Special Permit Pursuant to ZR Section 74-743

Applicant's Discussion of Conditions

ZR Section 12-10 defines a Large-Scale General Development as follows:

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 large-scale general development ("LSGD") would consist of four new buildings located on a single zoning lot comprising Lot 1 in Block 3766. The zoning lot is neither a large-scale residential development nor a large-scale community facility development.

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

The LSGD would have an area of approximately 2.18 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***
>
> ***(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 would be used, developed, and/or enlarged as a unit under single fee ownership.

(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).

Upon approval of the zoning map amendment that is part of this application, the LSGD would be located in a combination of an R6A district, an R7D/C2-4 district, and an R7D/C1-4 district. Therefore, the LSGD would be located partly in 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 buildings on the zoning lot would be demolished prior to the construction of the new buildings in the LSGD.

Statement of Findings

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:

The Development Site consists of a single zoning lot that occupies nearly a full block. Upon approval of the zoning map amendment, the zoning lot would be divided between three zoning districts: an R7D/C2-4 district located within 150 feet of Sutter Avenue at the northern end of the block; an R7D/C1-4 district located within 100 feet of Blake Avenue at the southern end of the block; and an R6A district covering the remaining midblock portion of the zoning lot.

The Applicant requests the distribution of up to 20,000 square feet of floor area from the southern R7D/C1-4 district and up to 3,000 square feet of floor area from the midblock R6A district to the northern R7D/C2-4 district, without regard for the district boundary lines. The distribution of this floor area would facilitate the development of a Use Group 3 shelter at the northern portion of the Development Site.

(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;

As noted above, floor area would be distributed from an R6A and an R7D/C1-4 district to an R7D/C2-4 district to facilitate the development of a shelter. The shelter is a Use Group 3 use that is permitted in R6A and R7D/C2-4 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;

The Development Site would be located entirely in an R6A district, a R7D/C2-4 district, and an R7D/C1-4 district. Therefore, no bulk is proposed to be distributed to a residence district or to a C1, C2, C3, or C4-1 district from other commercial or manufacturing districts.

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(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 distribution of floor area requested by this Application would result in a better site plan and a better relationship between the proposed buildings and adjacent streets and surrounding buildings than would be possible without such distribution, thus benefiting occupants of the Development Site, the East New York neighborhood, and the City as a whole. It will also facilitate the development of a new model Family Homeless Shelter that will be based on concepts derived from a series of City-sponsored shelter design group discussions.

The area surrounding the Development Site is characterized by a mix of residential, light manufacturing, and commercial uses. The built character of the area varies, and no single building typology predominates. The area to the north of the Development Site, located across Sutter Avenue, contains mostly vacant lots and one- to two-story light manufacturing uses consisting primarily of parts suppliers and metal manufacturers. A strip of ground-floor commercial uses exists along Sutter Avenue extending eastward from the proposed LSGD. To the south, located across Blake Avenue, are mostly residential uses consisting of walk-ups and

apartment towers, including the full-block, four-story Genesis Homes complex owned and operated by an affiliate of HELP USA (the intended operator of the proposed LSGD) immediately to the south, and NYCHA's Unity Plaza development to the southeast containing five six-story buildings. To the east are two-story residential buildings punctuated by vacant lots, community facilities uses including the Hyde Charter School and MOHDC SmartStart Nature Academy, and several six-story NYCHA apartment buildings. To the west, across Snediker Avenue, are two- to four-story homes, including a row of two-story modular homes built in the late 1990s under the Nehemiah housing program, with light manufacturing uses beyond that bordering the elevated subway line and the Van Sinderen Avenue corridor, with some residential uses (both walk-ups and an apartment tower).

The zoning map amendment requested in connection with this Application is necessary to provide the density needed to support the amount of shelter use, affordable housing, supportive housing, and community facility use that comprise the Proposed Development. The distribution of floor area pursuant to the LSGD is designed to mass the required density in an optimal site plan that respects and complements the scale of the surrounding area, particularly the low-rise block fronts along Hinsdale Street and Snediker Avenue to the east and west of the Development Site.

Pursuant to the LSGD, up to 20,000 square feet of floor area from the southern R7D/C1-4 district and up to 3,000 square feet of floor area from the midblock R6A district would be transferred to the northern R7D/C2-4 district to facilitate the development of the shelter. The result would be that more of the bulk within the LSGD would be concentrated on Sutter Avenue at the northern end of the Development Site, where it can be absorbed without overwhelming the surrounding buildings and will not impede access to southern sun exposure as the majority of the bulk is located at the north side of the Development Site. The maximum permitted building envelope along the side streets under the LSGD is generally less than the maximum building height permitted by the underlying zoning district to preserve the lower-rise scale along these streets. Distributing the floor area in this manner would also reduce the height of the midblock portions of the Proposed Development, thus preserving light and air reaching the adjoining streets and fostering a sense of openness. The proposed distribution of floor area strikes a thoughtful balance between achieving the amount of density necessary for the Proposed Development, while being responsive to the built character of the surrounding area.

(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 requested distribution of floor area would facilitate a site plan that is sensitive to the surrounding built context in terms of scale, and would not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of occupants of the Proposed Development or buildings in nearby blocks. No bulk is proposed to be transferred between blocks pursuant to the LSGD.

The Proposed Development, which would occupy nearly a full block, would have access to light and air from four street frontages. All of the interior units in the building would front on an expansive, approximately 26,000-square-foot landscaped interior courtyard. The requested distribution of floor area would have a beneficial impact on access to light and air by reducing height along the midblock portions of the Proposed Development, moving the majority of the bulk to the north, thereby increasing southern exposure and the amount of sunlight reaching the interior courtyard and interior units.

The plan for the LSGD recognizes the lower-rise scale of the streets immediately to the east and west of the Development Site, and attempts to mass the Proposed Development in a manner that is sensitive to the impact on adjacent buildings and minimizes the impact on light and air. In particular, the majority of the bulk has been massed to the northern and southern ends of the block to reduce its impact on the residential buildings located along the east and west of the Development Site, giving the development in that area a smaller residential scale, and to maximize the amount of light and air reaching such buildings. Also, as noted above, the maximum permitted building envelope along the side streets under the LSGD is generally less than the maximum building height permitted by the underlying zoning district to preserve the lower-rise scale along these streets. Beyond these immediately adjacent blocks to the east and west, and to the north and south, are a number of vacant parcels, manufacturing uses, and larger apartment towers that would be unaffected by the distribution of floor area within the proposed LSGD. The Environmental Assessment Statement prepared in connection with this

Application states that no significant adverse shadow impacts would result from the Proposed Development.

(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 would have frontage on Sutter Avenue to the north, Blake Avenue to the south, Hinsdale Street to the east, and Snediker Avenue to the west. Sutter Avenue and, to a lesser extent, Blake Avenue, are important east-west corridors with mixed use buildings and commercial ground floors, while Hinsdale Street and Snediker Avenue are more local in character. The Proposed Development is not expected to generate a significant amount of traffic, and the traffic would be distributed amongst several arrival and departure routes along the streets, minimizing the concentration of incremental traffic on any one intersection or street. Furthermore, the Development Site has frontage on four streets, which would help to disperse pedestrian trips generated by the Proposed Development. As presented in the EAS Attachment K, Transportation, the incremental vehicle and pedestrian trips generated by the Proposed Development would be below the CEQR Technical Manual analysis thresholds of incremental vehicle trips at an intersection and incremental pedestrian trips at a pedestrian analysis element (i.e., sidewalk, crosswalk, and corner reservoir) requiring further detailed transportation analysis. Therefore, the Proposed Development is not expected to result in any significant adverse transportation impacts on the streets providing access to the Proposed Development.

In addition, the majority of residents and visitors to the proposed buildings are expected to travel on foot or by public transportation. The Sutter Avenue stop on the L subway line, which runs along Van Sinderen Avenue, is located one block to the west of the Development Site, and the Livonia Avenue stop on the L subway line, as well as the Junius Street stop on the 2 and 4 subway lines are both about one-quarter mile to the southwest of the Development Site. The B14 bus runs in both directions along Sutter Avenue. Therefore, the streets providing access to the LSGD have sufficient capacity for the minimal amount of traffic anticipated to be associated with the Proposed Development.

(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;

According to the Environmental Assessment Statement prepared in connection with this application, no significant addition to existing public facilities serving the area will be required in connection with the Proposed Development.

(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 will be filed with the Commission in connection with 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.

The LSGD would consist of four separate buildings: a shelter, a supportive housing building, and two affordable housing buildings. Construction of the LSGD would occur in two overlapping phases over a period of approximately 49 months. Construction is anticipated to begin in January 2020 and be complete in March 2024. Residents of the existing shelter on the Development Site will be provided with alternate housing under the oversight of the Department of Homeless Services (“DHS”). Several months prior to the closing the shelter, DHS will stop making referrals, the shelter will slowly decrease in population, and residents will be moved into alternative shelters or permanent housing by DHS. No shelter units would be lost or gained during construction, and three shelter units would be gained once construction is complete. Accounting for the construction schedule, in addition to time necessary to fully occupy the new residential uses, the LSGD is expected to be completed and fully operational by early 2023.

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.