ATTACHMENT 11 – STATEMENT OF FINDINGS

Brooklyn Yards
Brooklyn, NY

Authorization Pursuant to 74-744
Zoning Lot 1
Applicant's Discussion of Findings

74-744

Modification of Use Regulations

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(b) Location of *commercial uses*

For any *large-scale general development,* the Commission may permit *residential* and non-*residential uses* to be arranged within a *building* without regard for the regulations set forth in Section 32-42 (Location Within Buildings), provided the Commission shall find that:

(1) the *commercial uses* are located in a portion of the *mixed building* that has separate access to the outside with no opening of any kind to the *residential* portion of the *building* at any *story*;

Building 1 will be comprised of two segments – a 10-story commercial segment fronting on New Utrecht Avenue, and a six-story residential segment fronting on 61st Street. The commercial segment would be accessed on New Utrecht Avenue, with separate entrances for the office portion of the building and the retail portion of the building. The residential portion of the building would have entrances on 61st Street and at its rear, in the mews-like open space that runs through the Proposed Development. The commercial portion of the building would not open into the residential portion of the building at any story.

(2) the *commercial uses* are not located directly over any *story* containing *dwelling units*; and

At no story would Building 1's commercial uses be located over dwelling units or any residential portion of the building. The commercial segment of Building 1 would be adjacent to, and in no instance on top of, the residential segment of Building 1.

(3) the modifications shall not have any adverse effect on the *uses* located within the *building*.

The proposed modification of the location requirement for commercial uses in Building 1 will have no adverse effect on the uses located in Building 1. Because the residential and commercial entrances to the building will front on different streets, and the uses would be completely separated within the building, commercial users and residential users in Building 1 would only know they share a building if they were to examine the building plans.

However, it is important that the two segments that comprise Building 1 form a single building in order to comply with Building Code Section 501.3.1. That section requires that eight percent of a building's perimeter front on a street, for fire safety purposes. Due to Zoning Lot 1's odd shape, a diagonal portion of the zoning lot, where the residential component of Building 1 is located, is usable for a residential building, but must be linked to commercial segment in order to meet the Building Code requirement.