Applicant's Discussion of Conditions

Large-Scale General Development Special Permit - ZR § 74-74

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

ZR § 12-10 Definition of a Large-Scale General Development
Large-scale general development

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

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

The proposed Large-Scale General Development area (the "LSGD" or the "Development Site" as defined in the Project Description) will contain multiple buildings on a single zoning lot. The LSGD will contain approximately 182,487 square feet (approximately 4.2 acres) of lot area.

(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

The LSGD will be redeveloped as a single zoning lot pursuant to alternate ownership arrangement as specified by subdivision (d) of ZR §12-10 definition of "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

Not applicable.

(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).

The boundaries of the proposed LSGD are located within an existing R6 zoning district. The proposed zoning map amendment seeks to rezone a portion of the LSGD area to a commercial district, a R7-2/C2-4 district. The R7-2/C2-4 district is proposed along the Maspeth Avenue frontage at a depth of 150 feet; the remainder of the LSGD is proposed as R7-2. As further explained in the Discussion of Findings, the restrictions set forth by ZR §74-743(a)(1) would be complied with.

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.

As explained in greater detail below, existing-to-remain buildings are integral to the proposed LSGD. Because the LSGD area will be coterminous with a single zoning lot, no bulk distribution from a second zoning lot is proposed.

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ZR § 74-74 - Large-scale General Development

LAST AMENDED 2/2/2011

For #large-scale general developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

(a) any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (DEFINITIONS AND GENERAL PROVISIONS);

The proposed LSGD area does not contain any existing or proposed uses that do not conform to the use regulations applicable to the proposed R7-2 and R7-2/C2-4 zoning districts.

(b) any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

No portion of the proposed LSGD is or would be part of a large scale residential development or large scale community facility development.

ZR § 74-741 - Requirements for application

LAST AMENDED 8/13/2015

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#. However, for applications proceeding pursuant to the ownership provisions of paragraph (e) of Section 74-742, such site plan need only show the applicable portion of the #large-scale general development# as set forth in paragraph (e)(1) or (e)(2) of Section 74-742.

An application has been submitted to the City Planning Commission for the grant of a special permit which includes a site plan showing the boundaries of the LSGD (*see* Sheet Z-010.00) and the proposed location and use of all existing-to-remain and proposed buildings comprising the LSGD (*see* Sheet Z-010.00).

ZR § 74-742 - Ownership

LAST AMENDED 8/13/2015

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large- scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract. When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership

requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan. A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

(a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or

(b) owned by the Federal government and is within Brooklyn Community District 2; or

(c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or

(d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Hallets Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to: (1) tracts of land in State or City ownership; or (2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the bulkhead line; or

(e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to: (1) such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and (2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#. However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest.

The LSGD or Development Site is comprised of Lots 1, 20, 23, 28, and 32 on Brooklyn Block 2885. Lot 1 is defined in the Project Description as the Disposition Area, and is owned by the City of New York. The applicant in this matter is the City of New York acting through the City's Department of Housing Preservation and Development ("HPD"). Lots 20, 23, 28, and 32 are owned by the Neighborhood Women Housing Development Fund Company, Inc. (the "NWHDFC"), a New York not-for-profit corporation and an affiliate of St. Nicks Alliance, which has authorized HPD to file the LSGD special permit application (and related actions) on its behalf. Such authorization from the NWHDFC will be in writing and included in the application

materials. The NWHDFC buildings are proposed to remain unchanged and to continue to provide affordable housing. The City of New York will own Lot 1 at the time of application and when the special permit may be granted. The subsequent conveyance of Lot 1 to the co-applicant, Maspeth Manager, LLC and/or its affiliates, will subject such subsequent owner to a restrictive declaration (the "RD") to be recorded against the lots comprising the Development Site in the Office of the City Register, which RD shall constitute a legally binding mechanism governing the redevelopment of the Development Site or LSGD.