units, in the Proposed Development. Additionally, providing a recess necessary to create a compliant inner court condition would result in a non-compliant narrow outer court condition unless 50 percent of the perimeter walls of the outer court above a height of 75 feet set back 10 feet from the court opening. Therefore, the proposed inner court modification is the minimum modification needed to relieve the difficulties of developing a narrow site adjacent to an existing building with shallow lot-line setbacks.

Tower Lot Coverage: The Development Site must have a lot coverage of up to 54 percent at and above a height of 150 feet in order to provide residential floor plates ranging from approximately 3,952 square feet to 6,146 square feet. Such floor plates are the minimum size necessary to accommodate the Proposed Development program, including a mechanical core and circulation spaces, within the building envelope approved by the LPC. Smaller floor plates would result in a disproportionate ratio of building core and circulation spaces to overall space, resulting in less usable floor space and an economically unviable development. Therefore, the proposed tower lot coverage modification is the minimum modification needed to relieve the difficulties of developing a small vacant lot within a zoning lot improved with the historic, high-lot-coverage One Hanson.

Rear Yard: In accordance with the Certificate of Appropriateness from the LPC, the Proposed Development must be configured with a 40-foot open area (rear yard equivalent) along St. Felix Street, which would push the mass of the Proposed Development into the narrowest portion of the Project Site where it is difficult to accommodate the Proposed Development program, including a mechanical core and circulation spaces, while providing a 20-foot rear yard equivalent along Ashland Place. The proposed approximately four-foot decrease in the depth of the Ashland Place rear yard equivalent from the fourth story to the twenty-second story and the elimination of the Ashland Place rear yard equivalent at the third story are the minimum necessary waivers to accommodate a reasonably efficient residential floor plate and a sufficient number of residential units within the development envelope approved by the LPC. With respect to the proposed modification to permit one story that contains dwelling units within 22 feet of the 40-foot rear yard equivalent along St. Felix Street, this is the minimum waiver necessary to establish an architectural relationship with the Brooklyn Music School townhouses to the north while accommodating the Proposed Development's residential floor area, including permanently affordable housing, within the approved building envelope. (The remainder of the rear yard modification is required to permit One Hanson to remain in its current configuration.)

These proposed modifications would allow for the approximately 146,800-zoning-square-foot mixed-use residential and community facility development proposed by this application. This is less floor area than would be allowed on the Development Site under the proposed C6-4 (DB) and C6-6 (DB) regulations.

(d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and

The proposed modifications would not unduly obstruct access of light and air to adjoining properties or streets.

The proposed rear yard modification is very limited in scope. Above this third story, the building would be set back 40 feet from the St. Felix Street frontage, well in excess of the minimum setback of 15 feet required by zoning where a rear yard is located at the interior of a zoning lot. Along St. Felix Street, the proposed yard modification would result in one residential story within the 40-foot rear yard equivalent, with the one-story portion set back approximately 18 feet from the St. Felix Street frontage. Along Ashland Place, the modification would reduce the depth of the remaining 20 feet of rear yard equivalent by approximately four feet from the fourth to the twenty-second story and eliminate the rear yard equivalent at the third story for a 34-foot-wide portion of the Proposed Development. (The remainder of the rear yard modification is required to permit One Hanson to remain in its current configuration.) In the current and proposed zoning districts, rear yards are not required on through lots for non-residential buildings or the non-residential portion of mixed-use buildings, so the Proposed Development would include significantly more rear yard equivalent space than an exclusively commercial or community facility building at this location.

The proposed lot coverage modification would increase the permitted lot coverage on the Development Site, but this increase would not have a noticeable impact on light and air in the context of a block comprised of mostly low-rise buildings that are subject to the controls of a historic district. Furthermore, the Proposed Development would be significantly shorter, with lower street walls and greater setbacks from the street lines, than what is permitted by the applicable height and setback controls, and thus would have less effect on the access of light and air to the surrounding properties and streets than an as-of-right development. The Environmental Assessment Statement for the Proposed Actions (the "EAS") concluded that the Proposed Actions, including the lot coverage waiver, would not cause any significant adverse shadow impacts on sunlight-sensitive resources.

Finally, the inner court waiver relates to a court that is adjacent to a fire stair with One Hanson, rather than inhabitable space. Residential units would not be impacted and no undue obstruction of light and air would occur. By locating the Proposed Development adjacent to the court and away from the surrounding streets, views from the One Hanson units to the northeast and northwest would be improved over what could occur under zoning.

(e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Proposed Development has been designed to be sensitive to its architectural context. Along St. Felix Street, the building's two-story, approximately 36-foot-tall base and overall massing would relate to the street's row-house scale. The building would set back approximately 18 feet above this base and rise another story to a height of approximately 48 feet, which would align approximately with the height of the existing Brooklyn Music School townhouses. Above the third story, the Proposed Development would set back another approximately 22 feet for a total of 40 feet. The building's setbacks would allow the building's mass to be concentrated away from the low-rise row houses on St. Felix Street and closer to Ashland Place and Flatbush Avenue, which have a high-rise character. Overall, the Proposed Development would be 23 stories and approximately 267 feet in height (including the mechanical bulkhead), which would be approximately 20 feet below the "shoulder" of One Hanson and 247 feet shorter than the overall height of One Hanson. The Proposed Development would also be significantly shorter than the many other high-rise buildings in the surrounding area that are existing (e.g., 300 Ashland Place, which is approximately 364 feet tall) or planned (e.g., 80 Flatbush Avenue, which is expected to be approximately 840 feet tall). The Proposed Development would serve as a transition from these very tall, high-density buildings to the mid- and lower-rise buildings on the project block and in the surrounding area, including the Brooklyn Academy of Music campus to the north and the relatively low-rise Central Methodist Episcopal Church immediately south.

The LPC's grant of a Certificate of Appropriateness for the Proposed Development is further evidence of the harmonious relationship between the Proposed Development and the surrounding Brooklyn Academy of Music Historic District.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

130 St. Felix Street – Parking Special Permit
Statement of Findings

74-533
Reduction of parking spaces to facilitate affordable housing

In all districts in the #Transit Zone#, the City Planning Commission may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for #dwelling units# in a #development# or #enlargement# that includes at least 20 percent of all #dwelling units# as #income-restricted housing units# as defined in Section 12-10 (DEFINITIONS), provided the Commission finds that such waiver or reduction:

The Proposed Development is located in a C6-1 district within the Special Downtown Brooklyn District and the Transit Zone. If related applications for zoning map and zoning text amendments are approved, the Proposed Development would be located in C6-4 and C6-6 districts within the Special Downtown Brooklyn District and in a Mandatory Inclusionary Housing area permitting Option 1 and the Workforce Option, requiring 25 to 30 percent of all new residential floor area to be permanently affordable. Therefore, more than 20 percent of the dwelling units in the Proposed Development would be income-restricted housing units as defined in Section 12-10 and the Applicant is eligible to seek a waiver of accessory parking spaces required for the Proposed Development's dwelling units.

(a) will facilitate such #development# or #enlargement#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;

Special Downtown Brooklyn District regulations require accessory parking spaces for 20 percent of all new dwelling units, except that no accessory parking spaces are required for income-restricted units in the Transit Zone developed after March 22, 2016. The Proposed Development would have approximately 84 market-rate dwelling units. Therefore, the Proposed Development would be required to provide 17 accessory parking spaces (e.g., 20 percent of 84) in the absence of the special permit. A curb cut cannot be accommodated on Ashland Place because of easements for loading areas and a generator serving One Hanson. A curb cut on St. Felix Street would disturb the character of this historic block-front and would interfere with program space for the Brooklyn Music School, which must be located at the cellar, ground-floor, and second story of the Proposed Development to access the existing Brooklyn Music School campus. A sub-cellar parking facility would not be feasible because the space needed for a ramp would also interfere with space for the Brooklyn Music School and other mechanical and back-of-house spaces. Following consultation with the Department of Housing Preservation and Development, the Applicant submits that the waiver of the required accessory parking in the Proposed Development would facilitate a development in which at least 20 percent of the dwelling units would be income-restricted housing units.

(b) will not cause traffic congestion; and

The Environmental Assessment Statement for the Proposed Actions (the "EAS") determined that the Proposed Actions, including the waiver of accessory parking spaces for the Proposed Development, would not have any significant adverse impacts on traffic.

The Proposed Development is located within the Transit Zone, which refers to designated areas that are proximate to public transportation and have low rates of car ownership, and are thus suited for reduced accessory parking requirements. The Proposed Development is very well served by public transportation. The Development Site contains an entrance to the Atlantic Avenue-Barclays Center subway station, a large complex located at the intersection of Flatbush Avenue and Atlantic Avenue serving the B, D, N, Q, R, 2, 3, 4, and 5 lines. Multiple entrances to this station are located to the north and south of Atlantic Avenue from Fourth Avenue to east of Flatbush Avenue. The Fulton Street subway station, serving the G line, is located within the surrounding area at the intersection of Fulton Street, Ft. Greene Place, and Lafayette Avenue. Across Hanson Place from the Development Site is Atlantic Terminal, a terminal station for the Long Island Rail Road commuter railroad. Atlantic Terminal includes internal connections to the Atlantic Avenue-Barclays Center subway station. In addition, the following bus routes have stops in the surrounding area: B25, B26, B37, B41, B45, B52, B63, B67, and B103.

Additionally, approximately 33 percent of households in Brooklyn Community District 2 have access to a car, which is significantly less than the citywide rate of approximately 45 percent.[1]

Given the Proposed Development's excellent access to mass transit and the low rate of car ownership in Brooklyn Community District 2, and as confirmed in the EAS, the proposed waiver of up to 17 accessory parking spaces would not cause traffic congestion.

(c) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

As described above, the Proposed Development is well served by public transportation and is located in an area with a relatively low rate of car ownership. The Project Area and its surroundings are part of a major central business district with a dynamic mix of residences, businesses, and community facilities, especially cultural facilities. The EAS projected that the vast majority of trips generated by the Proposed Actions would be via mass transit or by walking. Therefore, the waiver of accessory parking spaces would not have undue adverse effects on residents, businesses or community facilities in the surrounding area.

Further, the waiver of accessory parking spaces would benefit a nearby community facility – the Brooklyn Music School – by enabling the Brooklyn Music School to utilize ground-floor and cellar-level space that would otherwise have to be dedicated to an accessory parking facility.

The Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

[1] 2014-2018 American Community Survey Microdata.