Special Permit Pursuant to ZR Section 74-743
River Ring Development
Project ID: P2021K0237

August 16, 2021

Applicant's Discussion of Conditions

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 large-scale general development (the "LSGD") contains two buildings and public access areas on a single zoning lot. The LSGD 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 has a lot area of 399,780 square feet, which is approximately 9.18 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

At the time of development, the LSGD will comprise a single zoning lot pursuant to paragraph (d) of the definition of "zoning lot" set forth in ZR Section 12-10. The applicant owns the upland property on which the proposed buildings would be developed, as well as additional portions of the upland and seaward portions of the zoning lot; the remaining portions of the LSGD are partially controlled by the City of New York (within the prolongations of North 1st Street and Metropolitan Avenue that would be demapped under a concurrent application) and partially controlled by the People of the State of New York (specifically, Block 2361, Lot 21 and the northern portion of Block 2376, Lot 50), subject to easement and license rights pursuant to which the applicant may undertake construction in accordance with the plans included with this application.

(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 LSGD shall be wholly located within Commercial District, and not in any of the districts listed in ZR Section 74-743.

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#.

Not applicable.

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Special Permit Pursuant to ZR Section 74-743
River Ring Development
Project ID: P2021K0237

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Applicant's Statement of Findings

74-743
Special provisions for bulk modifications

(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:

Not applicable.

(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;

Not applicable.

(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 is seeking waivers with regard to height and setback regulations for the Proposed Development, including regulations governing the floor plate and width of waterfront residential towers, as shown on Dwg. Nos. Z05-1 to Z07-1B. The waivers would allow the northernmost building ("Building A") to be located within four feet, ten inches of the street line of North 3rd Street and within four feet, four inches of the street line of River Street, within the initial setback distances of 15 feet from each street frontage, to a total height of up to 560 feet, greater than the maximum building height of 250 feet; and the southernmost building ("Building B") to be located within three feet, ten inches of the street line of River Street, within two feet, seven inches of the street line of North 1st Street, and at the boundary of the proposed shore public walkway for a portion of the building, within the initial setback distances of 15 feet from each street frontage and 30 feet from the boundary of the proposed shore public walkway, to a total height of up to 710 feet, greater than the maximum building height of 250 feet. The waivers would allow both buildings, in the aggregate, to cover 25%, or 34,735 square feet of the lot area of the zoning lot, which is less than the minimum required coverage of 30%, or 41,792.1 square feet. The waivers would also allow each of Building A and Building B to have residential stories above the maximum base height with a gross area in excess of 8,100 square feet (up to 15,070 square feet and 13,922 square feet, respectively) and would allow the width of portions of Building A and Building B facing the shoreline above the maximum base height to have a width of up to 158 feet, 2 inches and 199 feet, one inch, respectively, greater than the maximum permitted width of 100 feet.

(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;

Not applicable.

(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;

Not applicable.

(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;

Not applicable.

(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: 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;

Not applicable.

(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;

Not applicable.

(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;

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.

(13) within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, portions of the land, #piers# or #platforms# projecting seaward of the bulkhead line and existing on [date of adoption] may be replaced or reconstructed with #new piers# or #new platforms#, as follows:

(i) any such existing land projecting seaward of the bulkhead line may be replaced or reconstructed with #new platforms# and such #new platforms# may be included as part of the #upland lot#. In no event shall the #lot area# generated by such #new platforms# exceed the #lot area# of the land projecting seaward of the bulkhead line, as it existed on [date of adoption];

The waterfront zoning lot that comprises the LSGD includes 8,267 square feet of shoreline area projecting seaward of the bulkhead line. As part of the construction of the public access area, the Proposed Development would include removal of 8,267 square feet of the seaward shoreline area and construction of a new platform with a lot area of 10,008 square feet seaward of the bulkhead line. The lot area of the new platform seaward of the bulkhead line is more than the amount of seaward shoreline area that would be removed and, accordingly, 8,267 square feet of seaward lot

area of the platform (equivalent to the area of existing shoreline to be removed seaward of the bulkhead line) would be part of the upland lot area of the waterfront zoning lot under the LSGD.

(ii) any other such #new piers# or #new platforms# may be considered #lot area# for the purposes of determining allowable #floor area# or number of #dwelling units#, or to satisfy any other #bulk# regulations, in accordance with the provisions of paragraphs (b) and (c) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots). In no event shall the #floor area# generated by such #new piers# or #new platforms# exceed the #floor area# generated by #piers# or #platforms# projecting seaward of the bulkhead line, as they existed on [date of adoption]; and

Within the seaward lot portion of the LSGD, 28,454 square feet of area (in addition to the proposed new platform) would be occupied by new piers and platforms that are physically accessible directly from the upland portion of the LSGD and constructed or reconstructed after the date of approval of this application, as shown on Dwg. Nos. Z-00-2 and Z00-3B. Up to 140,990.4 square feet of floor area appurtenant to these seaward structures would be utilized within Building A and Building B on the upland lot portion of the zoning lot, which is no greater than the amount that would be permitted pursuant to ZR Section 62-31 on the basis of 19,582 square feet of existing piers and platforms within the seaward lot as of the date hereof.

(iii) such #new piers# or #new platforms# that are subject to the provisions of paragraph (a)(13)(ii) of this Section need not meet the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers), or 62-63 (Design Requirements for Public Access on Piers and Floating Structures).

The proposed new piers and platforms to be constructed subject to paragraph (a)(13)(ii) of this Section, as shown on Dwg. Nos. Z-00-2 and Z00-3B, would be constructed without regard to the requirements of Sections 62-242, 62-54, or 62-63.

(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 bulk modifications with respect to Building A and Building B will result in a better site plan and a better relationship among the buildings, the proposed waterfront public access area, the adjacent streets, surrounding development and the shoreline of the East River, benefiting both the occupants of the LSGD, the neighborhood, and the City as a whole, than would be achieved absent such modifications. The modifications to height and setback regulations will allow Building A and Building B to be located at the northeastern and southeastern portions, respectively, of the zoning lot, in a manner that shifts the distribution of bulk away from the significant open areas provided along the shoreline, on seaward structures, and on the central portion of the zoning lot, between the buildings. The modifications of residential tower floor plate and, with respect to the Building A, tower width will allow the efficient configuration of bulk at the upper stories of the two buildings in a manner that seeks to minimize impacts on the open space located on the zoning lot and on the surrounding streets. The Proposed Development will fill a major gap in the surrounding neighborhood while significantly improving the streetscape along River Street, North 1st Street and North 3rd Street, and providing a major contribution to public access along the North Brooklyn waterfront.

(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 location of the proposed buildings at the northeastern and southeastern corners of the Development Site, at the intersections of River Street with North 3rd Street and North 1st Street, will not unduly increase the bulk of buildings on any one block, as the permitted floor area would be divided among the two primary upland block portions of Development Site. Siting the buildings at the eastern edge of the Development Street, along a portion of River Street developed (or being developed) to the east with commercial uses, maximizes the area of the Development Site available for public open space The footprints of the buildings at the intersections of River Street with North 3rd Street and North 1st Street and their envelopes, which, as shown on Dwg. Nos. Z03-1 to Z03-4, pull away from the entrances to the public space at Metropolitan Avenue, North 1st Street and North 3rd Street as they rise, locate bulk within the LSGD in a manner that does not unduly obstruct access of light and air to the detriment of the occupants or uses of nearby blocks or of people using the public streets surrounding the Development Site.

(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;

The LSGD comprises a single zoning lot that fronts on mapped streets.

(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;

Development Site fronts on North 1st Street, River Street and North 3rd Street, and Metropolitan Avenue terminates at the portion of River Street on which the Development Site fronts. River Street is a two-way street running from North 3rd Street to Grand Street (a primary east-west thoroughfare), and each of North 1st Street (one-way eastbound), Metropolitan Avenue (two-way) and North 3rd Street (two-way) provide access between River Street and Kent Avenue, a primary northbound thoroughfare. It is not anticipated that the Proposed Development would result in significant incremental increases in traffic, and collectively the multiple streets providing access will be adequate to handle pedestrian and vehicular traffic resulting from 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;

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 that the LSGD meets the ownership requirements in paragraph (b) of the definition of "large scale general development" in ZR Section 12-10, as modified pursuant to Section 74-742(f), has been attached to 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.

(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 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#.

The Proposed Development includes the replacement and partial reconstruction of existing in-water structures with new piers and platforms that will be publicly accessible as part of the proposed waterfront public access area within the LSGD, adjacent to and accessible from the shore public walkway. Up to 140,990.4 square feet of floor area appurtenant to these structures in accordance with paragraph (a)(13)(ii) of this Section would be utilized within the proposed Building A and Building B at the eastern edge of the Development Site, on River Street. As shown on the drawings by James Corner Field Operations included with this application, the new piers and platforms consist of (i) seaward portions of a large, circular walkway on pilings; on the upland lot portion of the LSGD, this walkway would encircle the proposed beach and an intertidal area; (ii) a planted walkway extending from the circular walkway at the northwest portion of the Development Site, along the pierhead line, which would have multiple viewing "outposts" and a variety of seating options; and (iii) a walkway extending from the southern portion of the upland waterfront public access area to the pierhead line, which would be partially planted and partially on pilings and would terminate in a large space useable as an "outdoor classroom." The outdoor classroom would also be accessible by a connection to the circular walkway. As a result, there would be multiple potential paths for pedestrians utilizing the new piers and platforms. The new piers and platform areas at the southwestern portion of the LSGD and at the pierhead line at the northern portion of the LSGD will also function as breakwaters such that the water east of these structures will be useable by the public for recreational activities, such as kayaking. The proposed new piers and platforms form an integral part of the LSGD site plan, as they comprise portions of the proposed WPAA and allow for the extension of public access over the water of the East River to the pierhead line. With multiple access points from the shore public walkway, the new piers and platforms are appropriately related to the shoreline within the LSGD and adjacent waterfront areas to the north and south. Further, the new piers and platforms enable the creation of a unique public waterfront amenity with a wide variety of active and passive recreation opportunities at a critical juncture on the North Brooklyn waterfront, and thereby result in a superior site plan that would not be possible without such structures.

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 is proposed to be constructed in two phases. In conjunction with this, the waterfront public access area will also be phased pursuant to Section 62-822(c) as set forth on Dwg. Nos. L-601 and L-602.

In addition, due to the scope and breadth of the Proposed Development, substantial construction is not anticipated to be complete before the operative provisions of Section 11-42(a) and the Applicant therefore requests a ten-year period for substantial construction pursuant to Section 11-42(c).

Within Manhattan Community District 1, where the Commission has approved a #large-scale general development# located within the South Street Seaport Subdistrict area of the #Special Lower Manhattan District# and located partially within a C6-2A district, the distribution of #bulk# pursuant to paragraph (a)(1) of Section 74-743 shall be permitted from a #zoning lot# containing existing #buildings#, where such existing #buildings# were previously developed pursuant to a #large-scale general development#.

Not applicable.

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.

* * *

62-132
Applicability of Article VII, Chapters 4, 8 and 9

* * *

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

The LSGD is entirely within a waterfront block.

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

The LSGD is located entirely within the waterfront area.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

The height and setback modifications to maximum base and building height regulations, as well as residential tower floor plate and width controls, allow Building A and Building B to be constructed as towers at the northeastern and southeastern portions of the Development Site. The footprints of the towers would be roughly triangular in plan, rather than the more typical orthogonal form, in order to maximize the upland area of the Development Site that can be available for public access, and rather than having a boxy base that rises multiple stories at the street line, impeding

views to the waterfront, the tower envelopes would immediately pull away from the entrances to the public space at Metropolitan Avenue, North 1st Street and North 3rd Street as they rise from grade, opening views of the site at lower elevations. Because this configuration facilitates a larger amount of waterfront public access area than could be provided absent such modifications and allows for generous access points to the public space from North 3rd Street and River Street, as well as the street end of North 1st Street, the proposed modifications to allow the proposed building envelopes result in a site plan with superior physical public access than what would be provided absent such modifications. And because the proposed building locations and forms shift bulk away from the central portions of the LSGD, the modifications will also allow for the provision of visual access to the upland and seaward portions of the waterfront public access area in a manner that is superior to what could be provided by a building or buildings constructed in strict adherence to the requirements of Section 62-341.

> ***For the purposes of modifying the height and setback regulations of Section 62-341, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).***

Not applicable.

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

Not applicable.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

For the requested authorizations pursuant to Section 62-822(a) and 62-822(b), in lieu of making the findings set forth in paragraphs (a) and (b) of Section 62-822, the finding under this Section would be utilized (see attached Statement of Findings with respect to this finding).

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within 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 the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

Not applicable.

Special Permit Pursuant to ZR Section 74-533
River Ring Development
Project ID: P2021K0237

August 16, 2021

Applicant's 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:

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

The Development Site is located within Brooklyn Community District 1, which is within the Transit Zone as depicted in Appendix I of the Zoning Resolution. The Proposed Development as part of the LSGD would include market-rate dwelling units and income-restricted dwelling units. The market-rate units are subject to parking requirements pursuant to Section 25-23 at a rate of 40% for market-rate units; pursuant to Section 25-251, no parking is required for income-restricted units within the Transit Zone. The applicant is seeking a reduction of the parking requirement applicable to market-rate dwelling units such that spaces would be required for 20% of market-rate units. This modification would facilitate the Proposed Development as, absent such reduction, additional spaces would be required, and it would be necessary to excavate further and/or to provide portions of the off-street accessory parking facility above grade, impacting the proposed uses of one or both of Building A or Building B.

(b) will not cause traffic congestion; and

Based on available data, it is not anticipated that the residential uses within the Proposed Development will generate significant traffic. Further, the Development Site has frontages on River Street, which is a two-way street running from North 3rd Street to Grand Street (a primary east-west thoroughfare) and on North 1st Street (one-way eastbound), Metropolitan Avenue (two-way) and North 3rd Street (two-way), which provide access between River Street and Kent Avenue, a primary northbound thoroughfare. Collectively, it is anticipated that these streets will be adequate to handle vehicular traffic resulting from the Proposed Development and that the proposed reduction of parking requirements for market-rate dwelling units would therefore not result in 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#.

There are multiple parking garages that provide public parking within several blocks to the north and east of the Development Site, and on-street parking is available on surrounding streets. It is not anticipated that the Proposed Development would generate parking demand that significantly exceeds the number of spaces that would be provided, and, therefore, the proposed reduction to require off-street accessory parking for 20% of market-rate dwelling units would not have undue adverse impacts on the residents, business or community facilities in the surrounding area.

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

Authorization Pursuant to ZR Section 62-822(a) & (b)
River Ring Development
Project ID: P2021K0237

August 16, 2021

Applicant's Statement of Findings

62-132
Applicability of Article VII, Chapters 4, 8 and 9

* * *

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

* * *

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

The proposed WPAA within the LSGD would comprise approximately 52,087 square feet of shore public walkway and supplemental public access area stretching from Grand Ferry Park in the south to North 3rd Street, including an approximately 1,000-foot-long shore public walkway that will complete a continuous waterfront esplanade running from Domino Park to Bushwick Inlet Park, as well as approximately 33,388 square feet of Piers including new piers and platforms constructed in accordance with Section 74-743(a)(13), for a total of approximately 85,475 square feet of WPAA.[1] (This would be adjacent to approximately 40,833 square feet of PAA, as shown on the site plan included with this application.)

As shown on the drawings by James Corner Field Operations included with this application, the WPAA requires modification of requirements related to permitted obstructions, shore public walkway edge conditions, circulation path location, and planting and lawn area. These modifications will allow the proposed WPAA to more fully achieve the goals of the waterfront regulations listed in Section 62-00 than would be possible absent such modifications. In particular:

- The proposed WPAA configuration reestablishes physical public access to a three-block long section of the North Brooklyn waterfront from four prominent access points at Grand Ferry Park, the terminus of North 1st Street, the terminus of North 3rd Street, and through a primary entrance at the intersection of Metropolitan Avenue and River Street, and the proposed WPAA design will enhance the public visual experience of this portion of the East River waterfront;

- The proposed WPAA will include multiple opportunities for public access to the water, including an approximately 13,270 square foot beach, including intertidal and upland zones; connections to multiple walkways over in-water structures within the Piers, which will include planting and a variety of seating opportunities out to the pierhead line; and a ramped boat launch in a protected cove for non-motorized watercraft such as kayaks and paddleboards, which could not all be provided absent the proposed modifications;

- The modifications facilitate a design of WPAA that includes new tidal wetland areas, multiple pathways, lawn and beach areas, a playground, and a variety of seating

[1] The 33,388 square feet of area noted as "Piers" on Dwg. Nos. L-100 and L-101 included with this application is comprised of 30,157 square feet of new piers and platforms constructed in accordance with ZR Section 74-743(a)(13)(ii) and 3,231 square feet of walkways within DEC jurisdictional areas.

opportunities and landscaping, all of which serve to create a uniquely desirable relationship among the improved shoreline and in-water structures, the WPAA, the Building A and Building B, and the residential and commercial uses in the surrounding neighborhood to the north, east and south of the Development Site; and

- The design of the WPAA facilitates connections to, and the creation of, the new seaward structures comprising the Piers, which include breakwaters that will serve to calm the water in front of the Development Site and among the seaward structures, allowing the WPAA to incorporate tidal wetland areas and other elements contributing to ecological restoration and preservation in the East River which would not be possible absent the proposed modifications to WPAA requirements. The seaward structures would also include significant planting, nature trails, and outposts for observation and educational experiences.

No modifications of visual corridor requirements are requested.

* * *

Authorization Pursuant to ZR Section 62-822(c)
River Ring Development
Project ID: P2021K0237

August 16, 2021

Applicant's Statement of Findings

62-822
Modification of waterfront public access area and visual corridor requirements

* * *

(c) Authorization for phased #development# of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured, pursuant to Section 62-812.

In order to grant such authorization, the Commission shall find that:

(1) the amount of #waterfront public access area developed# in any phase is proportionate to the #lot area# being #developed# in such phase; or

The proposed WPAA would be developed in two phases, as shown on Dwg. Nos. L-601 and L-602 included with this application.

The first phase of development will include 129,303 square feet of upland lot area and 28,454 square feet of seaward lot area and the construction of Building A. It will include 84,735 square feet of the WPAA (comprising 99% of the WPAA), of which 51,347 square feet is SPW and SPAA, and 33,388 square feet is Piers, as well as 27,816 square feet of public access area (comprising 68% of the PAA). The WPAA developed in this phase represents 65% of the upland lot area.

The second phase of development would consist of Building B and the remaining open spaces. The second phase will include 40,800 square feet of upland lot area (170,103 square feet of cumulative lot area with first phase of development) and the construction of 740 square feet of WPAA and 13,017 square feet of public access area. The cumulative WPAA (85,475 square feet) developed in this phase represents 50% of the cumulative lot area with first phase of the development.

Details regarding the amount and location of WPAA as well as the quantity of amenities provided within the WPAA at the time of each phase is on Dwg. Nos. L-601 and L-602 included with this application.

(2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is #developed# in each phase.

Not applicable.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time each phase is #developed#.

Dwg. Nos. L-601.00 and L-602.00 included with this application constitute the proposed phasing plan and set forth the amount and location of WPAA that will be provided at the time each phase is developed.

* * *

Certification Pursuant to ZR Section 62-811
River Ring Development
Project ID: P2021K0237

August 16, 2021

Applicant's Discussion of Findings

62-811
Waterfront public access and visual corridors

No excavation or building permit shall be issued for any development on a waterfront block, or any other block included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

(a) there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:

(1) the #development# is exempt pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) or 62-51 (Applicability of Visual Corridor Requirements); or

Not applicable.

(2) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-90 (WATERFRONT ACCESS PLANS);

Not applicable.

(b) a site plan has been submitted showing compliance with the provisions of Sections 62-332 (Rear yards and waterfront yards), 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

Plans prepared by James Corner Field Operations submitted in connection with this application, including a site plan, demonstrate compliance of the proposed WPAA with applicable provisions of ZR Sections 62-322, 62-50 and 62-60, as modified by authorizations under ZR Sections 62-822(a) and 62-822(b). As shown on the site plan, the proposed WPAA would comprise approximately 52,087 square feet of shore public walkway and supplemental public access area stretching from Grand Ferry Park in the south to North 3rd Street, including an approximately 1,000-foot-long shore public walkway that will complete a continuous waterfront esplanade running from Domino Park to Bushwick Inlet Park, plus approximately 33,388 square feet of Piers area including new piers and platforms constructed in accordance with Section 74-743(a)(13), for a total 85,475 square feet of WPAA.[2] (The new piers and platforms are not subject to the requirements of Sections 62-242, 62-54, or 62-63.) The WPAA would be contiguous with approximately 40,833 square feet of PAA, comprising portions of the upland lot.

Compliance with the requirements of Sections 62-332, 62-50 and 62-60 is described below:

Waterfront Yards (ZR Section 62-332)

As shown on Dwg. Nos. L-100, L-101 and L-120, a waterfront yard with a minimum depth of 29'-11" and a maximum depth of 40 feet measured from the landward edge of the bulkhead, landward edge of stabilized natural shore, or the mean high water line, is provided along the entire length of the shoreline. The elevation of the mean high water line (shoreline) is at +1.87. The existing elevation of North 1st Street is +10.56, North 3rd Street is +7.03 and Grand Ferry Park is +6.30. As such the level of the waterfront yard ranges between elevation +1.87 to +10.0. At the portion of the waterfront yard on a platform, the level ranges between elevation +1.87 to +8.00. The level is

[2] The 33,388 square feet of area noted as "Piers" on Dwg. Nos. L-100 and L-101 included with this application is comprised of 30,157 square feet of new piers and platforms constructed in accordance with ZR Section 74-743(a)(13)(ii) and 3,231 square feet of walkways within DEC jurisdictional areas.

graded to meet the elevation of the abutting level of the non-platformed portion of the waterfront yard, which is at elevation +6.0 to +8.0. Accordingly, the waterfront yard complies with the depth and level requirements, as modified by authorizations pursuant to ZR Section 62-822(a).

Visual Corridor (ZR Section 62-51)

As shown on the visual corridor diagram included with this application, designated visual corridors as the extensions of North 1st Street and North 3rd Street are required and will be provided, with a minimum width of 50 feet in width. No additional visual corridors are required through the waterfront zoning lot, and therefore the zoning lot complies with Section 62-51.

Waterfront Public Access Area

As shown on drawings L-100 through L-541, the WPAA will comply with the requirements of ZR Sections 62-50 and 62-60, as modified by authorizations under ZR Sections 62-822(a) and 62-822(b).

As set forth in ZR Sections 62-52 and 62-57, in C6-2 districts, 20 percent of the lot area must be provided as WPAA for all developments on waterfront zoning lots that have lot areas of at least 20,000 square feet and a shoreline length of at least 100 feet. The waterfront zoning lot contains a lot area comprised of 170,103 square feet of upland lot area and 28,454 square feet of seaward lot area. In total, 39,712 square feet of WPAA would be required, of which 34,021 square feet would be required for the upland lot area and 5,691 square feet would be required for the seaward lot area. The total area of WPAA provided on the waterfront zoning lot is approximately 85,475 square feet, comprising approximately 43,410 square feet of shore public walkway and approximately 8,677 square feet of supplemental public access area (together, the area of the shore public walkway and supplemental public access area is 52,087 square feet), as well as 33,388 square feet of area noted as "Piers" on Dwg Nos. L-100 and L-101 included with this application.

Overall, the waterfront zoning lot will provide approximately 126,308 square feet (2.9 acres) of new open space, plus approximately 101,099 square feet (2.32 acres) of accessible in-river space and approximately 37,370 (0.86 acres) square feet of intertidal area. Of the 126,308 square feet of new open space, approximately 85,475 square feet of area is WPAA, consisting of 43,410 square feet of shore public walkway, 8,677 square feet of supplemental public access area, and 33,388 square feet of Piers area; and approximately 40,833 square feet is PAA. In addition, 18,974 square feet of tidal wetland area is provided adding to the ecological vitality of East River, as well as a get-down for boat and kayak launching and beach area to encourage in-water activity.

As shown on L-101, the WPAA would provide a shore public walkway along the shoreline contiguous with the seaward edge of the waterfront yard. The minimum width of the shore public walkway is 29'-11" and the maximum width is 40 feet. Two supplemental public access areas are provided adjoining the shore public walkway. One of the supplemental public access area with an area of approximately 5,642 square feet is located at the intersection of the shore public walkway and North 1st Street. The other supplemental public access area with an area of approximately 3,036 square feet is located along the landward edge of the beach area and the ring. A continuous 12-foot clear circulation path is provided within the WPAA and such path connects to public streets, sidewalks, Grand Ferry Park, and other public access areas.

Accordingly, the applicant is requesting certification from the Chairperson of the City Planning Commission of compliance with applicable provisions of ZR Sections 62-332, 62-50 and 62-60, as modified by authorizations under ZR Sections 62-822(a) and 62-822(b).

(c) a site plan has been submitted showing compliance with the provisions of Section 62-90;

Not applicable.

* * *

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

A restrictive declaration will be executed prior to certification under Section 62-811 and will be recorded against the subject property pursuant to Section 62-74.

* * *