Applicant's Discussion of Findings

Large-Scale General Development Special Permit
Section 74-743, Special provisions for bulk modification

Cooper Park Commons
Greenpoint Hospital Redevelopment
Block 2885, Lots 1, 20, 23, 28 & 32
Brooklyn Community District 1

ZR § 74-743 - Large-scale General Development

LAST AMENDED 8/13/15

(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:

No distribution of bulk across a zoning lot boundary is proposed as the entire Large Scale Development Area ("LSGD" or the "Development Site") comprises a single zoning lot.

(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;

No distribution of bulk across a zoning district boundary within the proposed LSGD is proposed as both residential and community facility FAR are subject to the same regulations in both the R7-2/C2-4 and the R7-2 districts. All proposed commercial floor area (UG 6 retail) would occur in the R7-2/C2-4 district where it is permitted on an as-of-right basis.

(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;

No transfer of commercial floor area to a residence district is proposed. All proposed commercial floor area would be situated in the proposed R7-2/C2-4 district.

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

Under the proposed R7-2 and R7-2/C2-4 districts to be located within a Mandatory Inclusionary Housing ("MIH") Area, bulk modifications to ZR § 23-664 (height and setback regulations) and ZR § 23-711 (minimum distance between buildings) are proposed. The proposed special permit will allow the applicant to construct two new, primarily residential buildings (Buildings 2 and 4) to exceed the maximum base height, maximum building height and number of stories as required by ZR § 23-664(c). The applicant further proposes to locate Buildings 2 and 4 closer to existing-to-remain buildings with less than the applicable minimum distance between buildings as set forth in ZR § 23-711.

(3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #large-scale general development# without regard to regulations applicable near #Residence District# boundaries;

In accordance with ZR § 32-512, no primary business entrances, show window, or sign are proposed to be located within 75 feet of frontage on the same side of the street in a Residence District. Furthermore, the proposed commercial use, located within the proposed C2-4 district, is approximately a minimum distance of 100 feet from the residential district boundary.

(4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph (a)(4) shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio#, pursuant to Section 23-142 for the applicable district;

This paragraph is inapplicable as the LSGD is not in any of the Community Districts specified.

(5) in an #Inclusionary Housing designated area# in a C4-6 or C5 District: (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or (ii) #community facility floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section 23-95;

This paragraph is inapplicable as neither of the districts specified are proposed.

(6) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where: (i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the #development# or #enlargement# and a wall or #lot line# on an #abutting# property; and (ii) the required minimum distance is provided by a light and air easement acceptable to the Department of

City Planning and recorded in the County Clerk's office in the county in which such tracts of land are located;

No modification of ZR § 23-86 is proposed as all proposed legally required windows will be provided a 30 foot distance from window to any wall or lot line.

(7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by #building# walls and is not otherwise a #yard# or an #inner court#, provided that: (i) such modifications are permitted only for #large-scale general developments#, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7; and (ii) the minimum distance between a #legally required window# facing onto such #outer court# and a #building# wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening;

This paragraph is inapplicable as no modification to outer court regulations are proposed.

(8) in an #Inclusionary Housing designated area# in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#, as set forth in a restrictive declaration: (i) modification of the base and maximum #floor area ratios# specified in Section 23-154 (Inclusionary Housing), not to exceed the maximum #floor area ratios# permitted by the underlying district, based on a proportionality between #affordable floor area#, as defined in Section 23-911, and #residential floor area# in #buildings# containing multiple #uses#; and (ii) modification of the requirements regarding distribution of #affordable housing units#, as defined in Section 23-911, specified in paragraph (b) of Section 23-96 (Requirements for Generating Sites or MIH Sites);

Not applicable

(9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#;

Not applicable

(10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk;

Not applicable

(11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community

District and within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

(i) A request for such bonus #floor area# shall be accompanied by:

(a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and

(b) a letter from the Commissioner of Parks and Recreation stating:

(i) the selection of the #public park# for the #public park# improvement has been informed by community input in the form of consultation or an existing plan;

(ii) such #public park# improvement provides an appropriate amenity for the surrounding area; and

(iii) that, absent funding to be provided by the applicant, such #public park# improvement is unlikely to be made in the foreseeable future.

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

(a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and

(b) a letter that shall include:

(i) cost estimates for the #public park# improvement; and

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement; or

Not applicable

(12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Hallets Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

(i) such parcel shall be made part of such #zoning lot# upon approval of such #large-scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and

(ii) the existing light industrial #buildings# on the separate parcel of land are demolished.

Not applicable

(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 distribution of existing-to-remain and proposed floor area will result in two new buildings containing affordable housing (Buildings 2 and 4), the preservation and conversion of historic buildings (Buildings 1 and 3), as well as the provision of passive open recreation space for both the general public and residents and employees of the complex (collectively, the "Proposed Development"). The proposed waivers would facilitate (i) the construction of new permanent affordable housing, (ii) the maximization of publicly accessible open space by allowing new pedestrian pathways and view corridors to break up the superblock campus, and (iii) the preservation of existing-to-remain buildings and thereby the historical integrity of the former Greenpoint Hospital campus.

As identified by the Mayor's OneNYC policy initiative and the City's Housing New York Plan, the proposed approximately 553 dwelling units of new affordable housing (including approximately 106 units of affordable independent residences for seniors or "AIRS"), as well as the preservation of the 45 existing affordable units on Lots 20, 23, 28, and 32, are critically needed to alleviate New Yorkers' rent burden and meet the needs of a diverse population. The addition of affordable housing in a neighborhood that is proximate to mass transit would help accommodate the growing, and increasingly rent-burdened, population in Brooklyn.

The buildings containing this proposed affordable housing, primarily new Buildings 2 and 4, are designed to distribute as-of-right floor area under the proposed R7-2 and R7-2/C2-4 districts upwards resulting in increased building heights and improved site planning. The proposed R7-2 and R7-2/C2-4 districts located in an MIH Area (where the required affordable housing is provided on-site as is the case here) have a maximum base height of 75 feet, and a maximum building height of 135 feet that is roughly equivalent to 13-stories. Accordingly, height and setback modifications of ZR §23-664(c) are sought as follows:

Building 2

1. The proposed 12-story street wall that rises to approximately 134.5 feet (approximately 147.5 feet for rooftop mechanicals) without the required 10-foot setback from Maspeth Avenue exceeds the maximum base height of 75 feet and the maximum building height of 135 feet;
2. The proposed 18-story portion that rises to approximately 194.17 feet (approximately 207.17 feet for rooftop mechanicals) exceeds the maximum base height of 75 feet and the maximum permitted building height of 135 feet; and
3. The proposed 18-story portion exceeds the 13-story maximum.

Building 4

1. The proposed base height of approximately 121.92 feet exceeds the maximum base height of 75 feet without the required 10-foot setback from Jackson Street;
2. The proposed total height of approximately 153.25 feet (approximately 166.25 feet for rooftop mechanicals) exceeds the 135-foot maximum building height; and
3. The proposed 14-stories exceeds the 13-story maximum permitted.

The area LSGD is on a "superblock" in the Greenpoint-Williamsburg neighborhood of Brooklyn Community District 1. The block is bounded by Jackson Street to the north, Debevoise Avenue to the east, Maspeth Avenue to the south, and Kingsland Avenue to the west. It is currently occupied by existing buildings that were part of the former Greenpoint Hospital complex, which was determined eligible for listing on the State and National Registers of Historic Places in 2016. The superblock was formed as a result of the 1953 demapping (CP-9768) of the portion of Skillman Avenue that ran east-west through a northern and southern block. As such, two city blocks were stitched together and bounded by street frontages with lengths that all resemble the "long end" of a block in the typical street grid (*i.e.*, frontages of 400 feet or greater).

While the proposed residential and total floor area are both significantly lower than the maximum permitted, the proposed height and minimum spacing waivers allow a vertical distribution of the new floor area, primarily within Buildings 2 and 4. By doing so, the proposed new affordable housing can be constructed on the zoning lot in a manner that both provides publicly accessible pathways and view corridors throughout the site as well as the ability to preserve

historically significant buildings, including the main former Greenpoint Hospital building which lies in the center of the superblock.

The entire Block 2885 (the LSGD and Lot 10) has been determined eligible for listing on the State/National Registers of Historic Places by the New York State Historic Preservation Office ("SHPO"). While SHPO consented to the proposed demolition of the hospital's north wing and the power plant, it only did so because there was no viable adaptive reuse for those buildings. Since Building's 5-8 remain subject to the Second Amended and Restated Regulatory Agreement and they remain functioning and useful providers of affordable housing, there is no reason to believe that SHPO would consent to their demolition.

The proposed total residential floor area of 636,056 sf (3.49 FAR), that is inclusive of both 528,698 sf of non-AIRS floor area (2.9 FAR) and 107,358 sf of AIRS (0.59 FAR), all of which would be permanently affordable, is significantly less than the maximum permitted residential FAR of 4.6 (and 5.01 for AIRS). Thus the proposed height waivers are the minimum necessary to accommodate the socio-economic goals of the project by allowing in-fill development within an existing campus of buildings that is also sensitive its historic significance.

(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 existing and proposed residential dwelling units and community facility use requiring legally required windows on the Development Site all comply with regulations governing minimum distance between legally required windows and walls or lot lines which is a minimum of 30 feet or 20 feet as applicable (*i.e.*, ZR §§ 23-861 and 24-651). Furthermore, there are no existing or proposed dwelling units or community facility use with sleeping accommodations on the remainder of the subject block outside the Development Site boundaries (*i.e.*, Lot 10).

The proposed buildings that necessitate height and setback waivers, Buildings 2 and 4, are both situated on wide streets (Maspeth Avenue and Jackson Street, respectively) and face uses and buildings that are generally consistent in character. Across Maspeth Avenue, Building 2 would face a seven-story apartment building, the long end of an intervening street (Olive Street) and the western end of a public park (Cooper Park). Likewise, the proposed Building 4 faces an eight-story apartment building that is both set back from Jackson Street and is part of a New York City Housing Authority ("NYCHA") superblock of its own.

Furthermore, Buildings 2 and 4 would result in incremental shadow coverage (*i.e.*, additional or new shadow coverage) on portions of three sunlight-sensitive open space resources on at least one of the four analysis days: Cooper Park, Red Shed Community Garden, and the NYCHA Cooper Park Houses open spaces. The extent and duration of the incremental shadows on these open space resources would (1) not significantly reduce or completely eliminate direct sunlight exposure on any of the sunlight-sensitive features found within the three open spaces; and (2) would not significantly alter the public's use of the open spaces or threaten the viability of vegetation or other elements located within the open spaces. Therefore, incremental shadows as a result of the construction of Buildings 2 and 4 on these three sunlight-sensitive open space resources would not be considered a significant adverse impact, in accordance with *CEQR Technical Manual* methodology.

(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;

Given the socio-economic profile of residents in need of rent regulated housing and that no accessory parking is proposed for tenants (nor is required), private car ownership for tenants is expected to be very low. The anticipated modes of transportation that would be used by both residents and staff are primarily public transit (*i.e.*, bus and subway). While 15 accessory parking spaces are proposed for the use of staff, the amount of traffic contributed by these spaces is negligible.

(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;

The proposed actions would not directly displace or otherwise directly affect any public schools, child care centers, libraries, health care facilities, or police and fire protection services facilities. As detailed above, the proposed actions would result in the eventual closure of the Department of Homeless Services ("DHS") Barbara Kleiman Residence that operates in the existing Greenpoint Hospital building (future Building 3). The homeless shelter will reopen in the

renovated Building 1 and will be operated by Project Renewal. No gap in homeless shelter services is anticipated. Additionally, the homeless shelter would not be physically displaced or negatively altered due to the proposed actions, but rather, would effectively be moved into a newly renovated, state-of-the-art facility on its existing property. The construction of the Proposed Development, as facilitated by the proposed actions, will include the development of a health clinic and job/workforce career center in Building 2, and a senior center in Building 4. Therefore, the proposed actions would not result in any significant adverse direct effects to community facilities or services.

(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; and

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

Upon approval, the project sponsor would enter into a Restrictive Declaration (RD), a legally binding mechanism tied to the Development Site that governs the provisions of the LSGD.

(***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.

The Proposed Development would be constructed in four phases. Phase 1 would include the construction of Building 1 and all of the appurtenant publicly accessible area. Phase 2 would include the construction of Building 2 and all of the appurtenant publicly accessible area and private resident open area. Phase 3 would include the construction of Building 3 and all of the appurtenant publicly accessible area and private resident open area. Phase 4 would include the construction of Building 4 and all of the appurtenant publicly accessible area and private resident open area. Phases 1 through 4 areas are more specifically illustrated in the accompanying plans. *See* Sheet P-001.00 (PAA Phasing Plan). The maintenance obligation of the publicly accessible areas and resident open areas in the four phases would be shared by the operators of the four new buildings on a pro-rata manner based on the floor area square footage developed in each of Buildings 1 through 4.

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.