341 10th Street Rezoning
Community District 6
Brooklyn, NY
May 5, 2023

Discussion of Conditions in Support of Special Permit Pursuant to ZR § 74-743

The following conditions must be met for the City Planning Commission to issue the requested special permit pursuant to ZR § 74-743:

ZR § 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 LSGD will contain three buildings on a single zoning lot and will be contiguous. The Development Site is currently improved with a 12- and 18-story, 164,180 sf. (2.38 FAR) residential building (the "Existing Building"). The proposed LSGD would permit the development of two new mixed-use buildings along the 9th Street and 10th Street frontages. The new building on the 9th Street frontage (the "9th Street Building") will be an approximately 76,373 sf. (1.38 FAR), 17-story tall mixed-use commercial and residential building. The new building on the 10th Street frontage (the "10th Street Building") will be an approximately 168,923 sf (2.45 FAR), 19-story tall mixed-use community facility and residential building.

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

The proposed LSGD has a lot area of approximately 69,022 square feet, which is equivalent to approximately 1.58 acres.

(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

Stellar 341 LLC acquired the Development Site in 2006. At the time of development, the LSGD will be owned pursuant to section (b) of ZR 12-10 definition of a "zoning lot".

(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

This subsection is not applicable.

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

A companion application requests a zoning map amendment to change the existing zoning district applicable to the Project Area from R6A and R6B zoning districts to R7-3 and R7-3/C2-4 zoning districts. The C2-4 overlay will be mapped along the 9th Street frontage, so the proposed LSGD will be located partially within a commercial district.

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 Existing Building is an integral part of the LSGD. The Existing Building permits the application of the parking waiver pursuant to ZR § 74-532 sought in conjunction with the LSGD. The parking waiver is crucial to the Proposed Development, which will be located on the existing surface parking lots. There is no bulk distribution from the existing building. The proposed development will form an integral part the large-scale plan together with the existing building to remain. The existing building was built when the construction of high-rise, low-coverage developments were encouraged. The applicability of that planning concept resulted in setting the building back from the street which created a blank walls and parking along both the 9th Street and 10th Street frontages. The proposed development will integrate the entire large-scale development with the surrounding community by adding new buildings containing ground floor retail, community facility spaces and residential entrances that will activate the site's long-dormant street frontages. The existing and proposed buildings will share common recreation spaces creating opportunities for residents of both new and old buildings to socialize. Since the site is a single zoning lot, there will be no bulk distribution from a zoning lot containing an existing building.

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Discussion of Findings in Support of Special Permit Pursuant to ZR § 74-743

Stellar 341 LLC (the "Applicant") requests, among other actions, a special permit pursuant to ZR § 74-743 for bulk modifications to facilitate a LSGD of 17- and 19-story mixed-use buildings with approximately 319 dwelling units ("Proposed Development"). The Proposed Development will replace an existing underutilized surface parking lot at 341 10th Street in the Park Slope neighborhood within Brooklyn Community District 6.

ZR § 74-743
Special provisions for bulk modification

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

(1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:

(i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
(ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of #commercial floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted, except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of #commercial floor area# from a C6 District to a C2 District may be permitted (not applicable);

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

The Applicant requests that the Commission permit the location of two new buildings within the proposed large-scale general development without regard to height, setback, and rear yard requirements.

* * * * *

(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 location of the Proposed Development will result in a better site plan and a better relationship among buildings than would be possible without the proposed modifications described above. The existing underused parking lots break up the Development Site with a vacant and unsightly void that creates a disjointed landscape without a focal node of activity. The

Proposed Development will activate 9th and 10th Streets with new streetscapes, benefiting both the occupants of the LSGD, the neighborhood, and the city as a whole.

The Proposed Development includes two new buildings. Each new building is designed to focus density and activity along the 9th and 10th Street frontages. Block 1010 was developed in the 1960's as a tower-in-a-parking lot model. The resulting site layout devoted much of the street frontage along both 9th and 10th Streets to parking with little attention to animating the streets. The current layout of the Development Site provides more parking than is used at the transit-accessible site. The new buildings would be connected to each other with a one-story element with common open space to connect all three buildings.

The proposed LSGD provides a unique opportunity to reintegrate much of Block 1010 into the fabric of the community and replace the blank walls, parking, and voids with an active streetscape. The project would link the relatively isolated existing building, developed under an outdated urban design concept, to other nearby similar developments. The 9th Street Building would be animated by replacing parking and a view of the subway structure with local retail with residences above. The 10th Street Building would replace open parking and a parking garage with ground floor community facility and residential uses. The proposed LSGD would take advantage of the confluence of wide streets, subway and bus service, to add approximately 319 sorely needed residential dwelling units in a neighborhood undergoing significant demand for housing.

Development on the site is currently constrained by the MTA's above-ground cover. Waiving the rear yard and rear yard equivalent requirements allows for the location of the building against the MTA cover. The waivers will allow structural trusses that straddle the MTA tunnel in the required rear yard and rear yard equivalent. ZR §§ 23-47 and 23-532 require a 30' rear yard on the interior lot and a 53 ft. rear yard equivalent (narrow block width) for the through lot. A 30 ft. rear yard for the interior lot and 53 ft. rear yard equivalent will be provided for most of the site with portions of the above-grade MTA tunnel to remain. The applicant is constrained with the MTA tunnel and MTA access below the Development Site and is required to provide structural trusses for the new development.

The modification of height and setback regulations allow for buildings with dynamic and varied profile with building elements ranging from seventeen and nineteen stories creating visual interest throughout the project. The additional height will permit the construction of additional dwelling units benefitting the neighborhood. The proposed building will enhance the aesthetics of the area and will attract local retail and community facilities.

Whereas the existing site plan with surface parking lots creates several virtually unused and unattractive voids in the neighborhood, the above modifications will contribute to a better site plan and a better relationship among the proposed buildings and open areas to adjacent streets, surrounding development, and adjacent open areas than would not be possible without. The proposed LSGD will thus benefit both the occupants of the LSGD, 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#;*

The Proposed Development within the LSGD offers varied building envelopes that will facilitate an even distribution of light and air within the Project Area. The buildings will be located to allow for open space within the LSGD in the form of a shared courtyard between the three buildings. The Proposed Development was carefully designed to respond to the existing built context of the Development Site and the surrounding area and street network surrounding the Development Site.

The Proposed Development mitigates the impact on light and air to occupants of the surrounding area with setbacks on the upper portions of the buildings. The 9th Street Building will provide setbacks starting on the 6th floor, with an additional setback starting on the 9th floor. The 10th Street Building will provide setbacks starting on the 5th floor, the 8th floor, and the 9th floor.

This design approach mitigates the impact on light and air to the neighboring buildings and further allows for increased distribution of light and air at street level. For these reasons, the LSGD location will not unduly increase the bulk of buildings in any one block, nor will the location of the Proposed Development unduly obstruct access to light and air to the detriment of the occupants or the users of buildings in the nearby blocks or 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;

Not applicable.

(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 9th Street to the north, 5th Avenue to the east, 10th Street to the south, and 4th Avenue to the west. Access to the Development Site would be available along 9th Street and 10th Street. The north/south streets include 4th and 5th Avenues. 4th Avenue is a key 120-ft. wide, two-way roadway within Park Slope. 4th Avenue consists of a total of four traffic lanes (two in each direction) with a parking lane in each direction. 5th Avenue is an 80-ft. wide two-way roadway and consists of two travel lanes plus a parking lane in each direction with dedicated turn lanes at selected intersections. 9th and 10th Streets are east/west streets. 9th Street is a 108-ft. wide, two-way roadway with two travel lanes and a parking lane in each direction. 10th Street is a 60-ft. wide, one-way roadway with two parking lanes.

Each of these streets providing access to the LSGD is adequate to handle the volumes of traffic anticipated to be generated by the proposed development. In addition, the Proposed Development involves 39 parking spaces. Due to its location within the Transit Zone and immediate adjacency to the subway and numerous bus lines, it will exert less demand on the surrounding streets than might otherwise occur.

(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 with regard to ownership requirements in paragraph (b) of the LSGD definition set forth in ZR § 12-10 will be filed with the Commission prior to granting the actions requested herein.

(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.

(12) where *new piers* or *new platforms* are constructed, replaced or reconstructed in accordance with the provisions of paragraph (a)(13) of this Section, such *new piers* and *new platforms* are an integral part of such *large-scale general development*, result in a superior site plan and form an appropriate relationship with adjacent *waterfront public access areas* and *shorelines*, and provide significant public access to or within the seaward lot portion of the waterfront zoning lot.

Not applicable.