LR 11: Statement of Findings

300 Huntington Street, Brooklyn, NY

September 21, 2019

CERTIFICATION PURSUANT TO ZR §62-811

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***

The development is not exempt pursuant to Section 62-52 (applicability of Waterfront Public Access Area Requirements). A Waterfront Public Access Area ("WPAA") will be provided as part of a comprehensive site plan. There are two existing visual corridors designated along Huntington Street and Ninth Street, adjacent to the Development Site and spaced within a distance of 600 feet. Thus, a new visual corridor pursuant to 62-51 (Applicability of Visual Corridor Requirements) is not required on the Development Site. See the attached visual corridor diagram submitted as part of this Application

> ***(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 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

The Applicant is requesting a Certification that the Proposed Development complies with the requirements

for waterfront public access areas.

A Waterfront Public Access Area ("WPAA") will be provided as part of a comprehensive site plan in order to enhance and activate the proposed commercial space at the Development Site. The Applicant is proposing to construct a WPAA of approximately 7,548 square feet, which meets the minimum size of the waterfront public access area required by the Zoning Resolution for a project this size. It comprises 15.14% of the total lot area. The proposed shore public walkway follows the edge of the bulkhead and extends to the northern street line of Huntington Street. Based on the specifications of the New York City Fire Department, a turnaround will be provided at the end of Huntington Street, without disruption to the WPAA. With the exception of five authorizations, as described below, the proposed design of the WPAA meets or exceeds the requirements of the Zoning Resolution, including circulation paths, linear seating, planting areas with a variety of trees, shrubs, perennials, and pavements that are resistant to the effects of flooding. The WPAA design encourages the use of active and playful grove areas by utilizing bundled wood benches, trusses, and industrial railings reminiscent of the historic waterfront uses along the Canal. Bicycle parking, trash receptacles and signage will be provided to meet or exceed the applicable standards. As discussed in the Project Description and below, the Proposed Development complies with the provisions of Sections 62-50 and 62-60 of the Zoning Resolution, or otherwise seeks Authorizations pursuant to Section 62-822, as discussed below. The site plan is shown on the drawings submitted as part of this Application.

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

Not applicable.

(d) for #developments# listed in Section 62-52, paragraph (b), on a #zoning lot# containing a public access area established prior to October 25, 1993, meeting the terms of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for the life of the #development# subject to such agreement, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of Section 62-58 have been submitted; or

Not applicable.

(e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-59 (Special Regulations for Zoning Lots That Include Parks).

Not applicable.

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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).

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AUTHORIZATIONS PURSUANT TO ZR §62-822(b)

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

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(b) Authorization to modify requirements within #waterfront public access areas#

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water-Dependent Uses and Other Developments), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-90 (WATERFRONT ACCESS PLANS), inclusive.

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

(1) are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or

Not applicable.

(2) would result in a design of #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions.

The Applicant seeks five Authorizations to modify requirements within the proposed WPAA. Each modification results in a design that is functionally equivalent or otherwise superior to the requirements set forth in the Zoning Resolution. As proposed, the WPAA and the street end improvements the Applicant is committed to constructing are designed to provide a unique public amenity that diversifies the waterfront edge along the Gowanus Canal (the "Canal"). The requested Authorizations are needed in order to effectuate this design and meet the findings of Section 62-822(b) as follows:

1. An Authorization would modify the maximum grade change permitted between the pedestrian circulation path and adjoining planting areas pursuant to Section 62-61(d)(2) of the Zoning Resolution. The Applicants seeks to increase the maximum permitted grade change of 18 inches within five feet of the edge of any planting area. The WPAA's location in a flood zone requires proactive strategies for stormwater management, such as on-site retention and the proposed tiered grading along the bulkhead. As a strategy to diversify the pedestrian waterfront experience and manage storm water spillover, the WPAA is designed to provide multiple levels of salt-tolerant grasses with a maximum grade change of 39 inches within five feet of the pedestrian circulation

path. The waterfront fence separates this proposed planting area from the pedestrian circulation path, providing protection from falls (see fence authorization below). The planting area below the pedestrian circulation path, while not accessible, opens up a site line to the Canal that approximates a natural shoreline. The resulting design is superior to a compliant public access area because it prioritizes storm water management and flood resiliency to confront a changing climate.

2. An Authorization would reduce the planting area required under Section 62-62(c)(1) of the Zoning Resolution. The Applicant seeks a reduction in the minimum planting area, from 3,774 square feet (50% of the total 7,548 square feet of WPAA area) down to approximately 1,986 square feet (26% of the total WPAA area) to allow a superior waterfront design with programmable space, including the proposed "lifted grove" area. This modification helps facilitate the activation of the lifted grove area with accessible seating and modular truss elements, which mimic the industrial language of the Canal. In lieu of planting, the lifted grove is surfaced with stone dust pavement to allow a full range of accessibility and usability. Furthermore, the location and orientation of these accessible seating areas afford a variety of perspectives up and down the Canal. When the public approaches the WPAA from Huntington Street, they will see trees and plantings emanating from the trusses within the lifted grove as invitation to engage with the waterfront along the Canal.

   The WPAA's location in a flood zone necessitates design strategies that mitigate storm surges and runoff, as discussed above. The Commission has granted authorizations to reduce planting requirements under similar circumstances where grading challenges prevent compliance.

   Note that there is additional planting area provided adjacent to the WPAA that is not counted towards the minimum planting requirement under the Zoning Resolution, including the landscaped private space adjacent to the proposed building and the proposed connection to the MTA site. Other areas are provided with permeable paving, which will facilitate storm water retention on the Development Site. The resulting design is superior to a compliant waterfront public access area because the applicant is providing a PAA (as defined below) to allow for greater accessibility and usability while maintaining functionality.

3. An Authorization would waive the requirement for a screening buffer along the 10'-4" portion of the elevated grove between the Public Access Area ("PAA") and the edge of the proposed building, as required under Sections 62-62(c)(2) and 62-655(a)(7) of the Zoning Resolution. This waiver allows for continuity of spaces, both inside and outside of the WPAA, to provide a visual

connection between the PAA, the Canal, and the shore public walkway to encourage use of and access to the WPAA. Note that the proposed commercial space in the building will be provided with transparent glazing for a minimum of 50% of the wall, pursuant to ZR 62-62(c)(2)(iii) and ZR 37-34, to eliminate the requirement along the building's facade. The PAA is a triangular, 1,022 square foot portion of the Development Site fronting Huntington Street. The PAA provides a connection to the WPAA from Huntington Street to allow pedestrian access through a connecting sidewalk. The PAA does not require a buffer. The resulting WPAA design is superior to a compliant screening buffer because it provides access from a PAA along Huntington Street, which opens up circulation space and encourages use of the adjacent commercial spaces fronting the street and WPAA.

4. An Authorization is needed to increase the maximum permitted height of a fence in the WPAA, as required under Section 62-651(c), from 3'-0" to 3'- 6" to prevent falls pursuant to the New York City Building Code. The proposed fence matches the guardrail of the WPAA, both in operation and design; it prevents the public from falling down the tiered grading between the fence and the bulkhead, which is planted with flood-resistant landscaping.

5. An Authorization is needed to modify the dimensions of the tree pits required under Section 62-655(a)(1) of the Zoning Resolution. Typically, tree pits must have a minimum dimension five feet, a minimum area of 30 square feet, and a minimum depth of 42 inches. This waiver is requested because the proposed stone dust pavement is designed to extend over the root-ball of the three trees proposed within the grove area, which will create a contiguous occupiable surface below the tree canopy. All trees proposed within the grove will be planted within structural soil in order to accommodate healthy root growth, improve drainage, and provide improved aeration. The resulting design is superior to a compliant tree pit configuration because it seamlessly connects the grove area with a wheel-chair accessible surface.

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